

HKSAR Government strongly disapproves of and condemns extremely misleading report by BBC on Safeguarding National Security Ordinance

The Hong Kong Special Administrative Region (HKSAR) Government today (March 27) strongly disapproved of and condemned the British Broadcasting Corporation (BBC)'s extremely misleading report about remission of sentence under the new Safeguarding National Security Ordinance (the Ordinance) and the fact-twisting remarks made by anti-China organisations and wanted persons having absconded overseas. It is necessary for the HKSAR Government to make a clarification to set the record straight.

A spokesman for the HKSAR Government emphasised that no matter whether before or after the Ordinance comes into effect, the granting of early release is never a necessary right to prisoners. It is the duty of the Commissioner of Correctional Services to strictly enforce any prison sentence imposed by the court on each prisoner. Any discretion to grant early release of prisoners must be exercised in accordance with the law. The spokesman said, "There have been cases in which prisoners convicted of offences endangering national security absconded or continued to carry out acts and activities endangering national security when they were granted early release under supervision. In order to safeguard national security and protect the public, it is necessary to impose more stringent restrictions on the granting of early release to prisoners involved in offences endangering national security. This arrangement will not change the sentences imposed by the court on persons who have committed offences endangering national security. As such, it is not a question of whether this will in effect increase the sentences," the spokesman said.

"The Safeguarding National Security Ordinance makes amendments to the Post-Release Supervision of Prisoners Ordinance and the Post-Release Supervision of Prisoners Regulation: If a prisoner serves a sentence in respect of the prisoner's conviction of an offence endangering national security, the Commissioner of Correctional Services must not refer the case to the Post-Release Supervision Board for consideration, unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security. Similarly, the Ordinance also makes amendments to the Prison Rules, providing that if a prisoner serves a sentence in respect of the prisoner's conviction of an offence endangering national security, the prisoner must not be granted remission unless the Commissioner of Correctional Services is satisfied that the prisoner being granted remission will not be contrary to the interests of national security," the spokesman explained.

"The relevant requirements are applicable to all prisoners serving their sentences in respect of their convictions of offences endangering national

security, irrespectively of whether they were sentenced before, on or after the effective date of the amendments. The enforcement of sentences has always been under the purview of the executive authorities. The Commissioner of Correctional Services will enforce the relevant provisions and exercise discretion in strict accordance with the power vested by the law after taking into account the actual circumstances and all related factors of each case, including representations by the persons in custody, in order to ensure all cases are fairly dealt with."

The spokesman said, "The BBC cited accusations by anti-China organisations while turning a blind eye to the United Kingdom's Terrorist Offenders (Restriction of Early Release) Act 2020 which tightens the threshold for eligibility for the parole of offenders convicted of terrorist offences, demonstrating complete double standards. The HKSAR Government strongly condemns their act."