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Address at the Twentieth Session of the Standing Committee of the
Thirteenth National People's Congress

(30 June 2020)

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This Session of the Standing Committee deliberated 8 pieces of draft legislation and draft decision. It adopted the law on safeguarding national security in the Hong Kong Special Administrative Region (“HKSAR”) (“the Law”) and the decision to list this Law in Annex III to the Hong Kong Basic Law (“the Decision”). The scheduled tasks were completed smoothly.

The most important agenda of this Session is to deliberate and adopt the law on safeguarding national security in the HKSAR and decide on listing this Law into Annex III to the Hong Kong Basic Law to be promulgated and implemented by the HKSAR locally. The Law and the Decision were unanimously passed, which fully reflects the common will of all our nationals including Hong Kong compatriots.

During the deliberation, the Standing Committee members took the view that its formulation of the law on safeguarding national security in the HKSAR is a specific arrangement to legalize, standardize and specify the Region's system and mechanisms for safeguarding national

security in implementing the spirit of the Fourth Plenary Session of the 19th Central Committee of the Communist Party of China and in accordance with the Constitution, the Hong Kong Basic Law and the relevant decision of the National People's Congress ("NPC"). In upholding the policy of "One Country, Two Systems", the Law has full regard to the differences between the Two Systems as well as the actual circumstances in Hong Kong. It converges with the national law on safeguarding national security and is compatible with Hong Kong's existing legal system. This manifests the principle of "punishing the extremely small minority for protecting the vast majority". The Law provides the legal support and protection for: safeguarding national security; Hong Kong's lasting peace and governance, and its long-term prosperity and development; assurance of Hong Kong residents' rights and freedoms under the law; protecting foreigners' legitimate rights and interests and foreign investors' interests in Hong Kong; and the steady, enduring growth of the "One Country, Two Systems" cause.

We believe that, upon its implementation, the Law will play a significant role in the following aspects.

The first is the resolute and effective safeguarding of national security. National sovereignty, security and development interests are the fundamental interests of every sovereign state. For 23 years since the Hong Kong's return, the practice of "One Country, Two Systems" has reaped world-recognized success while the risks of national

security have become increasingly notable. To address the imminent need for safeguarding national security in the HKSAR, the Law expressly stipulates that it is the common responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China ("PRC"). The Central People's Government ("CPG") has an overarching responsibility for national security affairs relating to the HKSAR, and the HKSAR has a constitutional duty to safeguard national security. The Law specifies the relevant government bodies of the HKSAR and their duties and functions for safeguarding national security. Offences and penalties are stipulated for the four types of offences endangering national security, namely secession, subversion, organization and perpetration of terrorist activities and collusion with a foreign country or with external elements to endanger national security. This provides the constitutional basis and legal basis for establishing and improving the HKSAR's system and mechanisms in respect of safeguarding national security, and for combatting and preventing acts which endanger national security.

The second is steering the "One Country, Two Systems" cause towards the correct direction. "One Country, Two Systems" is an organic entity. "One Country" is the premise and basis for implementing "Two Systems". The Central Authorities have overall jurisdiction over the HKSAR under the Constitution, the Hong Kong Basic Law and the relevant laws. The HKSAR's high degree of

autonomy emanates from the mandate of the Central Authorities. It is an important manifestation of the Central Authorities' overall jurisdiction that the NPC Standing Committee shall formulate the Law and decide on its inclusion in Annex III to the Hong Kong Basic Law, and that the CPG shall establish in the HKSAR an office for safeguarding national security ("CPG Office on National Security"), which shall, under specified circumstances, exercise jurisdiction over cases endangering national security under this Law. At the same time, the HKSAR's executive authorities, legislature and judiciary shall perform their duties and functions for safeguarding national security in accordance with the law. The Committee for Safeguarding National Security of the HKSAR shall assume primary responsibility for safeguarding national security. It is a clear demonstration of the HKSAR's high degree of autonomy that its law enforcement and judicial authorities shall exercise jurisdiction over the vast majority of cases which endanger national security. Such stipulations have organically combined in unity the overall jurisdiction and high-degree autonomy under the innovative practice of the "One Country, Two Systems" cause.

The third is safeguarding the HKSAR's constitutional order and rule-of-law order. The Constitution of the PRC and the Basic Law of the HKSAR together form the constitutional basis of the HKSAR. With the further advancement of "One Country, Two Systems", the related and ancillary legal system and enforcement mechanisms must be continuously optimized in accordance with the Constitution, the Basic

Law and the HKSAR's actual circumstances. The adoption of the relevant decision by the Third Session of the 13th NPC and this formulation of the Law further optimizes the legal system by which the HKSAR implements and operates the Constitution and the Hong Kong Basic Law. This specifies the important rule-of-law principles which the HKSAR must follow in safeguarding national security. This is conducive to supporting the HKSAR's administration according to the law, suppression and punishment of all acts which breach the law and undermine the rule of law, and maintenance of the constitutional authority and the rule-of-law authority.

The fourth is preventing and stopping external interference.

The HKSAR's affairs are entirely China's internal affairs and allow no external meddling under any pretext. The Law has stepped up the efforts to combat the offences of collusion with foreign countries or external elements to endanger national security. It imposes severe penalties on criminal acts of conspiring with a foreign country or any external element, or receiving instructions, control and funding from a foreign country or any external element. This is to demonstrate by rule of law our country's stern stance in resolute opposition to external interference. This builds a firewall for the HKSAR to prevent and stop external forces from opposing China and disrupting Hong Kong.

The fifth is protecting the HKSAR's fundamental, long-term and current interests. Anti-China violent acts disrupting

Hong Kong have trampled upon the city's rule of law, sabotaged social stability, and taken a heavy toll on its economy and people's livelihood. There has been gross infringement of Hong Kong residents' rights and interests. The Law targets the very few criminals who are traitors of the country and scourges to Hong Kong and its people. It protects the legitimate rights as well as the life and property safety of the vast majority of Hong Kong residents. The Law expressly stipulates that human rights shall be respected and protected in safeguarding national security in the HKSAR. The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the HKSAR enjoy shall be protected in accordance with the law. The Law also fully reflects the internationally-practised rule-of-law principles such as conviction and punishment of crimes as prescribed by law, presumption of innocence, protection against double jeopardy, protection of parties' rights in litigation and to fair trial.

National security, social stability and rule-of-law order are the prerequisites for development in Hong Kong. The enactment of the legislation is the will of the people and the trend of the times. The promulgation and implementation of the law on safeguarding national security in the HKSAR will create a safer, more stable, harmonious and convenient social environment for Hong Kong to better develop its economy, improve people's livelihood and fully unleash the edge of the "One Country, Two Systems" regime. This Law has gathered a broad

consensus among all parties including the Hong Kong community. It will certainly be advocated and supported by all our nationals including Hong Kong compatriots, and gain further understanding and recognition from the international community. The relevant authorities must grasp well this important piece of legislation and make good its promotion, implementation and operation. They must at the first opportunity provide comprehensive, accurate and authoritative explanations and interpretations to quell any public doubts and create a good political and media environment for implementing the Law. Efforts must be made to expedite the establishment and improvement of enforcement mechanisms tailored to the legal system, specialized institutions and law enforcement forces for effective performance of the statutory duties for safeguarding national security. The HKSAR shall complete the enactment of the relevant legislation as early as possible and refine the relevant local laws. There must be further development of education on constitutional rule of law, national security and historical culture. This is done to promote patriotism, enhance national awareness and create the conducive social conditions and broad basis of public opinions for implementing the Law.

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