



20 July 2020

By e-mail

EU Observer

Dear Editor,

I refer to your op-ed by Sarah Brooks and Judith Lichtenberg of 10 July 2020 which touches on the National Security Law of Hong Kong.

Thank you for your interest in Hong Kong. We respect different views and comments on the National Security Law. It will be helpful if such views and comments are evidence-based. We would like to point out some facts to enable your readers to form informed opinion.

The Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People's Republic of China (PRC) and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. As the highest organ of state power in the PRC, the National People's Congress has the constitutional power and duty to enact national law to safeguard national security in the HKSAR (i.e. the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) adopted on June 30) and to apply it to Hong Kong by promulgation in accordance with the provisions of the Basic Law.

The objective of the National Security Law is to restore stability to Hong Kong. It targets four specific acts and activities, namely, secession, subversion, terrorism, and collusion with foreign countries and external forces to endanger national security. In the past year, peaceful demonstrations in Hong Kong have been hijacked by radicals causing massive vandalism. The nature of peaceful demonstration has ultimately mutated into a movement for the independence of Hong Kong. It is an undeniable fact that many ordinary Hong Kong residents and the business community are tired of the continued social unrest. It is

against the aforesaid background that the national security is introduced.

The National Security Law is implemented by the Hong Kong Police and cases are to be adjudicated by the independent judiciary in Hong Kong. The Implementation Rules made and gazetted by the HKSAR Government, which has become effective on 7 July 2020, includes safeguards and procedures to ensure that enforcement action is proportionate and genuinely serve the purpose of safeguarding national security. Only under very rare and extreme situation when there is an imminent threat to national security and when it is beyond the capacity of HKSAR to safeguard national security will the Mainland Chinese authorities take up enforcement actions.

It is clearly stipulated under Article 4 of the National Security Law that the principle of respecting and protecting human rights shall be upheld in safeguarding national security. The legitimate rights of Hong Kong citizens to exercise their freedom of speech, of the press, of assembly, of demonstration, and of procession in accordance with 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 should not be compromised. It is however relevant to note that under the abovementioned International Covenants, it is clearly stipulated that certain basic rights and freedoms of individuals can be restricted through legislation for the purpose of safeguarding national security.

The National Security Law will not undermine “One Country, Two Systems”, the high degree of autonomy, judicial independence and the rule of law of Hong Kong. National security law exists in many western countries as well. No doubt national security is a sensitive issue and there are doubts on how a new piece of legislation will be implemented. Time will tell. Hong Kong will continue to be a free and open economy connecting the world to Mainland China.

Yours faithfully,



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