

HKSAR Government strongly opposes resolution of European Parliament

â€‹The Hong Kong Special Administrative Region (HKSAR) Government today (April 25) strongly opposed the so-called resolution adopted by the European Parliament against Hong Kong, and strongly condemned the Parliament for making baseless allegations about Hong Kong and smearing the Hong Kong National Security Law (NSL) and the Safeguarding National Security Ordinance (the Ordinance), so as to set the record straight.

A spokesman for the HKSAR Government said, "It is the constitutional duty of the HKSAR to safeguard national security. In accordance with international law and international practice based on the Charter of the United Nations, safeguarding national security is an inherent right of all sovereign states. Many common law jurisdictions, including western countries such as the United States, the United Kingdom, Canada, Australia and New Zealand, as well as Singapore, have enacted multiple pieces of legislation to safeguard national security. Turning a blind eye to the fact and making exaggerated remarks, the Parliament has demonstrated typical political hegemony and hypocrisy with double standards."

"The NSL and the Ordinance clearly specify that the rights and freedoms enshrined in the Basic Law, as well as the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, are to be protected in accordance with the law. The European Parliament neglected the relevant provisions and lashed out wantonly, fully exposing its malicious intentions."

"The offences endangering national security stipulated by the Ordinance target acts endangering national security with precision, and define the elements and penalties of the offences with clarity. The prosecution has the burden to prove beyond reasonable doubt that the defendant had the actus reus and mens rea of an offence before the defendant may be convicted by the court. The Ordinance will not affect normal business operations and normal worldwide exchanges of local institutions, organisations and individuals. Law-abiding persons (including personnel, organisations and enterprises from the European Union and its member states) will not engage in acts and activities endangering our national security and will not unwittingly violate the law."

"Extraterritorial effect for the offences endangering national security under the NSL and the Ordinance fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions. It is both necessary and legitimate, and is also in line with those of other countries and regions around the world. It can be seen that the national security laws of various countries, including the member states of the European Union, also have extraterritorial effect under the 'personality principle' and the 'protective principle'. In

formulating the extraterritorial effect under the Ordinance, we have already taken into account the principles of international law and international practice of state jurisdiction, as well as the nature of the offences," the spokesman emphasised.

"It is clear that safeguarding national security falls within the internal affairs of a sovereign jurisdiction, so the implementation of the NSL and the Ordinance should be free from any form of intervention. As a matter of fact, during the public consultation of the Basic Law Article 23 legislation, 98.6 per cent of the submissions of opinions showed support and gave positive comments, reflecting a strong consensus in society for the legislation, and it is also the aspiration of the people. The European Parliament blatantly clamoured for so-called 'sanctions' against HKSAR personnel who dutifully safeguard national security. The HKSAR Government strongly condemns its political grandstanding rife with ill intentions, which have been seen through by all."

"As the legal proceedings involving Lai Chee-ying are still ongoing, it is inappropriate for any person to comment on the details of the case. We emphasised that all cases (including the relevant case) are handled strictly on the basis of evidence and in accordance with the law. All defendants will receive fair trial strictly in accordance with laws applicable to Hong Kong (including the NSL) and as protected by the Basic Law and the Hong Kong Bill of Rights," the spokesman also pointed out.

"Any attempt by any country, organisation, or individual to interfere with the judicial proceedings in the HKSAR by means of political power or media or any other means, thereby resulting in a defendant not being able to have a fair trial that one should receive, is a reprehensible act undermining the rule of law of the HKSAR."

"Following the successful enactment of the Ordinance, the shortcomings in the legal system and enforcement mechanisms for the HKSAR to safeguard national security are addressed. We must once again emphasise that the Ordinance is a piece of legislation to defend against external forces that endanger our national security, acting like a sturdier door and a more effective door lock to defend our home. The HKSAR Government strongly urges the European Parliament to stop smearing and interfering in Hong Kong affairs which are internal affairs of China and ensure that their remarks concerning the NSL and the Ordinance are fair and just, and stop making scaremongering remarks," the spokesman reiterated.