



**Assembly of Citizens' Representatives, Hong Kong**  
**Submission on the Legislative Proposal Against Article 23 of the**  
**Basic Law of the Hong Kong Special Administrative Region**

1. The Assembly of Citizens' Representatives, Hong Kong (hereinafter referred to as the Assembly), after the first meeting held on February 25, 2024, unanimously passed the following resolution opposing the proposed legislation of Article 23 of the Basic Law by the Hong Kong Special Administrative Region Government in February 2024:

*The Assembly of Citizens' Representatives, Hong Kong, following the motion of the 6th District Councils of Hong Kong at the special meeting of the 17 district councils held on June 6, 2020, which opposed any legislation tightening democratic freedoms, considering the National Security Law in Hong Kong undermining the "One Country, Two Systems" and pushing Hong Kong's future into an irretrievable abyss, called for its immediate withdrawal.*

2. The Assembly believes that the Hong Kong Special Administrative Region Government's so-called "consultation" process, which lasted only one month, contradicts the standard legal consultation procedures for laws that have a significant impact on Hong Kong. Therefore, while opposing the proposed legislation of Article 23 of the Basic Law, the Assembly does not recognize the one-month opinion collection period as completing the "consultation" process, and rejects the dissemination of false information by the Hong Kong SAR Government claiming that the bill has received public support.

3. Since the implementation of the National Security Law in Hong Kong, which undermines the foundation of the rule of law in Hong Kong, and the subsequent suppression of most dissenting voices in Hong Kong by the Chinese Communist Party regime and the Hong Kong SAR Government, civil society has disappeared, media outlets have been forced to close, and numerous human rights defenders opposing government violations of human rights have been arrested. Under the unrestrained power of the National Security Law in Hong Kong, more Hong Kong citizens are intimidated and dare not express opposition to the government's policies.

4. Therefore, during this period of opinion collection, it is evident that many Hong Kong citizens will take lessons from the intellectuals who were criticized during the Anti-Rightist Movement launched by the Chinese Communist Party after the "Hundred Flowers Campaign" in 1957 and refrain from expressing their opinions actively, for fear of being held accountable by the Chinese Communist Party and the Hong Kong SAR Government afterward.

5. The Chinese Communist Party and the Hong Kong SAR Government have further undermined the electoral system through the illegal National Security Law in Hong Kong and the so-called "Patriots Governing Hong Kong" system, making it impossible for various levels of councils to represent the views of all Hong Kong citizens. Hong Kong citizens will not recognize the opinions of those self-proclaimed legislators as representing the majority of Hong Kong citizens. If Hong Kong wishes to maintain its status as an international city, it should not continue to regress Hong Kong's legal system, social system, and citizens' lives to that of an ordinary city under the rule of the Chinese Communist Party.

### **The Bill**

6. The content and definitions in the draft are extremely unclear, giving the Chinese Communist Party and the Hong Kong SAR Government ample room for interpretation, seriously undermining the human rights of Hong Kong people. In particular, this draft, like the National Security Law in Hong Kong, not only limits the right to bail for the arrested, but also proposes to restrict the right of the arrested to contact designated lawyers. If wrongful convictions occur, the arrested individuals will not be able to safeguard their rights under the law, while facilitating the regime to convict them through uncontrolled interpretations.

7. Regarding the "crimes of foreign interference" part, the draft does not clearly define the scope of foreign organizations and interference activities. The draft refers to foreign organizations covering any foreign government, organization, and individual, which is so broad that any activity or contact between Hong Kong enterprises and individuals with foreign legal persons or individuals can be

investigated or arrested by the government if it arouses suspicion. Apart from violating the rights of Hong Kong people to engage in activities with foreign governments, institutions, and individuals, it will also significantly affect the motivation of foreign institutions, enterprises, and individuals to engage in commercial or non-political activities with Hong Kong people and enterprises, as this law will affect the interests and security of both parties.

8. The draft greatly disseminates the idea of the 2019 democratic movement as a "color revolution" using government resources and bias interpretation without substantial evidence, to smear human rights defenders in Hong Kong and endorse the illegal and anti-citizen actions of the regime. It is obvious to all that this is an act of "spreading false information."

9. Regarding the regulation part of the "Societies Ordinance," all forms of organizations are placed under unlimited surveillance of "national security" in the draft's definition of societies, which can be suspended and arrested at any time, seriously affecting the freedom of association of Hong Kong people.

10. In the part concerning "espionage activities," the term "foreign forces" is used instead of the "enemy" originally required by common law, which allows for an unlimited expansion of the definition as mentioned above. This may lead to the surveillance or arrest of anyone who engages in general communication with foreign organizations and individuals, affecting the freedom of Hong Kong people.

11. Regarding the "state secrets" section, the draft fully adopts the definition of state secrets under the Chinese Communist Party's legal system, especially concerning foreign affairs, economic and social development, scientific and technological development, etc. It is difficult to distinguish from the international economic and academic exchanges that Hong Kong conducts on a daily basis. Since the definition of state secrets is entirely determined by the CCP, it has already undermined the foundation of the "One Country, Two Systems" and placed Hong Kong's daily affairs under the jurisdiction of the CCP.

12. In addition to the aforementioned draft, which is similar to the part

in the CCP's written law that restricts the export of data designated as state secrets, and the expanded definition of public officials to include government-related contractual merchants and hired individuals, will significantly affect the flow of information in Hong Kong, directly impacting Hong Kong's freedom of information.

13. The expanded interpretation and explicit modification of the offense of "incitement" will solidify the implementation of this outdated authoritarian law from the colonial era in Hong Kong. The unlimited room for interpretation will greatly restrict freedom of speech and expression in Hong Kong, similar to the National Security Law.

14. In addition, section 4.8(a) of the draft explicitly states that the fundamental system of the CCP regime is the socialist system led by the CCP according to the CCP's Constitution, and it prohibits any organization or individual from undermining the socialist system as stipulated in the CCP's Constitution. Moreover, section 1.5 of the draft specifies the adoption of the definition of "national security" in the CCP's National Security Law. This will be a direct and explicit way to implement the socialist system in some form in Hong Kong, completely undermining the protection of "One Country, Two Systems" and the provisions of the International Covenant on Civil and Political Rights, which stipulate that all peoples have the right to freely determine their political status and freely engage in their economic, social, and cultural development.

15. The scope of the legislation includes legal persons or individuals, in addition to the recognized principle of "territorial jurisdiction" under common law, it also includes the "personal jurisdiction" and "protective jurisdiction" that apply extraterritorially, directly affecting the nationals and internal affairs of other countries. Moreover, the selective refusal of the CCP and the Hong Kong regime to recognize the foreign nationality of Hong Kong people violates Article 15 of the Universal Declaration of Human Rights, which states "everyone has the right to a nationality," and then attempts to regulate these forcibly naturalized Chinese nationals or Hong Kong citizens who possess foreign nationality using the "territorial" or "personal" principle, or claim jurisdiction to protect, will greatly damage Hong Kong's

reputation as an international city and seriously undermine its economic and social system.

16. Regarding the offense of "illegal practice," the draft not only fails to specify Hong Kong as the location of the relevant behavior but also includes all individuals participating in military, quasi-military exercises, maneuvers, and related gatherings overseas. This could potentially affect not only Hong Kong residents but also all individuals covered by the legislation who undergo training not arranged by the CCP or the Hong Kong regime. For example, whether Hong Kong residents undergoing firearm training in places where firearms are permitted, Hong Kong residents practicing maneuver formations abroad or in Hong Kong, or foreign citizens participating in military or quasi-military training (military service, civil defense, firefighting, drill training, etc.) overseas and then coming to Hong Kong, it is unclear whether they would also be included in the offense of illegal practice and subjected to surveillance or arrest. The draft does not provide clear clarification. This will significantly impact the willingness of foreign citizens to come to Hong Kong because they will not know if they have committed a crime.

17. In the charge of "concealment of treason," it will be tantamount to forcing citizens to report on some behaviors that have not yet occurred, regardless of whether these behaviors have the potential to constitute a crime. This will compel Hong Kong citizens to monitor each other and exploit the private sphere of citizens to violate Articles 17 and 18 of the International Covenant on Civil and Political Rights, which protect the right to privacy and freedom of thought, conscience, and religion.

#### Conclusion

18. Upon reviewing the contents of the draft, the regime has not respected and safeguarded the rights and freedoms of Hong Kong people as stated in international conventions such as the Basic Law, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, let alone demanding that the regime allow Hong Kong citizens to exercise the rights they are entitled to as human beings under the Universal Declaration of Human Rights.

19. Therefore, in order to safeguard the welfare of Hong Kong citizens, we, together with other international advocates for Hong Kong democracy, firmly oppose the Basic Law Amendment Bill proposed by the Hong Kong Special Administrative Region Government in February 2024 and all legislation that tightens democratic freedoms for Hong Kong citizens in any form.

Year 184 of the Founding of Hong Kong  
On February 28, 2024

### 香港公民代表會議

#### **Assembly of Citizens' Representatives, Hong Kong**

香港公民代表會議是由二〇一九年香港區議會選舉選出的民意代表所組成的大會，為了承接民意以繼續在海外為香港民主自由倡議而成立。本會根據成立宣言、截至二〇二〇年六月三十日版本的區議會條例、議事規則及各會通過的動議而行事，並將根據該些動議成立一容許公民組織共同參與的平台，以連結海外香港公民並推進香港的民主自由倡議工作。

Assembly of Citizens' Representatives, Hong Kong is the assembly constituted by elected representatives from the 2019 Hong Kong District Council elections. It was established to carry forward public mandate and continue advocating for Hong Kong's democratic freedoms overseas. This assembly operates in accordance with its founding declaration, the District Council Ordinance, its rules of procedure, and motions passed by the assembly, as of June 30, 2020. Furthermore, it aims to establish a platform allowing collective participation of civic organizations based on these motions, fostering connections among overseas Hong Kong citizens and advancing the cause of democratic freedoms in Hong Kong.