

**Motion on
“Safeguarding freedom of the press and the right to expression
in accordance with the Basic Law and
the principle of ‘one country, two systems’”
at the Legislative Council meeting on 25 May 2011**

Progress Report

At the Legislative Council meeting on 25 May 2011, the following motion was passed:

“That this Council urges the SAR Government to continue to safeguard freedom of the press and the right to expression in accordance with the Basic Law and the principle of ‘one country, two systems’.”

2. This report briefs Members on the latest position.

Protection under the Basic Law and the principle of “one country, two systems”

3. The Hong Kong Special Administrative Region (HKSAR) Government is firmly committed to protecting the freedom of the press and freedom of speech – these are core values of Hong Kong. Freedom of the press and right to expression are fundamental rights enjoyed by people in Hong Kong. These fundamental rights are enshrined in the Basic Law, the Hong Kong Bill of Rights Ordinance and other local legislation. In particular, Article 27 of the Basic Law provides that Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike. Under Article 39 of the Basic Law, the provisions of the International Covenant on Civil and Political Rights (ICCPR) as applied to Hong Kong shall remain in force. The provisions of the ICCPR concerning freedom of opinion and expression, and the right of peaceful assembly have been included in Articles 16 and 17 of the Hong Kong Bill of Rights.

4. “One country, two systems” is an important principle and a fundamental cornerstone for the prosperity and stability of Hong Kong. The HKSAR enjoys a high degree of autonomy in accordance with this principle. It is of utmost importance that we continue to ensure that the public can express

their views freely and the media can report freely in accordance with the “one country, two systems” principle and within the framework of our laws.

Continued Efforts

5. Subject to compliance with the law, all people in Hong Kong can express their views freely. The media can also report on, discuss, and comment on public issues freely. There continues to be a high degree of freedom of the press and freedom of speech in Hong Kong. The media covers different views and comments of commentators, experts, academics and members of the public on a wide range of political, social, economic and livelihood issues. Apart from airing their views through different media, the public also express their demands by means of procession, assembly and demonstration. The Government will continue to facilitate people to express their views and the media to report on such expression of views within the confines of law and order.

6. When handling public meetings and public processions, the Police will communicate with event organisers to ensure that the public events are conducted peacefully and orderly. They strike a balance by facilitating all lawful and peaceful public meetings and processions on the one hand and on the other hand, reducing the impact of public meetings and processions on other people or road users to ensure public safety and public order. It is only on occasions where the law is, or is likely to be, violated during public meetings or processions by acts of individuals, especially when there are acts which may cause danger to others or lead to a breach of the public order, and where intervention is required, will the Police issue verbal warnings. Depending on whether the person involved has observed the warnings and ceased the illegal or possibly illegal acts, and whether his acts would lead to a breach of public order, or even endanger public safety, the Police will take appropriate actions according to the circumstances. The Government will continue to facilitate the public in expressing their opinions via various lawful means as far as possible.

7. The Government also adopts a proactive and positive attitude in staging official press conferences and press briefings or responding to questions raised by the media. To facilitate the media to report and comment on topical issues, we will continue our efforts through various means, including press conferences, interviews, briefings and provision of replies to press questions.

8. Freedom of the press and the right to expression are important cornerstones underpinning Hong Kong’s success. They are essential in

maintaining Hong Kong as an open and civilised society. The Government will continue to safeguard these freedom and rights in accordance with the Basic Law and the principle of “one country, two systems”.

Constitutional and Mainland Affairs Bureau
July 2011