Written submission from Ted Hui Chi-Fung (HIA0010)

As a current Hong Kong Legislator from the Democratic Party of Hong Kong, I am submitting this report and recommendations to the United Kingdom Parliament’s Joint Committee on Human Rights regarding the breach of the Sino-British Joint Declaration by the People’s Republic of China.

Freedoms in Hong Kong have been alarmingly eroding. The rule of law is under attack. Democracy is being set aside, more and more each day. The two most recent sixth-monthly reports on Hong Kong for the second half of 2017 (1 July to 31 December 2017) submitted in March 2018 and the first half of 2018 (1 January to 30 June 2018) submitted in September 2018 by the Secretary State for Foreign and Commonwealth Affairs of the United Kingdom on the implementation of the 1984 Sino-British Joint Declaration state accurate and significant constitutional issues in Hong Kong that clearly prove that the “one country, two systems” and the Basic Law have been and being continuously pressured by the People’s Republic of China.

Most of the incidents reported in the sixth-monthly reports also caught the attention of international media and were reported worldwide:

- Denial of entry to Hong Kong of UK national and human rights activist Benadict Roberts
- Co-location agreement at West Kowloon Terminus that allows mainland officials to have jurisdiction over a part of Hong Kong’s land
- National Anthem Law bill proposal that intends to criminalize abuse of China’s national anthem
- Disqualification of pro-democracy legislators by the High Court
- Barring of pro-democracy candidates to run for by-elections without legal basis

In addition to these incidents reported, the international community was also left in awe with Hong Kong’s denial of work visa for journalist Victor Mallet. It was another clear implication that the People’s Republic of China disregards Hong Kong’s basic rights that are guaranteed in the Sino-British Joint Declaration.

The Sino-British Joint Declaration is an international bilateral treaty signed by the People’s Republic of China and the United Kingdom and was registered under the United Nations – emphasizing that both sovereign states also signed The Vienna Convention on the Law of Treaties.

Treaties are like contracts that imply legal obligations. Therefore, legal procedures must be made under the international law. Since the incidents stated on the sixth-monthly reports and highlighted above clearly challenge the contract made between the People’s Republic of China and the United Kingdom, I highly recommend that the UK bring these reports to the attention of a relevant body of the United Nations and file a formal complaint.

I also strongly support that there should be a more powerful mechanism for scrutinizing the implementation of the Sino-British Joint Declaration not only politically but most especially economically. Mid last year, thirty UK parliamentarians signed a joint letter asking the British foreign secretary to make Hong Kong’s rule of law and basic freedoms a top priority in diplomatic relations with Hong Kong – highlighting that the rule of law and freedoms are in the interests of international trade.
In this regard, I support that there should be standard clauses in international agreements to protect human rights especially in a future Free Trade Agreement. For instance, the United Kingdom requiring a standard exemption clause such as nothing in the agreement prevents the United Kingdom from adopting measures necessary for the protection of the UK’s international human rights obligations and the UK requiring a standard suspension clause to highlight the importance of human rights in inter-state relations and providing potential sanctions if human rights standards slip below a certain threshold.

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