

23 June 2026

The Japan Times  
The Editor

Dear Editor,

We strongly oppose and condemn the unfounded and fact-twisting article entitled “The sudden death of judicial reviews in Hong Kong” written by your contributing writer, Patrick Poon (19 June).

The article’s slander of the Safeguarding National Security (Procedural Matters) Regulation (Procedural Matters Regulation) only exposes the writer’s irrational anti-China stance and bias against the Hong Kong Special Administrative Region (HKSAR).

The Procedural Matters Regulation only aims to state clearly the classification mechanism under the Hong Kong National Security Law and the Safeguarding National Security Ordinance for offences endangering national security. It does not create any new offence or alter the penalties of any offence, and does not turn any lawful conduct into an offence. The rights and freedoms which the residents of the HKSAR enjoy under the Basic Law and relevant international covenants as applied to Hong Kong will continue to be protected.

The legislative process of the Procedural Matters Regulation is entirely in compliance with all legal and procedural requirements including conscientious scrutiny by the Legislative Council. The contrary allegation in the article is plainly wrong and unfounded.

The writer’s allegations about the mechanism for the Chief Executive to certify whether a criminal act involves national security are plainly wrong. Certification by the Chief Executive of whether a case involves national security is consistent with common law principles recognised by the highest courts of common law jurisdictions including Hong Kong, the United States and the United Kingdom, all of which held that the courts accord deference to the executive’s assessments on national security matters. Such assessments are not a matter of judicial interpretation as the writer has falsely claimed, despite his professed legal background.

With primary responsibility for safeguarding national security in the HKSAR, the

Chief Executive has access to extremely sensitive intelligence and information on acts and activities endangering national security, which are not suitable for public disclosure. It renders the Chief Executive in the best position to issue certificates on whether a criminal act involves national security. This is a very rigorous and cautious process, leaving absolutely no room for uncertainty. Besides, Hong Kong continues to uphold the rule of law, and the guilt or innocence of a defendant remains a matter to be adjudicated by the court independently and in accordance with law. A defendant's right to a fair trial is always protected.

Another claim in the article that “visitors can also be subjected to national security charges if the chief executive deems any messages in your devices to be ‘endangering national security’” couldn't be further from the truth. According to the Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region as amended in March 2026, except in circumstances of emergency, police officers must apply for a search warrant from a magistrate, who must be satisfied there are reasonable grounds for suspecting that the electronic equipment contains evidence of an offence endangering national security, before he can authorise police to search the electronic equipment to obtain relevant evidence. The claim by the writer that the Police can randomly search ordinary visitors' mobile phones and ask them for passwords is totally baseless.

The HKSAR Government will continue to resolutely fulfill its duties and obligations to safeguard national security while at the same time protecting the lawful rights and freedoms enjoyed by Hong Kong residents and others in Hong Kong in accordance with the law.

Benjamin Mok

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Security Bureau

The Government of the Hong Kong Special Administrative Region