

Foreign Secretary Statement on National Security Legislation in Hong Kong

With permission, Mr. Speaker, I would like to make a statement regarding the latest developments on Hong Kong.

As I feared when I addressed the House on 2 June, yesterday the Standing Committee of the National People's Congress in Beijing adopted a wide-ranging national security law for Hong Kong.

This is a grave and deeply disturbing step.

We have carefully assessed the legislation.

In particular, we've considered its impact on the rights, freedoms and critically high degree of autonomy bestowed on Hong Kong under China's Basic Law for Hong Kong as well as under the Joint Declaration, which as the House well knows, the treaty agreed between China and the UK in 1984.

So, Mr Speaker, today, I have the depressing but necessary duty to report to the House that the enactment of this legislation, imposed by the authorities in Beijing on the people of Hong Kong, constitutes a clear and serious breach of the Joint Declaration.

Let me explain to the House the grounds for this sobering conclusion.

First, Mr. Speaker, the legislation violates the high degree of autonomy of executive and legislative powers and independent judicial authority, provided for in paragraph 3 of the Joint Declaration.

The imposition of this legislation by the government in Beijing, rather than it being left to Hong Kong's own institutions, is also, it should be noted, in direct conflict with Article 23 of China's own Basic Law for Hong Kong which affirms that Hong Kong should bring forward its own national security legislation.

In fact, the Basic Law elaborates on this, and only allows Beijing to directly impose laws in a very limited number of cases, such as for the purposes of defence, foreign affairs, or in exceptional circumstances in which the National People's Congress declares a state of war or a state of emergency.

None of those exceptions apply here.

Nor has the National People's Congress sought to justify this law on any such ground.

Second, Mr Speaker, the National Security Legislation contains a slew of

measures that directly threaten the freedoms and rights protected by the Joint Declaration.

In this respect, the House will be particularly concerned by the potentially wide-ranging ability of the mainland authorities to take jurisdiction over certain cases, without any independent oversight, and to try those cases in the Chinese courts.

This measure violates paragraphs 3(3) and (5) of the Joint Declaration, and directly threatens the rights contained in the United Nations International Covenant on Civil and Political Rights which under the Joint Declaration are to be protected in Hong Kong.

I think in particular, these measures represent a flagrant assault on freedom of speech and freedom of peaceful protest for the people of Hong Kong.

Third, the legislation provides that Hong Kong's Chief Executive, rather than the Chief Justice, will appoint judges to hear national security cases, a move that clearly risks undermining the independence of Hong Kong's judiciary, again which is protected by paragraph 3(3) of the Joint Declaration.

Fourth, Mr Speaker, the legislation provides for the establishment by the Chinese government of a new Office for Safeguarding National Security in Hong Kong run by and reporting to the mainland authorities.

That is particularly worrying Mr Speaker, because that Office is given wide-ranging powers, directly intruding on the responsibility of the Hong Kong authorities to maintain public order, again directly in breach of paragraph 3(11) of the Joint Declaration.

Mr Speaker, the authorities in Hong Kong have already started to enforce this legislation, with reports of arrests by the police, and official notices warning against waving flags or chanting.

In sum, Mr Speaker, this legislation has been enacted, as I said, in clear and serious breach of the Joint Declaration.

China has broken its promise to the people of Hong Kong under its own laws.

China has breached its international obligations to the United Kingdom under the Joint Declaration.

And it's also worth saying Mr Speaker, having committed to apply the UN's International Covenant on Civil and Political Rights to the people of Hong Kong, China has now written into law wide-ranging exemptions, which cannot credibly be reconciled with its international obligations, or indeed its responsibilities as a leading member of the international community.

Mr Speaker, we want a positive relationship with China.

We recognise its growth, its stature and the powerful role it can play in the world.

And I would say it is precisely because we respect China, as a leading member of the international community, that we expect the Chinese government to meet its international obligations, to live up to its international responsibilities.

It has failed to do so with respect to Hong Kong, by enacting legislation which violates its autonomy and threatens the strangulation of its freedoms.

It is a sad day for the people of Hong Kong, and one which can only undermine international trust in the Chinese government's willingness to keep its word, and live up to its promises.

For our part, Mr Speaker, the Prime Minister and the government are crystal clear that the United Kingdom will keep its word.

We will live up to our responsibilities to the people of Hong Kong.

And I can tell the House that after detailed discussions with my RHF the Home Secretary, I can confirm that we will now proceed to honour our commitment to change the arrangements for those holding BN(0) status.

I can update Honourable Members that we have worked with Ministers across Whitehall and we have now developed proposals for a bespoke immigration route for BN(0)s and their dependants.

We will grant BN(0)s five years limited leave to remain, with the right to work or study.

After these five years, they will be able to apply for settled status.

And after further 12 months with settled status, they will be able to apply for citizenship.

This is a special, bespoke, set of arrangements developed for the unique circumstances we face and in light of our historic commitment to the people of Hong Kong.

All those with BN(0) status will be eligible, as will their family dependants who are usually resident in Hong Kong. The Home Office will put in place a simple, streamlined, application process, and I can reassure Honourable Members that there will be no quotas on numbers.

I want to pay tribute to the Home Secretary and her excellent team at the Home Office for their work in preparation for a moment, let's face it, we all dearly hoped would not arrive.

And the Home Secretary will set out further details on our approach in due course.

Mr Speaker, in addition to changing the arrangements for BN(0)s, the UK will continue to work with our international partners to consider what further action we should responsibly take next.

And I can tell the House, that yesterday, in the United Nations Human Rights Council, the UK made a formal joint statement expressing our deep concern about the human rights situation in both Hong Kong and Xinjiang.

Twenty-six other nations joined that statement.

This was the first time a formal statement has been made at the Human Rights Council on this issue, and it was delivered through our diplomatic leadership.

We will continue to work with our partners in the G7, our partners in the EU and our partners in the region. Mr Speaker, I say again that we want a positive relationship with China.

But, we will not look the other way on Hong Kong, and we will not duck our historic responsibilities to its people.

We will continue to bring together our international partners to stand up for the people of Hong Kong, to call out the violation of their freedoms, and to hold China to their international obligations it freely assumed under international law and I commend this statement to the House.