

LCQ13: Promotional work on Safeguarding National Security Ordinance

Following is a question by Dr the Hon Kennedy Wong and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (June 26):

Question:

The Department of Justice stated earlier that it would explain and promote the Safeguarding National Security Ordinance (SNSO) to local and international communities in collaboration with relevant policy bureaux and enhance the understanding of SNSO among the public and different sectors of the community through various channels in a timely manner. Regarding the promotional work on SNSO, will the Government inform this Council:

(1) given that SNSO has taken effect for three months, of the relevant work undertaken by the Government to promote and explain SNSO to overseas countries, and whether the Government has at present a team dedicated to promoting SNSO to overseas countries; if so, of the details; if not, the reasons for that;

(2) given that some foreign media and politicians have made unfounded and misleading or scaremongering reports and remarks about SNSO, and it has been reported that a resigned overseas non-permanent judge of the Court of Final Appeal has recently written in foreign press to criticise Hong Kong's legislation on national security, how the relevant policy bureaux evaluate the impacts of the aforesaid reports and remarks on the image of Hong Kong's rule of law, and the corresponding countermeasures that have been taken; and

(3) of the specific operation of the work undertaken by relevant policy bureaux to explain and promote SNSO to local and international communities (including the government departments and the resources involved), and whether consideration will be given to working with the business sector to promote the positive messages regarding SNSO in another way of communication, and conducting the explanation work by means such as written articles and promotional clips; if so, of the details; if not, the reasons for that?

Reply:

President,

The Safeguarding National Security Ordinance (SNSO) (6 of 2024) took effect upon gazettal on March 23, 2024. As the Chief Executive had stated in public after the SNSO came into effect, the Government of the Hong Kong Special Administrative Region (HKSAR) will discharge the duties prescribed in the SNSO, which include the continued efforts to effectively explain the SNSO

and to conduct the relevant public education work. One of the key focuses of the work is to enable the overseas community and the local business sector to understand that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (HKNSL) and the SNSO, being compatible with and complementary to each other, have jointly established a comprehensive and effective legal system for safeguarding national security, cultivating for all sectors a more secure, liberal, open and expectable business environment which is fundamental to safeguarding the stability and prosperity of Hong Kong.

My reply to the three parts of the question raised by Member is as follows:

(1) and (3) Regarding the explanatory work overseas, the HKSAR Government will effectively carry out explanatory and publicity work at the international level through overseas visits by government officials and capitalising on the network of overseas Economic and Trade Offices (ETOs). During the overseas visits, the HKSAR government officials will proactively explain the actual situation of the HKSAR and highlight the institutional strengths and financial competitiveness of Hong Kong as an international financial and business hub. For instance, the Deputy Secretary for Justice attended the 55th regular session of the United Nations Human Rights Council on March 20 as a member of the Chinese delegation in Geneva, Switzerland, and spoke on the legislation on Article 23 of the Basic Law. He pointed out that each and every sovereign state has an inherent right to enact laws to safeguard its national security, refuted the double standards of relevant countries, and emphasised that the SNSO specifies that the rights and freedoms enshrined in the provisions of the two international covenants on human rights as applied to Hong Kong, are to be protected in accordance with the law. The Deputy Secretary for Justice also took the initiative to meet with certain individuals and media of the international community who were concerned about the SNSO before and after the meeting to clarify some inaccurate remarks and twisted facts about the SNSO. In April, the Secretary for Financial Services and the Treasury visited the United States to explain to the business and academic sectors thereat Hong Kong's latest development in financial services, and to point out that under the protection of the HKNSL and the SNSO, Hong Kong is capable to offer investors a secure and stable environment. In addition, the Security Bureau has continued to maintain close contact with the ETOs and provided them with reference information and publicity materials to facilitate their explanation to the overseas political and business sectors regarding the content of the SNSO and the actual situation in Hong Kong in their daily operation and on suitable occasions. The ETOs have been closely monitoring the comments made by local individuals and media in their host countries on the affairs of Hong Kong and made prompt clarifications. The ETOs have also met with the relevant media and taken the initiative to write to them to rebut biased reports on Hong Kong to set the record straight. The ETOs will continue to explain the actual situation of Hong Kong to the relevant stakeholders and tell good stories of Hong Kong.

To counter the malicious attacks and smears by external forces, the

HKSAR Government has specifically established the Response and Rebuttal Team led by the Secretary for Security at the beginning of the legislative exercise of the SNSO with the primary aim of providing timely rebuttals against smears. Exemplary results have been achieved. After the SNSO came into effect, external forces have, from time to time, smeared and made misleading remarks on the HKNSL, the SNSO and the HKSAR's work on safeguarding national security. Leveraging the experience of the Response and Rebuttal Team, the HKSAR Government will continue to deal with unjustified smears and make clarifications and rebuttals in a prompt and forceful manner.

Besides, since the beginning of the legislative exercise of the SNSO, the HKSAR Government has proactively reached out to the foreign chambers of commerce and consulates in Hong Kong to explain to them the content of the SNSO, with a view to reflecting the actual situation of Hong Kong to the international community through them. In this regard, the Department of Justice held the National Security Legal Forum (Legal Forum) themed "Looking Back and Ahead, New Dawn for Development" on June 8 this year to explain in depth how the SNSO comprehensively and effectively safeguards national security in Hong Kong in accordance with the rule of law principle, while at the same time fully respects and protects human rights. It also brought out that the extra-territorial effect of the prohibited acts and relevant offences is squarely in line with the principles of international law, the international practice and the common practices in various countries and regions. The Legal Forum attracted about 1 000 guests and participants, including a number of consular officers and representatives of foreign chambers of commerce.

As regards publicity targeting the local business sector, since the SNSO came into effect upon gazettal, principal officials including the Secretary for Justice, the Deputy Secretary for Justice and the Secretary for Security have been explaining its content on various occasions. They have reached out to different sectors of the community, attended various media interviews, and attended a number of talks and seminars on national security organised by political parties, societies, chambers of commerce, etc, to enhance the understanding of the SNSO among different sectors. On the National Security Education Day (April 15) of this year, the HKSAR Government invited the Trade Development Council and the Hong Kong General Chamber of Commerce to participate in a seminar titled "Security is a pre-requisite for development: The remarkable implication of the passage of the Safeguarding National Security Ordinance", with a view to informing the business sector of how the SNSO could further strengthen international trade development and create positive impacts on the business environment under the "dual legislation and dual enforcement mechanism".

Looking ahead, the HKSAR Government will continue to collaborate with different stakeholders (including the business sector) to understand the concerns of various sectors on the implementation of the SNSO and take forward the publicity work through various means such as publication of articles and promotional videos.

(2) The rule of law in Hong Kong is strong and robust, and withstands the test of time. The judicial system of the HKSAR is safeguarded by the Basic

Law. According to Articles 2, 19 and 85 of the Basic Law, the HKSAR shall be vested with independent judicial power, including that of final adjudication; the courts shall exercise judicial power independently, free from any interference. Everyone charged with a criminal offence has the right to a fair hearing. All judges and judicial officers abide by the Judicial Oath and administer justice strictly in accordance with the evidence and all applicable laws, without fear or favour, self-interest or deceit.

As regards a recent article published by a former Non-Permanent Judge of the Court of Final Appeal, which contained utterly wrong remarks on the rule of law and the independent judicial power of the HKSAR, the HKSAR Government promptly issued a written statement containing detailed response in the early hours of June 11. The Chief Executive also made response at the media session before the Executive Council meeting on the same day. Subsequently, the Chief Secretary for Administration and the Secretary for Justice also stressed that the rule of law, the judicial system as well as the independent judicial power and final adjudication of the HKSAR are based on the institutional safeguards of the Basic Law and are the fruits of the collaborative efforts of the judiciary and the legal profession in Hong Kong over the years, which cannot be altered by the stance of any individuals.