

Legco Panel on Constitutional Affairs
Hearing of the UN Human Rights Committee on the
Fourth Report of the HKSAR in the Light of the ICCPR
(16 November 2020)
Remarks by Mr Kacee Ting,
Member of BPA District Affairs Committee

THANK you, Chairman & Chairlady,

I represent Business and Professionals Alliance for Hong Kong.

As regards the HK Government's Fourth Report on the ICCPR, I fully support the Report. The HK National Security Law has been centre of public attention since its enactment. Most unfortunately, some people have misconception about this Law. Now, I wish to bring your focus on National Security.

The year, 2019, was a time period full of social disorders and social unrest. In light of last year's most serious illegal protests across the entire HK, it is reasonable to accept that the old version of HK laws governing national security is out-of-dated.

National Security is one of the main concerns of the Central Government. Because HK was in a state of emergency, the Central Government enactment the HK National Security Law in June 2020. Since then, I personally managed to do the following good things: -

- a) I arranged lunch with my friends and those instructing solicitors in Causeway Bay, Mongkok and Central;

Because I knew no-one would attack me in the street.

- b) I drove my son to swimming and football classes;

Because I knew on the road, there was no illegal roadblocks.

- c) I went shopping during weekends;

Because I knew HK has returned to normal.

Chairman

I trust that our collective memory of HK, last year is shocking and difficult to believe. One of the main misconceived tactics to justify last year's social

disturbance is to make reference to “Human Rights”. Those people in opposition camp are totally wrong. Collectively and rather foolishly, they contributed to the instability in the governance of HK. HK’s interest and prosperity were in jeopardy.

Chairman

The restoration of law and order is largely attributable to the enactment of new National Security Law. The human rights of Hong Kong people remain exactly the same. For instance: –

- a) Article 6 of the ICCPR says “everyone has the inherent right to life”;

Chairman, no-one died during last year’s illegal protest.

- b) Article 7 says “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”;

Chairman, you will recall ordinary HK citizens were seriously attacked in the street last year, one construction worker was burnt and he almost died.

Furthermore, Chairman, all HK judges will ensure Human Rights remain the same in HK in their ordinary daily business.

Chairman

The point is this. Skillful legislators in the opposing camp educated the general public with 50% of the truth. They made use of: –

- a) Article 19 of the ICCPR which says “everyone shall have the right to freedom of expression”;
- b) The opposing legislators say, collectively, Article 21 “the right of peaceful assembly shall be recognised”

And then, they full-stopped.

The missing information is that HK citizens can exercise Human Right “in the interests of national security or public safety, public order, and the protection of public health or morals”. In legal language, Human Rights are

subject to the test of Constitutional Proportionality.

“Hong Kong independence” and “Self-determination” of HK is one of the criminal elements of the new National Security Law. If you try to interfere with the HK affairs by employment of external forces. You will start your new life in the prison very soon.

To conclude, I re-iterate my support to the Government as far as the Forth Report is concerned.

The United Nation Human Rights Committee should consider the situation in Hong Kong objectively without fear and favour.

Most grateful Chairman and Chairlady.

(3 minutes)

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