

AI INDEX: ASA 19/01/97
23 JANUARY 1997 -- FOR IMMEDIATE RELEASE

HONG KONG: LEGAL CHANGES OPEN DOOR TO HUMAN RIGHTS VIOLATIONS

Amnesty International today reiterated its concern that proposed legal changes in Hong Kong would have the effect of severely limiting human rights safeguards in Hong Kong after the territory reverts to Chinese sovereignty.

The Preparatory Committee for the Hong Kong Special Administrative Region (HKSAR), a body set up by the Beijing government, has proposed the repeal of 16 laws and amendments to nine others, including the Bill of Rights.

“These changes would dilute human rights safeguards for the people of Hong Kong,” Amnesty International said. “If the proposals are carried out, the incoming authorities will have more leeway to ban non-governmental organizations (NGO) they deem undesirable and to prevent demonstrations and other public events seen as critical of the Hong Kong or Chinese authorities. The current Bill of Rights will be severely undermined.”

“Chief Executive-Designate Tung Chee-hwa has said that he will work for the interests of all Hong Kong’s people. The best way to show this would be to commit himself to ensuring that all existing legal safeguards for human rights are maintained, and that international standards which currently apply to Hong Kong will remain in force after 1 July 1997.”

Amnesty International is particularly concerned at three of the proposals put forward. These are the amendments to the Bill of Rights Ordinance and the repeal of the Public Order Ordinance and of the Societies Ordinance.

The Bill of Rights in its current form specifies that other Hong Kong laws are deemed invalid if they contradict the Bill of Rights’ provisions. If the proposed amendment is made, the Bill of Rights would lose its preeminence over other laws. This could make it more difficult to challenge in the courts legal provisions which contradict the Bill of Rights, or government actions taken in contradiction with the Bill of Rights. The amendment would therefore gravely jeopardise the reliability of human rights safeguards in Hong Kong.

If the Public Order and Societies Ordinances were repealed and replaced with legislation similar to that in force in Hong Kong until the early 1990s, the authorities would have more leeway to ban demonstrations such as the commemoration of the Tiananmen pro-democracy movement in China, held every year in Hong Kong. The ability of organizers to challenge such bans in courts would be severely curtailed. There would be fewer safeguards to prevent the authorities of the HKSAR from closing down NGOs that they deem to be undesirable.

“Hong Kong has a thriving community of NGOs and human rights activists,” Amnesty International said. “NGOs make an important contribution to Hong Kong’s open and dynamic society. They should not be intimidated by the threat of a ban.”

Amnesty International is concerned that the proposed changes, and the absence of new laws to replace them, could create a dangerous legal vacuum, as well as removing the fundamental human rights protection currently enjoyed by every Hong Kong citizen. The

organization is also concerned that other legal changes proposed will reduce the accountability of the HKSAR institutions.

Amnesty International repeated its desire to meet with Tung Chee-hwa to discuss human rights concerns. The organization is urging him to carefully review in the light of international human rights standards all the legal changes proposed by the Preparatory Committee of the HKSAR, and to implement only those changes which do not endanger the effective exercise of all human rights.

“Rather than proposing changes to the law which could cause conflict within the Hong Kong Community, the Preparatory Committee should be working with all sectors of society -- business leaders, NGOs and elected representatives of the population -- to ensure that the HKSAR transition is as smooth as possible,” Amnesty International said.

“China, Hong Kong, and the international community all want to see Hong Kong’s success continue after the handover. The best way to achieve this is through full and open dialogue.”

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