



Hong Kong General Chamber of Commerce
香港總商會 1861

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Helping Business since 1861

27 February 2024

Mr Tang Ping-keung, GBS, PDSM, JP
Secretary for Security
Security Bureau
10th Floor, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Chris,

**Re: Security Bureau Consultation Document on
Safeguarding National Security: Basic Law Article 23 Legislation**

The Hong Kong General Chamber of Commerce is pleased to respond to the Government's consultation on the Basic Law Article 23 Legislation (BL23 Legislation).

Safeguarding national security is of paramount importance for Hong Kong as it seeks to maintain stability and prosperity under the "one country, two systems" principle. We therefore render our full support to the further cementing of these goals with the implementation of the BL23 Legislation. At the same time, we recommend that to facilitate awareness and consensus within the business community and society on the necessity and benefits of new legislation, sufficient clarity on the legal provisions and as well as adequate education and support from the Government should be considered.

We look forward to the opportunity of further engaging with the Government on the views of the business community as the new legislation is formed.

Yours sincerely,

Patrick Yeung
CEO

Encl.

Security Bureau Consultation Document “Safeguarding National Security: Basic Law Article 23 Legislation” (January 2024)

Response by The Hong Kong General Chamber of Commerce (HKGCC)

1. HKGCC unequivocally supports the introduction of legislation to update and fill any legal loopholes in Hong Kong’s current legislation on national security, in accordance with its constitutional duty under Article 23 of the Basic Law, and the principle of “one-country, two-systems”. Many countries have this type of legislation, and it would benefit Hong Kong to have this commitment in the Basic Law finally introduced. Knowing that it is in place will help to create a more stable and trusted business environment, allowing businesses to focus their energies on growing the economy, and helping Hong Kong to prosper. In this respect, this Consultation Document (CD) is a welcome development, setting out the Government’s expectations for the new legislation.
2. Based on feedback from our members, we have several general suggestions or recommendations on the Government’s approach to introducing the new legislation. We deal with each of these in turn.
3. We suggest that swift implementation of the law would be beneficial to providing stability and security to business, though consideration should be given to the provision of sufficient support for businesses to prepare and implement any possible changes to their operations before the new legislation comes into effect.
4. With the same objective in mind, and to achieve consensus on the need for the new legislation, we suggest that the Government considers ways of further conveying the importance and benefits of the law to the business community and members of the general public, through educational and engagement outreach activities.
5. As the CD does not set out the proposed drafting for the legislation itself, we regard this as the start of the legislative process, and trust that Government will continue to involve the business community and other stakeholders as the legislation itself is drafted.
6. If Hong Kong is to maintain or enhance its status as an international financial centre, it must be seen as a city that welcomes overseas businesses, so that these businesses feel confident in doing business in Hong Kong. Therefore, Hong Kong’s legislation should, as far as possible, align with the national security regulations of other jurisdictions as well as the Mainland, so that a move does not leave room for criticism of Hong Kong’s international status.
7. One of businesses’ key concerns is to ensure that the proposed Ordinance has sufficient clarity, so that they (and Hong Kong residents) understand what is an offence and what is not. It would be beneficial for businesses for example, to be able to have more information on the scope of excluded activities for the offenses of "seditious intention", "external interference", "unlawful acquisition" and "unlawful possession" of "state secrets", as well as clarity on the latter concept. While the Government has said that it is trying to make sure the legislation is fit

for the longer term, this should not just result in broad, general legislative provisions that are very much open to different interpretations, as this may not provide sufficient certainty for businesses and citizens to know what they have to do to comply. As it is difficult for legislation to entirely predict the future, if circumstances change, legislation could be updated or amended as necessary to deal with those changes.

HKGCC Secretariat
February 2024