

LCQ2: Hong Kong Alliance

Following is a question by the Hon Alice Mak and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (October 20):

Question:

It has been reported that the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Hong Kong Alliance) is alleged to have upheld subversive agenda, colluded with foreign forces and received subsidies from such forces, and that its principal person-in-charge had blatantly called on foreign governments to impose sanctions on Hong Kong officials. On August 25 this year, the Hong Kong Police Force's National Security Department demanded, under Schedule 5 to the Implementation Rules for Article 43 of the National Security Law, the Hong Kong Alliance to provide specified information on its activities carried on in Hong Kong as a foreign agent, but the demand was refused. Subsequently, a number of standing committee members of the Hong Kong Alliance were arrested and the Alliance passed on September 25 a special resolution for voluntary winding up. In this connection, will the Government inform this Council:

(1) how the law enforcement agencies will follow up the fund transfers of the Hong Kong Alliance to facilitate investigations into whether the associations connected with the Hong Kong Alliance have engaged in illegal activities;

(2) whether the law enforcement agencies will fully pursue the liabilities of members of the Hong Kong Alliance for the alleged offences such as subversion and collusion with a foreign country or external elements to endanger national security, as a warning to others; and

(3) as the Security Bureau has indicated that it is planning to recommend that the Chief Executive-in-Council exercise the power under the Companies (Winding Up and Miscellaneous Provisions) Ordinance to order the Registrar of Companies to strike the Hong Kong Alliance off the Companies Register, of the progress of the relevant work?

Reply:

President,

Hong Kong is a society that upholds the rule of law. Every person or organisation must abide by the law, including the Hong Kong National Security Law. As I have reiterated time and again on different occasions, no one is above the law, or could anyone break the law without facing legal consequences. The Hong Kong Special Administrative Region (HKSAR) Government has always acted in accordance with the law, and handled matters relating to the conduct and operation of local organisations according to the law.

The long-standing position of the HKSAR Government is to act in accordance with the law by following the principle that "laws are observed and strictly enforced, so as to bring offenders to account". Should any individual organisation or its members be suspected of engaging in illegal activities, the law enforcement agencies will definitely pursue their legal liabilities, and will not allow them to remain at large. In particular, acts and activities that endanger national security may bring very serious consequences and hence actions must be taken to prevent and suppress such acts and activities, with a view to minimising the risks which organisations or individuals endangering national security may bring about.

My consolidated reply to the Hon Mak's question is as follows:

The Hon Mak is concerned that the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) and related individuals are suspected of committing offences that endanger national security. The HKSAR Government has taken a series of law enforcement actions pursuant to the Hong Kong National Security Law and the Implementation Rules thereunder, including:

(a) charging the Alliance and three related individuals with the offence of "incitement to subversion" under Articles 22 and 23 of the Hong Kong National Security Law;

(b) requiring the Alliance to provide information pursuant to Schedule 5 of the Implementation Rules, and upon its non-compliance with the requirement to provide information, charging five related individuals with the offence of "failure to comply with notice to provide information"; and

(c) freezing the relevant interest in the premises held by the Alliance and its choses held against bank accounts pursuant to Schedule 3 of the Implementation Rules.

Any law enforcement actions that we take are based on evidence, strictly according to the law, and for the acts of the persons or entities concerned. As legal and judicial proceedings in connection with the above law enforcement actions taken against the Alliance have commenced, and to avoid prejudicing further investigations and enforcement actions that may need to be taken in future, it is not appropriate for us to disclose any further details.

Regarding the Member's concern about other organisations having connection with the Alliance and the movement of funds, I must point out that the Hong Kong National Security Law has clear provisions regarding the provision of pecuniary or other financial assistance or property for the commission by other persons of the offences stipulated in the Hong Kong National Security Law, in order to combat offences including secession, subversion, and collusion with a foreign country or with external elements to endanger national security. In addition, the law enforcement agencies can also conduct investigation and prosecution against money laundering, fraud and other illegal activities in accordance with various ordinances including

the Organized and Serious Crimes Ordinance and the Theft Ordinance. We will continue to conduct investigation based on the circumstances of each case, including investigation into the use of the funds of the organisation concerned. We will also request for the provision of information or take other necessary actions pursuant to the powers under the Implementation Rules under the Hong Kong National Security Law and other relevant powers as and when required.

As regards the recommendation to the Chief Executive in Council (CE-in-C) to exercise the power stipulated under section 360C of the Companies (Winding Up and Miscellaneous Provisions) Ordinance to order the Registrar of Companies to strike the Alliance off the Companies Register, having considered the tentative recommendations and information submitted by the Commissioner of Police (CP), in accordance with the law, I am of the view that if the Alliance were a society in respect of which the Societies Ordinance applied, it would be necessary in the interests of national security, public safety and public order to prohibit its operation or continued operation under Section 8 of that Ordinance. In this regard, I earlier afforded the Alliance and its directors an opportunity to make written representations as to why the Alliance should not be struck off from the Companies Register pursuant to section 360C of the Companies (Winding Up and Miscellaneous Provisions) Ordinance. I have received the written representations concerned. My recommendation, together with the recommendation and information submitted by the CP as well as the written representations received, will be considered by the CE-in-C in totality under the Companies (Winding Up and Miscellaneous Provisions) Ordinance.

President and Honourable Members, I wish to point out that the actions I mentioned above and other law enforcement actions against those organisations and individuals suspected of endangering national security since the implementation of the Hong Kong National Security Law underline our determination in safeguarding national security. Apart from the Alliance passing the resolution for winding up on its own initiative, many individuals or organisations endangering national security have announced one after another their resignation, cessation of operation and even disbandment. The risks in endangering national security that they pose have been greatly reduced, and Hong Kong has overall speaking restored order from chaos. Of course, we will not let our guard down, and will remain highly vigilant on the incitement, infiltration and provocation of domestic "lone-wolf" terrorist attacks by those advocating "Hong Kong independence" using "soft resistance" means. The Police will continue to step up intelligence collection, and will take decisive enforcement actions against contents and messages that spread hatred, advocate violence, and incite and encourage terrorism.

I must also reiterate that an organisation and its members, regardless of their background, shall remain criminally liable for the offences they have committed, notwithstanding its disbandment or the resignation or abscondment of its members. The Police will continue to spare no efforts in pursuing the legal liabilities of any organisations and individuals violating the Hong Kong National Security Law or other ordinances of Hong Kong.

Thank you, President.