

Extraterritorial Effect of the Hong Kong National Security Law

Professor Sophia Tang, Wuhan University (China) and Newcastle University (UK) will give a virtual seminar in the Durham University China Law Centre. The topic is “Extraterritorial Effect of the Hong Kong National Security Law”.

Webinar: **Extraterritorial Effect of the Hong Kong National Security Law**

Speaker: **Prof Zheng TANG**

Time: **13:00 p.m. Tuesday, October 13**

Zoom: <https://durhamuniversity.zoom.us/j/96430562639?pwd=NS9lTGlxN3U2T2dzWWIwckJodGFRQT09>

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Abstract:

The very controversial Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“HK National Security Law” hereafter) was promulgated in the 20th session of the 13th National People’s Congress (NPC) of China on 30 June 2020 and entered into effect in the Hong Kong Special Administrative Region (HKSAR) at 23:00 on the same day. This law defines four categories of offences and penalties, namely secession, subversion, terrorist activities and collusion with foreign or external elements to endanger national security. Article 38 provides: “This Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.” This article extends jurisdiction of the HK National Security Law to govern the action of any individuals or organisations in any country, irrespective of their nationality, residence and the law of the countries where the action has taken place. The extraterritorial effect can be summarised as: no nexus or proximity, no double criminality, and no identity requirements. The legal basis for this jurisdiction is the protective principle, which allows a state to regulate extraterritorial conduct by foreigners or non-residents that may jeopardise its vital interests.

In this seminar, we are going to discuss what is protective jurisdiction, whether

the extraterritorial effect of the HK National Security Law is justifiable in international law, what the overseas impact of the HK National Security Law would be, especially on the freedom of speech, and how this law could be enforced in practice.