



Foreign &
Commonwealth
Office



Department
for International
Development

11 August 2020

Our reference: MC2020/13865

Rt Hon. Sir George Howarth MP
House of Commons
London
SW1A 0AA

Dear George,

Thank you for your letter of 10 July to the Foreign Secretary regarding the situation in Hong Kong. I am replying as the Minister for Asia.

We are deeply concerned that China has imposed national security legislation on Hong Kong. As the Foreign Secretary said in Parliament on 1 July, the enactment of this legislation, imposed by the authorities in Beijing on the people of Hong Kong, constitutes a clear and serious breach of the Joint Declaration. The legislation violates the high degree of autonomy of executive and legislative powers and independent judicial authority, provided for in paragraph 3 of the Joint Declaration. The imposition of this legislation by the government in Beijing is in direct conflict with Article 23 of China's own Basic Law for Hong Kong, which affirms that Hong Kong should bring forward its own national security legislation.

We are also particularly concerned by the following elements of the law: the potentially wide-ranging ability of the mainland authorities to take jurisdiction over certain cases, including the potential reach of extra-territorial provisions; the provision for Hong Kong's Chief Executive, rather than the Chief Justice, to appoint judges to hear national security cases; and, the establishment by the Chinese government of a new Office for Safeguarding National Security in Hong Kong run by and reporting to the mainland authorities.

You may recall that on 20 July, the Foreign Secretary announced two further measures which are a necessary and proportionate response to this legislation. First, the UK will extend to Hong Kong the arms embargo that we have applied to mainland China since 1989, as updated in 1998. The extension of this embargo means there will be no exports from the UK to Hong Kong of potentially lethal weapons, their components or ammunition. It will also mean a ban on the export of any equipment not already banned, which might be used for internal repression. This step builds on the existing

ban on the export of crowd control equipment implemented by the previous Foreign Secretary on 25 June 2019.

The second measure relates to the fact that this new legislation has significantly changed key assumptions underpinning our extradition treaty arrangements with Hong Kong. The UK has therefore decided to suspend the extradition treaty immediately and indefinitely. We would not consider re-activating those arrangements, unless, and until there are clear and robust safeguards to prevent extradition from the UK being misused under the national security legislation.

The Foreign Secretary is in regular contact with our international partners about how best to respond to events in Hong Kong. We welcome the EU decision on 13 July to take measures with respect to Hong Kong. On 8 July the Foreign Secretary spoke with his Five Eyes counterparts. The Foreign Secretary also spoke with the EU's High Representative for Foreign Affairs on the same day. The UK also continues to work intensively within international institutions, to call on the Government of China to live up to its obligations and responsibilities as a leading member of the international community. On 30 June at the UN Human Rights Council in Geneva, the UK delivered a Joint Statement with the support of 27 international partners, setting out our deep concern both on Hong Kong and Xinjiang.

We will continue to engage and coordinate our actions with international partners as befits our historic commitment to the people of Hong Kong, to call out the violation of their rights and freedoms, and to hold China to their international obligations freely assumed under international law.

A handwritten signature in black ink on a light background. The signature reads "Yours ever," followed by "Nigel Adams" in a cursive script. The name "Nigel Adams" is underlined.

Nigel Adams MP
Minister of State for Asia