

**Dispute Settlement Body Meeting
(24 June 2024)**

Hong Kong, China's Statements

**Item 2. United States – Origin Marking Requirement (Hong Kong, China)
(DS597)**

- Thank you, Chair.
- As a friend of the system, Hong Kong, China (HKC) upholds the rules-based multilateral trading system and expects other WTO Members to do the same. We are disappointed at the repeated abuses of the procedure of the DSB by one member. For the record, this is the 11th time the US wantonly brushed aside Rule 27 of the Rules of procedures for DSB meetings to reiterate its own position on a case already ruled by the panel.
- Apart from being a clear abuse of the WTO rules, it reflects a wholesale disrespect of other Members' time.
- It is also condescending to act as if the US has the monopoly on the interpretation of national security.
- To risk stating the obvious, every sovereign state has the inherent right under public international law to adopt the constitutional order, political and legal systems that best suit its actual situation and the overall interests of its people.
- The legal framework in safeguarding national security in the HKSAR is fully in compliance with the international standard for the protection of human rights. The laws clearly stipulate that human rights shall be respected and protected in safeguarding national security. The rights and freedoms, including the freedoms of speech, of the press and of publication, and the freedoms of association, of assembly, of procession and of demonstration, enjoyed by Hong Kong residents under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR, shall be protected in accordance with the law.

- And as we mentioned on previous occasions, just as the case with other places in the world, such rights and freedoms are not absolute. The ICCPR also expressly states that some of them may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, etc.
- We must also stress that our law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, which have nothing to do with their political stance, background or occupation. The prosecution has the burden to prove beyond reasonable doubt that the defendant had the actus reus and mens rea of an offence before the defendant may be convicted by the court. The laws and work relevant to safeguarding national security in the HKSAR will not affect normal business operations and worldwide exchanges of local institutions, organisations and individuals.
- As repeatedly emphasised by our Government, the laws safeguarding national security in the HKSAR are precisely for safeguarding national sovereignty, unity and territorial integrity; and ensuring the full implementation of the principle of “one country, two systems”. The laws also better safeguard the fundamental rights and freedoms of the residents of the HKSAR and other people, including those doing business, in the city. We once again urge the US to stop using the DSB as a platform to smear the laws safeguarding national security in the HKSAR.
- Chair, I would like to point out again that the panel of DS597, as well as the panels of DS544, DS552, DS556 and DS564 have all dismissed the US’ claim that interpretation of Article XXI of the GATT 1994 is entirely self-judging. It is not up to the US to replace the panel’s interpretation and application of the WTO agreements with its own. Instead, a Member who objects to a panel report should allow the case be heard by the Appellate Body, which, regrettably, has been made defunct singlehandedly by the US.
- This repeated abuse of the DSB meetings is objectionable as it reflects the total disregard of the rules-based dispute settlement system in the WTO.
- Thank you, Chair.

Item 5. Appellate Body Appointments: Proposal by Afghanistan; Angola; Antigua and Barbuda; Argentina; Australia; Bangladesh; Benin; Plurinational State of Bolivia; Botswana; Brazil; Brunei Darussalam; Burkina Faso; Burundi; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Congo; Costa Rica; Côte d'Ivoire; Cuba; Democratic Republic of Congo; Djibouti; Dominica; Dominican Republic; Ecuador; Egypt; El Salvador; Eswatini; the European Union; Gabon; The Gambia; Ghana; Guatemala; Guinea; Guinea-Bissau; Honduras; Hong Kong, China; Iceland; India; Indonesia; Israel; Kazakhstan; Kenya; Republic of Korea; Lao People's Democratic Republic; Lesotho; Liechtenstein; Madagascar; Malawi; Malaysia; Maldives; Mali; Mauritania; Mauritius; Mexico; Republic of Moldova; Morocco; Mozambique; Myanmar; Namibia; Nepal; New Zealand; Nicaragua; Niger; Nigeria; North Macedonia; Norway; Pakistan; Panama; Paraguay; Peru; the Philippines; Qatar; Russian Federation; Rwanda; Saint Kitts and Nevis; Saint Lucia; Senegal; Seychelles; Sierra Leone; Singapore; South Africa; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Tanzania; Thailand; Togo; Tunisia; Türkiye; Uganda; Ukraine; United Kingdom; Uruguay; the Bolivarian Republic of Venezuela; Viet Nam; Zambia and Zimbabwe (WT/DSB/W/609/Rev.26)

- Thank you Chair.
- We support the statement made by Colombia on behalf of the co-sponsors including Hong Kong, China.
- And we continue to join others to reiterate our concerns about the Appellate Body impasse, as well as our steadfast commitment to work constructively with all WTO members to restore a fully and well-functioning two-tier dispute settlement system under the DS reform formalised process by the end of this year.
