

July 8, 2021

The Editor
Financial Times

Dear Editor,

I take strong exception to your fictitious suggestion that “Hong Kong’s legal system bears the scars of security law”. On the contrary, our legal system and rule of law remain robust, and Hong Kong’s law and order restored after the passing of the National Security Law (NSL). Our financial market continues to grow after 2019 (HK\$397.5 billion raised in IPO market in 2020 and the total RMB deposits grew to 788.8 billion by February 2021). This evidences the benefits and importance of the NSL to the stability and prosperity of Hong Kong.

Under “one country, two systems”, Hong Kong has been entrusted to exercise jurisdiction over cases under the NSL. This is in contra-distinction with other countries where the implementation of national security laws remains exclusively with the central authorities.

The NSL explicitly provides that the principle of rule of law be adhered to, and the rights and freedoms of Hong Kong residents respected.

In the publicly available judgment of the Court of Final Appeal in *HKSAR v Lai Chee-ying*, the court acknowledged that the NSL reflects internationally practised principles such as presumption of innocence and protection of parties’ rights to fair trial.

In ensuring that due administration of justice is preserved, the NSL provides that, in specified circumstances, a case may be tried without a jury but by a panel of three judges. The reasons for the finding will be published in a judgment. Due process is observed in an open court as evident by the daily news reporting.

The NSL expressly specifies the elements of each offence (including the required acts and intents). These offences are similar to those in other countries, such as the Treason Felony Act 1848 as well as the Terrorism Prevention and Investigation Measures Act 2011 of the United Kingdom.

Countries around the world take threats to national security extremely seriously. China is no different.

The application of the common law and an independent judiciary are expressly provided for in the Basic Law. With the NSL and the opportunities in the Greater Bay Area, Hong Kong will continue to thrive as the only common law jurisdiction in China.

Yours sincerely,

(Ms Teresa Cheng, SC)
Secretary for Justice
Hong Kong Special Administrative Region
The People's Republic of China