



Law Council
OF AUSTRALIA

Statement on Hong Kong National Security Laws

Speech delivered by Pauline Wright, Law Council President.

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The Law Council of Australia is deeply concerned by the new national security law that has been effectively imposed on Hong Kong – drafted by China’s top legislative body without consultation, and implemented by executive order.

The full text was not released until it became law, denying the people of Hong Kong from meaningfully participating in the legislative process, and preventing experts from evaluating the compatibility of the law with Hong Kong’s legal and constitutional framework and China’s international legal obligations.

The law is even stronger than anticipated – both in terms of its scope and penalties – and contains several disturbing features.

This law substantially undermines the independence of Hong Kong’s judiciary, as well as its binding power of legal interpretation of Hong Kong law.

The law prevails where there is any inconsistency between this law and other laws of Hong Kong, and its interpretation is vested in China’s National People’s Congress Standing Committee.

It empowers the Chief Executive to select particular judges to hear national security cases, make a binding determination on whether a case involves issues of national security or state secrets, and order a trial be closed to the media and the public.

A new Chinese government body, the Office for Safeguarding National Security may decide whether some cases will be heard by Chinese courts – depriving the accused of the procedural rights and guarantees preserved in Hong Kong.

The broadly-defined offences of sedition, secession, terrorism and collusion with foreign forces are vulnerable to abuse, and are likely to have a chilling effect on civil life, democracy and the media.

A person convicted of any offence under the law, even the most minor, is disqualified indefinitely from standing for election for Hong Kong’s Legislative and district councils, or holding any position of public office.

We are particularly concerned that the offence of collusion will deter Hong Kongers from communicating with international contacts, and that offers of support from friends abroad could place them at risk.

The international legal community will continue to defend the rights of the people of Hong Kong, and condemn developments that undermine the rule of law and One Country, Two Systems policy.

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