

LCQ5: Falun Gong organisation

Following is a question by the Hon Elizabeth Quat and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (July 7):

Question:

â€‹ In July 1999, the Central Authorities announced their determination that the Falun Gong organisation was an illegal organisation on grounds that the organisation, under the guise of religion, had in essence seriously disrupted social order and endangered national security, as well as decided that the organisation be outlawed and its activities be prohibited. However, for over two decades, the activities conducted by the local Falun Gong organisation in public places in various districts across the territory (including setting up street counters and staging exhibitions, distributing publications and conducting parades) have not been outlawed. Some members of the public are dissatisfied that the Falun Gong organisation has spread subversive opinions through such activities and caused obstruction to pedestrians. In this connection, will the Government inform this Council:

(1) if it has gained an understanding about the sources of funds for the local Falun Gong organisation, and about whether illegal fundraising activities and receipt of funding from outside the territory have been involved; if so, of the details; and

(2) whether it will outlaw the local Falun Gong organisation and ban its activities in Hong Kong; if so, of the details; if not, the reasons for that, and what measures are in place to prevent those organisations that the Central Authorities have decided to outlaw from conducting activities in Hong Kong?

Reply:

President,

â€‹ My consolidated reply to the Hon Quat's question is as follows:

â€‹ National security is an issue of top priority of the Hong Kong Special Administrative Region (HKSAR). Article 2 of the Hong Kong National Security Law stipulates that the provisions in Articles 1 and 12 of the Basic Law on the legal status of the HKSAR are the fundamental provisions in the Basic Law, i.e. the HKSAR is an inalienable part of the People's Republic of China; and shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government. Hence, no institution, organisation or individual in the HKSAR shall contravene the above two provisions in exercising their rights and freedoms.

â€‹ In Hong Kong, every person or organisation must abide by the laws of Hong Kong, including the Hong Kong National Security Law. No one is above the law, or has the privilege to break the law without facing legal consequences. The HKSAR Government always acts in accordance with the law, and handles matters related to the conduct or operation of local organisations according to the law.

â€‹ Since the implementation of the Hong Kong National Security Law, law enforcement agencies have been actively investigating in accordance with the law all organisations and persons suspected of breaching the Hong Kong National Security Law, with the aim to suppress and combat all acts and activities that endanger national security. In this connection, I must point out that the Hong Kong National Security Law has clearly stipulated that a person who organises, plans, commits or participates in any of the following acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence:

- (1) overthrowing or undermining the basic system of the People's Republic of China established by the Constitution of the People's Republic of China;
- (2) overthrowing the body of central power of the People's Republic of China or the body of power of the HKSAR;
- (3) seriously interfering in, disrupting, or undermining the performance of duties and functions in accordance with the law by the body of central power of the People's Republic of China or the body of power of the HKSAR; or
- (4) attacking or damaging the premises and facilities used by the body of power of the HKSAR to perform its duties and functions, rendering it incapable of performing its normal duties and functions.

â€‹ Generally speaking, we will not comment publicly on whether or not the operation of individual organisations violates the Hong Kong National Security Law. However, I want to stress a few principles, as follows:

â€‹ First, one of the purposes of the Hong Kong National Security Law is to prevent, suppress and impose punishment for the offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the HKSAR. Endangering national security is a very serious crime. We will handle such crimes seriously in accordance with the law in order to safeguard national security. In this regard, I must emphasise that Hong Kong citizens must disassociate themselves from institutions, organisations or individuals endangering national security (including those intending to commit subversion) and refrain from siding with them or providing pecuniary or other types of support. Otherwise, they may have to pay a heavy price.

â€‹ Second, Article 4 of the Hong Kong National Security Law clearly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR; the rights and freedoms which HKSAR residents enjoy under the Basic Law and 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, including the freedom of

association, shall be protected in accordance with the law. We must clearly point out that the relevant rights and freedoms are not absolute, and may be restricted for reasons of national security, public order (ordre public), etc., and shall not contravene the requirements under Articles 1 and 12 of the Basic Law.

Third, raising funds or receiving foreign funding to provide pecuniary assistance for acts or activities that endanger national security is a serious crime. Any funds raised must be used in compliance with the law. Law enforcement agencies will, in light of the actual circumstances, monitor and keep an eye on the operation of such funds. Enforcement actions will be taken against illegal acts in accordance with the law. Illegal acts may involve the following offences: (a) in breach of the offence of money laundering under the Organized and Serious Crimes Ordinance or the Drug Trafficking (Recovery of Proceeds) Ordinance, with a maximum penalty of 14 years' imprisonment; (b) in breach of the offence of fraud under the Theft Ordinance, with a maximum penalty of 14 years' imprisonment; and (c) in breach of the Hong Kong National Security Law by providing pecuniary or other financial assistance or property for the commission by other persons of the offences stipulated therein, including violating the offence under Article 23 by providing pecuniary or other financial assistance or property for the commission of subversion by other persons, or violating the offence under Article 29 by providing funding or other kinds of support for the commission of collusion with a foreign country or with external elements to endanger national security.

Fourth, any law enforcement actions taken by law enforcement agencies are based on evidence, strictly according to the laws of Hong Kong (including the Hong Kong National Security Law and other laws), for the acts of the institution(s), organisation(s) or individual(s) concerned, and have nothing to do with their political stance or background. If any institution, organisation or individual is involved in acts or activities endangering national security, law enforcement agencies will act strictly in accordance with the above principles.

As regards the Honourable Member's concern on the issue of proscribing a particular organisation and prohibiting its behavior and operation in Hong Kong, while it is our practice not to publicly comment on individual cases, I must stress that if the act of any institution, organisation or individual is regulated under the laws of Hong Kong, the Government will no doubt deal with it in accordance with the law with regard to the actual circumstances of the case and the relevant laws. For example, according to section 8 of the Societies Ordinance, the Secretary for Security may make an order to prohibit the operation or continued operation of a society if (a) it is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others; or (b) the society is a political body that has a connection with a foreign political organization or a political organization of Taiwan. A society whose operation has been prohibited by the Secretary for Security is an unlawful society. The Societies Ordinance has clearly provided for different offences in relation to unlawful societies to deal with the

relevant illegal acts, such as managing or assisting in the management of any unlawful society, attending a meeting of an unlawful society, paying money or giving any aid to or for the purposes of an unlawful society, etc.

â€‹ The Hong Kong National Security Law has been implemented for over a year. Chaos have stopped and order has been restored in Hong Kong. The society has largely returned normal. To ensure the smooth and continuous implementation of the "One Country, Two Systems" principle, we will strive to combat any acts and activities that endanger national security and spare no efforts in safeguarding national security by continuing to adopt the serious attitude that "laws are observed and strictly enforced, and offenders are brought to book".

â€‹ Thank you, President.