

HKSAR Government strongly disapproves of and condemns extremely misleading report on Basic Law Article 23 legislation in The Times

The Hong Kong Special Administrative Region (HKSAR) Government today (March 12) strongly disapproved of and condemned The Times' extremely misleading report headlined "Hongkongers to be jailed for keeping old newspapers". The HKSAR Government considered it necessary to clarify to set the record straight.

A spokesman for the HKSAR Government said, "Not only is the report extremely misleading, its headline is also completely wrong, which misleads people into believing that one can be imprisoned for possessing certain old newspapers, thereby generating panic among members of the public."

As a matter of fact, according to the relevant provisions on offences in connection with seditious intention in the Safeguarding National Security Bill, a person commits an offence only when he or she possesses a publication that has a seditious intention without reasonable excuse. Whether a publication has a seditious intention will have to be determined after all relevant circumstances are taken into consideration, including the context and purpose of the publication. Relevant provisions of the Bill also stipulate circumstances that do not constitute a seditious intention. As regards the offence of possessing a publication with a seditious intention, the prosecution has to prove that the defendant possesses the publication concerned without reasonable excuse before the defendant may be convicted by the court. It is not possible for a person who does not know that the publication concerned has a seditious intention to be convicted.

The spokesman continued, "Representatives of the HKSAR Government have given multiple examples to illustrate what is meant by 'reasonable excuse' at the Legislative Council Bills Committee meeting. The provisions on the proposed offence are clear. Members of the public will not unwittingly violate the law. It is incumbent upon The Times to ensure that reports concerning the Basic Law Article 23 legislation of the HKSAR are fair and just, and stop making scaremongering remarks."