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CHN/HR/2024/25

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication [AL/CHN/2/2024], has the honor to transmit herewith the reply of the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

Permanent Mission of the People's Republic of China to the United Nations Office at
Geneva and Other International Organizations in Switzerland

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Office of the High Commissioner for Human Rights

Geneva



(Translated from Chinese)

Receipt is hereby acknowledged of communication AL/CHN/2/2024 sent by a special procedure of the United Nations Human Rights Council. The Chinese Government wishes to reply with the following:

Reply to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on the communication concerning Hong Kong (AL CNN 2/2024)

1. The legal proceedings related to the case of Mr. Li Zhiying (Jimmy Lai), mentioned in the communication, are still ongoing. In this regard, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment must be aware that, on the basis of the sub judice principle of avoiding discussion of cases under judicial consideration, no one, including the Special Rapporteur, should comment on the case. The responses of the government of the Hong Kong Special Administrative Region (the HKSAR government) to the concerns and questions raised in the communication in relation to the Mr. Lai's case, in the annex, are intended to provide correct information and to set the record straight. While the individual concerns raised in the communication are not addressed below, the Chinese Government should not be regarded as acknowledging the negative and inaccurate views raised in the communication on these questions.

2. In providing the information in the annex, the government of the Special Administrative Region considers that it must clearly draw attention to four points:

First, everyone has the right to a fair trial under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law) and the Hong Kong Bill of Rights Ordinance (Cap. 383). The admissibility of relevant evidence given by witnesses is determined independently by the HKSAR courts on the basis of the principles of law and the relevant evidence in the case. No one may dictate orders or intentions to the courts or exert pressure on them.

Secondly, making statements with the intention to interfere with or obstruct the course of justice, or engaging in actions with the same intent, including attempting to interfere with witnesses appearing in court or creating bias against such witnesses, is highly likely to constitute criminal contempt of court or obstruction of justice.

Thirdly, any attempt by anyone to sensationalize or interfere with a case by claiming to have received "information" alleging that evidence has been obtained through torture or other ill-treatment, with the intention of obstructing the court's independence in conducting a trial, is a blatant violation of the rule of law.

Fourthly, it is for the judicial body of the Hong Kong Special Administrative Region to issue a ruling on whether the criminal charges brought against the person in question have been established, following an independent and fair trial. Indeed, a fair trial can take place only if the judicial body is able to conduct its proceedings independently and without interference of any kind.

3. The HKSAR government hopes that the Special Rapporteur will exercise her functions with dignity, impartiality and objectivity, respect the independent judicial power enjoyed by the courts of the Special Administrative Region and prevent the abuse of United Nations procedures aimed at interfering in the judicial process under way in

the Special Administrative Region. Such abuse is contrary to the spirit of the Charter of the United Nations, which is based on the principles of sovereign equality of States and non-interference.

Attachment

Protection against torture and other cruel, inhuman or degrading treatment or punishment

- (a) Relevant legal systems, administrative measures and other safeguards in mainland China

[With regard to question 4 on page 4 of the communication: "Please also provide information on any additional measures and safeguards in force to prevent torture or other ill-treatment pursuant to articles 2 and 16 of the CAT", as regards the relevant safeguards on the mainland (for instance, (a) the relevant legal system and administrative provisions on the mainland; (b) the complaint mechanism for the relevant persons against torture and other cruel, inhuman or degrading treatment; and (c) the relevant authorities and mechanisms for investigating complaints and the compensation mechanism once complaints are established), it is beyond the scope of the HKSAR government to answer. The central authorities can hopefully refute the communication's content more effectively.]

- (b) Relevant legal systems, administrative measures and other safeguards in the Hong Kong Special Administrative Region

- (i) Legal system and protection of human rights in the Hong Kong Special Administrative Region

1. With regard to the concerns expressed in the communication regarding protection from torture and other cruel, inhuman or degrading treatment or punishment, the HKSAR government must point out that fundamental rights and freedoms are fully protected in the Hong Kong Special Administrative Region by the Basic Law.

2. Article 28 of the Basic Law guarantees the right of Hong Kong residents to be free from torture, while article 87 guarantees that any person who is lawfully arrested has the right to a fair trial by the judicial organs without delay and to be presumed innocent until convicted by the judicial organs. Furthermore, article 39 of the Basic Law specifies that the relevant provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other treaties as applied to Hong Kong will remain in force and be implemented through the laws of the Hong Kong Special Autonomous Region.

3. Article 4 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the Hong Kong National Security Law) also explicitly stipulates that the Hong Kong Special Administrative Region will respect and protect human rights in safeguarding national security and protect the rights and freedoms enjoyed by Hong Kong residents in accordance with the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong. These rights include the freedoms of speech, press and publication, as well

as the freedoms of association, assembly, procession, and demonstration. Therefore, while national security is ensured, citizens continue to enjoy the rights and freedoms guaranteed by the Basic Law, in accordance with the law. Article 5 of the Hong Kong National Security Law clearly stipulates that the principle of the rule of law must be adhered to in preventing, suppressing and imposing punishment for offences endangering national security. This includes the principles of legality, the presumption of innocence and the exclusion of double jeopardy. It also ensures that criminal suspects, defendants and other parties in judicial proceedings are entitled to the right to defend themselves and to other rights in judicial proceedings, as provided by law.

4. At the local level, the relevant provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong are legally implemented through the Hong Kong Bill of Rights Ordinance (Cap. 383), which is binding on the government. Article 3 of the Hong Kong Bill of Rights¹ (implementing article 7 of the International Covenant on Civil and Political Rights) provides that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Articles 10 and 11 of the Hong Kong Bill of Rights (implementing article 14 of the International Covenant on Civil and Political Rights) guarantee the right to a fair hearing.

5. The Crimes (Torture) Ordinance (Cap. 427) provides for the prohibition of torture. Any person guilty of torture is liable to life imprisonment. Under section 89 of the Criminal Procedure Ordinance (Cap. 221), any person who aids or abets the commission of any offence is guilty of the like offence. Under section 159G of the Crimes Ordinance (Cap. 200), attempted torture is also an offence. In addition, the Offences against the Person Ordinance (Cap. 212) provides additional safeguards against torture. Under this ordinance, assault against another person is illegal. Depending on the circumstances, torture may involve offences such as murder, wounding others and assault occasioning actual bodily harm.

(ii) Education and training on the prohibition of torture for law enforcement officers in the Hong Kong Special Administrative Region

6. All law enforcement officers in the Hong Kong Special Administrative Region are trained to treat all persons humanely and with due respect, including persons in detention or under arrest, and at all times to act in accordance with the law.

7. To this end, police officers receive basic training and other continuous training courses, including training in procedures for handling suspects, disciplinary rules prescribed inter alia in the Police Force Ordinance (Cap. 232), the Police General Orders, the Police Headquarters General Orders and the Hong Kong Bill of Rights Ordinance. Throughout the training, instructors explain the provisions of the Crimes (Torture) Ordinance, where appropriate. In addition, front-line police officers regularly attend in-service and refresher courses aimed at reminding them of the need to use minimum force in arrest operations and to observe the Rules and Directions for the Questioning of Suspects and the Taking of Statements. The training covers the Hong Kong Bill of Rights

¹ The Hong Kong Bill of Rights is contained in article 8 of the Hong Kong Bill of Rights Ordinance.

Ordinance, the Crimes (Torture) Ordinance, the use of force, the handling and questioning of suspects, cautioned statements and care and detention of prisoners, etc.

8. The Correctional Services Department provides induction training and continues to organize other training courses (such as in-service and developmental training) for corrections officers to ensure that they are familiar with the provisions of the relevant laws and policies. The training courses include briefings on the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Hong Kong Bill of Rights Ordinance and the Crimes (Torture) Ordinance. In addition, corrections officers' training in general medical care enables them to recognize physical signs of abuse. Corrections officers are also selected for specialist training, for example in psychiatric care, to equip them with the necessary expertise to assist medical staff in monitoring the physical and mental health of prisoners with mental health disorders. The Correctional Services Department has incorporated the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) into the training curriculum for corrections officers.

(iii) Procedural safeguards relating to investigations in the Hong Kong Special Administrative Region

9. The HKSAR police have always respected the rights of detainees. Every person arrested by the police is informed as soon as possible that they have been arrested and of the factual grounds and reasons for the arrest. If an arrest is made, the arrested person must be brought before the officer in charge of the police station (i.e., the duty officer) in the district where the arrest took place, or before another officer authorized by the Commissioner of Police. The details of the arrested person must also be entered into the Case Management and Investigation System. If the arrest and detention are both deemed to be justified, the duty officer must confirm this in the Case Management and Investigation System. When duty officers consider that a person's arrest is unlawful they must immediately release that person.

10. The police also issue a notice listing the rights of each detained individual, which must be signed by the detainee. The signed notice of the rights of the detained individual is recorded as evidence in the case. These rights include inter alia the right to seek legal assistance; the right to communicate in private with a lawyer of one's choosing and to have a lawyer present during interviews with the police; the right to contact a family member, friend or consular official as soon as possible, provided it does not cause unreasonable delay or obstruct investigations or judicial proceedings; and the right to receive medical treatment. When a detainee requests medical treatment or a duty officer considers that a detainee needs such treatment, the duty officer must arrange an ambulance as soon as possible, and the escort officer takes the detainee to the nearest public hospital or clinic. The relevant records are stored in the Case Management and Investigation System.

11. Under section 52 (1) of the Police Force Ordinance (Cap. 232), an arrested person who is not released on recognizance must be brought before a magistrate as soon as practicable and must not normally be detained for more than 48 hours. When defendants

appear in court for the first time before a magistrate, the magistrate has the opportunity to see the defendants in person in court and the defendants can make complaints regarding any improper treatment by law enforcement during their detention. Any such complaints are taken seriously and followed up in accordance with the law.

12. Law enforcement officers are required to observe the guidelines set out in the Rules and Directions for the Questioning of Suspects and the Taking of Statements. The Police, Customs and Excise Department and Immigration Department are the departments most frequently involved in the taking of statements. These departments are increasingly adopting the use of video recording equipment to conduct interviews. The number of police video interview rooms increased from 11 in 1996 to 88 by 31 December 2023. At least one video interview room has been set up in all major divisional police stations. The Independent Commission against Corruption, for its part, has always made video recordings of interviews. The Immigration Department has equipped all its investigative offices and major immigration control stations with recording devices. Video recording equipment has also been installed at all customs offices.

13. In the case of the Correctional Services Department, trained nursing staff examine all prisoners at least once a week for signs of injury. If there are any signs of injury, the cause is identified in detail. The Correctional Services Department monitors whether there are inmates who commit abuses that may constitute torture and often cooperates with other government departments in order to detect as early as possible and prevent criminal activities that may involve abuses at various correctional institutions. Furthermore, rule 14 of the Prison Rules (Cap. 234A) provides that every prisoner must as soon as possible after admission be individually examined by the Medical Officer, who must record the prisoner's state of health and such other particulars as the Officer considers necessary. If the prisoner is admitted too late to be examined on the same day, the examination must be carried out as soon as possible on the following day, and in any case within 24 hours of admission.

(iv) Relevant complaint mechanisms in the Hong Kong Special Administrative Region

14. The Hong Kong Special Administrative Region is a common law jurisdiction based on the rule of law. It upholds the principle that no one is above the law.

15. Victims of torture or ill-treatment can complain to the relevant authorities, and the relevant authorities conduct a comprehensive and fair investigation to determine whether the suspected torturer or abuser has committed a criminal offence or an act subject to a disciplinary penalty.

16. With regard to complaints against police officers, the Complaints against Police Office is responsible for handling and investigating the public's complaints against members of the Police Force. It operates independently of other police units in order to ensure that complaints are handled fairly and impartially. The Independent Police Complaints Council is an independent statutory body tasked with monitoring and reviewing complaints handled and investigated by the Complaints against Police Office. The Council's members, appointed by the Chief Executive, come from all walks of life. The Independent Police Complaints Council Ordinance (Cap. 604) provides the statutory

basis for the police complaints system mentioned above. The Ordinance clearly sets out the Council's statutory duties, functions and powers under the police complaints system and the duty of the police to comply with the requirements issued by the Council under the Ordinance. Effective checks and balances have been put in place to ensure that complaints lodged with the Complaints against Police Office are handled properly, fairly and impartially. Any person who feels aggrieved by the conduct of a police officer while the officer is on duty may file a complaint with the Complaints against Police Office. The Office's findings are subject to rigorous scrutiny by the Council.

17. In addition, the Complaints Investigation Unit of the Correctional Services Department is vested with independent powers to investigate complaints against the Department and its staff. All complaint cases are dealt with fairly and openly, in accordance with the letter and the spirit of the Prison Rules (Cap. 234A). These rules take full account of the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Prison Rules also require visiting justices during their term of office to inspect the correctional facilities under the control of the Correctional Services Department. The purpose of inspections is to ensure that the rights of inmates are protected through a system of regular inspections by independent persons.

- (c) Overall response of mainland China and the Hong Kong Special Administrative Region to the relevant legal regime, administrative measures and other safeguards for the prevention of torture or other ill-treatment

[With regard to paragraph 18 below: The HKSAR government wishes to add paragraph 18, below, to refute the communication's content more effectively. In this connection, the relevant central authorities can hopefully confirm that the contents of paragraph 18 are equally applicable on the mainland.]

18. We do not agree with the allegation in the communication that relevant international human rights standards relating to the prevention of torture or other ill-treatment and the handling of complaints have been "disregarded". It can be seen from the above that mainland China and the Hong Kong Special Administrative Region have sound and comprehensive legal frameworks and administrative measures in place to prevent torture and ill-treatment. Furthermore, victims of torture or ill-treatment may lodge complaints with the relevant authorities. Where the authorities concerned have reasonable grounds to believe that an act of torture has been committed, they follow up the allegations seriously and, in accordance with the law, conduct impartial investigations, in line with article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Thus, effective mechanisms exist to prevent torture and to address any credible allegations of torture appropriately, in full compliance with applicable relevant international human rights standards (including articles 1, 2, 12 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

Provisions on the inadmissibility as evidence of any statements made under torture

(a) Relevant laws in mainland China

[In response to question 3 on page 4 of the communication: “Please provide detailed information on how the exclusionary rule set forth in article 15 of the Convention against Torture ... is provided for and implemented in PR China...Please explain the applicable law, procedure and practice to challenge the admission and use of material evidence alleged to be obtained by torture or other cruel, inhuman or degrading treatment or punishment during trials in the respective legal proceedings”, although the communication is mainly concerned with the applicability of evidence in the Jimmy Lai case tried in Hong Kong, it would certainly refute the communication’s content more effectively if the relevant central authorities could provide supplementary information on how the "exclusionary rule" is implemented on the mainland, in responding to the concerns in the communication.]

(b) Relevant laws of the Hong Kong Special Administrative Region

19. The HKSAR government emphasizes that all cases are handled strictly on the basis of evidence and in accordance with the law. All defendants receive fair trials in strict accordance with the applicable laws of Hong Kong and under the protection of the Basic Law, the Hong Kong National Security Law and the Hong Kong Bill of Rights.

20. HKSAR government prosecutors must comply with the Prosecution Code in conducting any criminal prosecution. According to Part 5 of the Prosecution Code, the prosecution must satisfy itself in any criminal case that the admissible evidence that is available is sufficient to justify instituting or continuing proceedings. The prosecution must have legally sufficient evidence to support the prosecution, that is, evidence that is admissible and reliable and, together with any reasonable inferences able to be drawn from it, is likely to prove the offence. Among the matters the prosecutor must judge are any possible challenge to the admissibility and/or reliability of the evidence obtained. Prosecutors will only initiate or continue prosecution if the relevant test criteria are met.

21. In addition, the Prosecution Code provides guidance to HKSAR prosecutors through the Guidelines on the Role of Prosecutors (1990) adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors (1999) of the International Association of Prosecutors. Paragraph 16 of the Guidelines on the Role of Prosecutors stipulates that "When prosecutors come into possession of evidence against suspects that they know or believe on reasonable grounds was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights, especially involving torture or cruel, inhuman or degrading treatment or punishment, or other abuses of human rights, they shall refuse to use such evidence against anyone other than those who used such methods, or inform the Court accordingly, and shall take all necessary steps to ensure that those responsible for using such methods are brought to justice." Furthermore, paragraph 4.3 of the Standards of Professional Responsibility and Statement of the Essential Duties and

Rights of Prosecutors provides, inter alia, that prosecutors must "refuse to admit evidence reasonably believed to have been obtained through recourse to unlawful methods which constitute a grave violation of the suspect's human rights and particularly methods which constitute torture or cruel treatment". Prosecutors of the HKSAR Government have always adhered to the Prosecution Code and do not use evidence obtained through torture or other cruel, inhuman or degrading treatment in criminal proceedings.

22. Hong Kong is renowned for its fair and robust criminal justice system, which includes sound and rigorous procedures of criminal law that fully protect the right to a fair trial. In criminal proceedings, if defendants dispute the admissibility of evidence, they may challenge its admissibility (including admissibility of their confessions) by means of a "voir dire" ("trial within a trial") procedure or related procedures. From start to finish, the burden of proof is on the prosecution to prove that the supposed confession was made voluntarily. The defendant has the right to ask the trial judge to rule on the admissibility of the supposed confession. During the trial, the prosecution must prove beyond reasonable doubt that the defendant committed the relevant criminal act and had criminal intent in order for the defendant to be convicted. Defendants who are convicted in criminal cases may also appeal to higher courts, in accordance with the relevant legal procedures. The Hong Kong Special Administrative Region thus has a well-established legal system ensuring that no statement confirmed to have been obtained through torture can be invoked as evidence in any proceedings and that there can be no violation of article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(c) The case of Jimmy Lai

23. As far as the case of Jimmy Lai is concerned, the communication alleges that some relevant evidence in the case was obtained by torture or other ill-treatment of prosecution witnesses, in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We should like to state once again that, based on the sub judice rule, we cannot comment on any individual case undergoing judicial proceedings.

24. Without commenting on any individual case, we must point out that anyone who has been subjected to torture or ill-treatment may complain to the relevant authorities, who conduct a full and impartial investigation to determine whether the alleged torturers or abusers have committed a criminal offence and whether prosecution should be initiated.

25. As we have mentioned above, the admissibility of relevant witness testimony is independently determined by the court based on the aforementioned legal principles and the relevant evidence in the case. Regarding the mention in the communication about receiving "sufficiently reliable" information concerning the prosecution's witnesses in this case, we must emphasize that making statements with the intention to interfere with or obstruct the course of justice, or engaging in actions with the same intent, including attempting to interfere with witnesses appearing in court or causing bias against such

witnesses, is highly likely to constitute criminal contempt of court or obstruction of justice.

26. As mentioned above, the Hong Kong Special Administrative Region has a well-established judicial system. Ensuring a fair trial and maintaining judicial justice are the most fundamental principles of the criminal trial system in Hong Kong. All cases are tried in strict accordance with the law, and the fair trial rights of the individuals concerned are fully protected under the Basic Law and the National Security Law of Hong Kong and the Hong Kong Bill of Rights.

Allegations in the communication regarding law enforcement actions and cases related to Jimmy Lai

(a) Part relating to mainland China

[Remarks of the HKSAR government: The relevant central authorities can hopefully supplement the following points (in particular, the parts beyond the scope of what the HKSAR government can answer) to refute the communication's content more effectively:

- Sixth paragraph of page 2 of the communication: "On 23 August 2020, he was reportedly arrested again, together with 11 other individuals in their way to Taiwan maritime transport by the Chinese coast guard. All 12 were reportedly subsequently taken to mainland China, to a prison in Shenzhen, and held in criminal detention and reportedly, incommunicado with no access to their family or legal counsels..."
- Last paragraph of page 2, to page 3 of the communication: "Additionally, various cases have been reported of infringement of physical and psychological torture against human rights defenders, including the use of unlawful fixed restraints, such as the 'tiger chair',... While the Chinese Criminal Procedure Law was amended in 2018, the RSDL system remains in force in cases of crimes endangering national security or terrorist activities"
- First paragraph of page 4 of the communication: "... and that an investigation by the authorities into these allegations has reportedly not yet been undertaken"
- Question 2 on page 4 of the communication: "Please provide information as to any investigation already undertaken, and action taken, in respect of the above-mentioned allegations of unlawful obtainment of information ... If no such investigation has yet been launched, please explain why"
- Question 5 on page 4 of the communication: "In respect of the duty to investigate all allegations of torture ... please provide information on all measures and efforts taken or planned to be taken..."

(b) Part relating to the Hong Kong Special Administrative Region

27. The communication refers to a number of misunderstandings that call for correction regarding enforcement actions taken by the Hong Kong Special Administrative Region. We must emphasize that the consequences of acts and activities endangering national security are very serious and measures must be taken promptly to effectively prevent and suppress them. We must also reiterate that the HKSAR law enforcement agencies take enforcement actions on the basis of evidence, strictly in accordance with the law, and in response to the conduct of the persons or units concerned, irrespective of their political stance, background or occupation. Furthermore, all prosecution decisions are made independently, in accordance with admissible evidence, the applicable law and the Prosecution Code, without any political considerations. Therefore, the allegation in the communication that Mr. Lai "has been allegedly repeatedly targeted by the Hong Kong authorities because of his political opinions and engagement on matters of public interest including democracy and human rights" is completely inconsistent with the facts. Advocating that individuals or organizations with certain backgrounds should not be subject to legal penalties for their unlawful acts and activities is equivalent to granting them the privilege to break the law, which completely violates the spirit of the rule of law.

28. Furthermore, we must strongly refute some of the factually incorrect accusations in the letter, including the claim that [REDACTED] was shut down by the HKSAR authorities. First, [REDACTED] ceased operations by [REDACTED] of [REDACTED]. Insisting on attributing [REDACTED] operational decision to law enforcement actions is absolutely contrary to the facts and is malicious in intent. In fact, in May 2021 [REDACTED] that the group had [REDACTED] with approximately [REDACTED] on 31 March 2021, which could [REDACTED], beginning in April 2021. [REDACTED] subsequently announced in July 2021 that in April 2021 it had made an [REDACTED]. According to [REDACTED] previous annual reports, there should have been considerable time remaining before [REDACTED]. The above situation shows that there is no case of law enforcement actions leading to the listed company's inability to continue operations and forcing it into liquidation. Any insistence on attributing the operational decisions of [REDACTED] to the HKSAR government is an obvious attempt to shift responsibility, and the malicious intent is abundantly clear.

29. Furthermore, regarding the communication's erroneous accusation that the 12 individuals detained in Shenzhen were cut off from communicating with their families and lawyers, in fact, on 28 August 2020 the Hong Kong police received a notification from the mainland law enforcement authorities through the mutual reporting mechanism that 12 Hong Kong residents (11 males and 1 female) were detained by mainland law enforcement agencies for suspected illegal entry into the mainland. On 30 September the Hong Kong police received further notification from the mainland law enforcement authorities through the mutual reporting mechanism, stating that the Yantian District

People's Procuratorate in Shenzhen had approved the arrest of 2 individuals on suspicion of organizing others to illegally cross the border, while arrests were approved for the remaining 10 individuals on suspicion of illegally crossing the border.

30. The Assistance to Hong Kong Residents Unit of the Immigration Department and the HKSAR government's Economic and Trade Office in Guangdong have since 28 August 2020 been receiving requests for assistance from the families of the persons who illegally departed, and they have been following up on the matter. The Immigration Department and the Economic and Trade Office in Guangdong have provided assistance to the families, including by explaining the relevant mainland laws and regulations to them and introducing them to the Free Legal Consultation Service provided by a Hong Kong organization commissioned by the Economic and Trade Office in Guangdong. In addition, in accordance with the families' wishes, the Immigration Department has also forwarded to the mainland authorities various items in writing, through the Economic and Trade Office in Guangdong. These have included requests for medication, requests for information, letters from family members and applications for release on bail.

31. Regarding the appointment of lawyers, it is understood that at that time, the 12 persons in question each appointed two lawyers on the mainland.

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