

March 12, 2024

The Editor
Bloomberg

Dear Editor,

We strongly oppose and condemn the misleading and scaremongering remarks on the Basic Law Article 23 legislation in Karishma Vaswani's opinion piece "Hong Kong's New Security Law is Worryingly Vague" (March 12).

The remarks on "external force" in the opinion piece are plainly inaccurate. Companies and organisations will not be banned from operating simply because "they're found to be 'working for foreign forces'". The proposed offence aims at catching those individuals or organisations concerned which collaborate with an external force and use improper means (e.g. knowingly making material misrepresentation, using violence, threatening to damage a person's property or reputation) with intent to bring about interference effect (e.g. interfering with election). It is not possible for normal proper business operations and external exchanges to have unwittingly violate the law.

The comparison between the law enforcement actions of the Hong Kong Special Administrative Region (HKSAR) and those of Australia and Singapore is also grossly misleading. The law enforcement actions taken by the HKSAR law enforcement agencies have nothing to do with the political beliefs or backgrounds of the individuals or organisations concerned.

Endangering national security is a very serious offence. No countries, including Australia and Singapore the opinion piece has specifically mentioned, will watch with folded arms such acts and activities that endanger national security. It is an undeniable fact that both Australia and Singapore have also taken law enforcement actions against individuals and organisations purported to have violated their respective national security laws.

The opinion piece has also glaringly neglected the HKSAR's constitutional duty to enact the Basic Law Article 23 legislation on its own. The Bill clearly stipulates that one of the fundamental principles in legislating for safeguarding national security is to respect and protect human rights. It also clearly defines the elements of the offences and provides for appropriate exceptions and defences to ensure that members of the public will not violate the law unwittingly, thereby upholding the rule of law.

Moreover, the Bill provides for strict conditions for the exercise of relevant law enforcement powers with strict appropriate safeguards, as illustrated by, for example, the requirement of prior judicial authorisation for restricting consultation with lawyers for a maximum period of 48 hours or extending the detention period of a person arrested

without charge. There are corresponding or similar provisions (and in some instances, with even harsher terms) in many overseas countries for offences and enforcement powers mentioned in the opinion piece. Sheer hypocrisy and double standards are clearly seen in the piece.

We must point out that safeguarding national security, economic development, and respecting and protecting human rights are basically complementary to each other. The Basic Law Article 23 legislation is ultimately for better safeguarding the fundamental rights and freedoms of the HKSAR residents and other people in the HKSAR, and ensuring that the properties and investments in the HKSAR are protected by law.

Yours faithfully,

Tang Ping-keung
Secretary for Security
The Government of the Hong Kong Special Administrative Region

(ENDS)