

# Chief Executive in Council orders Registrar of Companies to strike Alliance off Companies Register

The Chief Executive in Council (CE-in-C) today (October 26) ordered the Registrar of Companies to strike the Hong Kong Alliance in Support of Patriotic Democratic Movements of China off the Companies Register pursuant to section 360C(1) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32).

The CE-in-C made the order upon considering the matters set out in the initial recommendation of the Commissioner of Police and relevant information enclosed therein, the views of the Secretary for Security, and representations submitted by the Alliance and by one of its directors.

The CE-in-C noted that, amongst other matters, the relevant evidence demonstrates that the Alliance has always maintained and promoted its five operational goals, including "ending one-party dictatorship", the objective meaning of which, particularly when reading it in context against all relevant information, is to end the leadership of the Communist Party of China (CPC), and that the Alliance has been actively and persistently engaging in activities that promote its five operational goals.

Under the Constitution of the People's Republic of China (Constitution), the socialist system under the leadership of the CPC is the fundamental system of the People's Republic of China (PRC). The CPC exercises leadership over the body of central power and all state organs of the PRC. Article 22 of the Hong Kong National Security Law prohibits subversion, which means organising, planning, committing or participating in, amongst others, the act of overthrowing or undermining the basic system of the PRC established by the Constitution and overthrowing the body of central power of the PRC, by force or threat of force or other unlawful means, with a view to subverting the state power.

The CE-in-C agreed with the views of the Commissioner of Police and the Secretary for Security that the operation of the Alliance which seeks to end the leadership of the CPC amounts to seeking to overthrow the basic system of the PRC established by the Constitution with a view to subverting the state power of the PRC, which would inevitably threaten or undermine the PRC's ability to safeguard national security and to maintain public safety and public order.

In all the circumstances, the CE-in-C was satisfied that if the Alliance were a society in respect of which the Societies Ordinance (Cap. 151) applied, it would be liable to have its operation or continued operation prohibited by the Secretary for Security under section 8 of the Ordinance and that it is necessary in the interests of national security, public safety and public order to prohibit the operation or continued operation of the

Alliance.

A government spokesman stressed, "Safeguarding national security is a matter of fundamental importance. Prohibition of the operation of the Alliance is a necessary and proportionate restriction on the rights to freedom of association and freedom of speech or expression. With a view to minimising the risks of endangering national security that the Alliance may bring about, so as to effectively prevent and suppress the occurrence of acts and activities endangering national security as required under the Hong Kong National Security Law, there is a practical need for the Government to take speedy measures in accordance with the law."

Section 360C(1) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance provides that if the CE-in-C is satisfied that a company formed and registered under the Companies Ordinance (Cap. 622) or any former Companies Ordinance would, if it were a society in respect of which the Societies Ordinance applied, be liable to have its registration or exemption from registration cancelled under section 5D of the Societies Ordinance or its operation or continued operation prohibited by the Secretary for Security under section 8 of the Societies Ordinance, the CE-in-C may order the Registrar of Companies to strike such company off the Companies Register.

According to section 8(1)(a) of the Societies Ordinance, the Societies Officer may recommend to the Secretary for Security to make an order prohibiting the operation or continued operation of the society or the branch if he reasonably believes that the prohibition of the operation or continued operation of a society or a branch is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others.