

Hong Kong Society of Transitional Justice

Our statement on Amendment bills for employment Ordinance (2017)

It is our pleasure to hear from the parliament that the Amendment bill for Employment Act is now re-introduced to the readings, as a result of filibusters against medical bills in 2016. This bill is vital on labour rights and the practice of rule of law in Hong Kong, and thus we emphasise the importance of the amendment to the parliament and Hong Kong Nationals in following passages.

Most of “ridiculous” labour laws are consequences of unequal, slanted consensus between different parties during the consultation

P.1

process. “Illegal dismissal” is one of those ridiculous legal codes in Hong Kong. It regulates that the employer’s consent is required before an employee could be ruled to be illegally dismissed and resume his position. That is, justice to an innocent employee will never be achieved without approval from the employer—who triggered the injustice.

Not only does the law jeopardise the labour and human rights in Hong Kong, but also the rule of law and accountability of judiciary system. Since the law require employer’s consent as the *final decision, the justice itself tends to comply with the employers, as a result of situation of its “powerless” nature, where the enforcement failed to exercise their powers.

P.2

The law itself, however, is not a sense of morality. In the Reich era of Germany, almost of social injustice and genocidal operations as you see—which is outlawed nowadays worldwide,—was compatible with their laws; that is, it was *legal to commit these intolerable war crimes which was not a crime at that moment and place. Legal codes itself represent the exercise of power and legitimate forces from the ruling class only.

Government always advises the workers to defend their labour rights in legitimate ways—but did the government itself defend it first? On most of key legislation process, the government opt to compromise against the labour with the capital side; MPF-offset, maximum working hours, and maternal leaves, are main examples that government attempt to “mitigate” the

P.3

negative effects to employers and capitals—with our rights surrendered and compromised. Especially when some of labour-oriented parties tend to be in favour in capitals—in other words they “betrayed” the working class,—it is you, and only you, who can stand your ground for your rights.

We also noticed that some may compare this relationship with intimate relationship) —You’ll Need your partner’s approval to resume the relationship. This is a symptom that they overlooked the impact to the justice—compromised are the “rule of law” and the judiciary’s role on the trial, where the decision of employer underpinned and influenced the power of justice, miles beyond a typical intimate relationship one understand. No one shall require a consent from employer, as the law

P.4

itself is mandatory and regulatory to all members of public—your obedience is, in no sense, voluntary. It's compulsory.

Admittedly, as a result of handicapped nature regulated by involuntary constitution, our parliament is yet to be efficient on amending laws that do not fit the basic rights and development process of our nation; judiciary should, in to sense, an institution of “ousting MP's”, sending nation defenders to jail, and solely a puppet on a “commie” string. If you find a law hostile to our civil rights, or defective so that sets you on jeopardy, “modify” it. No law is “graved on the stone” and thus no “of course” should any piece of law be treated in such way. It shouldn't be a part of mission for the

P.5

judiciary to deliver and duplicate any sort of social injustice.

Jails are for criminals, not warriors. “Warriors spent 3 years in jail while traitors had 3 children in golden spoon”, said by Moon Jae In, shalt not happen to any person on an oppressed land. Thirteen village warriors and three democracy warriors are innocent should not become inmates under the tyrant's prison. We hereby call for total, immediate release and acquaintance for these activists, and permanent cessation of any further political prosecution.

As a defence of our homeland sovereignty, we strongly reject the exercise of Hong Kong-Sino juxtaposed border control along with jurisdiction

P.6

handover to China in West Kowloon International Station; no person nor a country shall face a double victimisation of dictatorship.

Hong Kong Society of Transitional Justice

15-th of August, the victory over Japan day in 2017

P.7