

To Op-ed Editor, Manila Times

Dear Editor,

I refer to the article "Hong Kong: The impact of China's national security law" published on 7 July 2020.

The Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People's Republic of China, and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. In view of the increasingly pronounced national security risks faced by the HKSAR, the enactment of a national security law at the state level is both necessary and urgent in order to plug the loophole in national security in Hong Kong.

Safeguarding national security by way of legislation is an international practice. It is apparent that every country has its own national security laws and relevant enforcement agencies. It is the fundamental duty of every responsible government to have such laws. The Standing Committee of the National People's Congress (NPCSC) passed on 30 June 2020 a law on safeguarding national security in the HKSAR of the People's Republic of China (the Law). The National People's Congress, the highest organ of power in the People's Republic of China, has the authority to enact laws on national security.

The Law is an important step to fully implement the Basic Law, strengthen implementation of the "One Country, Two Systems" principle, and restore stability in Hong Kong as soon as possible. The HKSAR shall have jurisdiction over cases under the Law except under specified circumstances, which will be rare and through a very clear approval mechanism. The Law had taken into account Hong Kong's actual situation.

In concrete terms, the Law only targets an extremely small minority of offenders of four types of acts and activities that endanger national security, namely, secession, subversion of state power, organising and carrying out terrorist activities, and collusion with foreign or external forces to endanger national security. It is stipulated very clearly that the various rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the HKSAR residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the

Law.

It also highlights that the HKSAR shall adhere to the important principles in line with the rule of law when protecting national security, including presumption of innocence, conviction and punishment according to law, and protection of the rights of the suspect in judicial proceedings, etc. The Law further stipulates that it shall only apply to acts committed after its entry into force for the purpose of conviction and imposition of punishment. On implementation, the measures in the Implementation Rules for Article 43 of the Law are in line with current practices in Hong Kong laws and/or similar to practices in other jurisdictions. There are checks and balances in all these measures, which are in compliance with the protection of human rights and the ICCPR. The rule of law and judicial independence are among the essential elements underlying Hong Kong's success. Designated judges handling cases concerning offences endangering national security are appointed on the basis of their judicial and professional qualities.

Safeguarding national security and the rule of law in Hong Kong is the cornerstone to maintain "One Country, Two Systems", ensuring the long-term stability and safety of Hong Kong. The HKSAR Government is confident that the Law will restore stability and help ensure the great majority of Hong Kong people could exercise their rights and freedoms, and let Hong Kong people return to a normal, peaceful life.

Yours sincerely,  
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