

**Dispute Settlement Body Meeting  
(23 September 2024)**

**Hong Kong, China's Intervention**

**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. The panel of DS597 has set out clearly its interpretation, and if the US objects to a panel report, it should allow the case be heard by the Appellate Body.
- Instead, what the US does now is to abuse the WTO rules and repeatedly squander DSB meeting time for its own political agenda, i.e. weaponizing trade instead of promoting trade. This is not just a wholesale disrespect of other Members' time; but also another blatant attempt at undermining the WTO to crush a small economy.
- It is never our intention to spend time at the DSB meeting explaining why HKC is entitled to the inherent right under public international law to adopt the constitutional order, political and legal systems that best suit our actual situation and the overall interests of our people. But since the US has, on more than one occasion, slandered our laws on safeguarding national security in Hong Kong and smeared the human rights situation, we cannot but have to set the record straight.
- The successful implementation of the laws relevant to safeguarding national security in the HKSAR has brought about a stable and safe environment conducive to business and investment. Under "One Country, Two Systems", the rule of law in Hong Kong is strong and robust, with our common law system aligning with major global financial hubs. Hong Kong ranked fifth in global competitiveness this year, and its foreign direct investment inflow was the fourth largest in the world last year. Hong Kong was also the world's 10th largest trading entity in merchandise trade in 2023. These objective facts are the best evidence that high-level security guarantees high-quality

development, and cannot be altered by so-called “business advisory” issued by the governments of some countries.

- The cornerstone of Hong Kong’s success remains intact. We urge the US government to stop making false and baseless accusations about the situation in Hong Kong and trying to create panic by issuing the so-called “business advisory” to US companies and individuals operating in Hong Kong. As a free and open international city, Hong Kong continues to welcome overseas companies, including American companies, to make full use of the business opportunities introduced by Hong Kong and the Guangdong-Hong Kong-Macao Greater Bay Area, to set up offices in Hong Kong, and take Hong Kong as their regional headquarters or regional offices.
- Hong Kong citizens enjoy freedom of the press and freedom of speech as protected under the Basic Law and the Hong Kong Bill of Rights. In fact, the Hong Kong National Security Law and the Safeguarding National Security Ordinance clearly stipulate that human rights shall be respected and protected in safeguarding national security. The rights and freedoms, including the freedoms of the press, of speech and of publication, enjoyed by Hong Kong people under the Basic Law and the provisions of International Covenant on Economic, Social and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applicable to the HKSAR, are protected in accordance with the law.
- Like all other places in the world, such rights and freedoms are not absolute. Journalists, like everyone else, have an obligation to abide by all the laws. Their freedom of commenting on and criticising government policies remains uninhibited as long as they do not violate the law. The court, in its reasons for verdict, has analysed in detail the duties and responsibilities of the media, specifically highlighting that, according to Article 19(3) of the ICCPR, when the media and relevant personnel publish opinions, information and articles, they must observe and discharge “special duties and responsibilities”, including protection of national security or public order, or of public health or morals.
- 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.

- We believe that the DSB meeting should no longer be side-tracked by the repetitive and groundless arguments brought forward by the US. For the record, this is the 12<sup>th</sup> time the US wantonly brushed aside Rule 27 of the Rules of Procedure for DSB meetings to reiterate its own position on a case already ruled by the panel. We once again urge the US to stop using the DSB as a platform to smear the laws safeguarding national security in the HKSAR. As far as DS597 is concerned, if the US would lift its blockage to the Appellate Body appointments, HKC stands ready to go through the due process of appeal should the US wish to do so.
- Thank you.

**Item 4. 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.
- Hong Kong, China would like to thank Colombia for the proposal. The proposal has the support of 130 members. We attach great importance to the DS reform and we acknowledge the hard work by Members to better the system during the ongoing reform process. The process has been as inclusive, transparent and constructive as possible. We consider the MPIA a pragmatic solution in the interim; at the same time, we also look forward to positive outcomes in our efforts to restore a fully and well-functioning dispute settlement system by the end of 2024. Thank you.

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