

LCQ2: Pursuing legal liabilities of Civil Human Rights Front

Following is a question by Dr the Hon Junius Ho and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (September 29):

Question:

During the riots in 2019, the Civil Human Rights Front (CHRF) initiated a number of assemblies and processions. It has been reported that despite the CHRF's repeated claims that it was organising such activities under the principle that they should be "peaceful, rational and non-violent", the protesters shouted slogans that advocated violent opposition from time to time during such activities, and there were often protesters committing acts of violent attacks after such activities had ended, leading quite a number of young people astray to break the law. Moreover, the CHRF has been suspected of laundering money, colluding with foreign forces and violating the Hong Kong National Security Law. Following the CHRF's announcement of its disbandment on the 15th of last month, the Police issued a statement indicating that they were following up the CHRF's suspected offences of violating the Societies Ordinance, and would continue to pursue whether any organisation and person had violated the Hong Kong National Security Law and other Hong Kong laws. In this connection, will the Government inform this Council:

- (1) regarding the CHRF's suspected illegal acts, how the law enforcement agencies will pursue the relevant legal liabilities of its former successive convenors and office-bearers as well as its member organisations;
- (2) whether the law enforcement agencies will step up efforts to pursue, in accordance with the law, the liabilities of the aforesaid organisations and persons that advocated violence; and
- (3) whether the law enforcement agencies will undertake to expedite the handling of those cases on the illegal acts relating to the activities organised by the CHRF, lest the suspects concerned abscond overseas and escape justice?

Reply:

President,

Hong Kong is a society that upholds the rule of law. Every person or organisation must abide by the law. During the serious violence in 2019, there were a lot of unlawful acts advocating "Hong Kong independence" and violence. The saboteurs wantonly vandalised shops, MTR stations and other public facilities, hurled a large number of petrol bombs, set fires, stormed and vandalised the Legislative Council, damaged government offices and

buildings, and wilfully assaulted people holding different views. Shameless individuals willingly served as puppets of foreign forces, begging foreign countries for sanctions against China and the Hong Kong Special Administrative Region (HKSAR) in an attempt to achieve "mutual destruction". Some even plotted subversion against state power, posing grave threat to national security. The saboteurs' behaviours showed a total disregard of the law, threatening public order and public safety, trampling on the rule of law in Hong Kong, and seriously challenged the baseline of "one country, two systems".

Every one should be responsible for his or her own behaviour. If any person or organisation is suspected of violating the laws of Hong Kong, law enforcement agencies will hold the person or organisation concerned responsible in accordance with the law along the principle that "laws are observed and strictly enforced, and offenders are brought to book".

The reply to the question raised by the Hon Ho is as follows:

(1) The long-standing position of the HKSAR Government is to act in accordance with the law. 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 respect of the Civil Human Rights Front (CHRF) and relevant persons, as Members are aware, in April this year, the Societies Officer requested the CHRF to submit information on its members, activities, fund, etc. under section 15 of the Societies Ordinance. However, the organisation failed to submit the requested information to the Societies Officer within the specified period. The Police are now actively taking follow-up action on the organisation's suspected violation of the Societies Ordinance. In order not to affect the investigation or possible enforcement action in future, we are not in a position to disclose further details.

In addition, during the serious violence, the CHRF organised or took part in a number of unauthorised assemblies. The Police have been actively conducting investigation into these illegal acts and taking enforcement actions in this regard. For instance, a key member of the CHRF was prosecuted by the Police for organising and inciting others to take part in an unauthorised assembly in Kowloon in October 2019 and was subsequently convicted and sentenced to imprisonment by the court. On July 1, 2020, some members of the CHRF ignored the letter of objection issued by the Police and were prosecuted for holding unauthorised assemblies on Hong Kong Island. The judicial proceedings of the case concerned are on-going. The Police will continue to actively investigate into other relevant cases, and make arrests and initiate prosecutions at suitable junctures.

As regards the CHRF's earlier announcement of its disbandment, I must reiterate that an organisation and its members shall remain criminally liable for the offences they have committed, notwithstanding its disbandment or the resignation of its members. The Police will continue to spare no efforts in investigating if any organisation and person has violated the Hong Kong

National Security Law (HKNSL) or other laws of Hong Kong.

(2) In Hong Kong, every person or organisation must abide by the laws of Hong Kong, including the HKNSL. No one is above the law, or has the privilege to break the law without facing legal consequences. The HKSAR Government has always acted in accordance with the law, handling matters related to the conduct or operation of local organisations according to the law.

During the serious violence in 2019, there were a lot of unlawful acts advocating "Hong Kong independence" and violence. Such acts not only endangered public safety, but also threatened national security. Acts and activities that endanger national security can lead to very serious consequences. Hence, actions must be taken to prevent and suppress such acts and activities. Recently, we have taken a series of actions against some persons and organisations which are suspected of endangering national security in accordance with the law, and some organisations have announced their disbandment or cessation of operation one after another. Nevertheless, as I have mentioned before, the offences committed by these persons or organisations will not disappear just because of their disbandment, cessation of operation or resignation. We will not allow them to evade from the liabilities by such means.

We will continue to take actions against those persons and organisations which are suspected of endangering national security. We will take enforcement actions in accordance with the law when there is evidence, so that they will not have a chance to endanger national security.

(3) The HKSAR Government fully understands the concern of the Hong Kong community as to how the criminal liabilities of those suspected of breaking the law during the serious violence should be dealt with.

As regards the illegal acts relating to the serious violence in 2019, as at July 31, 2021, the Police arrested a total of 10 265 persons and 2 684 persons had been prosecuted. Among the 1 527 persons who have completed the judicial proceedings, 1 197 persons have to bear legal consequences (including 905 who have been convicted).

In fact, the Police and the Department of Justice (DoJ) have all along been actively following up on the criminal cases relating to the serious violence, with a view to handling the cases in an impartial, professional and swift manner and bringing the persons concerned to justice. The Police and DoJ will continue with the relevant work.

As regards that some persons involved in the case(s) have absconded overseas, the HKSAR Government strongly condemns any one seeking to evade legal liabilities. Absconding to avoid legal liabilities is a shameful act. Fearing of facing justice after breaking the law, choosing to run away by jumping bail, using various excuses such as so-called "exile" to avoid one's responsibility, and making false statements and making up excuses before the court to apply for bail are shameful, hypocritical and coward acts.

The HKSAR Government strongly condemns any person who supports or

harbours these absconders. These persons have turned a blind eye to the serious offences which the absconders are suspected to have committed, and have instead attempted to beautify these shameful acts of evading legal liabilities. They only see political dividends in disregard for justice and in contempt for the rule of law.

All persons who are wanted for prosecution of offences and have absconded from Hong Kong are fugitive offenders. The HKSAR Government will definitely pursue their criminal liabilities and make them face the sanctions of the law. The Police will, in light of the circumstances of each case, track down the whereabouts of the fugitive offenders through various means in accordance with the law and pursue them.

â€‹Thank you, President.