

Specification of seven absconders in respect of offences endangering national security and specification of measures applicable against relevant absconders under Safeguarding National Security Ordinance

The Secretary for Security exercised the powers conferred by sections 89(1) and 89(4) of the Safeguarding National Security Ordinance (6 of 2024) today (December 24) to specify seven persons who have absconded to the United States and Australia respectively and are subject to warrants of arrest issued by the court for being suspected of having committed offences endangering national security, and to specify the measures to be applied against the relevant absconders by notices published in the Gazette. Details are set out in G.N. (E.) 58 of 2024 and G.N. (E.) 59 of 2024.

These seven absconders have been engaging in acts and activities endangering national security overseas. Thus, the Police applied to the court for the warrants of arrest in accordance with the law and put female Kwok Fung-yee, male Yuan Gong-yi, male Kwok Wing-hang, male Hui Chi-fung and male Yam Kevin on the wanted list on July 3, 2023, and put female Hui Wing-ting and female Siu Joey on the wanted list on December 14, 2023. After the warrants of arrest were issued and before the specification was made, these seven absconders who fled to the United States and Australia respectively have not returned to Hong Kong to surrender themselves.

The four measures applicable to all seven relevant absconders include: "Prohibition against making available funds etc or dealing with funds etc", "Prohibition against certain activities in connection with immovable property", "Prohibition in connection with joint ventures or partnerships with relevant absconders" and "Cancellation of HKSAR passports etc". Moreover, two measures, namely "Suspension of qualification to practise" and "Temporary removal from office of director" are applicable to individual relevant absconders.

A Government spokesperson stressed that "These seven lawless wanted criminals are hiding in the United States and Australia and continue to blatantly engage in activities endangering national security, inciting secession, inciting subversion, and requesting foreign countries to impose 'sanctions' or blockade and engage in other hostile activities against the People's Republic of China and the Hong Kong Special Administrative Region (HKSAR). More so, they continue to collude with external forces to be covered for their evil deeds. It is therefore necessary to take such measures to strongly combat the acts of abscondment. Time had been given for these seven persons to return to Hong Kong for law enforcement and legal proceedings

before the measures were taken. However, these seven persons did not cherish the opportunity and did not return to Hong Kong to surrender themselves.

"Except under the authority of a licence granted by the Secretary for Security, any person, whether directly or indirectly, making available any funds or other financial assets or economic resources to a relevant absconder, including provision of funds to online platforms or dedicated pages established by the relevant absconders, or dealing with any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant absconder; leasing, or otherwise making available, immovable property to a relevant absconder, or leasing immovable property from a relevant absconder; or establishing a joint venture, partnership or any like relationship with a relevant absconder (including setting up a company), or investing in or providing funds to such joint venture, partnership or any like relationship, commits an offence and is liable on conviction to imprisonment for seven years. The Police will take strict enforcement actions in respect of the relevant offences. Members of the public should not break the law and should avoid any pecuniary or financial connection with the relevant absconders," the spokesman said.

The HKSAR Government today also announced that legal proceedings would be initiated against Hui Chi-fung, one of the absconders specified today, to confiscate his proceeds of crime.

According to Section 9(3)(b)(ii) of Schedule 3 to the Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Implementation Rules), the Police today published in newspapers a notice of legal proceedings in respect of the arrest warrant against Hui Chi-fung. The Department of Justice (DoJ) will later apply to the Court of First Instance for a confiscation order under Section 9(1) of Schedule 3 to the Implementation Rules to confiscate the criminal proceeds from the offences endangering national security which Hui Chi-fung has committed.

The Government spokesman said, "Hui Chi-fung, has committed numerous heinous crimes, with a number of criminal charges being laid against him. In 2020, Hui Chi-fung was charged with 'contempt of the Legislative Council', 'criminal damage', 'attempting to pervert the course of justice', 'access to computer with dishonest intent', and 'administering to any other person a noxious thing with intent to injure, aggrieve, or annoy such person', etc. In 2020, he conspired with foreign politicians to forge documents and deceived the court with false information to obtain the court's permission to leave Hong Kong while he was on bail. He pretended to go on an official visit to Denmark, but in fact he jumped bail and absconded overseas to evade criminal responsibility. In 2022, he was sentenced to imprisonment of three years and six months for his conviction of contempt of court."

The Government spokesman also said that, "The DoJ applied to the Court of First Instance in 2022 and was granted a restraint order, prohibiting Hui Chi-fung, his wife and mother from removing property from the HKSAR or dealing with their property in any way within the HKSAR. Upon investigation, sufficient evidence was found proving that Hui Chi-fung had committed and

profited from offences endangering national security, and had transferred some of his assets to his wife and mother. Therefore, it is necessary to take further measures to confiscate the proceeds of Hui Chi-fung's criminal acts and prevent Hui Chi-fung's use of the proceeds in further acts and activities endangering national security."

The spokesman stressed that, "While Hui Chi-fung has jumped bail and fled overseas, he continued to brazenly engage in acts endangering national security. On August 12, 2021, and June 21, 2023, two Magistrates issued arrest warrants against Hui Chi-fung for being suspected of committing offences of 'incitement to secession', 'incitement to subversion' and 'collusion with a foreign country or with external elements to endanger national security'. He is now a wanted person with a reward notice by the Police.

"As with confiscation orders targeting proceeds obtained from other criminal acts, this application is only directed at individuals who have committed and profited from offences endangering national security. It has no impact on law-abiding Hong Kong residents and those conducting legitimate business in Hong Kong."

The spokesman stressed that, "Endangering national security is a very serious offence. These kind of acts or activities may lead to extremely serious consequences. The HKSAR Government has the responsibility to pursue the legal liabilities of the persons who have committed an offence under the Hong Kong National Security Law or other offences endangering national security outside the Region in accordance with the law."