

LCQ12: Non-governmental organisations' acceptance of advantages from overseas organisations

Following is a question by Dr the Hon Junius Ho and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (March 19):

Question:

It has been reported that the new-term United States Government has recently planned to substantially reduce the spending of the United States Agency for International Development (USAID). It is learnt that USAID has been providing funding support for overseas non-governmental organisations (NGOs) on a long-term basis, and assisting such NGOs in carrying out work that endangers the national security of the place where the NGOs are based, such as exporting Western values, performing infiltration and sabotage, and inciting riots. In this connection, will the Government inform this Council:

(1) whether the Government currently has a mechanism in place to verify if local NGOs have accepted advantages from overseas organisations (such as USAID and the National Endowment for Democracy of the United States); if it has, of the details;

(2) whether it has assessed if the acceptance of financial contributions from overseas organisations by NGOs in Hong Kong violates the Hong Kong National Security Law and the Safeguarding National Security Ordinance; and

(3) whether the Government will consider establishing a mechanism to regulate the acceptance of financial contributions from overseas organisations by NGOs in Hong Kong, and regularly review if the financial contributions accepted by NGOs pose risks to national security?

Reply:

President,

The Hong Kong Special Administrative Region (HKSAR) Government has all along been steadfast in safeguarding national sovereignty, security and development interests, fully and faithfully upholding the highest principle of "one country, two systems", while protecting the legal interests, rights and freedoms of Hong Kong residents and other people in Hong Kong in accordance with the law. It will resolutely safeguard the overall interest of the community and the long-term prosperity and stability of Hong Kong, ensuring the steadfast and successful implementation of "one country, two systems".

With the promulgation of the Hong Kong National Security Law (HKNSL) on June 30, 2020 and the commencement upon gazettal of the Safeguarding National Security Ordinance (SNSO) on March 23, 2024, the legal system and enforcement mechanisms of the HKSAR for safeguarding national security have been improved. The HKNSL and the SNSO are compatible and complementary, building a strong line of defence to safeguard national security in the HKSAR, ensuring the effective protection of national security, and enabling the HKSAR to make good use of the relevant laws to effectively prevent, suppress and punish acts and activities endangering national security in accordance with the law.

As a cosmopolitan city and an international financial centre, Hong Kong welcomes exchanges between local institutions, organisations and individuals and those from all parts of the world, as well as foreign institutions or organisations to set up offices and establish operations in Hong Kong. On the other hand, given the increasingly complicated geopolitical situation, the HKSAR faces ever-changing risks to national security. External forces, anti-China and destabilising individuals are waiting for opportunities to make malicious attacks and smears. The HKSAR Government will definitely take all necessary countermeasures to safeguard national security if any of them uses improper means to carry out acts of foreign interference in violation of the principle of non-intervention under international law, in an attempt to undermine the stability and prosperity of the HKSAR, posing national security risks.

My reply to the three parts of the question is as follows:

Various measures have been put in place under the legal system of the HKSAR for safeguarding national security to prevent external forces from interfering in the normal operation of the HKSAR, and to prevent external forces from unlawfully interfering in the affairs of our country or of the HKSAR through agents or agent organisations, thus undermining the sovereignty and political independence of our country, and endangering national security.

In particular, Division 1 of Part 6 of the SNSO provides for offences relating to external interference endangering national security. Under section 52 of the SNSO, a person (including any organisation) who, with intent to bring about an interference effect, collaborates with an external force to do an act and uses improper means when so doing the act commits an offence of "external interference endangering national security". The elements of this offence are clearly defined in sections 53 to 55. "Bringing about interference effect" covers influencing the executive authorities, the legislature and the judiciary in performing functions, interfering with an election, prejudicing the relationship between the Central Authorities and the HKSAR, the relationship between the HKSAR and any foreign country, etc. "Collaborating with external force" covers the circumstance that a person does the act with the financial contributions, or the support by other means, of an external force. "Using improper means" covers the making of a material misrepresentation, the commission of acts of violence or acts constituting criminal offences, etc.

In addition, Division 2 of Part 6 of the SNSO has improved the mechanism

originally provided for in the Societies Ordinance for prohibiting organisations endangering national security from operating in the HKSAR. Under section 60, if the Secretary for Security reasonably believes that it is necessary for safeguarding national security to prohibit the operation or continued operation of an organisation, or if a local organisation is a political body and has a connection with a political organisation of an external place (including the acceptance of financial contributions or substantive support by other means from a political organisation of an external place), the Secretary for Security may prohibit the operation or continued operation of the organisation in the HKSAR. In addition, the mechanism for prohibiting organisations endangering national security from operating in the HKSAR also applies to any organisation which is established outside the HKSAR but is related to the HKSAR. For example, a person in the HKSAR conducts activities in the HKSAR under the control, supervision or direction of that organisation; or that organisation provides financial contributions, or aid of other kinds to any person in the HKSAR.

The HKSAR Government has all along been committed to resolutely, fully and faithfully implementing the HKNSL, the SNSO, and other laws of the HKSAR relating to safeguarding national security, with a view to effectively preventing, suppressing and punishing acts and activities endangering national security in accordance with the law. If any individual or organisation is suspected of committing an offence endangering national security, the law enforcement agencies will take decisive actions to enforce the law and pursue their legal liabilities in accordance with the law, and will not allow them to evade justice. The HKSAR Government's actions to safeguard national security have all along been taken in strict accordance with the statutory procedures and relevant laws.

Safeguarding national security is a top priority for the HKSAR and the most important task of the HKSAR Government. Details of relevant efforts of the HKSAR is information about the work on safeguarding national security and therefore cannot be disclosed.