22 June 2020

Mr Philip Dykes, SC
Chairman
Hong Kong Bar Association
LG2 Floor, High Court
38 Queensway
Hong Kong

ear Mr Dykes,

Thank you for your letter of 19 June to the Chief Executive in elation to the proposed national security law now being considered by the Standing Committee of the National People's Congress (NPCSC). I am authorised to reply.

The national security law is a national law to be enacted by the NPCSC providing for the legal framework and enforcement mechanism for Hong Kong to safeguard national security from a national level. Pursuant to the authorisation set out in Article 6 of the Decision by the National People's Congress (NPC) on establishing and improving the legal system and enforcement mechanisms for the Hong Kong Special Administrative Region (HKSAR) to safeguard national security passed on 28 May 2020 (Decision), the national security law is to be enacted by the NPCSC, and after consulting the Basic Law Committee and the HKSAR Government, it will be added to Annex III of the Basic Law to be promulgated by the HKSAR and applicable to the HKSAR. The Decision and the enactment of the national security law by the NPCSC are premised on constitutional and legal grounds. When exercising its legislative power conferred by the Constitution of the People's Republic of China to enact laws, the NPCSC also has to abide by the relevant laws governing legislative procedure.

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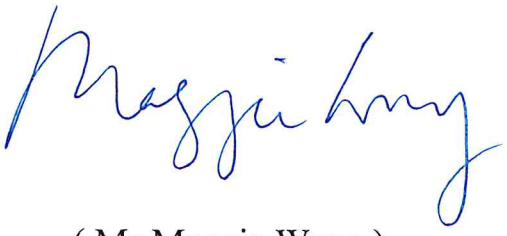
The enactment at the state level of legislation to safeguard national security in the HKSAR is a significant initiative by the Central Authorities at a critical moment to enhance the "One Country, Two Systems" institutional system, ensuring the long-term prosperity and stability of Hong Kong. As stated in the Chief Executive's statement of 20 June 2020, the HKSAR Government notes with appreciation that according to the summary of the explanatory statement of the draft law by an official of the Legislative Affairs Commission of the NPCSC on 18 June 2020, the Central Authorities had seriously studied the views reflected by the HKSAR Government, considered the actual situation of Hong Kong and enhanced the draft legislation through multiple reviews under the spirit of absorbing opinions as much as possible. In particular, the drafting process leverages, follows and reflects an important principle, which is, taking into account the difference between the Mainland and Hong Kong and making every effort in ensuring the compatibility and complementarity of the said national security law with the relevant national laws and the local laws in the HKSAR.

According to the abovementioned summary of the explanatory statement, the draft law makes it clear that the law for safeguarding national security in the HKSAR will follow a number of important principles in line with the rule of law, including that conviction and sentencing of crimes should be well defined in the law, presumption of innocence, and protection of the rights of the suspect, etc. It should also respect and protect the rights and freedoms which are applicable in Hong Kong under the Basic Law and relevant international covenants. These clear provisions should be able to allay public concerns. In fact, since the Decision has been endorsed, the Central Authorities have repeatedly emphasised in public that the legislation will uphold the principles of "One Country, Two Systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy, and will not affect the capitalist system in Hong Kong and the HKSAR's legal system.

The HKSAR Government fully supports the legislative work by the NPCSC for safeguarding national security in the HKSAR and will fulfil its responsibility to ensure the effective implementation of the relevant law in Hong Kong.

Yours sincerely,



(Ms Maggie Wong)
Private Secretary to Chief Executive