

By post and by email at BL_23@sb.gov.hk

28 February 2024

Security Bureau
10/F, East Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Sir/Madam

**Views from The Hong Kong Institution of Engineers
on Basic Law Article 23 legislation**

On behalf of the Institution, I am pleased to present to you our views and suggestions as set out in the enclosure for your consideration on the captioned subject.

With our expertise and experience, the Institution welcomes the opportunity to work with the Government on the area of concern if and when it is needed.

Thank you.

Yours faithfully



Ir Peter SI
Director
(for President Ir Dr Barry LEE)

BL/AS/PS/SS

Enclosure

**Views from The Hong Kong Institution of Engineers
to the Security Bureau on Basic Law Article 23 Legislation**

The Hong Kong Institution of Engineers (HKIE) fully supports the legislative proposals regarding Article 23 of the Basic Law to safeguard national security as promulgated by the Security Bureau of the Hong Kong Special Administrative Region (HKSAR) Government on 30 January 2024.

2. As an engineering professional body, the HKIE has consistently strived to make Hong Kong a better place to live and work for over three quarters of a century. The “One Country, Two Systems” principle and the common law system are fundamentals to Hong Kong's continued success. The HKIE fully supports enhancement of Hong Kong's legal system and enforcement mechanisms to safeguard national security, ensures the steadfast and successful implementation of “One Country, Two Systems”, thereby maintaining Hong Kong's long-term prosperity and stability. It should also be noted that the HKSAR is not unique among governments in making legislative proposals involving national security. Legislations of an analogous nature are commonly enacted in many developed countries worldwide and, for all practical purposes, essential constituents in their legal systems.

3. The HKSAR has a constitutional duty to legislate for national security through Article 23 of the Basic Law. However, the enactment work has been suspended for over 20 years since the handover. The HKIE believes that completing the Article 23 legislative work as early as possible will resolve the longstanding issues that have plagued Hong Kong. This, in turn, will enable the city to refocus on boosting the economy and improving people’s livelihood and quality of life.

4. National security is the cornerstone of a state's development. Hong Kong, as an international city and a global hub for finance, transport, trade, aviation, innovation and technology, and professional services, must maintain a stable social environment to encourage businesses to invest confidently, attract talents, and enable different sectors to thrive. Safeguarding national security through Article 23 legislation allows Hong Kong to continue leveraging its competitive advantages, contributing to the country’s high-quality development and "dual circulation" as set out in the National 14th Five-Year Plan. Furthermore, it positions Hong Kong to seize opportunities presented by the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and the "Belt and Road Initiative", integrating into the country's overall development.

5. Technology is evolving rapidly, and new security threats may arise with economic and technological development. As stated in the Article 23 consultation paper, it is common for countries around the globe to legislate national security laws to address various anticipated threats that may emerge in the future. The HKIE agrees that Article 23 adopts a holistic view of national security, which aligns with our country's national

security law and safeguards non-traditional security fields, including but not limited to artificial intelligence security, cyber security, and data security.

6. While society may need some time to understand and digest the legislative proposal, the HKIE suggests the Government to proactively reach out to various stakeholders and exchange views with different sectors to enlist their support for legislation.

7. Safeguarding national security is the joint responsibility of every individual. The HKIE firmly supports the legislation proposal to ensure Hong Kong's long-term prosperity, stability, and citizens' well-being. We look forward to Hong Kong's entry into a new stage and embrace a better future.

附件

香港工程師學會就《基本法》第 23 條立法的意見書

香港工程師學會（學會）全力支持香港特區政府保安局於 2024 年 1 月 30 日提出的基本法第 23 條立法建議，以保障國家安全。

2. 作為工程專業團體，從成立以來超過四份三世紀，學會一直致力建設香港，令香港成為一個宜居的城市。「一國兩制」及普通法制度是香港持續成功的基礎，學會全力支持完善香港法律制度及執行機制，以保障國家安全，確保「一國兩制」行穩致遠，維持香港長期繁榮安定。值得注意的是，香港特區立法維護國家安全並非罕見，全球很多已發展國家亦早已實施類似相關法例，並成為該等國家法律制度不可或缺的一部份。

3. 香港特區政府有憲制責任就基本法第 23 條立法以維護國家安全。然而，立法工作自回歸後停滯超過 20 年。學會相信盡早完成基本法第 23 條立法工作，可以解決這個困擾多時的問題，令社會重新聚焦於拼經濟、謀發展、惠民生。

4. 國家安全是社會發展的基石，亦是任何一個國家的頭等大事，只有國家安全和社會穩定，社會才能不斷發展，人民的安全才得以保障。香港作為國際金融、交通、貿易、航空、創新科技及專業服務中心，必須保持社會穩定，以鼓勵企業投資、吸引人才，各行各業均可繁榮發展。透過《基本法》第 23 條立法保障國家安全，有助香港提升競爭優勢，支持國家「十四五規劃」提出的高質量發展及「雙循環」新發展格局，並抓緊粵港澳大灣區及「一帶一路」倡議帶來的機遇，融入國家發展大局。

5. 科技日新月異，隨經濟科技發展，對國家安全的威脅也會不斷變化。一如《基本法》第 23 條立法建議書所述，現今國家安全的概念已不只局限於傳統安全領域，而是涵蓋其他非傳統安全領域，這是世界各國共通的發展。學會認同《基本法》第 23 條立法就國家安全的概念採用一個寬廣的理解，這與國家的總體國家安全觀所強調，必須從大局、整體、全面的角度理解多變的安全風險是一致的，並加強保障非傳統安全領域如人工智能安全、網絡安全和數據安全。

6. 由於社會仍然需要了解及消化法例內容，學會建議政府主動接觸不同的持份者，與不同界別交換意見，爭取不同界別人士支持立法工作。

7. 維護國家安全是每名公民的責任，學會全力支持基本法第 23 條立法工作，維護香港長期繁榮穩定、市民安居樂業，我們期待香港發展踏上新的台階，迎接更美好的未來。