

# HKSAR Government resolutely safeguards national security without fear

In response to sweeping and erroneous remarks by overseas government officials and politicians on the arrest of certain people for allegedly committing an offence relating to subversion under the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law), a Government spokesman today (January 7) said:

"It is the Hong Kong Special Administrative Region (HKSAR)'s constitutional responsibilities to safeguard national security. Since enactment of the National Security Law by the National People's Congress Standing Committee (NPCSC) on June 30, 2020 and promulgation for its application in Hong Kong on the same day in accordance with the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law), the HKSAR Government has been discharging its duty to safeguard national security in Hong Kong lawfully and dutifully, without fear or anxiety.

"The National Security Law, or indeed any law in the HKSAR, applies equally to every person in Hong Kong; no one is above the law. We are appalled by remarks made by some overseas government officials that seemed to suggest that people with certain political beliefs should be immune to legal sanctions.

"Hong Kong prides itself on the rule of law; law enforcement agencies are duty-bound to take action against unlawful acts, regardless of the political background of the suspects. Arrests made are based on evidence and strictly in accordance with relevant laws and regulations.

"As provided for in the Basic Law, the Department of Justice of the HKSAR Government makes independent prosecutorial decisions based on evidence, applicable laws and in accordance with its Prosecution Code, free from any interference. Any person who is prosecuted has the right to a fair trial by our independent courts, and the burden is on the prosecution to prove that the accused committed a crime beyond reasonable doubt before there can be a conviction. Enshrined in the Basic Law – Articles 2, 19 and 85, the courts of the HKSAR enjoy judicial power independently, including that of final adjudication, free from any interference.

"Contrary to allegations made by some overseas commentators, the National Security Law clearly stipulates four types of offences endangering national security and the penalties. At the same time, the National Security Law contains specific provisions upholding Hong Kong people's rights and freedoms under the Basic Law as well as the relevant provisions of international covenants on human rights as applied to Hong Kong. The Law also provides for the presumption of innocence, the prohibition of double

jeopardy, and the right to defend oneself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law.

"These important features have put the National Security Law on par with, if not superior to, similar national security laws in other jurisdictions. In making slandering remarks about the National Security Law, many overseas critics are clearly adopting double standards and merely exposing their prejudice against the People's Republic of China and Hong Kong.

"The purpose of the National Security Law is to prevent, stop and punish acts and activities endangering national security in accordance with the law. Article 22 of the National Security Law stipulates that any person who organises, plans, commits or participates in acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence. There is a clear line between political pluralism and attempts to seriously undermining the performance of government duties and functions. Such vicious plot would not be tolerated in any country.

"Since implementation of the National Security Law, street violence which had haunted Hong Kong people for months since June 2019 have subsided and stability restored. The legitimate rights and freedoms of the people of Hong Kong have been upheld and criminals are brought to justice through our independent judiciary. A stable environment is vitally important to the prosperity of Hong Kong and the business activities of both local and overseas enterprises here.

"The HKSAR Government has the determination, perseverance and capability to enforce the National Security Law to safeguard Hong Kong's long-term prosperity and stability under the 'One Country, Two Systems' principle. We will not be intimidated by threats of sanctions by overseas governments; nor will we shy away from condemning foreign or external forces that have flagrantly interfered in Hong Kong's affairs."