

9 April, 2021

Editor
Australian Broadcasting Corporation
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Dear Editor,

I write in response to the article entitled “China's Hong Kong crackdown was decades in the making” published on 4 April 2021.

The Decision by the National People’s Congress (NPC) on improving the electoral system of the Hong Kong Special Administrative Region (HKSAR) follows the fundamental principles of upholding “one country, two systems” and HKSAR’s constitutional order. It safeguards people’s right to vote and stand for election. After recent social unrest and political turmoil, the Decision is a timely and necessary move to preserve Hong Kong’s prosperity and stability under the “one country, two systems” principle.

The Decision by the NPC is constitutionally and legally sound. It will plug the loopholes in our electoral system. The adjustments to the size and composition of the Election Committee and the Legislative Council (LegCo) mean that there is an increase of some 25% to 28% of members, and hence a broader representation overall. The additional sector and constituency will also provide a more balanced political participation, definitively a positive move for the electoral system in the HKSAR. Articles 45 and 68 of the Basic Law of the HKSAR, which stipulate respectively the ultimate aim of the selection of the Chief Executive and the election of all LegCo members by universal suffrage, remain intact.

With regard to comments arising from the conviction of seven defendants who were charged with "organising an unauthorised assembly" and "knowingly taking part in an unauthorised assembly" at the District Court in Hong Kong on 1 April 2021, the prosecutorial decisions made by the Department of Justice (DoJ) are based on evidence, applicable laws and the Prosecution Code. The Prosecution Code explicitly stipulates that prosecutors must not be influenced by political, media or individual interest. Cases are handled with the same benchmark irrespective of the political beliefs or background of defendants. Prosecution would only be commenced and continued if there is sufficient admissible evidence to support a reasonable prospect of conviction and it is in the public interest to do so. Article 63 of the Basic Law expressly guarantees that all prosecutions are free from any interference.

The HKSARG Government respects and attaches great importance to the rights and freedoms (including the freedoms of assembly, of procession and of demonstration) protected under the Basic Law. However, such rights and freedoms are not absolute and maybe subject to restrictions which are, amongst others, in the interests of public order (ordre public) and the protection of the rights and freedoms of others. Over the years, notified public processions and public meetings have taken place peacefully and orderly.

For more details on the conviction and the reasons for the verdict, you may refer to the statement of DoJ (<https://www.info.gov.hk/gia/general/202104/02/P2021040200578.htm>).

Yours sincerely,

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