

LCQ1: Societal, law and order, and economic changes after implementation of National Security Law

Following is a question by the Hon James To and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 18):

Question:

It has been reported that with the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region coming into operation on June 30 this year, aspects of Hong Kong such as economy, rule of law and freedom, as well as society have shown accelerated changes. In this connection, will the Government inform this Council, since the beginning of this year:

(1) of the countries which have implemented economic sanction measures on Hong Kong (including the revocation of preferential treatments); the bilateral economic and trade agreements the signing or implementation of which has been deferred, or which have been suspended or rescinded; the foreign technology groups or electronic data storage providers which have denied access of the Securities and Futures Commission to their clients' financial data stored at data centres; the international economic and trade, cultural and educational exchange programmes organised with Hong Kong which have been suspended (set out in a table);

(2) of the bilateral judicial agreements (including agreements on surrender of fugitive offenders and legal assistance) the signing or implementation of which has been deferred, or which have been suspended or rescinded; the overseas TechNet companies which have suspended the processing of the Hong Kong Police's requests for seeking users' information; the changes in Hong Kong's global rankings in terms of rule of law and freedom in the past 12 months; and

(3) of the respective numbers of Hong Kong people who have applied for Certificates of No Criminal Conviction on grounds of emigration and pursuing further studies, as well as the respective numbers of university, secondary school and primary school students who have dropped out (with a breakdown by reasons); how such figures compare with the figures for the same periods in the past two years; whether it has estimated if such figures will continue to rise in future, and assessed the impacts of such trend on the development of Hong Kong?

Reply:

President,

Having consulted the Department of Justice, the Commerce and Economic Development Bureau, the Financial Services and the Treasury Bureau, the Education Bureau, the Constitutional and Mainland Affairs Bureau and the Home Affairs Bureau, my consolidated reply to the Member's question is as follows:

It is the common and international practice for various countries in the world to safeguard national security through legislation. As national security falls within the purview of the Central Authorities, our country has the right to legislate for the matter. The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) establishes effective legal system and enforcement mechanisms for safeguarding national security in Hong Kong, solidifying and strengthening the "One Country, Two Systems" principle, Hong Kong people administering Hong Kong, and a high degree of autonomy. The National Security Law clearly stipulates that human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region (HKSAR), and that the legitimate rights and freedoms which residents enjoy shall be protected. The freedoms and rights enjoyed by residents under the Basic Law remain intact; and the judicial independence remains totally unchanged. The implementation of the National Security Law has reverted the chaotic situation involving conspiracy to attain "Hong Kong Independence" and serious violence in the past year, and restored stability in Hong Kong, increasing the confidence in Hong Kong, and thereby allowing the city to resume its normal operation and return to the path of development.

Some countries have a large number and broad variety of national security laws, but have adopted unreasonable targeted measures against the HKSAR using the National Security Law as an excuse for political purpose. In respect of bilateral judicial agreements, such measures include suspending the operation or halting the ratification of the agreements on surrender of fugitive offenders (SFO Agreements) with the HKSAR, and terminating the Transfer of Sentenced Persons Agreement. In particular, the United States (US) unilaterally suspended the implementation of its SFO Agreement with the HKSAR, and terminated the Transfer of Sentenced Persons Agreement with Hong Kong. The Fulbright Hong Kong Research Scholar Award Programme has also been suspended by the US. The US also announced on its own a new requirement in respect of changing the origin marking of Hong Kong products to "China" in August, and also tightened export control on Hong Kong. The US will also terminate the Agreement concerning Tax Exemptions from the Income Derived from the International Operation of Ship on January 1 next year.

The HKSAR Government strongly objects to the bullying acts of the US. Regarding the unreasonable arrangement in respect of the origin marking of Hong Kong products, the HKSAR Government formally launched on October 30 the procedures under the Dispute Settlement Mechanism of the World Trade Organization. Moreover, the HKSAR Government, in accordance with the instruction of the Central People's Government, has suspended the implementation of the SFO Agreement and agreement on mutual legal assistance in criminal matters with the US.

As for bilateral economic and trade, no agreement has been suspended or terminated due to the implementation of the National Security Law, and no international economic and trade exchange or cultural programme has been suspended.

Regarding the rule of law, Hong Kong has been ranking among the world's best in the international rankings in respect of the rule of law since reunification. Despite the series of serious violent events last June, the foundation of rule of law in Hong Kong remains intact, and has been reflected in multiple rankings; for example, the rankings in areas concerning the rule of law in the Rule of Law Index 2020 released by the World Justice Project and the World Competitiveness Yearbook 2020 published by the International Institute for Management Development have not undergone much change.

That said, violent riots since June 2019 indeed undermined the law and order and public safety of Hong Kong, thus affected the ranking of Hong Kong concerning law and order. The series of serious violent events since June last year upset the law and order and safety which Hong Kong had enjoyed over the years. Rioters set fire, extensively vandalised properties, recklessly assaulted people of opposite stances, and took laws in their own hands. The media was loaded with fake and misleading information, discrediting the work of the Police, resulted in unprecedented difficulties and challenges which the Police faced in law enforcement. Manpower resources of the Police were also tight due to the need to deal with a large number of violent events. Coupled with interference and support from external forces for such violent acts, personal safety in Hong Kong suffered unparalleled impairment and threat. In essence, the violent riots are the root cause leading to the fall in the overall ranking concerning law and order.

Regarding the ranking concerning freedom mentioned in the question, we are not aware of any new ranking report published in relation to the National Security Law.

On the collection of users' information of overseas website, the Police will, based on practical need, request relevant individuals/organisations (including local and overseas) to provide information, and may exercise applicable powers conferred by the law. If any individual/organisation does not conform to the legal requirements, the Police will handle the matter according to the relevant laws. In Hong Kong, every individual and organisation is regulated by the laws of Hong Kong, and nowhere is above the law. Regarding the Securities and Futures Commission, no direct contact has been made with technology companies or electronic data storage providers regarding client information.

As regards the number of application for the Certificate of No Criminal Conviction (CNCC), from 2017 to 2019, the number of applications were about 22 000, 23 000 and 33 000 respectively. Apart from emigration, the purposes of applying for CNCC also include overseas study, exchange visitors and adoption of children. The Hong Kong Police Force has not maintained information on the breakdown of applications by purpose.

In respect of education, under the existing mechanism, primary and secondary schools have to report their students' non-attendance and departure cases to the Education Bureau (EDB). As cases of students' departure involve different factors and some students may resume schooling later, we are not able to provide information on the number of students withdrawing from schools.

As regard universities, according to the information provided by University Grants Committee (UGC)-funded universities, the numbers of students who discontinued their studies of UGC-funded programmes in the 2016/17, 2017/18 and 2018/19 academic years remained at around 1 900. Details are at Annex.

The decision to discontinue studies may be due to a number of reasons, including employment, family factors, health reasons, going to a different school/institution, financial difficulties, academic performances, etc. The EDB does not speculate on the number of future discontinuation cases. Our local universities have a solid foundation in terms of academic standards and are well regarded internationally. The EDB will continue to support them in nurturing quality talents for the development of Hong Kong.

The implementation of the National Security Law has reverted the chaotic situation in Hong Kong in the past year, whereby violent acts have substantially reduced, external forces are observed to have diminished, and advocacy of "Hong Kong Independence" continues to subside. With people's lives returning to normal, our economy and people's livelihood can revive (except for the reason of the epidemic). The National Security Law has stopped chaos and restored order in Hong Kong, ensuring the smooth and continuous implementation of "One Country, Two Systems" and the long-term prosperity and stability of Hong Kong.

Thank you President.