

2002/12/19 03:54 PM

To:
cc:
Subject: Please help stop Article 23 legislation in Hong Kong

Dear Sir or Madam:

Please help stop Article 23 legislation. The Hong Kong Special Administrative Region is in the midst of a brief consultation period on Article 23 --- anti-subversion legislation being imposed by Beijing. Once passed, Article 23 will virtually destroy the promise of the "One Country, Two Systems" policy. It threatens Hong Kong's autonomy, deprives Hong Kong citizens of their freedoms, and turns Hong Kong into a police state. I urge you to use the good graces of your office to help stop implementation of Article 23 legislation without delay.

Background

In early June 1989, nearly a million Hong Kong citizens took to the streets to support the fledgling democratic movement in China. Soon after, the central government of Mainland China added a policy to the draft of the Basic Law of Hong Kong - Hong Kong's Constitution - that the Hong Kong government can establish a law against subversion, which is Article 23. The final draft of Article 23 of the Basic Law of Hong Kong was published in April 1990. It reads:

"The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies.

At that time, prominent individuals in legal circles opposed it on the basis that Article 23 does not conform to the democratic climate and spirit of freedom in Hong Kong.

Specific concerns about Article 23 include:

Article 23 states that any branch organizations that are part of an organization banned by the Chinese government can be banned in Hong Kong at any time, and the Hong Kong government does not have to conduct any independent investigation.

Article 23 also deliberately exchanges and confuses the concepts of government and nation. In a democratic and free society, citizens have the right to monitor and check the government; whereas Article 23 states that opposing the government is opposing the nation.

Article 23 grants too much power to the police. For instance, it allows the police to enter residential buildings and arrest people at any time without court warrants and evidence. The police's suspicion is considered evidence enough.

Article 23 turns citizen against citizen. Any speech deemed as instigative can be regarded as illegal, including oral, written and electronic forms; people who express, hear and fail to report such speech are regarded as guilty by this law.

Article 23 overreaches. Permanent residents of Hong Kong are under the jurisdiction of Article 23 regardless of where they are. If they violate Article 23, they can be extradited back to Hong Kong; people who are in Hong Kong are all under the power of Article 23, regardless of nationality, including travelers and visitors to Hong Kong. Minor violations of Article 23 can result in seven-year jail sentence, and serious violations can lead to life term in prison.

As a fellow citizen of the world, I am offended that tyranny is being legitimized in a free society such as Hong Kong. Please do everything in your power to rectify this situation.

Thank you very much.

Yours,
Ann Yang
