

香港國安法

Promulgation & Implementation of Hong Kong National Security Law

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th Anniversary Forum

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Proceedings

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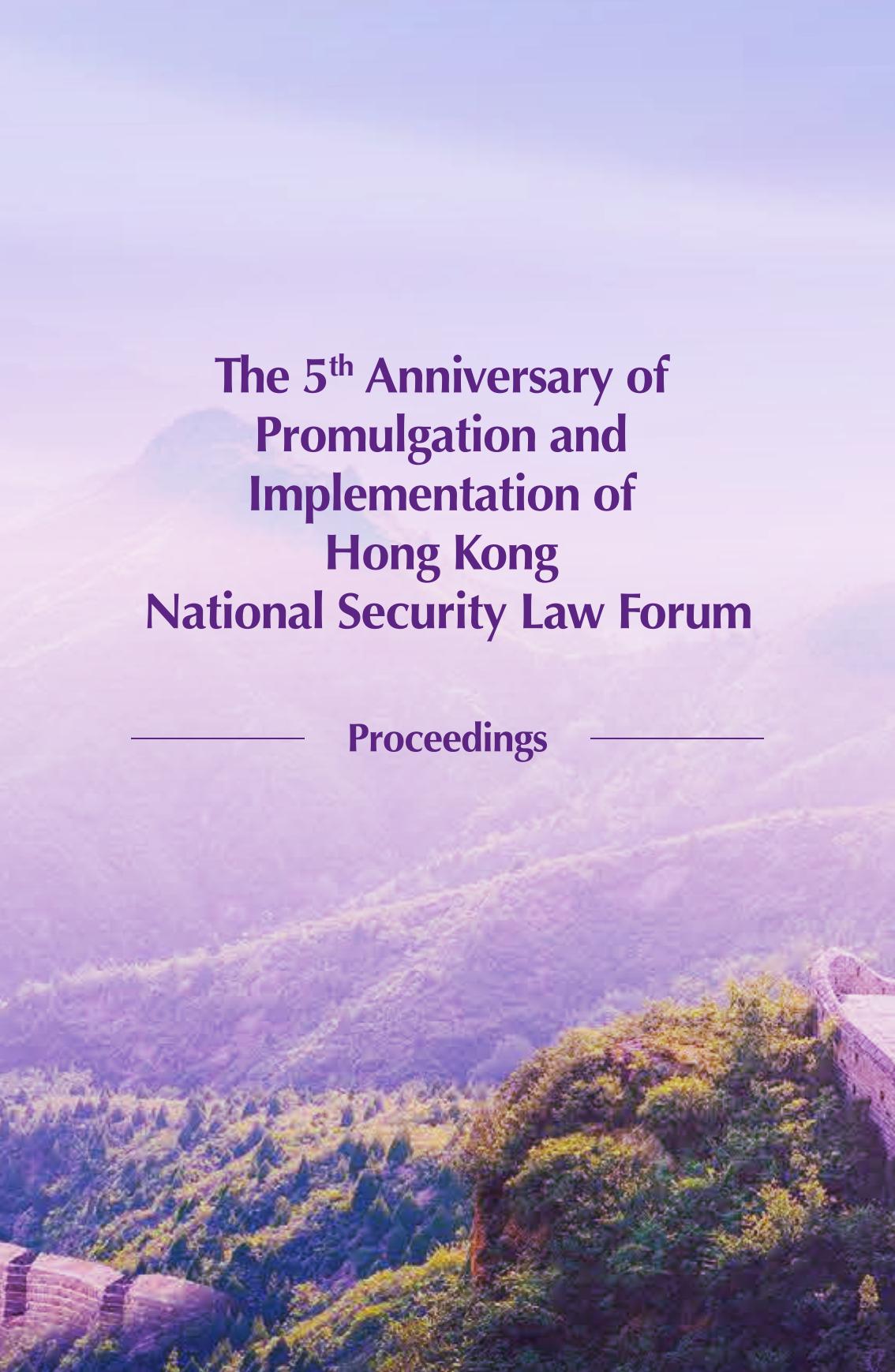
Department of Justice
The Government of the Hong Kong Special Administrative Region





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The Great Wall of China, a symbol of national security and history, stretches across the misty, forested mountains in the background of the title page.

The 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum

Proceedings

2025 marks the 5th anniversary of the promulgation and implementation of the Hong Kong National Security Law (HKNSL). With the strong support of the Central Government, the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum, hosted by the Government of the Hong Kong Special Administrative Region (HKSAR) and organized by the Department of Justice, was successfully held on 21 June 2025. Mr XIA Baolong, Director of the Hong Kong and Macao Work Office of the Communist Party of China Central Committee and the Hong Kong and Macao Affairs Office of the State Council, even graced the Forum with his presence and delivered a keynote address. This fully demonstrates the Central Authorities and Director XIA's high regard for the work of the HKSAR in safeguarding national security and their deep care for the Hong Kong community. Furthermore, he also illuminated the direction for the development of Hong Kong society. We are greatly motivated and are deeply mindful of the significant responsibility entrusted to us. We shall foster unwavering resolve throughout society to safeguard national security with utmost dedication, while seizing the opportunities of the times to expedite our integration into the overall national development.

Since its promulgation and implementation, the HKNSL has played a vital role in such aspects as safeguarding national security and development interests, securing the greatest welfare for citizens, and creating a social atmosphere of integrity and righteousness. The Forum featured a special screening of the video entitled “Right Path”, which reviews the significant achievements of the HKNSL in quelling violence and curbing disorder, thereby enabling Hong Kong society to swiftly restore stability. I firmly believe that the HKNSL, highly endorsed by all sectors of society as a good and benevolent law that serves the people and their interests, will continue to safeguard high-quality development with high-level security.

To mark this significant 5th anniversary of the promulgation and implementation of the HKNSL, the Department of Justice and the Security Bureau jointly organized the social media post competition, with the theme “Hong Kong National Security Law – Safeguards and Hopes”, for young contestants to unleash their boundless creativity by producing social media posts that vividly tell good stories about how Hong Kong’s legislation on safeguarding national security protects the city’s prosperity and stability and enables its citizens to live and work in peace and contentment. At the Forum, Director XIA, the Chief Executive and other senior officials of the Central Authorities personally presented the awards to commend the winning students of the competition.

In addition, we specially arranged in the morning session for approximately 180 student contestants across different age groups and performers including members of ethnic minorities to share innovatively by way of a short drama the outstanding entries from the social media post competition. The short drama, themed “Five Years of a New Horizon – Our Commitment to Safeguarding National Security”, amply illustrates the HKNSL’s creation of a secure and stable environment for Hong Kong and provision of infinite opportunities and hopes over the past five years since its promulgation and implementation. It further highlights how national security education has continuously deepened, consolidated and taken root in people’s hearts, yielding fruitful outcomes in these five years. This performance even showcased the younger generation’s commitment to take on responsibility, embodying the spirit of “National Security is my responsibility, and I will pass on the torch”, fostering a powerful collective force across the entire community in safeguarding national security.

The morning session of the Forum concluded with the “HKNSL – Guarding Every Voyage and Forging a Brighter Future” Kick-off Ceremony as officiated by the distinguished guests, which signifies Hong Kong society’s embarking on a new journey of advancement from stability to prosperity under the protection of the HKNSL.

The afternoon session of the Forum brought together experts, scholars and community dignitaries from diverse sectors to delve into the legislative intent and background of the HKNSL, explore the fruitful achievements in attaining the compatibility and complementarity of the HKNSL with local laws on safeguarding national security including the Safeguarding National Security Ordinance (SNSO), while also looking ahead to the future sustained improvement and development of Hong Kong's legal system for national security. It is well proven that while the HKNSL and other laws on safeguarding national security provide a robust protection for national security, they also fully respect and protect human rights, and uphold the rule of law principles without undermining the rights and freedoms lawfully enjoyed by the vast Hong Kong public who have been law-abiding all along.

Moreover, in the afternoon session of the Forum, I engaged in interactive exchanges with young leaders from various sectors to explore in a relaxed and humorous manner the vital role of young people in safeguarding national security. The exchanges fully demonstrate the positive energy of Hong Kong's youth in embracing and fulfilling their responsibility as dedicated builders and successors of the "One Country, Two Systems" cause. Looking ahead, the Department of Justice will continue its best efforts to raise awareness of national security and the rule of law in society at large, so as to ensure that the concepts of "Security Brings Prosperity" and "Respecting and Observing the Law" firmly take root in our community; to promote public understanding that the harmony and stability brought about by national security forms a robust protection for their well-being; and to make "Patriotism and Love for Hong Kong" mainstream values in our society, especially among the younger generation.

"The security of Hong Kong is premised on the security of our Motherland, and the security of our home is premised on the security of our country." Safeguarding national sovereignty, security and

development interests and maintaining Hong Kong's long-term prosperity and stability is the underlying goal and fundamental premise of "One Country, Two Systems". At present, amid the accelerating global profound changes unseen in a century, we must not "forget the pain once the wound is healed", and should pay more attention to coordinating development and security, strengthening the sense of crisis and stay vigilant in peacetime. We should also better leverage the unique advantages under "One Country, Two Systems" for better integration into the overall national development, so that Hong Kong can fully play its vital roles of "super connector" and "super value-adder" between the nation and the world, thereby making contributions to advancing national rejuvenation.

To share the insights of the Forum speakers, the Department of Justice has specially compiled and translated the speeches and discussions at the Forum into proceedings. This aims to deepen public understanding of the laws on safeguarding national security such as the HKNSL and the SNSO. We also hope to foster profound appreciation for and proactive commitment to safeguarding national security across all sectors of society, thereby jointly creating a safer and stable living environment.

Finally, the proceedings specially include a selection of live-shot photos to bring the Forum's highlights closer to life, allowing readers to soak up the event's full vibrancy beyond the written word!



Mr Paul T K LAM GBS SC JP

Secretary for Justice

The Government of the Hong Kong Special Administrative Region



Opening Ceremony

Keynote Addresses

Mr XIA Baolong

148

Director of the Hong Kong and Macao Work Office of the Communist Party of China Central Committee and the Hong Kong and Macao Affairs Office Of The State Council

The Hon John LEE Ka-chiu GBM SBS PDSM PMSM

164

Chief Executive of the Hong Kong Special Administrative Region
Chairman of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region

Addresses by Guests of Honour

Mr ZHOU Ji

172

Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region
National Security Adviser to the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region

Mr ZHANG Yong

178

Vice-Chairperson of the Committee for the Basic Law of the Hong Kong Special Administrative Region of the Standing Committee of the National People's Congress
Deputy Director of the Legislative Affairs Commission of the Standing Committee of the National People's Congress

Mr DONG Jingwei

182

Head of 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

Mr CUI Jianchun

186

Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region

Major General PENG Jingtang

190

Commander-in-Chief of the Chinese People's Liberation Army Hong Kong Garrison

Performance

194

“Five Years of a New Horizon - Our Commitment to Safeguarding National Security”

Awards Presentation Ceremonies

198

HKNSL - Guarding Every Voyage and

200

Forging a Brighter Future Kick-off Ceremony

Seminar

Welcome Speech

The Hon Paul LAM Ting-kwok GBS SC JP

204

Secretary for Justice of

The Government of the Hong Kong Special Administrative Region

Keynote Speech

Mr YANG Zhaoye

212

Director of the Research Office of

the Hong Kong Special Administrative Region Basic Law Committee and

Macao Special Administrative Region Basic Law Committee of

the Standing Committee of the National People's Congress

Panel Session 1

“The legal great wall for refining and safeguarding national security”

224

Moderator

Dr William WONG Ming-fung BBS SC JP

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

Election Committee Member of the Hong Kong Special Administrative Region

Panelists

Professor XIONG QiuHong

Professor and Dean of Procedural Law Research Institute of the China University of Political Science and Law

Professor Albert CHEN Hung-yee GBS JP

Vice-Chairman of the Hong Kong and Macau Basic Laws Research Association of the China Law Society

Cheng Chan Lan Yue Professor and Chair of Constitutional Law in the Department of Law of the Faculty of Law of The University of Hong Kong

Professor I Grenville CROSS GBS SC

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

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

Panel Session 2

“An arduous and important journey –
our youth sharing the mission to
safeguard national security”

288

Moderator

Ms WONG Wing Sze, Vincy

Panelists

The Hon Paul LAM Ting-kwok GBS SC JP

Secretary for Justice of
The Government of the Hong Kong Special Administrative Region

Ms Vivian KONG Man-wai SBS MH

2024 Olympic Champion

Ms Angel CHONG Nga-ting

District Councillor of the
Sai Kung District Council of the Hong Kong Special Administrative Region

Mr Karl TING Tze-long

Actor of the Hong Kong Special Administrative Region

Closing Remarks

Dr the Hon CHEUNG Kwok-kwan SBS JP

Deputy Secretary for Justice of
The Government of the Hong Kong Special Administrative Region

296



Keynote Addresses





Mr XIA Baolong

Director of the Hong Kong and Macao Work Office of the Communist Party of China Central Committee and the Hong Kong and Macao Affairs Office Of The State Council

Resolute implementation of the Hong Kong National Security Law Ensuring high-quality development of the “One Country, Two Systems” cause with high-level security

Chief Executive of the Hong Kong Special Administrative Region
John LEE Ka-chiu,
Ladies and gentlemen, dear friends,

Good morning, everyone. It gives me great pleasure to attend the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum in Hong Kong.

On 30 June 2020, President XI Jinping signed the Presidential Decree No. 49, promulgating the implementation of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (HKNSL). Since then, the history of Hong Kong's "defenceless" state in safeguarding national security has gone forever, ushering in a new venture in the implementation of "One Country, Two Systems". Today, the Special Administrative Region (SAR) Government holds a forum to commemorate the 5th anniversary of the promulgation and implementation of the HKNSL, which is of great significance in resolutely safeguarding national security, maintaining Hong Kong's long-term prosperity and stability, and promoting the steadfast and successful implementation of "One Country, Two Systems". To facilitate our exchanges, I will share a few points of view below.

1. The implementation of the HKNSL over the past five years has proven the law to be the "guardian angel" in defending the "One Country, Two Systems" principle and in safeguarding the prosperity and stability of Hong Kong. It is a good law of great historical and practical significance.

President XI Jinping emphasized that "the fundamental premise of 'One Country, Two Systems' is to safeguard national sovereignty, security, and development interests, and maintain Hong Kong and Macao's long-term prosperity and stability." "One Country, Two Systems" necessarily entails safeguarding national security. The security of Hong Kong is premised on the security of our Motherland, and the security of our home is premised on the security of our country. For a long time after Hong Kong's reunion with the Motherland, as the legislative exercise for Article 23 of the Basic Law was yet to complete, there were serious loopholes and shortcomings in safeguarding national security. Anti-China and destabilizing forces and external hostile forces behind them constantly challenged the bottom line of the "One Country,

“Two Systems” principle, made vain attempts to seize the power of governance of Hong Kong and plotted to wage a “Colour Revolution”. From the “July Incident” in 2003, the “Anti-National Education Turmoil” in 2012, the unlawful “Occupy Central” in 2014, the “Mong Kok Riot” in 2016, to the legislative amendment turmoil in 2019, Hong Kong at one point faced the gravest situation since its reunion with the Motherland. I believe that no one will forget that during the legislative amendment turmoil, advocating for “Hong Kong independence” grew rampant, “black-clad violence” escalated, and widespread acts of “mutual destruction” seriously jeopardized national security. Hong Kong was severely damaged, left unrecognizable and riddled with scars. This nearly brought “One Country, Two Systems” to ruin. The devastation left many people in Hong Kong with lingering fear. At that time, Hong Kong was unable to legislate on its own to safeguard national security, and many Hong Kong people called out in plea, “Who will save Hong Kong?” It was precisely at this critical juncture that the Central Authorities assessed the situation and acted decisively. The National People’s Congress made a decision and authorized its Standing Committee to formulate the HKNSL. The original intention of formulating the HKNSL is to safeguard national security and uphold “One Country, Two Systems” for the benefit of Hong Kong and fellow Hong Kong residents. Everyone should always keep this background and original intention in mind.

The formulation and implementation of HKNSL was a “watershed moment” in Hong Kong’s transition from chaos to order, as stability and safety of the city have been restored by law. This has brought about a series of universal, transformative and fundamental implications. It can be said that it is precisely by virtue of the HKNSL that we can prevent and resist attacks by anti-China and destabilizing forces and external hostile forces. It is precisely by virtue of the HKNSL that Hong Kong’s electoral system and district council system can be systematically

reshaped. It is precisely by virtue of the HKNSL that the new scene of “patriots administering Hong Kong” came about, and that Hong Kong finds itself in the favourable situation of a clear horizon today.

——In the five years since the implementation of the HKNSL, it is evident to all that Hong Kong society had bid farewell to an era of instability and restored stability and tranquility. Looking back at the times of legislative amendment turmoil, ordinary people did not even dare to set foot on the main streets, so how could there be any freedom? How could there be any human rights when one could get beaten up even for speaking Putonghua in a public place? The anti-China and destabilizing forces wantonly obstructed traffic, committed arson, and threw petrol bombs, which directly harmed the fundamental rights and freedoms of the general public. Upon the implementation of the HKNSL, peace was quickly restored to the streets and alleys; the rule of law has been restored; justice has been done, people have been living and working in peace and contentment; and personal safety and property security have been safeguarded. As said by some Hong Kong residents, the familiar Hong Kong is back, and the awaited peaceful life is back.

——In the five years since the implementation of the HKNSL, it is evident to all that the executive-led system of the SAR has been in smooth operation, and that the governance of the SAR has taken on a new look. The Legislative Council of Hong Kong was once hijacked by anti-China and destabilizing forces for a long period when consideration of numerous bills closely linked to the economy and people’s livelihood were delayed. District Councils were once dominated by anti-China and destabilizing forces, and became a platform for promoting “Hong Kong Independence” and instigating sabotage operations. The formulation and implementation of the HKNSL has put an end to such chaos and created favourable conditions for the full implementation of “patriots administering Hong Kong”. At

present, the executive authorities and legislature interact positively, the judiciary exercises judicial power independently in accordance with the law, and they strive to fulfil their duties and make dedicated contributions to the Hong Kong Special Administrative Region (HKSAR).

——In the five years since the implementation of the HKNSL, the SAR has historically completed the legislative exercise of Basic Law Article 23, and the continuous improvement of the legal system for safeguarding national security is evident to all. Since Hong Kong's reunion with the Motherland, anti-China and destabilizing forces, with the support of hostile external forces, had continued to "smear" and "demonize" the Article 23 legislative exercise, bringing the same to a standstill. The implementation of the HKNSL dealt a strong blow to anti-China and destabilizing forces, and shaped the momentum for the Article 23 legislation. During the process of the Article 23 legislative exercise, with the SAR Government's determination and commitment, the legislature's stringent professionalism, and the full support of all sectors of society, the Legislative Council of Hong Kong unanimously passed the Safeguarding National Security Ordinance (SNSO) on 19 March 2024. This signifies the HKSAR's fulfillment of its constitutional duty under Article 23 of the Basic Law and its eventual accomplishment of this glorious historical mission. With the organic convergence of SNSO and the HKNSL, both pieces of legislation have jointly built a solid defence for the SAR to safeguard national security.

——In the five years since the implementation of the HKNSL, it is evident to all that patriots with affection for Hong Kong have risen to prominence and social righteousness is fully demonstrated. There was a time when one could not advocate for patriotism in Hong Kong, which is China's own soil. Anti-China and destabilizing forces in Hong Kong have forsaken their ancestry. Not only have they betrayed the Motherland and Hong Kong, but they have also prevented others from being patriotic. In the worst of times, whoever talked about "patriotism"

would be attacked and abused, “doxed” and cyberbullied, beaten up in “vigilantism”. In the five years since the implementation of the HKNSL, the “One Country” principle has been firmly established in Hong Kong society, and the positive energy is ever rising. National flag raising and national anthem singing have become daily norms in schools. National awareness and patriotism are growing ever stronger, and the mainstream values centred on patriotism and love for Hong Kong are deeply rooted in people’s hearts.

—In the five years since the implementation of the HKNSL, it is evident to all that Hong Kong’s business environment is getting ever more favourable and that investors from all over the world are flocking to Hong Kong. The implementation of the HKNSL has safeguarded the legitimate rights of domestic and overseas investors in Hong Kong, firmly safeguarded Hong Kong’s development, and injected a strong sense of stability, certainty and predictability into the market. This year, Hong Kong is once again ranked as “world’s freest economy”. Our position as an international financial centre ranks third in the world and world competitiveness rises to third globally. Our talent competitiveness is back to the top ten globally. More than 2700 single-family offices operate in Hong Kong, more than half of which have assets valued at over US\$50 million. So far this year, the Hang Seng Index has led a surge in global market. The IPO of Hong Kong stocks raised funds of more than HK\$80 billion, which is a year-on-year growth of over seven times and ranks first globally. A recent survey by a foreign chamber of commerce shows that more than 70% of its members think that their businesses operate smoothly in Hong Kong. More than 80% of them have full confidence in the rule of law in Hong Kong. Many of them indicate that they will increase investment in Hong Kong in the future. Some members said, “Our confidence in Hong Kong has never been as strong as it is today, and our confidence in Hong Kong will remain unchanged for 100 years. Global investors have cast a vote of confidence in Hong Kong’s future with “real capital”. Optimistic

about Hong Kong means optimistic about opportunities, and investing in Hong Kong means investing in the future.

Facts have demonstrated that the formulation and implementation of the HKNSL upholds and improves the systems for implementing the policy of “One Country, Two Systems”, effectively implements the unity of the Central Authorities’ overall jurisdiction and the SAR’s high degree of autonomy, and effectively maintains the constitutional order of the HKSAR as established by the Constitution and the Basic Law, which is a significant milestone in the implementation process of “One Country, Two Systems”. This Law straddles the two major legal systems of common law and civil law, and consists of different legal norms such as substantive law, procedural law and organic law. It not only respects Hong Kong’s common law tradition, but also provides conducive reference for the exchange, mutual learning and common development of different legal systems. It has set a new example for countries and regions in safeguarding national security, which has gained wide recognition from both the Hong Kong community and wide endorsement from the international community. The HKNSL is a good law for safeguarding national sovereignty, security and development interests; a good law for maintaining Hong Kong’s long-term prosperity and stability; and a good law for protecting the well-being of Hong Kong people and the interests of foreign investors.

2. The situation facing Hong Kong in safeguarding national security is still complex and grave, and that it is necessary to firmly grasp the requirements of safeguarding national security under the “One Country, Two Systems” principle to maintain and consolidate the hard-won situation that Hong Kong is now enjoying

“One Country, Two Systems” is an unprecedented pioneering initiative. It is a major issue as to how the SAR maintains national

security under the conditions of “One Country, Two Systems”. At present, when the world and the international environment are undergoing unprecedented and accelerated changes in a century, and profound changes are taking place in the internal and external environment of Hong Kong, we must fully, faithfully and resolutely implement the “One Country, Two Systems” principle under the guidance of the holistic approach to national security, and provide a strong security safeguard for Hong Kong’s better development. The following main points should be grasped:

First, safeguarding national security must be carried out in the whole process of implementing the “One Country, Two Systems” principle. Safeguarding national sovereignty, security and development interests is the fundamental premise of the “One Country, Two Systems” policy. Safeguarding national security will accompany the whole process of implementing the “One Country, Two Systems” principle. Now Hong Kong has developed from chaos to governance, yet, “the tree may long for calmness, but the wind will not subside”. We must not assume that all is well in Hong Kong now and there is no need to safeguard national security anymore. The painful lesson of the legislative amendment turmoil must not be forgotten, and we must not forget the pain once the scar is healed. We must remain lucid to realize the perpetual ill-intention of the anti-China destabilizing elements; all sorts of renewed tricks of “soft resistance”; the incessant interference in Hong Kong by external hostile forces; and the unending battles against infiltration, subversion and secession. Some people with ulterior motives have concocted fallacies such as “generalizing the concept of national security”, the undermining of human rights and freedom by the HKNSL, and the displacement of “One Country, Two Systems” by the HKNSL for the purpose of misleading the general public. In this regard, we must sharpen our eyes to discern the true nature and fight in a resolute manner. I believe that Hong Kong residents and international

acquaintances will not fall for the vilification, smearing and attack on the HKNSL. Earlier on, a person-in-charge of a foreign business association openly refuted the remark that Hong Kong had become another city of Chinese Mainland and said, “You simply need to wander around Central, experience the nightlife in Lan Kwai Fong or do what you have always done in Hong Kong to understand the unique charm of Hong Kong”. Hong Kong is the same as before, and “One Country, Two Systems” remains unchanged.

Second, we must ensure that the power of governing the HKSAR lies firmly in the hands of patriots. A proper safeguard of the governance power means to safeguard the prosperity and stability of Hong Kong as well as the vital interests of more than 7 million residents. If the security of our State power cannot be guaranteed, and if the power of governing the HKSAR does not lie in the hands of patriots, there can be no talk of prosperity and stability of Hong Kong, and safeguarding national security will be nothing but empty talk. On this cardinal question of right and wrong, we must stand firm in unequivocal terms without wavering at any time. In order to safeguard national security, we must implement “patriots administering Hong Kong”; meritocratically select and appoint talents based on their integrity and competence; draw widely on outstanding individuals who love the Motherland and Hong Kong and with resolute stance, strong governance capabilities and the passion to serve the community into the governing team; and transform further the advantage of Hong Kong’s new election system into governance efficacy.

Third, we must be steadfast in both safeguarding security and promoting development. President XI Jinping emphasized that “security is the prerequisite for development and development is the safeguard for security. We must be resolute in both safeguarding security and promoting development”. Safeguarding national security aims for the better development of Hong Kong, better livelihood for

Hong Kong citizens and a better protection for the legitimate rights and interests of foreign investors. We should cherish the hard-won stability and peace at present, and concentrate on achieving economic growth, striving for development and advancing infrastructure, so as to continuously create new momentum and new advantages for Hong Kong's development, and build Hong Kong's prosperity and development on a safer and more reliable foundation.

Fourth, we must effectively protect the human rights and freedoms of Hong Kong residents. The HKNSL has provided for a comprehensive system for protecting human rights; struck a reasonable balance between national security and human rights and freedoms; and included the principles of adhering to the rule of law as well as respecting and protecting human rights throughout the legal provisions and implementation of the law. The HKNSL, in its implementation for the past five years, has only cracked down on an extremely small minority of criminals endangering national security in cases of extreme circumstances, and has protected the human rights and freedoms of all Hong Kong residents, including expatriates in Hong Kong. This has been an important experience for Hong Kong in safeguarding national security, and we must stay resolute in the long run to ensure security, stability and order in our society, and that people can live and work in peace and contentment here.

Fifth, we must maintain Hong Kong's unique position and advantages. Under the policy of “One Country, Two Systems”, safeguarding national security has brought more openness and more freedom to Hong Kong. Normal international exchanges do not violate the HKNSL; instead, they are protected by the HKNSL. Safeguarding national security is conducive to giving full play to Hong Kong's unique advantage of “enjoying strong support of the Motherland and being closely connected to the world”; consolidating Hong Kong's highly liberal and open business environment; and deepening international

exchanges and co-operation. This will certainly further open up Hong Kong's door, and strengthen its global influence and competitiveness. As a senior executive of a major multinational bank said, China is becoming a key node in the global supply chain and in the rebalancing of economic power; and HKSAR, as the main bridge linking Chinese Mainland and the world, will have its unique position and advantages reinforced further. No matter how the international landscape may change, the Central Government will steadfastly advance high-standard opening-up in full support of the HKSAR's engagement in wider and closer exchanges and co-operation with other countries and regions around the world, and resolutely uphold the right to open development, thereby adding brilliance to the international brand of "Hong Kong, China".

3. Co-ordinating high-quality development with high-level security and expediting Hong Kong's transition from stability to prosperity, so as to play a greater part and achieve better development in the process of building a great country and advancing national rejuvenation

President XI Jinping said that achieving better development for Hong Kong and Macao in order to make greater contribution to building a great country and advancing national rejuvenation is the important mission of the implementation of "One Country, Two Systems" in the new era. Looking at the development history of Hong Kong, every take-off was an open-up of new horizons on a shifting landscape, and every landscape shifting provided new opportunities for Hong Kong to achieve better development. At present, with the in-depth implementation of the HKNSL, Hong Kong has entered a new stage of development and is at a critical stage of breaking new ground and achieving another leap forward. The HKSAR Government and all sectors of society must work hand in hand to seize the opportunities and take responsibility to better co-ordinate development with security and

to give full play to the institutional advantages of “One Country, Two Systems” principle, thereby continuing to open up new horizons for high-quality development of the “One Country, Two Systems” cause.

First, we have to fully implement the holistic approach to national security to safeguard high-quality development with high-level security. The essence of the holistic approach to national security is “holistic”, which highlights the concept of overall security and covers both traditional and non-traditional security fields. As a highly internationalized city, Hong Kong must duly co-ordinate external security with internal security and take heed of the non-traditional security factors such as trade suppression, financial risks, false information dissemination and overseas interests protection, so as to safeguard the new development landscape with the new security landscape. We have to adopt a bottom-line mentality and endeavour to strengthen our ability to safeguard national security under “One Country, Two Systems”, and promptly resolve risks and conflicts in the course of promoting development, so as to keep Hong Kong’s economy and finance free from systemic risks.

Second, we have to leverage Hong Kong’s unique advantages in connecting the Mainland and the world to promote high-quality development through openness. Hong Kong is a renowned international financial, shipping and trade centre and one of the most liberal and open economies in the world, with a world-class business environment. As a foreign company’s senior executive who has lived and worked in Hong Kong for more than 50 years once said, there is no place in Asia more suitable than Hong Kong for multinational companies to set up their regional headquarters. The HKSAR passport is one of the most convenient travel documents worldwide, enjoying visa-free access or visa-on-arrival in 174 destinations, which is among the highest in the world. Hong Kong participates in and applies more than 260 international agreements and has membership in more than 30

international intergovernmental organizations. Hong Kong's financial system, legal system and pluralistic culture are in line with international standards with a strong foundation in scientific research and high-calibre talents around. All these are the distinctive advantages Hong Kong is uniquely endowed with and must be highly cherished. The Central Authorities fully support Hong Kong to maintain its unique position and advantages in the long run, and have introduced and will continue to roll out more policies and measures to support and benefit Hong Kong. Hong Kong should fully utilize the supportive policies of the Central Authorities, actively dovetail itself with the national strategies such as the joint building of the "Belt and Road Initiative" and the development of the Guangdong-Hong Kong-Macao Greater Bay Area, and expedite the construction of the Northern Metropolis, so as to better integrate into the national development. We should actively create a platform for the higher-quality opening-up, vigorously expand the international network, continuously consolidate our liaison with traditional markets, and proactively explore emerging markets such as the Middle East, Southeast Asia and Latin America. Vigorous efforts should be made to attract high-level, top-notch and urgently-needed foreign talents and elites to develop their careers in Hong Kong, and build Hong Kong into an international hub for high-calibre talents as well as an international hub for higher education. We should maintain a free and open business environment, welcome investors and friends from all over the world with a higher degree of openness, and actively assist them in solving the practical difficulties and problems encountered by them as they pursue development in Hong Kong, so that more capital, technology and talents will realize their values and dreams on this very piece of treasured land.

Third, we should make good use of the rule of law, Hong Kong's "golden reputation", to safeguard high-quality development. Under "One Country, Two Systems", Hong Kong's capitalist system and way of

life will remain unchanged in the long run; its status as an international free port and a separate customs territory will remain unchanged in the long run; and its common law system will remain unchanged in the long run. The Central Authorities' support for establishing the headquarters of the International Organization for Mediation in Hong Kong and for Hong Kong to set up a centre for international legal and dispute resolution services in the Asia-Pacific region, as well as a regional intellectual property trading centre, is a demonstration of their full trust in Hong Kong's rule of law and their attachment of great importance to capitalizing on the advantage of Hong Kong's rule of law. Over these years, Hong Kong's law enforcement agencies, prosecuting authorities and judiciary, as well as the vast bodies of legal practitioners, including foreign legal professionals who have come to Hong Kong to set up their businesses, have made significant contributions to the development of the rule of law in Hong Kong. It is particularly worth mentioning that some public officials have been unreasonably sanctioned for their work in safeguarding national security, but they uphold the rule of law, fulfil their duties steadfastly without fear or hesitation, and take concrete actions demonstrating their patriotism and safeguarding Hong Kong. They are heroes, and I commend them. I hope that the HKSAR will effectively step up publicity and education work on national security and the rule of law; continuously improve the judicial system and the legal system; and carry forward the rule of law as our "golden reputation" in Hong Kong, thereby affording protection and guarding for consolidating and enhancing Hong Kong's status as an international financial, shipping and trade centre; and providing solid safeguards under the rule of law for opening up and developing new race courses, new momentum, and new business models.

Fourth, we have to uphold Hong Kong's executive-led system to improve governance of the HKSAR and promote high-quality development through reform. High-quality development and

high-level security are inseparable from high-efficacy in governance. The Chief Executive and the HKSAR Government in the driver's seat are the first to be held accountable for the governance of Hong Kong. They should keep pace with the prevailing development trend and the development needs of Hong Kong; take the initiative to understand, respond to and embrace changes; further uphold the executive-led system; free their minds; innovate their concepts of governance; enhance governance efficacy; and open up new horizons for development in the course of reform. They should better combine governance by law with commitment, better combine a capable government with an efficient market, and resolve deep-seated economic and social conflicts and problems with greater commitment and vigour. All sectors of the community should provide strong backing for the Chief Executive and the HKSAR Government, share the same values and vision with the HKSAR Government, forge consensus over reforms, and adopt innovative reform measures, in joint pursuit of transformation and upgrade in Hong Kong's economy as well as high-quality development.

Ladies and gentlemen, dear friends,

The enactment and implementation of the HKNSL is a milestone in the implementation of the “One Country, Two Systems” principle and has already made its mark in history. Looking to the future, this law, which carries the common will of all our nationals including Hong Kong compatriots, will surely safeguard the steady and far-reaching journey of the “One Country, Two Systems” principle, enabling Hong Kong to achieve new and greater accomplishments in the grand endeavor of building a great country and realizing national rejuvenation.





The Hon John LEE Ka-chiu GBM SBS PDSM PMSM

Chief Executive of the Hong Kong Special Administrative Region
Chairman of the Committee for Safeguarding National Security of
the Hong Kong Special Administrative Region

The Honourable Mr XIA Baolong (Director of the Hong Kong and Macao Work Office of the Communist Party of China Central Committee and the Hong Kong and Macao Affairs Office of the State Council), the Honourable Mr LEUNG Chun-ying (Vice-Chairperson of the National Committee of the Chinese People's Political Consultative Conference), the Honourable Mr ZHOU Ji (Director of the Liaison Office of the Central People's Government in the HKSAR and National Security Adviser to the Committee for Safeguarding National Security of the HKSAR), the Honourable Mr ZHANG Yong (Vice-Chairperson of the Committee for the Basic Law of the HKSAR of the Standing

Committee of the National People’s Congress and Deputy Director of the Legislative Affairs Commission of the Standing Committee of the National People’s Congress), Mr DONG Jingwei (Head of the Office for Safeguarding National Security of the Central People’s Government in the HKSAR), Mr CUI Jianchun (Commissioner of the Ministry of Foreign Affairs of the People’s Republic of China in the HKSAR), Major General PENG Jingtang (Commander-in-Chief of the Chinese People’s Liberation Army Hong Kong Garrison), distinguished guests and dear friends,

Good morning, everyone! 30th June this year is the significant date that marks the 5th anniversary of the promulgation and implementation of the Hong Kong National Security Law (HKNSL). I would like to thank Director XIA Baolong for coming to attend the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum and delivering a keynote speech. Director XIA has conducted a heartfelt review of the positive significance of the HKNSL in restoring Hong Kong’s stability and implementing the “One Country, Two Systems” principle in the past five years, and for providing direction for Hong Kong’s future security and development. We must fully implement the constitutional duty of safeguarding national security, while at the same time seizing new opportunities for development and actively giving full play to our advantages as a connector between the Mainland and the rest of the world, and achieve another leap forward.

The Hong Kong version of the “colour revolution” in 2019 caused tremendous trauma to Hong Kong and has been a painful memory that every citizen who loves Hong Kong finds difficult to forget. “Rioters” rampaged; “Hong Kong Independence” ran rampant; and the anti-China and destabilising forces in Hong Kong pursued mutual destruction of Hong Kong to drag Hong Kong “off the cliff”. Rioters set fires; beat citizens, tied up and stripped to insult others; hurled petrol bombs

wantonly; attacked police officers; and severely vandalised public facilities. A citizen was seriously burned after being doused in a flammable substance. Another citizen died after being hit in the head with a brick thrown by a rioter. Hong Kong instantly plunged into a painful abyss with no safety at all.

The rioters burned the national flag, defiled the national emblem, tore copies of the Basic Law, and stormed the Central Government Offices, the Legislative Council and the CPG offices in Hong Kong. They chanted for Hong Kong independence and attempted to commit subversion and secession. Hong Kong was in grave danger.

Our gratitude goes to the Central Authorities for acting decisively at a critical moment for Hong Kong, and promulgated and implemented the HKNSL in Hong Kong, which immediately stopped violence and curbed disorder. The Government of the Hong Kong Special Administrative Region (HKSARG) fully enforced the law and cracked down on acts and activities endangering national security in accordance with the law. Social order was restored. Citizens can go back to work without fear again. Students can resume classes as usual again. The economy has developed steadily. Hong Kong has emerged from chaos to governance and can move from governance towards greater prosperity.

Today, five years after the promulgation and implementation of the HKNSL, Hong Kong ranks first as the world's freest economy and third among global financial centres, and in terms of global competitiveness, it has risen by four places in total for two consecutive years and returned to the top three. Among them, Hong Kong's first rankings in the world include investment environment, international trade, business regulations, tax policy, air cargo, etc.. Hong Kong ranks sixth globally in the safety index in 2023. Security creates stability, and stability spawns development. We must not only continue to safeguard national security, but must also make good use of the stable situation and give full

play to developing a vibrant economy, achieving prosperous development and improving people's livelihoods to realise the goal of developing for the people.

First, we must fully and faithfully implement the policy of "One Country, Two Systems" and thoroughly adopt the "holistic approach to national security". We must firmly safeguard national sovereignty, security and development interests, and always vigilantly examine and resolve problems from the perspective of national security. We must uphold the "holistic approach to national security", coordinate development and security, remain steadfast in maintaining national security and adhere to striving for high-quality development.

Second, adhere to the solid foundation of the rule of law and leverage Hong Kong's advantages in being internationalized. The HKNSL stipulates that the rights and freedoms of Hong Kong residents under the Basic Law and international conventions as applied to Hong Kong shall be protected in accordance with the law and that the principle of rule of law shall be adhered to. The HKNSL targets an extremely small minority of people who endanger national security. Over the past five years, 332 people were arrested under the national security laws, which is equivalent to an average of 66 people each year. This represents about 0.2 percent of the Police's total annual arrests, a very small proportion. These bear testimonies to the legislative intent of the HKNSL and to HKSARG's prudent and conscientious enforcement of the national security laws. Recently, the International Organization for Mediation has its headquarters set up in Hong Kong. I am grateful for the trust placed in us by the Central Government and the support of the Central Authorities for development of rule of law in Hong Kong, which enables Hong Kong to further enhance its international status and leverage its advantages in both common law and civil law traditions to promote the maintenance of international legal order and the peaceful development of mankind.

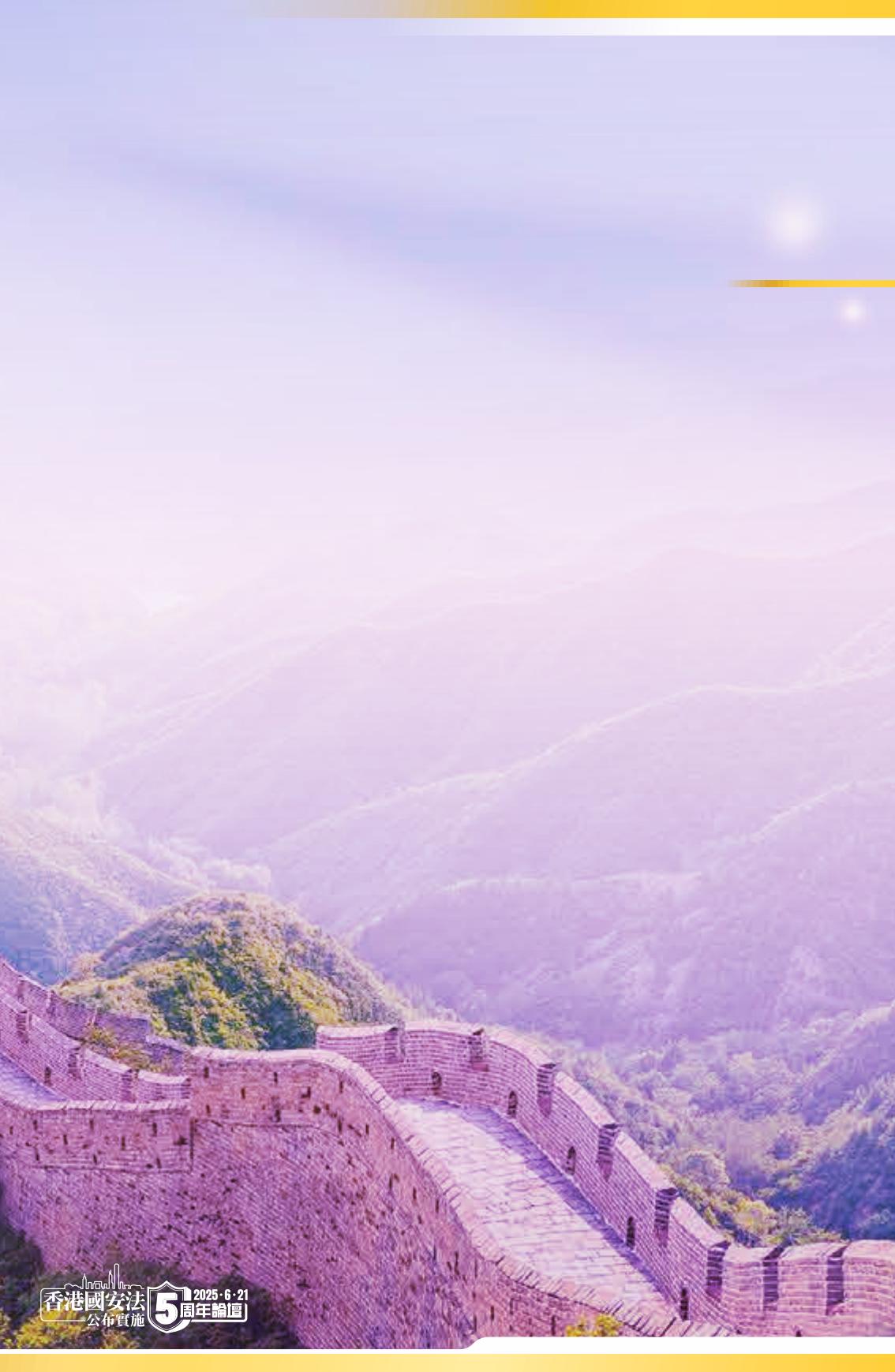
Third, cherish the stable situation and seize development opportunities. We must cherish Hong Kong's hard-won stability, actively integrate into the overall development of the country and strive to deepen international exchanges and cooperation. Hong Kong will maintain its status as a free port with essentially zero tariff, adhere to the principles of open free trade and international norms and principles, utilise the advantages of Hong Kong's connectivity with both the Mainland and the world, capitalise on the roles of "super connector" and "super value-adder", facilitate two-way flows – "bringing in" and "going out" – of overseas and Mainland enterprises, capital and technology.

Fourth, enhance traditional advantages and focus on reform and innovation. We have to further consolidate and enhance Hong Kong's status as an international financial, trade and maritime centre, proactively align with national strategies, fully seize the opportunities arising from national development, strengthen competitiveness in finance, trade and shipping, and achieve greater development for Hong Kong. We have to be bold in reform, remove outdated rules, break the mould, innovate and create. We will accelerate the development of the Northern Metropolis and Hetao Shenzhen-Hong Kong science and technology innovation zone, with industrial development as the main axis and innovation and technology as the core, to drive the overall development of Hong Kong and introduce new concepts and new methods to enhance speed and efficiency.

Stability is the prerequisite for development and reform. Without stability, there is no foundation for development, let alone reform. Although the international landscape is complex and fast changing and the geopolitical risks keep escalating, under the institutional protection of the "One Country, Two Systems" principle with the HKNSL providing safeguards and the Safeguarding National Security Ordinance integrating and complementing it as a cohesive whole, Hong Kong's

development and reform will surely continue to advance steadily, exert greater momentum, and make greater contributions to the nation in the building of a great country and advancing toward national rejuvenation.

Finally, I wish today's Forum every success and everyone good health. Thank you.



Addresses by Guests of Honour





Mr ZHOU Ji

Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region
National Security Adviser to the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region

The Honourable Director XIA Baolong,
The Honourable Chief Executive John LEE Ka-chiu,
Distinguished guests and dear friends,

Good morning, everyone!

It is a great pleasure to participate in the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum. Just now, Director XIA Baolong delivered a keynote speech in recapitulating President XI Jinping's important discourses on

safeguarding national security; comprehensively reviewing the legislative intent and implementation effectiveness of the Hong Kong National Security Law (HKNSL); conducting an in-depth analysis of the current situation faced by Hong Kong in safeguarding national security; profoundly elaborating on the practical requirements for Hong Kong to safeguard national security under “One Country, Two Systems”; and expressing ardent expectations for Hong Kong’s better coordination of development and security and continuous advancement of the high-quality development of the “One Country, Two Systems” cause. The Liaison Office of the Central People’s Government in the HKSAR will conscientiously and thoroughly implement the requirements of the Central Authorities and fully support Hong Kong in consolidating and developing a favourable momentum for the transition from stability to prosperity.

The enactment and implementation of the HKNSL is an important milestone in the cause of “One Country, Two Systems”. Looking back on the legislative amendment turmoil in 2019, calls for “Hong Kong independence” ran rampant, “black-clad violence” raged, and “mutual destruction” rhetoric prevailed – the Hong Kong version of “colour revolution” poisoned the city – leaving the beautiful Pearl of the Orient ravaged. At such critical juncture, the Central Authorities made a decisive move to enact and implement the HKNSL, quickly turning the tide of chaos. Over the past five years, criminal acts endangering national security have been robustly combated in accordance with the law; human rights and freedoms cherished by citizens have been effectively protected by the rule of law; and secure and stable business environment has been vigorously maintained. Today’s Hong Kong is a stable and peaceful city of abundant vitality that draws global admiration. As pointed out by Director XIA Baolong, the HKNSL is a good law for safeguarding national sovereignty, security and development interests; a good law for maintaining Hong Kong’s

long-term prosperity and stability; and a good law for protecting the well-being of Hong Kong citizens and the interests of foreign investors.

At present, the practice of “One Country, Two Systems” has entered a new stage while safeguarding national security in Hong Kong also stands at a new starting point in history. Just now, Director XIA Baolong stressed the practical requirements of the “five musts”, namely that: we must embody safeguarding national security in the full process of implementing the “One Country, Two Systems”; we must ensure that the governance of the HKSAR is firmly in the hands of the patriots; we must be steadfast in safeguarding security and promoting development; we must effectively protect the human rights and freedoms of Hong Kong people; and we must maintain Hong Kong’s unique position and advantages. These are a patterned summary of Hong Kong’s experience in safeguarding national security. We must deeply and thoroughly implement the holistic approach to national security, scientifically apply these valuable experiences to consolidate security with the rule of law, protect development with security and benefit people’s livelihood and promote prosperity with development, and make new contributions to advancing the steadfast and successful development of the cause of “One Country, Two Systems”. Taking this opportunity, I would like to share three points with you all.

First, resolutely safeguard high-level security by high-quality rule of law. President XI Jinping has insightfully remarked that governance in accordance with the law is the most reliable and stable form of governance, and that national security is an important cornerstone of the safety and stability of a nation. The Central Authorities remain committed to governing Hong Kong in accordance with the law and firmly safeguard the constitutional order of the SAR as established by the Constitution and the Basic Law. The enactment and implementation of the HKNSL is a model for safeguarding national security by the rule of law. Facts have eloquently proved that the

HKNSL combats an extremely small minority of criminals, while safeguarding the bottom line of national security and protecting the human rights, freedoms and safety of Hong Kong citizens as well as vital interests of investors from other countries. On the new journey of implementing “One Country, Two Systems”, we must as always take pride in respecting and abiding by laws and regard breaking and undermining the law with shame; firmly establish the awareness of safeguarding national security and fully implement Hong Kong’s laws on safeguarding national security, jointly foster a favourable rule-of-law environment, continue to burnish Hong Kong’s “rule of law card” and resolutely safeguard the rule of law foundation of Hong Kong.

Second, resolutely safeguard high-quality development with high-level security. President XI Jinping has insightfully remarked that security and development are the two wings of a bird, or two wheels of a cart. Security must always take primacy as a pre-condition for development, and development is the cornerstone of security. History and reality have warned us – in the face of street chaos characterized by vandalism, looting, arson and widespread disorder, and in the face of the turbulence of frequent warfare and unceasing national turmoil, how is development possible? Without high-level security such as political security, economic security and social security, high-quality development can hardly be effectively advanced. “Be mindful of peril in peacetime, of demise while in existence, and of chaos at times of order”. In the great practice of “One Country, Two Systems”, we will continue to be guided by the holistic approach to national security to steadfastly coordinate development and security, openness and security, as well as traditional security and non-traditional security, and effectively respond to all kinds of risks and challenges, thereby giving full play to Hong Kong’s security edges to create a safe and peaceful haven, a prime spot for international investment and a vibrant hub for ventures and startups.

Third, resolutely promote long-term prosperity and stability with high-quality development. President XI Jinping has insightfully remarked that development is the very foundation of Hong Kong and also the golden key to solving various problems in Hong Kong. With the deepening implementation of the HKNSL, Hong Kong has entered a new stage of development. The present moment is the golden period for achieving economic growth, pursuing development, advancing infrastructure, and improving people's livelihoods. At the new stage of practising "One Country, Two Systems", we should take the initiative to understand, respond to and embrace changes and fully and thoroughly implement the new development philosophy, promote Hong Kong's long-term prosperity and stability with high-quality development and further enhance the splendour of this international metropolis!

Ladies and gentlemen, dear friends,

The HKNSL is the "guardian" of Hong Kong's prosperity and stability, and safeguarding national security is embodied in the full process of implementing "One Country, Two Systems". Let us join hands to make concerted efforts in unity and solidarity to continuously draw wisdom and strength while advancing along Hong Kong's extraordinary journey from chaos to order and from stability to prosperity, to further strengthen the foundation of "governance", stimulate the momentum of "prosperity", and make new and greater contributions to the grand endeavour of building a strong nation and realizing national rejuvenation!

Finally, I wish the Forum every success. Thank you.





Mr ZHANG Yong

Vice-Chairperson of the Committee for the Basic Law of the Hong Kong Special Administrative Region of the Standing Committee of the National People's Congress
Deputy Director of the Legislative Affairs Commission of the Standing Committee of the National People's Congress

**Prosperity guarded by the rule of law
New chapter of Hong Kong composed with security**

The Honourable Director XIA Baolong,

The Honourable Chief Executive John LEE Ka-chiu, Director ZHOU Ji,
Honourable guests,

Good morning, everyone!

Thanks for the invitation by the Department of Justice of the Government of the Hong Kong Special Administrative Region (HKSAR). I attend the 5th Anniversary of Promulgation and

Implementation of Hong Kong National Security Law Forum at the behest of Secretary SHEN Chunyao. Five years ago, the Standing Committee of the National People's Congress enacted the Hong Kong National Security Law (HKNSL) in accordance with the Constitution, the Basic Law of Hong Kong and the authorization of the National People's Congress, and decided to include it in Annex III to the Basic Law of Hong Kong for promulgation and implementation. Over the past five years, under the strong leadership of the Central Government, the proactiveness of the Chief Executive, the SAR Government, the Legislative Council and the courts, and the broad support of all sectors of Hong Kong society, the HKNSL has been fully, faithfully and effectively implemented. Here, on behalf of the Committee for the Basic Law of the HKSAR and the Legislative Affairs Commission of the Standing Committee of the National People's Congress, I would like to convey my highest respect to the Chief Executive John LEE Ka-chiu, the HKSAR's governing team and people from different sectors in Hong Kong!

Just now, Director XIA Baolong's important speech is heartening and deeply enlightening for me! With his grand strategic vision, Director XIA has profoundly explained the historic role of the HKNSL in safeguarding national security and steering Hong Kong from chaos to governance and then from governance to prosperity. His words are imbued with ardent expectations and firm confidence in Hong Kong's stability, prosperity and development. In the following, having regard to the full, faithful and effective implementation of the HKNSL over the past five years, I would like to share three observations:

1. The great power of XI Jinping Thought on the Rule of Law is fully demonstrated. XI Jinping Thought on the Rule of Law is a significant achievement of theoretical innovation that has emerged in response to the call of the times for the realization of the great rejuvenation of the Chinese nation. It is also the guiding ideology for the realization of comprehensive governance of the country in accordance

with the law. Adherence to governing Hong Kong and Macao in accordance with the law is an integral part of XI Jinping Thought on the Rule of Law. The HKNSL is the crystallization of the rule of law in effectively safeguarding national security: it deploys the power of the rule of law to safeguard the original aspiration and mission of “One Country, Two Systems”; by virtue of institutional achievement, it establishes a solid foundation for restoring order from chaos and maintaining security of the nation, forging a tenacious force to safeguard national security and clear away disorder, enabling Hong Kong to put an end to the turmoil, regain peace and harmony, and resolutely stride forward in the face of challenges. The restoration of stability is immensely precious!

2. The systemic advantages of the People’s Congress are effectively utilised. The People’s Congress system is the fundamental political system of our country. President XI Jinping pointed out that after its reunion with the motherland, Hong Kong has been reintegrated into the national governance system. The Constitution and the Basic Law together form the constitutional foundation of the SAR. The National People’s Congress and its Standing Committee have innovatively utilized the Constitution of the People’s Republic of China to resolutely safeguard the constitutional order of the SAR, by enacting and implementing the HKNSL through the “decision + legislation” approach, and providing authoritative interpretation of the relevant provisions of the HKNSL in a timely fashion. This vivid practice of upholding and enhancing the institutional framework of “One Country, Two Systems”, carries important significance in terms of institutional innovation. Institutional confidence has been further strengthened!

3. The spirit of the rule of law in Hong Kong has been revitalized. The HKNSL enriches and develops Hong Kong’s legal system for safeguarding national security. It is a vital tool of the nation to defend national security and protect Hong Kong’s tranquility. It is a

powerful weapon to deter and punish domestic and foreign anti-China and destabilizing forces. It is also a barrier that protects the rights and freedoms of Hong Kong residents in accordance with the rule of law. Practice has proved that the HKNSL enables law enforcement and administration of justice to operate orderly on the basis of the rule of law, to fully realize fairness and justice in societal life and to reinvigorate Hong Kong. From chaos to governance, from governance to prosperity, the spirit of the rule of law remains vibrant and everlasting!

Distinguished guests and dear friends,

Although Zhou was an ancient state in Chinese history, it had a reform mission. Only by anticipating danger can we enjoy peace, and only by understanding concerns can we overcome adversity. We must steadfastly perform the duties conferred by the Constitution and laws, continuously improve and effectively implement the legal system and enforcement mechanism for safeguarding national security in the HKSAR, further consolidate the institutional system for safeguarding national security and better protect Hong Kong, the “Pearl of the Orient”, so that it may forever shine brightly and prosper, thereby making greater contributions to the cause of “One Country, Two Systems” and the great rejuvenation of the Chinese nation!

Thank you!



Mr DONG Jingwei

Head of 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

**Safeguarding voyages for security
Fostering prosperity with the rule of law
Fortifying a security foundation for the great implementation
of “One Country, Two Systems” in the new era**

The Honourable Director XIA Baolong, the Honourable Chief Executive John LEE Ka-chiu and Director ZHOU Ji, distinguished guests and dear friends,

Good morning, everyone. After five turns of seasons and five years of journey, Hong Kong's rule of law on national security has evolved from scratch to existence, from establishment to stature, bringing Hong

Kong smooth sailing on calm sea and achieving remarkable success. Today, as we review the governance practice of this single law that has restored security and peace in Hong Kong, the significance of this gathering lies in forging consensus and strengthening our determination to stride ahead hand in hand. In his speech, Director XIA Baolong's speech just now, while summarizing the past and distilling the underlying principles, also charted a heartening vision for the future. It outlined the specific requirements for us to anchor ourselves in the new stage of practising "One Country, Two Systems" and coordinate high-quality development and high-level security. We will earnestly grasp and implement these requirements. Here, I would like to share with you three observations.

1. The HKNSL has spurred a major turning point in Hong Kong's transition from chaos to order. For a period of time after the reunification, Hong Kong found itself in a dire situation under the influence of various intricate internal and external factors where anti-China and destabilising activities ran rampant. At the critical juncture, the Central Committee of the Communist Party of China with Comrade XI Jinping at its core evaluated the situation and made a major decision to establish and improve the legal system and enforcement mechanisms of safeguarding national security in Hong Kong. The enactment of the HKNSL effectively crushed the Hong Kong version of "colour revolution"; vigorously counteracted the interference by external forces; brought to justice the key perpetrators of anti-China and disruptive activities, firmly upheld the bottom line of the "Three Absolute Impermissibles" and ended the days of unbridled lawlessness by hostile forces. Hong Kong has restored peace, order and vitality, while fully demonstrating the power of rule of law under the HKNSL. As pointed out by Director XIA Baolong, the HKNSL is a good law that safeguards national security and benefits Hong Kong, our country and global investors worldwide.

2. The HKNSL has set a rule of law model for national security governance.

The HKNSL fully embodies the interrelationship between development, openness, rule of law, reform and national security. It innovatively established a “dual enforcement mechanism” to make up for Hong Kong’s deficiency in safeguarding national security after the reunification, injecting strong certainty into the steadfast and successful implementation of “One Country, Two Systems” with important milestone significance. The HKNSL targets an extremely small minority and protects the vast majority. Under the blessing and protection of the HKNSL, Hong Kong’s status as an international financial, shipping and trade centre has further solidified, and its unique advantage of “strong support from the Motherland and close connection with the world” has grown in prominence. This has accelerated the progress of “developing a vibrant economy and achieving prosperous development”. Hong Kong’s demonstration of the remarkable institutional advantages and strong vitality of “One Country, Two Systems” to the world is indeed a vivid portrayal of “China’s governance”.

3. To resolutely advance high-level security in Hong Kong.

At present, the implementation of “One Country, Two Systems” has entered a new stage while Hong Kong is at a critical point of expediting the advancement from stability to prosperity. We must firmly establish the bottom-line mentality, vigilantly guard against significant risks, and stay lucid insidious plots of hostile forces to “use Hong Kong to contain China” and foment a “colour revolution” have not changed and will not change. We must advance national security governance in accordance with the law, deepen reform and innovation, and resolve deep-seated issues that hinder security development. We must continue to improve the system and mechanisms for Hong Kong to safeguard national security, thereby guarding high-quality development with high-level security on the track of the rule of law.

Distinguished guests and dear friends,

National security is paramount; and national security is everyone's responsibility. By safeguarding national security, Hong Kong reinforces its foundation, contributes to the country and benefits the world. The Office for Safeguarding National Security of the Central People's Government in the HKSAR is established by the law and acts in accordance with the law. It will fully and faithfully implement the HKNSL, and work together with all sectors of the HKSAR to strive for a new chapter, thereby jointly contributing to the grand endeavour of building of a strong nation and realizing national rejuvenation!

I wish the Forum every success!

Thank you all!



Mr CUI Jianchun

Commissioner of the Ministry of Foreign Affairs of
the People's Republic of China in the Hong Kong Special Administrative Region

**Safeguarding voyages for stability and prosperity
Joining hands to forge a brighter future**

The Honourable Director XIA Baolong,
The Honourable Chief Executive John LEE Ka-Chiu,
The Honourable Vice-Chairperson LEUNG Chun-ying,
Director ZHOU Ji, Deputy Director ZHANG Yong, Head DONG
Jingwei, Major General PENG Jingtang,
Distinguished guests, dear friends, ladies and gentlemen,

Good morning! It is a great pleasure to gather with you all at the 5th
Anniversary of Promulgation and Implementation of Hong Kong

National Security Law Forum. In his speech just now, Director XIA Baolong has reviewed the successful implementation of the Hong Kong National Security Law (HKNSL) over the past five years, emphasized the practical requirements of five “MUSTs” in safeguarding national security under “One Country, Two Systems”, and put forward four hopes to promote Hong Kong’s high-quality development with the safeguard of high-level security. These are of important guiding significance for accelerating the pace of Hong Kong’s progress from governance to prosperity, giving full play to Hong Kong’s role in the process of building the nation into a strong country and advancing toward national rejuvenation, and realizing greater developments in Hong Kong in a new stage.

As pointed out by Director XIA, “this single law has restored security and peace in Hong Kong”, the enactment and implementation of the HKNSL has brought about a series of comprehensive, transformative and fundamental implications. The five years since the promulgation and implementation of the HKNSL have been the time in which Hong Kong has emerged from chaos to governance and then from governance to greater prosperity, with Hong Kong’s charm and vitality surpassing the past. These five years have also been the time when Hong Kong citizens’ awareness of national security has deepened, the concept of national security and home security has become increasingly ingrained in people’s minds, and the international community has cast votes of confidence in Hong Kong through actions. “Real capital” from global investors has poured into Hong Kong for investment. The successful implementation of the HKNSL over the past five years has proved that it has integrated into Hong Kong’s legal system, building a strong barrier to safeguard national security, protecting the fundamental welfare of Hong Kong citizens and protecting the human rights and freedoms of Hong Kong residents. It has demonstrated that Hong Kong’s rule of law system on national security has struck a dynamic balance between

security and development, and high-level security and high-quality development have been interacting positively. It has proved that Hong Kong's rule of law system on national security safeguards open security, achieving security and development in openness. The establishment of the headquarters of the International Organization for Mediation in Hong Kong is an excellent example.

Distinguished guests and dear friends,

This year marks the third anniversary of President XI Jinping's Global Security Initiative. This Initiative is an important public good that China contributes to addressing international security challenges. It is also an extension and manifestation of the holistic approach to national security in the field of international security. Currently, the global security situation remains volatile and unstable, increasingly highlighting the value and practical significance of the Global Security Initiative at this time. Facts have proved that the cold war mentality, camp confrontation and unilateral bullying cannot bring security. China's proposition is to promote common, comprehensive, cooperative and sustainable global security approach, addressing common challenges through exchanges and mutual learning, enhancing common security through solidarity and collaboration, and achieving common development through win-win cooperation.

Director XIA Baolong pointed out that at the moment, changes in a century are accelerating and the internal and external environments of Hong Kong are undergoing profound changes. These require us to remain vigilant at all times, integrate the safeguarding national security in the entire process of implementing "One Country, Two Systems", and maintain and consolidate the hard-won stable situation in Hong Kong. The Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR will work with the SAR

Government and all sectors of the society to resolutely safeguard national sovereignty, security and development interests. We firmly believe that Hong Kong will achieve higher-quality development and higher-level openness under the protection of higher-level security, and will continuously compose a new chapter in the implementation of “One Country, Two Systems”.

Thank you!



Major General PENG Jingtang

Commander-in-Chief of the Chinese People's Liberation Army Hong Kong Garrison

The Honourable Director XIA Baolong, the Honourable Chief Executive John LEE Ka-chiu, the Honourable Vice-Chairperson LEUNG Chun-ying, the Honourable Director ZHOU Ji, Deputy Director ZHANG Yong, Head DONG Jingwei, Commissioner CUI Jianchun, distinguished guests and dear friends,

Good morning, everyone. Today, we gather to jointly commemorate the 5th anniversary of the promulgation and implementation of the Hong Kong National Security Law (HKNSL). Over the past five years, the HKNSL has been a “lynchpin for stability”

to safeguard safety and peace of Hong Kong society and well-being of its citizens, providing robust protection for the steadfast and successful implementation of “One Country, Two Systems”. Here, on behalf of all officers and soldiers of the Hong Kong Garrison, I would like to extend our warmest congratulations on the grand opening of the Forum and express my heartfelt gratitude to all sectors of the Hong Kong community and the general public for their long-term support for the work of the Garrison!

Only after trudging through muddy terrain do we realise the preciousness of the broad road; only after weathering the storms do we better appreciate the beauty of sunshine. Over the past five years, the Central Authorities and the SAR Government have continuously promoted the thorough implementation of the HKNSL, historically completed the legislation on Article 23 of the Basic Law, constructing a multi-tiered “protective net” through collaboration at all levels, and effectively enhanced the overall governance and management capacity through the rule of law. The Hong Kong community has returned to rationality. Economic vitality has continued to flourish. The rights and freedoms of citizens have been better protected in a secure environment. Transition from chaos to governance and then from governance to prosperity have been successfully achieved. Five years of practice has fully proved that “One Country, Two Systems” is the most suitable institutional arrangement for Hong Kong, whereas patriots administering Hong Kong is the clear choice for ensuring Hong Kong’s long-term stability. The HKNSL is the “guardian” of prosperity and stability in Hong Kong.

Distinguished guests and dear friends, as people often say, “We do not live in a peaceful era, but we are fortunate to live in a peaceful country.” In the 28 years since the People’s Liberation Army stationing in Hong Kong, generations of officers and soldiers have resolutely obeyed the command of the Communist Party of China Central

Committee (CPCCC) and the Central Military Commission (CMC), resolutely and thoroughly implemented the “One Country, Two Systems” policy, the Basic Law of the Hong Kong Special Administrative Region (HKSAR) and the Law of the People’s Republic of China on the Garrisoning of the HKSAR, always regarding the garrisoned area as our hometown and citizens as our relatives. We realise absolute loyalty with passion, dedicate our youth to interpret our mission and commitment, and hone our ability to win through sweat. As always, we walk hand in hand with the SAR Government, the CPG offices in Hong Kong and the patriots who love our country and our city to resolutely defend the bottom line for national security and make every effort to relay the guarding of “lights of thousands home” across Hong Kong.

At present, the implementation of “One Country, Two Systems” has entered a new stage. Hong Kong is accelerating its progress on the broad road “from governance to prosperity”, with series of grand celebratory events, frequent good news from various fields, and development momentum continuing to improve, vividly depicting a beautiful scene of security bringing prosperity. The Hong Kong Garrison will resolutely implement the decisions and deployments of the CPCCC, the CMC and President XI, always bear in mind the aim of “serving the people wholeheartedly”, constantly enhance its strategic capability to safeguard national security and development, fully support the administration of the SAR Government in accordance with the law, and work with all sectors of the Hong Kong society to safeguard the hard-won stability. We firmly believe that with the strong backing of the great motherland, the protection offered by the legal system for safeguarding national security as well as the unity and hard work of Hong Kong citizens as a whole, Hong Kong will undoubtedly be able to make new and greater contributions to building the nation into a strong country and advancing towards national rejuvenation.

Finally, I wish the Forum every success! Thank you!



The 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum

Performance

“Five Years of a New Horizon - Our Commitment to Safeguarding National Security”



“Drumming Resonates Across Hong Kong” — The younger generation told a good story about protecting national security in accordance with the law by traditional drumming, and played the powerful tune of the times: “Be Patriotic and Love Hong Kong”.



A spirited rap performance portrayed the Hong Kong National Security Law as the “beacon of hope” and “guardian light”, where Hong Kong will certainly thrive ever more under the auspices of the benevolent legislation.



Safeguarding national security is the responsibility of every generation, and the children's heartfelt performance aptly illustrated the passing on of affection for home and country.



Once here, one becomes part of Hong Kong: Ethnic minorities likewise expressed gratitude that the Hong Kong National Security Law has created an environment for them to live and work in peace and contentment, which brings a constant sense of achievement and satisfaction.



The impassioned sharing by Hong Kong youth demonstrated their mindful bond to homeland, lofty aspirations tempered by pragmatism, as well as their resolve to become dedicated builders and successors of the “One Country, Two Systems” cause.



Under the protection of the Hong Kong National Security Law, the citizens will surely adhere to the “Lion Rock spirit” to pioneer and explore, to confront changes with flexibility, to strive, to persevere and to move forward, to continue to create a new legend of development for Hong Kong.



Award Presentation Ceremonies



Champion and other awards of the “Hong Kong National Security Law – Safeguards and Hopes” Social Media Post Competition were given by Director of Hong Kong and Macao Work Office of CPC Central Committee and Hong Kong and Macao Affairs Office of State Council Mr Xia Baolong and the Chief Executive, Mr John Lee



First Runner-up and Second Runner-up of the “Hong Kong National Security Law – Safeguards and Hopes” Social Media Post Competition were given by Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region and National Security Adviser to the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region, Mr Zhou Ji and Deputy Director of the Legislative Affairs Commission and the Basic Law Committee of the Hong Kong Special Administrative Region of the Standing Committee of the National People's Congress, Mr Zhang Yong



Awards of the Security Bureau Youth Uniformed Groups National Security Quiz Competition 2025 and the Inter-school National Security Knowledge Challenge 2024/25 were given by the Head of Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region, Mr Dong Jingwei, Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region, Mr Cui Jianchun, Commander-in-chief of the Chinese People's Liberation Army Hong Kong Garrison, Major General Peng Jingtang and the Secretary for Justice, Mr Paul Lam



**HKNSL - Guarding Every Voyage and Forging a Brighter Future
Kick-off Ceremony**



HKNSL – Guarding Every Voyage and Forging a Brighter Future: Safeguarding the high-quality development of the “One Country, Two Systems” cause with high-level security.



港國安法 航 創未來



Seminar



Welcome Speech

Nal Security Law



The Hon Paul LAM Ting-kwok

GBS SC JP

Secretary for Justice of
The Government of the Hong Kong Special Administrative Region

Distinguished guests, teachers and students, colleagues and friends,

Good afternoon, everyone. Welcome to the afternoon session of the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum organized by the Hong Kong Special Administrative Region (HKSAR) Government.

In the morning session, Director XIA Baolong delivered an important keynote speech, followed by speeches from the Chief Executive and other key leaders. I believe these addresses have certainly deepened everyone's understanding and appreciation of the significance

of the 5th anniversary of the promulgation and implementation of the Hong Kong National Security Law (HKNSL).

In his keynote speech in the morning session of the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum, Director XIA Baolong not only reviewed the experience from implementing this important law over the past five years, but also gave very clear guidance for the future work in safeguarding national security. Director XIA described the HKNSL as a watershed and milestone that will go down in history. From a legal perspective, the HKNSL, albeit a national law, respects and incorporates elements of the Basic Law and comprises three areas, namely substantive law, procedural law and organic law. Director XIA also outlined a series of recently released impressive data and survey results on Hong Kong, showing that Hong Kong ranks among the top in international rankings in various areas and maintains a very promising momentum. That said, amid the complex and grave environment, Director XIA reminded us that, in the time ahead, we must keep up our work of safeguarding national security by strictly observing his guidance on implementation. We should in particular bear in mind the concept of mega security under the holistic approach to national security, and as an international financial, trade and shipping centre, Hong Kong must keep an eye on non-traditional national security such as financial security and so on. Director XIA also specifically mentioned in the process of implementation, it is essential to effectively protect fundamental human rights and freedoms and leverage Hong Kong's unique advantages, so as to create an environment that is more conducive to freedom and openness. At the moment, Hong Kong in its stable environment, should all the more capitalize on the opportunities and proactively seek change to open up new horizons on a shifting landscape and to integrate more actively into the overall national development. As a legal professional, I am most impressed by his specific mention of the necessity to utilize Hong Kong's rule of law advantage. Director XIA emphasized that Hong Kong's practice of common law will remain unchanged in the long run. We should not only make good use of the common law system to

safeguard national security, but also burnish this “golden reputation” to safeguard Hong Kong’s status as an international financial, shipping and trade centre, in order to provide a solid foundation for new developments in other fields.

Following on from the morning session, we have prepared a rich and substantive programme for the upcoming afternoon session. Firstly, we are very honoured to have invited the Director of the Research Office of the HKSAR Basic Law Committee and Macao Special Administrative Region Basic Law Committee of the Standing Committee of the National People’s Congress, Mr YANG Zhaoye, to deliver a keynote speech. After that, we will have our first panel session with the participation of legal authorities and experts from the Mainland and Hong Kong. Moderated by Dr William WONG Ming-fung, the session will feature sharing of insightful views by Prof XIONG Qiuhong, Prof Albert CHEN Hung-yee and Prof I Grenville CROSS.

As the saying goes, “The life of the law has been experience.” To accurately understand and apply any law, it is necessary to accumulate experience through practice. In the case of the HKNSL, we have already accumulated five years of practical experience, making it a very suitable time to review the past and summarize how the HKNSL, as a national law implemented in Hong Kong, operates with Hong Kong’s common law system; how it converges with and complements relevant laws of the HKSAR – in particular the Safeguarding National Security Ordinance (SNSO) enacted last year in accordance with Article 23 of the Basic Law of Hong Kong – and how it has improved the legal system and enforcement mechanisms for the HKSAR to safeguard national security. Safeguarding national security is an ongoing and lasting constitutional duty, and it is more than natural for us to look to the future and explore ways to further improve the legal system and enforcement mechanisms to safeguard national security, so as to ensure that we are legally equipped to the fullest extent to prevent, suppress and punish acts and activities endangering national security in a timely and effective manner.

The second panel session this afternoon is a new attempt, arguably a pioneering move. We often say that the HKNSL has laid down an important legal foundation, providing a stable environment for us to unleash our talents. It is closely related to everyone's life, study and work, although the causal relationship may not be directly or easily discernible. As young people are the future of our society, we have always valued their views. Considering these factors, our emcee Vincy WONG Wing-sze in this session will host this session, with a dialogue featuring three young panelists, who are household names and have remarkable achievements in their respective fields. They are Vivian KONG Man-wai, Angel CHONG Nga-ting and Karl TING Tsz-long. They will share with us their views and insights as young leaders not working in the legal field on the HKNSL and national security. And I will also participate personally.

Furthermore, this year, the Department of Justice together with the Security Bureau specially organized the "Hong Kong National Security Law – Safeguards and Hopes" Social Media Post Competition with primary schools, secondary schools, tertiary institutions and uniformed groups as the target participants. The competition received overwhelming response, with nearly 600 entries submitted to us. Each entry was conceived and crafted with great dedication, fully demonstrating the enthusiasm of teachers and students for safeguarding national security. The Award Presentation Ceremony was held this morning. We will play some of the winning entries this afternoon as "bonus treats" for everyone to enjoy.

I wish to take this valuable opportunity to set the ball rolling by sharing my humble views on the HKNSL and safeguarding national security. While the implementation of the HKNSL has established a solid foundation through five years of practice and experience, given our ongoing and lasting constitutional duty to safeguard national security, we should also carefully consider the future directions of our work. I believe one of the most important, perhaps even the most important,

direction is to balance the relation between security and development. Hong Kong is at a critical stage of development in pursuit of reforms and innovations, aiming to better leverage its unique advantages under “One Country, Two Systems” and better integrate into the overall national development. To maintain high-level security whilst facilitating high-quality development, it is necessary to ensure positive interaction between security and development. In the white paper titled “China’s National Security in the New Era” published by the State Council in May 2025, one of the important principles mentioned is “reinforcing security in development and pursuing development in security”, which emphasizes the need to promote a dynamic equilibrium between development and security for their mutual reinforcement. Security is the prerequisite for development, and without security, there can be no development; on the other hand, if development and reform stagnate, not only will it be difficult to achieve security, the foundation of security may even be undermined.

We often liken development and safety to the two wings of a bird or the two wheels of a cart. For a cart to speed steadily and swiftly along the road, its two wheels must be of identical size and diameter, and must roll at the same speed and in the same direction, as ensured equipment such as the transverse axle. For a bird to soar in the sky, its pair of wings must be of comparable size, and the frequency, speed and direction of their flapping must be consistent.

Safeguarding national security is a matter of top priority and is not negotiable. In the current highly complex and volatile geopolitical environment, Hong Kong has been subjected to unfair and unreasonable suppression by some hostile states and forces. Given the national security risks we are facing, we simply cannot afford to ease up at all. Nonetheless, this does not mean that we are pursuing absolute security. The SNSO passed last year adopts the definition of national security in the National Security Law of the People’s Republic of China, emphasizing that national security means a 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 any danger and internal or external threats. The essence lies in the use of the word “relatively” instead of “absolutely”. Grasping this fundamental concept is crucial to ensuring positive interaction between security and development.

Specifically, one of the necessary measures to achieve a positive interaction and dynamic equilibrium between security and development is strict adherence to the principle of the rule of law and respect and protect fundamental human rights and freedoms as required by Articles 4 and 5 of the HKNSL. Only in this way can the people of Hong Kong feel secured in studying, working and living; unite wholeheartedly to seek breakthroughs and transformations together; and overcome various challenges ahead. And only in this way will people from abroad willingly and eagerly come to Hong Kong to study, work and live, making a contribution here.

The first sentence of Article 1 of the HKNSL clearly states the primary purpose of enacting this law is to “ensure the resolute, full and faithful implementation of the policy of ‘One Country, Two Systems’ under which the people of Hong Kong administer Hong Kong with a high degree of autonomy”. To ensure the full and faithful implementation of “One Country, Two Systems”, Hong Kong must, on the premise of due safeguarding of national security, consolidate and enhance in both perception and reality its status as a true international centre across diverse areas such as finance, trade, shipping, law, education and culture, through transformation and development. This is reason why I have shared the above views with you all.

Finally, I wish the afternoon session of this Forum every success, and everyone a fruitful experience and a fulfilling and enjoyable weekend! Thank you.



Keynote Speech



Mr YANG Zhaoye

Director of the Research Office of the Hong Kong Special Administrative Region Basic Law Committee and Macao Special Administrative Region Basic Law Committee of the Standing Committee of the National People's Congress

Safeguarding Security with Rule of Law Guarding Prosperity with Security

The Honourable Secretary for Justice Mr Paul LAM Ting-kwok,
Distinguished guests and dear friends,

Good afternoon. Today, we all gather to jointly commemorate the 5th anniversary of the promulgation and implementation of the Hong Kong National Security Law (HKNSL). I am deeply honoured to be invited to speak at this Forum. Since my arrival in Hong Kong, I have felt the strong commemorative mood. This morning, we all listened to the keynote speech delivered by Director XIA Baolong, who elaborated

in depth on the HKNSL's historic role in the course of guarding national security, and driving Hong Kong from chaos to order and from stability to prosperity. Let me share below my insights and thoughts with you in light of my duties.

In 2019, the “legislative amendment turmoil” in Hong Kong triggered serious social unrest, exposing Hong Kong’s legal loopholes and deficiencies in enforcement mechanisms for safeguarding national security. On 28 May 2020, the Third Session of the Thirteenth National People’s Congress (NPC) made the decision to specify the contents of certain core elements in relation to establishing and improving the legal system and enforcement mechanisms for the Hong Kong Special Administrative Region (HKSAR) to safeguard national security, while entrusting the Standing Committee of the National People’s Congress (NPCSC) to formulate the relevant laws. On 30 June, the Twentieth Session of the Standing Committee of the Thirteenth NPC adopted the HKNSL, and decided on including the Law into Annex III to the Basic Law of Hong Kong (HKBL) and specified that it shall be applied locally by way of promulgation by the HKSAR. On 30 December 2022, the NPCSC issued an interpretation of the relevant HKNSL provisions, which further clarified the meaning of the relevant legal provisions and the basis for application of the Law, and duly resolved the major controversial issues arising in the implementation of the HKNSL in a timely manner. On 23 March 2024, the Safeguarding National Security Ordinance (SNSO) was gazetted in the HKSAR; on 7 April, the General Office of the NPCSC received the SNSO reported by the HKSAR for the record. The SNSO implements the constitutional duty and legislative obligation as stipulated by the HKBL, the Decision of the NPC on Establishing and Improving the Legal System and Enforcement Mechanisms for the HKSAR to Safeguard National Security, and the HKNSL. It can now be said that the HKSAR’s system and mechanisms for safeguarding national security have formed an organic institutional regime and a complete institutional chain.

The HKNSL's enactment process embodies the principle of making laws in a well-conceived and democratic way and in accordance with the law. During the drafting process, the NPCSC widely listened to the views of the HKSAR Government, legal professionals, representatives from various sectors of society and relevant departments of the Central Authorities to ensure that the content of the law is consistent with the Constitution and the HKBL while having full regard to the actual situation in Hong Kong. The HKNSL focuses on four types of offences endangering national security and specifies the offence constituents and penalty levels, thereby providing solid legal protection for Hong Kong to safeguard national security. Meanwhile, the Central Authorities guided the HKSAR to improve the relevant enforcement mechanisms. The Office for Safeguarding National Security of the Central People's Government in the HKSAR was established in accordance with law. The HKSAR established the Committee for Safeguarding National Security. The Hong Kong Police Force established the National Security Department. The Department of Justice established a specialized prosecution division responsible for the prosecution of offences endangering national security. All these have ensured the effective implementation of the HKNSL in the HKSAR.

Over the past five years since the HKNSL's implementation, Hong Kong society has achieved a significant transition from chaos to order and is progressing from stability towards a new stage of prosperity. With political stability, social peace, economic recovery and improved livelihoods, Hong Kong has demonstrated vitality and vibrancy like never before.

—Reshaping a positive political ecology to ensure overall stability in Hong Kong. After the HKNSL's implementation, as at this 1 March, a total of 320 persons were arrested for allegedly engaging in acts and activities endangering national security, with the prosecution of

186 persons and 5 companies and conviction of 161 persons and 1 company. Coupled with vigorous law enforcement and investigation efforts, the HKNSL has since its implementation sent many bigwigs of the long term pot-stirring anti-China destabilizing forces in Hong Kong to prison or detention. It has also brought about successive downfalls of former destabilizing “main platforms” in Hong Kong, complete shutdown of certain “toxic media” and “yellow media”, and crumbling of the “yellow economic circle”. Hong Kong’s political ecology has thus markedly improved. At the same time, the HKNSL’s effective implementation has created essential conditions for improving the HKSAR’s electoral system to ensure the full realization of the “patriots administering Hong Kong” principle. Under the new electoral system, the Legislative Council has addressed its past shortcomings of low deliberation efficiency, and legislators have focused on livelihood and development issues, thereby significantly enhancing the legislative efficiency. According to statistics, the seventh term Legislative Council has since its formation passed about 48% more bills vis-à-vis the sixth term Legislative Council for the same period.

——**Re-building a sound rule-of-law environment to burnish Hong Kong’s golden reputation.** Rule of law is Hong Kong’s golden reputation. Five years ago, the black-clad violence activities and unlawful acts eroded Hong Kong’s rule of law foundation and tarnished its golden reputation. After the HKNSL’s implementation, the rule of law environment was swiftly restored. According to the information from the Hong Kong Police Force, the second half of 2020 saw an over 90% year-on-year drop in cases involving violent protests, an 80% decrease in arson cases and a 40% fall in criminal damage cases. The sharp drop in public safety incidents has significantly enhanced the public’s sense of security. The HKNSL’s implementation has not only deterred unlawful acts effectively, but also promoted further improvement of the relevant systems and mechanisms, providing a

robust guarantee for fairness and justice. The mutual reinforcement and organic convergence of the common law system and the HKNSL have enabled the continuation and strengthening of their unique advantages. The recent establishment of the headquarters of International Organization for Mediation in Hong Kong is a further manifestation of Hong Kong's position as a centre for international legal and dispute resolution in the Asia-Pacific region. The revitalization of the rule of law environment has further brightened Hong Kong's golden reputation for its rule of law on the international stage.

—Reviving the status as an international financial centre to achieve economic recovery in Hong Kong. The HKNSL's implementation has injected huge confidence into Hong Kong's economic recovery. Notwithstanding the severe impact of the pandemic over the past five years, Hong Kong's economy has gradually emerged from the doldrums and shown strong resilience. Data from 2024 shows 9,960 companies in Hong Kong with parent companies located outside Hong Kong, an increase of 921 year on year to a record high; 4,694 start-ups in Hong Kong with a year-on-year rise of 10%; and a host of world-renowned enterprises setting up new international headquarters or research and development centres in Hong Kong. After building up a defence for safeguarding national security, Hong Kong has showcased to the world a business environment that is safer, freer, more open and more predictable, and proved once again that Hong Kong is a paradise for developing careers and starting businesses as well as a place for fulfilling dreams.

Safeguarding national security is the rightful meaning of faithful implementation of “One Country, Two Systems”. Over the past five years, the HKNSL has functioned as a sharp sword, severing the evil tumors that endanger national security; and as a shield, guarding Hong Kong's prosperity and stability. Hong Kong has transitioned from

turmoil to stability and from unrest to confidence, unveiling a brand-new chapter from order to prosperity. The facts speak eloquently of the HKNSL's role as a law for safeguarding security, ensuring development and protecting people's livelihoods! Only with the HKNSL can we effectively guarantee the steadfast and successful implementation of "One Country, Two Systems" in the right direction!

Hong Kong's development has entered a positive trajectory on its path from stability to prosperity. The HKNSL's implementation in the past five years has not only provided solid legal protection for Hong Kong society to transition from chaos to order and from stability to prosperity, but also accumulated valuable experience and inspirations for our practice of "One Country, Two Systems". Here, may I take this opportunity to share with you a few insights on effective safeguard of national security and full protection of prosperity and development.

First, we must understand thoroughly the holistic approach to national security and build solidly a common ideological foundation for safeguarding national security. General Secretary XI Jinping has emphasized the necessity to "adhere to the holistic approach to national security", and that "heightening the sense of crisis and staying vigilant in peacetime is the cardinal principle that we shall always uphold in governing the Party and the State". National security is the very prerequisite for a state's existence and development, and the fundamental guarantee for the steadfast and successful implementation of "One Country, Two Systems". During his visit to Hong Kong in 2022, President XI Jinping clearly stated that "safeguarding national sovereignty, security and development interests is the highest principle of 'One Country, Two Systems' policy". The Report to the 20th National Congress of the Communist Party of China (CPC) addresses the specific work of safeguarding national security in the next stage, and proposes to "implement the legal systems and enforcement mechanisms for the two

special administrative regions to safeguard national security”. This is the fundamental guidance for future efforts to safeguard national security in the special administrative regions. Learning and implementing the spirit of President XI Jinping’s important speeches is significant for understanding the current situation, maintaining composure, resolutely overcoming challenges, and focusing our efforts on properly completing our jobs, thus creating a new landscape for the development of Hong Kong and Macao amid profound changes. On the 5th anniversary of the HKNSL’s implementation, from a strategic perspective, we must further incorporate the work of safeguarding national security in Hong Kong into the State’s overall security strategy, and forge it ahead in a comprehensive and systematic manner. Only by deepening our study and understanding of the holistic approach to national security can we accurately grasp the direction and focus of Hong Kong’s work on safeguarding national security, effectively enhance our sense of responsibility and sense of mission in safeguarding national security, and lay a solid ideological foundation for Hong Kong’s long-term peace, stability, prosperity and development.

Second, we must resolutely defend the authority of the HKNSL and uphold the dignity of the Constitution and the People’s Congress System. In October 2019, the fourth plenary session of the 19th CPC Central Committee clearly proposed “establishing and improving the legal system and enforcement mechanisms for the HKSAR to safeguard national security”. To fully implement this requirement, at the critical moment when national security faced severe challenges in Hong Kong, the NPC and NPCSC effectively operated the People’s Congress System in accordance with the provisions of the Constitution and their mandates conferred thereby, and formulated the HKNSL through the “Decision + Legislation” approach. It has most effectively established and improved the legal system and enforcement mechanisms for the HKSAR to safeguard national security, turned the

tide of chaos in Hong Kong at one stroke for the achievement of a major transition, and addressed both the symptoms and root causes for safeguarding national security effectively, which is of milestone significance to the resolute, full and faithful implementation of the “One Country, Two Systems” policy. The Constitution as the State’s fundamental law and the People’s Congress system as the State’s fundamental political system have played their respective roles in safeguarding the practice of “One Country, Two Systems”. By virtue of the “dual fundamental” status, the Constitution and the People’s Congress System also confer unquestionable authority on the HKNSL, which is specifically reflected in the HKNSL’s precedence of application in Hong Kong. Defending the authority of the HKNSL requires the joint efforts of all organizations, institutions, individuals and all residents of the SAR to safeguard its dignity and efficacy. The SAR Government should enable full knowledge across the community of the HKNSL’s constitutional status and great significance through publicity and education. The judiciary should adjudicate national security cases in strict accordance with law to ensure uniformity and fairness in the application of the law. All residents as a whole should consciously abide by the HKNSL and boycott any acts that challenge the authority of the law.

Third, we must further refine the organic convergence of laws and the enforcement mechanisms to ensure the full, faithful and effective implementation of the HKNSL. The HKNSL is a pragmatic law. Its formulation took into full account its implementation under “One Country, Two Systems” and Hong Kong’s local legal system. Considerable efforts were made to achieve its organic convergence with Hong Kong’s local laws and common law system by making many special provisions, which include the formulation of provisions with due regard to statutory law expressions under Hong Kong’s common law system, thereby laying a solid foundation for its effective

implementation in the HKSAR. That said, while putting the HKNSL into practice, all sides concerned should always keep a close watch on its implementation with “constant and diligent polishing to let no dust alight”. At the same time, we should resolutely prevent the broken windows effect. In particular, we should duly address the relationship between local laws and the HKNSL, and duly achieve the law-based and effective convergence between Hong Kong’s relevant local laws and the HKNSL. In December 2022, in response to the disputes arising from the HKNSL’s implementation, the NPCSC decisively gave an interpretation of the relevant legal provisions, which clarified the legislative intent and resolved the disputes. The HKSAR timely amended the Legal Practitioners Ordinance in accordance with the NPCSC’s interpretation to dovetail with the HKNSL’s institutional implementation locally. More importantly, in March 2024, the HKSAR completed the HKBL Article 23 Legislation and passed the SNSO, which has further improved the systems and mechanisms for safeguarding national security in Hong Kong, and achieved organic convergence and seamless integration with the HKNSL. Relevant parts of the Central Authorities and the HKSAR as well as all sectors of the community should pay close attention to the HKNSL’s implementation, and with a strong sense of political responsibility and sense of historical mission, timely analyze and tackle any problems that arise during its enforcement to ensure the HKNSL’s full, faithful and effective implementation in the SAR.

At the same time, we must continue to tell well the story of the HKNSL. The HKNSL’s full and faithful implementation is inseparable from the creation in Hong Kong a community-wide atmosphere of the entire population’s understanding, observance and protection of the law, and inseparable from the multi-form, wide-coverage and multi-level publicity on the rule of law. Following the HKNSL’s implementation, the CPG offices in Hong Kong, the HKSAR Government and all sectors of the community took immediate actions to proactively plan, organize

and launch a series of publicity and promotion campaigns on national security legislation. Together, they have created a positive atmosphere of wholehearted support for, comprehensive study of, and universal compliance with national security legislation. During the publicity, care should be taken to tell well the three dialectical relationships below.

First, we must tell well the relationship between “One Country” and “Two Systems”. The proper handling of the dialectical relationship between the two is a key issue that must underpin the entire practice of “One Country, Two Systems”. We must repeatedly make clear to all sectors of society and the international community that upholding the primacy of national sovereignty, security and development interests and implementing the Central Authorities’ overall jurisdiction are the requisites for the fundamental policy of “One Country” that can never waver. Meanwhile, we must also respect the differences between the “Two Systems” and fully protect the SAR’s high degree of autonomy to enable its assumption of constitutional duty for safeguarding national security.

Second, we must tell well the relationship between security and development. Security and development are complementary and indispensable. As President XI Jinping has stressed, “Security is the prerequisite for development and development is the safeguard for security. We must be resolute in both safeguarding security and promoting development.” The HKNSL’s implementation has safeguarded national and social security, and nurtured a stable environment for Hong Kong’s economic development. We should strive for economic growth and pursue development. We should undertake the important mission of the new era’s “One Country, Two Systems” practice by achieving better self-development and making greater contributions to the grand endeavour of building a strong nation and realizing national rejuvenation. What is more, we must duly safeguard national security. It is necessary to illustrate the dialectical relationship between national security and economic development through case studies and statistics to make the community understand that only with

guaranteed national security can Hong Kong maintain its long-term prosperity and stable development. **Third, we must tell well the relationship between national security and human rights protection.** Our country always gives high regard to respect and protection of human rights while valuing and advancing the comprehensive development of its human rights cause. The HKNSL has made this very clear and prominent. Articles 4 and 5 of the HKNSL focus on specifying the important rule-of-law principles that the HKSAR shall follow in safeguarding national security. At the same time, any right has clear boundaries and their scope is prescribed by law. Anyone who crosses the bottom line and boundaries set by law shall not be legally protected and shall bear the corresponding liabilities. In particular, Article 2 of the HKNSL clearly stipulates, “The provisions in Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions in the Basic Law. No institution, organisation or individual in the Region shall contravene these provisions in exercising their rights and freedoms.” Safeguarding national security and respecting and protecting human rights in the HKSAR are fundamentally consistent and complementary with each other.

Distinguished guests and dear friends,

With high tide and tailwind, it is time to sail a smooth ride. In December 2024, President XI Jinping systematically elaborated and solemnly declared at the meeting celebrating the 25th anniversary of Macao’s return to the Motherland and the inaugural ceremony of the sixth-term government of the Macao SAR, “The ‘One Country, Two Systems’ principle, with its distinctive institutional advantages and strong vitality, is a good system that sustains the long-term prosperity and stability in Hong Kong and Macao. It is a good system for serving the grand endeavour of building a strong nation and realizing national

rejuvenation. It is also a good system for ensuring peaceful coexistence and mutual benefit between different social systems and we must stay committed to the cause". This important statement profoundly reveals the institutional strengths of "One Country, Two Systems" and provides a strong driving force for us to bolster confidence and forge ahead. The full, faithful and effective implementation of the HKNSL has guarded the voyage of the "One Country, Two Systems" practice in Hong Kong. Over the past five years, Hong Kong has moved from chaos to stability, from challenges to opportunities, demonstrating robust vitality and extensive prospects for future development. Looking ahead, with the solid safeguard and blessing of the HKNSL, the strong leadership of the Central Authorities, the proactiveness of the SAR Government and the joint efforts of the general public, Hong Kong will surely write a more brilliant chapter and usher in a better tomorrow!

Guarding every voyage and forging a brighter future!

Thank you!

Panel Session 1

“The legal great wall for refining and safeguarding national security”





Moderator

Dr William WONG Ming-fung

BBS SC JP

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

Election Committee Member of the Hong Kong Special Administrative Region



Panelists

Professor XIONG Qiuhong

Professor and Dean of
Procedural Law Research Institute
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Professor Albert CHEN Hung-yee

GBS JP

Vice-Chairman of the Hong Kong and Macau Basic Laws Research Association of the China Law Society

Cheng Chan Lan Yue Professor and Chair of Constitutional Law in the Department of Law of the Faculty of Law of The University of Hong Kong



Professor I. Grenville CROSS

GBS SC

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

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

Dr William WONG Ming-fung BBS SC JP

Alright, thank you all.

First, let's take a look at our three speakers today. They are leading legal figures from the Mainland, Hong Kong, and international arena. This is an excellent combination. To begin, I'd like to invite Professor Xiong to give her presentation. Professor Xiong is a legal expert in constitutional law and Hong Kong National Security Law in China, with a very profound understanding of the Hong Kong National Security Law. We now invite her to discuss, from the national law perspective, the enactment of the Hong Kong National Security Law and its legislative intent. Professor Xiong, please.



Professor XIONG Qiuhong

**Accurate grasp of HKNSL's legislative spirit to
advance the steadfast and successful implementation of
“One Country, Two Systems” principle**

Mr WONG Ming-fung, SC
Professor Albert CHEN Hung-yee,
Professor I Grenville CROSS,

Fellow legal professionals and dear friends, I am very glad to have the opportunity to exchange views with you all in this panel discussion.

As we mark the 5th anniversary of the implementation of the Hong Kong National Security Law (HKNSL), I would like to present my

views during this exchange around the HKNSL's legislative background, legislative purpose, legislative principles and legislative characteristics, as well as its role in safeguarding "One Country, Two Systems" for the prosperity and stability of the Hong Kong Special Administrative Region (HKSAR) over the past five years.

1. HKNSL's legislative background

(1) It is of necessity and importance to enact the HKNSL. This is reflected in the following two aspects:

For one thing, anti-China and destabilizing acts and activities in Hong Kong seriously challenged the bottom line of the "One Country, Two Systems" principle. During the 2019 "legislative amendment turmoil", anti-China and destabilizing acts and activities in Hong Kong seriously challenged the bottom line of the "One Country, Two Systems" principle, significantly undermined the authority of the rule of law, gravely endangered national sovereignty, security and development interests, and severely endangered the prosperity and stability of the HKSAR. Effective measures must be taken to prevent, suppress and impose punishment in accordance with the law.

For another, before the HKNSL's enactment, Article 23 of the Hong Kong Basic Law ("Basic Law") Legislation had long been "shelved", resulting in obvious "shortcomings" in the SAR's system and mechanisms for safeguarding national security.

Before the HKNSL's enactment, given the intense obstruction and interference from anti-China and destabilizing forces in Hong Kong, Article 23 of the Basic Law Legislation had remained undone, and even heavily stigmatized and demonized since 2003. It became practically very difficult for the HKSAR to complete Article 23 of the Basic Law Legislation. Meanwhile, certain provisions in Hong Kong's local laws

that could be used to safeguard national security had long lain “dormant”. Due to the obvious “shortcomings” in the system and mechanisms for the HKSAR to safeguard national security, acts and activities endangering national security escalated in the HKSAR at some point.

(2) The Central Authorities exercise overall jurisdiction over the HKSAR, including the power to establish and improve at the state level the system and mechanisms for safeguarding national security in the HKSAR.

Pursuant to the principle of national sovereignty and our country’s unitary state structure, the Central Authorities exercise overall jurisdiction over the HKSAR. This includes both the powers directly exercised by the Central Authorities and the powers delegated to the HKSAR to exercise a high degree of autonomy in accordance with law, as well as the Central Authorities’ supervisory power over the HKSAR’s high degree of autonomy. Specifically, regarding national security matters, the Central Authorities may authorize the HKSAR to enact legislation, may establish and improve at the state level the legal system and enforcement mechanisms for safeguarding national security in the HKSAR, and may also supervise the SAR’s discharge of its duty to safeguard national security.

(3) The National People’s Congress (NPC) and its Standing Committee (NPCSC) fully implemented the decision and deployment of the Central Committee of the Communist Party of China (CPC Central Committee) by formulating and implementing the HKNSL with the “Decision + Legislation” approach.

The decision of the fourth plenary session of the 19th CPC Central Committee pointed out that: “legal system and enforcement mechanisms for the SARs will be established and enhanced for safeguarding national

security and strengthening the law enforcement power in the SARs”; “there will be zero tolerance for any behaviour that challenges the bottom line of “One Country, Two Systems”, and zero tolerance for any secession of the country.”

There are many available ways to fully implement the decision and deployment of the CPC Central Committee in establishing and improving at the state level the legal system and enforcement mechanisms for safeguarding national security in the HKSAR in accordance with the Constitution and the Basic Law. These include the NPC and NPCSC’s making of decision, formulation of law, amendment to law, interpretation of law, inclusion of relevant national law in Annex III to the Basic Law, issuance of directive by the Central People’s Government, and so on. Upon careful study based on a comprehensive analysis, assessment and evaluation of various factors, the NPC and NPCSC finally adopted the two-step progressive “Decision + Legislation” approach to formulate and implement the HKNSL.

2. HKNSL’s legislative purpose, legislative principles and legislative characteristics

(1) HKNSL’s legislative purpose

Article 1 of the HKNSL states at the outset the legislative purpose of the HKNSL, namely ensuring the resolute, full and faithful implementation of the policy of “One Country, Two Systems” under which the people of Hong Kong administer Hong Kong with a high degree of autonomy; safeguarding national security; preventing, suppressing and imposing punishment for the offences of secession, subversion, organization and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the HKSAR; maintaining prosperity and stability of the HKSAR; and protecting the lawful rights and interests of

the residents of the HKSAR, in accordance with the relevant provisions of the Constitution, the Basic Law and the NPC's Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the HKSAR.

(2) HKNSL's legislative principles

In formulating the HKNSL, the legislature put forward five basic principles that must be followed and grasped properly: First, resolutely safeguard national security. Second, uphold and improve the “One Country, Two Systems” regime. Third, persist in administering Hong Kong in strict accordance with law. Fourth, resolutely resist external interferences in Hong Kong’s affairs. Fifth, effectively protect the legitimate rights and freedoms of Hong Kong residents.

The following legal principles are established in the “General Principles” of the HKNSL:

First, the “One Country” principle is fundamental, and no institution, organization or individual in the HKSAR shall contravene the provisions of Articles 1 and 12 of the Basic Law in exercising their rights and freedoms.

Second, both the Central Authorities and the SAR have the responsibility for safeguarding national security. The Central People’s Government has an overarching responsibility for national security affairs relating to the HKSAR, and the SAR bears the constitutional responsibility for safeguarding national security.

Third is the principle of respect and protection for human rights. The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the HKSAR enjoy under the Basic

Law and the provisions of the United Nations' International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with law.

Fourth is adherence to the principle of rule of law, including the principles of conviction and punishment according to law, presumption of innocence, protection of the right to defend oneself and other rights in judicial proceedings, prohibition of double jeopardy, and so on.

Fifth is the principle of safeguarding the sovereignty, unification and territorial integrity of the People's Republic of China. It is the responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China, and they shall not engage in any act or activity which endangers national security.

(3) HKNSL's legislative characteristics

The HKNSL has the following characteristics:

First, from a legislative content perspective, it is a comprehensive piece of legislation comprising substantive law, procedural law and organic law. It comprises substantive law provisions on the crimes and penalties for endangering national security, procedural law provisions on case jurisdiction, application of law and procedures, and organic law provisions on bodies for safeguarding national security and their duties.

Second, from a legislative technique perspective, it draws techniques from both civil law and common law, with a greater manifestation of those from civil law though. This is because it is legislated by the Central Authorities and a “dual-track” enforcement mechanism has been adopted.

3. HKNSL's implementation effectiveness

Over the past five years since its implementation, the HKNSL has played a guardian role in safeguarding the prosperity and stability of the SAR, as seen from the following aspects.

First, it swiftly curbed the violence and chaos brought about by the 2019 “legislative amendment turmoil”, effectively restored social order and stabilized the political environment.

Second, it plugged the “defenceless” loophole of safeguarding national security, with remarkable progress made in constructing the legal system and enforcement mechanisms for national security. In March 2024, the Legislative Council of Hong Kong unanimously passed the Safeguarding National Security Ordinance of the HKSAR (SNSO), and successfully completed Article 23 of the Basic Law Legislation.

Third, Hong Kong's law enforcement and judicial authorities have strictly enforced the law, administered justice, and vigorously punished acts and activities endangering national security.

Fourth, security has fostered development, presenting a general positive trend of steady growth in Hong Kong's economy. Since the HKNSL's implementation, Hong Kong has showcased to the world a business environment that is safer, freer, more open and more predictable.

Fifth, the launch of HKNSL-based national security education has increasingly strengthened public awareness and sense of responsibility for safeguarding national security.

Sixth, its integration with the electoral system reform has seen the implementation of the “patriots administering Hong Kong” principle, bringing a new look to the HKSAR's governance.

4. HKNSL's enactment and implementation has further enriched and developed the theory of "One Country, Two Systems"

This is mainly shown in the following five aspects:

(1) "One Country" principle fundamental to "Two Systems"

Article 2 of the HKNSL stipulates that "the provisions in Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions in the Basic Law. No institution, organization or individual in the Region shall contravene these provisions in exercising their rights and freedoms." The HKNSL's enactment and implementation has upheld national security as a core value, strengthened the sense of existence of the country's authority in Hong Kong society, and enabled Hong Kong society to establish a political and legal bottom-line mindset that respects the "One Country" principle, thereby restriking the balance between the "Two Systems" under the premise of "One Country".

(2) Under the "One Country" principle, implementing the holistic approach to national security is the rightful meaning of "One Country, Two Systems"

In 2014, General Secretary XI Jinping presided over the first general meeting of the Central National Security Commission when he innovatively introduced the "holistic approach to national security", which was then stipulated in the National Security Law of the People's Republic of China. Article 2 of the National Security Law of the People's Republic of China defines national security as "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.” This definition, enshrined in section 4 of the SNSO, marks the implementation of the holistic approach to national security in the “Two Systems” under the “One Country” principle.

(3) Security, stability, prosperity and development are defined as the normative objectives of “One Country, Two Systems”

The underlying goal of “One Country, Two Systems” is to safeguard national sovereignty, security and development interests and maintain Hong Kong and Macao’s long-term prosperity and stability. Accordingly, security, stability, prosperity and development should be defined as the normative objectives of “One Country, Two Systems”. Article 1 of the HKNSL and the Preamble of the SNSO emphasize the important role of security and stability to guarantee prosperity and development, and made clear the normative objectives of “One Country, Two Systems”.

(4) Central Authorities’ overall jurisdiction can integrate organically with the SAR’s high degree of autonomy

Article 3 of the HKNSL stipulates that the Central People’s Government has an overarching responsibility for national security affairs relating to the HKSAR. It is the duty of the HKSAR under the Constitution to safeguard national security. Under the “dual enforcement mechanism” established by the HKNSL, the vast majority of criminal cases endangering national security fall under the jurisdiction of the HKSAR’s law enforcement and judicial authorities, whereas the Central Authorities’ law enforcement and judicial organs only have jurisdiction over criminal cases endangering national security under the circumstances listed in Article 55 of the HKNSL. This fully reflects the organic integration between the Central Authorities’ overall jurisdiction

and the SAR's high degree of autonomy. In addition, the HKNSL stipulates that the Central Authorities shall exercise supervisory power over the affairs of safeguarding national security in the SAR. This also reflects the organic integration between the Central Authorities' overall jurisdiction and the SAR's high degree of autonomy.

(5) A dynamic balance shall be realized between safeguarding national security and respecting and protecting human rights.

The HKNSL clearly stipulates the protection of rights and freedoms and the rule of law principles to ensure a fair trial for the defendant. At the same time, in response to the severity and complexity of crimes endangering national security, measures different from the practice in ordinary criminal cases have been adopted, such as stringent bail thresholds, strengthening police law enforcement powers, specialized personnel to handle national security cases, restricting jury trials and a certificate system, in order to realize a dynamic balance between safeguarding national security and respecting and protecting human rights.

5. Distinctive features of HKNSL's implementation

(1) Central Authorities' leadership and SAR's primary responsibility are complementary and indispensable

Under the “One Country, Two Systems” principle, the Central Authorities' leadership and the SAR's primary responsibility embody the organic integration of the Central Authorities' overall jurisdiction and the SAR's high degree of autonomy. According to the national sovereignty theory, the Central Government has an overarching responsibility for national security affairs relating to its local administrative regions, and enjoys and exercises all necessary powers thereon. Hong Kong is a Special Administrative Region of the People's Republic of China. When national security problems or risks arise in

Hong Kong, the Central Authorities may exercise all the necessary powers, which include taking the lead in accordance with the law to establish, improve and continuously refine the relevant systems and mechanisms; whereas the HKSAR shall assume its constitutional duty and primary responsibility to implement the HKNSL and effectively perform the work on safeguarding national security.

(2) “Dual enforcement mechanism” in line with the “One Country, Two Systems” principle and embodying close co-ordination

The “dual enforcement mechanism” refers to the Central Authorities’ law enforcement mechanisms and the HKSAR’s law enforcement mechanisms. With an overarching responsibility for national security affairs, the Central Authorities possess complete legislative, executive and judicial powers in respect of such matters. This is in line with the common practice of countries around the world on safeguarding national security. However, taking into account the principle of “One Country, Two Systems” and the actual situation in Hong Kong, the Central Authorities authorize, through the HKNSL, the HKSAR to assume primary responsibility for safeguarding national security in the HKSAR, while the Central Authorities bear the ultimate responsibility of the last resort for dealing with issues that are difficult to be resolved at the HKSAR level, which has innovatively forged ahead the construction of “dual enforcement mechanism” for the HKSAR to safeguard national security. This both reflects that national security is within the purview of the Central Authorities, and demonstrates the Central Authorities’ high degree of trust and full respect for the HKSAR.

(3) Convergence, compatibility and complementarity between the HKNSL and Hong Kong’s local legal system and mechanisms

In the five years since the HKNSL’s implementation, its three types of norms under substantive law, procedural law and organic law have all

remarkably achieved convergence, compatibility and complementarity with the HKSAR's local legal system and enforcement mechanisms.

First, for substantive law, offences endangering national security include: the four types of offences under the HKNSL; offences under the Implementation Rules for Article 43 of the HKNSL; offences stipulated under the SNSO; and other offences endangering national security under the laws of the HKSAR.

Second, for procedural law, following the principle of procedural integration, the HKNSL-stipulated case handling procedures for the HKSAR apply to all cases endangering national security under the jurisdiction of the HKSAR; and the SNSO-stipulated procedures also apply to all cases endangering national security under the jurisdiction of the HKSAR.

Third, for organic law, the HKNSL stipulates the bodies for safeguarding national security and their duties, whereas the SNSO stipulates the mechanism for safeguarding national security and relevant protections. On 13 May 2025, the Acting Chief Executive in Council made two pieces of subsidiary legislation under the SNSO, providing specific details in respect of the provisions of the HKNSL concerning the mandate of the Office for Safeguarding National Security of the Central People's Government in the HKSAR (OSNS) and declaring the premises where the OSNS performs its mandate as prohibited places. The subsidiary legislation under the SNSO advances the convergence and complementarity of the relevant provisions of the organic law in the HKNSL.

(4) HKNSL's overriding status and precedence in application

Unlike most laws enacted by the NPCSC, the HKNSL was enacted pursuant to the authorization of the NPC's decision. In formulating the

HKNSL, the NPCSC conferred upon it the overriding status and legal effect of precedence in application. The HKNSL shall prevail where provisions of local laws of the HKSAR are inconsistent with the HKNSL; and the power of interpretation of the HKNSL shall be vested in the NPCSC. Accordingly, the HKSAR shall proactively revise and improve its local laws to achieve convergence between local laws and the HKNSL; Hong Kong's law enforcement and judicial authorities in handling national security cases shall give precedence to the application of the HKNSL and respect the legislative spirit of the HKNSL.

The Court of Final Appeal of Hong Kong pointed out in its judgment in LAI Chi-ying's bail application case that "interpretation of the provisions of the HKNSL requires them to be examined in light of the context and purpose of the HKNSL as a whole, taking into account the constitutional basis upon which the HKNSL is applied in the HKSAR; regard may properly be had to the Explanations and so on made in proceedings of the NPC and the NPCSC relevant to consideration of the context and purpose of the HKNSL". This understanding is completely correct.

Safeguarding national security is a continuous endeavour with no end point. In the future course of safeguarding national security, we will inevitably encounter new situations and new practices. It is necessary always to bear in mind the legislative context and purpose of the HKNSL in taking forward the relevant work.

As said by President XI Jinping, a great cause is great not merely by virtue of its righteousness and grandeur, but also because it is no plain sailing. The "One Country, Two Systems" cause is precisely a "great cause", the practice of which has been no plain sailing. By comparing the changes from chaos to order and from stability to prosperity in Hong Kong society before and after the HKNSL's implementation, all those who have strived to safeguard national security and all those who

endorse and support the HKSAR's efforts to safeguard national security have ample reasons to take pride in the achievements made over the past five years since the HKNSL's implementation, and will fully understand that: the security of Hong Kong is premised on the security of our Motherland, and the security of our home is premised on the security of our country; only with national security can Hong Kong fully focus on developing a vibrant economy, achieving prosperous development and improving people's livelihoods, and help promote the steadfast and successful implementation of "One Country, Two Systems".

Last but not least, may I wish our Motherland prosperity, affluence and peace; Hong Kong prosperity, stability and enduring security; and everyone bliss, joy and peace!

Thank you all!

**Accurate grasp of HKNSL's legislative spirit
to advance the steadfast and successful implementation of
“One Country, Two Systems” principle**

Professor XIONG Qiuhong

Procedural Law Research Institute, China University of Political Science and Law

**Accurate grasp of HKNSL's legislative spirit to advance the steadfast and
successful implementation of “One Country, Two Systems” principle**

I. HKNSL's legislative background

(1) It is of necessity and importance to enact the HKNSL

1. Anti-China and destabilizing acts and activities in Hong Kong seriously challenged the bottom line of the “One Country, Two Systems” principle. Effective measures must be taken to prevent, suppress and impose punishment in accordance with the law.

2. Before the HKNSL's enactment, Article 23 of the Basic Law Legislation had long been “shelved”, resulting in obvious “shortcomings” in the SAR's system and mechanisms for safeguarding national security.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

(2) The Central Authorities exercise overall jurisdiction over the HKSAR, including the power to establish and improve at the state level the system and mechanisms for safeguarding national security in the HKSAR.

(3) The National People's Congress (NPC) and its Standing Committee (NPCSC) fully implemented the decision and deployment of the Central Committee of the Communist Party of China (CPC Central Committee) by enacting and implementing the HKNSL with the "Decision + Legislation" approach. The decision of the fourth plenary session of the 19th CPC Central Committee pointed out that: "legal system and enforcement mechanisms for the SARs will be established and enhanced for safeguarding national security and strengthening the law enforcement power in the SARs", "there will be zero tolerance for any behaviour that challenges the bottom line of 'One Country, Two Systems', and zero tolerance for any secession of the country."

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

II. HKNSL's legislative purpose, legislative principles and legislative characteristics

(1) HKNSL's legislative purpose

Article 1 of the HKNSL stipulates that: this Law is enacted, in accordance with the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the HKSAR, for the purpose of ensuring the resolute, full and faithful implementation of the policy of One Country, Two Systems under which the people of Hong Kong administer Hong Kong with a high degree of autonomy, safeguarding national security, preventing, suppressing and imposing punishment for the offences of secession, subversion, organization and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the HKSAR; maintaining prosperity and stability of the HKSAR; and protecting the lawful rights and interests of the residents of the HKSAR.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

(2) HKNSL's legislative principles

In formulating the HKNSL, the legislature put forward five basic principles that must be followed and grasped properly:

- First, resolutely safeguard national security;
- Second, uphold and improve the "One Country, Two Systems" regime;
- Third, persist in administering Hong Kong in strict accordance with law;
- Fourth, resolutely resist external interferences in Hong Kong's affairs;
- Fifth, effectively protect the legitimate rights and freedoms of Hong Kong residents.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

The following legal principles are established in the "General Principles" of the HKNSL:

First, the "One Country" principle is fundamental, and no institution, organization or individual in the HKSAR shall contravene the provisions of Articles 1 and 12 of the HKBL in exercising their rights and freedoms.

Second, both the Central Authorities and the SAR have the responsibility for safeguarding national security. The Central People's Government has an overarching responsibility for national security affairs relating to the HKSAR, and the SAR bears the constitutional responsibility for safeguarding national security.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

Third is the principle of respect and protection for human rights. The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the HKSAR enjoy under the HKBL and the provisions of the two rights covenants as applied to Hong Kong, shall be protected in accordance with law.

Fourth is adherence to the principle of rule of law, including the principles of conviction and punishment according to law, presumption of innocence, protection of the right to defend oneself and other rights in judicial proceedings, prohibition of double jeopardy, and so on.

Fifth is the principle of safeguarding the sovereignty, unification and territorial integrity of the People's Republic of China. It is the responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China, and they shall not engage in any act or activity which endangers national security.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

(3) HKNSL's legislative characteristics

First, from a legislative content perspective, it is a comprehensive piece of legislation comprising substantive law, procedural law and organic law.

Second, from a legislative technique perspective, it draws techniques from both civil law and common law, with a greater manifestation of those from civil law.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

III. HKNSL's implementation effectiveness

Over the past five years since its implementation, the HKNSL has played a guardian role in safeguarding the prosperity and stability of the SAR, as seen from the following aspects:

First, it swiftly curbed the violence and chaos brought about by the "anti-amendment bill turmoil" in 2019, effectively restored social order and stabilized the political environment.

Second, it plugged the "defenseless" loophole of safeguarding national security, with remarkable progress made in constructing the legal system and enforcement mechanisms for national security.

Third, Hong Kong's law enforcement and judicial authorities have strictly enforced the law, administered justice, and vigorously punished acts and activities endangering national security.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

Fourth, security has fostered development, presenting a general positive trend of steady growth in Hong Kong's economy.

Fifth, the launch of HKNSL-based national security education has increasingly strengthened public awareness and sense of responsibility for safeguarding national security.

Sixth, its integration with the electoral system reform has seen the implementation of the "patriots administering Hong Kong" principle, bringing a new look to the HKSAR's governance.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

IV. HKNSL's enactment and implementation has further enriched and developed the theory of "One Country, Two Systems"

This is mainly shown in the following five aspects:

- (1) The "One Country" principle fundamental to "Two Systems";
- (2) Under the "One Country" principle, implementing the holistic approach to national security is the rightful meaning of "One Country, Two Systems";
- (3) Security, stability, prosperity and development are defined as the normative objectives of "One Country, Two Systems";
- (4) Central Authorities' overall jurisdiction can integrate organically with the SAR's high degree of autonomy;
- (5) A dynamic balance shall be realized between safeguarding national security and respecting and protecting human rights.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

V. Distinctive features of HKNSL's implementation

- (1) Central Authorities' leadership and SAR's primary responsibility are complementary and indispensable
- (2) "Dual enforcement mechanism" in line with the "One Country, Two Systems" principle and embodying close co-ordination
- (3) Convergence, compatibility and complementarity between the HKNSL and Hong Kong's local legal system and mechanisms

In the five years since the HKNSL's implementation, its three types of norms under substantive law, procedural law and organic law have all remarkably achieved convergence, compatibility and complementarity with the HKSAR's local legal system and enforcement mechanisms.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

First, for substantive law, offences endangering national security include: the four types of offences under the HKNSL; offences under the Implementation Rules for Article 43 of the HKNSL; offences stipulated under the SNSO; and other offences endangering national security under the laws of the HKSAR.

Second, for procedural law, following the principle of procedural integration, the HKNSL-stipulated case handling procedures for the HKSAR apply to all cases endangering national security under the jurisdiction of the HKSAR; and the SNSO-stipulated procedures also apply to all cases endangering national security under the jurisdiction of the HKSAR.

Third, for organic law, the HKNSL stipulates the bodies for safeguarding national security and their duties, whereas the SNSO stipulates the mechanism for safeguarding national security and relevant protections; the subsidiary legislation under the SNSO provides specific details in respect of the provisions of the HKNSL concerning the mandate of the OSNS and declares the premises where the OSNS performs its mandate as prohibited places.

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

(4) HKNSL's overriding status and precedence in application

The HKNSL shall prevail where provisions of local laws of the HKSAR are inconsistent with the HKNSL.

- **The power of interpretation of the HKNSL shall be vested in the NPCSC.**

Accurate grasp of HKNSL's legislative spirit to advance the steadfast and successful implementation of "One Country, Two Systems" principle

**Safeguarding national security is
a continuous endeavour with no end point!**

May I wish
our Motherland prosperity, affluence and peace;
Hong Kong prosperity, stability and enduring security;
and everyone bliss, joy and peace!

Dr William WONG Ming-fung BBS SC JP

Thank you, Professor Xiong, for your insightful and comprehensive presentation.

Next, we have the pleasure of inviting Professor Albert Chen, Chair of Constitutional Law at the University of Hong Kong, to share the development of cases related to the Hong Kong National Security Law over the past five years since its enactment. Professor Chen is a highly respected predecessor of mine and a leading authority on Hong Kong's constitutional law and the Basic Law. Professor Chen, please.



Professor Albert CHEN Hung-yeo GBS JP

Case Law on the HKNSL

Any enacted law is subject to a process of application and interpretation (or “construction”). Since the adoption of the Hong Kong National Security Law (HKNSL), Hong Kong courts have developed case law with a set of legal principles for construing and applying the HKNSL. In today’s speech, by introducing some of the important precedents of the Court of Final Appeal (CFA) and the Court of Appeal (CA) of the High Court of Hong Kong, this paper will explain how the Hong Kong courts exercise their adjudicating powers to construe the HKNSL and develop the case law on the HKNSL.

The most important precedent at the early stage of the implementation of the HKNSL is the CFA's judgment in 2021 in the *LAI Chee-ying*'s bail application case¹. In the judgment of this case, the CFA first made an authoritative discussion on the approach to construing the HKNSL and the relationship between it and the Basic Law. The CFA pointed out that in construing the HKNSL, the courts should pay heed to the context of its enactment and the legislative purpose thereof, while regard may properly be had to the explanations made by the relevant officials during the NPC's deliberation of the "Draft Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security" and the NPCSC's deliberation of the "Draft HKNSL".

The CFA considered whether the enactment of the HKNSL and its listing in Annex III of the Basic Law are in line with the Basic Law provisions. The CFA held that enacting legislation in relation to the national security issue is a matter within the purview of the Central Authorities and the HKNSL is a national law "outside the limits of the HKSAR's autonomy", which can therefore be legitimately and constitutionally listed in Annex III of the Basic Law in accordance with Article 18 of the Basic Law so as to be promulgated in Hong Kong. The Court therefore ruled that² Hong Kong courts have no power to review whether any particular provision of the HKNSL is in line with the Basic Law.

As far as the bail issue is concerned, the CFA considered the meaning of Article 42 of the HKNSL. In respect of the approach to construing this provision, the CFA stated that given the guarantees of human rights and the rule of law values affirmed by Articles 4 and 5 of

¹ HKSAR v Lai Chee Ying [2021] HKCFA 3.

² In this regard, the CFA cited its "clarifying" judgment in the *Ng Ka Ling* case in 1999: *Ng Ka Ling v Director of Immigration (No. 2)* (1999) 2 HKCFAR 141, FACV 14A/1998.

the HKNSL, the relevant provisions of the HKNSL should be given a meaning compatible with those rights, freedoms and rule of law values as far as possible, but the general procedural rules under Articles 41 and 42 of the HKNSL and the general principle under Article 62 therein must also be heeded, i.e. the HKNSL shall prevail where provisions of the local laws of Hong Kong are inconsistent with the HKNSL.

The CFA highlighted the trial judge's misapprehension of Article 42 of the HKNSL in the present case. The Court of First Instance (CFI) was of the view that this article basically does not introduce any changes to the existing bail-application rules in the Criminal Procedure Ordinance in Hong Kong. The CFA held that Article 42 of the HKNSL constitutes a very specific exception for cases involving national security which displaces the general presumption of "in favour of bail" pending trial in the existing law; Article 42 introduces a higher and more stringent threshold requirement for the grant of bail (i.e. "the judge has sufficient grounds for believing that" the defendant will not "commit acts endangering national security" upon release on bail).

The decision of the CFI of the High Court to grant LAI Chee-ying bail was set aside by the CFA and the case was remitted to the CFI. Having re-considered the relevant circumstances, the CFI eventually refused to grant LAI Chee-ying bail³.

Apart from bail, another procedural issue handled by the Hong Kong courts at the early stage of the implementation of the HKNSL was jury trial. According to Article 46 of the HKNSL, when the Department of Justice (DoJ) brings a prosecution against a defendant at the High Court in relation to the HKNSL, the Secretary for Justice (SJ) may issue

³ HKSAR v Lai Chee Ying [2021] HKCFI 448.

a certificate on the grounds of, among others, the protection of personal safety of jurors and their family members, directing that the case shall be tried by a panel of three judges (rather than a judge and a jury).

In the *TONG Ying-kit* case, the SJ issued a certificate directing that the case be tried without a jury; the defendant TONG Ying-kit applied for (leave to) judicially review this, the CFI of the High Court refused to grant leave to apply for judicial review, which was upheld by the CA on appeal⁴.

The CA held that the defendant shall be entitled to a fair hearing but a jury is not a prerequisite for a fair trial. The Court ruled that the SJ does not need to give TONG any opportunity to make representations before issuing such a certificate. According to Hong Kong law and case law, the DoJ has the right to decide the choice of venue for the prosecution of a relatively serious criminal offence (indictable offence). If the trial is to be conducted in the District Court for instance, there will be no jury. The DoJ's decision in this regard falls within its prosecutorial discretion, which is generally speaking not amenable to judicial review. The Court takes the view that the DoJ's decision under Article 46 of the HKNSL to prosecute in a court without a jury falls within the prosecutorial decision, i.e. within the scope of prosecutions that are "free from any interference" as stipulated in Article 63 of the Basic Law. Therefore, the decision to have a non-jury trial is, generally speaking, not amenable to judicial review.

Now, let us move on to discuss the precedents on sentencing. Insofar as the HKNSL cases are concerned, the CFA's judgment in the *LUI Sai-yu* case⁵ is an important precedent on sentencing principles and

⁴ *Tong Ying Kit v Secretary for Justice* [2021] HKCA 912.

⁵ *HKSAR v Lui Sai Yu* [2023] HKCFA 26.

the interpretation of the HKNSL. In that case, the defendant was charged with incitement to secession, to which he pleaded guilty. Generally, according to Hong Kong law and judicial practice, upon a defendant's guilty plea the court may give a one-third reduction in the sentence that would otherwise be imposed. The case concerned involves an offence under Article 21 of the HKNSL, which provides that if the circumstances of the offence of incitement to secession committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years. In this case, the trial judge considered the circumstances to be of a serious nature and, taking into account the specific facts of the case, determined the starting point to be five and a half years, which after a one-third reduction would fall below the five-year minimum sentence stipulated in Article 21. In such circumstances, the trial judge held that the sentence could not be reduced below the statutory minimum sentence, hence sentencing the defendant to five years' imprisonment⁶.

The case was brought on appeal to the CA⁷ and then further to the CFA, where both courts dismissed the defendant's appeal. They both held that, given the serious circumstances of the case, despite the defendant's guilty plea, his sentence after reduction could not fall below the mandatory minimum of five years stipulated in Article 21.

The CFA noted in this case that the Explanation on the Draft HKNSL submitted during the legislative process of the NPCSC identified the convergence, compatibility and complementarity between the HKNSL and the local laws of Hong Kong. Therefore, when addressing the issue of sentencing, the Hong Kong courts shall apply the relevant provisions of the HKNSL in tandem with the sentencing

⁶ HKSAR v Lui Sai Yu [2021] HKDC 384.

⁷ HKSAR v Lui Sai Yu [2023] HKCA 1780.

principles and considerations in the existing laws of Hong Kong unless there is inconsistency in between. According to Article 62 of the HKNSL, the HKNSL shall prevail where inconsistency arises.

In this case, the CFA also made observations on the approach to interpreting the HKNSL. The CFA took the view that similar to the Hong Kong courts' long-standing practice of applying the common law approach of legal interpretation to interpreting the Basic Law⁸, the Court should as well adopt the common law approach to construing the HKNSL. As for the laws of Chinese Mainland which are inapplicable to Hong Kong Special Administrative Region and irrelevant to safeguarding national security, they are not to be taken as reference materials in construing the HKNSL.

In addition to the *LUI Sai-yu* case mentioned above, another important precedent on sentencing is the CA's judgment in the case of *John Joseph (also known as WONG Kin-chung)*⁹. The defendant in that case was charged with conspiracy to incite secession, contrary to Article 21 of the HKNSL, to which he pleaded guilty. The trial judge adopted six and a half years' imprisonment as the starting point. If the sentence on the defendant was reduced by one-third for his guilty plea, it would fall below the five-year minimum sentence stipulated for cases of serious circumstances under Article 21 of the HKNSL. Holding that the circumstances of the present case were of a serious nature, the trial judge sentenced the defendant to five years' imprisonment.

On appeal, the legal issue that the CA needed to handle lay in whether the five-year minimum sentence stipulated for cases of serious circumstances under Article 21 of the HKNSL applied to conspiracy to commit the offence specified under Article 21. Taking into account the

⁸ In this regard, the CFA cited in this case its judgment in the *Chong Fung Yuen* case: Director of Immigration v Chong Fung Yuen (2001) 4 HKCFAR 211.

⁹ [2025] HKCA 349, [2024] HKDC 640.

principle of convergence, compatibility and complementarity between the HKNSL and local laws, the CFA's judgment in the *LUI Sai-yu* case, and the provisions under section 159C of the Crimes Ordinance, the CA in the end ruled that the minimum sentence stipulated for cases of serious circumstances under Article 21 of the HKNSL also applies to conspiracy to commit incitement to secession under Article 21.

The last topic to be discussed in this article is sedition offences. According to Article 23 of the Basic Law, "sedition" is one of the acts which should be prohibited. The pre-1997 laws of Hong Kong already contained legislation on sedition offences, i.e. sections 9 and 10 of the Crimes Ordinance. The CFA ruled in the *NG Hau-yi Sidney* case¹⁰ that a sedition offence under the Crimes Ordinance qualifies as one of the offences endangering national security under the HKNSL. Later on, sections 23 to 28 of the Safeguarding National Security Ordinance enacted in 2024 provide for sedition offences, displacing the relevant provisions in the Crimes Ordinance.

Sedition offences mainly concern two legal issues. Firstly, do speeches or words that incite hatred, contempt or discontent against the government without incitement to violence, disturbance or public disorder constitute such offences? Secondly, do sedition offences violate the "proportionality principle" regarding human rights restrictions under the Basic Law and the Bill of Rights by constituting undue restrictions on freedoms of speech and expression? The major legal issues above have been recently addressed by the CFA in the *TAM Tak-chi* case.

In this case, TAM Tak-chi was charged with uttering seditious speeches and multiple offences contrary to the Public Order Ordinance, and was convicted in the District Court¹¹. The case was appealed to the

¹⁰ HKSAR v Ng Hau Yi Sidney [2021] HKCFA 42 (i.e. the "Sheep Village picture books" case mentioned above).

¹¹ HKSAR v TAM Tak-chi [2022] HKDC 208, 343.

CA of the High Court, which dismissed the appeal with the rulings upheld¹². The defendant applied to appeal to the CFA, which granted leave to appeal on certain questions of law in the appeal. However, it refused to grant leave to appeal on the legal issue of whether sedition offences are unconstitutional (against human rights protection under the Basic Law)¹³.

As to the CFA's refusal to grant leave to appeal on the constitutionality of the sedition offences, the Appeal Committee of the CFA elaborated on the reasons in its determination.

Firstly, the CFA did not consider the definition of the sedition offences so excessively vague as not to satisfy the requirements of legal certainty and foreseeability of its operation. In this regard, the CFA noted that defence or exemption provisions were available under section 9(2) of the Crimes Ordinance for seditious speeches or words, primarily to protect constructive criticisms of the government¹⁴. In the Court's view, when applying the sedition provisions to specific cases, courts may consider whether such defence applies. This allows courts to retain a certain degree of flexibility in handling the sedition offences. The Court held that such flexibility is necessary and not against the principle of legal certainty.

¹² HKSAR v Tam Tak Chi [2024] HKCA 231.

¹³ HKSAR v Tam Tak Chi [2024] HKCFA 25.

¹⁴ According to section 9(2), an act, speech or publication is not seditious by reason only that it intends: (a) to show that the government has been misled or mistaken in any of its measures; or (b) to point out errors or defects in the government or constitution of Hong Kong as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or (c) to persuade inhabitants of Hong Kong to attempt to procure by lawful means the alteration of any matter in Hong Kong as by law established; or (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Hong Kong.

Secondly, the Court considered whether the sedition offences violated the “proportionality principle” by imposing undue restrictions on freedoms of speech and expression. The CFA pointed out that the sedition offences were created to achieve the legitimate aim of protecting national security, and national security should be understood broadly; the public and social discontent with the government so incited by sedition offenders may pose a serious threat to public order and national security, just as it did during 2019’s “legislative amendment turmoil”. Furthermore, the CFA noted that the scope of the sedition offences was not overbroad, as the defence under section 9(2) of the Crimes Ordinance had been designed to exclude constructive criticisms of the government from the ambit of sedition. Therefore, the CFA held that the restrictions imposed by the sedition offences on freedoms of speech and expression were not undue, were in line with the proportionality principle, which simply left no room for debate. Hence, the CFA refused to grant leave to appeal on such legal issue.

As for the other grounds of appeal proposed on behalf of TAM Tak-chi, the Appeal Committee of the CFA agreed to grant leave to appeal in respect thereof, and such issues were therefore thoroughly dealt with at the hearing proper at the CFA¹⁵. TAM Tak-chi’s main argument in this regard is that the sedition offences under the Crimes Ordinance should be construed in accordance with relevant common law precedents, namely the defendant was not guilty unless there was incitement to violence, disturbance or public disorder.

The CFA mainly addressed this issue from the perspective of the legislative history of sedition offences in Hong Kong. The CFA held that following the 1938 enactment of legislation on sedition (i.e. the Sedition

¹⁵ HKSAR v Tam Tak Chi [2025] HKCFA 4.

Ordinance) by the Hong Kong Legislative Council during the British colonial rule over Hong Kong, seditious libel ceased to be a common law offence and became entirely a statutory offence. Therefore, its interpretation must be based on the relevant statutory provisions and common law precedents are not necessarily applicable.

Furthermore, the CFA also cited the authoritative judgment on seditious libel made by the Supreme Court in the 1952 case of *FEI Yi-ming*¹⁶ during the British colonial rule over Hong Kong, where the Court ruled that incitement to violence or disturbance is not a necessary element of the seditious libel offences. Therefore, the CFA ultimately held that it was unable to find merit in the defendants' contentions. Their appeal was dismissed with the rulings upheld.

From the case authorities featured in this article, we can see how the Hong Kong courts have addressed certain major legal issues arising from the HKNSL, and construed the HKNSL, since its enactment. On the whole, I believe that the Hong Kong courts' approach in the HKNSL authorities is in line with the legislative intent of the HKNSL, and has achieved the effect aimed by the HKNSL, i.e. preventing, suppressing and imposing punishment for offences endangering national security. The Central Authorities have exercised their overall jurisdiction in enacting the HKNSL, while the Hong Kong courts have exercised their independent judicial power – a vital element of the HKSAR's high degree of autonomy – to build up on the HKNSL case law and legal principles for the construction of the HKNSL. This has embodied the integration and organic unity of the Central Authorities' overall jurisdiction and the HKSAR's high degree of autonomy.

¹⁶ *R v Fei Yi-ming and Lee Tsung-ying* [1952] 36 HKLR 133.

Case Law on the HKNSL

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- An enacted law is subject to application and construction. The HKNSL is no exception.
- The Hong Kong courts have established through a body of case law the legal principles for construing and applying the HKNSL.
- By introducing the important precedents of the CFA and the CA of the High Court of Hong Kong, this speech elaborates on the legal principles established under the case law on the HKNSL.

- The key precedents at the early stage of the HKNSL:
- The *LAI Chee-ying*'s bail application case – the CFA's judgment in 2021
- The approach to construction of the HKNSL was established:
- Emphasis on the legislative context and purpose
- Reference to the official explanations made in proceedings of the NPC and the NPCSC
- Clarification of relationship between the HKNSL and the Basic Law

- The CFA affirmed that national security legislation is a matter within the purview of the Central Authorities and outside the limits of the HKSAR's autonomy.
- Therefore, including the HKNSL in Annex III to be implemented in the HKSAR pursuant to Article 18 of the Basic Law is in line with the Basic Law provisions.
- The Hong Kong courts have no power to review whether any particular provision of the HKNSL is consistent with the Basic Law.

- The CFA's handling of the bail issue in national security cases:
- Construction of Article 42 of the HKNSL
- Articles 4 & 5 of the HKNSL: Protecting human rights and rule of law
- In construing the HKNSL, one should take into account both human rights protection and the rule of law principles, seeking to protect rights and freedoms as far as possible
- The procedure-related provisions and the general principles are heeded at the same time
- Articles 41 & 42 of the HKNSL: Provisions for procedure
- Article 62 of the HKNSL: The HKNSL shall prevail where local laws of Hong Kong are inconsistent with the HKNSL.

- The CFA's construction of Article 42 of the HKNSL:
- The CFI held that Article 42 does not change rules regarding bail in Hong Kong law.
- The CFA pointed out that Article 42 constitutes a specific exception which displaces the general presumption of "in favour of bail" in the existing law.
- For cases involving national security, a higher and more stringent threshold requirement for the grant of bail was introduced:
- Bail is to be granted only when the judge has sufficient grounds for believing that the defendant will not commit acts endangering national security upon release on bail.
- Results of the case: The CFI's decision to grant bail is set aside by the CFA; in the end, the CFI ruled that bail be refused.

- A procedural issue at the early stage of the implementation of the HKNSL: Jury trial
- Article 46 of the HKNSL provides that:
- When a national security case is tried in the High Court,
- the SJ has the power to issue a certificate on the grounds of, among others, the protection of personal safety of jurors and their family members,
- directing that the case shall be tried by a panel of three judges rather than a judge and a jury.

- The *TONG Ying-kit* case:
- The SJ issued a certificate directing that the case be tried without a jury.
- The defendant's (leave) for judicial review was refused.
- Key points of the court's judgment:
- A jury is not a prerequisite for a fair trial.
- The DOJ's decision to have a non-jury trial is a part of the prosecutorial discretion, which is in general not amenable to judicial review.
- Before issuing the certificate, the SJ does not need to give the defendant any opportunity to make representations.
- Legal basis: Article 63 of the Basic Law: Criminal prosecutions are free from any interference.

- The *LUI Sai-yu* case: Sentencing principles and the construction of the HKNSL.
- The defendant was charged with incitement to secession, contrary to Article 21 of the HKNSL, to which he pleaded guilty.
- The trial judge adopted a starting point of five and a half years' imprisonment.
- Article 21 of the HKNSL: If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.
- According to the judicial practice in Hong Kong, a one-third discount can be granted upon a guilty plea.
- The sentence would be below the statutory minimum sentence (five years) after such reduction.
- Ruling by the Court:
 - Given the serious circumstances, the sentence could not be reduced below the statutory minimum sentence.
- The defendant was sentenced to five years' imprisonment in the end.

- Appeal results of the *LUI Sai-yu* case: The appeal was dismissed by both the CA and the CFA
- Ruling: Given the serious circumstances, the sentence must not fall below the five-year minimum sentence.
- Relationship between the HKNSL and the local laws of Hong Kong:
- With convergence, compatibility and complementarity between the HKNSL and the local laws of Hong Kong
- The Hong Kong courts shall apply the HKNSL in tandem with the sentencing principles of the existing laws in Hong Kong unless there is inconsistency between them.
- According to Article 62 of the HKNSL, the HKNSL shall prevail in case of inconsistency.

- The CFA's observations on the construction of the HKNSL in the *LUI Sai-yu* case:
- The common law approach of legal interpretation should be adopted to construe the HKNSL;
- The same approach to interpreting used in construing the Basic Law.
- The mainland laws inapplicable to Hong Kong should not be taken as reference materials for interpreting the HKNSL if they are unrelated to safeguarding national security.

- The *John Joseph* (also known as *WONG Kin-chung*) case: Sentencing principles of conspiracy to incite secession.
- The defendant was charged with conspiracy to incite secession, contrary to Article 21 of the HKNSL, to which he pleaded guilty.
- The trial judge adopted six and a half years as the starting point, the reduced sentence of which for a guilty plea would fall below the five-year minimum sentence stipulated for cases of serious circumstances under Article 21.
- The court sentenced the defendant to five years' imprisonment.
- The legal issue handled by the CA:
- Whether the five-year minimum sentence under Article 21 of the HKNSL applies to conspiracy to commit such offence.
- The CA held that the minimum sentence under Article 21 of the HKNSL applies to conspiracy to commit the offence specified under Article 21 of the HKNSL.

- **Sedition offence:**
- **Article 23 of the Basic Law: Prohibiting the act of "sedition"**
- **Sedition offence previously in force before the reunification: Sections 9 & 10 of the Crimes Ordinance**
- **CFA's ruling in the *NG Hau-yi Sidney* case: Sedition offence under the Crimes Ordinance qualifies as an offence endangering national security under the HKNSL.**
- **Latest legislation:**
- **Sections 23 to 28 of the Safeguarding National Security Ordinance in 2024: Displacing the provisions for sedition offence in the Crimes Ordinance.**

11

- **Legal issues concerning the sedition offence:**
- **Absent any incitement of violence, disturbance or breach of public order, does the incitement of animosity or discontent against the government by the defendant's speeches or words constitute an offence?**
- **Does the sedition offence violate the "proportionality principle" of the Basic Law and the Bill of Rights by its undue restrictions on the freedoms of speech and expression?**
- **Judicial approach:**
- **The CFA made a ruling on the significant legal issue above in the *TAM Tak-chi* case.**

11

- The *TAM Tak-chi* case:
- TAM Tak-chi was charged with uttering seditious speeches and several offences contrary to the Public Order Ordinance.
- He was convicted as charged by the District Court.
- The appeal was dismissed by the CA of the High Court, with the rulings upheld.
- The CFA:
 - Granted leave to appeal in respect of certain legal issues;
 - Refused to grant leave to appeal as to whether the sedition offence is constitutionally invalid (against human rights protection under the Basic Law)

- Reasons for the CFA's refusal to grant leave to appeal on the constitutionality of the sedition offence:
- The definition of the sedition offence is unambiguous, which satisfies the requirements of legal certainty and foreseeability.
- The defence under section 9(2) of the Crimes Ordinance allows constructive criticisms of the government from the public.
- It is not against the principle of legal certainty that the courts should retain flexibility in applying the provisions of the sedition offence.

- The CFA's analysis of the "proportionality principle" of the sedition offence:
- The legislative purpose of the sedition offence: safeguarding national security (in broad sense)
- The seditious acts may pose a serious threat to social order and national security:
- For example, the "legislative amendment turmoil" 2019.
- The scope of the sedition offence is not overly wide:
- The defence under section 9(2) of the Crimes Ordinance excludes constructive criticisms from the scope of the sedition offence.
- Conclusion: Restrictions on the freedoms of speech and expression under the sedition offence are in line with the "proportionality principle".
- Since the issue was not arguable, leave to appeal was refused.

- The CFA agreed to grant leave on other appeal grounds, to be thoroughly dealt with at the hearing proper.
- Main arguments from the defendant:
- The sedition offence should be construed in accordance with common law precedents:
- No conviction can be secured unless the defendant incites violence, commotion or breach of public order.
- The CFA took into account the legislative history of the sedition offence:
- Since the enactment of the Sedition Ordinance in 1938, the sedition offence has been a statutory offence rather than a common law offence, thus it shall be interpreted in accordance with the statutory provisions.
- The *Fei Yiming* case in 1952: Incitement to violence is not a necessary element of the sedition offence
- Final ruling:
- The appeal was dismissed with the rulings upheld.

- Conclusion:
- The general approach of the Hong Kong courts to the legal issues concerning the HKNSL
- is in line with the legislative intent of the HKNSL,
- the objectives of the HKNSL are achieved:
- Preventing, suppressing and imposing punishment for offences endangering national security.

Dr William WONG Ming-fung BBS SC JP

Thank you, Professor Chen. Professor Chen has managed the time very well.

Next, we will invite Professor Ian Grenville Cross, former DPP. He would introduce us an international perspective of the Hong Kong National Security Law. Ian would like to stand up because Ian is a barrister, so he prefers to stand up.



Professor I Grenville CROSS GBS SC

“The National Security Laws of the Hong Kong SAR – Telling it as it is”

Good morning, ladies and gentlemen.

I am most grateful to the Secretary for Justice for inviting me to address the Forum. Since its enactment in 2020, the Hong Kong National Security Law (NSL) has had a profound effect, notably by safeguarding the “one country, two systems” governing policy. Let me say at the outset, it has been successfully integrated into the legal system of the Hong Kong SAR, and has enabled it to progress after a chaotic period.

In 2019-20, as everybody recalls, there was a concerted effort by anti-China forces to wreck the “one country, two systems” policy, and destroy Hong Kong’s capitalist system and way of life. They received encouragement from the Five Eyes partners, who not only provided the

culprits with a safe haven once the insurrection failed, but also allowed them to use their soil to plot new methods of destabilizing China.

However, whenever Hong Kong has used the extraterritorial provisions of its national security legislation to defend itself against those seeking to harm it from afar, the Five Eyes have protested, claiming that free speech justifies subversive activity. For example, after arrest warrants were issued on December 24, 2024, for six individuals (four UK-based) accused of committing national security offences, including inciting secession and colluding with foreign forces to harm China, the British foreign secretary, David Lammy, not only agreed to meet them and offer words of comfort, but also sought to whitewash their activities. He claimed they were only “exercising their fundamental right to freedom of expression” (March 27, 2025), which, while delusional, was not surprising.

In 2019-20, certain Western governments, realizing that if the black violence succeeded in Hong Kong it would weaken China, decided to play along, at least to a degree. Earlier, in 2014, the Occupy Central disruption was planned, as the BBC reported on October 24 that year, “with support from abroad”, although the extent of that support only subsequently became clear. In 2020, the investigative journalist, Nury Vittachi, in his seminal treatise on the insurrection, “The Other Side of the Story: A Secret War in Hong Kong”, reported that the US-financed National Endowment for Democracy’s (NED) had, between 2014 and 2020, pumped HK\$170 million into supporting so-called democratic activities in China and Hong Kong.

The NED, described as “the CIA’s regime-change arm”, hoped to provoke chaos in Hong Kong, if not a color revolution. The recipients of its beneficence included organizations as varied as the Civil Human Rights Front, the Hong Kong Human Rights Monitor and the Demosisto party. Fortunately for everybody who loves Hong Kong, the NED’s

intrigues, and those of its partners, failed, and the NSL saved the day. In consequence, Hong Kong's capitalist system, legal order and lifestyle have survived, although Western critics have never tired of maligning the NSL, which they cannot forgive for its role in thwarting their plots.

On July 1, 2020, for example, in a knee-jerk reaction to the enactment the previous day of the NSL, the UK's then foreign secretary, Dominic Raab, told Parliament that the NSL constituted a "clear and serious breach" of the Sino-British Joint Declaration (1984), which showed he had not read it. As national security is a matter entirely for China, the Joint Declaration said nothing about it. Indeed, if the black-clad violence and its attendant chaos had not been ended once and for all, the "one country, two systems" policy, the very essence of the Joint Declaration, could not have survived. If, therefore, Raab had Hong Kong's best interests at heart, he should have welcomed a law designed to preserve the system so carefully negotiated between Deng Xiaoping and Margaret Thatcher.

Instead of which, Raab and the Five Eyes devised measures to hurt Hong Kong, including the use of travel advisories to deter their people from visiting Hong Kong. Had they succeeded, their advisories would have harmed the city's tourism industry, and cost many people their jobs. Although they all participated, the most bizarre advisory was undoubtedly Australia's Travel Advisory 4, issued on July 28, 2020. It stated bluntly "Do not travel to Hong Kong". Australians were warned they faced not only "an increased risk of detention on vaguely defined national security grounds", but also "possible transfer to Mainland China for prosecution". This was an extraordinary message to give to tourists and business people alike, but typical of the scaremongering that prevailed both then and now.

As in the UK, national security has always been a matter for China itself, and when Hong Kong was unable to complete the Art.23 process after 23 years, the Central Authorities were left with no choice but to step in after an insurrection broke out in 2019. Although the Five Eyes mobilized their propaganda machines to demonize the NSL, they themselves would never tolerate a situation in which their own countries were imperiled by a legal void in a particular region. While Hong Kong was entrusted to act on Beijing's behalf in enacting national security laws on its own, the Central Authorities at no point waived their overarching responsibility to safeguard national security throughout the entire country.

The Five Eyes nonetheless sensationalized, for example, the NSL's provision enabling the Central Government's Office for Safeguarding National Security (OSNS) to exercise jurisdiction over cases in exceptional circumstances (Art.55), claiming it infringed Hong Kong's high degree of autonomy. However, as national security involves the overall interests of the country and its 1.4 billion people it falls within the purview of the Central Authorities, and was never a matter within the high degree of autonomy enjoyed by Hong Kong under the Basic Law.

This is unsurprising, as it is a fundamental principle of national sovereignty. It reflects the common practice of both unitary and federal states worldwide, with local governments playing at most a supporting role. As was recognized when the Joint Declaration was signed in 1984, it is basic to the “one country, two systems” policy that the Central Authorities enjoy all the powers relating to national security in Hong Kong.

It is, therefore, wholly understandable that the OSNS has an important role to play in facilitating, supervising and supporting the city's own efforts in safeguarding national security. Far from derogating from Hong Kong's high degree of autonomy, it is a means of protecting

the “one country, two systems” policy. Moreover, Hong Kong has exercised its own jurisdiction over all the national security trials arising since 2020. As the former justice secretary, Teresa Cheng Yeuk-wah, has explained, this “fully demonstrates the confidence and trust of the Central Authorities in the HKSAR in performing its duty to safeguard national security while respecting and upholding the spirit of ‘one country, two systems’”.

It is certainly true that, in extremis, the OSNS, with the Central Government’s approval, can assume jurisdiction over a case, but strict criteria must first be satisfied. It can only happen if (a) Hong Kong has difficulty in handling the case because of complexities occasioned by the involvement of a foreign country or external elements, or (b) if the Hong Kong SAR Government faces a serious situation and cannot effectively enforce the law, or (c) if a major and imminent threat to national security has arisen.

As Australia has hopefully noted, those criteria are so strict that the OSNS has not invoked this power once in the last five years. On May 13, 2025, moreover, clear procedures regulating the operations of the OSNS were gazetted, and people now know exactly where they stand whenever investigations are underway. This should be welcomed by everybody who values transparency in law enforcement. In reality, the enactment of laws criminalizing collusion with foreign countries to endanger national security, secession, subversion and terrorist activities, has ensured that the “one country, two systems” policy can operate in the way its architects always envisaged. It can no longer be held hostage by political saboteurs and their foreign enablers. Perhaps most crucially, Hong Kong’s high degree of autonomy has been maintained, together with its capitalist system and way of life. Moreover, the criminal justice system is functioning as it should, and the rule of law is paramount. However, not everybody is happy, and there have been unremitting efforts by the Five Eyes to delegitimize the NSL.

On January 7, 2025, for example, Lammy's deputy, the Indo-Pacific minister, Catherine West, condemned the NSL in the British parliament, meaning the old prejudices endure despite its manifest benefits for Hong Kong. She is a former patron of Hong Kong Watch, and she called on Beijing to "repeal the National Security Law, including its extraterritorial effect", which was bizarre (albeit a reflection of Hong Kong Watch's stance). Indeed, the UK, in 2023, enacted its own robust law, the National Security Act (NSA), which is not only comprehensive but also has an extraterritorial dimension.

Moreover, Britain's NSA heavily influenced the formulation of Hong Kong's Art.23 legislation in 2024. For example, Hong Kong's new sabotage offence bears a remarkable resemblance to the UK's new sabotage offence, sharing the same ambit, the same objectives and even sometimes the same terminology. The espionage provisions in both places are also not dissimilar, and the same is true of the laws criminalizing the endangering of national security through the misuse of computers or electronic systems. Instead, therefore, of maligning Hong Kong's national security arrangements, Catherine West should be rejoicing at the impact the NSA has had upon Hong Kong's Safeguarding National Security Ordinance (SNSO).

The critics, moreover, have given the impression that the NSL has caused thousands of people to lose their liberty, which could not be further from the truth. Since 2020, the NSL has been applied with great restraint by the police and the prosecuting authorities, with prosecutions only resulting when they are absolutely necessary, as the statistics attest.

Between July 1, 2020 and May 1, 2025, 185 persons and 5 companies were prosecuted for offences in connection with endangering national security, including under the NSL, the SNSO and the now-repealed sedition offence under the Crimes Ordinance (Cap.200). Of those, approximately 170 persons and 1 company have finished court

proceedings, with most defendants convicted. On any objective analysis, these figures are not large, and nail the Five Eyes propaganda.

Moreover, the conviction rate of over 95% in national security trials shows that great care is being taken by the police in investigating national security cases. It also demonstrates that prosecutors are only authorizing prosecutions in the most meritorious cases. In Hong Kong, as elsewhere in the common law world, the judges can only convict accused persons if satisfied of guilt beyond reasonable doubt, and the conviction rate testifies to the strength of the cases they have had to try.

Indeed, the judiciary has not only asserted its independence when applying the national security laws, but also demonstrated the way forward in a common law context. As some of the laws and procedures are novel, it fell to the courts to decide how they could be accommodated within Hong Kong's legal infrastructure, and they have more than risen to the challenge.

At an early stage, the courts explained they had no power to hold any part of the NSL to be unconstitutional or invalid because of any alleged incompatibility with either Hong Kong's Basic Law or the Hong Kong Bill of Rights (FACC 1/2021). As a national law, the local courts lacked jurisdiction to impugn its provisions, which was logical.

The courts have also clarified that the question of whether something is “in the interests of national security” is not a legal issue but one involving judgment and policy. In consequence, as in the UK and elsewhere, the courts should defer to the views of the executive authorities, who are uniquely qualified to make such assessments (HCAL 979/2024).

In their interpretations of the NSL, the courts have always respected the rights of criminal suspects. Indeed, it is no exaggeration to say the NSL is human rights heavy. Whereas national security legislation in the UK and elsewhere says little or nothing about the rights of accused persons, the reverse is true in Hong Kong. When, therefore, Lammy, on March 23, 2025, declared that “Hong Kong’s national security infrastructure continues to impinge on the rights and freedoms of individuals in Hong Kong and elsewhere”, it was apparent that, like Raab before him, he had either not studied the NSL, or, if he had, he was bent on politicking.

At the outset, the NSL stipulates that “Human rights shall be respected and protected in safeguarding national security” (Art.4), and that “The principle of the rule of law shall be adhered to” in national security cases (Art.5). It also provides that the fair trial guarantees embodied in the International Covenant on Civil and Political Rights (ICCPR) should be observed, together with the presumption of innocence and the right of defense (Arts.4-5). When they have adjudicated upon NSL prosecutions, the courts have often referred to these protections, as when, for example, they considered the provision which makes it more difficult for a suspect to obtain bail pending trial in a national security case (FACC 1/2021).

Although the NSL introduced a new sentencing regime with tiered penalties for national security offences, the Hong Kong Court of Final Appeal (HKCFA) has rationalized its provisions and accommodated them within existing parameters. Whereas the customary practice in Hong Kong is for the legislature to fix a maximum sentence for an offence and then leave it to the trial courts to decide whether the sentence should be high or low, depending on the aggravating and mitigating factors, the NSL stipulates precise sentencing bands.

For example, in relation to secession, a principal offender who commits a grave offence faces 10 years' imprisonment to life imprisonment, an active participant faces 3 to 10 years' imprisonment, and a minor figure faces up to 3 years' imprisonment. This approach is novel, but the HKCFA has helpfully explained how it should operate. It has also indicated what the impact of mitigating factors should be on sentence, and the circumstances in which an offender's culpability can move his situation from one sentencing band to another (FACC 7/2023).

Moreover, in imposing sentences for NSL offences, the trial courts have displayed realism and common sense. Their sentences have served to underline the seriousness with which national security crimes must always be viewed. For example, after 45 anti-China activists were convicted of conspiring to commit subversion by plotting to gain control of the Legislative Council and then using it to paralyze the government and wreck the political system (31 pleaded guilty), they received sentences of imprisonment ranging from 4 years 2 months to 10 years (HCCC 69&70/2022). This sent out the clear message that condign punishment awaits anybody who tries to harm Hong Kong by endangering national security.

Although severe, the sentences imposed for national security crimes have accorded appropriate weight to mitigating factors wherever possible. And the courts have invariably achieved a correct balance. Whereas the Secretary for Justice enjoys the right to invite the Court of Appeal to increase a sentence if he considers it manifestly inadequate and/or wrong in principle, it is noteworthy he has not had to do so in a single national security case since 2020.

Another notable feature of the NSL has been its inherent flexibility, which has facilitated its assimilation into the legal system. For example, while it is harder for national security suspects to obtain bail pending

trial, they can still be granted bail if there are sufficient grounds for believing further offences endangering national security will not result (Art.42). Although national security prisoners can be denied the customary remission for good behavior of one-third of their sentence, this is not automatic and depends upon a risk assessment by the Committee for Safeguarding National Security (SNSO, s.152).

Whereas, moreover, jury trials can be dispensed with in favor of 3-judge panels in national security trials in the Court of First Instance, it is not automatic and strict criteria must be satisfied (Art.46). Although the HKSAR Chief Executive has the discretion over whether to approve applications from overseas lawyers to conduct national security cases, there is no blanket ban, and each case is decided on its own merits (NPCSC Interpretation; Arts.14 and 47).

When the NSL was enacted, the Five Eyes, realizing the game was up, sought to punish Hong Kong. Trade preferences, for example, were revoked, officials were sanctioned and, as mentioned, travel advisories were issued to deter tourists. Dominic Raab also denounced “the effects of a law with loosely defined provisions, backed up with the threat of potentially long jail sentences and transfer of cases to Mainland China for prosecution and sentencing” (June 6, 2021). This doomsday scenario was divorced from reality, as time has proved.

Although Raab has now left the scene, he will presumably be relieved to know that no cases have been transferred to Chinese Mainland for trial, that the punishments for offenders have fitted their crimes, and that anybody unhappy with their convictions and sentences can appeal against them. Far from being loosely defined, as he claimed, the four categories of offences endangering national security stipulated in the NSL clearly describe the prohibited conduct, and require both a guilty act (actus reus) and a guilty mind (mens rea). The indictments

themselves are meticulously particularized, with every prosecution being evidence-based, and nobody has been convicted of violating the NSL through inadvertence.

When, moreover, the SNSO was enacted in 2024, China's antagonists, realizing its propaganda value, resorted to Raab-speak, once again claiming the new offence provisions were loosely defined. For example, the former governor, Chris Patten, said the offences were "so vaguely defined that they allow the authorities to detain or try anyone they want on fabricated or absurd charges" (March 30, 2024). If the new offences were indeed vaguely defined, they could have been challenged in the courts, as has happened in other areas of the criminal law.

In 2002, for example, the offence of misconduct in public office (MIPO) was challenged in the Hong Kong Court of Final Appeal (HKCFA). Legal experts argued it was unconstitutional for uncertainty, and too vague and ill-drafted to comply with the Hong Kong Bill of Rights, which embodies the ICCPR (FACC 1/2002). Although the HKCFA disagreed, it is noteworthy that no similar challenges have been made to the SNSO's offence provisions, which they certainly could have been if the accusations of legal uncertainty were anything other than crude propaganda.

On June 6, 2021, Raab also claimed that "Hong Kong's independent judiciary is under increasing pressure", a figment of his imagination. Rather, as the Chief Justice, Andrew Cheung Kui-nung, explained on January 20, 2025, the courts are not "an extension of prosecution authority", and the system is "built on legal principles, judicial precedents and a robust structure that will continue to function", and he should know. But we do not only have to take his word for it.

On October 23, 2024, the World Justice Project Rule of Law Index was published, and it also nailed Western scaremongering. Although it is well known that, out of the 142 countries and jurisdictions surveyed, Hong Kong was ranked 23rd, it is revelatory to drill down into the Index's subsidiary findings. In the civil and criminal justice categories Hong Kong was ranked, respectively, as 19th and 21st out of 142. Even more illuminating is the sub-category, "Criminal justice is impartial", which measures whether the criminal judges and the police are impartial and whether they discriminate. In this sub-category, Hong Kong's global ranking was 23rd out of 142, well ahead, for example, of the UK at 39th and the US at 101st.

Although Raab, like his successors, alleged increasing pressure on the judiciary, he should have looked in the mirror. One of the main pressures the judges faced came from the British government itself (with the US later joining in). Raab, and his successor as foreign secretary, Liz Truss, made no secret of their wish for the HKCFA's British non-permanent judges to resign. After meeting them, two of the judges, Lords Reed and Hodge, duly resigned, on March 30, 2022. Whereas Raab, by then justice secretary, announced that it was "no longer appropriate for serving UK judges to continue sitting in Hong Kong courts", Truss said their presence was "no longer tenable".

By any yardstick, this was extraordinary pressure for the British government to apply to independent jurists serving in a fellow common law jurisdiction. On one level, it violated what the Five Eyes partners always like describing as "the international rules-based order". On another, it contravened the Charter of the Judge, which the International Association of Jurists adopted in 2017. In respect of the personal autonomy of judges, the Charter is unequivocal, and stipulates "No influence, pressure, threat or intervention, either direct or indirect, from any authority is acceptable".

To his credit, nobody was more appalled by Truss' behavior than Chris Patten, a former chairman of the Conservative Party (to which both she and Raab belong). On November 6, 2022, at the Bridport Literary Festival, he informed the journalist Howard Davies how Truss had told the British judges sitting in the HKCFA to resign. He then added, "I thoroughly disapprove of politicians telling judges what to do", describing Truss' remarks as "a very damaging thing for her to have said".

For once, Patten was spot-on. Everybody who values judicial independence should join him in condemning the Truss-Raab assault on Hong Kong's rule of law. Their successors, moreover, have continued where they left off, and have even sought to interfere in court proceedings currently underway in Hong Kong. If that were to happen in the UK, their conduct would rightly be stigmatized as a possible attempt to pervert the course of public justice, and Chris Patten will hopefully also explain this to them.

However, like Raab and Truss before them, Lammy and West have deployed political pressure, calculated to affect the judiciary, whether directly or indirectly, to try to secure the "immediate release" of the former media magnate, Jimmy Lai Chee-ying, who is accused of endangering national security by colluding with foreign powers. Like their predecessors, they are learning the hard way that our legal system is resilient, our judiciary is independent, and our rule of law will never succumb to foreign interference.

On the NSL's fifth anniversary, let everybody reflect upon how it has brought order out of chaos and restored decency to society. Never again will Hong Kong be exploited by those wishing to undermine China and advance the interests of its antagonists. In conjunction with the SNSO, the NSL has secured our way of life and safeguarded the "one

country, two systems” policy. In consequence, Hong Kong is now able to play its full part in national development and hold its head high on the world stage.

Thank you.[#]

[#] This is reproduced from the script submitted by the speaker with editorial changes



Dr William WONG Ming-fung BBS SC JP

Thank you, Ian.

Today, we are very grateful to the three experts for sharing their wonderful insights with us.

My conclusion is that we must have confidence in our Hong Kong National Security Law and absolute trust in the Hong Kong courts to achieve a dynamic balance between national security and human rights. We believe that under the protection of the Hong Kong National Security Law, Hong Kong will experience more robust and prosperous development. Finally, let's give a warm round of applause to thank the three experts.

June 21, 2025

Promulgation & Implementation
of Hong Kong National Security
Law 5th Anniversary Forum
Panel 2

“The National Security Legislation of the Hong Kong SAR – Telling it as it is.”

I Grenville Cross SC

Insurrection 2019-2020

- Anti-China forces mobilized
- Wrecking of OCTS envisaged
- Encouraged and funded by foreign powers
- Fugitive offenders given safe haven
- Hostile plotting from foreign bases
- Subversive activity not free speech

2

HKNSL

- UK: NSL breached SBJD of 1984
- SBJD: Silent on national security
- Travel advisories: Harming tourism
- HKSAR: Unable to enact BL Art. 23
- Central Authorities: Obliged to act
- NS: Ultimate responsibility lies with Central Authorities

3

OSNS (NSL 55)

- OSNS: Acts only in exceptional cases
- NS: Involves entire country
- High degree of autonomy: Unaffected
- Local governments: Support national efforts
- OSNS: Facilitating, supervising, supporting HKSAR
- HKSAR: Conducted all NS trials since 2020
- NSL 55: Not invoked since 2020
- Transparency: OSNS operating procedures formalized 2025

4

Application of NS Laws

- UK: Calls for NSL repeal in 2025
- UK: NSA (2023) robust and comprehensive
- SNSO: Influenced by UK's NSA
- NS laws: Applied with restraint: Statistics
- High conviction rates: Meritorious prosecutions all evidence based

5

Judiciary and NSL

- Judiciary: Accommodates new procedures
- Courts: Recognize status of national law
- National security interests: Policy question
- Human rights: In-built protections
- NSL: New sentencing regime rationalized by courts
- Punishing offenders: Realism and common sense
- SJ sentence reviews: None required in NS cases

6

NSL: Inherent Flexibility: Indictments

- Bail pending trial
- Remission of sentence
- Use of 3-judge panels in CFI
- Admission of overseas counsel
- Offence provisions clearly defined
- Indictments meticulously particularized
- Constitutional challenges: No challenges to SNSO for breach of Bill of Rights

7

Independent exercise of judicial powers

- UK: Claimed judges pressurized (2021)
- Chief Justice: Affirmed independent exercise of judicial power (2025)
- WJP Rule of Law Index 2024: HK rated above UK and US for judicial impartiality
- Raab/Truss: Pressure on HKCFA judges a violation of IAJ Charter
- Patten: Truss interference with judges "very damaging"
- Lammy/West: Political pressure to affect criminal proceedings: Possible attempt to pervert public justice

8

Conclusion

“On the NSL’s fifth anniversary, let everybody reflect upon how it has brought order out of chaos and restored decency to society. Never again will Hong Kong be exploited by those wishing to undermine China and advance the interests of its antagonists. In conjunction with the SNSO, the NSL has secured our way of life and safeguarded the “one country, two systems” policy. In consequence, Hong Kong is now able to play its full part in national development and hold its head high on the world stage.”

9

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287

Panel Session 2

“An arduous and important journey –
our youth sharing the mission to
safeguard national security”





Moderator

Ms WONG Wing Sze, Vincy



Panelists

The Hon Paul LAM Ting-kwok
GBS SC JP

Secretary for Justice of
The Government of the Hong Kong
Special Administrative Region



Ms Vivian KONG Man-wai
SBS MH

2024 Olympic Champion



Ms Angel CHONG Nga-ting

District Councillor of the
Sai Kung District Council of the Hong Kong
Special Administrative Region



Mr Karl TING Tze-long

Actor of the Hong Kong Special Administrative Region



The Secretary for Justice interacted with young leaders from various sectors to explore in a relaxed and humorous manner the vital role of young people in safeguarding national security.



Highly accomplished in sports, community service and performing arts respectively, the three young leaders enthusiastically shared with the Secretary for Justice during the Forum their insights and views on the role of young people in promoting the awareness of safeguarding national security.



Artist Karl TING Tsz-long has taken great pride in our country's recent remarkable accomplishments in various fields. He encouraged young people to visit the Mainland to experience its development for themselves. Moreover, he believes that artists can bring their soft power to bear, telling compelling stories about patriotism and love for Hong Kong, and about safeguarding national security.



The Secretary for Justice Mr Paul LAM Ting-kwok emphasised that young people should cultivate through their own experiences, affection for the nation and foster a sense of identity with our country as a collective, thereby developing heartfelt patriotism towards our country and shouldering the shared responsibility for safeguarding national security.



“Post-00s” District Councillor Angel CHONG Nga-ting pointed out that a strong and secure country is the fundamental prerequisite for social development, and that fostering citizens’ sense of national identity helps everyone to understand they are integral parts of the country, thereby fortifying awareness of the importance of safeguarding national security.



“World No. 1” Vivian KONG Man-wai, gold medallist in women’s individual épée at the 2024 Paris Olympic Games, said that she had personally experienced and is deeply grateful for the care and support our country has shown to Hong Kong athletes. She hopes that she and other young people can actively tell the good stories of our national development on the international stage, while serving as a role model in upholding awareness of safeguarding national security.



After the panel discussion, the Secretary for Justice and the young leaders took a cheerful group photo.



Closing Remarks



Dr the Hon CHEUNG Kwok-kwan SBS JP

Deputy Secretary for Justice of
The Government of the Hong Kong Special Administrative Region

Distinguished guests and dear friends,

Hello, everyone. Before we know it, the 5th Anniversary of Promulgation and Implementation of Hong Kong National Security Law Forum is coming to a close. Today's forum has been truly remarkable. In the morning session, Director XIA Baolong and the Chief Executive delivered very important addresses, while four leaders from the Central People's Government offices in Hong Kong, namely Director ZHOU Ji, Director DONG Jingwei, Commissioner CUI Jianchun and Major General PENG Jingtang, as well as the Deputy Director of the

Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPCSC) Mr ZHANG Yong shared with us their understanding of and insights into the 5th anniversary of the implementation of the Hong Kong National Security Law (HKNSL).

The HKNSL has come into effect for five years and we should at this point of time earnestly review and reflect so as to properly consolidate our experience. As pointed out by Director XIA, the implementation of the HKNSL over the past five years has proven it to be a “guardian” in defending the “One Country, Two Systems” principle and in maintaining the prosperity and stability of Hong Kong. It is a good piece of law with great historical significance and practical importance. Despite the restoration of social order in the Hong Kong Special Administrative Region (HKSAR) offering a stable environment for us to vigorously pursue economic growth, we must never “forget the pain once the wound has healed” and must remain vigilant at all times and stay resolute in both safeguarding security and promoting development.

I hereby thank Director XIA for his care for the HKSAR and his recognition of our work in safeguarding national security. We will certainly take the essence of Director XIA’s speech to heart, fully implement the “five musts” and strive for the steadfast and successful implementation of “One Country, Two Systems”.

There are two noteworthy features of today’s forum that I would like to share with you: (1) the forum has showcased the power of the younger generation in safeguarding national security in the HKSAR; (2) the forum has aimed to provide an in-depth and broad discussion so as to cater for the needs of citizens of different age groups in the community.

Let me start with the first point – power of our new blood. You may have noticed that immediately after our guests of honour delivered their speeches in the morning session of today’s forum, the organizer specially

arranged for more than 100 student awardees of the competitions for promoting national security education to present a performance based on their winning entries, followed by the “Hong Kong National Security Law – Guarding Every Voyage and Forging a Brighter Future” Kick-off Ceremony officiated by our distinguished guests.

The number of young faces at today’s forum is likely to be the highest in the history of national security legal forums organised by the Department of Justice. Today we have also reviewed our patriotic youth forces across different age groups. It is true that safeguarding national security is the responsibility of every generation, which must be passed on from generation to generation.

As for the second point, namely that the forum has aimed to provide an in-depth and broad discussion, let us look back on the organizer’s elaborate arrangements today.

First, we invited Mr Yang Zhaoye, Director of the Research Office of the HKSAR Basic Law Committee and Macao Special Administrative Region Basic Law Committee of the NPCSC, to deliver a keynote speech for us, followed by two panel sessions. The first panel session saw experts and academics reviewed the original legislative intent of the HKNSL and how the law seamlessly converges with and complements local national security legislations such as the Safeguarding National Security Ordinance (SNSO). At the same time, they also looked ahead to the development of Hong Kong’s legal system for national security. This panel session provided us with a very professional and in-depth analysis.

For the second panel session, the Secretary for Justice personally “suited up” for action, but this time it was not to cross-examine witnesses in court. Instead, he engaged in a conversation with prominent young leaders from different fields, and explored in a relaxing and humorous

manner the vital role of young people in safeguarding national security. The format of this panel session is more suitable for us to familiarize and explore the topic of national security with our younger friends.

Therefore, today's forum can be said as loaded with insights and humour, balancing solemn topics with light-hearted elements. This ensured the depth and breath of the forum cater to friends at different levels.

Ladies and gentlemen, the HKNSL is a key milestone in the practice of “One Country, Two Systems”. Its fundamental goal is to ensure the full and resolute implementation of the principles of “One Country, Two Systems” and Hong Kong people governing Hong Kong with a high degree of autonomy; while maintaining prosperity and stability of the HKSAR. The promulgation and implementation of the HKNSL on 30 June five years ago became the turning point in Hong Kong’s transition from chaos to order by plugging Hong Kong’s institutional loopholes in safeguarding national security and ending the “black-clad violence”.

The legislative purpose of the HKNSL is clear and explicit. It resolutely upholds the rule of law principles while safeguarding national security, and clearly defines four types of offences. That said, since the HKNSL was a novelty back then, some friends might have casted doubts on the interpretation of its provisions, allowing those with ulterior motives to seize on this to undermine public confidence in the law.

Time is the best witness. The HKNSL has been implemented for five years and we all witness that the fact is law-abiding citizens live and work in contentment while enjoying their legally protected rights and freedoms; businesses are able to operate in a socially stable environment; and friends from abroad continue to enter and leave Hong Kong freely for study, sight-seeing, work and business. Everyone's rights and freedoms have not been affected in the slightest.

With the implementation of the HKNSL over the past five years, the courts of the HKSAR have consistently conducted trials of national security cases fairly and independently, and the national security cases heard by the courts have gradually accumulated into judicial precedents facilitating the development of the relevant jurisprudence. The experts and academics who participated in today's discussion analyzed for us a series of major cases, summarized the jurisprudential development and achievements of the HKNSL over the past five years since its implementation, and clarified some of the fallacies in the society about the HKNSL and the SNSO, so that all sectors of the community can have a clearer and more accurate understanding of the HKNSL and the legal system for national security.

It must be pointed out that the international conflicts in recent years have fully illustrated that national security is a matter of top priority for every country, and the methods and strategies deployed by hostile states can be described as pervasive or even going beyond ethical boundaries. Without national security, a country not only cannot develop, but its very survival is at stake. If the HKSAR fails to effectively safeguard national security, it will not only affect citizens of the HKSAR, but also the safety and security of 1.4 billion people across our country. Therefore, in the current complex global landscape, we must remain vigilant at all times and diligently safeguard national security.

Ladies and gentlemen, we have already built a legal barrier for safeguarding national security. As long as we keep our guard up, remain vigilant at all times, make the most of the national development strategies, seize the opportunity to integrate into the national development, and deepen international exchanges and co-operation, Hong Kong will have a bright future ahead!

May I wish our country affluence and peace, Hong Kong prosperity and stability, and everyone success in scaling new heights in Hong Kong! Thank you!