

# UK Parliament's allegations on National Security Law and legal system in Hong Kong vehemently opposed

The Hong Kong Special Administrative Region (HKSAR) Government today (March 30) expressed vehement opposition to the Parliament of the United Kingdom (UK) for making up unfounded allegations against the National Security Law (NSL) and the legal system in Hong Kong.

An HKSAR Government spokesman said, "We take strong exception to the absurd and misleading accusations against the NSL and our legal system. Every country around the world would take threats to its national security extremely seriously. China is no different. The promulgation of the NSL is in line with the international practice of safeguarding national security and the exercise of the sovereign rights of our country. It is appalling to see that some politicians have deliberately vilified it by applying double standards and making baseless allegations.

"Extraterritorial application vested with the NSL is in line with the well-recognised international law principle of 'protective jurisdiction'. If foreigners commit crimes abroad against a sovereign state that endanger its security or its vital interests, the sovereign state is rightfully entitled to adopt laws with extraterritorial effects to exercise prescriptive criminal jurisdiction over those foreigners. Extraterritoriality is in fact a common feature of national security laws in many countries. The extraterritorial effect provided for in the NSL aligns with the principles of international law and international practice. Criticisms levied against our application of extraterritoriality are clearly tainted with double standards.

"Hong Kong is a society governed by the rule of law where laws must be observed and lawbreakers held to account. No one person or institution is above the law. Article 25 of the Basic Law clearly states that everyone, regardless of their status, professions and political beliefs, shall be equal before the law. Indeed, rights and freedoms, including freedom of speech, shall be protected by law, but they also need to be exercised in accordance with law.

"The Hong Kong Bill of Rights Ordinance stipulates that the exercise of the right to free speech carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, and these shall only be such as are provided by law and are necessary – (a) for respect of the rights or reputations of others, or (b) for the protection of national security or of public order, or of public health or morals.

"Judicial independence in Hong Kong after the implementation of the NSL remains robust as ever. The independence of the judiciary is constitutionally guaranteed under the Basic Law. Article 82 of the Basic Law stipulates that the Court of Final Appeal (CFA) may as required invite judges from other

common law jurisdictions to sit on the CFA. While Hong Kong welcomes eminent judges from other common law jurisdictions to serve as non-permanent judges, their departure will not in any way affect our judicial independence.

"Indeed, the fact that there would be a debate in the UK Parliament may well have influenced the resignation of the two serving UK judges. This is clear evidence of external political pressure on judges of an otherwise independent judiciary. This will not be tolerated and will not happen in Hong Kong with the guarantee under Article 85 of the Basic Law which provides that the courts of the HKSAR shall exercise judicial power independently, free from any interference.

"Our judges manifest the highest professional and judicial quality as well as impartiality through the reasoned judgments they deliver, demonstrating to all objective and fair-minded observers that, first, due administration of the criminal justice system remains in compliance with human rights protection and principles of the rule of law, and, second, judges have all along been handling cases strictly in accordance with admissible evidence and applicable laws, observing due process.

"Any attempt to undermine our judicial independence through baseless allegations is futile. These spokesmen usually do not provide any substantiation for there is none.

"As the Ministry of Foreign Affairs has stressed time and again, the Joint Declaration stipulated the resumption of the exercise of sovereignty by the People's Republic of China (PRC) over Hong Kong and relevant arrangements during the transition period. The basic policies regarding Hong Kong declared by the PRC in the Joint Declaration were the PRC's unilateral statement of policies, not commitment to the UK or an international obligation. These policies have been incorporated into the Basic Law of the HKSAR and have been comprehensively and effectively implemented. With the resumption of the exercise of sovereignty by the PRC over Hong Kong and the completion of follow-up matters, all UK-related provisions have been fulfilled. Thereafter, the system to be adopted in the HKSAR, as well as how to implement the PRC's basic policies regarding Hong Kong, is purely within the ambit of the sovereignty of the PRC and a matter of our country's internal affairs.

"Under 'one country, two systems', Hong Kong has been entrusted to exercise jurisdiction over most of the cases of endangering national security. This is unique in the world as the implementation of national security laws remains exclusively with the central authorities in many other countries.

"Hong Kong is a part of China, and Hong Kong matters are purely our country's internal affairs. We strongly urge foreign politicians to respect the exercise of sovereign rights by China and immediately stop breaching international laws based on their misconceptions, if not biased political interests."