

Submission to Legco Panel on Home Affairs
Regarding HKSAR Report on ICCPR

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1. There was a marked decrease of citizens' civil and political rights since the inception of HKSAR.

Civil Rights

- a. The freeze and subsequent amendment of three labour laws greatly curtailed the rights of the working class. Indeed they contravene the international labour conventions in spirit as well as in substance.
- b. The enactment of the society ordinance and the public order ordinance by the provisional legislature substantially inhibits citizens' freedom of speech and expression. Moreover, it is difficult for citizens to reach their objects/targets because the police maintains the power to keep them away.
It is worthy of noting that the legitimacy of the provisional legislative was highly questionable and that the Complain Against Police Office (CAPO) is an office within the police force. Its monitory body: the Independent Police Complaints Council (IPCC) has no statutory power of investigation.
- c. In early May, 1999, the SAR government refused to grant visas to 11 overseas Chinese in coming to Hong Kong to participate in a seminar commemorating the 80th anniversary of the May 4th Movement in China. This violated Hong Kong citizens' freedom of thought and exchange of thought.

Political Rights

- a. The reintroduction of the appointment system in the district boards makes the system necessarily less representative.
- b. The 1998 Legco elections had a narrower franchise than the 1995 elections. Furthermore, by setting crucial limits to Legco, in the way members can introduce bills, the way their votes are counted; and by diluting the concept of "the executive is accountable to the legislature" intentionally by the Chief Executive and the senior officials, citizens find it even more difficult to exercise their basic political rights in influencing public policies.

2. The safeguarding of citizens' civil and political rights depends greatly on the willingness of the government abiding by the rule of law. In the past two years, the Hong Kong government has severely eroded the rule of law in the territory.
 - a. Out of political and personal considerations, the Hong Kong government decided not to prosecute Sally Aw (the circulation figure of her newspaper was greatly inflated); and New China News Agency in breaching the privacy ordinance.
 - b. By not abiding by the Court of Final Appeal ruling of January 29, 1999, regarding the right of abode of children born of Hong Kong residents outside of Hong Kong.
 - c. By exempting China's agencies working in Hong Kong from certain Hong Kong laws.

3. In order to better protect citizens' civil and political rights, Hong Kong must immediately set up an independent human rights commission; and the Hong Kong government must take seriously the recommendations made by UN's Human Rights Commission.

10th August, 1999.