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The Government of the Hong Kong Special Administrative Region

國安法律論壇
National Security LEGAL FORUM 2026.4.15



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Proceedings


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National Security
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《「一國兩制」下香港維護
國家安全的實踐》白皮書
White Paper titled "Hong Kong: Safeguarding China's
National Security Under the Framework of
One Country, Two Systems"
國安 法律論壇
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Proceedings

Preface

The State Council Information Office published in February 2026 the white paper titled "Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems", which comprehensively reviews Hong Kong's endeavours in safeguarding national security, offers an in-depth exposition of the Central Government's principled stance on safeguarding national security in Hong Kong, and summarizes the experience and insights from Hong Kong's efforts to safeguard national security under the framework of "One Country, Two Systems".

In order to foster a full grasp of the core essence and principles of the white paper across Hong Kong society and to deepen the awareness and correct understanding of all sectors of the community on safeguarding national security, the Department of Justice held the National Security Legal Forum on 15 April 2026.

The Forum convened a line-up of legal experts, academics and representatives from different sectors to conduct in-depth discussions themed around the white paper on issues such as the development of Hong Kong's laws for safeguarding national security, and how to achieve a dynamic balance between safeguarding national security and development. The Forum further had the honour of welcoming Professor Wang Zhenmin, Vice President of the Chinese Association of Hong Kong and Macao Studies and Professor of the School of Law of Tsinghua University to deliver a keynote speech providing an in-depth analysis of the content and guiding principles of the white paper, evoking widespread resonance and response in society.

Hong Kong's endeavours in safeguarding national security are not aimed to pursue "absolute" or "generalized" security. Instead, they emphasize protection of the rights and freedoms enjoyed by all residents in accordance with the law. The white paper points out that Hong Kong should adhere to coordinating development and security, promoting a dynamic balance between development and security; it should also safeguard security with greater openness, respect and ensure human rights, and safeguard security under the rule of law, in particular, the judiciary exercises judicial power independently, and adjudicating cases involving national security in accordance with the law, free from any interference. The Hong Kong Special Administrative Region's ("HKSAR") laws for safeguarding national security have both established a solid shield for safeguarding national security in Hong Kong and fully guaranteed the various rights and freedoms enjoyed by Hong Kong citizens in accordance with the law.

At present, transformation of a scale not seen in a century is accelerating across the world, and the development environment facing China is undergoing profound and complex changes. Hong Kong continues to face a challenging and complex situation in safeguarding national security. The risks of interference and sabotage by external forces still exist. Safeguarding national security is a long-term and enduring task. Therefore, the HKSAR Government continues to improve the legal system and enforcement mechanisms for safeguarding national security by implementing the *2026 Implementation Rules for Amending 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* upon gazettal in March 2026, and enacted the *Safeguarding National Security (Procedural Matters) Regulation* in June 2026.

Looking ahead, the Department of Justice will adhere to a holistic approach to national security as its guiding principle, accurately grasp the practical requirements of safeguarding national security under the framework of "One Country, Two Systems", and resolutely safeguard national sovereignty, security and development interests. I firmly believe that under the auspices of high-standard security, Hong Kong will be able to proactively identify, respond to, and steer changes and proactively align with the National 15th Five-Year Plan with a view to continuously cultivating new drivers and advantages for Hong Kong's development.

"National security is of utmost importance to every country". As stated in the white paper, "like air and sunshine, national security is often taken for granted, yet cannot be lived without". Safeguarding national security is a responsibility shared by all members of society; everyone is a stakeholder and beneficiary, and no one can be a mere spectator. To consolidate the fruitful outcomes of the Forum, the Department of Justice has specially compiled and translated the contents of the forum speeches into proceedings. This aims to foster the general public's active fulfilment of the practical requirements of the white paper, and their proactive commitment to fortifying Hong Kong's line of defence for safeguarding national security.



Mr Paul T K LAM, GBS, SC, JP
Secretary for Justice
The Government of the Hong Kong Special Administrative Region



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Opening Remarks



The Hon Paul LAM Ting-kwok, GBS, SC, JP
Secretary for Justice
The Government of the Hong Kong Special Administrative Region

Professor Wang (Vice President of the Chinese Association of Hong Kong and Macao Studies, and Professor of the School of Law of Tsinghua University, Professor Wang Zhenmin), distinguished guests, ladies and gentleman,

Good afternoon. Welcome to the National Security Legal Forum organised by the Department of Justice. The theme for this year is the white paper published on February 10 titled "Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems".

Introduction

This is an extremely important document, being the third white paper issued by the Central People's Government on Hong Kong, after "The Practice of the One Country Two Systems Policy

in the Hong Kong Special Administrative Region" in June 2014 and "Hong Kong: Democratic Progress under the Framework of One Country Two Systems" in December 2021.

One must know the past to understand the present. The white paper clears up confusion and misunderstandings by comprehensively reviewing Hong Kong's endeavours in safeguarding national security, and the experience and insights gained in the process. In addition, to build high-standard security in order to support the high-quality development of Hong Kong, the white paper sets out six fundamental principles. They are: upholding the unity of the Central Government's fundamental responsibility and the HKSAR (Hong Kong Special Administrative Region)'s constitutional responsibility; keeping the power of governing the HKSAR firmly in the hands of patriots; respecting and ensuring human rights; safeguarding security under the rule of law; following a holistic approach to development and security; and safeguarding security with greater openness. I would like to share my views on some of the most salient features among these principles.

Not "absolute" or "generalised" security

First and foremost, it is made crystal clear that Hong Kong does not pursue "absolute" or "generalised" security. This is indeed, and has always been, the crux of our country's approach to national security. To begin with, as stated in an outline for the study of a holistic approach to national security published four years ago on April 15, 2022, it is necessary to respect and safeguard the security of each and every country; hence, it should not be the case that one country is safe whereas other countries are unsafe, or that some countries are safe whereas others are unsafe; it is also wrong to pursue one country's so-called

"absolute security" by sacrificing other countries' security. Second, in the Global Security Initiative (GSI) Concept Paper published by the Ministry of Foreign Affairs on February 21, 2023, it reaffirms that China stays committed to taking the legitimate security concerns of all countries seriously: The security of one country should not come at the expense of that of others; all countries are equal in terms of security interests; the legitimate and reasonable security concerns of all countries should be taken seriously and addressed properly; any country, while pursuing its own security, should take into account the reasonable security concerns of others. Lastly, in the white paper published by the State Council on May 12, 2025, titled "China's National Security in the New Era", apart from referring to the content of the GSI, it pointed out that pursuing power supremacy and "absolute security" will only result in a security dilemma.

Relative security

Therefore, instead of "absolute security", China pursues "relative security". This fundamental approach is given the force of law. Article 2 of the National Security Law of the People's Republic of China, which is reproduced in section 4 of Hong Kong's Safeguarding National Security Ordinance, defines national security as a reference to the status in which the state's political regime, sovereignty, unity and territorial integrity, the welfare of the people, sustainable economic and social development, and other major interests of the state are relatively free from danger and internal or external threats, and the capability to maintain a sustained status of security. It is vital to note that it says "relatively free from danger and internal or external threats", but not "absolutely free from danger and such threats".

Security and development

To pursue "absolute security" is not only contrary to the fundamental principle of peaceful coexistence under international law and international relations; it is also unsustainable in practice and will stifle development which is against the interests of a country's own people. Hence, another important principle set out in the white paper is to follow a holistic approach to development and security. It highlights the causal link between security and development: Security is a prerequisite for development, whereas development provides a guarantee for security. We strive to strike a dynamic balance between development and security so that the two reinforce each other. Such a holistic approach is based on common sense and simple logic, and it is also proved by empirical evidence of events taking place in other parts of the world at this very moment.

Open security

This fundamental approach is of particular importance to Hong Kong. Under the principle of "One Country, Two Systems", Hong Kong enjoys various unique strengths, all of which aim at enabling Hong Kong to serve as an international centre in different areas such as finance, trade, shipping as well as legal and dispute resolution services. The keyword to Hong Kong's success is "international". To serve as a genuine international city, it is essential to gain and maintain people's trust and confidence that Hong Kong is an open, inclusive, and diversified society. This is why another principle laid down by the white paper is that Hong Kong aims at developing "open security", which emphasises safeguarding national security in an open environment. Examples given include that Hong Kong will continue to employ judges and other judicial professionals from other common law areas, and its

Court of Final Appeal will continue to invite such judges to participate in trials as needed; lawyers from other areas will continue to work and practise law in Hong Kong in accordance with the law; and the lawful rights and interests of investors from all countries and regions will continue to receive equal protection.

Respect for human rights and the rule of law

To achieve "relative security" and "open security" in Hong Kong, the white paper lays down two further important principles, namely, first, respecting and ensuring human rights and, second, safeguarding security under the rule of law. These two principles also enjoy the force of law. Article 4 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL) provides that human rights shall be respected and protected in safeguarding national security in Hong Kong; the rights and freedoms which residents of Hong Kong enjoy under the Basic Law and the provisions in the International Covenant on Civil and Political Rights as applied to Hong Kong shall be protected in accordance with the law. Article 5 provides that the principle of the rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security: Hence, a person is presumed innocent until convicted by a judicial body; the right to defend himself or herself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law shall be protected. Articles 4 and 5 of the NSL have been reproduced virtually verbatim in section 2 of the Safeguarding National Security Ordinance as the principles on which the Ordinance is based.

Judiciary exercising independent judicial power

One may ask how one can be reassured that these legal requirements will be faithfully followed in the enactment and implementation of national security laws. Again, the white paper provides the answer. It specifically states that the judicial authorities of the HKSAR exercise adjudicative power independently and, in trying cases pertaining to national security in accordance with the law, are free from any interference.

The important role played by the Hong Kong courts in this respect was explained by the Court of Appeal in Secretary for Justice v. Persons Conducting Themselves In Any Of The Acts Prohibited Under Paragraph 1(a), (b), (c) Or (d) Of The Indorsement Of Claim [2024] HKCA 442, [2024] 3 HKLRD 32. The Chief Judge of the High Court, giving the judgment, held that, in discharging its judicial function in cases involving national security, the court will give appropriate deference to the executive but will make its own judgment on the issue as required. There are at least three areas where the court has been held to be qualified to make its own judgment while giving the executive deference, and they involve issues of a constitutional or legal nature or content: first, where a fundamental right of the person affected by the measure is engaged; second, where the requirement of a fair trial is in issue; and third, where the question of open justice is raised. In HKSAR v Tang Ngok Kwan and others [2025] HKCFA 3, (2025) 28 HKCFAR 29, the Court of Final Appeal held that our courts have frequently acknowledged their duty under Article 3 of the NSL to effectively "prevent, suppress and impose punishment for any act or activity endangering national security" and the importance of that duty. However, it bears emphasising that carrying out that duty requires the courts faithfully to give effect to the provisions of the NSL and other applicable laws, including the safeguards provided for a fair trial.

Conclusion

As the white paper aptly observes, national security, like air and sunshine, is something without which we cannot survive but too often, mistakenly, taken for granted. We must therefore arouse the awareness and vigilance of people in this respect. We must also provide people with a proper and sufficient understanding of the fundamental principles that Hong Kong follows in safeguarding national security. This is to ensure that the national security laws of Hong Kong will be assessed objectively and rationally, and that they will be accepted and followed voluntarily and willingly, out of a genuine belief and conviction that they are essential and beneficial to our well-being, but not something that one may feel apprehensive about. To achieve this objective, I urge all of you, and all who are genuinely concerned about Hong Kong, to study the white paper carefully.

Before I conclude, I would like to thank Professor Wang, and all the guest speakers for agreeing to share their insights with us this afternoon. I wish you a constructive and productive forum.

Thank you very much.



Keynote Speech



Professor Wang Zhenmin

Professor of the School of Law of Tsinghua University
Vice President of the Chinese Association of Hong Kong and Macao Studies
Dean of the Institute for Governance Studies, Tsinghua University

Honourable Mr Paul Lam, friends, colleagues, ladies and gentlemen,

Good afternoon. Great to see you all. It's really a privilege and honour to be invited to speak on this prestigious legal forum.

The topic today is about the white paper on China's national security in Hong Kong. I wrote academic papers every year, but this paper is very different. It's a governmental official paper expressing the government policy towards some very important issues. To better understand and practise law, you need to understand the policy. So that's why the white paper is so important.

I have 30 minutes. I will share with you my initial observations and ideas about the white paper in three aspects. Now I will change to speak in Mandarin Chinese.

(Below is the English translation of Professor Wang's speech)

The first question is: Why was the white paper published?

White papers are official authoritative documents published by the Chinese Government on major issues of international and domestic concern. They serve to elucidate factual truths, articulate principled stances, and declare policy directions. They represent the will of the State and function as authoritative pronouncements.

As mentioned by the Secretary for Justice just now, the Chinese Government has published three white papers on matters concerning Hong Kong:

- This is the second white paper since 2020.
- The white paper "Hong Kong: Democratic Progress under the Framework of One Country Two Systems", published on 20 December 2021, sets out the fundamental fact that the Chinese Government and the Communist Party of China established democracy in Hong Kong, and declares the Chinese Government's principled stance on Hong Kong's democratic development.
- Since the implementation of the HKNSL on 30 June 2020, Hong Kong's endeavours to safeguard national security have yielded results and achievements that are evident for all to see. Its momentous history unfolds with clarity. Yet, certain Western politicians and media have persistently

engaged in blatant double standards, deliberately distorted the truth, rumour-mongering and smearing, and have never ceased their attacks on the Central Authorities and the HKSAR for safeguarding national security.

These attacks include: claiming that the HKNSL violates "One Country, Two Systems", undermines the rule of law in Hong Kong and damages Hong Kong's business environment; the president of a certain country even remarked that Hong Kong has now become "One Country, One System" and is being "mainlandized"; accusations that safeguarding national security infringes upon human rights and freedoms, etc. Certain big countries have even imposed sanctions on relevant individuals based on falsehoods.

As the English saying goes, "Seeing is believing." Every one of us here in Hong Kong witnesses daily the vibrant vitality and boundless dynamism of "One Country, Two Systems".

Facts speak louder than words. The Central Authorities, the HKSAR Government and all sectors of society have responded to these attacks and smears with timely rebuttals and counter-measures. However, there remains a need for systematic and holistic clarification to the world once and for all, in the form of an official white paper, on the Chinese Government's introduction and implementation of the HKNSL, the considerations behind the efforts of the Central Authorities and the HKSAR to safeguard national security in Hong Kong, the Central Government's principled stance, practical requirements and so on.

This white paper provides **a comprehensive summary and systematic overview of China's history on safeguarding national security in Hong Kong**. It focuses on major events, key

actions and significant achievements in safeguarding national security in Hong Kong since 2020.

Since last year, the HKSAR courts have delivered judgments on significant national security cases, achieving major milestones in safeguarding national security. It is therefore highly appropriate to publish such a white paper at this juncture. Incidentally, we may as well draw a comparison. Next year marks the 30th anniversary of Hong Kong's reunification with the Motherland. Over these 30 years, the Chinese Government has published only three white papers on Hong Kong matters, which comes to one white paper per decade. By comparison:

- The UK publishes a paper/report on Hong Kong affairs every half year, making a total of 58 thus far. Ours come once a decade, whereas theirs roll out half-yearly.

- The US Government issues one every year, which now stands at 26. The US Congress releases one every six months, which likewise runs to 26. That adds up to 52 in total issued by the US.

In other words, they have left nothing unsaid about Hong Kong on the international stage. Is a comprehensive review from us once a decade deemed excessive?

The second question concerns the main content and principles of the white paper.

The preface of the white paper highlights the purpose of publishing the white paper, which is to clear up confusion and misunderstandings surrounding the issue to build consensus. The purpose of maintaining national security in Hong Kong is very clear and definite, which is to uphold the "One Country, Two

Systems" policy, safeguard national sovereignty, security, and development interests, and ensure Hong Kong's long-term prosperity and stability. It serves the interests of the nation, Hong Kong and each of its residents. Security is not an inhibition, but rather a safeguard and a booster.

Part I of the white paper, "An Unrelenting Fight for Safeguarding National Security in Hong Kong", reviews the history of the fight for safeguarding national security before 2020. It has made one thing clear: safeguarding national security is an inherent duty under "One Country, Two Systems", not something only introduced in 2020. Since the very inception of "One Country, Two Systems", safeguarding national security has been its requisite. After the reunification, Hong Kong saw the fight around the local legislation on safeguarding national security required by Article 23 of the Basic Law. The HKSAR's long delay, due to various factors, in completing the legislation required by Article 23 of the Basic Law left significant loopholes in the region's safeguarding of national security. This provided an exploitable opportunity for anti-China, destabilizing forces in Hong Kong and hostile external elements. The 2019 turmoil posed the greatest challenge for national security, which faced a major imminent threat. That is Part I.

Part II states how the Central Government has fulfilled its fundamental responsibility for safeguarding national security since 2020. When the HKSAR found it unable to effectively safeguard national security on its own, the Central Government's exercise of its constitutional power to legislate for national security at the state level became imperative. Since 2020, the major measures taken by the Central Authorities include the formulation and enactment of the HKNSL that restored order in

Hong Kong. The white paper refutes all kinds of attacks against the HKNSL, especially the advocacy that the HKNSL has changed the "One Country, Two Systems" policy, which is entirely unfounded and divorced from reality. The HKNSL supplements, develops and refines the Basic Law's content on safeguarding national security. Together, the HKNSL and the Basic Law constitute a significant foundation for the HKSAR to safeguard national security. This is a very important statement in the white paper that clarifies the relationship between the Hong Kong Basic Law and the HKNSL in safeguarding national security. The NSL neither amends nor replaces the Basic Law, but supplements and refines the Basic Law. Second, it is certainly about improving electoral system to secure the administration of the HKSAR. These measures taken by the Central Authorities have been instrumental in the historic transition from chaos to order in Hong Kong, and represent a significant milestone. That is Part II.

Part III explains how the HKSAR has fulfilled its constitutional responsibility for safeguarding national security since 2020. First, as we all witnessed, is the historic completion of legislation under Article 23 of the Basic Law. Second is the continuous improvement of Hong Kong's legal system for safeguarding national security, through which the HKSAR has formed a comprehensive legal framework for this endeavour. Third is taking strong law enforcement and judicial actions to safeguard national security. In today's morning session, Secretary for Security Mr Tang Ping-keung also cited this example. The white paper also uses these figures: from 2020 to January 2026, 98 individuals were prosecuted under the HKNSL, of whom 78 were convicted with sentences of up to 20 years' imprisonment.

Here, I would also like to make a comparison:

- The London riots of 2011 in the UK lasted 5 days, leaving 5 deaths, nearly 4,000 arrested, 3,103 prosecuted and 2,138 convicted with heavy sentences of up to 30 years' imprisonment.

- The day-long US Capitol riots in 2021 even involved military deployment, leaving 5 deaths, 1,575 prosecuted and 1,126 convicted with sentences of up to 22 years.

So, we have seen some international criticism dismissing Hong Kong's national security safeguards as disregarding human rights and allegedly having infringed upon the rights of certain individuals. I find these figures a vivid illustration of this: Hong Kong's safeguarding of national security embodies a precise, targeted approach in accordance with the law, where the enforcement is indeed directed at a very small minority, while safeguarding the safety and well-being of the vast majority.

Part IV, "Hong Kong: From Disorder to Stability and Prosperity", discusses the effectiveness and achievements in safeguarding national security across four aspects. I shall not recount them one by one here, as we have all experienced them first-hand.

Part V, "Creating High-Standard Security for High-Quality Development of the 'One Country, Two Systems' Policy", encapsulates and theoretically sublimes the practical dynamics of Hong Kong's endeavours to safeguard national security under the "One Country, Two Systems" condition. It declares the Chinese Government's standpoints, views and principled stance on certain major issues that have arisen in recent years. This forms the very essence of the entire white paper, characterized by

profound theoretical and ideological strength. This also has a strong practical guiding significance by setting forth the practical requirements for the HKSAR's future work on safeguarding national security. The white paper summarizes the efforts to safeguard national security over recent years through the "Six Principles of Persistence", featuring memorable quotes and fresh perspectives:

1. **Upholding the unity of the Central Government's fundamental responsibility and the HKSAR's constitutional responsibility**: The white paper clearly states that safeguarding national security in Hong Kong under "One Country, Two Systems" is a shared responsibility of the Central Government and the HKSAR. The mechanism whereby the Central Government takes a guiding role and the HKSAR Government assumes the principal responsibility is consistent with the "One Country, Two Systems" policy. In the face of complex and changing situations, safeguarding national security must be a consistent theme throughout the implementation of the "One Country, Two Systems" policy. Safeguarding national security is a long-term and enduring task, demanding constant vigilance against Hong Kong's descent into chaos ever again. This is the bottom line as well as our lifeline.

2. **Keeping the power to govern HKSAR firmly in the hands of patriots**: We should give top priority to political security and fully implement the principle of "patriots administering Hong Kong". Meanwhile, we must safeguard the security of the country's fundamental systems and state power established by the Constitution. And here, the white paper has clearly explained the

logical connection between the security of the HKSAR government and the security of the state power.

3. **Respecting and protecting human rights**: Hong Kong's endeavours in safeguarding national security are not aimed to pursue absolute security or generalized security. Instead, they emphasize protection of the rights and freedoms enjoyed by all residents in accordance with the law. Normal interactions between Hong Kong residents and legal entities and other countries and regions, as well as the various rights of foreigners in Hong Kong are fully protected in accordance with the law.

4. **Safeguarding security under the rule of law**: In safeguarding national security, the HKSAR strictly abides by the Constitution, the Basic Law, the HKNSL, and local laws, making sure that laws are observed and violations are punished. We can see from these cases, the ones adjudicated by the courts, that no individual has been wrongfully accused. All prosecutions and convictions are based on conclusive evidence and unambiguous law. The judicial authorities of the HKSAR exercise adjudicative power independently and, in trying cases pertaining to national security in accordance with the law, are free from any interference. The Office for Safeguarding National Security of the Central People's Government of the People's Republic of China in the Hong Kong Special Administrative Region performs its duties in strict accordance with the law and operates under legally mandated oversight.

5. **Following a holistic approach to development and security**: There were some past misunderstandings of this issue. The white paper clearly states that security must not be overlooked while pursuing development. The purpose of safeguarding national security is to ensure better development in Hong Kong and a better life for its residents. Security and development are equally important imperatives, and we must establish a secure foundation for Hong Kong's prosperity and development.

6. **Safeguarding security with greater openness**: Safeguarding national security in Hong Kong under "One Country, Two Systems" aims at developing open security, with dynamic protection of national security in an open environment. Secretary for Justice has just offered a highly incisive elaboration of this issue. Hong Kong should remain resolute in both safeguarding national security and maintaining openness, ensuring security through openness and promoting openness through security.

It is particularly highlighted in the white paper that safeguarding national security in Hong Kong means not only ensuring prosperity and stability in Hong Kong and safeguarding China's sovereignty, security, and development interests, but also safeguarding the security of global industrial, supply and capital chains. Safeguarding national security in Hong Kong, which is an international financial centre, also means safeguarding the security of international economic and financial platforms and transactions, and the international order of economic globalization and trade liberalization. On the basis of a strong security foundation, Hong Kong will advance high-standard opening up to ensure an even more liberal and open business environment.

The white paper has listed in detail some of the Basic Law provisions. I believe it is of immense significance for us to review these provisions today. For instance, it is reaffirmed in the white paper that:

- Hong Kong will continue to employ judges and other judicial professionals from other common law jurisdictions.
- Foreign lawyers will continue to work and practise law in Hong Kong in accordance with the law.
- The lawful rights and interests of investors from all countries and regions of the world will continue to receive equal protection.

This is a very distinctive feature of Hong Kong, where foreign residents and foreign citizens, provided they are permanent residents of Hong Kong, enjoy the same rights protected under the Basic Law as Chinese nationals in Hong Kong (including the rights to vote, to stand for election, and to hold public office). None of these have changed, and they are all expressly stipulated in the Basic Law.

The white paper reiterates that: regardless of changes in the international landscape, the Central Government will continue to fully, accurately, and resolutely implement the principles of “One Country, Two Systems”, the people of Hong Kong administering Hong Kong, and a high degree of autonomy. As emphasized therein, three things shall “remain unchanged over the long term”:

1. Ensuring that the capitalist system and way of life in Hong Kong remain unchanged over the long term.

2. Ensuring that its status as an international free port and separate customs territory remains unchanged over the long term.

3. Ensuring that its common law system remains unchanged over the long term.

Private assets, corporate ownerships, lawful rights of inheritance, and the safety and legitimate interests of investors in Hong Kong will be effectively protected. The white paper stresses that the practice of Hong Kong in safeguarding national security has consolidated the security foundation of "One Country, Two Systems", and further strengthened the national security system of the whole country. It has led to successful approaches for how to safeguard national security under the conditions of a highly internationalized environment and all-round opening up. Such experience has enriched the Chinese path to national security and provided a new example for other countries and regions seeking to safeguard their own security. This is Part V, the part of the white paper with the most profound theoretical and ideological strength.

The Conclusion is a summary stating that Hong Kong's endeavours in safeguarding national security are, at their core, efforts to uphold and advance the "One Country, Two Systems" policy. Hong Kong, which enjoys high-standard security, has incomparably bright prospects ahead.

Last but not least, I would like to touch upon a message conveyed by the white paper, namely the international significance of safeguarding national security in Hong Kong. In other words, we should jointly safeguard the values of peace, inclusiveness, openness and sharing embodied in the policy of "One Country, Two Systems".

The white paper not only summarizes the past but also illuminates the path forward, providing very important guiding significance for our next step in thoroughly implementing the HKNSL. I believe that through learning, everyone has gained a deeper knowledge and understanding of Hong Kong's endeavours in safeguarding national security over the past five years, and developed greater confidence in Hong Kong's bright future. Since many foreign friends are here today, I would like to discuss the international significance of Hong Kong's endeavours in safeguarding national security.

As you may recall, Mr Deng Xiaoping met with scholars specializing in international studies on 22 February 1984. He said on that occasion, "There are many disputes in the world, and we must find ways to solve them. Over the years I have been considering how those disputes could be solved by peaceful means, rather than by war. The answer is our 'One Country, Two Systems'. I hope you will have a better understanding of our proposal for the solution of the Hong Kong and Taiwan questions and make a study of it. Anyhow, we must find a way out of this impasse."

On 17 February 1990, when meeting with the committee members of the Drafting Committee for the Basic Law of the HKSAR, he spoke of the twofold significance held by the Basic Law – namely, historical significance and international significance. He said the Basic Law is of international significance, "It is significant and far-reaching not only for the Third World but for all mankind."

Two years ago, on 24 December 2024, President Xi Jinping remarked in his address at the celebration of the 25th anniversary of Macao's return to the Motherland, "The values of peace,

inclusiveness, openness and sharing embodied in the policy of 'One Country, Two Systems' are shared by China and also the rest of the world, and deserve to be jointly safeguarded. Currently, the world is beset by intertwined upheavals, intensifying turbulence and frequent geopolitical conflicts amid the accelerating global changes in a century."

The Middle Eastern warfare has left all nations as losers, but no winners or gains whatsoever for anyone. In stark contrast, in a world of turbulent waters and even tempestuous seas, China is steadily advancing the implementation of its 15th Five-Year Plan by aligning development and security to its own agenda, thereby continuing to achieve the dual miracles of rapid economic growth and long-term social stability, and providing this volatile world with rare stability and certainty.

There was a time, as everyone recalls, when Hong Kong likewise stood at the forefront of antagonistic conflict and simmering tensions between China and the West. Thanks to the great innovation and successful practice of "One Country, Two Systems", we turned swords into ploughshares. Hong Kong has become a hub for Sino-Western all-win cooperation. In today's conflict-ridden world, Hong Kong remains rock-solid under "One Country, Two Systems". With increasingly evident dividends from safeguarding national security, the city has re-emerged as a hotspot for international investment and a premier launchpad for dreams. This once again demonstrates its unique strengths, appeal and value.

The contrast is a striking one: a win-win situation of shared gains on the one hand; and a lose-lose scene of mutual detriment on the other. This is the great contribution of "One Country, Two Systems". This is "One Country, Two Systems". This is the

international significance of our efforts to safeguard national security in Hong Kong.

So today, we should renew our study of President Xi Jinping's words, and refresh our grasp of Deng Xiaoping's remarks back then. I believe this holds even greater realistic significance. Let us jointly safeguard the values enshrined in "One Country, Two Systems". This will enable Hong Kong to remain a place where people of different races, ethnicities and social systems coexist peacefully and achieve all-win cooperation; to set a new example for countries and regions worldwide in safeguarding national security; and to make its unique contributions towards the advancement of human civilization and the building of a community with a shared future for mankind.

Thank You.



Panel Session 1

Clearing up confusion and misunderstandings – Hong Kong's endeavours in safeguarding national security



Moderator

Mr Jonathan Chang, SC



Speaker

The Hon Carmen Kan Wai-mun, JP

Legislative Council Member, Solicitor



Mr Anthony Chau Tin-hang

Deputy Director of Public Prosecutions,
Department of Justice of the Government of
the Hong Kong Special Administrative Region



Professor I Grenville Cross, GBS, SC

Honorary Professor,
Faculty of Law, The University of Hong Kong

Visiting Professor (Honorary),
Faculty of Law,
The Chinese University of Hong Kong



Mr Jonathan Chang, SC

Secretary for Justice, Deputy Secretary for Justice, Professor Wang, distinguished guests, ladies and gentlemen,

Safeguarding national security is one important facet of maintaining the "One Country, Two Systems" policy in Hong Kong to uphold national security, national unity, and territorial integrity.

Now, we are here to speak about the white paper published by the State Council Information Office on the 10th of February, 2026. The white paper comprehensively reviews the long journey of safeguarding national security in Hong Kong and provides solid support and valuable insights for the steadfast and successful implementation of "One Country, Two Systems". It covers five areas:

- **First**, the unrelenting fight to safeguard national security in Hong Kong;
- **Second**, the Central Government's fundamental responsibility for national security matters concerning Hong Kong;
- **Third**, the HKSAR's achievements in fulfilling its constitutional responsibility to safeguard national security;
- **Fourth**, Hong Kong's transformation from disorder to stability and prosperity; and
- **Finally**, establishing high-standard security to support high-quality development of the "One Country, Two Systems" policy.

Our three speakers will review the development of Hong Kong's laws on safeguarding national security and related judicial cases from three different aspects: legislation, implementation, and comparative analysis. In the process, the panel will delve into a focused discussion on the HKSAR's achievements in fulfilling its constitutional responsibility for safeguarding national security in the past years, also in compliance with the substantive and practical requirements of the white paper.

Now, may I introduce our first speaker, the Honourable Carmen Kan. Ms Kan was qualified as a solicitor in Hong Kong in 1993 and is a member of the current Legislative Council. She chairs the Legislative Council Panel on Administration of Justice and Legal Services. She was a member of the Bills Committee and Subcommittee vetting the Safeguarding National Security Ordinance and its subsidiary legislation. She also chaired the joint panel meeting on the 2026 Implementation Rules for amending the Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the HKSAR.

As stated in the white paper, the fight for safeguarding national security in Hong Kong is unrelenting, and national security risks still exist. In accordance with the Hong Kong National Security Law and the Safeguarding National Security Ordinance, the HKSAR has enacted, revised, and refined relevant local laws based on actual needs, providing a more concrete and complete institutional guarantee for safeguarding national security. The legislative amendments discussed by Ms Kan will show how the HKSAR Government fulfills its constitutional duty to continue to improve the legal system and enforcement mechanisms for safeguarding national security.

The Hon Carmen Kan Wai-mun, JP

Distinguished guests, ladies and gentlemen,

It is a great honour to have been invited by the Department of Justice to speak at the National Security Legal Forum on the topic: "Clearing up confusion and misunderstandings – Hong Kong's endeavours in safeguarding national security".

In my speech, I will focus on the role of the HKSAR to continuously refine and improve our legal system and enforcement mechanism for safeguarding national security from a legislative perspective, and I will talk about three legislative exercises in 2025 and this year which illustrate the HKSAR's efforts in safeguarding national security while adhering to the rule of law and protecting human rights.

Now, as I have put up the slides, allow me to use some initials and acronyms to facilitate my delivery.

SNSO Subsidiary Legislation

I will begin with the first legislative exercise which is the two pieces of subsidiary legislation made under the Safeguarding National Security Ordinance ("SNSO") in May 2025.

On 13 May, the Safeguarding National Security (Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region) Regulation ("OSNS Regulation") was made under section 110 of the SNSO. At the same time, the Safeguarding National Security (Declaration of Prohibited Places) Order ("Prohibited Places Order") was also made under section 42 of the SNSO.

They were made for better carrying into effect the provisions of the Hong Kong National Security Law ("NSL") on the mandate of the Office for Safeguarding National Security of the CPG in the HKSAR ("OSNS").

The OSNS Regulation covers three major areas.

First, the HKSAR is subject to the OSNS' oversight and guidance under Article 49 of the NSL.

The OSNS Regulation outlines that the Committee for Safeguarding National Security of the HKSAR ("Committee") shall make overall plan for, and coordinate, the implementation of the OSNS' opinions.

Second, the OSNS Regulation provides for the implementation details to facilitate the OSNS to implement their duties under Article 55 of the NSL which provides that the OSNS shall, upon approval by the Central People's Government, exercise jurisdiction over a case concerning 4 types of offences endangering national security under the NSL, only when any of the three rare special circumstances specified in Article 55 occurs.

Third, the OSNS Regulation provides for specific details regarding protection for the OSNS and its staff in the performance of its mandate as stipulated in the NSL. This includes the requirements of the SAR Government and public servants to provide, in accordance with the law, all necessary and reasonable assistance, facilitation and support to the OSNS.

On the other hand, the Prohibited Places Order declares the premises where the OSNS performs its mandate as prohibited places. The relevant prohibited places are all premises solely occupied by the OSNS to perform its mandate.

The two pieces of legislation I just mentioned reflect consistently on the responsibilities mentioned in the white paper. Namely, the Central Government bears the fundamental responsibility for affairs concerning national security in the HKSAR, while the HKSAR shoulders the constitutional responsibility for safeguarding national security.

Prison (Amendment) Rules 2025

Now let me move on to the second legislative exercise: the amendments to the Prison Rules made on 15 July 2025.

The Prison (Amendment) Rules were made to strengthen the capabilities of the correctional officers in maintaining the security, good order and discipline of prisons, and, essentially echoing my topic, to further improve the legal system and enforcement mechanisms for safeguarding national security.

The Prison (Amendment) Rules have introduced amendments in relation to prison visits.

The key here is to clearly define the statutory purposes of visits such as facilitating the rehabilitation of the persons or preparing them for reintegration into the society. Any visits which are not for such purposes will be refused.

The reason for the amendments is fundamentally straightforward.

This enhances prison security and management, while protecting lawful rights and interests of prisoners. In fact, such rules are not uncommon. The amendments were introduced with reference to relevant laws and practices in other jurisdictions.

As we can see on the slides, the UK, the US, Canada, Australia and New Zealand all have put in place statutory provisions empowering prohibition or imposition of restrictions and conditions on visits having regard to factors such as national security and prison security.

Further, the Prison (Amendment) Rules introduced a new regime to restrict an individual legal practitioner's visit or connection with a particular prisoner.

It is important to be aware that while the vast majority of legal visits are bona fide, according to our past experience, a mechanism to guard against abuse is necessary.

The new regime is to empower a magistrate to issue a warrant authorizing the Correctional Services Department to impose restrictions.

But let's also keep in mind that the magistrate may only issue the warrant if he has reasonable grounds to do so. The prisoner may also make an application to a magistrate to revoke or vary any warrant issued.

In regard to prisoners' legal consultation, under the new mechanism, the prisoner is only restricted from consulting a specified legal representative under specific circumstances. He is still allowed to consult another legal representative of his choice, and hence his right to confidential legal advice is not affected.

Besides, the court would act as a gatekeeper to ensure the restrictions are imposed necessarily and reasonably.

In contrast, in other jurisdictions such as the US, New Zealand and New South Wales of Australia, the correctional

authorities may restrict prisoners' access without judicial authorization.

Getting back to the white paper, the HKSAR is committed to providing a secure, humane, appropriate, and healthy custodial environment for all prisoners, guaranteeing their access to essential medical services, mental health counseling, and religious services.

The Prison (Amendment) Rules have demonstrated that the rights of prisoners would be adequately protected, and the rule of law would be adhered to while we strive to safeguard national security.

And I refer to the white paper which states that Hong Kong's endeavours in safeguarding national security are, as mentioned by the Secretary for Justice, not aimed to pursue "absolute" security. Respecting and protecting human rights underpinned by the Basic Law and international covenants applicable to Hong Kong is a salient feature and important experience of the HKSAR's efforts to safeguard national security and must be adhered to.

The IR Amendment Rules

The last legislative exercise I would like to mention is the "IR Amendment Rules[1]", gazetted just last month (23 March), which is also the 2nd anniversary of the implementation of the SNSO.

The amendments are within the scope of the enabling power granted by the Standing Committee of National People's

[1] 2026 Implementation Rules for Amending 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

Congress of the PRC to the CE in conjunction with the Committee under Article 43 of the NSL itself.

In order to investigate offences endangering national security in a lawful and effective manner, the IR Amendment Rules enhanced procedures and mechanisms for law enforcement agents to exercise their duties and powers under the NSL and set out stringent requirements for them to exercise the powers.

The lawful rights and interests of individuals and organizations are adequately protected in accordance with Article 4 and Article 5 of the NSL. As we can see, the Judiciary plays a gatekeeping role to ensure such powers are subject to checks and balances.

Recently, there were a lot of discussions and misunderstandings about the power to require password under the IR Amendment Rules.

At the outset, it must be emphasized that this power is not arbitrary as it is only for obtaining evidence from persons being reasonably suspected of having committed offences endangering national security, and the prerequisite is that a warrant has been obtained from the court to search the contents of the digital device.

Only in exceptional circumstances where it would not be reasonably practicable to obtain a warrant that the police can execute a warrantless search. Section 3 of Schedule 1 clearly specifies that only where there is reasonable ground for believing that the digital device contains evidence necessary for the investigation of an offence endangering national security, or procurement and preservation of evidence, or the protection of

any person's safety, and when it would not be reasonably practicable to obtain a warrant, then a police officer not below the rank of an Assistant Commissioner of Police may authorize the search of the digital device without a warrant. Such warrantless search power of the Police reflects the principles held by the Court of Appeal in the case of *Sham Wing Kan* in 2020.

This is consistent with the protection of the freedom and privacy of communication under Article 30 of the Basic Law, as well as the protection of privacy and correspondence under Article 14 of the Hong Kong Bill of Rights.

And just as the white paper has mentioned, Hong Kong's judiciary and legal community stand resolutely as the guardians of the rule of law, and Hong Kong's original legal system, including the common law, has been maintained and developed.

Some may query whether similar mechanisms exist in other common law jurisdictions. In fact, many do have some legislation in place which authorizes law enforcement officers to require the provision of decryption methods of electronic equipment during investigations and evidence gathering.

For instance, the Regulation of Investigatory Powers Act 2000 of the UK imposes a disclosure requirement in respect of any protected information if it is necessary in the interests of national security etc.

There are also similar provisions in Australia, New Zealand, Ireland and Singapore, I could go on and on.

In the US, warrantless searches of people's cell phones are expressly allowed at ports of entry including airports. A recent example is put up on the slide for your reference.

Again, I must stress that one of the significant features of the IR Amendment Rules is that independent judicial power continues to play the gatekeeper role.

The law enforcement authorities are required to apply to the court for permission to exercise its power, such as to require a suspect to surrender his travel document and to confiscate proceeds of crimes or to forfeit offence related property and so on.

Another gatekeeping mechanism the IR Amendments Rules introduced is the review mechanism for affected persons to apply to court for a review of the authority's decisions.

I will give you some examples. Specifically, under Schedule 2, a suspect can apply to the Court of First Instance for review of a magistrate's refusal to return travel documents or to grant him permission to leave Hong Kong; and under Schedule 5, the party receiving a notice to provide information may make an application to the Court of First Instance for revocation or variation of the notice.

Conclusion

Now having gone through these 3 legislative exercises, all can see that in safeguarding national security, the HKSAR strictly abides by the Constitution, the Basic Law, the NSL, and local laws. Hong Kong has been resolutely fulfilling its constitutional responsibility to safeguard national security by continuously forming a comprehensive legal framework in which the NSL and local legislation are closely aligned and function as an integrated whole.

Looking ahead, the Legislative Council will work closely with the HKSAR Government to fully leverage on the strengths of "One

Country, Two Systems" by ensuring a high level of national security thereby making Hong Kong a safe and happy home for Hong Kong people and one of the best places for business in the world.

Thank you very much.

Mr Jonathan Chang, SC

Our next speaker is Mr Anthony Chau. Mr Chau is the Deputy Director of Public Prosecutions in the Department of Justice. He currently heads the Commercial Crime Subdivision of the Prosecutions Division.

He has prosecuted many cases involving offences endangering national security, and you would actually see his footprints in all the landmark national security law cases across all levels of our courts.

Mr Chau will review two recent judgments of major national security cases to illustrate how our courts discharge their duties of preventing, suppressing, and imposing punishment for offences endangering national security, and in the process, continue to adopt the common law approach in construing the National Security Law and relevant local legislation in the adjudication of cases.

Mr Anthony Chau Tin-hang

Distinguished guests, ladies and gentlemen,

Introduction

It is my great honour to speak to you today at the National Security Legal Forum on the topic: "Clearing up confusion and misunderstandings – Hong Kong's endeavours in safeguarding national security".

Building on Ms Kan's insightful discussion from the legislative perspective, I would like to approach this topic from a case law perspective, drawing on two recent and highly significant judgments on offences endangering national security: *HKSAR v Lai Chee Ying & Ors*[1], the first trial on charges of conspiracy to collude with external elements and *HKSAR v Yeung Suet-ying Clarisse & Ors*[2] , the so-called "primary election" case on conspiracy to commit subversion.

As the appeals of those cases remain on foot, I will not speak about the merits of the outcome. Instead, I want to highlight some of the key legal principles made by the Court and what these cases demonstrate about the Court's approach to the Hong Kong National Security Law ("**NSL**").

Much has been written and said, in Hong Kong and overseas, about the implications of the NSL for independent judicial power, human rights and the rule of law. My proposition today is this: when we read these judgments carefully, what we see is the common law at work. We see courts using the familiar tools – text, context, purpose and constitutional background – to

[1] [2025] HKCFI 6291

[2] [2026] HKCA 284

construe NSL provisions in a principled way. We also see a consistent effort to safeguard rights and freedoms guaranteed by the Hong Kong Basic Law while protecting national security.

HKSAR v Lai Chee Ying & Ors

Let me turn first to the case of *Lai Chee Ying*.

Mr Lai was convicted after trial of three charges: one relating to conspiracy to publish seditious publications, and two concerning conspiracies to collude with external elements to endanger national security, under Article 29 of the NSL. He was sentenced to 20 years' imprisonment, reflecting the grave nature of the offences found by the Court.

The trial lasted 156 days. The Court considered the evidence of 14 prosecution witnesses, examined more than 2,200 exhibits, over 80,000 pages of trial bundles and heard Mr Lai's own testimony over 52 days. Throughout, he was represented by an experienced team of counsel. Taken together, these features underline both the complexity and scale of the case and the Court's close attention to detail, as well as its careful observance of fair trial guarantees and its commitment to protecting rights under the Basic Law.

In its detailed 855-page set of Reasons for Verdict, the Court found that (i) Mr Lai was the mastermind of the collusive conspiracies; (ii) he was consciously using Apple Daily and his personal influence to carry out a consistent campaign with a view to undermining the legitimacy or authority of the CPG or the HKSAR Government; (iii) after the NSL came into operation, he continued to express an anti-China stance and carry out campaign for requesting sanction and other hostile activities against the PRC and the HKSAR.

As the Court found, Mr Lai's intent to solicit foreign intervention and the imposition of sanctions was demonstrated through his long term connections with his extensive foreign network including senior US officials or former officials as detailed in **Annex 1** to the Reasons for Verdict.

The Court found that his sole intent was to bring about the downfall of the Communist Party of China **even if that required the sacrifice of the interests of the people of the PRC and the HKSAR**.

So what did the Court have to decide, as a matter of law?

Article 29 of the NSL criminalises those who request, a foreign country or external elements, to impose sanctions or blockade or engage in other hostile activities against the HKSAR or the PRC.

Against the factual background, one of the key issues was how to construe the word "request", and the phrase "sanctions, blockade or other hostile activities" ("**SBHA**") in the context of Article 29 of the NSL and how far do those concepts reach?

In answering those questions, the Court anchored itself in the authoritative guidance of the Court of Final Appeal in *HKSAR v Lai Chee Ying*[3] and *HKSAR v Lui Sai Yu*[4] and applied the established common law principles of statutory construction. The NSL, the Court stressed, must be construed in light of its ordinary meaning, purpose and context. The NSL functioned coherently with the HKSAR's legal system, and sought "convergence,

[3] (2021) 24 HKCFAR 33 re: the construction of NSL42(2)

[4] (2023) 26 HKCFAR 332

compatibility and complementarity" with local laws unless they were expressly or impliedly displaced in the event of inconsistency pursuant to Article 62 of the NSL.

Applying those principles, the Court held that "request" bears its plain and ordinary meaning. It simply means to ask and to appeal for something to be done. It includes direct or indirect appeals for action. The focus of the offence is the act of making the request coupled with the intent that sanctions be imposed by a foreign country or external element. The offence does not require the request in question resulted in sanctions being imposed.

On the scope of SBHA, the Court again adopted a purposive and contextual reading, anchored in the NSL's object of protecting national sovereignty, security and development interests. It held that (i) SBHA should be given their plain and ordinary meaning; (ii) it extends to measures like technology embargoes; (iii) it is not confined to any measures targeting the PRC or HKSAR itself but also covers any those targeting officials of the PRC or the HKSAR acting in their official capacity.

HKSAR v Yeung Suet-ying Clarisse & Ors

I now turn to the Court of Appeal judgment of *HKSAR v Yeung Suet-ying Clarisse & Ors*, concerning the so-called "primary election".

In that case, 47 defendants were charged with "conspiracy to commit subversion", contrary to Article 22(3) of the NSL. 31 pleaded guilty; 14 were convicted after trial; 2 were acquitted. Those convicted received terms of imprisonment ranging from around 4 to 10 years. Earlier this year, the Court of Appeal dismissed the defendants' applications for leave to appeal

against conviction and sentence and also the prosecution's case stated appeal in relation to one acquittal.

The case concerned a scheme, described as a "constitutional mass destruction weapon", designed to create a constitutional crisis in Hong Kong ("**the Scheme**"). It was intended to compel the Chief Executive to resign, to paralyze the Government and to force the CPG to declare an end of the "One Country, Two Systems". The term of the Scheme involved abusing the LegCo members' powers under the Basic Law with the specified purpose of (1) obtaining a controlling majority in the LegCo to indiscriminately veto any budgets, (2) compelling the Chief Executive to dissolve the LegCo so as to paralyse the operations of the Government, and (3) ultimately causing the Chief Executive to resign.

Article 22 of the NSL criminalises those who commit the prohibited acts "by force or threat of force or other unlawful means". One of the key legal controversies at trial and on appeal centred on the meaning of "other unlawful means".

When approaching the issue, the Court reiterated that the contextual and purposive approach established in common law should be adopted when construing provisions of the NSL. It held that the term "other unlawful means": (1) is not restricted to those involving force or the threat of force; (2) is not confined to acts constituting criminal offences; and (3) may include an act committed in breach of an article of the Basic Law.

Having regard to the NSL's legislative purpose and the constitutional order in the HKSAR, the Court held that the Scheme clearly amounted to "other unlawful means" within Article 22 of the NSL. Taken as a whole, the Scheme plainly constituted an abuse of the powers conferred by Article 73(2) of the Basic Law,

which empowers the LegCo to examine and approve budgets introduced by the Government. That provision does not however entitle LegCo members to exercise such power in a manner that undermines the very foundation of the Basic Law.

Conclusion

Now let me draw these threads together.

Through their reasoned judgment, we see the courts of Hong Kong, exercising independent judicial powers, have consistently applied the established common law principles of statutory construction in adjudicating cases under the NSL. The courts have given full effect to the legislative intent of safeguarding national security while maintaining the constitutional order established by the Basic Law.

In discharging this constitutional responsibility, the courts have continually sought to strike a fair balance between the safeguarding of national security and the protection of fundamental rights and freedoms, upholding the rule of law as an integral pillar of Hong Kong's legal system. As emphasised in the white paper[5], "Respecting and protecting human rights is a salient feature and an important aspect of the HKSAR's efforts to safeguard national security and must be adhered to over the long term."

At the same time, safeguarding national security is not and cannot be the responsibility of the courts alone. Article 6(1) of the NSL states that "it is the common responsibility of all the people

[5] "Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems", February 2026

of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China."

It is in this spirit that, I would like to conclude with one line from the white paper which expressed this in vivid terms:

> "Like air and sunshine, national security is often taken for granted, yet cannot be lived without. Safeguarding national security is a responsibility shared by all members of society; everyone is a stakeholder and beneficiary, and no one can be a mere spectator."

Thank you very much.

Mr Jonathan Chang, SC

Our last speaker is Professor Grenville Cross, SC. He was called to the Bar of England and Wales in 1974, and to the Hong Kong Bar in 1981. He was appointed Queen's Counsel in 1990. He served as the Deputy Crown Prosecutor of Hong Kong from 1990 to 1997, and as the Director of Public Prosecutions from 1997 to 2009.

Professor Cross will take us through how human rights are fully respected and protected under the National Security Law through a comparative study of national security laws and cases in overseas jurisdictions.

Professor I Grenville Cross, GBS, SC

Secretary for Justice, distinguished guests, ladies and gentlemen,

I am most grateful to the Secretary for Justice for inviting me to participate in today's forum, which provides everybody with an opportunity to focus upon national security developments. The way in which the Hong Kong National Security Law (NSL) and the Safeguarding National Security Ordinance (SNSO) have been integrated into our legal system deserves to be better understood, and this forum is furthering that objective. As the white paper issued by the State Council Information Office in February makes clear, security is the foundation of social stability and the safeguard of people's well-being. However, persistent efforts to ensure national security are required, and comparative analyses can help to identify the direction of travel.

After all, some of the HKSAR's national security laws bear a striking resemblance to those of other jurisdictions, including those on extraterritoriality, sabotage, and technology crime. This should surprise nobody, as the laws of, for example, Australia, Canada and the United Kingdom were closely studied when Hong Kong enacted its own national security laws in 2024 (Basic Law, Art.23). However, there is one stark difference, and it concerns human rights.

As the white paper acknowledged, Hong Kong has in place "sound provisions on the protection of human rights and freedoms enjoyed by all Hong Kong's residents in accordance with the Basic Law and the relevant provisions of the international covenants applicable to Hong Kong". In contrast to other places, it is no exaggeration to say that Hong Kong's two national security laws are human rights heavy.

In both the NSL (Art.4) and the SNSO (Art.2), the need for human rights to be respected is highlighted. The importance of protecting the fair trial guarantees embodied in the International Covenant on Civil and Political Rights (ICCPR) is also emphasized. Both laws indicate that human rights must be "respected and protected," which is reassuring for everybody involved in criminal justice. However, anybody searching the parallel laws of other jurisdictions for similar provisions, including the UK's National Security Act (2023), will be wasting their time. They are silent on human rights protections in national security prosecutions.

The impact of Hong Kong's human rights protections was evident at the recently concluded national security trial of the Apple Daily founder, Jimmy Lai Chee-ying, a trial which I may say was skillfully prosecuted by Mr Anthony Chau. Mr Lai enjoyed the presumption of innocence, was defended by a top-class legal team of six barristers, and was able to challenge the prosecution's evidence and to give evidence in his own defence. He was only convicted after the Court of First Instance fully evaluated the evidence and concluded he was guilty beyond a reasonable doubt.

Although Lai chose not to challenge his national security convictions, he did appeal against his two fraud convictions dating from 2022. On February 26 this year, the Court of Appeal quashed his convictions and set aside his sentence of 5 years and 9 months' imprisonment, which was a vivid demonstration of independent judicial power. Earlier, in 2024, the Court of Appeal had also quashed his conviction for organizing an unauthorized assembly, citing evidential deficiencies. Therefore, let nobody ever underestimate the judiciary's unwavering pursuit of just outcomes.

Although the similarities between some of Hong Kong's national security laws and those elsewhere are obvious, others are less apparent. However, whatever the labels actually attached to particular laws, the underlying objectives of the various laws in different places are invariably the same. This can be demonstrated by examining three offence provisions.

The first situation involves dealings in a national security absconder's funds, etc., contrary to the SNSO (s.90). This was illustrated in February by the conviction of Kwok Yin-sang for "attempting to deal with, directly or indirectly, any funds or other financial assets or economic resources" belonging to a national security absconder, namely, his daughter, Anna Kwok. As Kwok knew, his daughter is accused of colluding with foreign forces to endanger national security. She is actively engaged in seeking to harm Hong Kong's interests in the United States, where she works for the China-hostile Hong Kong Democracy Council.

Perhaps inevitably, Kwok's conviction triggered ill-informed foreign criticisms. Whereas, for example, US Senator Jeff Merkley, from the Senate Foreign Relations Committee, claimed it was intended "to silence dissent", Elaine Pearson, Human Rights Watch's Asia director, said it showed the Hong Kong authorities were determined "to silence peaceful activism abroad." As for the hyperbolic Benedict Rogers, from the UK-based Hong Kong Watch, he described Kwok's conviction as "an appalling, outrageous miscarriage of justice." So it was that global attempts were made to mislead public opinion into believing that Hong Kong was somehow unique in having a law in place to deter people from assisting criminal fugitives, which could not be further from the truth.

Throughout the common law world, countries have enacted laws to discourage people from harboring, financing, or otherwise

assisting criminal suspects. This is as true of the UK as it is, for example, of Australia, Canada and the US. In all those places anybody who provides sustenance of whatever sort to wanted persons will face the consequences. It matters not whether they are family, friends or associates, as the British model illustrates.

Whereas it is a specific offence under the UK's Criminal Law Act (1967) to assist an offender (s.4), any dealing with the offender's money is criminalized under the Proceeds of Crime Act 2002. Assisting an offender encompasses providing material support, washing clothes to remove evidence, or providing a hiding place. Even actions by parents to help their errant progeny are prosecutable, and punishable upon conviction with a maximum sentence of 14 years' imprisonment.

Moreover, under the UK's Terrorism Act 2000 (TACT 2000) it is an offence for somebody to use or possess any property or enter into a funding arrangement if the person knows or has reasonable cause to suspect that it may be used for the purposes of terrorism (ss.16-17). It is also an offence for a person to facilitate the control of terrorist property unless the person can prove he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property (s.18). This is as tough as it gets, and one tragic case recently demonstrated that a familial relationship between the parties does not begin to qualify as a defence under the British law.

On June 21, 2019, a married couple from Oxford were found guilty - at the Old Bailey, no less - of sending GBP 233 (US$298) to their ISIL(ISIS)-supporting son in Syria, and sentenced to 15 months' imprisonment, suspended for 12 months. John Letts and his wife Sally Lane were convicted of entering into a funding arrangement for the purposes of terrorism. Their son, Jack Letts,

was a convert to ISIL who travelled to the Middle East in 2014, making his way eventually to ISIL controlled areas in Syria.

Although the parents explained they trusted their son when he told them he was acting as a translator and a civil administrator for Daesh and that he wanted to leave Syria, it was of no avail. Despite not supporting Daesh, its aims or methods, they were hit with the full force of the law. After the convictions, the Crown Prosecution Service's Jenny Hopkins said the case showed that even parents who cared for a child were "breaking the law if they give money that could be used for terrorist purposes even if they don't sympathize with terrorism." In response, Letts and Lane declared "We have been convicted for doing what any parent would do if they thought their child's life was in danger...We believe we have been let down badly by the police and the authorities...We tried to do the right thing." However, this cut no ice with the prosecuting authorities.

Although it is natural for people to want to help relatives in trouble, there must be limits. If red lines are crossed, there will inevitably be consequences, as is globally acknowledged. Kwok now knows this, so do Letts and Lane, and people in similar circumstances everywhere can now see how things stand. Although both cases involved family tragedies, Merkley, Pearson and Rogers only waxed lyrical over Kwok's predicament. They had no words of sympathy for Letts and Lane, and their double-standards are exposed for all to see.

I turn now to the second (and related) issue of how the Hong Kong authorities act against specified absconders accused of endangering national security. Such people are existential threats, and every effort is necessary to neutralize them, and to procure their return to Hong Kong to face justice. This is why, for

example, the SNSO enables the Security Bureau to cancel the HKSAR passports of specified absconders (s.96), to prohibit any dealings in the funds or assets of an absconder (s.90), to criminalize the leasing of immovable property to or from an absconder (s.91), and to prohibit joint ventures, partnerships or any like relationships with an absconder (s.92).

Although, for example, Hong Kong Watch criticized the consequential measures that were taken by the authorities against specified absconders, claiming they showed that Hong Kong's authoritarian status was becoming a reality, it has, intriguingly, never once complained about the equivalent US laws, which provided Hong Kong with a model.

By virtue of the US Code of Federal Regulations (Title 22, section 51.62), a law enforcement agency can ask the Department of State to revoke a passport if an individual is wanted on a criminal charge and an arrest warrant has been issued, or else if a court order has been issued prohibiting an individual from leaving the country. Thus, for example, Edward Snowden, the former US National Security Agency intelligence contractor and whistleblower, who exposed malfeasance at the heart of Western intelligence in 2013, had his US passport revoked while he was in Hong Kong, leaving him in limbo.

When the SNSO was enacted, it criminalized external interference endangering national security (s.52), which is the third offence I will examine. Its ingredients are closely defined, and involve an intent to bring about an interference effect by collaboration with an external force to do a particular act – but provided only that improper means are used when doing the act. The offence must be aimed at endangering national security, meaning that normal international exchanges in areas like

academia, commerce and culture are not affected. Although nobody has ever been convicted of this offence in Hong Kong, the same cannot be said of other jurisdictions which have parallel laws. I am thinking here of places like Australia, Canada, the UK and the US.

For example, both Australia's National Security Amendment (Espionage and Foreign Interference) Act 2018 and the UK's National Security Act 2023 introduced offences that criminalized collaboration with a foreign power to interfere with their internal affairs through various types of improper conduct. Both laws were influential in the drafting of Hong Kong's external interference law. Thus, whereas Hong Kong's external interference law criminalizes acts which have an "interference effect," the UK's foreign interference law criminalizes acts of "prohibited conduct". While the Hong Kong offence explains the "improper means" of doing the act (s.55), the wording largely mirrors that used to define "prohibited conduct" in the UK offence (s.15).

However, the laws are not identical, and both the British and Australian laws are designed to make it easier to prosecute national security suspects. Although Hong Kong's external interference law requires intent (s.52), the UK law introduced a lower test, making it possible to prosecute somebody who is only "reckless" (s.13). Australia has also adopted the lower test, with reckless foreign interference being criminalized under the Criminal Code Act 1995 (s.92.3).

What this means, therefore, is that whereas a specific intent is required in Hong Kong before a suspect can be convicted, a suspect elsewhere can be convicted without having sought a specific outcome. With the lower recklessness test, it suffices for

the suspect to have behaved in a way that created a high risk of interference. Nobody, therefore, should be surprised that the foreign interference laws in other jurisdictions have been more liberally deployed, without the restraint apparent in Hong Kong.

In 2024, for example, Di Sanh Duong, a Vietnam-born businessman and a prominent figure in Australia's Chinese community, became the first person in Australia to be convicted of planning to commit an act of foreign interference. He had close ties with the governing Liberal Party, and was accused of ingratiating himself with a government minister, Alan Tudge, by means of a hospital donation, hoping to influence Australian Government policy in a manner favorable to the Communist Party of China. Although Duong insisted he was genuinely concerned about rising anti-Chinese sentiment in Australia during the COVID-19 pandemic and wanted to promote the goodwill of the Chinese-Australian community by donating to pandemic relief, he was imprisoned for 2 years and 9 months. In other words, Duong was prosecuted for activities that in many places would be viewed as either public spiritedness or political lobbying.

Buoyed by its success, the Australian authorities then targeted a businessman, Alexander Csergo. Once again, there was a China angle, and he was convicted last month in a Sydney court of reckless foreign interference for having compiled reports for two individuals suspected of being Chinese spies. Although Csergo, who ran a business in Shanghai, provided information which he said was already in the public domain and was objectively worthless, prosecutors argued that he believed the individuals were working for China's Ministry of State Security and was reckless as to whether it could support China's intelligence activities. While there was no evidence that Csergo, who admitted to misleading the two individuals, revealed any

national security secrets, he now faces up to 15 years' imprisonment. It is fortunate for Hong Kong residents that their prosecutors do not also target people with evidence that can only be described as "flimsy."

Although the US does not have a specific interference law mirroring Hong Kong's, it has alternatives of its own. For example, its offence of acting as a foreign agent without notifying the Attorney General was invoked in 2023 against an American citizen of Chinese descent, Litang Liang, a hotel worker. Without notifying the Attorney General, he allegedly acted as an agent of the PRC, collecting information about Chinese residents in the Boston area, and passed it on to the Chinese government.

Whereas the authorities portrayed Liang's acts as efforts by the Chinese government to silence critics abroad, his lawyer, Derege Demissie, contended he was simply an organizer in Boston's Chinese American community, and that the charges he faced were "scare tactics." Demissie told Voice of America, "This case would have meant nothing if it did not involve China." She added that its aim was "scaring people, and it achieved that purpose". Although Liang was acquitted, his prosecution demonstrated the dangers faced by Chinese people living abroad, and the ease with which a foreign agency type law can be used in the West to intimidate anybody who does not embrace a particular world view.

In conclusion, the three laws I have examined all have their counterparts elsewhere, and are being applied with a restraint often lacking in other places. They are no more draconian than laws elsewhere, and sometimes milder. However, national security is a work in progress, which is why the white paper notes that states which practise the common law continuously refine

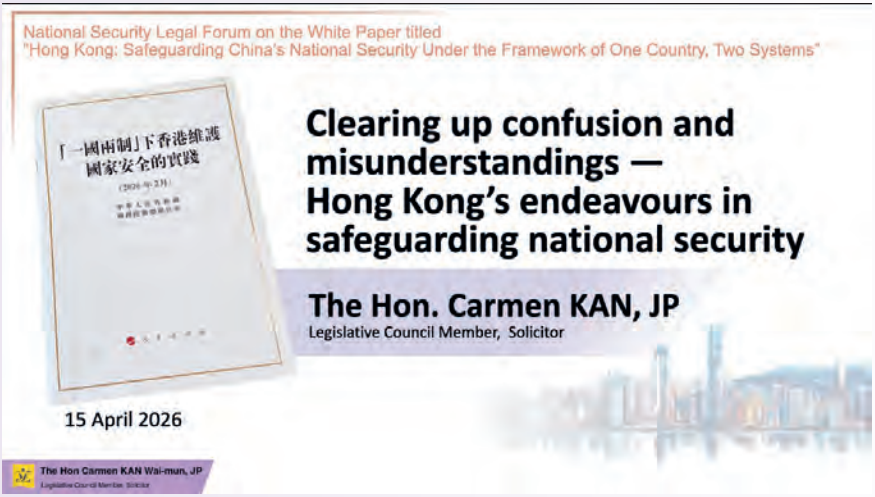
their legal systems in response to evolving national security landscapes. Although, therefore, the national security laws have been successful in restoring stability and prosperity in Hong Kong, they must be kept under constructive review in the best interests of the "One Country, Two Systems" policy.

Mr Jonathan Chang, SC

Thank you, Professor. To conclude this panel session, I can do no better than reminding ourselves what the white paper set out as concluding remarks:

> "Hong Kong's endeavours to safeguard national security under the 'One Country, Two Systems' policy have been extraordinary, with achievements that are widely recognized. Its stability and prosperity today have not come easily, and hard-won progress must be cherished.
>
> A safe Hong Kong that is free, developed, open, and vibrant aligns fully with the 'One Country, Two Systems' policy, serves China's fundamental interests, benefits the residents of Hong Kong, and meets the interests of external investors.
>
> These endeavours are, at their core, efforts to uphold and advance the 'One Country, Two Systems' policy, protect the fundamental human rights, dignity, and well-being of Hong Kong's 7.5 million residents, and promote world peace and development.
>
> Looking ahead, Hong Kong will fully leverage the strengths of 'One Country, Two Systems', and better integrate into and contribute to China's overall development."

PowerPoint Slides of The Hon Carmen Kan Wai-mun, JP






National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"
Three legislative exercises in 2025 and 2026
1
2
3
"SNSO Sub-legislation"
Two pieces of subsidiary legislation made under the Safeguarding National Security Ordinance ("SNSO")
"Prison (Amendment) Rules"
Prison (Amendment) Rules 2025
"IR Amendment Rules"
2026 Implementation Rules for Amending 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
The Hon Carmen KAN Wai-mun, JP
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National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"
The first legislative exercise in 2025
1
"SNSO Sub-legislation"
Two pieces of subsidiary legislation made under the Safeguarding National Security Ordinance ("SNSO")
The Hon Carmen KAN Wai-mun, JP
3

1. SNSO Subsidiary legislation



Legislative Council

Subcommittee on Two Items of Subsidiary Legislation Made under the Safeguarding National Security Ordinance (Agenda) 15 May 2025

Minutes

Subcommittee on Two Items of Subsidiary Legislation Made under the Safeguarding National Security Ordinance

Meeting on Thursday, 15 May 2025,
from 11:00 am to 1:00 pm
in Conference Room 1 of the Legislative Council Complex

Agenda

I. Meeting with the Administration
(11:00 am – 12:55 pm)

LC Ref.: SB/2025/5 (Issued by the Security Bureau and Department of Justice on 13 May 2025) – Legislative Council brief

L.N. 77 of 2025 (Published in the Gazette on 13 May 2025) – Safeguarding National Security (Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region) Regulation

L.N. 78 of 2025 (Published in the Gazette on 13 May 2025) – Safeguarding National Security (Declaration of Prohibited Places) Order

LC Paper No. LS92/2025 – Legal Service Division Report on L.N. 77 and L.N. 78 of 2025

The Hon Carmen KAN Wai-mun, JP
Legislative Council Member (Justice)

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1. SNSO Subsidiary legislation

Made on 13 May 2025

1.1 "OSNS Regulation": the Safeguarding National Security (Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region, "OSNS") Regulation

→ was made under s.110 of the SNSO

1.2 "Prohibited Places Order": the Safeguarding National Security (Declaration of Prohibited Places) Order

→ was made under s.42 of the SNSO

*For the **better carrying into effect** of the provisions of the HKNSL on the **mandate of the OSNS** in the HKSAR*

The Hon Carmen KAN Wai-mun, JP

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1.1 OSNS Regulation

1. The HKSAR is **subject to the OSNS' oversight and guidance under Article 49 of the HKNSL**

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall perform the following mandate:

(1) analysing and assessing developments in relation to safeguarding national security in the Hong Kong Special Administrative Region, and providing opinions and making proposals on major strategies and important policies for safeguarding national security;

(2) overseeing, guiding, coordinating with, and providing support to the Region in the performance of its duties for safeguarding national security;

(3) collecting and analysing intelligence and information concerning national security; and

(4) handling cases concerning offence endangering national security in accordance with the law.

Outline the **Committee for Safeguarding National Security** of the HKSAR **("Committee")** shall **make overall plan** for and **coordinate the implementation of OSNS' opinions**

1.1 OSNS Regulation

2. To provide for the **implementation details to facilitate the OSNS** to implement their duties under **Article 55 of the HKNSL**

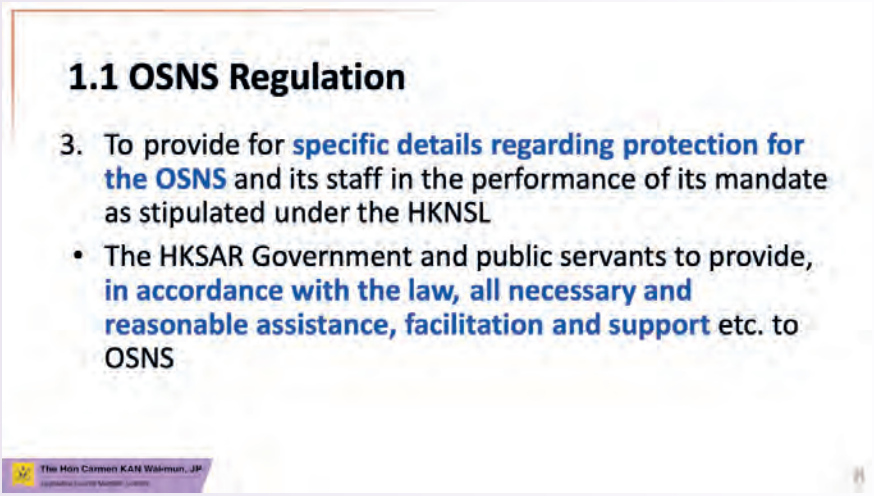
The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall, upon approval by the Central People's Government of a request made by the Government of the Hong Kong Special Administrative Region or by the Office itself, exercise jurisdiction over a case concerning offence endangering national security under this Law, if:

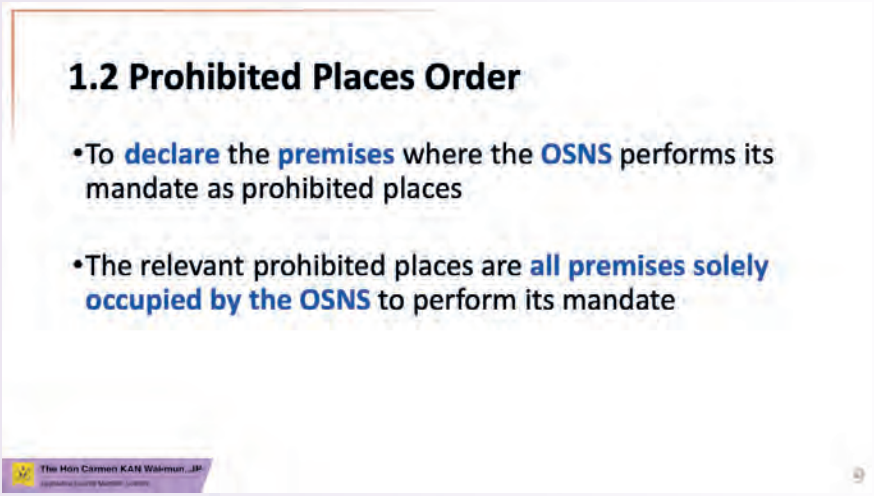
(1) the case is complex due to the involvement of a foreign country or external elements, thus making it difficult for the Region to exercise jurisdiction over the case;

(2) a serious situation occurs where the Government of the Region is unable to effectively enforce this Law; or

(3) a major and imminent threat to national security has occurred.

Exercise jurisdiction only when **any of the three rare special circumstances** specified in Article 55 occurs


1.1 OSNS Regulation
3. To provide for specific details regarding protection for the OSNS and its staff in the performance of its mandate as stipulated under the HKNSL
• The HKSAR Government and public servants to provide, in accordance with the law, all necessary and reasonable assistance, facilitation and support etc. to OSNS
The Hon Carmen KAN Wai-mun, JP


1.2 Prohibited Places Order
•To declare the premises where the OSNS performs its mandate as prohibited places
•The relevant prohibited places are all premises solely occupied by the OSNS to perform its mandate
The Hon Carmen KAN Wai-mun, JP

National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"



The White Paper

*"The central government bears the **fundamental responsibility** for affairs concerning national security in the HKSAR, while the HKSAR shoulders the **constitutional responsibility** for safeguarding national security."*

The Hon Carmen KAN Wai-mun, JP

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National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"

The second legislative exercise in 2025

2

"Prison (Amendment) Rules"

Prison (Amendment)
Rules 2025

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2. Prison (Amendment) Rules 2025

Made on 15 July 2025

- To strengthen the capabilities of the correctional officers in **maintaining the security, good order and discipline of prisons**; and
- To **further improve the legal system and enforcement mechanisms** for safeguarding national security


Subcommittee on Prison (Amendment) Rules 2025 (Agenda) 6 August 2025

Subcommittee on Prison (Amendment) Rules 2025

Meeting on Wednesday, 6 August 2025, from 2.30 pm to 4.30 pm in Conference Room 4 of the Legislative Council Complex

Agenda

The Hon Carmen KAN Wai-mun, JP

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2. Prison (Amendment) Rules 2025

- Introduced amendments in relation to **prison visits**
- The **statutory purposes** are clearly stipulated:
  - to **enhance prison security** and **management**
  - while **protecting prisoners' lawful rights and interests**
- Other jurisdictions have put in place statutory provisions empowering prohibiting or imposition of restrictions and conditions on visits, e.g.

The US | The UK | Canada | Australia | New Zealand

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2. Prison (Amendment) Rules 2025

A **new regime** restricting individual legal practitioner from visiting with **judicial authorization and application for revocation and variation**

- Necessary **guard against abuse**

➢ **Imposition of restrictions** by the Correctional Services Department **only when a warrant is issued** by a magistrate

- **The prisoner** may make an **application** to the **magistrate to revoke or vary** any warrant issued

2. Prison (Amendment) Rules 2025

- The prisoner is **only restricted** to consult a **specified** legal representative. He is still **allowed to consult another legal representative of his choice**.
- The **court** would act as a **gatekeeper**.
- In contrast, in **other jurisdictions**, the correctional authorities may restrict prisoners' access **without judicial authorization**

The US | New Zealand | New South Wales of Australia

National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"



The White Paper

- *"The HKSAR government provides a **secure, humane, appropriate, and healthy custodial environment** for all prisoners, guaranteeing their access to essential medical services, mental health counseling, and religious services."*
- *HK's endeavors in safeguarding national security are **not aimed to pursue "absolute" security**. Instead, they have sound provisions on the protection of human rights and the rights and freedoms enjoyed by all of Hong Kong's residents **in accordance with the Basic Law and the relevant provisions of the International covenants** applicable to Hong Kong.*
- ***Respecting and protecting human rights is a salient feature and important experience** of the HKSAR's efforts to safeguard national security and must be adhered to.*

The Hon Carmen KAN Wai-mun, JP

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National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"

The third legislative exercise in 2026



"IR Amendment Rules"

2026 Implementation Rules for Amending 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

The Hon Carmen KAN Wai-mun, JP

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3. IR Amendment Rules

Gazetted on 23 March 2026.

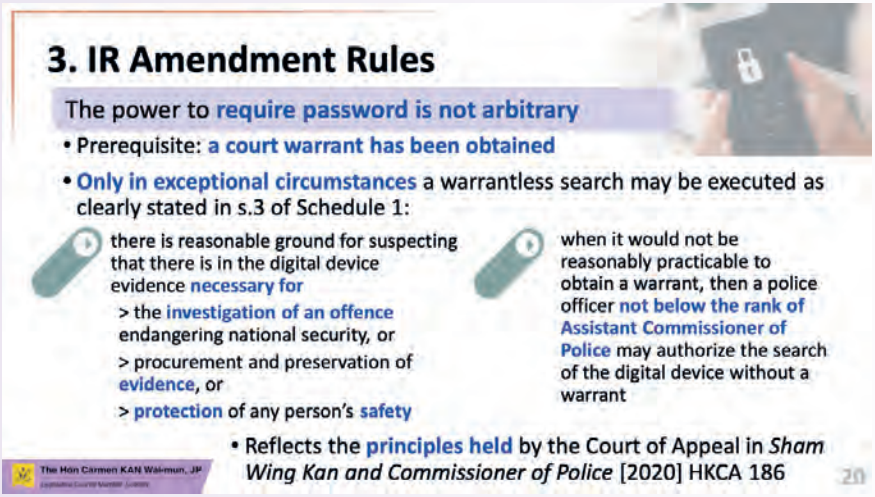
- **Within the scope** of the enabling power **granted by the Standing Committee of National People's Congress to the CE in the Committee** under Article 43 itself.

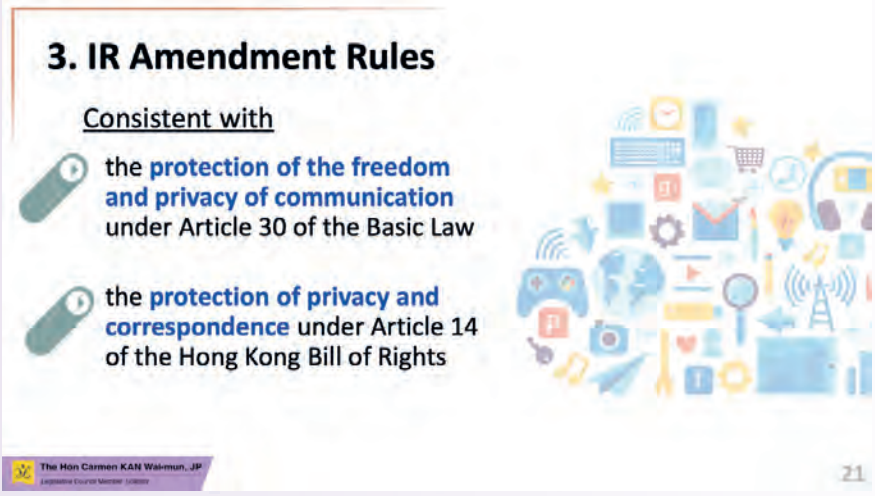


3. IR Amendment Rules

- **Enhancing procedures and mechanisms** for enforcement with stringent requirements while **putting in place judicial gatekeeping role**
- **Lawful rights and interests of individuals and organizations are adequately protected** in accordance with Article 4 and Article 5 of the HKNSL




3. IR Amendment Rules
The power to require password is not arbitrary
• Prerequisite: a court warrant has been obtained
• Only in exceptional circumstances a warrantless search may be executed as clearly stated in s.3 of Schedule 1:
there is reasonable ground for suspecting that there is in the digital device evidence necessary for
> the investigation of an offence endangering national security, or
> procurement and preservation of evidence, or
> protection of any person's safety
when it would not be reasonably practicable to obtain a warrant, then a police officer not below the rank of Assistant Commissioner of Police may authorize the search of the digital device without a warrant
• Reflects the principles held by the Court of Appeal in *Sham Wing Kan and Commissioner of Police* [2020] HKCA 186
The Hon Carmen KAN Wai-mun, JP
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3. IR Amendment Rules
Consistent with
the protection of the freedom and privacy of communication under Article 30 of the Basic Law
the protection of privacy and correspondence under Article 14 of the Hong Kong Bill of Rights
The Hon Carmen KAN Wai-mun, JP
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National Security Legal Forum on the White Paper titled
"Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"



The White Paper

- *"Hong Kong's **judiciary and legal community stands resolutely as the guardians of the rule of law**"; and*
- *"Hong Kong's **original legal system**, including the common law, has been **maintained and developed**."*

The Hon Carmen KAN Wai-mun, JP

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3. IR Amendment Rules

Many common law jurisdictions have similar provisions

The UK — ***The Regulation of Investigatory Powers Act 2000***

Australia | Singapore | New Zealand | Ireland — ***Similar provisions***

The US — ***Warrantless searches of people's cell phones are expressly allowed at ports of entry including airports***

Recent Example

20 members of a convoy that delivered humanitarian aid were detained and interrogated by the Customs and Border Protection upon returning

18 of them refused to unlock their phones when so demanded and their devices were confiscated

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3. IR Amendment Rules

Independent judicial power continues to play the **gatekeeping** role

- **Application to the court is required for exercise of power**, such as
  - Surrender of travel documents (s.2 of Schedule 2)
  - Confiscation of proceeds of crime (s.9 of Schedule 3)
  - Forfeiture of offence related property (ss.13 and 13A of Schedule 3)
  - To require a person to furnish information or produce materials for the purpose of investigation into an offence endangering national security (ss.2 and 3 of Schedule 7)

3. IR Amendment Rules



- New **review mechanisms** for affected persons
- Again **judicial scrutiny**

Examples Schedule 2

A suspect may apply to the Court of First Instance for **review of a magistrate's refusal** to return travel documents or granting him permission to leave HK (s.4A)

Examples Schedule 5

The party receiving a notice to provide information may make an **application to the Court** of First Instance for **revocation or variation** of the notice (s.8)

Conclusion

- The HKSAR **strictly abides by the Constitution, the Basic Law, the HKNSL and local laws**
- **The White Paper:**

> *The HKSAR has been **resolutely fulfilling its constitutional responsibility to safeguard national security.** It has enacted a series of local laws and formed a **comprehensive legal framework** for this endeavor in which the Hong Kong National Security Law and local legislation are **closely aligned and function as an integrated whole.***



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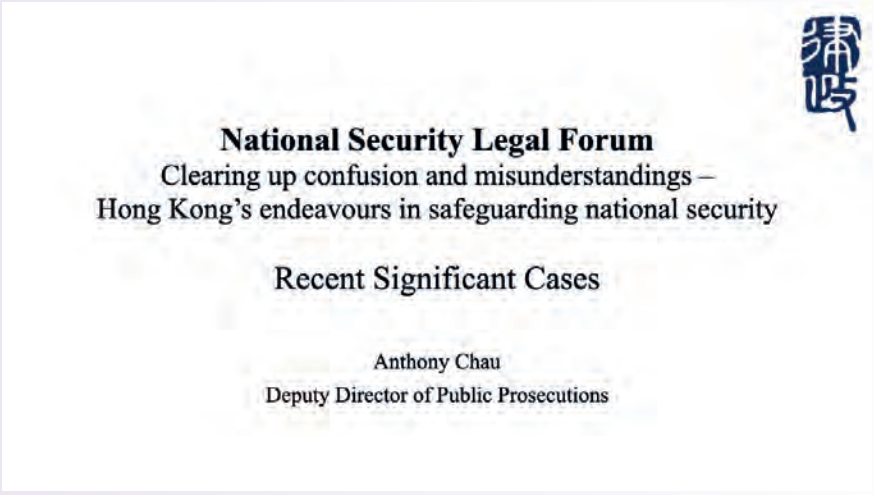
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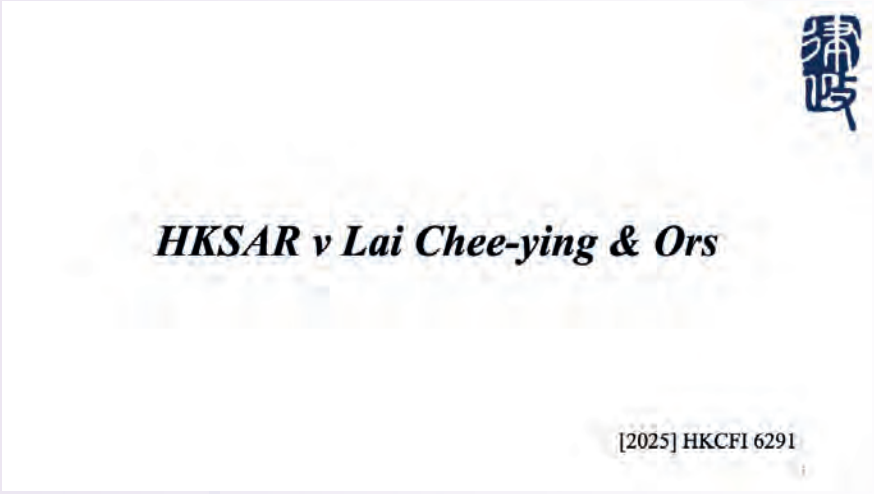


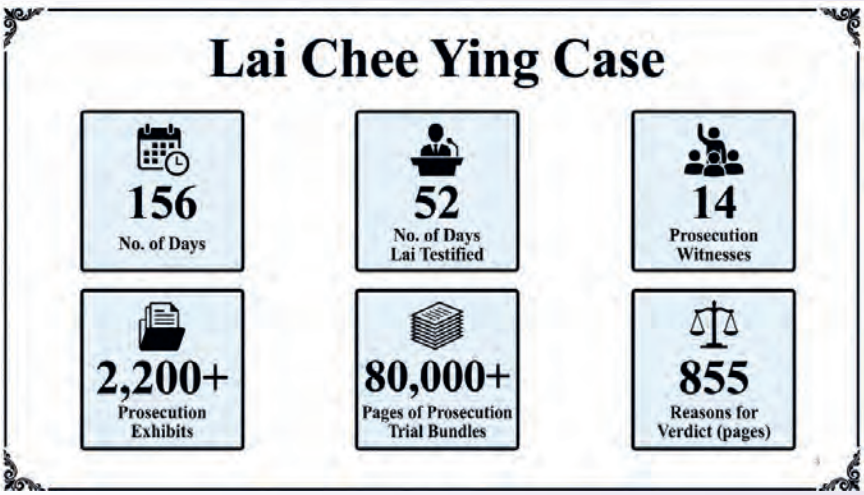
Thank you

The Hon. Carmen KAN, JP
Legislative Council Member, Solicitor

PowerPoint Slides of Mr Anthony Chau Tin-hang







The Court's key findings

(1) Mr Lai was the mastermind

(2) He used Apple Daily and his personal influence with a view to undermining the legitimacy or authority of the CPG or the HKSAR Government

(3) He continued the campaign for requesting sanction and other hostile activities against the PRC and the HKSAR after the NSL



Annex 1 of the Reasons for Verdict

Common law approach of statutory construction

- HKSAR v Lai Chee Ying (2021) 24 HKCFAR 33
- HKSAR v Lui Sai Yu (2023) 26 HKCFAR 332
- NSL must be construed in light of its ordinary meaning, purpose and context
- NSL functioned coherently with the HKSAR's legal system and sought "convergence, compatibility and complementarity" with local laws unless they were displaced in the event of inconsistency (NSL 62)

Meaning of "Request" under NSL29

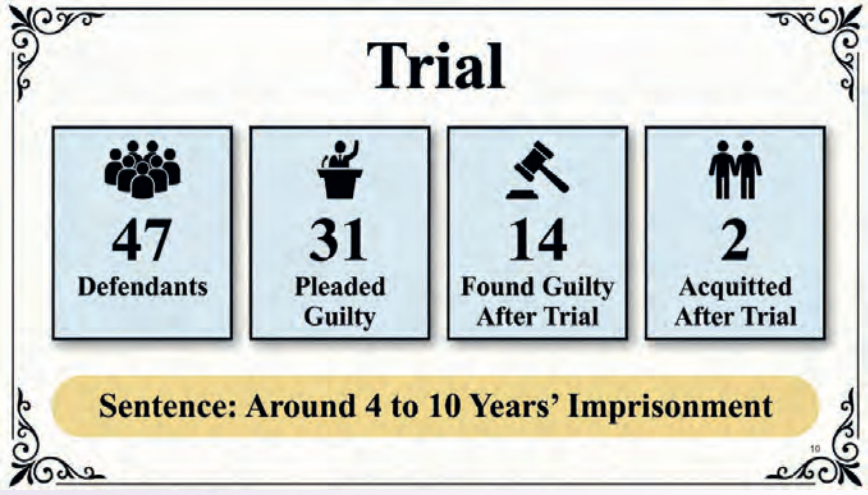
- Common law approach of statutory construction
- Plain and ordinary meaning
- It includes direct or indirect appeals for action
- Focus on the act of making the request coupled with the requisite intent
- The offence does not require the request in question resulted in sanctions being imposed.

"Sanctions, blockade or other hostile activities"

- Plain and ordinary meaning
- It extends to cover measures like technology embargoes
- It covers any those measures targeting officials of the PRC or HKSAR acting in their official capacity

HKSAR v Yeung Suet-ying Clarisse & Ors

[2026] HKCA 284



Scheme

- Constitutional mass destruction weapon
- Abuse of power under the Basic Law
- Obtaining a controlling majority in the LegCo to indiscriminately veto any budgets
- Compelling the CE to dissolve the LegCo so as to paralyze the Government's operations
- Ultimately causing the CE to resign

Meaning of "other unlawful means" under NSL 22

- It is not restricted to those involving force or threat of force
- It is not confined to acts constituting criminal offences
- It may include an act committed in breach of an article of the Basic Law

Conclusion

- Common law at work
- The Hong Kong courts have approached NSL offences in precisely the same principled manner
- The courts have scrutinized each element of the offences with care, acquitted where the evidence fell short and explicitly balanced the protection of national security against the fundamental rights and freedoms guaranteed by the Basic Law
- Upholding the rule of law as integral pillars of Hong Kong legal's system

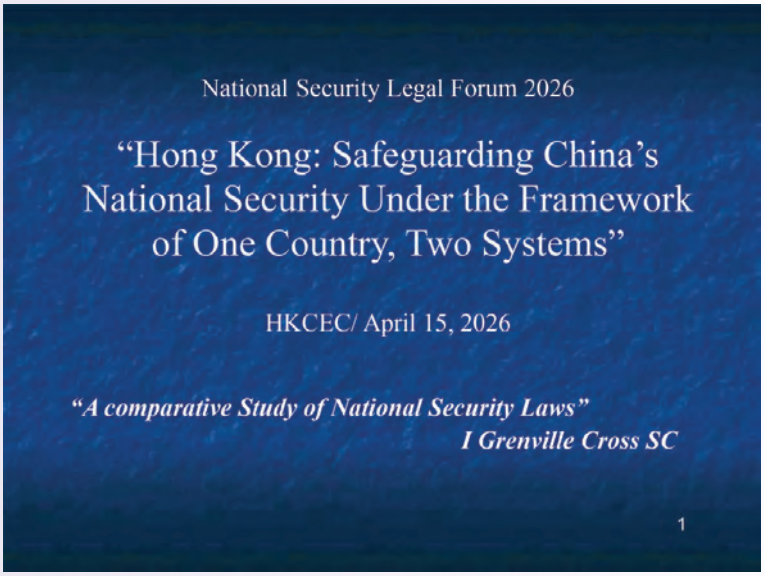
"Like air and sunshine, national security is often taken for granted, yet cannot be lived without.

Safeguarding national security is a responsibility shared by all members of society; everyone is a stakeholder and beneficiary, and no one can be a mere spectator."

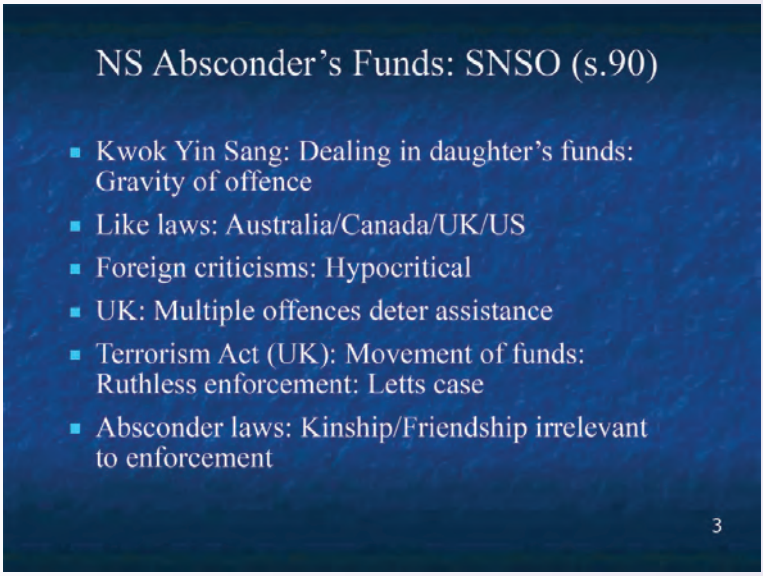
- White Paper on "Hong Kong: Safeguarding China's National Security Under the Framework of One Country, Two Systems"

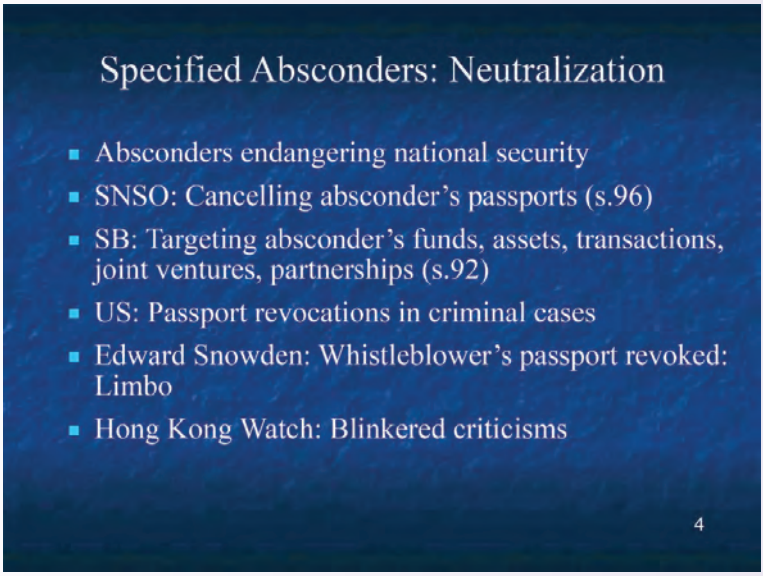

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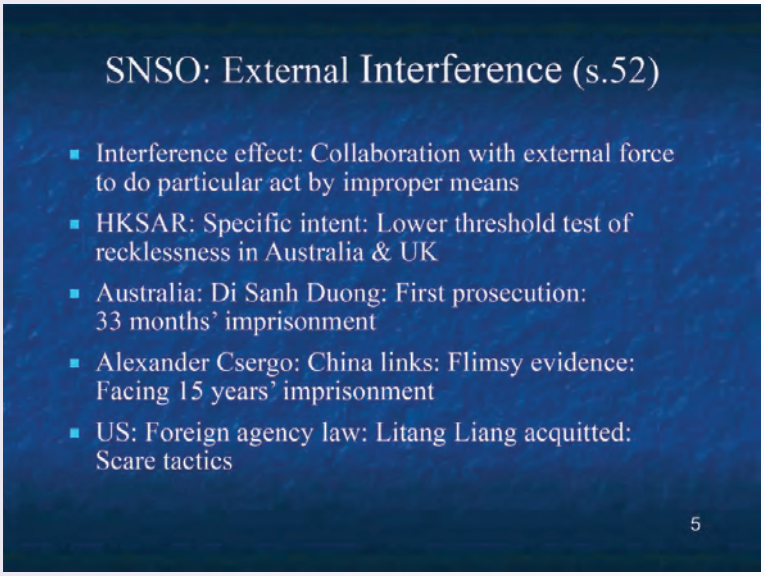
PowerPoint Slides of Professor I Grenville Cross, SC

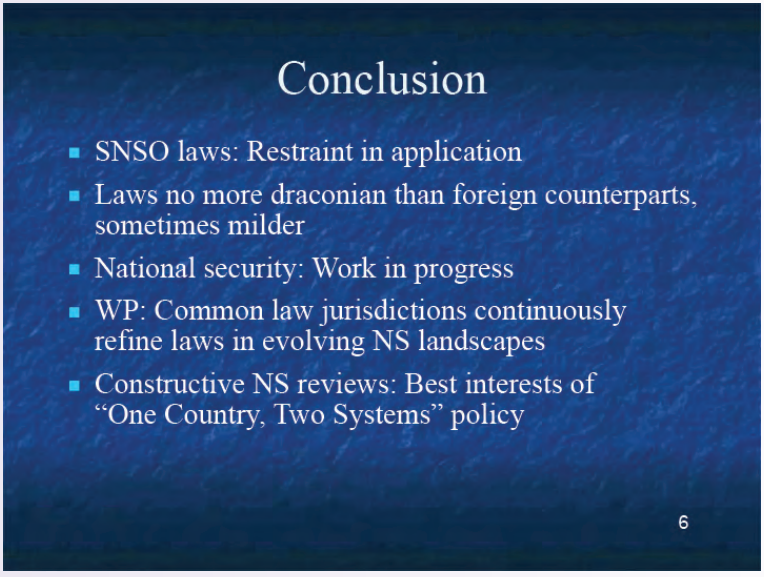





NS Absconder's Funds: SNSO (s.90)
Kwok Yin Sang: Dealing in daughter's funds: Gravity of offence
Like laws: Australia/Canada/UK/US
Foreign criticisms: Hypocritical
UK: Multiple offences deter assistance
Terrorism Act (UK): Movement of funds: Ruthless enforcement: Letts case
Absconder laws: Kinship/Friendship irrelevant to enforcement
3


Specified Absconders: Neutralization
Absconders endangering national security
SNSO: Cancelling absconder's passports (s.96)
SB: Targeting absconder's funds, assets, transactions, joint ventures, partnerships (s.92)
US: Passport revocations in criminal cases
Edward Snowden: Whistleblower's passport revoked: Limbo
Hong Kong Watch: Blinkered criticisms
4


SNSO: External Interference (s.52)
Interference effect: Collaboration with external force to do particular act by improper means
HKSAR: Specific intent: Lower threshold test of recklessness in Australia & UK
Australia: Di Sanh Duong: First prosecution: 33 months' imprisonment
Alexander Csergo: China links: Flimsy evidence: Facing 15 years' imprisonment
US: Foreign agency law: Litang Liang acquitted: Scare tactics
5


Conclusion
SNSO laws: Restraint in application
Laws no more draconian than foreign counterparts, sometimes milder
National security: Work in progress
WP: Common law jurisdictions continuously refine laws in evolving NS landscapes
Constructive NS reviews: Best interests of "One Country, Two Systems" policy
6

Panel Session 2

Building consensus – Experiences and insights brought by safeguarding national security in Hong Kong



Moderator

Ms Melissa Kaye Pang, BBS, MH, JP



Speaker

Dr William M F Wong, SC, BBS, JP

Member of the Committee for the Basic Law of the Hong Kong Special Administrative Region under the Standing Committee of the National People's Congress



Mr Yu Pang-chun, GBS, SBS, JP

Vice Chairman of the Hong Kong General Chamber of Commerce



Ms Joyce Chan

Representative of Rule of Law Education (ROLE) Ambassadors under the ROLE Stars Train-the-Leaders Programme organised by the Department of Justice



Ms Melissa Kaye Pang, BBS, MH, JP

Good afternoon, Secretary for Justice, distinguished guests, ladies and gentlemen. Welcome to Panel 2 of our National Security Legal Forum. I am Melissa Pang, Moderator of this session.

Today we gather to explore how the National Security Laws anchor our shared duty, how the newly released white paper clarifies our path, and how we align this with the full implementation of the 15th Five-Year Plan—where high-level security safeguards high-quality development.

Now, in Panel 2, our theme is "Building Consensus – Experiences and insights brought by safeguarding national security in Hong Kong", with a focus on a crucial idea: Safeguarding Security with Greater Openness.

The white paper before us makes a powerful statement: that safeguarding national security is not a job of a select few. It is, and I quote, "a responsibility shared by all members of society; everyone is a stakeholder and beneficiary, and no one can be a mere spectator."

This is not just a legal principle. It is a living reality that plays across our courtrooms, our boardrooms, and our classrooms.

To explore this reality, I have the privilege of introducing three distinguished leaders, each operating on a different frontline of national security.

First, from the legal frontline – a practising barrister. He is a Senior Counsel, a member of the National People's Congress Standing Committee's Basic Law Committee. Please welcome Dr William Wong, SC, BBS, JP.

Dr William M F Wong, SC, BBS, JP

Distinguished guests, ladies and gentlemen,

I am indeed honored to share with you my views on this very important occasion.

There is a saying that a good lawyer lives with the law and perhaps also sleeps with the law. Now, in my view, the same goes to a good citizen. As our moderator rightly points out, every citizen is a stakeholder in upholding our core values, including the value of the rule of law and that by definition includes our national security laws.

If there is one message that I would like to pass on to all today, it is that, the only way we can safeguard our national security laws is by fully appreciating their value and upholding to them. In this city, we walk our talks; we practise our values, sometimes without even noticing it.

Now, with what is happening in the international geopolitical environment in the last year, including in the past few months, and in fact, it's still continuously developing at present. I think people are starting to appreciate national security and basic law and order are of paramount importance to one's daily life and a society's economic development. I was in the beautiful and spectacular city of Dubai in this January with a delegation from our Airport Authority. Standing now, it is sad to witness the city's present predicament whilst the present regional war conflict prevails. It is lucky that I did not implement my plan to buy a piece of property in Dubai after my return. Honestly, every time when I return to Hong Kong, when my foot steps on the soil of Hong Kong, I feel a great sense of security and peace of mind. The reason is simply because we, here in Hong Kong, have a very

strong tradition of Rule of Law. We have no fear that we will be arrested arbitrarily. Our properties are sacredly protected under the Basic Law by our courts exercising independent judicial powers without fear or favor. Nowadays, we see that an impartial judiciary appears to be an endangered species.

I would like to share with you my three observations since the enactment of the national security laws.

Just now, Mr Chau for the public prosecution outlined some figures for your consumption. A key feature of our national security laws is that our national security laws are fully transparent. What do I mean? Since the enactment of our national security laws, every single trial, and I emphasize every single trial, took place in open court, including the recent trial of Mr Jimmy Lai. We have no secret trial. The judgment and the reasoning therein are open to all. Reasonable people may legitimately differ in their views on certain parts of the judicial reasoning. However, the fairness of our system is guaranteed by the appellate system. We here in Hong Kong respect judicial reasoning, but not partisan political narrative. And this is a continuous feature of the practice of our national security laws.

Secondly, perhaps it's counter-intuitive, but our National Security Law is in fact a fundamental guarantee of our citizens' fundamental rights and freedoms. Why do I say that? Some may even suggest that our National Security Law limits our freedom and somehow we have to strike a balance. Is this so? Imagine a city without traffic rules? Do you think that you have more freedom or less freedom without traffic rules? The reason why we can enjoy the freedom to a game of chess, is precisely because people voluntarily observe the rules of the game. We have freedom of speech. There is no doubt about it. But we also want

to be free from, say, internet or online bullying. We want to be free from defamation and internet fraud. Hence, as the white paper quite rightly points out, security provides the foundation for development. National security laws make sure that we have a level playing field to develop our own economic interests and pursue our aspirations.

Thirdly and finally, the fundamental motivation for us to value and uphold our laws, including our National Security Law, in my view, must be solidly founded with our profound love of this very city and our own country. We, collectively, want our city and our country to thrive and our citizens to lead a fulfilling and prosperous life here in Hong Kong. Hong Kong is our home and we want our home to be safe. Therefore, we like to breathe our law, live with our law, as if National Security Law and other bodies of law in Hong Kong are part of daily living. It's air, it's oxygen, it's sunshine, as Mr Chau just quoted from the white paper. I sincerely believe that it is only with a full appreciation of the value of our law, including National Security Law, that we would wholeheartedly support the law and uphold it. That is the solid foundation of the development of our National Security Law.

Thank you very much.

Ms Melissa Kaye Pang, BBS, MH, JP

Mr Wong, thanks for your comments and your perspective on the rule of law, national security and the love for Hong Kong and our Motherland is deeply meaningful and truly inspiring.

Let me introduce the second speaker. We have Mr P C Yu. Mr P C Yu is the Vice Chairman of the HK General Chamber of Commerce (HKGCC) Mr Yu, the floor is yours.

Mr Yu Pang-chun, GBS, SBS, JP

Secretary for Justice, distinguished guests, ladies and gentlemen,

Good afternoon.

In today's global business environment, certainty has become one of the rarest and most valuable assets. We operate in a world marked by rapid technological change, evolving supply chains, and geopolitical uncertainty. Investors, businesses, and institutions increasingly seek predictability, rule clarity, and stable operating environments. Jurisdictions that can offer these qualities gain a decisive competitive advantage. This is the context in which Hong Kong's value to the business community must be understood.

Despite the turbulent times, Premier Li Qiang at the March 2026 China Development Forum stressed China's commitment to be a "Cornerstone of Certainty" and a "Harbour of Stability" by offering a predictable, high-level and open business environment with reliability and steady governance.

As we all know, Hong Kong is geared to be not just as International Financial Hub, Shipping & Trading Hub etc., but also as a core in safeguarding China's National Security under the framework of One Country, Two Systems. In recent years, Hong Kong has seen the completion and clarification of its legal framework. Following the promulgation of the National Security Law, the local enactment of Article 23, and most recently the publication of the white paper, the boundaries, principles, and safeguards are more clearly defined.

From a business perspective, this is an important development. What investors value is not ambiguity, but clarity. These measures have helped draw a clearer line between what is prohibited and what is entirely legitimate business, professional, academic, and commercial activity. As a result, compliance uncertainty has been reduced, and operational predictability has improved.

Independent assessments continue to reflect this improvement. Last year, Hong Kong General Chamber of Commerce commissioned an independent professional agency to conduct an evaluation (Asian Cities Internationality Index "ACII") which focuses on 11 key cities in Asia across seven areas:

1. Business and Economy;
2. Quality of Life;
3. Infrastructure and Connectivity;
4. Innovation and Ideas;
5. Human Capital Diversity;

6. Cultural Interaction; and

7. Government and Legal Systems for Business

The Index evaluates the global connectivity, economic openness, and cultural diversity of major Asian cities, providing valuable insights for businesses, policymakers, and investors.

Hong Kong ranked first (73.7 points) as the most international city in Asia, followed closely by Singapore (73.5) and Tokyo (70.0), leading in the Business and Economy area and is well-rounded in others, being 2nd in the area of Quality of Life, Infrastructure and Connectivity and Human Capital Diversity, 3rd in the dimension of Government and Legal System for Business, and 4th in both the dimensions of Innovation and Ideas and Cultural Interaction. The results reaffirm Hong Kong's role as a global financial hub, a centre for international events, and an international hub for world-class education, as well as its free, safe, and stable living environment supported by strong infrastructure, connectivity, diverse quality of life, and a home for world-class academics.

The ACII findings are reinforced by Hong Kong's wider economic performance, including its stock market, residential market, new family offices and IPOs, details of which are readily available and which I will not repeat here. I am sure the audience are as convinced as I am of how safe and thriving Hong Kong is today, with the city's booming events and art scenes attracting not only global tourists but also expats from all over the world choosing to settle here.

I would also like to take this opportunity to share the personal viewpoint from a member of one of the Foreign Chambers that I

received recently. He shared that it has been interesting to observe the evolution of Hong Kong's business landscape over the past few years. From his own perspective, the implementation of the National Security Law has played a significant role in restoring the stability that is essential for any thriving commercial hub.

In the business world, predictability and order are paramount. The period of uncertainty that preceded the law created a challenging climate for operations and long-term planning. Since the implementation of the NSL, he has perceived a gradual, but noticeable, return to the stability that Hong Kong was, and is, known for. This sense of security has allowed the Hong Kong business community to refocus on growth, investment, and the day-to-day operations that drive its economy.

Rather than hindering commerce, this stability has, in his view, reinforced Hong Kong's position as a resilient, reliable and prosperous gateway for international trade. It is encouraging to see the city not only maintaining but also reinforcing its status as a key financial center, and he remains optimistic about the continued economic opportunities that this stable environment fosters.

In closing, Hong Kong's strength lies not in rhetoric, but in delivery: in its ability to combine openness with order, global standards with clarity, and commercial flexibility with predictable rules. With a more complete legal framework, strong institutions, and a level playing field for businesses, Hong Kong today is safer, more stable, and more investable.

For businesses and investors seeking certainty in an uncertain world, Hong Kong remains a compelling place to deploy capital, build partnerships, and plan for the future.

Thank you.

Ms Melissa Kaye Pang, BBS, MH, JP

Thank you Mr Yu for your insights on certainty, rule of law and Hong Kong competitive edge as a top global hub, those are very and highly compelling, and I certainly agree that a stable and clear framework makes Hong Kong a prime choice for global investors.

Now we come to our third speaker, she is from the frontline of hearts and minds – an educator who is building the future, one student at a time. Let's welcome Ms Joyce Chan. She is the Head of Integrated Humanities and National Education Team Convener at a secondary school.

Thank you, Joyce.

Ms Joyce Chan

Thank you, Melissa. Secretary for Justice, distinguished guests, ladies and gentlemen, good afternoon. I am honoured to represent the ROLE Ambassador to introduce how National Security Education is implemented in Hong Kong schools, with particular reference to the sharing content from my school. Through a balanced approach that involves campus culture, classroom learning, experiential activities beyond the classroom, and professional sharing within the learning community, we strive to cultivate students a sincere understanding of national security and a sense of responsibility to safeguard national interests.

To begin with, National Security Education in our school is first strengthened through regular ceremonies and students' training, so that the message is not confined to textbooks but becomes a meaningful daily practice. For instance, we conduct weekly Flag raising and speech under the National Flag. These routines help students internalise respect for the nation in an authentic and consistent manner, while also creating an atmosphere in which values are learned through repetition, participation, and reflection.

In addition, students are trained as members of the Flag raising team. At the same time, we also nurture the Constitution and Basic Law Student Ambassadors, through which students learn how national security is closely connected to the rule of law, constitutional order, and the civic responsibility expected in society.

To establish a positive learning atmosphere of National Security Education, our school also has a range of board displays that showcase the core messages from time to time.

To strengthen students' understanding of National Security Education in a more interactive and peer-led manner, the ambassadors' learning is reinforced through diversified learning experiences that connect National Security Education to broad and concrete themes. For example, the space exploration workshop showcased different models of rockets, so that students can appreciate China's achievements in space exploration and connect to the importance of safeguarding outer space security.

The Ocean Park workshop helps students connect learning with the safeguarding of ecological security by enjoying their moments with our lovely pandas.

We also provide opportunities for students to explore deep sea security concepts through visits to defence-related or strategic facilities, such as visiting the amphibious assault ship Hainan (Hull 31) and the guided-missile destroyer Changsha (Hull 173).

We further broaden students' horizons through other student activities. For instance, the ROLE ambassador programme allowed me to experience a fun mock trial experience. I then brought my ambassadors to this interactive activity. Through mock trial activities, students learn how legal reasoning and the spirit of the Constitution and Basic Law can be applied in scenarios that demand fairness, responsibility, and respect for the rule of law, thereby deepening their comprehension of political security and legal culture. Moreover, participation in platforms such as the China National Youth Model CPPCC strengthens students' understanding of governance and civic participation. When students take part in these activities, they experience National Security Education not merely as abstract knowledge,

but as values and competencies demonstrated through dialogue, decision making, and responsible expression.

Alongside these school-based routines, National Security Education is further embedded into learning within classrooms. For example, in Junior History, students learn China's Reform and Opening-up as part of Economic Security, and discuss the Return of Hong Kong to the Motherland in the context of Political Security and Homeland Security.

National Security Education is also woven into Junior Geography. Through topics such as food problems and farmlands in China, students explore Food Security and Resource Security.

The integration continues in Citizenship, Economics and Society, where students learn about media and information literacy by building awareness of Data Security and responsible information use. They also learn about public finance of Hong Kong, connecting their understanding of financial arrangements with Economic Security.

Through subject planning, students develop a structured and comprehensive understanding of national security, guided by academic concepts and the learning logic appropriate for different levels.

However, classroom learning alone cannot fully achieve the purpose of National Security Education. Therefore, our school also places strong emphasis on learning beyond the classroom.

In senior forms, Mainland Study Tours are conducted to provide structured exposure and learning opportunities that broaden students' perspectives. Other subjects like Integrated Humanities, Chinese History and History will organise exhibitions,

museum and site visits to consolidate their national security knowledge.

In junior forms, we focus on school-based project learning and experiential learning, namely Project ACE. Project ACE refers to a project that serves as a call to action for the Community and Environment. It is not implemented in isolation. It encourages organic integration between subjects such as History, Geography and Citizenship, Economics and Society. This integration helps students connect facts and concepts across disciplines, and it supports deeper learning by allowing students to interpret real-world issues using multiple subject lenses.

It is designed so that students transform what they learn from subject knowledge into real actions, experiences, and reflections that connect directly to national security awareness and sustainable development.

For Form 1, the focus is Action for the Community, linked to Cultural Security, with an emphasis on the preservation of tangible cultural heritage in Hong Kong. For example, students visited the Green Hub, which is the former Tai Po Police Station, to learn how to appreciate the value of tangible cultural heritage and explore how community participation helps protect cultural identity. Moreover, the Green Hub is also revitalised into a learning centre related to sustainable development, so that students also learn about resource security through the organic garden inside the Green Hub.

For Form 2, the focus is Action for the Environment, with multiple dimensions. Students explore intangible cultural heritage in the context of Cultural Security, for instance, they learnt about Teochew culture through Kungfu Tea making and Teochew

mooncake making, showing that culture is not only about remembrance but also about continuity and community responsibility.

They also study local farming in Hong Kong, through ploughing, irrigating and weeding, they understand the importance of safeguarding Food Security and Resource Security.

After all these experiential learning, students will film videos to raise awareness of the related national security themes.

In addition, we recognise that National Security Education should be strengthened through a learning community rather than efforts made by individual schools alone. Therefore, our school also conducts professional sharing within the learning community. Invited by the EDB Moral, Civic and National Education Division 2, or MCNE2, we organised an open class and two sharing sessions. These professional exchanges help teachers learn from one another, refine practices, and adopt improvement strategies that can strengthen student learning outcomes across schools.

In summary, National Security Education in Hong Kong schools is implemented through a coherent and multi-layered approach. Therefore, as ROLE Ambassador, I would like to conclude with a sincere message. National Security Education is most meaningful when students can feel its relevance in everyday life, experience its value through participation, and internalise it through reflection and action.

Lastly, allow me to quote a line from the speech under the National Flag written by one of my student ambassadors: “National Security is about our environment and social harmony.

A safe country is a place where schools can open every morning without fear, where families can travel during holidays, and where students like us can dream about the future."

Thank you.

Q&A Session

Ms Melissa Kaye Pang, BBS, MH, JP

Thank you Joyce for sharing with us such inspiring programme that nurture the responsibility and pride in our future generation.

Now it's the Q&A session, let me turn to Dr Wong first. Dr Wong, I think there is a question we want to ask: "As an ordinary citizen, what do you think we can do to uphold our national security laws?"

Dr William M F Wong, SC, BBS, JP

I actually reflected upon this question, and if I may be allowed to digress a little bit. I remember that when I was a pupil, my mentor, who is John Griffiths, a former attorney general in Hong Kong. He told me that: "William, we are in a very blessed profession. We earned decent living by writing little essays, by turning up in Court, to do little arguments. So as and when we can, we should repay our debt to our profession." I remember that until this day. Therefore I think, drawing the analogy, we should treasure what we have in Hong Kong, an appreciation that what

we have in Hong Kong, we should not take it for granted and I think the appreciation that we all collectively owe a duty to make Hong Kong a better place is a starting point for us to start to, from our own inner self, says to ourselves that we have a duty to protect our city, to uphold our law including the NSL. I have many pupils in my life, I don't believe you can teach your son or your daughter to study hard, right, I don't think it works by just asking them you better study hard, it doesn't work. The way it works is for them to truly appreciate, like Ms Chan has done, by letting our citizens know the value of national security laws and know why we need to uphold it. And it's from that point that it would become something that comes naturally and something we don't need to mention it year after year, it comes naturally as night follows day. So I think it is through the good work of Ms Chan, and many "Ms Chans" if I may say so, that we can implant or spread a sense of gratitude and a sense of responsibility, and a sense of the obligation to "repay the debt" which bring us where we are today. I think it's with those appreciation that we can, as a society, collectively, make Hong Kong a better place.

Thank you.

Ms Melissa Kaye Pang, BBS, MH, JP

I think one has to be grateful to what we have, and it's great we have this education in the school, primary and secondary, that's very important to instill the right core value. I mean we always say we have to know our responsibilities, but sometimes we just stress too much about our rights. We have to understand our rights and duties are two sides of the same coin. It's very important to know that.

The next question I will ask Mr Yu. I think you made a very powerful reminder to us that "certainty is a scarce resource" – and this is a very important element that investors will consider whether to invest or not. It's very great that we learn of the good news that Hong Kong ranks first in the Asia Cities Internationality Index ("ACII"), which indicates how Hong Kong's endeavours in safeguarding national security have contributed to stability and certainty in the market. Can you please share some stories or from your personal experience?

Mr Yu Pang-chun, GBS, SBS, JP

Thank you, Melissa. Certainly. You know, I have been travelling quite a lot throughout the last few years. Quite often I have been asked: "How is Hong Kong nowadays? Do you still have the freedom you used to have? Can you travel, can you talk freely?" I said: "Come on, Hong Kong is great nowadays especially with the implementation of the NSL, and now with Article 23, we have a very peaceful and stable environment." Business is carrying on as usual, not like the last decade, especially the final year of the last decade. I am the operator of a retail store, you know. For the second half year of 2019, I had to look at the streets every day. If the violence or protestors were getting too close, I had to close my shop until I didn't know when. That was really affecting my business and affecting the perception overseas of how Hong Kong was. I tell them nowadays I am operating as usual, I can plan my business, I can look forward to more investments coming in. In fact, as I mentioned earlier, there are more investments, more family offices coming into Hong Kong and I am sure the economy will pick up eventually, and will be great.

Second story I would like to share is I was meeting with a banker in my office a couple of weeks ago. And it's her first time to be in this part of the world. When she learnt that she was appointed the head of the Hong Kong branch of this bank, she was very adamant, she was really worried, she told me. She said: "Will I be able to walk around freely? Will I be getting my phone checked by authorities?" And after six months, she said: "Wow, Hong Kong is a real fantastic city. It's a great place to live." There is freedom. Now she can travel everywhere freely. Her money can be moved freely. You know, this is what, she has to go back and tell her colleagues and clients in Europe: "You know, Hong Kong is still booming. It's a great place to invest. And it's very stable." And then, and I think that I was surprised since she is from a city deemed to be one of the safer ones in Europe. She said that she has two teenage daughters. And she said, usually when back home, she wouldn't dare to have her daughters at street after 8 pm at night. But in Hong Kong, they can go out until 11, 12. I am not worried. Because Hong Kong is a safe city. Seeing is believing. I said to her, encourage your friends, families and clients to come to Hong Kong to have a look for themselves. Don't read the things in the media. It's not really true, it's not true at all. Come, visit, it's a great place.

Ms Melissa Kaye Pang, BBS, MH, JP

Thank you, PC. I really agree with you that seeing is believing, and actually being here is really believing. I think everyone of us can be the ambassador, tell our friends around world, ask them to come over to Hong Kong, and be here. And talking about ambassador, I would like to talk to Joyce. She has a very special post, I would say. She is the representative of the

Rule of Law Education "ROLE" Ambassador under the ROLE Stars Train the Leaders programme. This programme is organized by the DoJ. So you are an ambassador, why don't you tell us more about this programme? And also I am interested in the Project ACE.

Ms Joyce Chan

Thank you, Melissa. First of all, I am one of the ROLE Ambassadors and I actually gained a lot of experience and knowledge after attending the courses and programmes organized by the Department of Justice. For example, I myself experienced the mock trial and pretended to be the only lawyer of the group that I am competing with, and I am lucky enough to be the best lawyer that day, and I found it so fun having a mock trial. "Fun" means that I really enjoyed the experience but at the same time I believed my students can also learn to respect rule of law, to uphold rule of law and also be a responsible citizen, so that's why I invited my ambassadors to also join the programme, and that's why it is shown in the photo that I have shown just now, and they enjoyed it. I think as a ROLE Ambassador, it is my duty to show students the importance of safeguarding national security and of course today's programme is national security laws as well. So I have to instill the mindset that, besides learning national security education, we also need to know the importance of understanding national security laws and they could learn about it through textbooks and through programmes. So this is my role. For my ambassadors, just now I introduced the Project ACE about filming videos, right? So it is actually about the lesson, the time constraints, because all my Form 1 and Form 2 students, they go to different experiential learning experiences yet they cannot go to each and every single programme. So how can we

maximise the learning outcome? So I asked them to film promotional videos, and in July we had a Project ACE celebration, and of course we selected the best ones. We collected around 80 videos from Forms 1 and 2, and we teachers selected the best 6 of them. Why 6 of them? Because there are 6 themes. Then we selected the 6 videos and showcased them in front of Forms 1 and 2 students, and this is a peer learning journey, so they appreciate these videos and learnt about the different national security themes and this is how I maximized the learning outcome.

So this is my sharing, thank you, Melissa.

Ms Melissa Kaye Pang, BBS, MH, JP

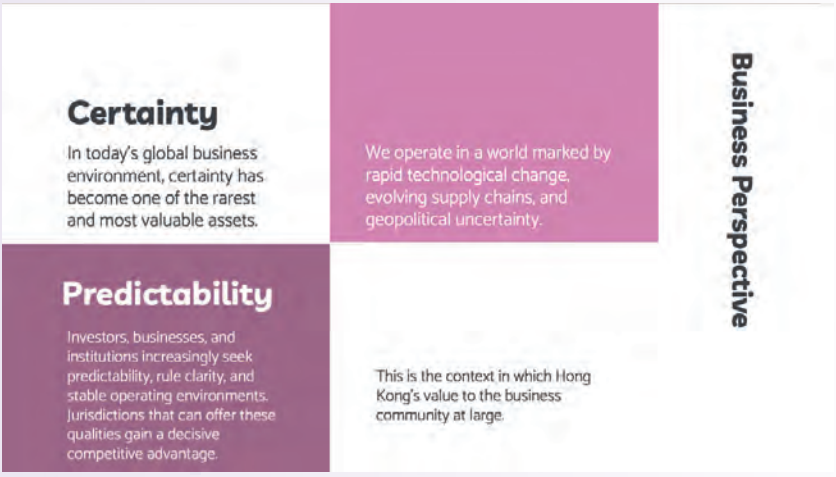
Thank you so much. Ladies and Gentlemen, the white paper says that everyone is a stakeholder and beneficiary and no one can be a mere spectator. Today we have heard from a lawyer, a businessman and a teacher. Three very different roles. But they share one conviction: that safeguarding national security under "One Country, Two Systems" is not a burden. It's their duty. It is the foundation upon which Hong Kong's rule of law, our economic vitality, and our children's futures are built.

Security enables openness. Openness drives prosperity. And prosperity – shared by all – is the strongest consensus of all.

Please join me in thanking the three panelists.

PowerPoint Slides of Mr Yu Pang-chun





"Cornerstone of Certainty" and a "Harbour of Stability"

- Despite the turbulence time, Premier Li Qiang at the March 2026 China Development Forum stressed China's commitment to be a "Cornerstone of Certainty" and a "Harbour of Stability" by offering a predictable, high-level and open business environment with reliability and steady governance.
- As we all know, Hong Kong is geared to be not just as International Financial Hub, Shipping & Trading Hub etc., but also as a core in safeguarding China's National Security under the framework of One Country, Two Systems. In recent years, Hong Kong has seen the completion and clarification of its legal framework. Following the promulgation of the National Security Law, the local enactment of Article 23, and most recently the publication of the White Paper, the boundaries, principles, and safeguards are more clearly defined.
- From a business perspective, this is an important development. What investors value is not ambiguity, but clarity. These measures have helped draw a clearer line between what is prohibited and what is entirely legitimate business, professional, academic, and commercial activity. As a result, compliance uncertainty has been reduced, and operational predictability has improved.

HKGCC

The Asian Cities Internationality Index 2025

The Evaluation Framework

The ACII Framework, shown in Figure 1, takes a holistic approach, recognising a city's international attributes through seven interconnected dimensions. By exploring these dimensions, we can better appreciate the complex factors shaping a city's international character and ability to thrive as a global community.



Figure 1 The Asian Cities Internationality Index Framework

Hong Kong

Rank	City	Score
01	Hong Kong	73.7
02	Singapore	73.5
03	Tokyo	70.0
04	Seoul	62.4
05	Shanghai	55.1
06	Bangkok	51.3
07	Kuala Lumpur	50.7
08	Taipei	57.9
09	Jakarta	55.5
10	Ho Chi Minh City	53.9
11	Mumbai	53.1



Figure 5 Performance of Hong Kong



- Hong Kong's strength lies not in rhetoric, but in delivery–in its ability to combine openness with order, global standards with clarity, and commercial flexibility with predictable rules.
- With a more complete legal framework, strong institutions, and a level playing field for business, Hong Kong today is safer, more stable, and more investable.
- For businesses and investors seeking certainty in an uncertain world, Hong Kong remains a compelling place to deploy capital, build partnerships, and plan for the long term.

PowerPoint Slides of Ms Joyce Chan







FLAG-RAISING TEAM AND CONSTITUTION AND BASIC LAW STUDENT AMBASSADORS TRAINING SCHEME




CONSTITUTION AND BASIC LAW STUDENT AMBASSADORS TRAINING SCHEME
OUTER SPACE SECURITY
SPACE EXPLORATION WORKSHOP


CONSTITUTION AND BASIC LAW STUDENT AMBASSADORS TRAINING SCHEME
ECOLOGICAL SECURITY
香港海洋公園全方位學習之旅
OCEAN PARK WORKSHOP


OTHER NATIONAL SECURITY EDUCATION STUDENT ACTIVITIES
DEEP SEA SECURITY
VISITING THE AMPHIBIOUS ASSAULT SHIP HAINAN (HULL 31) AND THE GUIDED-MISSILE DESTROYER CHANGSHA (HULL 173)


OTHER NATIONAL SECURITY EDUCATION STUDENT ACTIVITIES
POLITICAL SECURITY
委员通道
MOCK TRIAL
CHINA NATIONAL YOUTH MODEL CPPCC


LEARNING WITHIN AND BEYOND CLASSROOMS
CHINESE HISTORY
INTEGRATED HUMANITIES
HOMELAND SECURITY
HISTORY
抗戰
THE WAR OF RESISTANCE


LEARNING WITHIN AND BEYOND CLASSROOMS
RESOURCE SECURITY
CULTURAL SECURITY
PROJECT ACE: HERITAGE HUES
- EXPLORING THE GREEN HUB


LEARNING WITHIN AND BEYOND CLASSROOMS
CULTURAL SECURITY
PROJECT ACE: TEOCHEW TREASURES - A CULTURAL JOURNEY


LEARNING WITHIN AND BEYOND CLASSROOMS
RESOURCE SECURITY
FOOD SECURITY
PROJECT ACE: HARVEST HAVEN


PROFESSIONAL EXCHANGES
OPEN CLASS
PROFESSIONAL SHARING


THANK YOU

Closing Remarks



Dr Cheung Kwok-kwan, SBS, JP
Deputy Secretary for Justice,
The Government of the Hong Kong Special Administrative Region

Professor Wang (Vice President of the Chinese Association of Hong Kong and Macao Studies and Professor of the School of Law of Tsinghua University, Professor Wang Zhenmin), distinguished guests, ladies and gentlemen,

Good afternoon. Having heard our eminent speakers share views on the practice of Hong Kong's national security laws and on how Hong Kong continues to thrive in an orderly and stable environment, today's Legal Forum has successfully come to an end. I would like to take this opportunity to summarise and share with you the key takeaways of this forum.

First, this year is the inaugural year of the National 15th Five-Year Plan, a pivotal year that Hong Kong is poised for leapfrog development in both its economy and society. At this

juncture, the white paper released in February this year has significant guiding value as an authoritative pronouncement for Hong Kong. It stated outright in its preface that the highest principle of fully, faithfully and resolutely implementing the policy of "One Country, Two Systems" is to safeguard national sovereignty, security and development interests. It comprehensively outlined five important areas, namely (i) the unrelenting fight for safeguarding national security in Hong Kong, (ii) the Central Government's fundamental responsibility for national security matters concerning Hong Kong, (iii) Hong Kong's achievements in fulfilling its constitutional responsibility for safeguarding national security, (iv) Hong Kong's transformation from disorder to stability and prosperity, and (v) creating high-standard security for the high-quality development of the "One Country, Two Systems" policy. Last but not least, the white paper reminded us once again that Hong Kong has the constitutional responsibility of effectively safeguarding national security, and that we, including the Hong Kong Special Administrative Region Government and all sectors of the community, should proactively implement the requirement. In this regard, we are honoured to have had Professor Wang deliver a keynote speech earlier this afternoon, which reaffirmed our dedication and solidified our commitment to the essence and principles set out in the white paper.

Second, the Hong Kong National Security Law was enacted to address prominent issues related to national security in the implementation of "One Country, Two Systems" and to prevent national security risks. Its ultimate purpose is to uphold the "One Country, Two Systems" principle, maintain prosperity and stability in Hong Kong, and serve the best interests of Hong Kong and its residents. Together, the Hong Kong National Security Law and the Basic Law constitute a legal foundation for Hong Kong to

safeguard national security. In Panel Session 1, we were most delighted to have in our company, Mr Jonathan Chang, SC, the honourable Carmen Kan, Professor Cross, SC, and our Anthony Chau to review the developments of Hong Kong's national security laws, including how Hong Kong continues to improve the legal system and enforcement mechanism for safeguarding national security. Most importantly, without compromise to the practical need to address security risks, they highlighted the significant features of the improvement exercises that we have been undergoing while strictly adhering to the rule of law principle, with reference to recent major national security cases and comparable overseas legislation. I am sure we all find their sharing to be insightful, informative, and leave us on a high note.

Third, in every community, security is a prerequisite for development, and development provides a guarantee for security. Without national security, we cannot offer better development and a better life for residents, and we cannot provide better protection for the legitimate rights and interests of investors. We know from experience that the Hong Kong National Security Law and the Safeguarding National Security Ordinance have been jointly serving as a shield for safeguarding national security in Hong Kong, and the society continues to remain stable and prosperous. Last year, Hong Kong was the world's freest economy. We were also number one in global IPO market rankings, and number one as Asia's largest hedge fund hub and cross-border wealth management centre. Having said that, we must not overlook the importance of national security education as an essential tool for encouraging a proactive and continuing commitment from the community at large in safeguarding national security. On this front, I am indebted to our Panel Session 2 guest speakers Ms Melissa Pang, Dr William Wong, SC, Mr PC Yu and Ms Joyce Chan for their sharing from the holistic

perspective, and from standpoints of the court room, board room and classroom. Their contribution sparked our exploration of how Hong Kong could achieve a dynamic balance between development and safeguarding national security.

Safeguarding national security is a responsibility shared by all members of society; everyone is a stakeholder and beneficiary, and no one can be a mere spectator. The fruitful discussion by our distinguished guests this afternoon provides an excellent starting point for us to understand the essential requirements of the white paper. It is my hope that the insights shared by our guests this afternoon could further enhance public awareness of safeguarding national security, and enrich our understanding of the importance of the white paper.

As the white paper affirms, we should all share a common aspiration: stability and peace, not riot and turbulence; vitality and prosperity, not decline and decay; unity and solidarity, not opposition and division; civility and rule of law, not lawlessness and disorder. We must bear that in mind and cherish the safe and stable environment today.

Thank you.

