

Hong Kong passes new security law, raising max. penalty for treason, insurrection to life in prison

Hong Kong's opposition-free parliament has passed a new, local security law making treason and insurrection punishable by up to life in jail.

By Mercedes Hutton

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Hong Kong's opposition-free legislature has unanimously passed new [homegrown security legislation](#), making treason, insurrection and sabotage punishable by up to life in prison, and rejecting Western criticism that the law would further restrict the city's freedoms.



The Hong Kong skyline, on February 15, 2024.
Photo: Kyle Lam/HKFP.

Lawmakers gathered in the Legislative Council (LegCo) Chamber on Tuesday to vote on the Safeguarding National Security Bill, just days after a [draft](#) was introduced to the legislature. All 89 legislators voted in favour of the bill's passage.

In an unusual move, LegCo President Andrew Leung also cast a vote. "As the president of the Legislative Council, I would not vote in usual circumstances," Leung said in Cantonese. "However, legislation of Article 23 is not just any other piece of legislation, it relates to national security in Hong Kong, it is of the utmost importance, so at this historical moment I will vote in favour of the bill."



Hong Kong lawmakers vote on a proposed domestic security law required under Article 23 of the Basic Law on March 19, 2024. Photo: Kyle Lam/HKFP.

Chief Executive John Lee entered the LegCo Chamber after the passage of the bill to address lawmakers.

“Today is a historical moment in Hong Kong, a historical moment we have waited 26 years, eight months and 19 days for... Today, Hong Kong finally completed its constitutional duty of legislating Article 23 of the Basic Law. We live up to the expectations of the central government and our country,” Lee said in Cantonese.

The law will come into force on March 23, Lee added.

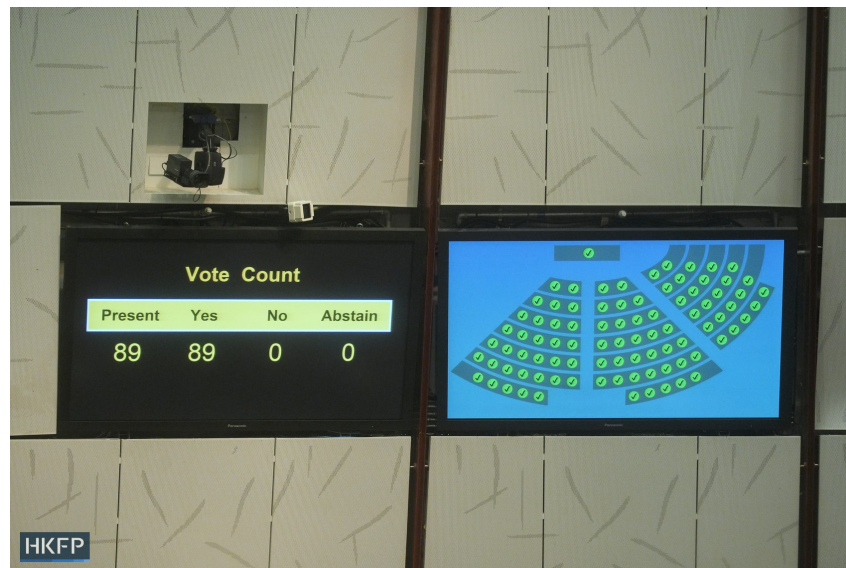


“Today, we have fulfilled the constitutional responsibility in the Basic Law of legislating Article 23, completing a historical mission,” Lee said.

“We no longer need to worry that destructive forces would burn Hong Kong to the ground, destroying public facilities, throwing petrol bombs, setting fires, beating up residents with different views, push Hong Kong to the brink, destroy Hong Kong’s development that was years in the making,” he added.

Speaking to reporters outside the Chamber, Lee thanked the media for covering the legislation of Article 23.

“I am grateful to friends of the media for their thorough coverage of Article 23 since the start, letting society know about the legislation process and progress,” he said in Cantonese.



All 89 lawmakers in Hong Kong's opposition-free legislature voted in favour of passing new security legislation, known locally as Article 23, on March 19, 2024. Photo: Kyle Lam/HKFP.

“The national security bill has its urgency. Everybody has gone through the Hong Kong version of the colour revolution and black riots in 2019, and seen how threats to national security can come out of nowhere,” he said.

Lee added that the city had devoted 30 days to [the public consultation of the draft law](#), and lawmakers had spent 12 days debating it in the LegCo. Other places would take a similarly urgent approach to national security matters, he said.

He cited the US Patriot Act, which came into effect just weeks after terrorist attacked on September 11, 2001.

Speaking after Lee, president of the Leg Co said in Cantonese: “From now on, Hong Kong

will be a better place to live, visit, do business and develop.”

Second reading resumed ahead of schedule

During a [seven-hour second reading of the bill](#) that began at 9 am on Tuesday, all 89 legislators expressed their support for the law, with several saying it was an “honour” to be involved in the “historic milestone.” Most spoke for around five minutes, [according](#) to Ming Pao.



After lawmakers had spoken, Secretary for Security Chris Tang thanked them for supporting the bill “without reservation.” The enactment of the domestic security law – separate to the 2020 Beijing-imposed security law – marked an “important milestone” in accurately and fully implementing the One Country, Two Systems policy, Tang said.

The bill had been reviewed in a “highly efficient” manner, Tang said, citing the almost

50 hours spent discussing the proposed law since the bills committee first met on March 8.

“The legislation had very strong broad popular support and the public understood deeply the importance of this move of safeguarding national security,” he said in Cantonese.



Secretary for Security Chris Tang speaks in Hong Kong’s Legislative Council Chamber before lawmakers vote to pass new security legislation, on March 19, 2024. Photo: Kyle Lam/HKFP.

During his final speech before the bill’s third reading, Tang likened the passage of the proposed law as watching the “birth” of his “biological son.”

“This bill had experienced years of torture and miscarriage, before its birth today. I am quite touched and relieved,” he said.

Article 23 offences

The law targets five types of offences – treason, insurrection, sabotage, external interference, and theft of state secrets and espionage. Those [convicted of the first three face life in prison](#), while anyone found [guilty of sedition could be jailed for up to seven years](#) – or 10 if they had colluded with an “external force” – up from two years previously.

It also gives new powers to the police and courts [to extend the pre-charge detention period](#) for those held on suspicion of endangering national security to up to 16 days, and [to restrict detainees’ access to lawyers](#).

The new law is mandated in Article 23 of the city’s mini-constitution. Authorities have said it is necessary to [plug the “loopholes” left after Beijing imposed its own national security legislation](#) on the city in June 2020, following large-scale [protests and unrest in 2019](#).

Protests erupted in June that year over a proposed amendment to Hong Kong’s extradition bill that would have allowed criminal suspects to be transferred to mainland China for trial. They escalated into sometimes violent displays of dissent against police behaviour, amid calls for democracy and anger over Beijing’s encroachment.

The demonstrations were cited by the government as justification for why further security legislation was necessary, saying in a

consultation [document](#) that “plain deficiencies in the work on safeguarding national security resulted in the social chaos... ultimately causing the Hong Kong version of ‘colour revolution’ in 2019.”



Members of the League of Social Democrats hold a banner saying “the people are greater than the nation, human rights are above state power. How can there be national security, without democracy and human rights?” outside government headquarters on February 27, 2024.

Public opposition to the legislation in Hong Kong has been muted, with the government hailing a near [97 per cent support rate](#) from submissions received during a one-month consultation period. However, international rights groups and governments overseas have [expressed concerns that it may further erode freedoms](#) in the city, which has seen dozens of pro-democracy figures detained and its civil society shrink since Beijing’s law was enacted.

The government has said the new law is comparable to security laws in Western countries, such as the UK, the US and Canada.

However, the Hong Kong Bar Association [earlier called for clearer provisions in the legislation](#), saying uncertainty about how it may be applied could have “a chilling effect on lawful conduct.” The city’s largest press group, the Hong Kong Journalists Association, warned that the [definition of state secrets in the proposed law was too broad and may impede legitimate reporting](#).

In 2003, when the government first tried to push through legislation under Article 23, 500,000 Hongkongers took to the streets in peaceful protest and it failed to secure majority support in the LegCo.

Additional reporting: Irene Chan, Kelly Ho, Hillary Leung

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