

Response to US Report on Human Rights

A Government spokesman responded today (March 1) to the US Country Report on Human Rights released on February 28.

The spokesman said: "As in previous years, we note the US Government's view that the SAR Government generally respects the human rights of the residents. The report recognises again that people here enjoy the right to a fair public trial, freedom of peaceful assembly and association, freedom of religion, freedom of speech, freedom of movement and that children's rights and welfare are protected in Hong Kong. It also acknowledges once more that domestic and international human rights groups operate here unfettered by government restrictions and that the Government is generally receptive to and respectful of their views.

"Hong Kong remains fully committed to the protection of human rights. Such rights are secured through the Basic Law, the Bill of Rights and numerous statutory provisions. In particular, Article 39 of the Basic Law affirms that the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) as applied to Hong Kong will continue in force.

"We also note that the US Government acknowledges that the Hong Kong SAR has a constitutional duty to enact laws to protect national security under Article 23 of the Basic Law. The report also notes our reassurances that the draft legislation to implement Article 23 is compliant with international human rights standards."

The spokesman also remarked on some of the report's specific points.

Addressing the comments in the report on constitutional development, the spokesman said: "Article 45 and 68 of the Basic Law expressly provide that the ultimate aims are the selection of the Chief Executive and election of all the members of the Legislative Council by universal suffrage. In its decision of April 2004, the Standing Committee of the National People's Congress (NPCSC) reaffirmed that developing democracy in Hong Kong in the light of the actual situation and in a gradual and orderly manner according to the provisions of the Basic Law was the resolute and firm stance of the Central Authorities, who have the constitutional powers and responsibilities to oversee and determine the constitutional development of Hong Kong.

"The NPCSC has made a clear and authoritative decision on the issue of the electoral methods for 2007 and 2008. In making that decision, the NPCSC was fully aware of the concerns of the Hong Kong community, including different views on the pace of achieving universal suffrage. The NPCSC decision clarified the scope of amendments to be made to the electoral methods for 2007 and 2008."

The spokesman went on to say: "The powers of legislators to initiate legislation are clearly prescribed in Article 74 of the Basic Law. The decision of the NPCSC has not in any way narrowed the circumstances in which they may do so."

Continuing on the subject of constitutional development, the spokesman explained: "The Constitutional Development Task Force, led by the Chief Secretary for Administration, has been consulting the public on changes to be made to the two methods of election. The consultation process is proceeding on a step by step basis and the public are welcome to put their views to the Task Force. They can also participate in open forums, where they have the opportunity to express their views to the Task Force direct. The consultation process is transparent. All written views received have been published in their entirety, except for those for which confidentiality has been requested. The information is also accessible on the constitutional development website.

"The Task Force hopes that, by around the middle of this year, a consensus will emerge in the community. The Task Force will then issue its fifth report, proposing a 'mainstream option' for which it will strive for support from legislators and the community at large," the spokesman said.

Noting, too, the discussion of administrative difficulties during the Legislative Council election on September 12, 2004, the spokesman said: "Over 1.78 million electors cast their votes: a turnout rate of 55.64% and an all-time high. For the first time, half of the 60 LegCo seats were returned by universal suffrage, an important milestone in the constitutional development of Hong Kong.

"It is true that there were some administrative problems in the arrangements on polling day. But the reports on the election prepared by the Electoral Affairs Commission (EAC) affirm that they did not affect the electoral process as a whole, which was conducted in an open, fair and honest manner. Those reports also revealed that there was room for improvement in the planning and conduct of elections and the Chief Executive has appointed an Independent Committee of Experts to review matter and to recommend on improvements. The Committee started work in January 2005 and will take about three months to complete its work. It will then submit a report to the Chief Executive. The report will be made public.

"We hope that foreign governments and legislatures will continue to respect the principle that the HKSAR's electoral arrangements should be made in accordance with the Basic Law," the spokesman said.

In regard to the section entitled 'arbitrary interference with privacy, family, home, or correspondence, the spokesman said: "The report seems to reflect a misconception of the operation of the Personal Data (Privacy) Ordinance (PDPO). Exemptions provided under the PDPO cater for a variety of competing public and social interests; exemptions are not granted to specific institutions, including government departments.

"The report also discusses the freedom of speech and the press and it refers to the allegations of intimidation against media personalities (the three talk show hosts). But it remains a fact that is widely recognised, both locally and internationally, that press freedom is respected in Hong Kong. The media continues rigorously and relentlessly to exercise its role as a watchdog over the Government. And, as the report rightly points out, the media reports and comments extensively on Mainland affairs, including reports relating to Tibet and Taiwan."

Turning to the references in the report to the participation of women in government and political life, the spokesman went on to say: "Women now make up one-third of the civil service and about 26%

of directorate staff. Among the 17 Permanent Secretaries, the highest ranking officials in the civil service, seven (41%) are women. And we are actively trying to increase women's participation in Government advisory boards and statutory bodies."

The report also addresses domestic violence and the spokesman explained that the Government was deeply concerned about this. "The Chief Executive underscored that concern in his 2005 Policy Address, when he made it abundantly clear that we absolutely do not tolerate such acts. The Government will provide additional resources to strengthen relevant services and staff training, and will establish district liaison groups to enable full inter-departmental coordination and will work with non-governmental organisations (NGOs) to tackle family crises and other problems."

In response to the observation that the Government does not provide funding to foreign or domestic NGOs for services for victims of trafficking, the spokesman said: "A wide range of funded family and child welfare services, such as refuges and other forms of support, are accessible to those in need, including the victims of trafficking."

Noting the reports remarks on dither difficulties experienced by persons with disabilities, the spokesman said: "The Government is fully committed to enhancing their employment opportunities. We provide vocational training for those who have the potential and ability to work in the open employment market. We also help them to find employment through the programmes run by the Vocational Training Council, the Social Welfare Department and subvented NGOs. And we work closely with Public Transport Operators on the introduction of measures to improve the accessibility of public transport. To cite just one example, all new public buses now have low platforms for easy access by wheelchair users.

"Finally, we note the observations concerning racial discrimination. We are conscious of the fact that such discrimination does exist in Hong Kong as, indeed, it does everywhere. In 2003, we announced the decision to legislate against racial discrimination in the private sector (the Bill of Rights prohibits all forms of discrimination on the part of the Government and public bodies). Having concluded public consultations on our legislative proposals we are now assessing the response, with a view to introducing a Bill into the Legislative Council later this year," the spokesman concluded.

Ends/Tuesday, March 1, 2005