

## **Statement of the Hong Kong Bar Association** **on Victor Mallet**

The Hong Kong Bar Association (“the HKBA”) expresses its concern that the Hong Kong Government last month refused the application of Mr Victor Mallet, a senior journalist with a respected international publication, to renew his work visa and more recently refused him entry into Hong Kong as a visitor (“the Decisions”). The Government has refused to explain the reasons for the Decisions.

The right to freedom of expression is enshrined in the Basic Law. It includes the freedom to receive and impart information and ideas without interference by public authorities. Everyone, in particular the Government, has an obligation to respect such freedom whether one agrees with the information or ideas or not.

Whilst the right to freedom of expression is not absolute, any restriction on its exercise in a society which respects and protects such a right must be a proportionate response with the aim of upholding a legitimate societal interest and backed by cogent and persuasive evidence.

In the light of Mr Mallet’s recent involvement in a public lecture, the HKBA considers that the public, both domestically and internationally, is justifiably concerned whether the Decisions constitute undue interferences with the right to freedom of expression.

Without any reasons being given by the Government, the public is in no position to judge whether the Decisions are proportionate responses to protect a legitimate societal interest as aforesaid and thereby have its concerns removed. Hong Kong’s reputation as a society which is governed by the rule of law and is protective of the fundamental rights of its residents is being damaged.

The HKBA therefore calls upon the Government to explain the Decisions so that the public can see if good reasons exist for them. The Government should demonstrate that it will fulfil its duty to safeguard all the rights and freedoms enshrined in the Basic Law.

Dated: 15 November 2018