

March 30, 2024

The Editor
The Guardian

Dear Editor,

Your article on the impact of Hong Kong's new security law on Radio Free Asia ("US-funded Radio Free Asia shuts down bureau in Hong Kong over safety concerns", March 30, 2024) calls for clarifications on how the new law operates.

As a statutory agency of the US funded and supervised by the US Agency for Global Media, Radio Free Asia comes within the definition of "external force" in section 6 of Hong Kong's "Safeguarding National Security Ordinance". But being an "external force" as defined in the Ordinance in itself is not an offence.

An offence could be committed by a person if he or she colludes or collaborates with an external force with intent to bring about "a deterrence effect", as defined in the Ordinance, to endanger national security using "improper means". Section 55 of the Ordinance clearly defines the actions that constitute "improper means". These include making a false representation, using or threatening violence or damage to one's property or reputation, and so on. These are improper actions that are not condoned in any jurisdiction.

In recent years many governments around the world have become increasingly wary of hostile state threats posed by external interference with its policy-making, electoral outcomes or moulding of public opinion through various influence mechanisms, whether by open lobbying of senior government officials or politicians or by electronic means. For this reason, Australia enacted the "Foreign Influence Transparency Scheme Act" in 2018. Singapore enacted the "Foreign Interference (Countermeasures) Act" in 2021, and introduced a scheme for designating individuals as "politically significant persons" if they are influential and could be acting on behalf of foreign principals.

UK's "National Security Act 2023" enacted last July has similar provisions for a "foreign influence registration scheme", where there is a "foreign activity arrangement" between a person and a "specified person", defined as a foreign power, or a person other than a foreign power, specified by the Secretary of State.

As an open society susceptible to external infiltration and manipulation of public opinion by electronic or other improper means, Hong Kong shares common concerns about improper external interference with other jurisdictions. Such improper external

interference should be distinguished from engagement with external organisations for legitimate purposes, such as cultural and academic exchange and business liaisons. The concerns expressed in your article are exaggerated and not supported by our tightly defined legal provisions.

Regina Ip
Member, Hong Kong Legislative Council

(ENDS)