

HKSAR Government strongly disapproves of and rejects US Government's biased and misleading remarks on Basic Law Article 23 legislation

The Hong Kong Special Administrative Region (HKSAR) Government today (February 29) strongly disapproved of and rejected the biased and misleading remarks made by the United States (US) Government about the Basic Law Article 23 legislation (Article 23 legislation).

A spokesman for the HKSAR Government said, "The US was found conducting long-term covert surveillance around the world and even against the governments of multiple countries. A former US national security advisor even publicly admitted that he helped plan coups in foreign countries. It is simply unconvincing for the US Government to comment at this juncture on the HKSAR's legislative proposals for safeguarding national security, especially those on offences relating to 'state secrets' and 'external interference'."

"The practice of providing for proportionate extraterritorial effect for offences endangering national security fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions. The national security laws of the US and many other countries have extraterritorial effect. A lack of extraterritorial effect in the relevant laws in safeguarding national security is tantamount to condoning activities endangering national security carried out by ill-intentioned people overseas. Therefore, extraterritorial effect is an essential component of national security laws. The US even often abuses 'long-arm jurisdiction' and unilateral sanctions to target residents of other countries. The smears by the US Government on the extraterritorial effect of the Article 23 legislation are simply untenable.

"Moreover, the HKSAR Government has pointed out publicly time and again that the proposed offences relating to 'state secrets' and 'external interference' have multiple conditions. It is necessary to meet all the relevant conditions concurrently before the offence concerned is committed, and hence it is impossible for anyone to violate the law unwittingly. In formulating the relevant offences and drafting the bill, we will target acts endangering national security with precision and ensure that the elements and penalties of the relevant offences are defined with clarity.

"Furthermore, the HKSAR law enforcement agencies have been taking law enforcement actions (including arrest and detention) based on evidence and strictly in accordance with the law in respect of the acts of the persons or organisations concerned, and have nothing to do with the background or political stance of the person or organisation.

"To safeguard national sovereignty, security and development interests

is the top priority of the principle of 'one country, two systems'. To legislate on Article 23 is precisely for safeguarding national sovereignty, unity and territorial integrity; and ensuring the full and faithful implementation of the principle of 'one country, two systems' under which the people of Hong Kong administer Hong Kong with a high degree of autonomy. It will also better safeguard the fundamental rights and freedoms of the residents of the HKSAR and other people in the city. The US should immediately stop making irresponsible remarks on the Article 23 legislation and interfering in Hong Kong affairs which are internal affairs of China," the spokesman stressed.