

HKSAR Government fully supports legislative work for safeguarding national security in HKSAR

In response to the report by Xinhua News Agency today (June 20) on a summary of the explanatory statement by an official of the Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPC) at the 19th session of the Standing Committee of the 13th NPC on June 18 on a draft law on safeguarding national security in the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China, the Chief Executive of the HKSAR, Mrs Carrie Lam, made the following statement:

It is the constitutional responsibility of the HKSAR to safeguard national security. Taking into consideration the practical situation in Hong Kong, the enactment at the state level of legislation to safeguard national security in the HKSAR is a significant initiative by the Central Authorities at a critical moment to enhance the "One Country, Two Systems" institutional system, ensuring the long-term prosperity and stability of Hong Kong. The HKSAR Government fully supports this initiative and will fulfil its responsibility to ensure the effective implementation of the relevant law in Hong Kong.

Since the passage of the Decision on establishing and improving legal system and enforcement mechanisms for HKSAR to safeguard national security (the Decision) by the third session of the 13th NPC on May 28, the Chief Executive, Mrs Carrie Lam, and the relevant principal officials were arranged to be the first to express their views to the central leading group on Hong Kong and Macao work on June 3. The SAR Government notes with appreciation that according to the summary of the explanatory statement of the draft law, the relevant parties had seriously studied the views reflected by the SAR Government, considered the actual situation of Hong Kong and enhanced the draft legislation through multiple reviews under the spirit of absorbing opinions as much as possible. In particular, the drafting process leverages, follows and reflects an important principle, which is, taking into account the difference between the Mainland and Hong Kong and making every effort in ensuring the compatibility and complementarity of the said national security law with the relevant national laws and the local laws in the HKSAR.

Article 4 of the Decision specifies that the HKSAR must establish and improve institutions and enforcement mechanisms for safeguarding national security to strengthen enforcement power and the enforcement work on national security. The HKSAR Government agrees that, as proposed in the draft law, Hong Kong should establish a commission for safeguarding national security to be chaired by the Chief Executive, as well as set up dedicated units in the Hong Kong Police Force and the Department of Justice which will shoulder the major responsibilities in implementing the relevant enforcement work. The HKSAR Government is undertaking the necessary preparatory work.

The enactment of legislation for safeguarding national security in the HKSAR is to prevent, curb and sanction four types of criminal acts, namely acts of secession, subversion of state power, terrorist activities, and collusion with foreign or external forces to endanger national security. It will only target an extremely small minority of people who have breached the law on those offences, while the life and property, basic rights and freedoms of the overwhelming majority of Hong Kong residents will be protected. According to the summary of the explanatory statement, the draft law makes it clear that the law for safeguarding national security in the HKSAR will follow a number of important principles in line with the rule of law, including that conviction and sentencing of crimes should be well defined in the law, presumption of innocence, and protection of the rights of the suspect, etc. It should also respect and protect the rights and freedoms which are applicable in Hong Kong under the Basic Law and relevant international covenants. These clear provisions should be able to allay public concerns. In fact, since the Decision has been endorsed, relevant Central Authorities have repeatedly emphasised in public that the legislation will uphold the principles of "One Country, Two Systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy, and will not affect the capitalist system in Hong Kong and the HKSAR's legal system.