

3 July 2020

Education Bureau Circular No. 11/2020

**Implementation of The Law of the People’s Republic of China
on Safeguarding National Security in the Hong Kong Special Administrative Region**

[Note: This circular should be read by –

- (a) Supervisors and Heads of All Primary and Secondary Schools (including Special Schools) and Kindergartens – for action;
- (b) Supervisors and Heads of All Private Schools Offering Non-formal Curriculum; and Heads of Sections – for information.]

Summary

This circular informs all primary and secondary schools (including special schools) and kindergartens that they should timely enable all levels of school personnel (including school management, and all teaching and non-teaching staff) and students to acquire an understanding of, and remind all such personnel and students to abide by, the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law).

Background

2. Safeguarding national security is the constitutional responsibility of the Hong Kong Special Administrative Region (HKSAR). It is also the common obligation of all Hong Kong residents. To safeguard national security and to maintain the long-term prosperity and stability of Hong Kong under the “One Country, Two Systems” framework, the Standing Committee of the National People’s Congress (NPCSC) passed the official provisions of the National Security Law on 30 June 2020 and listed the legislation in Annex III to the Basic Law after consulting the NPCSC’s Committee for the Basic Law of the HKSAR and the HKSAR Government as required under Article 18 of the Basic Law. The HKSAR Government gazetted the legislation on the same day to promulgate its enactment in Hong Kong.

Details

Understanding the National Security Law

3. The HKSAR is an inalienable part of the People's Republic of China and a local administrative region which enjoys a high degree of autonomy and comes directly under the Central People's Government. Safeguarding national sovereignty, security and development interests is the constitutional duty of the HKSAR and concerns every Hong Kong citizen. In view of the increasingly pronounced national security risks faced by the HKSAR, the enactment of a national security law at the state level is both necessary and urgent in order to plug the loophole in national security in Hong Kong. The legislation is an important step to improve the "One Country, Two Systems" institutional system as well as restore stability in Hong Kong society as soon as possible.

4. With 66 articles, the National Security Law has six chapters, namely the general principles; the duties and the Government Bodies of the HKSAR for safeguarding national security; offences and penalties; jurisdiction, applicable law and procedure; Office for Safeguarding National Security of the Central People's Government (CPG) in the HKSAR; and supplementary provisions. The provisions of the National Security Law fully reflect the following principles:

- (1) the CPG has an overarching responsibility for national security affairs relating to the HKSAR, while the HKSAR bears the constitutional duty of safeguarding national security;
- (2) in safeguarding national security, the HKSAR shall uphold the principle of the rule of law;
- (3) the HKSAR shall establish and improve relevant institutions and their duties in safeguarding national security;
- (4) stipulations are made on what constitutes four categories of crimes that endanger national security and their corresponding penalties;
- (5) stipulations are made in relation to jurisdiction of cases, application of laws and procedures; and
- (6) the CPG shall establish an office for safeguarding national security in the HKSAR.

5. The legislative intent of the National Security Law is to maintain national security and to preserve the "One Country, Two Systems" principle. The National Security Law aims to practically and effectively prevent, curb and punish four kinds of acts or activities which seriously undermine national security, namely acts of secession, subversion of state power, terrorist activities, and collusion with foreign or external forces to endanger national security. It is clearly stated in the National Security Law that the maintenance of national security should

follow the principle of respecting and protecting human rights. The National Security Law only targets a very small number of law breakers while the life and property as well as various legitimate basic rights and freedoms, including freedoms of speech, of the press, of assembly, of demonstration and of procession, etc. enjoyed by the overwhelming majority of citizens will be protected. The National Security Law also stipulates that a person is presumed innocent until convicted by the judicial body, and 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. The general public in Hong Kong (including school personnel and students) should not and will not participate in acts or activities which undermine national security and they will not be affected by the National Security Law. The full text of the National Security Law is available on the following webpage:

<https://www.elegislation.gov.hk/hk/A406!en-zh-Hant-HK.assist.pdf?FROMCAPINDEX=Y>

For the legislative background, main content and some frequently asked questions and answers on the National Security Law, please refer to the following booklet:

https://www.isd.gov.hk/nationalsecurity/eng/pdf/NSL_QnA_Book.pdf

6. To help students gain a correct understanding of our country, the relationship between our country and Hong Kong, strengthen their sense of national identity and enable them to acquire understanding of the spirit of the rule of Law and other related issues through education are the primary responsibilities of schools. The EDB will step up the measures in enhancing students' sense of national identity. Upon the enactment of the National Security Law, we will seek advice from relevant policy bureaux, experts in different areas as well as consider the specific situation of the education sector to provide as soon as possible more detailed guidelines on how to enhance students' national security and law-abiding awareness in the aspects of school management and learning activities, etc. In addition, we will also liaise with the education sector and school sponsoring bodies to provide timely support. All levels of school personnel (including school management, and all teaching and non-teaching staff) should pay attention to the legislation's provisions and relevant information released by the government in order to grasp correctly the key messages they convey and the scope of application. Schools are required to explain to students the significance of national security, the legislative background and meanings of the National Security Law, etc. taking into account their cognitive development and abilities in a timely and proper manner, so that students could have the correct information and a clear understanding of the Law. Schools should also remind students to abide by the Laws in Hong Kong including the National Security Law, and nurture them to become good law-abiding nationals and citizens.

Resources for curriculum and support measures

7. The Education Bureau (EDB) has been promoting the Constitution of the People's Republic of China (the Constitution) and the Basic Law Education through different subjects and life-wide learning activities (including Mainland exchange activities for teachers and students) so as to help students gain a proper understanding of the Constitution and the Basic Law, the rule of law and the development of the nation, and developing in them a sense of national identity. The above is also the ongoing work of schools. To render full support for the implementation of the National Security Law, the EDB will make strenuous efforts to support schools through a multi-pronged approach, including the renewal of the curriculum as well as development of learning and teaching examples and resources, with a view to reinforcing the learning elements of national security education. Professional development programmes for principals and teachers will also be organised. In addition to strengthening the Constitution and the Basic Law Education in schools, we will offer professional support and advice on implementing national security education in schools through school visits and teacher learning circles, thereby guiding students to clearly understand the inseparable relationship between Hong Kong and the Mainland, and the importance of the National Security Law in implementing "One Country, Two Systems" and ensuring the developments and stability of Hong Kong.

Collaboration among stakeholders to enhance national identity

8. Schools should strive to promote collaboration among different stakeholders, including school management, teachers, school social workers/student guidance personnel and parents, to enhance students' understanding on development of the nation, Chinese culture as well as the Constitution and the Basic Law, and ensure that students are able to understand the significance of national security and the legislative background and meanings of the National Security Law. Parents' cooperation and support are crucial to students' development and learning. Schools should maintain close communication with parents to help students understand the National Security Law and related legislation with a rational and positive approach so that students will conscientiously observe the National Security Law and other existing laws of Hong Kong. Moreover, in accordance with the behavior and the emotional needs of the students, schools should provide timely guidance and support to students in need through multi-disciplinary collaboration and cooperation with parents. Such enhanced care and guidance will help students establish positive values, empathy, respect for others and awareness of abiding the law. We hope that different stakeholders will keep close contact with and support one another to create a safe and stable learning environment for students and promote effective learning as well as healthy growth of students.

Enquiries

9. For enquiries, please contact the respective Senior School Development Officers or Senior Service Officers.

M K CHENG
for Secretary for Education