

香港人權監察

HONG KONG HUMAN RIGHTS MONITOR

香港上環孖沙街二十號金德樓4樓
4/F Kam Tak Building, 20 Mercer Street, Sheung Wan, Hong Kong
電話 Phone: (852) 2811-4488 傳真 Fax: (852) 2802-6012

For immediate release

Press contact: Mr. LAW Yuk Kai (Director)

Interpretation undermined democracy and autonomy

(Hong Kong: 6 April 2004) The Hong Kong Human Rights Monitor criticized Beijing's interpretation of the Basic Law today as a distortion of the Basic Law for political convenience. In the light of the repeated interpretation by Beijing of Hong Kong's mini-constitution for narrow and short-sighted political ends the Monitor fear that there will not be any entrenched autonomy or protected rights.

The Monitor believes that the interpretation of the Basic Law by Beijing today is another serious blow to Hong Kong's democracy and autonomy. The interpretation is an attack by the Standing Committee of the National People's Congress on the rule of law in Hong Kong in the name of upholding it.

Professor Yash Ghai, a spokesperson of the human right watchdog, a Basic Law expert and Professor at the HKU Faculty of Law, disagreed with the SCNPC's interpretation. "No where in the Basic Law requires the Chief Executive to propose amendments to the selection and formation methods of the Chief Executive and the LegCo to the SCNPC for approval, to kick off the three-step reform mechanism in Annexes I and II. The power to initiate amendments should vest in Hong Kong institutions. This includes both the Executive and Legislative branches."

"The interpretation is actually an innovative invention of the Basic Law for political convenience," said Law Yuk-Kai, Director of the Monitor. "It has been calculated to add new obstacles to Hong Kong's already bumpy road to full democracy."

According to the "interpretation", power to initiate democratic reforms has been taken away from the Legislative Council. Instead, there emerges a new requirement, that is not in the Basic Law, namely that a report must be submitted by the Chief Executive to Beijing on any need for reform. According to this interpretation, it is now for Beijing to decide whether there is a need for democratic reforms in Hong Kong and what reforms, if at all, are to be adopted.

"There was no due process in arriving at the interpretation. The interpretation was not done by an independent court of law. Instead it was done by a political body operating in a black box without any fair hearing under the leadership of the Chinese Communist Party. Even worse, the SCNPC has now developed a habit of interpretation of the Basic Law to mean anything the authorities want it to mean, no matter how clear the Basic Law is. There will not be any entrenched autonomy or protected rights. One Country Two Systems has been reduced to an empty propaganda slogan," commented Law.

The human right group also criticized the Hong Kong delegates to the NPC. "Not only do they fail to communicate Hong Kong people's demand for universal suffrage to the SCNPC," said Law Yuk-Kai. "Many of them have actually recommended the SCNPC to the interpretation while smearing those who object to the interpretation as people 'destabilizing' Hong Kong. This is a vivid example of how 'representatives' without a popular mandate care very little for the public interest."

The Monitor calls on the authorities in Beijing to stop any further intervention in Hong Kong's affairs in order to heal the already crippling and fragile "one country two systems". The Monitor also encourages the public to defend their rights to universal suffrage.