

Safeguarding National Security Bill to be gazetted tomorrow

The Chief Executive in Council has approved today (March 7) the gazettal tomorrow (March 8) and the introduction of the Safeguarding National Security Bill (the Bill) into the Legislative Council (LegCo), with a view to fully implementing the constitutional duty as stipulated under Article 23 of the Basic Law, the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security and the Hong Kong National Security Law, in order to ensure the effective safeguarding of national security as early as possible.

It is the constitutional duty of the Hong Kong Special Administrative Region (HKSAR) to safeguard national security. Article 23 of the Basic Law stipulates that the "Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies". The Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security (5.28 Decision), which was adopted on May 28, 2020, emphasised again that the "HKSAR must complete the national security legislation stipulated in the Basic Law of the HKSAR at an earlier date". Article 7 of the Hong Kong National Security Law also stipulates that the "Hong Kong Special Administrative Region shall complete, as early as possible, legislation for safeguarding national security as stipulated in the Basic Law of the Hong Kong Special Administrative Region and shall refine relevant laws".

The HKSAR Government conducted a public consultation on the Basic Law Article 23 legislation from January 30 to February 28 this year, during which 98.6 per cent of the views received showed support and gave positive comments, indicating that the legislation has a strong popular support. The Security Bureau and the Department of Justice have been steadfastly working at full steam and have completed the drafting of the Bill.

Besides being the constitutional duty of the HKSAR, there is also a genuine and urgent need to legislate for Article 23. The HKSAR has gone through the unbearable and painful experience of having our national security seriously threatened, especially during the Hong Kong version of "colour revolution" and "black-clad violence" in 2019. The geopolitics has become increasingly complex, and national security risks remain imminent. The means taken to endanger national security can come in many different forms and the threat can emerge all of a sudden. Therefore, the HKSAR Government must complete the legislative work as soon as possible to plug the national

security loophole. The earlier we complete the legislative work, the sooner we can guard against national security risks.

The Chief Executive, Mr John Lee, said, "To complete the legislative work as soon as possible, I have written to the President of the LegCo, setting forth that the Basic Law Article 23 legislation is the constitutional duty of the entire HKSAR, and hence both the Government and the LegCo have the responsibility and must spare no effort in getting the law enacted as soon as possible. In order to achieve the goal of completing the legislative work as early as possible, I have suggested the LegCo speedily commence the scrutiny of the Bill and consider such means as convening a special LegCo meeting for the First and Second Reading and convening Bills Committee meetings as early as possible, with a view to scrutinising the Bill and completing the legislative process at full speed."

"The HKSAR has to enact the Basic Law Article 23 legislation as soon as possible – the earlier the better. Completing the legislative work even one day earlier means we can more effectively safeguard national security one day earlier. The HKSAR can then focus its efforts on developing the economy, improving people's livelihood and maintaining the long-term prosperity and stability of Hong Kong," Mr Lee continued.