

香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

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**By EMAIL**

19 June 2025

[REDACTED]

Deputy Regional Director (Greater China)  
Regional Office for East and Southeast Asia and the Pacific  
Amnesty International  
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Dear [REDACTED],

We refer to your letter dated 11 June 2025 addressed to the Secretary for Justice of the Hong Kong Special Administrative Region (HKSAR), which has been referred to us for a consolidated response on behalf of the HKSAR Government. We take note of the summary of findings from the forthcoming briefing paper by Amnesty International concerning the implementation of the Hong Kong National Security Law (HKNSL) and other national security-related legislation in the HKSAR. We must point out that the allegations in the so-called “findings” are a gross distortion of the reality and in complete disregard of the indisputable positive effects brought about by the HKNSL and other laws safeguarding national security in the HKSAR over the past five years. We strongly oppose to these allegations and feel compelled to set out the facts to set the record straight.

*Positive effects of laws safeguarding national security*

2. National security is a matter of top priority for any state. In accordance with international law and international practice based on the Charter of the United Nations, it is each and every sovereign state's inherent right to enact laws safeguarding national security. In particular, acts and activities endangering national security could bring very serious consequences. Prompt actions must be taken to prevent and suppress such acts and activities effectively. No country will watch with folded arms and tolerate any of such acts and activities endangering national security without taking any action.

3. While the “black-clad violence” and the Hong Kong version of “colour revolution” back in 2019 have severely damaged the social stability of Hong Kong, with the promulgation and implementation of the HKNSL, its effect in stopping violence and curbing disorder as well as quickly restoring social stability in the Hong Kong community was immediate. Thereafter, the HKSAR fulfilled its constitutional duty by enacting the Safeguarding National Security Ordinance (SNSO) in March 2024 to continuously improve the legal system and enforcement mechanisms for safeguarding national security, enabling Hong Kong's transition from chaos to order and its advancement from stability to prosperity.

4. In fact, the implementation of the HKNSL in the past five years has restored the enjoyment of rights and freedoms which many people in the HKSAR had been unable to enjoy during the period of “black-clad violence”, and has enabled the livelihood and economic activities of the Hong Kong community at large to swiftly resume to normal and the business environment to be restored and improved continuously. In the World Competitiveness Yearbook 2025 announced just a few days ago, Hong Kong's ranking improved by two places to third globally, reaffirming Hong Kong's position as one of the most competitive economies in the world. Also, Hong Kong continues to rank

among the top three international financial centres and the top four initial public offering markets in the world. If Hong Kong was no longer a free society as Amnesty International sought to suggest, these internationally-recognised achievements would not have been possible.

*On protection of rights and freedoms*

5. As a matter of fact, human rights in Hong Kong have always been robustly guaranteed constitutionally by both the Constitution and the Basic Law. Article 4 of the HKNSL and section 2 of the SNSO clearly stipulate that human rights shall be respected and protected in safeguarding national security in the HKSAR, and that the rights and freedoms, including the freedoms of speech, of association, of assembly, of procession and of demonstration that Hong Kong residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.

6. Hong Kong residents continue to utilise various means to express their views on government policies and public affairs, including direct communications with relevant bureaux and departments, making representations through the Legislative Council, District Councils, Care Teams and district committees, and lodging complaints to The Ombudsman or other relevant statutory bodies. In addition, public processions and assemblies may be held in accordance with the Public Order Ordinance. Contrary to the allegation as set out in the incoming letter that peaceful protests and political expression are now treated as threats, following the passage of the SNSO, applications for public processions and assemblies actually increased from 341 by nearly 15% to 392 last year, and not a single one was rejected.

7. Nonetheless, just as the case with other places in the world, many of the rights and freedoms are not absolute. The

ICCPR also expressly states that certain rights and freedoms including the freedom of expression may be subject to restrictions as prescribed by law that are necessary for protection of national security, public safety, public order or the rights and freedoms of others, etc.

8. In fact, the courts in HKSAR have clarified the boundaries of excising freedoms and rights. For example, the Court of Appeal's judgment in the *Tam Tak-chi* case<sup>1</sup> affirmed that criticising the Government, the administration of justice including judgments of courts, or engaging in debates about or raising objections to Government policies or decisions, however strong, vigorous or critical they may be, does not constitute a seditious intention. This provides further clarity in differentiating between lawful and unlawful speeches.

9. Amnesty International's suggestion that no restriction may be imposed on freedom of expression unless there is "violent conduct or imminent danger" does not accord with the development of international jurisprudence in this area. For example, as highlighted by the Supreme Court of United Kingdom in a case in 2022<sup>2</sup>, whether a restriction is justifiable is a multi-factorial assessment, and the jurisprudence of the European Court of Human Rights does not contain any principle that a restriction on freedom of expression could only be justified (in terms of legality and proportionality) where the expression included an incitement to violence. In its judgment on the application for leave to appeal by Tam Tak-chi<sup>3</sup>, the Appeal Committee of the Court of Final Appeal has also pointed out that sufficiently precise lines have been drawn between unlawful seditious incitement and lawful constructive criticisms under the Crimes Ordinance, and the relevant provisions were not vague. Especially in light of the widespread social unrests in 2019,

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<sup>1</sup> *HKSAR v Tam Tak Chi* [2024] 2 HKLRD 565. The judgment is available at: [https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=158600](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=158600)

<sup>2</sup> *Pwr v DPP (SC(E))* [2022] 1 WLR 789.

<sup>3</sup> *HKSAR v Tam Tak Chi* [2024] HKCFA 25. The judgment is available at: [https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=162033](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=162033)

treating speech and publications disseminated with seditious intentions as threats to national security and prohibiting them is rationally connected with the protection of national security and public order, and does not exceed what is reasonably necessary.

On the rule of law

10. The rule of law in Hong Kong is strong and robust, and withstands the test of time. Article 5 of the HKNSL and section 2 of the SNSO clearly provide that the principle of the rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security. A person who commits an act which constitutes an offence under the law shall be convicted and punished in accordance with the law. No one shall be convicted and punished for an act which does not constitute an offence under the law. A person is presumed innocent until convicted by a judicial body. The right to defend himself or herself and other rights in judicial proceedings that a criminal suspect, defendant, and other parties in judicial proceedings are entitled to under the law shall be protected.

11. The offences endangering national security stipulated by HKNSL and SNSO target acts endangering national security with precision, and define the elements and penalties of the offences with clarity. The HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, which have nothing to do with their political stance, background or occupation.

12. The Department of Justice (DoJ), by virtue of Article 63 of the Basic Law, controls criminal prosecutions, makes independent prosecutorial decisions in accordance with the law, free from any interference. Prosecutions would be instituted by the DoJ only if there is sufficient admissible evidence to support



a reasonable prospect of conviction, and if it is in the public interest to do so.

*On the granting of bail and pre-trial detention*

13. The Court of Final Appeal (CFA) has made clear in an appeal case concerning Article 42(2) of the HKNSL<sup>4</sup> that the cardinal importance of safeguarding national security and preventing and suppressing acts endangering national security explains why more stringent conditions to the grant of bail in relation to offences endangering national security have been introduced under the HKNSL.

14. In that case, the court also elaborated that in applying Article 42(2) of the HKNSL when dealing with bail applications in cases involving offences endangering national security, the judge must first decide whether there are “sufficient grounds for believing that the criminal suspect or defendant will not continue to commit acts endangering national security”. If, having taken into account all relevant materials, the judge concludes that there are no sufficient grounds for believing that the accused will not continue to commit acts endangering national security, bail application must be refused. If, on the other hand, having taken into account all relevant materials, the judge concludes that there are sufficient grounds, the judge shall then make a decision after considering all matters relating to the granting or refusal of bail.

15. The CFA also explained that the decision whether or not to grant bail involved a predictive and evaluative exercise and not the application of a burden of proof on either party. On the contrary, there are other jurisdictions (such as Canada, South Africa and Australia) where a burden is expressly placed on the accused to establish why continued detention, rather than release on bail, is not justified. Furthermore, some jurisdictions have even put in place regimes that authorise prolonged detention on

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<sup>4</sup> *HKSAR v Lai Chee Ying* (2021)24 HKCFAR 33. The judgment is available at: [https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=133491](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=133491)

national security grounds without charge.

16. It is a common phenomenon across jurisdictions that courts do not easily grant bail for defendants charged with the most serious offences in the light of their circumstances, be they murder, drug trafficking, or offences endangering national security. It is a distortion of such common phenomenon for Amnesty International to single out the number of cases in which the courts granted bail for defendants charged with offences endangering national security. The fact that the courts granted bail in such cases indeed demonstrates that the courts have duly considered whether or not to grant bail based on the merits of each case and upon an objective and faithful application of relevant principles.

*On fair and timely trial*

17. As guaranteed by the Basic Law and the Hong Kong Bill of Rights, all defendants charged with a criminal offence shall have the right to a fair trial by the Judiciary exercising independent judicial power. The courts of the HKSAR shall exercise judicial power independently, free from any interference.

18. In handling cases concerning offences endangering national security, the Judiciary, DoJ and law enforcement authorities strictly comply with Article 42(1) of the HKNSL, which stipulates that “the law enforcement and judicial authorities of the Region shall ensure that cases concerning offence endangering national security are handled in a fair and timely manner”. The time taken between the institution of prosecution and the trial of each case depends on a multitude of factors, such as whether further investigation is required, whether the defendant needs time to obtain legal advice for consideration of his/her plea, whether the defence requests translation of documents or whether the defence exercises rights under the law to make any pre-trial application, etc. All such applications are

handled in accordance with established procedures and due process is fully observed.

19. The Judiciary has been according high priority to handling cases concerning offences endangering national security as expeditiously as possible while ensuring due administration of justice through a series of multi-pronged measures, such as proactive case management and longer court sitting hours, etc. Besides, the SNSO has introduced a number of improvements on criminal procedures in relation to cases concerning offence endangering national security, which include eliminating certain procedures, so that these cases can be scheduled for trial as soon as possible, with an aim to enable the fulfilment of the goal for cases concerning offence endangering national security to be handled in a timely manner on the premise of maintaining fair trials.

Information about cases concerning offences endangering national security

20. Hong Kong's justice system is transparent. With limited exceptions stipulated by law, all trials are conducted in open court. The reasons for verdict, reasons for sentence, and judgments on appeal are publicly accessible and can be downloaded from the webpage of the Judiciary.

21. With regard to cases involving suspected acts or activities that endanger national security since the implementation of the HKNSL, under all relevant laws, there were, as at 17 June 2025, a total of 332 persons arrested, and 189 persons as well as 5 companies being charged in the cases concerned. In these cases, 165 persons and 1 company have been convicted, including those being sentenced or awaiting sentencing. Of the numbers cited above concerning all relevant laws, 91 persons and 4 companies have been charged for offence(s) under the HKNSL, with 76 persons being convicted;



as for offence(s) under the SNSO, 8 persons have been charged and 6 of them are convicted.

22. Safeguarding national security is of top priority. Endangering national security is considered a serious crime. Specific arrest figures and information related to these activities are information about the work of HKSAR on safeguarding national security and therefore cannot be disclosed.

23. We urge Amnesty International to approach with objectivity the positive effects of the HKNSL, SNSO and other laws safeguarding national security on protecting the lawful rights and interests of HKSAR residents and other people in the HKSAR, and maintaining prosperity and stability of the HKSAR. The biased narratives continuously propagated by Amnesty International will only serve to further undermine its credibility in the international community.

24. The HKSAR Government will continue to uphold its constitutional duty and to steadfastly safeguard national sovereignty, security and development interests. In accordance with the law, it will continue to resolutely carry out its duties and obligations to safeguard national security and, at the same time, protect the rights and freedoms that residents of the HKSAR enjoy, ensuring the steadfast and successful implementation of the "One Country, Two Systems" principle.

Yours faithfully,



(Ms Jenny LEUNG)  
for Secretary for Security

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