

香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.:

來函檔號 Your Ref.:

**By EMAIL**

21 August 2023

Jens Galschiøt  
aidoh@aidoh.dk

Dear Mr Galschiøt,

I refer to your letter dated 11 August 2023 addressed to the Hong Kong Special Administrative Region (HKSAR), myself as the Secretary for Security, the Commissioner of Police, and the Deputy Commissioner of Police (National Security).

We must stress that endangering national security is a very serious offence, and acts and activities that endanger national security have grave consequences. No country will watch with folded arms acts and activities that endanger national security. It is the constitutional duty of the HKSAR Government including the law enforcement authorities to take prompt actions to prevent, suppress and impose punishment on any such acts and activities effectively in accordance with the law.

The Law of the People's Republic of China on Safeguarding National Security in the HKSAR (National Security Law) proscribes four types of acts and activities endangering national security. Amongst others, it is an offence to incite others to commit secession (e.g. separating the HKSAR from the People's Republic of China (PRC) or altering by unlawful means the legal status of the HKSAR); to incite others to commit

subversion (e.g. overthrowing or undermining the basic system of the PRC established by the Constitution of the PRC, namely the socialist system with leadership by the Communist Party of China as the defining feature); and to conspire with others to commit the above incitement offences. It is also an offence to collude with a foreign country or with external elements to endanger national security (e.g. conspiring with, or receiving instructions, funding or other support from, a foreign country or an institution, organisation or individual outside the Mainland, Hong Kong or Macao of the PRC to provoke by unlawful means hatred among Hong Kong residents towards the Central People's Government or the HKSAR Government which is likely to cause serious consequences).

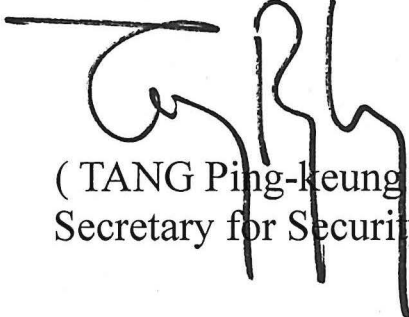
Whilst human rights including freedom of expression are respected and protected in accordance with the law in safeguarding national security, such rights are not absolute. The exercise of such rights may be subject to restrictions that are provided by law and are necessary for pursuing legitimate aims such as the protection of national security or public order. It is a common *modus operandi* of those seeking to endanger national security to engage in such acts and activities under the pretexts of "peaceful advocacy", "artistic creations" and so forth. The law enforcement authorities will conduct diligent investigations to ascertain if the true nature and substance of such acts and activities is to endanger national security, and the mere use of labels is of no avail.

The National Security Law applies to acts and activities committed in the HKSAR, as well as those committed abroad by permanent residents of the HKSAR or against the HKSAR by persons who are not permanent residents. The scope of application of the National Security Law fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions. Such practice is both necessary and legitimate, and is also in line with those of other countries and regions around the world.

Indeed, the Police will not hesitate to take enforcement actions with a view to bringing any person who has violated the National Security Law to justice. The recent actions taken by the Police against eight wanted persons who have fled overseas and are alleged to have committed, and to have continued to commit, offences under the National Security Law that seriously endanger national security demonstrate the HKSAR Government's determination to discharge its constitutional duty. It must be made clear that, what specific law enforcement actions are to be taken in respect of a case will depend on the particular circumstances of the case. In order not to prejudice the effectiveness of any law enforcement action that may be taken, the Police will not respond to any enquiry in relation to individual cases. Rest assured that when the police arrest a person, he will be informed upon arrest the offence for which he is arrested.

Seizure of any property or exhibit for criminal investigation or criminal proceedings in connection with offences endangering national security is conducted by the law enforcement authorities in accordance with legal or judicial authorization. Any such property or exhibit seized will be handled and disposed of (if appropriate) in accordance with the law. We will not comment on the details of any individual case so as not to prejudice any criminal investigation or law enforcement action that may be undergoing or taken in future.

Yours sincerely,



( TANG Ping-keung )  
Secretary for Security