

THE HONG KONG FILES — RELEVANT TREATIES AND LAWS

【有關香港重要文件】



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The Hong Kong files—relevant treaties and laws

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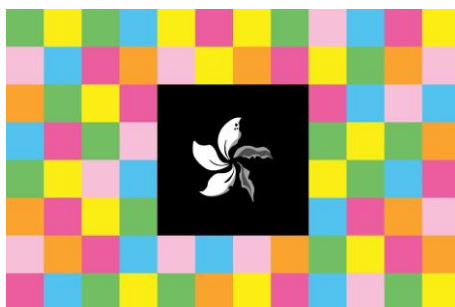
Introduction

When the ROC was formally founded in 1912, Hong Kong was not part of it—the Qing had been forced to give up three swaths of territory to the UK under military pressure: Hong Kong (*Xianggang* 香港) in 1842, Kowloon (*Jinlong* 九龍) in 1860, and the New Territories (*Xinjie* 新界) in 1898. During the following decades, the three parts were administrated by the UK as one crown colony. In the 1980s the PRC and the UK began negotiations about the return of the British colony to Chinese rule, and in 1984 the Sino-British Declaration on Hong Kong (*Zhonghua renmin gongheguo zhengfu han Da buliedian ji Bei aierlan lianbe wangguo zhengfu guanyu Xianggang wentide lianbe shengming* 中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明) was signed. Since the handover on July 1, 1997 Hong Kong has been a part of the PRC as Special Administrative Region (*tebie xingzhengqu* 特別行政區, abbrev. SAR) under the principle of “one country, two systems” (*yiguo liangzhi* 一國兩制, abbrev. 1C2S) which supposedly allows Hong Kong to maintain a political system different from the rest of the PRC for 50 years.



As the PRC insists Taiwan to be ‘unified’ with the PRC under the 1C2S formula as well, the practical reality of 1C2S in Hong Kong has been closely monitored in Taiwan. An unabated public movement for democratization with mass demonstrations beginning with the Umbrella Movement (*yusan geming* 雨傘革命) in 2014 eventually prompted Beijing to impose a harsh National Security Law (*gangqu guoanfa* 港區國安法) in 2020. As a result, political opposition has since been silenced and criminalized, and activities like the annual candlelight vigils in Hong Kong’s Victoria Park (*weihu guojia anquan tiaoli* 維護國家安全條例) commemorating the 1989 Tiananmen Massacre (*liusi Tiananmen shijian* 六四天安門事件) are now banned.

Considering the significance of the development in Hong Kong for Taiwan, it is worth studying major laws and treaties which are shaping Hong Kong politics today. Hong Kong’s Basic Law (*jibenfa* 基本法) is accessible in a separate PDF file issued by the HKSAR authorities. It should be noted that the wording of the Basic Law’s Article 23 itself remained unchanged in March 2024, but it was supplemented with the Safeguarding National Security Ordinance (*weihu guojia anquan tiaoli* 維護國家安全條例) which is shown below.



The Sino-British Joint Declaration on the Question of Hong Kong

JOINT DECLARATION OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE QUESTION OF HONG KONG

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China have reviewed with satisfaction the friendly relations existing between the two Governments and peoples in recent years and agreed that a proper negotiated settlement of the question of Hong Kong, which is left over from the past, is conducive to the maintenance of the prosperity and stability of Hong Kong and to the further strengthening and development of the relations between the two countries on a new basis. To this end, they have, after talks between the delegations of the two Governments, agreed to declare as follows:

1. The Government of the People's Republic of China declares that to recover the Hong Kong area (including Hong Kong Island, Kowloon and the New Territories, hereinafter referred to as Hong Kong) is the common aspiration of the entire Chinese people, and that it has decided to resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997.
2. The Government of the United Kingdom declares that it will restore Hong Kong to the People's Republic of China with effect from 1 July 1997.
3. The Government of the People's Republic of China declares that the basic policies of the People's Republic of China regarding Hong Kong are as follows:
 - (1) Upholding national unity and territorial integrity and taking account of the history of Hong Kong and its realities, the People's Republic of China has decided to establish, in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, a Hong Kong Special Administrative Region upon resuming the exercise of sovereignty over Hong Kong.
 - (2) The Hong Kong Special Administrative Region will be directly under the authority of the Central People's Government of the People's Republic of China. The Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government.
 - (3) The Hong Kong Special Administrative Region will be vested with executive, legislative and independent judicial power, including that of final adjudication. The laws currently in force in Hong Kong will remain basically unchanged.
 - (4) The Government of the Hong Kong Special Administrative Region will be composed of local inhabitants. The chief executive will be appointed by the Central People's Government on the basis of the results of elections or consultations to be held locally. Principal officials will be nominated by the chief executive of the Hong Kong Special Administrative Region for appointment by the Central People's Government. Chinese and foreign nationals previously working in the public and police services in the government departments of Hong Kong may remain in employment. British and other foreign nationals may also be employed to serve as advisers or hold certain public posts in government departments of the Hong Kong Special Administrative Region.
 - (5) The current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law in the Hong Kong Special Administrative Region. Private property, ownership of enterprises, legitimate right of inheritance and foreign investment will be protected by law.
 - (6) The Hong Kong Special Administrative Region will retain the status of a free port and a separate customs territory.
 - (7) The Hong Kong Special Administrative Region will retain the status of an international financial centre, and its markets for foreign exchange, gold, securities and futures will continue. There will be free flow of capital. The Hong Kong dollar will continue to circulate and remain freely convertible.
 - (8) The Hong Kong Special Administrative Region will have independent finances. The Central People's Government will not levy taxes on the Hong Kong Special Administrative Region.
 - (9) The Hong Kong Special Administrative Region may establish mutually beneficial economic relations with the United Kingdom and other countries, whose economic interests in Hong Kong will be given due regard.

- (10) Using the name of “Hong Kong, China”, the Hong Kong Special Administrative Region may on its own maintain and develop economic and cultural relations and conclude relevant agreements with states, regions and relevant international organisations.
The Government of the Hong Kong Special Administrative Region may on its own issue travel documents for entry into and exit from Hong Kong.
- (11) The maintenance of public order in the Hong Kong Special Administrative Region will be the responsibility of the Government of the Hong Kong Special Administrative Region.
- (12) The above-stated basic policies of the People’s Republic of China regarding Hong Kong and the elaboration of them in Annex I to this Joint Declaration will be stipulated, in a Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, by the National People’s Congress of the People’s Republic of China, and they will remain unchanged for 50 years.
4. The Government of the United Kingdom and the Government of the People's Republic of China declare that, during the transitional period between the date of the entry into force of this Joint Declaration and 30 June 1997, the Government of the United Kingdom will be responsible for the administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability; and that the Government of the People's Republic of China will give its co-operation in this connection.
5. The Government of the United Kingdom and the Government of the People's Republic of China declare that, in order to ensure a smooth transfer of government in 1997, and with a view to the effective implementation of this Joint Declaration, a Sino-British Joint Liaison Group will be set up when this Joint Declaration enters into force; and that it will be established and will function in accordance with the provisions of Annex II to this Joint Declaration.
6. The Government of the United Kingdom and the Government of the People's Republic of China declare that land leases in Hong Kong and other related matters will be dealt with in accordance with the provisions of Annex III to this Joint Declaration.
7. The Government of the United Kingdom and the Government of the People's Republic of China agree to implement the preceding declarations and the Annexes to this Joint Declaration.
8. This Joint Declaration is subject to ratification and shall enter into force on the date of the exchange of instruments of ratification, which shall take place in Beijing before 30 June 1985. This Joint Declaration and its Annexes shall be equally binding.

Done in duplicate at Beijing on December 19, 1984 in the English and Chinese languages, both texts being equally authentic.

For the Government of the United Kingdom
of Great Britain and Northern Ireland

Margaret Thatcher

For the Government of the People's Republic
of China

Zhao Ziyang

ANNEX I

Elaboration by the government of the People's Republic of China of its basic policies regarding Hong Kong

The Government of the People's Republic of China elaborates the basic policies of the People's Republic of China regarding Hong Kong as set out in paragraph 3 of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong as follows:

I. CONSTITUTION

Establishment of the Hong Kong S.A.R.

The Basic Law

The Constitution of the People's Republic of China stipulates in Article 31 "that the state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by laws enacted by the National People's Congress in the light of the specific conditions." In accordance with this Article, the People's Republic of China shall, upon the resumption of the exercise of sovereignty over Hong Kong on 1 July 1997, establish the Hong Kong Special Administrative Region of the People's Republic of China. The National People's Congress of the People's Republic of China shall enact and promulgate a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as the

Basic Law) in accordance with the Constitution of the People's Republic of China, stipulating that after the establishment of the Hong Kong Special Administrative Region the socialist system and socialist policies shall not be practised in the Hong Kong Special Administrative Region and that Hong Kong's previous capitalist system and life-style shall remain unchanged for 50 years.

The Hong Kong Special Administrative Region shall be directly under the authority of the Central People's Government of the People's Republic of China and shall enjoy a high degree of autonomy. Except for foreign and defence affairs which are the responsibilities of the Central People's Government, the Hong Kong Special Administrative Region shall be vested with executive, legislative and independent judicial power, including that of final adjudication. The Central People's Government shall authorise the Hong Kong Special Administrative Region to conduct on its own those external affairs specified in Section XI of this Annex.

Chief Executive. Principal Officials. The Legislature

The government and legislature of the Hong Kong Special Administrative Region shall be composed of local inhabitants. The chief executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government. Principal officials (equivalent to Secretaries) shall be nominated by the chief executive of the Hong Kong Special Administrative Region and appointed by the Central People's Government. The legislature of the Hong Kong Special Administrative Region shall be constituted by elections. The executive authorities shall abide by the law and shall be accountable to the legislature.

Language

In addition to Chinese, English may also be used in organs of government and in the courts in the Hong Kong Special Administrative Region.

Regional flag and emblem

Apart from displaying the national flag and national emblem of the People's Republic of China, the Hong Kong Special Administrative Region may use a regional flag and emblem of its own.

II. LEGAL SYSTEM

Laws previously in force

After the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong (i.e. the common law, rules of equity, ordinances, subordinate legislation and customary law) shall be maintained, save for any that contravene the Basic Law and subject to any amendment by the Hong Kong Special Administrative Region legislature.

Legislative power

The legislative power of the Hong Kong Special Administrative Region shall be vested in the legislature of the Hong Kong Special Administrative Region. The legislature may on its own authority enact laws in accordance with the provisions of the Basic Law and legal procedures, and report them to the Standing Committee of the National People's Congress for the record. Laws enacted by the legislature which are in accordance with the Basic Law and legal procedures shall be regarded as valid.

Laws of the SAR

The laws of the Hong Kong Special Administrative Region shall be the Basic Law, and the laws previously in force in Hong Kong and laws enacted by the Hong Kong Special Administrative Region legislature as above.

III. JUDICIAL SYSTEM

Previous judicial system

After the establishment of the Hong Kong Special Administrative Region, the judicial system previously practised in Hong Kong shall be maintained except for those changes consequent upon the vesting in the courts of the Hong Kong Special Administrative Region of the power of final adjudication.

Judicial power; Precedents

Judicial power in the Hong Kong Special Administrative Region shall be vested in the courts of the Hong Kong Special Administrative Region. The courts shall exercise judicial power independently and free from any interference. Members of the judiciary shall be immune from legal action in respect of their judicial functions. The courts shall decide cases in accordance with the laws of the Hong Kong Special Administrative Region and may refer to precedents in other common law jurisdictions.

Appointment and removal of judges

Judges of the Hong Kong Special Administrative Region courts shall be appointed by the chief executive of the Hong Kong Special Administrative Region acting in accordance with the recommendation of an independent

commission composed of local judges, persons from the legal profession and other eminent persons. Judges shall be chosen by reference to their judicial qualities and may be recruited from other common law jurisdictions. A judge may only be removed for inability to discharge the functions of his office, or for misbehaviour, by the chief executive of the Hong Kong Special Administrative Region acting in accordance with the recommendation of a tribunal appointed by the chief judge of the court of final appeal, consisting of not fewer than three local judges. Additionally, the appointment or removal of principal judges (i.e. those of the highest rank) shall be made by the chief executive with the endorsement of the Hong Kong Special Administrative Region legislature and reported to the Standing Committee of the National People's Congress for the record. The system of appointment and removal of judicial officers other than judges shall be maintained.

Power of final judgment

The power of final judgment of the Hong Kong Special Administrative Region shall be vested in the court of final appeal in the Hong Kong Special Administrative Region, which may as required invite judges from other common law jurisdictions to sit on the court of final appeal.

Prosecutions

A prosecuting authority of the Hong Kong Special Administrative Region shall control criminal prosecutions free from any interference.

Legal practitioners

On the basis of the system previously operating in Hong Kong, the Hong Kong Special Administrative Region Government shall on its own make provision for local lawyers and lawyers from outside the Hong Kong Special Administrative Region to work and practise in the Hong Kong Special Administrative Region.

Reciprocal juridical assistance

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to make appropriate arrangements for reciprocal juridical assistance with foreign states.

IV. PUBLIC SERVICE

Public servants and members of judiciary previously serving in H.K.

After the establishment of the Hong Kong Special Administrative Region, public servants previously serving in Hong Kong in all government departments, including the police department, and members of the judiciary may all remain in employment and continue their service with pay, allowances, benefits and conditions of service no less favourable than before. The Hong Kong Special Administrative Region Government shall pay to such persons who retire or complete their contracts, as well as to those who have retired before 1 July 1997, or to their dependants, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

Foreign nationals in public service

The Hong Kong Special Administrative Region Government may employ British and other foreign nationals previously serving in the public service in Hong Kong, and may recruit British and other foreign nationals holding permanent identity cards of the Hong Kong Special Administrative Region to serve as public servants at all levels, except as heads of major government departments (corresponding to branches or departments at Secretary level) including the police department, and as deputy heads of some of those departments. The Hong Kong Special Administrative Region Government may also employ British and other foreign nationals as advisers to government departments and, when there is a need, may recruit qualified candidates from outside the Hong Kong Special Administrative Region to professional and technical posts in government departments. The above shall be employed only in their individual capacities and, like other public servants, shall be responsible to the Hong Kong Special Administrative Region Government.

Appointment and promotion of public servants

The appointment and promotion of public servants shall be on the basis of qualifications, experience and ability. Hong Kong's previous system of recruitment, employment, assessment, discipline, training and management for the public service (including special bodies for appointment, pay and conditions of service) shall, save for any provisions providing privileged treatment for foreign nationals, be maintained.

V. FINANCE

Budget

The Hong Kong Special Administrative Region shall deal on its own with financial matters, including disposing of its financial resources and drawing up its budgets and its final accounts. The Hong Kong Special Administrative Region shall report its budgets and final accounts to the Central People's Government for the record.

Taxation and public expenditure

The Central People's Government shall not levy taxes on the Hong Kong Special Administrative Region. The Hong Kong Special Administrative Region shall use its financial revenues exclusively for its own purposes and they shall not be handed over to the Central People's Government. The systems by which taxation and public expenditure must be approved by the legislature, and by which there is accountability to the legislature for all public expenditure, and the system for auditing public accounts shall be maintained.

VI. ECONOMIC SYSTEM

Economic and trade system.

Ownership of property

The Hong Kong Special Administrative Region shall maintain the capitalist economic and trade systems previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall decide its economic and trade policies on its own. Rights concerning the ownership of property, including those relating to acquisition, use, disposal, inheritance and compensation for lawful deprivation (corresponding to the real value of the property concerned, freely convertible and paid without undue delay) shall continue to be protected by law.

Free port and free trade policy

The Hong Kong Special Administrative Region shall retain the status of a free port and continue a free trade policy, including the free movement of goods and capital. The Hong Kong Special Administrative Region may on its own maintain and develop economic and trade relations with all states and regions.

Customs territory.

GATT.

The Hong Kong Special Administrative Region shall be a separate customs territory. It may participate in relevant international organisations and international trade agreements (including preferential trade arrangements), such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles. Export quotas, tariff preferences and other similar arrangements obtained by the Hong Kong Special Administrative Region shall be enjoyed exclusively by the Hong Kong Special Administrative Region. The Hong Kong Special Administrative Region shall have authority to issue its own certificates of origin for products manufactured locally, in accordance with prevailing rules of origin.

Trade missions

The Hong Kong Special Administrative Region may, as necessary, establish official and semi-official economic and trade missions in foreign countries, reporting the establishment of such missions to the Central People's Government for the record.

VII. MONETARY SYSTEM

Previous monetary and financial systems

The Hong Kong Special Administrative Region shall retain the status of an international financial centre. The monetary and financial systems previously practised in Hong Kong, including the systems of regulation and supervision of deposit taking institutions and financial markets, shall be maintained.

Monetary and financial policies

The Hong Kong Special Administrative Region Government may decide its monetary and financial policies on its own. It shall safeguard the free operation of financial business and the free flow of capital within, into and out of the Hong Kong Special Administrative Region. No exchange control policy shall be applied in the Hong Kong Special Administrative Region. Markets for foreign exchange, gold, securities and futures shall continue.

Hong Kong dollar

The Hong Kong dollar, as the local legal tender, shall continue to circulate and remain freely convertible. The authority to issue Hong Kong currency shall be vested in the Hong Kong Special Administrative Region Government. The Hong Kong Special Administrative Region Government may authorise designated banks to issue or continue to issue Hong Kong currency under statutory authority, after satisfying itself that any issue of currency will be soundly based and that the arrangements for such issue are consistent with the object of maintaining the stability of the currency. Hong Kong currency bearing references inappropriate to the status of Hong Kong as a Special Administrative Region of the People's Republic of China shall be progressively replaced and withdrawn from circulation.

Exchange Fund

The Exchange Fund shall be managed and controlled by the Hong Kong Special Administrative Region Government, primarily for regulating the exchange value of the Hong Kong dollar.

VIII. SHIPPING

Previous systems of shipping management and regulation

The Hong Kong Special Administrative Region shall maintain Hong Kong's previous systems of shipping management and shipping regulation, including the system for regulating conditions of seamen. The specific functions and responsibilities of the Hong Kong Special Administrative Region Government in the field of shipping shall be defined by the Hong Kong Special Administrative Region Government on its own. Private shipping businesses and shipping-related businesses and private container terminals in Hong Kong may continue to operate freely.

Shipping registers and issue of certificates

The Hong Kong Special Administrative Region shall be authorised by the Central People's Government to continue to maintain a shipping register and issue related certificates under its own legislation in the name of 'Hong Kong, China'.

Access to HKSAR ports

With the exception of foreign warships, access for which requires the permission of the Central People's Government, ships shall enjoy access to the ports of the Hong Kong Special Administrative Region in accordance with the laws of the Hong Kong Special Administrative Region.

IX. CIVIL AVIATION

Previous system of civil aviation management

The Hong Kong Special Administrative Region shall maintain the status of Hong Kong as a centre of international and regional aviation. Airlines incorporated and having their principal place of business in Hong Kong and civil aviation related businesses may continue to operate. The Hong Kong Special Administrative Region shall continue the previous system of civil aviation management in Hong Kong, and keep its own aircraft register in accordance with provisions laid down by the Central People's Government concerning nationality marks and registration marks of aircraft. The Hong Kong Special Administrative Region shall be responsible on its own for matters of routine business and technical management of civil aviation, including the management of airports, the provision of air traffic services within the flight information region of the Hong Kong Special Administrative Region, and the discharge of other responsibilities allocated under the regional air navigation procedures of the International Civil Aviation Organisation.

Air services

The Central People's Government shall, in consultation with the Hong Kong Special Administrative Region Government, make arrangements providing for air services between the Hong Kong Special Administrative Region and other parts of the People's Republic of China for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and other airlines of the People's Republic of China. All Air Service Agreements providing for air services between other parts of the People's Republic of China and other states and regions with stops at the Hong Kong Special Administrative Region and air services between the Hong Kong Special Administrative Region and other states and regions with stops at other parts of the People's Republic of China shall be concluded by the Central People's Government. For this purpose, the Central People's Government shall take account of the special conditions and economic interests of the Hong Kong Special Administrative Region and consult the Hong Kong Special Administrative Region Government. Representatives of the Hong Kong Special Administrative Region Government may participate as members of delegations of the Government of the People's Republic of China in air service consultations with foreign governments concerning arrangements for such services.

Air Service Agreements

Acting under specific authorisations from the Central People's Government, the Hong Kong Special Administrative Region Government may:

- renew or amend Air Service Agreements and arrangements previously in force; in principle, all such Agreements and arrangements may be renewed or amended with the rights contained in such previous Agreements and arrangements being as far as possible maintained;
- negotiate and conclude new Air Service Agreements providing routes for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and rights for overflights and technical stops; and
- negotiate and conclude provisional arrangements where no Air Service Agreement with a foreign state or other region is in force.

All scheduled air services to, from or through the Hong Kong Special Administrative Region which do not operate to, from or through the mainland of China shall be regulated by Air Service Agreements or provisional arrangements referred to in this paragraph.

The Central People's Government shall give the Hong Kong Special Administrative Region Government the authority to:

- negotiate and conclude with other authorities all arrangements concerning the implementation of the above Air Service Agreements and provisional arrangements;
- issue licences to airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region;
- designate such airlines under the above Air Service Agreements and provisional arrangements; and
- issue permits to foreign airlines for services other than those to, from or through the mainland of China.

X. EDUCATION

The Hong Kong Special Administrative Region shall maintain the educational system previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall on its own decide policies in the fields of culture, education, science and technology, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational and technological qualifications. Institutions of all kinds, including those run by religious and community organisations, may retain their autonomy. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. Students shall enjoy freedom of choice of education and freedom to pursue their education outside the Hong Kong Special Administrative Region.

XI. FOREIGN AFFAIRS

General

Subject to the principle that foreign affairs are the responsibility of the Central People's Government, representatives of the Hong Kong Special Administrative Region Government may participate, as members of delegations of the Government of the People's Republic of China, in negotiations at the diplomatic level directly affecting the Hong Kong Special Administrative Region conducted by the Central People's Government. The Hong Kong Special Administrative Region may on its own, using the name 'Hong Kong, China', maintain and develop relations and conclude and implement agreements with states, regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, touristic, cultural and sporting fields. Representatives of the Hong Kong Special Administrative Region Government may participate, as members of delegations of the Government of the People's Republic of China, in international organisations or conferences in appropriate fields limited to states and affecting the Hong Kong Special Administrative Region, or may attend in such other capacity as may be permitted by the Central People's Government and the organisation or conference concerned, and may express their views in the name of 'Hong Kong, China'. The Hong Kong Special Administrative Region may, using the name 'Hong Kong, China', participate in international organisations and conferences not limited to states.

International agreements

The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Hong Kong Special Administrative Region, and after seeking the views of the Hong Kong Special Administrative Region Government. International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may remain implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorise or assist the Hong Kong Special Administrative Region Government to make appropriate arrangements for the application to the Hong Kong Special Administrative Region of other relevant international agreements. The Central People's Government shall take the necessary steps to ensure that the Hong Kong Special Administrative Region shall continue to retain its status in an appropriate capacity in those international organisations of which the People's Republic of China is a member and in which Hong Kong participates in one capacity or another. The Central People's Government shall, where necessary, facilitate the continued participation of the Hong Kong Special Administrative Region in an appropriate capacity in those international organisations in which Hong Kong is a participant in one capacity or another, but of which the People's Republic of China is not a member.

Consular and other missions

Foreign consular and other official or semi-official missions may be established in the Hong Kong Special Administrative Region with the approval of the Central People's Government. Consular and other official missions established in Hong Kong by states which have established formal diplomatic relations with the People's Republic of China may be maintained. According to the circumstances of each case, consular and other official missions of states having no formal diplomatic relations with the People's Republic of China may either be maintained or changed to semi-official missions. States not recognised by the People's Republic of China can only establish non-governmental institutions.

The United Kingdom may establish a Consulate-General in the Hong Kong Special Administrative Region.

XII. DEFENCE

The maintenance of public order in the Hong Kong Special Administrative Region shall be the responsibility of the Hong Kong Special Administrative Region Government. Military forces sent by the Central People's Government to be stationed in the Hong Kong Special Administrative Region for the purpose of defence shall not interfere in the internal affairs of the Hong Kong Special Administrative Region. Expenditure for these military forces shall be borne by the Central People's Government.

XIII. BASIC RIGHTS AND FREEDOMS

General

The Hong Kong Special Administrative Region Government shall protect the rights and freedoms of inhabitants and other persons in the Hong Kong Special Administrative Region according to law. The Hong Kong Special Administrative Region Government shall maintain the rights and freedoms as provided for by the laws previously in force in Hong Kong, including freedom of the person, of speech, of the press, of assembly, of association, to form and join trade unions, of correspondence, of travel, of movement, of strike, of demonstration, of choice of occupation, of academic research, of belief, inviolability of the home, the freedom to marry and the right to raise a family freely.

Legal advice and judicial remedies

Every person shall have the right to confidential legal advice, access to the courts, representation in the courts by lawyers of his choice, and to obtain judicial remedies. Every person shall have the right to challenge the actions of the executive in the courts.

Religion

Religious organisations and believers may maintain their relations with religious organisations and believers elsewhere, and schools, hospitals and welfare institutions run by religious organisations may be continued. The relationship between religious organisations in the Hong Kong Special Administrative Region and those in other parts of the People's Republic of China shall be based on the principles of non-subordination, non-interference and mutual respect.

International Covenants

The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force.

XIV. RIGHT OF ABODE, TRAVEL, IMMIGRATION

Right of abode

The following categories of persons shall have the right of abode in the Hong Kong Special Administrative Region, and, in accordance with the law of the Hong Kong Special Administrative Region, be qualified to obtain permanent identity cards issued by the Hong Kong Special Administrative Region Government, which state their right of abode:

- all Chinese nationals who were born or who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more, and persons of Chinese nationality born outside Hong Kong of such Chinese nationals;
- all other persons who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more and who have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region, and persons under 21 years of age who were born of such persons in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;
- any other persons who had the right of abode only in Hong Kong before the establishment of the Hong Kong Special Administrative Region.

Passports etc

The Central People's Government shall authorise the Hong Kong Special Administrative Region Government to issue, in accordance with the law, passports of the Hong Kong Special Administrative Region of the People's Republic of China to all Chinese nationals who hold permanent identity cards of the Hong Kong Special Administrative Region, and travel documents of the Hong Kong Special Administrative Region of the People's Republic of China to all other persons lawfully residing in the Hong Kong Special Administrative Region. The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to the Hong Kong Special Administrative Region.

Use of travel documents

For the purpose of travelling to and from the Hong Kong Special Administrative Region, residents of the Hong Kong Special Administrative Region may use travel documents issued by the Hong Kong Special Administrative Region Government, or by other competent authorities of the People's Republic of China, or of other states. Holders of permanent identity cards of the Hong Kong Special Administrative Region may have this fact stated in their travel documents as evidence that the holders have the right of abode in the Hong Kong Special Administrative Region.

Entry into the Hong Kong Special Administrative Region of persons from other parts of China shall continue to be regulated in accordance with the present practice.

Immigration controls

The Hong Kong Special Administrative Region Government may apply immigration controls on entry, stay in and departure from the Hong Kong Special Administrative Region by persons from foreign states and regions.

Freedom to leave SAR

Unless restrained by law, holders of valid travel documents shall be free to leave the Hong Kong Special Administrative Region without special authorisation.

Visa abolition agreements

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to conclude visa abolition agreements with states or regions.

ANNEX II

Sino-British Joint Liaison Group

1. In furtherance of their common aim and in order to ensure a smooth transfer of government in 1997, the Government of the United Kingdom and the Government of the People's Republic of China have agreed to continue their discussions in a friendly spirit and to develop the cooperative relationship which already exists between the two Governments over Hong Kong with a view to the effective implementation of the Joint Declaration.

2. In order to meet the requirements for liaison, consultation and the exchange of information, the two Governments have agreed to set up a Joint Liaison Group.

3. The functions of the Joint Liaison Group shall be:

- a) to conduct consultations on the implementation of the Joint Declaration;
- b) to discuss matters relating to the smooth transfer of government in 1997;
- c) to exchange information and conduct consultations on such subjects as may be agreed by the two sides.

Matters on which there is disagreement in the Joint Liaison Group shall be referred to the two Governments for solution through consultations.

4. Matters for consideration during the first half of the period between the establishment of the Joint Liaison Group and 1 July 1997 shall include:

- a) action to be taken by the two Governments to enable the Hong Kong Special Administrative Region to maintain its economic relations as a separate customs territory, and in particular to ensure the maintenance of Hong Kong's participation in the General Agreement on Tariffs and Trade, the Multifibre Arrangement and other international arrangements; and
- b) action to be taken by the two Governments to ensure the continued application of international rights and obligations affecting Hong Kong.

5. The two Governments have agreed that in the second half of the period between the establishment of the Joint Liaison Group and 1 July 1997 there will be need for closer cooperation, which will therefore be intensified during that period. Matters for consideration during this second period shall include:

- a) procedures to be adopted for the smooth transition in 1997;
 - b) action to assist the Hong Kong Special Administrative Region to maintain and develop economic and cultural relations and conclude agreements on these matters with states, regions and relevant international organisations.
6. The Joint Liaison Group shall be an organ for liaison and not an organ of power. It shall play no part in the administration of Hong Kong or the Hong Kong Special Administrative Region. Nor shall it have any supervisory role over that administration. The members and supporting staff of the Joint Liaison Group shall only conduct activities within the scope of the functions of the Joint Liaison Group.
7. Each side shall designate a senior representative who shall be of Ambassadorial rank, and four other members of the group. Each side may send up to 20 supporting staff.
8. The Joint Liaison Group shall be established on the entry into force of the Joint Declaration. From 1 July 1988 the Joint Liaison Group shall have its principal base in Hong Kong. The Joint Liaison Group shall continue its work until 1 January 2000.
9. The Joint Liaison Group shall meet in Beijing, London and Hong Kong. It shall meet at least once in each of the three locations in each year. The venue for each meeting shall be agreed between the two sides.
10. Members of the Joint Liaison Group shall enjoy diplomatic privileges and immunities as appropriate when in the three locations. Proceedings of the Joint Liaison Group shall remain confidential unless otherwise agreed between the two sides.
11. The Joint Liaison Group may by agreement between the two sides decide to set up specialist sub-groups to deal with particular subjects requiring expert assistance.
12. Meetings of the Joint Liaison Group and sub-groups may be attended by experts other than the members of the Joint Liaison Group. Each side shall determine the composition of its delegation to particular meetings of the Joint Liaison Group or sub-group in accordance with the subjects to be discussed and the venue chosen.
13. The working procedures of the Joint Liaison Group shall be discussed and decided upon by the two sides within the guidelines laid down in this Annex.

ANNEX III

Land Leases

The Government of the United Kingdom and the Government of the People's Republic of China have agreed that, with effect from the entry into force of the Joint Declaration, land leases in Hong Kong and other related matters shall be dealt with in accordance with the following provisions:

- 1. All leases of land granted or decided upon before the entry into force of the Joint Declaration and those granted thereafter in accordance with paragraph 2 or 3 of this Annex, and which extend beyond 30 June 1997, and all rights in relation to such leases shall continue to be recognised and protected under the law of the Hong Kong Special Administrative Region.
- 2. All leases of land granted by the British Hong Kong Government not containing a right of renewal that expire before 30 June 1997, except short term tenancies and leases for special purposes, may be extended if the lessee so wishes for a period expiring not later than 30 June 2047 without payment of an additional premium. An annual rent shall be charged from the date of extension equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with any changes in the rateable value thereafter. In the case of old schedule lots, village lots, small houses and similar rural holdings, where the property was on 30 June 1984 held by, or, in the case of small houses granted after that date, the property is granted to, a person descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the rent shall remain unchanged so long as the property is held by that person or by one of his lawful successors in the male line. Where leases of land not having a right of renewal expire after 30 June 1997, they shall be dealt with in accordance with the relevant land laws and policies of the Hong Kong Special Administrative Region.
- 3. From the entry into force of the Joint Declaration until 30 June 1997, new leases of land may be granted by the British Hong Kong Government for terms expiring not later than 30 June 2047. Such leases shall be granted at a premium and nominal rental until 30 June 1997, after which date they shall not require payment of an additional premium but an annual rent equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with changes in the rateable value thereafter, shall be charged.
- 4. The total amount of new land to be granted under paragraph 3 of this Annex shall be limited to 50 hectares a year (excluding land to be granted to the Hong Kong Housing Authority for public rental housing) from the entry into force of the Joint Declaration until 30 June 1997.

5. Modifications of the conditions specified in leases granted by the British Hong Kong Government may continue to be granted before 1 July 1997 at a premium equivalent to the difference between the value of the land under the previous conditions and its value under the modified conditions.

6. From the entry into force of the Joint Declaration until 30 June 1997, premium income obtained by the British Hong Kong Government from land transactions shall, after deduction of the average cost of land production, be shared equally between the British Hong Kong Government and the future Hong Kong Special Administrative Region Government. All the income obtained by the British Hong Kong Government, including the amount of the above-mentioned deduction, shall be put into the Capital Works Reserve Fund for the financing of land development and public works in Hong Kong. The Hong Kong Special Administrative Region Government's share of the premium income shall be deposited in banks incorporated in Hong Kong and shall not be drawn on except for the financing of land development and public works in Hong Kong in accordance with the provisions of paragraph 7(d) of this Annex.

7. A Land Commission shall be established in Hong Kong immediately upon the entry into force of the Joint Declaration. The Land Commission shall be composed of an equal number of officials designated respectively by the Government of the United Kingdom and the Government of the People's Republic of China together with necessary supporting staff. The officials of the two sides shall be responsible to their respective governments. The Land Commission shall be dissolved on 30 June 1997.

The terms of reference of the Land Commission shall be:

- a) to conduct consultations on the implementation of this Annex;
- b) to monitor observance of the limit specified in paragraph 4 of this Annex, the amount of land granted to the Hong Kong Housing Authority for public rental housing, and the division and use of premium income referred to in paragraph 6 of this Annex;
- c) to consider and decide on proposals from the British Hong Kong Government for increasing the limit referred to in paragraph 4 of this Annex;
- d) to examine proposals for drawing on the Hong Kong Special Administrative Region Government's share of premium income referred to in paragraph 6 of this Annex and to make recommendations to the Chinese side for decision.

Matters on which there is disagreement in the Land Commission shall be referred to the Government of the United Kingdom and the Government of the People's Republic of China for decision.

8. Specific details regarding the establishment of the Land Commission shall be finalised separately by the two sides through consultations.

Memoranda (Exchanged Between the Two Sides)

United Kingdom Memorandum

In connection with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the question of Hong Kong to be signed this day, the Government of the United Kingdom declares that, subject to the completion of the necessary amendments to the relevant United Kingdom legislation:

- a) All persons who on 30 June 1997 are, by virtue of a connection with Hong Kong, British Dependent Territories Citizens (BDTCs) under the law in force in the United Kingdom will cease to be BDTCs with effect from 1 July 1997, but will be eligible to retain an appropriate status which, without conferring the right of abode in the United Kingdom, will entitle them to continue to use passports issued by the Government of the United Kingdom. This status will be acquired by such persons only if they hold or are included in such a British passport issued before 1 July 1997, except that eligible persons born on or after 1 January 1997 but before 1 July 1997 may obtain or be included in such a passport up to 31 December 1997.
- b) No person will acquire BDTC status on or after 1 July 1997 by virtue of a connection with Hong Kong. No person born on or after 1 July 1997 will acquire the status referred to as being appropriate in sub-paragraph (a).
- c) United Kingdom consular officials in the Hong Kong Special Administrative Region and elsewhere may renew and replace passports of persons mentioned in sub-paragraph (a) and may also issue them to persons, born before 1 July 1997 of such persons, who had previously been included in the passport of their parent.
- d) Those who have obtained or been included in passports issued by the Government of the United Kingdom under sub-paragraphs (a) and (c) will be entitled to receive, upon request, British consular services and protection when in third countries.

Beijing, 19 December 1984.

Chinese Memorandum

The Government of the People's Republic of China has received the memorandum from the Government of the United Kingdom of Great Britain and Northern Ireland dated 19 December 1984.

Under the Nationality Law of the People's Republic of China, all Hong Kong Chinese compatriots, whether they are holders of the 'British Dependent Territories Citizens' Passport' or not, are Chinese nationals.

Taking account of the historical background of Hong Kong and its realities, the competent authorities of the Government of the People's Republic of China will, with effect from 1 July 1997, permit Chinese nationals in Hong Kong who were previously called 'British Dependent Territories Citizens' to use travel documents issued by the Government of the United Kingdom for the purpose of travelling to other states and regions.

The above Chinese nationals will not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above-mentioned British travel documents.

Beijing, 19 December 1984.

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《中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明》

中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府滿意地回顧了近年來兩國政府和兩國人民之間的友好關係，一致認為通過協商妥善地解決歷史上遺留下來的香港問題，有助於維持香港的繁榮與穩定，並有助於兩國關係在新的基礎上進一步鞏固和發展，為此，經過兩國政府代表團的會談，同意聲明如下：

一、中華人民共和國政府聲明：收回香港地區（包括香港島、九龍和“新界”，以下稱香港）是全中國人民的共同願望，中華人民共和國政府決定於一九九七年七月一日對香港恢復行使主權。

二、聯合王國政府聲明：聯合王國政府於一九九七年七月一日將香港交還給中華人民共和國。

三、中華人民共和國政府聲明，中華人民共和國對香港的基本方針政策如下：

- （一） 爲了維護國家的統一和領土完整，並考慮到香港的歷史和現實情況，中華人民共和國決定在對香港恢復行使主權時，根據中華人民共和國憲法第三十一條的規定，設立香港特別行政區。
- （二） 香港特別行政區直轄於中華人民共和國中央人民政府。除外交和國防事務屬中央人民政府管理外，香港特別行政區享有高度的自治權。
- （三） 香港特別行政區享有行政管理權、立法權、獨立的司法權和終審權。現行的法律基本不變。
- （四） 香港特別行政區政府由當地人組成。行政長官在當地通過選舉或協商產生，由中央人民政府任命。主要官員由香港特別行政區行政長官提名，報中央人民政府任命。原在香港各政府部門任職的中外籍公務、警務人員可以留用。香港特別行政區各政府部門可以聘請英籍人士或其他外籍人士擔任顧問或某些公職。
- （五） 香港的現行社會、經濟制度不變；生活方式不變。香港特別行政區依法保障人身、言論、出版、集會、結社、旅行、遷徙、通信、罷工、選擇職業和學術研究以及宗教信仰等各項權利和自由。私人財產、企業所有權、合法繼承權以及外來投資均受法律保護。
- （六） 香港特別行政區將保持自由港和獨立關稅地區的地位。
- （七） 香港特別行政區將保持國際金融中心的地位，繼續開放外匯、黃金、證券、期貨等市場，資金進出自由。港幣繼續流通，自由兌換。
- （八） 香港特別行政區將保持財政獨立。中央人民政府不向香港特別行政區徵稅。
- （九） 香港特別行政區可同聯合王國和其他國家建立互利的經濟關係。聯合王國和其他國家在香港的經濟利益將得到照顧。
- （十） 香港特別行政區可以“中國香港”的名義單獨地同各國、各地區及有關國際組織保持和發展經濟、文化關係，並簽訂有關協定。香港特別行政區政府可自行簽發出入香港的旅行證件。
- （十一） 香港特別行政區的社會治安由香港特別行政區政府負責維持。
- （十二） 關於中華人民共和國對香港的上述基本方針政策和本聯合聲明附件一對上述基本方針政策的具體說明，中華人民共和國全國人民代表大會將以中華人民共和國香港特別行政區基本法規定之，並在五十年內不變。

- 四、中華人民共和國政府和聯合王國政府聲明：自本聯合聲明生效之日起至一九九七年六月三十日止的過渡時期內，聯合王國政府負責香港的行政管理，以維護和保持香港的經濟繁榮和社會穩定；對此，中華人民共和國政府將給予合作。
- 五、中華人民共和國政府和聯合王國政府聲明：為求本聯合聲明得以有效執行，並保證一九九七年政權的順利交接，在本聯合聲明生效時成立中英聯合聯絡小組；聯合聯絡小組將根據本聯合聲明附件二的規定建立和履行職責。
- 六、中華人民共和國政府和聯合王國政府聲明：關於香港土地契約和其他有關事項，將根據本聯合聲明附件三的規定處理。
- 七、中華人民共和國政府和聯合王國政府同意，上述各項聲明和本聯合聲明的附件均將付諸實施。
- 八、本聯合聲明須經批准，並自互換批准書之日起生效。批准書應於一九八五年六月三十日前在北京互換。本聯合聲明及其附件具有同等約束力。
- 一九八四年十二月十九日在北京簽訂，共兩份，每份都用中文和英文寫成，兩種文本具有同等效力。
- | | |
|-------------------|--------------|
| 中華人民共和國政府代表 | 趙紫陽（簽字） |
| 大不列顛及北愛爾蘭聯合王國政府代表 | 瑪格麗特·柴契爾（簽字） |

附件一

中華人民共和國政府對香港的基本方針政策的具體說明

中華人民共和國政府就中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明第三款所載中華人民共和國對香港的基本方針政策，具體說明如下：

<一>

中華人民共和國憲法第三十一條規定：“國家在必要時得設立特別行政區。在特別行政區內實行的制度按照具體情況由全國人民代表大會以法律規定。”據此，中華人民共和國將在一九九七年七月一日對香港恢復行使主權時，設立中華人民共和國香港特別行政區。中華人民共和國全國人民代表大會將根據中華人民共和國憲法制定並頒布中華人民共和國香港特別行政區基本法（以下簡稱《基本法》），規定香港特別行政區成立後不實行社會主義的制度和政策，保持香港原有的資本主義制度和生活方式，五十年不變。

香港特別行政區直轄於中華人民共和國中央人民政府，並享有高度的自治權。除外交和國防事務屬中央人民政府管理外，香港特別行政區享有行政管理權、立法權、獨立的司法權和終審權。中央人民政府授權香港特別行政區自行處理本附件第十一節所規定的各項涉外事務。

香港特別行政區政府和立法機關由當地人組成。香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命。香港特別行政區政府的主要官員（相當於“司”級官員）由香港特別行政區行政長官提名，報請中央人民政府任命。香港特別行政區立法機關由選舉產生。行政機關必須遵守法律，對立法機關負責。

香港特別行政區的政府機關和法院，除使用中文外，還可使用英文。

香港特別行政區除懸掛中華人民共和國國旗和國徽外，還可以使用區旗和區徽。

<二>

香港特別行政區成立後，香港原有法律（即普通法及衡平法、條例、附屬立法、習慣法）除與《基本法》相抵觸或香港特別行政區的立法機關作出修改者外，予以保留。

香港特別行政區的立法權屬於香港特別行政區立法機關。立法機關可根據《基本法》的規定並依照法定程序制定法律，報中華人民共和國全國人民代表大會常務委員會備案。立法機關制定的法律凡符合《基本法》和法定程序者，均屬有效。

在香港特別行政區實行的法律為《基本法》，以及上述香港原有法律和香港特別行政區立法機關制定的法律。

<三>

香港特別行政區成立後，除因香港特別行政區法院享有終審權而產生的變化外，原在香港實行的司法體制予以保留。

香港特別行政區的審判權屬於香港特別行政區法院。法院獨立進行審判，不受任何干涉。司法人員履行審判職責的行為不受法律追究。法院依照香港特別行政區的法律審判案件，其他普通法適用地區的司法判例可作參考。

香港特別行政區法院的法官，根據當地法官和法律界及其他方面知名人士組成的獨立委員會的推薦，由行政長官予以任命。法官應根據本人的司法才能選用，並可從其他普通法適用地區聘用。法官只有在無力履行職責或行為不檢的情況下，才能由行政長官根據終審法院首席法官任命的不少於三名當地法官組成的審議庭的建議，予以免職。主要法官（即最高一級法官）的任命和免職，還須由行政長官徵得香港特別行政區立法機關的同意並報全國人民代表大會常務委員會備案。法官以外的其他司法人員的任免

制度繼續保持。

香港特別行政區的終審權屬於香港特別行政區終審法院。終審法院可根據需要邀請其他普通法適用地區的法官參加審判。

香港特別行政區的檢察機關主管刑事檢察工作，不受任何干涉。

香港特別行政區政府可參照原在香港實行的辦法，作出有關當地和外來的律師在香港特別行政區工作和執業的規定。

中央人民政府將協助或授權香港特別行政區政府同外國就司法互助關係作出適當安排。

<四>

香港特別行政區成立後，原在香港各政府部門(包括警察部門)任職的公務人員和司法人員均可留用，繼續工作；其薪金、津貼、福利待遇和服務條件不低於原來的標準。對退休或約滿離職的人員，包括一九九七年七月一日以前退休的人員，不論其所屬國籍或居住地點，香港特別行政區政府將按不低於原來的標準向他們或其家屬支付應得的退休金、酬金、津貼及福利費。

香港特別行政區政府可任用原香港公務人員中的或持有香港特別行政區永久性居民身份證的英籍和其他外籍人士擔任政府部門的各級公務人員，各主要政府部門，(相當於“司”級部門，包括警察部門)的正職和某些主要政府部門的副職除外。香港特別行政區政府還可聘請英籍和其他外籍人士擔任政府部門的顧問；必要時並可從香港特別行政區以外聘請合格人員擔任政府部門的專業和技術職務。上述人士只能以個人身份受聘，並和其他公務人員一樣對香港特別行政區政府負責。

公務人員應根據本人的資格、經驗和才能予以任命和提升。香港原有關於公務人員的招聘、僱用、考核、紀律、培訓和管理的制度(包括負責公務人員的任用、薪金、服務條件的專門機構)，除有關給予外籍人員特權待遇的規定外，予以保留。

<五>

香港特別行政區自行管理財政事務，包括支配財政資源，編製財政預算和決算。香港特別行政區的預決算須報中央人民政府備案。

中央人民政府不向香港特別行政區徵稅。香港特別行政區的財政收入全部用於自身需要，不上繳中央人民政府。徵稅和公共開支經立法機關批准、公共開支向立法機關負責和公共帳目的審計等制度，予以保留。

<六>

香港特別行政區保持原在香港實行的資本主義經濟制度和貿易制度。香港特別行政區政府自行制定經濟和貿易政策。財產所有權，包括財產的取得、使用、處置和繼承的權利，以及依法徵用財產得到補償(補償相當於該財產的實際價值、可自由兌換、不無故遲延支付)的權利，繼續受法律保護。香港特別行政區將保持自由港地位，並繼續實行自由貿易政策，包括貨物和資本的自由流動。香港特別行政區可單獨同各國、各地區保持和發展經濟和貿易關係。

香港特別行政區為單獨的關稅地區。香港特別行政區可參加關稅和貿易總協定、關於國際紡織品貿易安排等有關的國際組織和國際貿易協定，包括優惠貿易安排。香港特別行政區取得的出口配額、關稅優惠和達成的其他類似安排，全由香港特別行政區享有。香港特別行政區有權根據當時的產地規則，對在當地製造的產品簽發產地來源證。

香港特別行政區可根據需要在外國設立官方或半官方的經濟和貿易機構，並報中央人民政府備案。

<七>

香港特別行政區將保持國際金融中心的地位。原在香港實行的貨幣金融制度，包括對接受存款機構和金融市場的管理和監督制度，予以保留。

香港特別行政區政府可自行制定貨幣金融政策，並保障金融企業的經營自由以及資金在香港特別行政區流動和進出香港特別行政區的自由。香港特別行政區不實行外匯管制政策。外匯、黃金、證券、期貨市場繼續開放。

港元作為當地的法定貨幣，繼續流通，自由兌換。港幣發行權屬香港特別行政區政府，在確知港幣的發行基礎是健全的以及有關發行的安排符合保持港幣穩定的目的的情況下，香港特別行政區政府可授權指定銀行根據法定權限發行或繼續發行香港貨幣。凡所帶標誌與中華人民共和國香港特別行政區地位不符的香港貨幣，將逐步更換和退出流通。

外匯基金由香港特別行政區政府管理和支配，主要用於調節港元匯價。

<八>

香港特別行政區保持原在香港實行的航運經營和管理體制，包括有關海員的管理體制。香港特別行政區政府可自行規定在航運方面的具體職能和責任。香港的私營航運及與航運有關的企業和私營集裝箱碼頭，可繼續自由經營。

香港特別行政區經中央人民政府授權繼續進行船舶登記，並可根據法律以“中國香港”名義頒發有關證件。

除外國軍用船隻進入香港特別行政區須經中央人民政府特別許可外，其他船舶可根據香港特別行政區法律進出其港口。

<九>

香港特別行政區將保持香港作為國際和區域航空中心的地位。在香港註冊並以香港為主要營業地的航空公司和與民用航空有關的行業可繼續經營。香港特別行政區繼續沿用原在香港實行的民用航空管理制度，並按中央人民政府關於飛機國籍標誌和登記標誌的規定，設置自己的飛機登記冊。香港特別行政區自行負責民用航空的日常業務和技術管理，包括機場管理，在香港特別行政區飛行情報區內提供空中交通服務，以及履行國際民用航空組織的區域性航行規劃程序所規定的其他職責。

中央人民政府經同香港特別行政區政府磋商作出安排，為在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司和中華人民共和國的其他航空公司，提供香港特別行政區和中華人民共和國其他地區之間的往返航班。凡涉及中華人民共和國其他地區與其他國家和地區的往返並經停香港特別行政區的航班，和涉及香港特別行政區與其他國家和地區的往返並經停中華人民共和國其他地區航班的民用航空運輸協定，由中央人民政府簽訂。為此，中央人民政府將考慮香港特別行政區的特殊情況和經濟利益，並同香港特別行政區政府磋商。中央人民政府在同外國政府商談有關此類航班的安排時，香港特別行政區政府的代表可作為中華人民共和國政府代表團成員參加。

經中央人民政府具體授權，香港特別行政區政府可以：對原有的民用航空運輸協定和協議續簽或修改，這些協定和協議原則上都可以續簽或修改，原協定和協議規定的權利盡可能保留；談判簽訂新的民用航空運輸協定，為在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司提供航線，以及過境和技術停降權利；在同外國和其它地區沒有民用航空運輸協定的情況下，談判簽訂臨時協議。凡不涉及往返、經停中國內地而只往返、經停香港特別行政區的定期航班，均由本段所述的民用航空運輸協定或臨時協議加以規定。

中央人民政府授權香港特別行政區政府：同其他當局商談並簽訂有關執行上述民用航空運輸協定和臨時協議的各項安排；對在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司簽發執照；按照上述民用航空運輸協定和臨時協議指定航空公司；對外國航空公司除往返、經停中國內地的航班以外的其他航班簽發許可證。

<十>

香港特別行政區保持原在香港實行的教育制度。香港特別行政區政府自行制定有關文化、教育和科學技術方面的政策，包括教育體制及管理、教學語言、經費分配、考試制度、學位制度、承認學歷及技術資格等政策。各類院校，包括宗教及社會團體所辦院校，均可保留其自主性，並可繼續從香港特別行政區以外招聘教職員，選用教材。學生享有選擇院校和在香港特別行政區以外求學的自由。

<十一>

在外交事務屬中央人民政府管理的原則下，香港特別行政區政府的代表，可作為中華人民共和國政府代表團的成員，參加由中央人民政府進行的與香港特別行政區直接有關的外交談判。香港特別行政區可以“中國香港”的名義，在經濟、貿易、金融、航運、通訊、旅遊、文化、體育等領域單獨地同世界各國、各地區及有關國際組織保持和發展關係，並簽訂和履行有關協定。對以國家為單位參加的、與香港特別行政區有關的、適當領域的國際組織和國際會議，香港特別行政區政府的代表可作為中華人民共和國政府代表團的成員或以中央人民政府和上述有關國際組織或國際會議允許的身份參加，並以“中國香港”的名義發表意見。對不以國家為單位參加的國際組織和國際會議，香港特別行政區可以“中國香港”的名義參加。

中華人民共和國締結的國際協定，中央人民政府可根據香港特別行政區的情況和需要，在徵詢香港特別行政區政府的意見後，決定是否適用於香港特別行政區。中華人民共和國尚未參加但已適用於香港的國際協定仍可繼續適用。中央人民政府根據需要授權或協助香港特別行政區政府作出適當安排，使其他有關的國際協定適用於香港特別行政區。對中華人民共和國已經參加而香港目前也以某種形式參加的國際組織，中央人民政府將採取必要措施使香港特別行政區以適當形式繼續保持在這些組織中的地位。對中華人民共和國尚未參加而香港目前以某種形式參加的國際組織，中央人民政府將根據需要使香港特別行政區以適當形式繼續參加這些組織。

外國在香港特別行政區設立領事機構或其他官方、半官方機構，須經中央人民政府批准。同中華人民共和國建立正式外交關係的國家在香港設立的領事機構和其他官方機構，可予保留；尚未同中華人民共和國建立正式外交關係國家的領事機構和其他官方機構，可根據情況予以保留或改為半官方機構；尚未為中華人民共和國承認的國家，只能設立民間機構。

聯合王國可在香港特別行政區設立總領事館。

<十二>

香港特別行政區的社會治安由香港特別行政區政府負責維持。中央人民政府派駐香港特別行政區負責防務的部隊不干預香港特別行政區的內部事務，駐軍軍費由中央人民政府負擔。

<十三>

香港特別行政區政府依法保障香港特別行政區居民和其他人的權利和自由。香港特別行政區政府保持香港原有法律中所規定的權利和自由，包括人身、言論、出版、集會、結社、組織和參加工會、通信、旅行、遷徙、罷工、遊行、選擇職業、學術研究和信仰自由、住宅不受侵犯、婚姻自由以及自願生育的權利。

任何人均有權得到秘密法律諮詢、向法院提起訴訟、選擇律師在法庭上為其代理以及獲得司法補救。任何人均有權對行政部門的行為向法院申訴。

宗教組織和教徒可同其他地方的宗教組織和教徒保持關係，宗教組織所辦學校、醫院、福利機構等均可繼續存在。香港特別行政區的宗教組織與中華人民共和國其他地區宗教組織的關係應以互不隸屬、互不干涉和互相尊重的原則為基礎。

《公民權利和政治權利國際公約》和《經濟、社會與文化權利的國際公約》適用於香港的規定將繼續有效。

<十四>

在香港特別行政區有居留權並有資格按香港特別行政區的法律獲得香港特別行政區政府簽發的載明此項權利的永久性居民身份證者為：在香港特別行政區成立以前或以後在當地出生或通常居住連續七年以上的中國公民及其在香港以外所生的中國籍子女；在香港特別行政區成立以前或以後在當地通常居住連續七年以上並以香港為永久居住地的其他人及其在香港特別行政區成立以前或以後在當地出生的未滿二十一歲的子女；以及在香港特別行政區成立前只在香港有居留權的其他人。

中央人民政府授權香港特別行政區政府依照法律，給持有香港特別行政區永久性居民身份證的中國公民簽發中華人民共和國香港特別行政區護照，並給在香港特別行政區的其他的合法居留者簽發中華人民共和國香港特別行政區其他旅行證件。上述護照和證件，前往各國和各地區有效，並載明持有人有返回香港特別行政區的權利。

香港特別行政區居民出入當地，可使用香港特別行政區政府或中華人民共和國其他主管部門，或其他國家主管部門簽發的旅行證件。凡持有香港特別行政區永久性居民身份證者，其旅行證件可載明此項事實，以證明其在香港特別行政區有居留權。

對中國其他地區的人進入香港特別行政區將按現在實行的辦法管理。

對其他國家和地區的人入境、逗留和離境，香港特別行政區政府可實行出入境管制。

有效旅行證件持有人，除非受到法律制止，可自由離開香港特別行政區，無需特別批准。

中央人民政府將協助或授權香港特別行政區政府同各國或各地區締結互免簽證協定。

附件二

關於中英聯合聯絡小組

一、為促進雙方共同目標，並為保證一九九七年政權的順利交接，中華人民共和國政府和聯合王國政府同意，繼續以友好的精神進行討論並促進兩國政府在香港問題上已有的合作關係，以求《聯合聲明》得以有效執行。

二、為了進行聯絡、磋商及交換情況的需要，兩國政府同意成立聯合聯絡小組。

三、聯合聯絡小組的職責為：

- (一) 就《聯合聲明》的實施進行磋商；
- (二) 討論與一九九七年政權順利交接有關的事宜；
- (三) 就雙方商定的事項交換情況並進行磋商。

聯合聯絡小組未能取得一致意見的問題，提交兩國政府通過協商解決。

四、在聯合聯絡小組成立到一九九七年七月一日的前半段時期中審議的事項 包括：

- (一) 兩國政府為使香港特別行政區作為獨立關稅地區保持其經濟關係，特別是為確保香港特別行政區繼續參加關稅及貿易總協定、多種纖維協定及其他國際性安排所需採取的行動；
- (二) 兩國政府為確保同香港有關的國際權利與義務繼續適用所需採取的行動。

五、兩國政府同意，在聯合聯絡小組成立到一九九七年七月一日的後半段時期中，有必要進行更密切的合作，因此屆時將加強合作，在此第二階段時期中審議的事項包括：

- (一) 為一九九七年順利過渡所要採取的措施；
- (二) 為協助香港特別行政區同各國、各地區及有關國際組織保持和發展經濟、文化關係並就此類事項簽訂協議所需採取的行動。

- 六、聯合聯絡小組是聯絡機構而不是權力機構，不參與香港或香港特別行政區的行政管理，也不對之起監督作用。聯合聯絡小組的成員和工作人員只在聯合聯絡小組職責範圍內進行活動。
- 七、雙方各指派一名大使級的首席代表和另外四名小組成員。每方可派不超過二十名的工作人員。
- 八、聯合聯絡小組在《聯合聲明》生效時成立。聯合聯絡小組自一九八八年七月一日起以香港為主要駐地。聯合聯絡小組將繼續工作到二〇〇〇年一月一日為止。
- 九、聯合聯絡小組在北京、倫敦和香港開會。每年至少在上述三地各開會一次。每次開會地點由雙方商定。
- 十、聯合聯絡小組成員在上述三地享有相應的外交特權與豁免。除非雙方另有協議，聯合聯絡小組討論情況須加以保密。
- 十一、經雙方協議，聯合聯絡小組可決定設立專家小組以處理需要專家協助的具體事項。
- 十二、聯合聯絡小組成員以外的專家可參加聯合聯絡小組和專家小組的會議。每方按照討論的問題和選定的地點，決定其參加聯合聯絡小組或專家小組每次會議的人員組成。
- 十三、聯合聯絡小組的工作程序由雙方按照本附件規定討論決定。

附件三

關於土地契約

中華人民共和國政府和聯合王國政府同意自《聯合聲明》生效之日起，按下列規定處理關於香港土地契約和其他有關事項：

- 一、《聯合聲明》生效前批出或決定的超越一九九七年六月三十日年期的所有土地契約和與土地契約有關的一切權利，以及該聲明生效後根據本附件第二款或第三款批出的超越一九九七年六月三十日年期的所有土地契約和與土地契約有關的一切權利，按照香港特別行政區的法律繼續予以承認和保護。
- 二、除了短期租約和特殊用途的契約外，已由香港英國政府批出的一九九七年六月三十日以前滿期而沒有續期權利的土地契約，如承租人願意，均可續期到不超過二〇四七年六月三十日，不補地價。從續期之日起，每年交納相當於當日該土地應課差餉租值百分之三的租金，此後，隨應課差餉租值的改變而調整租金。至於舊批約地段、鄉村屋地、丁屋地和類似的農村土地，如該土地在一九八四年六月三十日的承租人，或在該日以後批出的丁屋地的承租人，其父系為一八九八年在香港的原有鄉村居民，只要該土地的承租人仍為該人或其合法父系繼承人，租金將維持不變。一九九七年六月三十日以後滿期而沒有續期權利的土地契約，將按照香港特別行政區有關的土地法律及政策處理。
- 三、從《聯合聲明》生效之日起至一九九七年六月三十日止，香港英國政府可以批出租期不超過二〇四七年六月三十日的新的土地契約。該項土地的承租人須交納地價並交納名義租金至一九九七年六月三十日，該日以後不補地價，但需每年交納相當於當日該土地應課差餉租值百分之三的租金，此後，隨應課差餉租值的改變而調整租金。
- 四、從《聯合聲明》生效之日起至一九九七年六月三十日止，根據本附件第三款所批出的新的土地，每年限於五十公頃，不包括批給香港房屋委員會建造出租的公共房屋所用的土地。
- 五、在一九九七年七月一日之前，可繼續批准修改香港英國政府所批出的土地契約規定的土地使用條件，補交的地價為原有條件的土地價值和修改條件後的地價之間的差額。
- 六、從《聯合聲明》生效之日起至一九九七年六月三十日止，香港英國政府從土地交易所的地價收入，在扣除開發土地平均成本的款項後，均等平分，分別歸香港英國政府和日後的香港特別行政區政府所有。屬於香港英國政府所得的全部收入，包括上述扣除的款項，均撥入“基本工程儲備基金”，用於香港土地開發和公共工程。屬於香港特別行政區政府的地價收入部分，將存入在香港註冊的銀行，除按照本附件第七款（四）的規定用於香港土地開發和公共工程外，不得動用。
- 七、《聯合聲明》生效之日起，立即在香港成立土地委員會。土地委員會由中華人民共和國政府和聯合王國政府指派同等人數的官員組成，輔以必要的工作人員。雙方官員向各自的政府負責。土地委員會將於一九九七年六月三十日解散。

土地委員會的職權範圍為：

- （一）就本附件的實施進行磋商；
- （二）監察本附件第四款規定的限額，批給香港房屋委員會建造出租的公共房屋所用的土地數量，以及本附件第六款關於地價收入的分配和使用的執行；
- （三）根據香港英國政府提出的建議，考慮並決定提高本附件第四款所述的限額數量；
- （四）審核關於擬動用本附件第六款所述的屬於香港特別行政區政府的地價收入部分的建議，並提出意見，供中方決定。

土地委員會未能取得一致意見的問題，提交中華人民共和國政府和聯合王國政府決定。

- 八、有關建立土地委員會的細則，由雙方另行商定。

雙方交換的備忘錄

備忘錄（英方）

聯繫到今天簽訂的大不列顛及北愛爾蘭聯合王國政府和中華人民共和國政府關於香港問題的聯合聲明，聯合王國政府聲明，在完成對聯合王國有關立法的必要修改的情況下，

一、凡根據聯合王國實行的法律，在 1997 年 6 月 30 日由於同香港的關係為英國屬土公民者，從 1997 年 7 月 1 日起，不再是英國屬土公民，但將有資格保留某種適當地位，使其可繼續使用聯合王國政府簽發的護照，而不賦予在 聯合王國的居留權。取得這種地位的人，必須為持有在 1997 年 7 月 1 日以前簽發的該種英國護照或包括在該種護照上的人，但 1997 年 1 月 1 日或該日 以後、1997 年 7 月 1 日以前出生的有資格的人，可在 1997 年 12 月 31 日截止的期間內取得該種護照或包括在該種護照上。

二、在 1997 年 7 月 1 日或該日以後，任何人不得由於同香港的關係而取得英國屬土公民的地位。凡在 1997 年 7 月 1 日或該日以後出生者，不得取得第一節中所述的適當地位。

三、在香港特別行政區和其他地方的聯合王國的領事官員可為第一節中提及的人所持的護照延長期限和予以更換，亦可給他們在 1997 年 7 月 1 日前出生並且原來包括在他們護照上的子女簽發護照。

四、根據第一節和第三節已領取聯合王國政府簽發的護照的人或包括在該護照上的人，經請求有權在第三國獲得英國的領事服務和保護。

英國駐華大使館（印）

1984 年 12 月 19 日

備忘錄（中方）

中華人民共和國政府收到了大不列顛及北愛爾蘭聯合王國政府 1984 年 12 月 19 日的備忘錄。

根據中華人民共和國國籍法，所有香港中國同胞，不論其是否持有“英國屬土公民護照”，都是中國公民。考慮到香港的歷史背景和現實情況，中華人民共和國政府主管部門自 1997 年 7 月 1 日起，允許原被稱為“英國屬土公民”的香港中國公民使用由聯合王國政府簽發的旅行證件去其他國家和地區旅行。

上述中國公民在香港特別行政區和中華人民共和國其他地區不得因其持有上述英國旅行證件而享受英國的領事保護的權利。

中華人民共和國外交部（印）

1984 年 12 月 19 日

Basic Law

Chapter II - Relationship between the Central Authorities and the Hong Kong Special Administrative Region

Article 23

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.

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《基本法》

第二章 - 中央和香港特別行政區的關係

第二十三條

香港特別行政區應自行立法禁止任何叛國、分裂國家、煽動叛亂、顛覆中央人民政府及竊取國家機密的行為，禁止外國的政治性組織或團體在香港特別行政區進行政治活動，禁止香港特別行政區的政治性組織或團體與外國的政治性組織或團體建立聯繫。

NPC Standing Committee Decision, Instrument A212

Instrument A212—Decision of the NPCSC on Issues Relating to the Selection of the Chief Executive of HKSAR by Universal Suffrage (文件 A212：全國人民代表大會常務委員會關於香港特別行政區行政長官普選問題和 2016 年立法會產生辦法的決定)

Decision of the Standing Committee of the National People's Congress—Instrument A212 (文件 A212：全國人民代表大會常務委員會的決定) [2014]

Instrument A212

Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016

(Adopted by the Standing Committee of the Twelfth National People's Congress at its Tenth Session on 31 August, 2014)

Editorial Notes:

1. This instrument was not given a chapter number under the Legislation Publication Ordinance (Cap. 614). An unofficial reference number, however, is assigned to this instrument in Hong Kong e-Legislation (<http://www.elegislation.gov.hk>) for identification purposes. This also enables users to carry out a search by reference to the unofficial reference number.
2. This English translation is for reference only and has no legislative effect.

The Standing Committee of the Twelfth National People's Congress considered at its Tenth Session the Report by the Chief Executive of the Hong Kong Special Administrative Region to the Standing Committee of the National People's Congress on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region in 2017 and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2016 submitted by Leung Chun-ying, the Chief Executive of the Hong Kong Special Administrative Region, on 15 July 2014. In the course of deliberation, the relevant views and suggestions of the Hong Kong community were given full consideration.

The Session points out that according to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage adopted by the Standing Committee of the Tenth National People's Congress at its Thirty-first Session on 29 December 2007, the election of the fifth Chief Executive of the Hong Kong Special Administrative Region in the year 2017 may be implemented by the method of universal suffrage; at an appropriate time prior to the selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage, the Chief Executive shall make a report to the Standing Committee of the National People's Congress as regards the issue of amending the method for selecting the Chief Executive in accordance with the relevant provisions of the Hong Kong Basic Law and the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and a determination thereon shall be made by the Standing Committee of the National People's Congress. From 4 December 2013 to 3 May 2014, the Government of the Hong Kong Special Administrative Region conducted an extensive and in-depth public consultation on the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. In the course of consultation, the Hong Kong community generally expressed the hope to see the selection of the Chief Executive by universal suffrage in 2017, and broad consensus was reached on important principles such as: the method for selecting the Chief Executive by universal suffrage shall comply with the Hong Kong Basic Law and the relevant Decisions of the Standing Committee of the National People's Congress and the Chief Executive shall be a person who loves the country and loves Hong Kong. With respect to the methods for selecting the Chief Executive by universal suffrage in 2017 and for forming the Legislative Council in 2016, the Hong Kong community put forward various views and suggestions. It was on this basis that the Chief Executive of the Hong Kong Special Administrative Region made a report to the Standing Committee of the National People's Congress on issues relating to amending the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. The Session is of the view that the report complies with the requirements of the Hong Kong Basic Law, the

Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Hong Kong Basic Law and the relevant Decisions of the Standing Committee of the National People's Congress, and reflects comprehensively and objectively the views collected during the public consultation; and is thus a positive, responsible and pragmatic report.

The Session is of the view that implementing universal suffrage for the selection of the Chief Executive represents a historic progress in Hong Kong's democratic development and a significant change in the political structure of the Hong Kong Special Administrative Region. Since the long-term prosperity and stability of Hong Kong and the sovereignty, security and development interests of the country are at stake, there is a need to proceed in a prudent and steady manner. The selection of the Chief Executive of the Hong Kong Special Administrative Region by universal suffrage has its origin in Paragraph 2 of Article 45 of the Hong Kong Basic Law: "The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." The formulation of the method for selecting the Chief Executive by universal suffrage must strictly comply with the relevant provisions of the Hong Kong Basic Law, accord with the principle of "one country, two systems", and befit the legal status of the Hong Kong Special Administrative Region. It must meet the interests of different sectors of the society, achieve balanced participation, be conducive to the development of the capitalist economy, and make gradual and orderly progress in developing a democratic system that suits the actual situation in Hong Kong. Given the divergent views within the Hong Kong community on how to implement the Hong Kong Basic Law provisions on universal suffrage for selecting the Chief Executive, and in light of the constitutional responsibility of the Standing Committee of the National People's Congress for the proper implementation of the Hong Kong Basic Law and for deciding on the method for the selection of the Chief Executive, the Standing Committee of the National People's Congress finds it necessary to make provisions on certain core issues concerning the method for selecting the Chief Executive by universal suffrage, so as to facilitate the building of consensus within the Hong Kong community and the attainment of universal suffrage for the selection of the Chief Executive smoothly and in accordance with law.

The Session is of the view that since the Chief Executive of the Hong Kong Special Administrative Region shall be accountable to both the Hong Kong Special Administrative Region and the Central People's Government in accordance with the provisions of the Hong Kong Basic Law, the principle that the Chief Executive has to be a person who loves the country and loves Hong Kong must be upheld. This is a basic requirement of the policy of "one country, two systems". It is determined by the legal status as well as important functions and duties of the Chief Executive, and is called for by the actual need to maintain long-term prosperity and stability of Hong Kong and uphold the sovereignty, security and development interests of the country. The method for selecting the Chief Executive by universal suffrage must provide corresponding institutional safeguards for this purpose.

The Session is of the view that the amendments made to the method for forming the fifth term Legislative Council in 2012 represented major strides towards the direction of enhancing democracy. The existing formation method and voting procedures for the Legislative Council as prescribed in Annex II to the Hong Kong Basic Law will not be amended, and will continue to apply in respect of the sixth term Legislative Council in 2016. This is consistent with the principle of gradual and orderly progress in developing a democratic system that suits Hong Kong's actual situation and conforms to the majority view in the Hong Kong community. It also helps the various sectors of the Hong Kong community to focus their efforts on addressing the issues concerning universal suffrage for selecting the Chief Executive first, thus creating the conditions for attaining the aim of electing all the members of the Legislative Council by universal suffrage after the implementation of universal suffrage for the selection of the Chief Executive.

Accordingly, pursuant to the relevant provisions of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage, the Standing Committee of the National People's Congress makes the following decision:

I. Starting from 2017, the selection of the Chief Executive of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage.

II. When the selection of the Chief Executive of the Hong Kong Special Administrative Region is implemented by the method of universal suffrage:

(1) A broadly representative nominating committee shall be formed. The provisions for the number of members, composition and formation method of the nominating committee shall be made in accordance with the number of members, composition and formation method of the Election Committee for the Fourth Chief Executive.

(2) The nominating committee shall nominate two to three candidates for the office of Chief Executive in accordance with democratic procedures. Each candidate must have the endorsement of more than half of all the members of the nominating committee.

(3) All eligible electors of the Hong Kong Special Administrative Region have the right to vote in the election of the Chief Executive and elect one of the candidates for the office of Chief Executive in accordance with law.

(4) The Chief Executive-elect, after being selected through universal suffrage, will have to be appointed by the Central People's Government.

III. The specific method of universal suffrage for selecting the Chief Executive shall be prescribed in accordance with legal procedures through amending Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China: The Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region. The bill on the amendments and the proposed amendments to such bill shall be introduced by the Hong Kong Special Administrative Region Government to the Legislative Council of the Hong Kong Special Administrative Region in accordance with the Hong Kong Basic Law and the provisions of this Decision. Such amendments shall obtain the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive before being submitted to the Standing Committee of the National People's Congress for approval.

IV. If the specific method of universal suffrage for selecting the Chief Executive is not adopted in accordance with legal procedures, the method used for selecting the Chief Executive for the preceding term shall continue to apply.

V. The existing formation method and voting procedures for the Legislative Council as prescribed in Annex II to the Hong Kong Basic Law will not be amended. The formation method and procedures for voting on bills and motions of the fifth term Legislative Council will continue to apply to the sixth term Legislative Council of the Hong Kong Special Administrative Region in 2016. After the election of the Chief Executive by universal suffrage, the election of all the members of the Legislative Council of the Hong Kong Special Administrative Region may be implemented by the method of universal suffrage. At an appropriate time prior to the election of the Legislative Council by universal suffrage, the Chief Executive elected by universal suffrage shall submit a report to the Standing Committee of the National People's Congress in accordance with the relevant provisions of the Hong Kong Basic Law and the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China as regards the issue of amending the method for forming the Legislative Council. A determination thereon shall be made by the Standing Committee of the National People's Congress.

The Session stresses that it is the consistent position of the central authorities to implement resolutely and firmly the principles of "one country, two systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy, strictly adhere to the Hong Kong Basic Law and steadily take forward the selection of the Chief Executive by universal suffrage in 2017. It is hoped that the Hong Kong Special Administrative Region Government and all sectors of the Hong Kong community will act in accordance with the provisions of the Hong Kong Basic Law and this Decision and jointly work towards the attainment of the aim of selecting the Chief Executive by universal suffrage.

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全國人大常委會的決定，文案 A212

全國人民代表大會常務委員會關於香港特別行政區行政長官普選問題和 2016 年立法會產生辦法的決定
(2014 年 8 月 31 日第十二屆全國人民代表大會常務委員會第十次會議通過)

編輯附註：

本文件並無根據《法例發布條例》(第 614 章)編配章號。然而本文件在「電子版香港法例」(<http://www.elegislation.gov.hk>)中獲編配以一個非正式的參考編號以作識別，並讓用戶可藉該非正式的參考編號進行搜尋。

第十二屆全國人民代表大會常務委員會第十次會議審議了香港特別行政區行政長官梁振英 2014 年 7 月 15 日提交的《關於香港特別行政區 2017 年行政長官及 2016 年立法會產生辦法是否需要修改的報告》，並在審議中充分考慮了香港社會的有關意見和建議。

會議指出，2007 年 12 月 29 日第十屆全國人民代表大會常務委員會第三十一次會議通過的《全國人民代表大會常務委員會關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題的決定》規定，2017 年香港特別行政區第五任行政長官的選舉可以實行由普選產生的辦法；在行政長官實行普選前的適當時候，行政長官須按照香港基本法的有關規定和《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》，就行政長官產生辦法的修改問題向全國人民代表大會常務委員會提出報告，由全國人民代表大會常務委員會確定。2013 年 12 月 4 日至 2014 年 5 月 3 日，香港特別行政區政府就 2017 年行政長官產生辦法和 2016 年立法會產生辦法進行了廣泛、深入的公眾諮詢。諮詢過程中，香港社會普遍希望 2017 年實現行政長官由普選產生，並就行政長官普選辦法必須符合香港基本法和全國人大常委會有關決定、行政長官必須由愛國愛港人士擔任等重要原則形成了廣泛共識。對於 2017 年行政長官普選辦法和 2016 年立法會產生辦法，香港社會提出了各種意見和建議。在此基礎上，香港特別行政區行政長官就 2017 年行政長官和 2016 年立法會產生辦法修改問題向全國人大常委會提出報告。會議認為，行政長官的報告符合香港基本法、全國人大常委會關於香港基本法附件一第七條和附件二第三條的解釋以及全國人大常委會有關決定的要求，全面、客觀地反映了公眾諮詢的情況，是一個積極、負責、務實的報告。

會議認為，實行行政長官普選，是香港民主發展的歷史性進步，也是香港特別行政區政治體制的重大變革，關係到香港長期繁榮穩定，關係到國家主權、安全和發展利益，必須審慎、穩步推進。香港特別行政區行政長官普選源於香港基本法第四十五條第二款的規定，即“行政長官的產生辦法根據香港特別行政區的實際情況和循序漸進的原則而規定，最終達至由一個有廣泛代表性的提名委員會按民主程序提名後普選產生的目標。”制定行政長官普選辦法，必須嚴格遵循香港基本法有關規定，符合“一國兩制”的原則，符合香港特別行政區的法律地位，兼顧社會各階層的利益，體現均衡參與，有利於資本主義經濟發展，循序漸進地發展適合香港實際情況的民主制度。鑒於香港社會對如何落實香港基本法有關行政長官普選的規定存在較大爭議，全國人大常委會對正確實施香港基本法和決定行政長官產生辦法負有憲制責任，有必要就行政長官普選辦法的一些核心問題作出規定，以促進香港社會凝聚共識，依法順利實現行政長官普選。

會議認為，按照香港基本法的規定，香港特別行政區行政長官既要對香港特別行政區負責，也要對中央人民政府負責，必須堅持行政長官由愛國愛港人士擔任的原則。這是“一國兩制”方針政策的基本要求，是行政長官的法律地位和重要職責所決定的，是保持香港長期繁榮穩定，維護國家主權、安全和發展利益的客觀需要。行政長官普選辦法必須為此提供相應的制度保障。

會議認為，2012 年香港特別行政區第五屆立法會產生辦法經過修改後，已經向擴大民主的方向邁出了重大步伐。香港基本法附件二規定的現行立法會產生辦法和表決程序不作修改，2016 年第六屆立法會產生辦法和表決程序繼續適用現行規定，符合循序漸進地發展適合香港實際情況的民主制度的原則，符合香港社會的多數意見，也有利於香港社會各界集中精力優先處理行政長官普選問題，從而為行政長官實行普選後實現立法會全部議員由普選產生的目標創造條件。

鑒此，全國人民代表大會常務委員會根據《中華人民共和國香港特別行政區基本法》、《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》和《全國人民代表大會常務委員會關於香港特別行政區 2012 年行政長官和立法會產生辦法及有關普選問題的決定》的有關規定，決定如下：

一、從 2017 年開始，香港特別行政區行政長官選舉可以實行由普選產生的辦法。

二、香港特別行政區行政長官選舉實行由普選產生的辦法時：

(一) 須組成一個有廣泛代表性的提名委員會。提名委員會的人數、構成和委員產生辦法按照第四任行政長官選舉委員會的人數、構成和委員產生辦法而規定。

(二) 提名委員會按民主程序提名產生二至三名行政長官候選人。每名候選人均須獲得提名委員會全體委員半數以上的支持。

(三) 香港特別行政區合資格選民均有行政長官選舉權，依法從行政長官候選人中選出一名行政長官人選。

(四) 行政長官人選經普選產生後，由中央人民政府任命。

三、行政長官普選的具體辦法依照法定程序通過修改《中華人民共和國香港特別行政區基本法》附件一《香港特別行政區行政長官的產生辦法》予以規定。修改法案及其修正案應由香港特別行政區政府根據香港基本法和本決定的規定，向香港特別行政區立法會提出，經立法會全體議員三分之二多數通過，行政長官同意，報全國人民代表大會常務委員會批准。

四、如行政長官普選的具體辦法未能經法定程序獲得通過，行政長官的選舉繼續適用上一任行政長官的產生辦法。

五、香港基本法附件二關於立法會產生辦法和表決程序的現行規定不作修改，2016 年香港特別行政區第六屆立法會產生辦法和表決程序，繼續適用第五屆立法會產生辦法和法案、議案表決程序。在行政長官由普選產生以後，香港特別行政區立法會的選舉可以實行全部議員由普選產生的辦法。在立法會實行普選前的適當時候，由普選產生的行政長官按照香港基本法的有關規定和《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區基本法〉附件一第七條和附件二第三條的解釋》，就立法會產生辦法的修改問題向全國人民代表大會常務委員會提出報告，由全國人民代表大會常務委員會確定。

會議強調，堅定不移地貫徹落實“一國兩制”、“港人治港”、高度自治方針政策，嚴格按照香港基本法辦事，穩步推進 2017 年行政長官由普選產生，是中央的一貫立場。希望香港特別行政區政府和香港社會各界依照香港基本法和本決定的規定，共同努力，達至行政長官由普選產生的目標。

Hong Kong National Security Law

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

CHAPTER I: GENERAL PRINCIPLES

Article 1

This Law is enacted, in accordance with the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the Hong Kong Special Administrative Region, for the purpose of:

- ensuring the resolute, full and faithful implementation of the policy of One Country, Two Systems under which the people of Hong Kong administer Hong Kong with a high degree of autonomy;
- safeguarding national security;
- preventing, suppressing and imposing punishment for the offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the Hong Kong Special Administrative Region;
- maintaining prosperity and stability of the Hong Kong Special Administrative Region; and
- protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.

Article 2

The provisions in Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions in the Basic Law. No institution, organisation or individual in the Region shall contravene these provisions in exercising their rights and freedoms.

Article 3

The Central People's Government has an overarching responsibility for national security affairs relating to the Hong Kong Special Administrative Region.

It is the duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duty accordingly.

The executive authorities, legislature and judiciary of the Region shall effectively prevent, suppress and impose punishment for any act or activity endangering national security in accordance with this Law and other relevant laws.

Article 4

Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the Region enjoy under the Basic Law of the Hong Kong Special Administrative Region and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.

Article 5

The principle of the rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security. A person who commits an act which constitutes an offence under the law shall be convicted and punished in accordance with the law. No one shall be convicted and punished for an act which does not constitute an offence under the law.

A person is presumed innocent until convicted by a judicial body. 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. No one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in judicial proceedings.

Article 6

It is the common responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People's Republic of China.

Any institution, organisation or individual in the Hong Kong Special Administrative Region shall abide by this Law and the laws of the Region in relation to the safeguarding of national security, and shall not engage in any act or activity which endangers national security.

A resident of the Region who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China in accordance with the law.

CHAPTER II: THE DUTIES AND THE GOVERNMENT BODIES OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION FOR SAFEGUARDING NATIONAL SECURITY

Part 1: Duties

Article 7

The Hong Kong Special Administrative Region shall complete, as early as possible, legislation for safeguarding national security as stipulated in the Basic Law of the Hong Kong Special Administrative Region and shall refine relevant laws.

Article 8

In order to safeguard national security effectively, the law enforcement and judicial authorities of the Hong Kong Special Administrative Region shall fully enforce this Law and the laws in force in the Region concerning the prevention of, suppression of, and imposition of punishment for acts and activities endangering national security.

Article 9

The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the Hong Kong Special Administrative Region shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.

Article 10

The Hong Kong Special Administrative Region shall promote national security education in schools and universities and through social organisations, the media, the internet and other means to raise the awareness of Hong

Kong residents of national security and of the obligation to abide by the law.

Article 11

The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People's Government for affairs relating to safeguarding national security in the Hong Kong Special Administrative Region and shall submit an annual report on the performance of duties of the Region in safeguarding national security.

The Chief Executive shall, at the request of the Central People's Government, submit in a timely manner a report on specific matters relating to safeguarding national security.

Part 2: Government Bodies

Article 12

The Hong Kong Special Administrative Region shall establish the Committee for Safeguarding National Security. The Committee shall be responsible for affairs relating to and assume primary responsibility for safeguarding national security in the Region. It shall be under the supervision of and accountable to the Central People's Government.

Article 13

The Chief Executive shall be the chairperson of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region. The other members of the Committee shall be the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Secretary for Security, the Commissioner of Police, the head of the department for safeguarding national security of the Hong Kong Police Force established under Article 16 of this Law, the Director of Immigration, the Commissioner of Customs and Excise, and the Director of the Chief Executive's Office.

A secretariat headed by a Secretary-General shall be established under the Committee. The Secretary-General shall be appointed by the Central People's Government upon nomination by the Chief Executive.

Article 14

The duties and functions of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be:

- (1) analysing and assessing developments in relation to safeguarding national security in the Hong Kong Special Administrative Region, making work plans, and formulating policies for safeguarding national security in the Region;
- (2) advancing the development of the legal system and enforcement mechanisms of the Region for safeguarding national security; and
- (3) coordinating major work and significant operations for safeguarding national security in the Region.

No institution, organisation or individual in the Region shall interfere with the work of the Committee. Information relating to the work of the Committee shall not be subject to disclosure. Decisions made by the Committee shall not be amenable to judicial review.

Article 15

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall have a National Security Adviser, who shall be designated by the Central People's Government and provide advice on matters relating to the duties and functions of the Committee. The National Security Adviser shall sit in on meetings of the Committee.

Article 16

The Police Force of the Hong Kong Special Administrative Region shall establish a department for safeguarding national security with law enforcement capacity.

The head of the department for safeguarding national security of the Hong Kong Police Force shall be appointed by the Chief Executive. The Chief Executive shall seek in writing the opinion of the Office established under Article 48 of this Law before making the appointment. When assuming office, the head of the department for safeguarding national security of the Hong Kong Police Force shall swear to uphold the Basic Law of the Hong

Kong Special Administrative Region of the People's Republic of China, swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and swear to abide by the law and to observe the obligation of secrecy.

The department for safeguarding national security of the Hong Kong Police Force may recruit qualified professionals and technical personnel from outside the Hong Kong Special Administrative Region to provide assistance in the performance of duties for safeguarding national security.

Article 17

The duties and functions of the department for safeguarding national security of the Hong Kong Police Force shall be:

- (1) collecting and analysing intelligence and information concerning national security;
- (2) planning, coordinating and enforcing measures and operations for safeguarding national security;
- (3) investigating offences endangering national security;
- (4) conducting counter-interference investigation and national security review;
- (5) carrying out tasks of safeguarding national security assigned by the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region; and
- (6) performing other duties and functions necessary for the enforcement of this Law.

Article 18

The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialised prosecution division responsible for the prosecution of offences endangering national security and other related legal work. The prosecutors of this division shall be appointed by the Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.

The head of the specialised prosecution division of the Department of Justice shall be appointed by the Chief Executive, who shall seek in writing the opinion of the Office established under Article 48 of this Law before making the appointment. When assuming office, the head of the specialised prosecution division shall swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, and swear to abide by the law and to observe the obligation of secrecy.

Article 19

The Financial Secretary of the Hong Kong Special Administrative Region shall, upon approval of the Chief Executive, appropriate from the general revenue a special fund to meet the expenditure for safeguarding national security and approve the establishment of relevant posts, which are not subject to any restrictions in the relevant provisions of the laws in force in the Region. The Financial Secretary shall submit an annual report on the control and management of the fund for this purpose to the Legislative Council of the Hong Kong Special Administrative Region.

CHAPTER III: OFFENCES AND PENALTIES

Part 1: Secession

Article 20

A person who organises, plans, commits or participates in any of the following acts, whether or not by force or threat of force, with a view to committing secession or undermining national unification shall be guilty of an offence:

- (1) separating the Hong Kong Special Administrative Region or any other part of the People's Republic of China from the People's Republic of China;
- (2) altering by unlawful means the legal status of the Hong Kong Special Administrative Region or of any other part of the People's Republic of China; or
- (3) surrendering the Hong Kong Special Administrative Region or any other part of the People's Republic of China to a foreign country.

A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a person who actively participates in the

offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Article 21

A person who incites, assists in, abets or provides pecuniary or other financial assistance or property for the commission by other persons of the offence under Article 20 of this Law shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances of the offence committed by a person are of a minor nature, the person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.

Part 2: Subversion

Article 22

A person who organises, plans, commits or participates in any of the following acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence:

- (1) overthrowing or undermining the basic system of the People's Republic of China established by the Constitution of the People's Republic of China;
- (2) overthrowing the body of central power of the People's Republic of China or the body of power of the Hong Kong Special Administrative Region;
- (3) seriously interfering in, disrupting, or undermining the performance of duties and functions in accordance with the law by the body of central power of the People's Republic of China or the body of power of the Hong Kong Special Administrative Region; or
- (4) attacking or damaging the premises and facilities used by the body of power of the Hong Kong Special Administrative Region to perform its duties and functions, rendering it incapable of performing its normal duties and functions.

A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a person who actively participates in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Article 23

A person who incites, assists in, abets or provides pecuniary or other financial assistance or property for the commission by other persons of the offence under Article 22 of this Law shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances of the offence committed by a person are of a minor nature, the person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.

Part 3: Terrorist Activities

Article 24

A person who organises, plans, commits, participates in or threatens to commit any of the following terrorist activities causing or intended to cause grave harm to the society with a view to coercing the Central People's Government, the Government of the Hong Kong Special Administrative Region or an international organisation or intimidating the public in order to pursue political agenda shall be guilty of an offence:

- (1) serious violence against a person or persons;
- (2) explosion, arson, or dissemination of poisonous or radioactive substances, pathogens of infectious diseases or other substances;
- (3) sabotage of means of transport, transport facilities, electric power or gas facilities, or other combustible or explosive facilities;

- (4) serious interruption or sabotage of electronic control systems for providing and managing public services such as water, electric power, gas, transport, telecommunications and the internet; or
- (5) other dangerous activities which seriously jeopardise public health, safety or security.

A person who commits the offence causing serious bodily injury, death or significant loss of public or private property shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; in other circumstances, a person who commits the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

Article 25

A person who organises or takes charge of a terrorist organisation shall be guilty of an offence and shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years, and shall be subject to confiscation of property; a person who actively participates in a terrorist organisation shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall be imposed with a criminal fine; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction, and shall be liable to a criminal fine.

For the purpose of this Law, a terrorist organisation means an organisation which commits or intends to commit the offence under Article 24 of this Law or participates or assists in the commission of the offence.

Article 26

A person who provides support, assistance or facility such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to a terrorist organisation or a terrorist, or for the commission of a terrorist activity; or manufactures or illegally possesses substances such as explosive, poisonous or radioactive substances and pathogens of infectious diseases or uses other means to prepare for the commission of a terrorist activity, shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed with a criminal fine or subject to confiscation of property; in other circumstances, a person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction, and shall be imposed with a criminal fine.

If the act referred to in the preceding paragraph also constitutes other offences, the person who commits the act shall be convicted and sentenced for the offence that carries a more severe penalty.

Article 27

A person who advocates terrorism or incites the commission of a terrorist activity shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed with a criminal fine or subject to confiscation of property; in other circumstances, a person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction, and shall be imposed with a criminal fine.

Article 28

The provisions of this Part shall not affect the prosecution of terrorist offences committed in other forms or the imposition of other measures such as freezing of property in accordance with the laws of the Hong Kong Special Administrative Region.

Part 4: Collusion with a Foreign Country or with External Elements to Endanger National Security

Article 29

A person who steals, spies, obtains with payment, or unlawfully provides State secrets or intelligence concerning national security for a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People's Republic of China shall be guilty of an offence; a person who requests a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People's Republic of China, or conspires with a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People's Republic of China, or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the

mainland, Hong Kong and Macao of the People's Republic of China, to commit any of the following acts shall be guilty of an offence:

- (1) waging a war against the People's Republic of China, or using or threatening to use force to seriously undermine the sovereignty, unification and territorial integrity of the People's Republic of China;
- (2) seriously disrupting the formulation and implementation of laws or policies by the Government of the Hong Kong Special Administrative Region or by the Central People's Government, which is likely to cause serious consequences;
- (3) rigging or undermining an election in the Hong Kong Special Administrative Region, which is likely to cause serious consequences;
- (4) imposing sanctions or blockade, or engaging in other hostile activities against the Hong Kong Special Administrative Region or the People's Republic of China; or
- (5) provoking by unlawful means hatred among Hong Kong residents towards the Central People's Government or the Government of the Region, which is likely to cause serious consequences.

A person who commits the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

The institution, organisation and individual outside the mainland, Hong Kong and Macao of the People's Republic of China referred to in the first paragraph of this Article shall be convicted and punished for the same offence.

Article 30

A person who conspires with or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation, or individual outside the mainland, Hong Kong and Macao of the People's Republic of China to commit the offences under Article 20 or 22 of this Law shall be liable to a more severe penalty in accordance with the provisions therein respectively.

Part 5: Other Provisions on Penalty

Article 31

An incorporated or unincorporated body such as a company or an organisation which commits an offence under this Law shall be imposed with a criminal fine.

The operation of an incorporated or unincorporated body such as a company or an organisation shall be suspended or its licence or business permit shall be revoked if the body has been punished for committing an offence under this Law.

Article 32

Proceeds obtained from the commission of an offence under this Law including financial aid, gains and rewards, and funds and tools used or intended to be used in the commission of the offence shall be seized and confiscated.

Article 33

A lighter penalty may be imposed, or the penalty may be reduced or, in the case of a minor offence, exempted, if an offender, criminal suspect, or defendant:

- (1) in the process of committing an offence, voluntarily discontinues the commission of the offence or voluntarily and effectively forestalls its consequences;
- (2) voluntarily surrenders himself or herself and gives a truthful account of the offence; or
- (3) reports on the offence committed by other person, which is verified to be true, or provides material information which assists in solving other criminal case.

Sub-paragraph (2) of the preceding paragraph shall apply to a criminal suspect or defendant who is subjected to mandatory measures and provides a truthful account of other offences committed by him or her under this Law which are unknown to the law enforcement or judicial authorities.

Article 34

A person who is not a permanent resident of the Hong Kong Special Administrative Region may be subject to deportation as the sole or an additional punishment if he or she commits an offence under this Law.

A person who is not a permanent resident of the Region may be subject to deportation if he or she contravenes the provisions of this Law but is not prosecuted for any reason.

Article 35

A person who is convicted of an offence endangering national security by a court shall be disqualified from standing as a candidate in the elections of the Legislative Council and district councils of the Hong Kong Special Administrative Region, holding any public office in the Region, or serving as a member of the Election Committee for electing the Chief Executive. If a person so convicted is a member of the Legislative Council, a government official, a public servant, a member of the Executive Council, a judge or a judicial officer, or a member of the district councils, who has taken an oath or made a declaration to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China, he or she shall be removed from his or her office upon conviction, and shall be disqualified from standing for the aforementioned elections or from holding any of the aforementioned posts.

The disqualification and removal from offices referred to in the preceding paragraph shall be announced by the authorities responsible for organising and managing the relevant elections or for the appointment and removal of holders of public office.

Part 6: Scope of Application

Article 36

This Law shall apply to offences under this Law which are committed in the Hong Kong Special Administrative Region by any person. An offence shall be deemed to have been committed in the Region if an act constituting the offence or the consequence of the offence occurs in the Region.

This Law shall also apply to offences under this Law committed on board a vessel or aircraft registered in the Region.

Article 37

This Law shall apply to a person who is a permanent resident of the Hong Kong Special Administrative Region or an incorporated or unincorporated body such as a company or an organisation which is set up in the Region if the person or the body commits an offence under this Law outside the Region.

Article 38

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.

Article 39

This Law shall apply to acts committed after its entry into force for the purpose of conviction and imposition of punishment.

CHAPTER IV: JURISDICTION, APPLICABLE LAW AND PROCEDURE

Article 40

The Hong Kong Special Administrative Region shall have jurisdiction over cases concerning offences under this Law, except under the circumstances specified in Article 55 of this Law.

Article 41

This Law and the laws of the Hong Kong Special Administrative Region shall apply to procedural matters, including those related to criminal investigation, prosecution, trial, and execution of penalty, in respect of cases concerning offence endangering national security over which the Region exercises jurisdiction.

No prosecution shall be instituted in respect of an offence endangering national security without the written consent of the Secretary for Justice. This provision shall not prejudice the arrest and detention of a person who is suspected of having committed the offence or the application for bail by the person in accordance with the law.

Cases concerning offence endangering national security within the jurisdiction of the Hong Kong Special Administrative Region shall be tried on indictment.

The trial shall be conducted in an open court. When circumstances arise such as the trial involving State secrets or public order, all or part of the trial shall be closed to the media and the public but the judgment shall be delivered in an open court.

Article 42

When applying the laws in force in the Hong Kong Special Administrative Region concerning matters such as the detention and time limit for trial, the law enforcement and judicial authorities of the Region shall ensure that cases concerning offence endangering national security are handled in a fair and timely manner so as to effectively prevent, suppress and impose punishment for such offence.

No bail shall be granted to a criminal suspect or defendant unless the judge has sufficient grounds for believing that the criminal suspect or defendant will not continue to commit acts endangering national security.

Article 43

When handling cases concerning offence endangering national security, the department for safeguarding national security of the Police Force of the Hong Kong Special Administrative Region may take measures that law enforcement authorities, including the Hong Kong Police Force, are allowed to apply under the laws in force in the Hong Kong Special Administrative Region in investigating serious crimes, and may also take the following measures:

- (1) search of premises, vehicles, vessels, aircraft and other relevant places and electronic devices that may contain evidence of an offence;
- (2) ordering any person suspected of having committed an offence endangering national security to surrender travel documents, or prohibiting the person concerned from leaving the Region;
- (3) freezing of, applying for restraint order, charging order and confiscation order in respect of, and forfeiture of property used or intended to be used for the commission of the offence, proceeds of crime, or other property relating to the commission of the offence;
- (4) requiring a person who published information or the relevant service provider to delete the information or provide assistance;
- (5) requiring a political organisation of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, or an agent of authorities or a political organisation of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, to provide information;
- (6) upon approval of the Chief Executive, carrying out interception of communications and conducting covert surveillance on a person who is suspected, on reasonable grounds, of having involved in the commission of an offence endangering national security; and
- (7) requiring a person, who is suspected, on reasonable grounds, of having in possession information or material relevant to investigation, to answer questions and furnish such information or produce such material.

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be responsible for supervising the implementation of the measures stipulated in the first paragraph of this Article by law enforcement authorities including the department for safeguarding national security of the Hong Kong Police Force.

The Chief Executive shall be authorised, in conjunction with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region, to make relevant implementation rules for the purpose of applying the measures under the first paragraph of this Article.

Article 44

The Chief Executive shall designate a number of judges from the magistrates, the judges of the District Court, the judges of the Court of First Instance and the Court of Appeal of the High Court, and the judges of the Court of Final Appeal, and may also designate a number of judges from deputy judges or recorders, to handle cases concerning offence endangering national security. Before making such designation, the Chief Executive may consult the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region and the Chief Justice of the Court of Final Appeal. The term of office of the aforementioned designated judges shall be one year.

A person shall not be designated as a judge to adjudicate a case concerning offence endangering national security if he or she has made any statement or behaved in any manner endangering national security. A designated judge shall be removed from the designation list if he or she makes any statement or behaves in any manner endangering

national security during the term of office.

The proceedings in relation to the prosecution for offences endangering national security in the magistrates' courts, the District Court, the High Court and the Court of Final Appeal shall be handled by the designated judges in the respective courts.

Article 45

Unless otherwise provided by this Law, magistrates' courts, the District Court, the High Court and the Court of Final Appeal shall handle proceedings in relation to the prosecution for offences endangering national security in accordance with the laws of the Hong Kong Special Administrative Region.

Article 46

In criminal proceedings in the Court of First Instance of the High Court concerning offences endangering national security, the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury on the grounds of, among others, the protection of State secrets, involvement of foreign factors in the case, and the protection of personal safety of jurors and their family members. Where the Secretary for Justice has issued the certificate, the case shall be tried in the Court of First Instance without a jury by a panel of three judges.

Where the Secretary for Justice has issued the certificate, the reference to "a jury" or "a verdict of the jury" in any provision of the laws of the Hong Kong Special Administrative Region applicable to the related proceedings shall be construed as referring to the judges or the functions of the judge as a judge of fact.

Article 47

The courts of the Hong Kong Special Administrative Region shall obtain a certificate from the Chief Executive to certify whether an act involves national security or whether the relevant evidence involves State secrets when such questions arise in the adjudication of a case. The certificate shall be binding on the courts.

CHAPTER V: OFFICE FOR SAFEGUARDING NATIONAL SECURITY OF THE CENTRAL PEOPLE'S GOVERNMENT IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Article 48

The Central People's Government shall establish in the Hong Kong Special Administrative Region an office for safeguarding national security. The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall perform its mandate for safeguarding national security and exercise relevant powers in accordance with the law.

The staff of the Office shall be jointly dispatched by relevant national security authorities under the Central People's Government.

Article 49

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall perform the following mandate:

- (1) analysing and assessing developments in relation to safeguarding national security in the Hong Kong Special Administrative Region, and providing opinions and making proposals on major strategies and important policies for safeguarding national security;
- (2) overseeing, guiding, coordinating with, and providing support to the Region in the performance of its duties for safeguarding national security;
- (3) collecting and analysing intelligence and information concerning national security; and
- (4) handling cases concerning offence endangering national security in accordance with the law.

Article 50

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall perform its mandate in strict compliance with the law and be subject to supervision in accordance with the law. It shall not infringe upon the lawful rights and interests of any individual or organisation.

The staff of the Office shall abide by the laws of the Hong Kong Special Administrative Region as well as national laws.

The staff of the Office shall be subject to the supervision of the national supervisory authorities in accordance with the law.

Article 51

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall be funded by the Central People's Government.

Article 52

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall strengthen working relations and cooperation with the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region, and the Hong Kong Garrison of the Chinese People's Liberation Army.

Article 53

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall establish a mechanism of coordination with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region to oversee and provide guidance on the work of the Hong Kong Special Administrative Region for safeguarding national security.

The working departments of the Office shall establish mechanisms for collaboration with the relevant authorities of the Region responsible for safeguarding national security to enhance information sharing and operations coordination.

Article 54

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region and the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region shall, together with the Government of the Hong Kong Special Administrative Region, take necessary measures to strengthen the management of and services for organs of foreign countries and international organisations in the Region, as well as non-governmental organisations and news agencies of foreign countries and from outside the mainland, Hong Kong, and Macao of the People's Republic of China in the Region.

Article 55

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall, upon approval by the Central People's Government of a request made by the Government of the Hong Kong Special Administrative Region or by the Office itself, exercise jurisdiction over a case concerning offence endangering national security under this Law, if:

- (1) the case is complex due to the involvement of a foreign country or external elements, thus making it difficult for the Region to exercise jurisdiction over the case;
- (2) a serious situation occurs where the Government of the Region is unable to effectively enforce this Law; or
- (3) a major and imminent threat to national security has occurred.

Article 56

In exercising jurisdiction over a case concerning offence endangering national security pursuant to Article 55 of this Law, the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall initiate investigation into the case, the Supreme People's Procuratorate shall designate a prosecuting body to prosecute it, and the Supreme People's Court shall designate a court to adjudicate it.

Article 57

The Criminal Procedure Law of the People's Republic of China and other related national laws shall apply to procedural matters, including those related to criminal investigation, examination and prosecution, trial, and execution of penalty, in respect of cases over which jurisdiction is exercised pursuant to Article 55 of this Law.

When exercising jurisdiction over cases pursuant to Article 55 of this Law, the law enforcement and judicial authorities referred to in Article 56 of this Law shall exercise powers in accordance with the law. The legal documents issued by these authorities on their decisions to take mandatory and investigation measures and on their

judicial decisions shall have legal force in the Hong Kong Special Administrative Region. The institutions, organisations and individuals concerned must comply with measures taken by the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region in accordance with the law.

Article 58

In a case over which jurisdiction is exercised pursuant to Article 55 of this Law, a criminal suspect shall have the right to retain a lawyer to represent him or her from the day he or she first receives inquiry made by the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region or from the day a mandatory measure is taken against him or her. A defence lawyer may provide legal assistance to a criminal suspect or defendant in accordance with the law.

A criminal suspect or defendant who is arrested in accordance with the law shall be entitled to a fair trial before a judicial body without undue delay.

Article 59

In a case over which jurisdiction is exercised pursuant to Article 55 of this Law, any person who has information pertaining to an offence endangering national security under this Law is obliged to testify truthfully.

Article 60

The acts performed in the course of duty by the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region and its staff in accordance with this Law shall not be subject to the jurisdiction of the Hong Kong Special Administrative Region.

In the course of performing duty, a holder of an identification document or a document of certification issued by the Office and the articles including vehicles used by the holder shall not be subject to inspection, search or detention by law enforcement officers of the Region.

The Office and its staff shall enjoy other rights and immunities provided by laws of the Region.

Article 61

The relevant departments of the Government of the Hong Kong Special Administrative Region shall provide necessary facilitation and support to the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region in performing its mandate in accordance with this Law, and shall stop any act obstructing the performance of such mandate and hold those who commit such act liable in accordance with the law.

CHAPTER VI: SUPPLEMENTARY PROVISIONS

Article 62

This Law shall prevail where provisions of the local laws of the Hong Kong Special Administrative Region are inconsistent with this Law.

Article 63

The law enforcement and judicial authorities and their staff who handle cases concerning offence endangering national security under this Law, or the law enforcement and judicial authorities of the Hong Kong Special Administrative Region and their staff who handle other cases concerning offence endangering national security, shall keep confidential State secrets, trade secrets or personal information which they come to know in the process of handling such cases.

A lawyer who serves as defence counsel or legal representative shall keep confidential State secrets, trade secrets or personal information which he or she comes to know in the practice of law.

The relevant institutions, organisations and individuals who assist with the handling of a case shall keep confidential any information pertaining to the case.

Article 64

In the application of this Law in the Hong Kong Special Administrative Region, the terms “fixed-term imprisonment”, “life imprisonment”, “confiscation of property” and “criminal fine” in this Law respectively mean

“imprisonment”, “imprisonment for life”, “confiscation of proceeds of crime” and “fine”; “short-term detention” shall be construed, with reference to the relevant laws of the Region, as “imprisonment”, “detention in a detention centre” or “detention in a training centre”; “restriction” shall be construed, with reference to the relevant laws of the Region, as “community service” or “detention in a reformatory school”; and “revoke licence or business permit” means “revoke registration or exemption from registration, or revoke licence” as provided for in the relevant laws of the Region.

Article 65

The power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress.

Article 66

This Law shall come into force on the date of its promulgation.

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《中華人民共和國香港特別行政區維護國家安全法》

【第一章 總則】

- 第一條** 為堅定不移並全面準確貫徹「一國兩制」、「港人治港」、高度自治的方針，維護國家安全，防範、制止和懲治與香港特別行政區有關的分裂國家、顛覆國家政權、組織實施恐怖活動和勾結外國或者境外勢力危害國家安全等犯罪，保持香港特別行政區的繁榮和穩定，保障香港特別行政區居民的合法權益，根據中華人民共和國憲法、中華人民共和國香港特別行政區基本法和全國人民代表大會關於建立健全香港特別行政區維護國家安全的法律制度和執行機制的決定，制定本法。
- 第二條** 關於香港特別行政區法律地位的香港特別行政區基本法第一條和第十二條規定是香港特別行政區基本法的根本性條款。香港特別行政區任何機構、組織和個人行使權利和自由，不得違背香港特別行政區基本法第一條和第十二條的規定。
- 第三條** 中央人民政府對香港特別行政區有關的國家安全事務負有根本責任。
香港特別行政區負有維護國家安全的憲制責任，應當履行維護國家安全的職責。
香港特別行政區行政機關、立法機關、司法機關應當依據本法和其他有關法律規定有效防範、制止和懲治危害國家安全的行為和活動。
- 第四條** 香港特別行政區維護國家安全應當尊重和保障人權，依法保護香港特別行政區居民根據香港特別行政區基本法和《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》適用於香港的有關規定享有的包括言論、新聞、出版的自由，結社、集會、遊行、示威的自由在內的權利和自由。
- 第五條** 防範、制止和懲治危害國家安全犯罪，應當堅持法治原則。法律規定為犯罪行為的，依照法律定罪處刑；法律沒有規定為犯罪行為的，不得定罪處刑。
任何人未經司法機關判罪之前均假定無罪。保障犯罪嫌疑人、被告人和其他訴訟參與人依法享有的辯護權和其他訴訟權利。任何人已經司法程序被最終確定有罪或者宣告無罪的，不得就同一行為再予審判或者懲罰。
- 第六條** 維護國家主權、統一和領土完整是包括香港同胞在內的全中國人民的共同義務。
在香港特別行政區的任何機構、組織和個人都應當遵守本法和香港特別行政區有關維護國家安全的其他法律，不得從事危害國家安全的行為和活動。
香港特別行政區居民在參選或者就任公職時應當依法簽署文件確認或者宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政區。

【第二章 香港特別行政區維護國家安全的職責和機構】

● 第一節 職責

- 第七條 香港特別行政區應當盡早完成香港特別行政區基本法規定的維護國家安全立法，完善相關法律。
- 第八條 香港特別行政區執法、司法機關應當切實執行本法和香港特別行政區現行法律有關防範、制止和懲治危害國家安全行為和活動的規定，有效維護國家安全。
- 第九條 香港特別行政區應當加強維護國家安全和防範恐怖活動的工作。對學校、社會團體、媒體、網絡等涉及國家安全的事宜，香港特別行政區政府應當採取必要措施，加強宣傳、指導、監督和管理。
- 第十條 香港特別行政區應當通過學校、社會團體、媒體、網絡等開展國家安全教育，提高香港特別行政區居民的國家安全意識和守法意識。
- 第十一條 香港特別行政區行政長官應當就香港特別行政區維護國家安全事務向中央人民政府負責，並就香港特別行政區履行維護國家安全職責的情況提交年度報告。
如中央人民政府提出要求，行政長官應當就維護國家安全特定事項及時提交報告。

● 第二節 機構

- 第十二條 香港特別行政區設立維護國家安全委員會，負責香港特別行政區維護國家安全事務，承擔維護國家安全的主要責任，並接受中央人民政府的監督和問責。
- 第十三條 香港特別行政區維護國家安全委員會由行政長官擔任主席，成員包括政務司長、財政司長、律政司長、保安局長、警務處長、本法第十六條規定的警務處維護國家安全部門的負責人、入境事務處長、海關關長和行政長官辦公室主任。
香港特別行政區維護國家安全委員會下設秘書處，由秘書長領導。秘書長由行政長官提名，報中央人民政府任命。
- 第十四條 香港特別行政區維護國家安全委員會的職責為：
（一）分析研判香港特別行政區維護國家安全形勢，規劃有關工作，制定香港特別行政區維護國家安全政策；
（二）推進香港特別行政區維護國家安全的法律制度和執行機制建設；
（三）協調香港特別行政區維護國家安全的重點工作和重大行動。
香港特別行政區維護國家安全委員會的工作不受香港特別行政區任何其他機構、組織和個人的干涉，工作信息不予公開。香港特別行政區維護國家安全委員會作出的決定不受司法覆核。
- 第十五條 香港特別行政區維護國家安全委員會設立國家安全事務顧問，由中央人民政府指派，就香港特別行政區維護國家安全委員會履行職責相關事務提供意見。國家安全事務顧問列席香港特別行政區維護國家安全委員會會議。
- 第十六條 香港特別行政區政府警務處設立維護國家安全的部門，配備執法力量。
警務處維護國家安全部門負責人由行政長官任命，行政長官任命前須書面徵求本法第四十八條規定的機構的意見。警務處維護國家安全部門負責人在就職時應當宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政區，遵守法律，保守秘密。
警務處維護國家安全部門可以從香港特別行政區以外聘請合格的專門人員和技術人員，協助執行維護國家安全相關任務。
- 第十七條 警務處維護國家安全部門的職責為：
（一）收集分析涉及國家安全的情報信息；
（二）部署、協調、推進維護國家安全的措施和行動；
（三）調查危害國家安全犯罪案件；
（四）進行反干預調查和開展國家安全審查；
（五）承辦香港特別行政區維護國家安全委員會交辦的維護國家安全工作；
（六）執行本法所需的其他職責。
- 第十八條 香港特別行政區律政司設立專門的國家安全犯罪案件檢控部門，負責危害國家安全犯罪案件的檢控工作和其他相關法律事務。該部門檢控官由律政司長徵得香港特別行政區維護國家安全委員會同意後任命。
律政司國家安全犯罪案件檢控部門負責人由行政長官任命，行政長官任命前須書面徵求本法第四十八條規定的機構的意見。律政司國家安全犯罪案件檢控部門負責人在就職時應當宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政

- 區，遵守法律，保守秘密。
- 第十九條 經行政長官批准，香港特別行政區政府財政司長應當從政府一般收入中撥出專門款項支付關於維護國家安全的開支並核准所涉及的人員編制，不受香港特別行政區現行有關法律規定的限制。財政司長須每年就該款項的控制和管理向立法會提交報告。

【第三章 罪行和處罰】

● 第一節 分裂國家罪

- 第二十條 任何人組織、策劃、實施或者參與實施以下旨在分裂國家、破壞國家統一行為之一的，不論是否使用武力或者以武力相威脅，即屬犯罪：
- （一）將香港特別行政區或者中華人民共和國其他任何部分從中華人民共和國分離出去；
 - （二）非法改變香港特別行政區或者中華人民共和國其他任何部分的法律地位；
 - （三）將香港特別行政區或者中華人民共和國其他任何部分轉歸外國統治。
- 犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑；對積極參加的，處三年以上十年以下有期徒刑；對其他參加的，處三年以下有期徒刑、拘役或者管制。
- 第二十一條 任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

● 第二節 顛覆國家政權罪

- 第二十二條 任何人組織、策劃、實施或者參與實施以下以武力、威脅使用武力或者其他非法手段旨在顛覆國家政權行為之一的，即屬犯罪：
- （一）推翻、破壞中華人民共和國憲法所確立的中華人民共和國根本制度；
 - （二）推翻中華人民共和國中央政權機關或者香港特別行政區政權機關；
 - （三）嚴重干擾、阻撓、破壞中華人民共和國中央政權機關或者香港特別行政區政權機關依法履行職能；
 - （四）攻擊、破壞香港特別行政區政權機關履職場所及其設施，致使其無法正常履行職能。
- 犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑；對積極參加的，處三年以上十年以下有期徒刑；對其他參加的，處三年以下有期徒刑、拘役或者管制。
- 第二十三條 任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十二條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

● 第三節 恐怖活動罪

- 第二十四條 為脅迫中央人民政府、香港特別行政區政府或者國際組織或者威嚇公眾以圖實現政治主張，組織、策劃、實施、參與實施或者威脅實施以下造成或者意圖造成嚴重社會危害的恐怖活動之一的，即屬犯罪：
- （一）針對人的嚴重暴力；
 - （二）爆炸、縱火或者投放毒害性、放射性、傳染病原體等物質；
 - （三）破壞交通工具、交通設施、電力設備、燃氣設備或者其他易燃易爆設備；
 - （四）嚴重干擾、破壞水、電、燃氣、交通、通訊、網絡等公共服務和管理的電子控制系統；
 - （五）以其他危險方法嚴重危害公眾健康或者安全。
- 犯前款罪，致人重傷、死亡或者使公私財產遭受重大損失的，處無期徒刑或者十年以上有期徒刑；其他情形，處三年以上十年以下有期徒刑。
- 第二十五條 組織、領導恐怖活動組織的，即屬犯罪，處無期徒刑或者十年以上有期徒刑，並處沒收財產；積極參加的，處三年以上十年以下有期徒刑，並處罰金；其他參加的，處三年以下有期徒刑、拘役或者管制，可以並處罰金。
- 本法所指的恐怖活動組織，是指實施或者意圖實施本法第二十四條規定的恐怖活動罪行或者參與或者協助實施本法第二十四條規定的恐怖活動罪行的組織。

第二十六條 為恐怖活動組織、恐怖活動人員、恐怖活動實施提供培訓、武器、信息、資金、物資、勞務、運輸、技術或者場所等支持、協助、便利，或者製造、非法管有爆炸性、毒害性、放射性、傳染病病原體等物質以及以其他形式準備實施恐怖活動的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑，並處罰金或者沒收財產；其他情形，處五年以下有期徒刑、拘役或者管制，並處罰金。

有前款行為，同時構成其他犯罪的，依照處罰較重的規定定罪處罰。

第二十七條 宣揚恐怖主義、煽動實施恐怖活動的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑，並處罰金或者沒收財產；其他情形，處五年以下有期徒刑、拘役或者管制，並處罰金。

第二十八條 本節規定不影響依據香港特別行政區法律對其他形式的恐怖活動犯罪追究刑事責任並採取凍結財產等措施。

● 第四節 勾結外國或者境外勢力危害國家安全罪

第二十九條 為外國或者境外機構、組織、人員竊取、刺探、收買、非法提供涉及國家安全的國家秘密或者情報的；請求外國或者境外機構、組織、人員實施，與外國或者境外機構、組織、人員串謀實施，或者直接或者間接受外國或者境外機構、組織、人員的指使、控制、資助或者其他形式的支援實施以下行為之一的，均屬犯罪：

（一）對中華人民共和國發動戰爭，或者以武力或者武力相威脅，對中華人民共和國主權、統一和領土完整造成嚴重危害；

（二）對香港特別行政區政府或者中央人民政府制定和執行法律、政策進行嚴重阻撓並可能造成嚴重後果；

（三）對香港特別行政區選舉進行操控、破壞並可能造成嚴重後果；

（四）對香港特別行政區或者中華人民共和國進行制裁、封鎖或者採取其他敵對行動；

（五）通過各種非法方式引發香港特別行政區居民對中央人民政府或者香港特別行政區政府的憎恨並可能造成嚴重後果。

犯前款罪，處三年以上十年以下有期徒刑；罪行重大的，處無期徒刑或者十年以上有期徒刑。

本條第一款規定涉及的境外機構、組織、人員，按共同犯罪定罪處刑。

第三十條 為實施本法第二十條、第二十二條規定的犯罪，與外國或者境外機構、組織、人員串謀，或者直接或者間接受外國或者境外機構、組織、人員的指使、控制、資助或者其他形式的支援的，依照本法第二十條、第二十二條的規定從重處罰。

● 第五節 其他處罰規定

第三十一條 公司、團體等法人或者非法人組織實施本法規定的犯罪的，對該組織判處罰金。

公司、團體等法人或者非法人組織因犯本法規定的罪行受到刑事處罰的，應責令其暫停運作或者吊銷其執照或者營業許可證。

第三十二條 因實施本法規定的犯罪而獲得的資助、收益、報酬等違法所得以及用於或者意圖用於犯罪的資金和工具，應當予以追繳、沒收。

第三十三條 有以下情形的，對有關犯罪行為人、犯罪嫌疑人、被告人可以從輕、減輕處罰；犯罪較輕的，可以免除處罰：

（一）在犯罪過程中，自動放棄犯罪或者自動有效地防止犯罪結果發生的；

（二）自動投案，如實供述自己的罪行的；

（三）揭發他人犯罪行為，查證屬實，或者提供重要線索得以偵破其他案件的。

被採取強制措施的犯罪嫌疑人、被告人如實供述執法、司法機關未掌握的本人犯有本法規定的其他罪行的，按前款第二項規定處理。

第三十四條 不具有香港特別行政區永久性居民身分的人實施本法規定的犯罪的，可以獨立適用或者附加適用驅逐出境。

不具有香港特別行政區永久性居民身分的人違反本法規定，因任何原因不對其追究刑事責任的，也可以驅逐出境。

第三十五條 任何人經法院判決犯危害國家安全罪行的，即喪失作為候選人參加香港特別行政區舉行的立法會、區議會選舉或者出任香港特別行政區任何公職或者行政長官選舉委員會委員的資格；曾經宣誓或者聲明擁護中華人民共和國香港特別行政區基本法、效忠中華人民共和國香港特別行政區的立法會議員、政府官員及公務人員、行政會議成員、法官及其他司法人

員、區議員，即時喪失該等職務，並喪失參選或者出任上述職務的資格。

前款規定資格或者職務的喪失，由負責組織、管理有關選舉或者公職任免的機構宣布。

● 第六節 效力範圍

第三十六條 任何人在香港特別行政區內實施本法規定的犯罪的，適用本法。犯罪的行為或者結果有一項發生在香港特別行政區內的，就認為是在香港特別行政區內犯罪。

在香港特別行政區註冊的船舶或者航空器內實施本法規定的犯罪的，也適用本法。

第三十七條 香港特別行政區永久性居民或者在香港特別行政區成立的公司、團體等法人或者非法人組織在香港特別行政區以外實施本法規定的犯罪的，適用本法。

第三十八條 不具有香港特別行政區永久性居民身分的人在香港特別行政區以外針對香港特別行政區實施本法規定的犯罪的，適用本法。

第三十九條 本法施行以後的行為，適用本法定罪處刑。

【第四章 案件管轄、法律適用和程序】

第四十條 香港特別行政區對本法規定的犯罪案件行使管轄權，但本法第五十五條規定的情形除外。

第四十一條 香港特別行政區管轄危害國家安全犯罪案件的立案偵查、檢控、審判和刑罰的執行等訴訟程序事宜，適用本法和香港特別行政區本地法律。

未經律政司長書面同意，任何人不得就危害國家安全犯罪案件提出檢控。但該規定不影響就有關犯罪依法逮捕犯罪嫌疑人並將其羈押，也不影響該等犯罪嫌疑人申請保釋。

香港特別行政區管轄的危害國家安全犯罪案件的審判循公訴程序進行。

審判應當公開進行。因為涉及國家秘密、公共秩序等情形不宜公開審理的，禁止新聞界和公眾旁聽全部或者一部分審理程序，但判決結果應當一律公開宣布。

第四十二條 香港特別行政區執法、司法機關在適用香港特別行政區現行法律有關羈押、審理期限等方面的規定時，應當確保危害國家安全犯罪案件公正、及時辦理，有效防範、制止和懲治危害國家安全犯罪。

對犯罪嫌疑人、被告人，除非法官有充足理由相信其不會繼續實施危害國家安全行為的，不得准予保釋。

第四十三條 香港特別行政區政府警務處維護國家安全部門辦理危害國家安全犯罪案件時，可以採取香港特別行政區現行法律准予警方等執法部門在調查嚴重犯罪案件時採取的各種措施，並可以採取以下措施：

- （一）搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
- （二）要求涉嫌實施危害國家安全犯罪行為的人員交出旅行證件或者限制其離境；
- （三）對用於或者意圖用於犯罪的財產、因犯罪所得的收益等與犯罪相關的財產，予以凍結，申請限制令、押記令、沒收令以及充公；
- （四）要求信息發布人或者有關服務商移除信息或者提供協助；
- （五）要求外國及境外政治性組織，外國及境外當局或者政治性組織的代理人提供資料；
- （六）經行政長官批准，對有合理理由懷疑涉及實施危害國家安全犯罪的人員進行截取通訊和秘密監察；
- （七）對有合理理由懷疑擁有與偵查有關的資料或者管有有關物料的人員，要求其回答問題和提交資料或者物料。

香港特別行政區維護國家安全委員會對警務處維護國家安全部門等執法機構採取本條第一款規定措施負有監督責任。

授權香港特別行政區行政長官會同香港特別行政區維護國家安全委員會為採取本條第一款規定措施制定相關實施細則。

第四十四條 香港特別行政區行政長官應當從裁判官、區域法院法官、高等法院原訟法庭法官、上訴法庭法官以及終審法院法官中指定若干名法官，也可從暫委或者特委法官中指定若干名法官，負責處理危害國家安全犯罪案件。行政長官在指定法官前可徵詢香港特別行政區維護國家安全委員會和終審法院首席法官的意見。上述指定法官任期一年。

凡有危害國家安全言行的，不得被指定為審理危害國家安全犯罪案件的法官。在獲任指定法官期間，如有危害國家安全言行的，終止其指定法官資格。

在裁判法院、區域法院、高等法院和終審法院就危害國家安全犯罪案件提起的刑事檢控程序應當分別由各該法院的指定法官處理。

- 第四十五條 除本法另有規定外，裁判法院、區域法院、高等法院和終審法院應當按照香港特別行政區的其他法律處理就危害國家安全犯罪案件提起的刑事檢控程序。
- 第四十六條 對高等法院原訟法庭進行的就危害國家安全犯罪案件提起的刑事檢控程序，律政司長可基於保護國家秘密、案件具有涉外因素或者保障陪審員及其家人的人身安全等理由，發出證書指示相關訴訟毋須在有陪審團的情況下進行審理。凡律政司長發出上述證書，高等法院原訟法庭應當在沒有陪審團的情況下進行審理，並由三名法官組成審判庭。
- 凡律政司長發出前款規定的證書，適用於相關訴訟的香港特別行政區任何法律條文關於「陪審團」或者「陪審團的裁決」，均應當理解為指法官或者法官作為事實裁斷者的職能。
- 第四十七條 香港特別行政區法院在審理案件中遇有涉及有關行為是否涉及國家安全或者有關證據材料是否涉及國家秘密的認定問題，應取得行政長官就該等問題發出的證明書，上述證明書對法院有約束力。

【第五章 中央人民政府駐香港特別行政區維護國家安全機構】

- 第四十八條 中央人民政府在香港特別行政區設立維護國家安全公署。中央人民政府駐香港特別行政區維護國家安全公署依法履行維護國家安全職責，行使相關權力。
- 駐香港特別行政區維護國家安全公署人員由中央人民政府維護國家安全的有關機關聯合派出。
- 第四十九條 駐香港特別行政區維護國家安全公署的職責為：
- （一）分析研判香港特別行政區維護國家安全形勢，就維護國家安全重大戰略和重要政策提出意見和建議；
 - （二）監督、指導、協調、支持香港特別行政區履行維護國家安全的職責；
 - （三）收集分析國家安全情報信息；
 - （四）依法辦理危害國家安全犯罪案件。
- 第五十條 駐香港特別行政區維護國家安全公署應當嚴格依法履行職責，依法接受監督，不得侵害任何個人和組織的合法權益。
- 駐香港特別行政區維護國家安全公署人員除須遵守全國性法律外，還應當遵守香港特別行政區法律。
- 駐香港特別行政區維護國家安全公署人員依法接受國家監察機關的監督。
- 第五十一條 駐香港特別行政區維護國家安全公署的經費由中央財政保障。
- 第五十二條 駐香港特別行政區維護國家安全公署應當加強與中央人民政府駐香港特別行政區聯絡辦公室、外交部駐香港特別行政區特派員公署、中國人民解放軍駐香港部隊的工作聯繫和工作協同。
- 第五十三條 駐香港特別行政區維護國家安全公署應當與香港特別行政區維護國家安全委員會建立協調機制，監督、指導香港特別行政區維護國家安全工作。
- 駐香港特別行政區維護國家安全公署的工作部門應當與香港特別行政區維護國家安全的有關機關建立協作機制，加強信息共享和行動配合。
- 第五十四條 駐香港特別行政區維護國家安全公署、外交部駐香港特別行政區特派員公署會同香港特別行政區政府採取必要措施，加強對外國和國際組織駐香港特別行政區機構、在香港特別行政區的外國和境外非政府組織和新聞機構的管理和服務。
- 第五十五條 有以下情形之一的，經香港特別行政區政府或者駐香港特別行政區維護國家安全公署提出，並報中央人民政府批准，由駐香港特別行政區維護國家安全公署對本法規定的危害國家安全犯罪案件行使管轄權：
- （一）案件涉及外國或者境外勢力介入的複雜情況，香港特別行政區管轄確有困難的；
 - （二）出現香港特別行政區政府無法有效執行本法的嚴重情況的；
 - （三）出現國家安全面臨重大現實威脅的情況的。
- 第五十六條 根據本法第五十五條規定管轄有關危害國家安全犯罪案件時，由駐香港特別行政區維護國家安全公署負責立案偵查，最高人民檢察院指定有關檢察機關行使檢察權，最高人民法院指定有關法院行使審判權。
- 第五十七條 根據本法第五十五條規定管轄案件的立案偵查、審查起訴、審判和刑罰的執行等訴訟程序事宜，適用《中華人民共和國刑事訴訟法》等相關法律的規定。
- 根據本法第五十五條規定管轄案件時，本法第五十六條規定的執法、司法機關依法行使相關權力，其為決定採取強制措施、偵查措施和司法裁判而簽發的法律文書在香港特別行

- 政區具有法律效力。對於駐香港特別行政區維護國家安全公署依法採取的措施，有關機構、組織和個人必須遵從。
- 第五十八條 根據本法第五十五條規定管轄案件時，犯罪嫌疑人自被駐香港特別行政區維護國家安全公署第一次訊問或者採取強制措施之日起，有權委託律師作為辯護人。辯護律師可以依法為犯罪嫌疑人、被告人提供法律幫助。
- 第五十九條 犯罪嫌疑人、被告人被合法拘捕後，享有盡早接受司法機關公正審判的權利。根據本法第五十五條規定管轄案件時，任何人如果知道本法規定的危害國家安全犯罪案件情況，都有如實作證的義務。
- 第六十條 駐香港特別行政區維護國家安全公署及其人員依據本法執行職務的行為，不受香港特別行政區管轄。
- 持有駐香港特別行政區維護國家安全公署制發的證件或者證明文件的人員和車輛等在執行職務時不受香港特別行政區執法人員檢查、搜查和扣押。
- 駐香港特別行政區維護國家安全公署及其人員享有香港特別行政區法律規定的其他權利和豁免。
- 第六十一條 駐香港特別行政區維護國家安全公署依據本法規定履行職責時，香港特別行政區政府有關部門須提供必要的便利和配合，對妨礙有關執行職務的行為依法予以制止並追究責任。

【第六章 附則】

- 第六十二條 香港特別行政區本地法律規定與本法不一致的，適用本法規定。
- 第六十三條 辦理本法規定的危害國家安全犯罪案件的有關執法、司法機關及其人員或者辦理其他危害國家安全犯罪案件的香港特別行政區執法、司法機關及其人員，應當對辦案過程中知悉的國家秘密、商業秘密和個人隱私予以保密。
- 擔任辯護人或者訴訟代理人的律師應當保守在執業活動中知悉的國家秘密、商業秘密和個人隱私。
- 配合辦案的有關機構、組織和個人應當對案件有關情況予以保密。
- 第六十四條 香港特別行政區適用本法時，本法規定的「有期徒刑」「無期徒刑」「沒收財產」和「罰金」分別指「監禁」「終身監禁」「充公犯罪所得」和「罰款」，「拘役」參照適用香港特別行政區相關法律規定的「監禁」「入勞役中心」「入教導所」，「管制」參照適用香港特別行政區相關法律規定的「社會服務令」「入感化院」，「吊銷執照或者營業許可證」指香港特別行政區相關法律規定的「取消註冊或者註冊豁免，或者取消牌照」。
- 第六十五條 本法的解釋權屬於全國人民代表大會常務委員會。
- 第六十六條 本法自公布之日起施行。

Implementation Rules for Article 43 of the HKSAR National Security Law

Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

Implementation Rules for Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Implementation Rules) were gazetted today (July 6) and will take effect on July 7.

The Standing Committee of the National People's Congress (NPCSC) passed on June 30 the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) and listed the legislation in Annex III to the Basic Law in accordance with the procedures under Article 18 of the Basic Law. The Hong Kong Special Administrative Region (HKSAR) Government promulgated the National Security Law in the gazette for implementation at 11pm the same day. Article 43 of the National Security Law stipulates various measures that the department for safeguarding national security of the Police Force of HKSAR may take when handling cases concerning offence endangering national security, and authorises the Chief Executive of the HKSAR, in conjunction with the Committee for Safeguarding National Security of the HKSAR (National Security Committee) to make relevant implementation rules for the purpose of

applying the measures stipulated under Article 43.

At the first meeting of the National Security Committee today, the Chief Executive, in conjunction with the National Security Committee, exercised the power under Article 43 of the National Security Law to make relevant implementation rules for law enforcement agencies such as the department for safeguarding national security of the Hong Kong Police Force to implement the measures stipulated under Article 43. The Implementation Rules provide for rules that relevant officers should observe when carrying out the specific measures concerned to prevent, suppress and impose punishment for offences endangering national security, and relevant offences and penalties for the effective implementation of the measures, so as to improve the enforcement mechanisms for the HKSAR to safeguard national security.

The Government spokesman pointed out that the aforementioned Implementation Rules, formulated for the exercise of various measures by relevant officers, clearly set out in detail the procedural requirements, circumstances that must be met and conditions for approval, etc. when implementing those measures. The purpose is to ensure that when relevant officers exercise powers and apply measures under Article 43 of the National Security Law to enforce the Law, the objectives of preventing, suppressing and imposing punishment for any acts and activities endangering national security can be achieved, while the requirement under the General Principles of the National Security Law to respect and protect human rights, as well as the protection of various rights and freedom in accordance with the law can be complied with.

The Implementation Rules have the force of law, and details are as follows:

1. Search of Places for Evidence

The relevant rules are formulated with reference to various existing ordinances regarding the permission to conduct urgent search under exceptional circumstances, including the Firearms and Ammunition Ordinance (Cap. 238) and the Import and Export Ordinance (Cap. 60). For investigation of an offence endangering national security, a police officer may apply to a magistrate for a warrant to enter and search a place for evidence. Under exceptional circumstances (for instance, in urgent situations), a police officer not below the rank of Assistant Commissioner of Police may authorise his officers to enter the relevant place to search for evidence without a warrant.

2. Restriction on Persons under Investigation from Leaving Hong Kong

With reference to provisions under the Prevention of Bribery Ordinance (Cap. 201) which restrict a person under investigation from leaving Hong Kong, the rules authorise police officers to apply to a magistrate for a warrant to require a person who is suspected to have committed offences endangering national security to surrender his travel document, and to restrict that person from leaving Hong Kong, lest some of the persons involved in the case abscond overseas. A person who has surrendered a travel document may make application in writing to the Commissioner of Police or to a magistrate for its return and for permission to leave Hong Kong.

3. Freezing, Restraint, Confiscation and Forfeiture of Property Related to Offences Endangering National Security

The arrangements concerned are formulated with reference to the existing powers and provisions under the Organized and Serious Crimes Ordinance (Cap. 455) and the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575). If the Secretary for Security has reasonable grounds to suspect that any property is property related to an offence endangering national security, he may, by notice in writing, direct that a person must not deal with the property. The Court of First Instance may, on the application by the Secretary for Justice, order the confiscation of the property related to the offence. Anyone who knows or suspects that any property is property related to an offence endangering national security is obliged to make a disclosure to the Police Force as soon as is reasonably practicable, and must not disclose to another person any information which is likely to prejudice any investigation which might be conducted following that first-mentioned disclosure. In addition, the Secretary for Justice may make an application to the Court of First Instance for a restraint order or charging order to prohibit any person from dealing with any realisable property, or impose on any realisable property that is specified in the order a charge for securing the payment of money to the Government. Furthermore, the Secretary for Justice may also make an application to the court for confiscating the proceeds arising from an offence endangering national security and ordering the amount due be paid within a fixed period.

4. Removal of Messages Endangering National Security and Request for Assistance

If the Commissioner of Police has reasonable grounds to suspect that an electronic message published on an electronic platform is likely to constitute an offence endangering national security or is likely to cause the occurrence of an offence endangering national security, he may, with the approval of the Secretary for Security, authorise a designated police officer to request the relevant message publisher(s), platform service provider(s), hosting service provider(s) and/or network service provider(s) to remove the message; restrict or cease access by any person to the

message; or restrict or cease access by any person to the platform or its relevant part(s). It is a reasonable defence if the technology necessary for complying with the requirement was not reasonably available to the publisher or relevant service provider; or there was a risk of incurring substantial loss to, or otherwise substantially prejudicing the right of, a third party.

If the publisher fails to cooperate immediately, and the relevant information on the Internet will continue to seriously affect members of the public, police officers may apply to the magistrate for a warrant to seize the relevant electronic device and take any action for removing that information as soon as practicable. Relevant officers may also apply to the magistrate for a warrant under specific circumstances to authorise police officers to request the relevant service provider to provide the identification record or decryption assistance as the case requires.

5. Requiring Foreign and Taiwan Political Organisations and Agents to Provide Information on Activities Concerning Hong Kong

If the Commissioner of Police reasonably believes that it is necessary for the prevention and investigation of an offence endangering national security, the Commissioner of Police may, with the approval of the Secretary for Security, by written notice served on a foreign political organisation or Taiwan political organisation, or a foreign agent or a Taiwan agent, require the organisation or agent to provide the Commissioner of Police with the prescribed information (including the activities, the personal particulars, as well as the assets, income, sources of income, and expenditure of the organisation in Hong Kong) in a prescribed manner within the specified period. The relevant rules are formulated with reference to the prevailing provisions of the Societies Ordinance (Cap. 151) under which Societies Officers may request the provision of information from societies.

6. Application on Authorisation for Interception of Communications and Covert Surveillance

To effectively prevent and detect offences endangering national security and protect the confidentiality of information related to national security, all applications for interception of communications and covert surveillance operations must be approved by the Chief Executive. Applications for the less intrusive covert surveillance may be made to a directorate officer of the Police Force designated by the Chief Executive. The authorising authority has to ensure that the covert operation concerned satisfies the proportionality and necessity tests before granting the authorisation. According to Article 43 of the National Security Law, the National Security Committee shall be responsible for supervising the implementation of the stipulated measures by the Police Force. On the other hand, the Implementation Rules provide that the Chief Executive may appoint an independent person to assist the National Security Committee in performing the aforementioned supervising responsibility. Furthermore, the Secretary for Security issues Operating Principles and Guidelines for the purpose of providing operating principles and guidance to officers of the HKPF regarding the making of relevant applications and the exercise of powers. Officers of the HKPF are required to comply with the provisions in the Operating Principles and Guidelines when performing any function under the relevant rules. The Operating Principles and Guidelines will be gazetted at the same time with the Implementation Rules.

7. Requirement to Furnish Information and Produce Materials

For the purpose of assisting an investigation into an offence endangering national security or the proceeds obtained with the commission of the relevant offence, the Secretary for Justice or police officers may apply to the court for an order to require the person concerned to answer questions within a specified time period, or to furnish or produce the relevant information or material. The provisions are formulated with reference to the relevant powers and provisions under the Organized and Serious Crimes Ordinance (Cap. 455) and the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) currently.

To ensure the effective implementation of the above relevant measures, there is also a need to provide in the Implementation Rules relevant penalties for contravention of the requirements. For instance, if a person who published a message fails to comply with the requirement of the police to remove the message endangering national security without reasonable excuse, the person is liable on conviction to a fine of \$100,000 and to imprisonment for one year. If a service provider fails to comply with the requirement to remove messages endangering national security, or to restrict or cease access to messages or platforms, or the request to provide assistance, the service provider is liable on conviction to a fine of \$100,000 and to imprisonment for six months. Furthermore, a foreign political organisation or Taiwan political organisation, or a foreign agent or a Taiwan agent, who fails to provide information as requested by the Police is liable on conviction to a fine of \$100,000 and to imprisonment for six months unless it can prove that it has exercised due diligence and there have been reasons beyond its control. If any information provided is false, incorrect, or incomplete, the person who provided the information is liable on conviction to a fine of \$100,000 and to imprisonment for two years, unless the person has grounds to believe that

the relevant information was true, correct and complete. As for other items, the relevant offences and defence (if specified) are largely the same as the existing provisions in the laws that the Implementation Rules have made reference to. The provision of defence provisions under appropriate circumstances provide appropriate defence for people who fail to comply with the requirements. The above Implementation Rules are in compliance with the requirements concerned under the National Security Law and the Basic Law, including the requirements concerning the respect and protection of human rights.

Government representatives will attend a joint panel meeting of the Panel on Security, the Panel on Administration of Justice and Legal Services and the Panel on Constitutional Affairs of the Legislative Council on July 7 to brief Members on the content of National Security Law and the Implementation Rules.

Monday, July 6, 2020

Issued at HKT 21:51

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《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》

《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》(《實施細則》)今日(七月六日)刊憲公布,於七月七日生效。

全國人民代表大會常務委員會(全國人大常委會)六月三十日正式通過《中華人民共和國香港特別行政區維護國家安全法》(《國安法》),並按《基本法》第十八條的程序列入《基本法》附件三。香港特別行政區(香港特區)政府於同日晚上十一時刊憲公布實施。《國安法》第四十三條規定特區政府警務處維護國家安全部門辦理危害國家安全犯罪案件時可以採取的各種措施,並授權香港特區行政長官會同香港特別行政區維護國家安全委員會(國安委)為採取第四十三條所規定的措施制定相關實施細則。

行政長官於今日首次召開的國安委會議上,會同國安委行使《國安法》第四十三條所授予的權力,為警務處維護國家安全部門等執法機構,制定使用第四十三條所規定的措施的相關實施細則。《實施細則》包括為相關人員採取該特定措施以防範、制止及懲治危害國家安全罪行時的細則,及為確保有效執行措施所需的相關罪行和罰則,以完善特區維護國家安全的執行機制。

政府發言人指出,上述為相關人員行使各項規定措施所訂定的《實施細則》,清晰並詳細地列明執行各項措施的程序要求、所需符合的情況和審批的條件等,其目的是確保相關人員在執行《國安法》時,所行使《國安法》第四十三條的權力和採取的措施,既能達到防範、制止和懲治危害國家安全行為和活動的目的,也能同時符合《國安法》總則下對尊重和保障人權以及依法保護各項權利和自由的要求。

《實施細則》具有法律效力,詳情如下:

1. 為搜證而搜查有關地方

有關細則參照多條現行法例中有關特殊情況下容許緊急搜查的條文,包括《火器及彈藥條例》(第238章)及《進出口條例》(第60章)等。為偵查危害國家安全罪行,警務人員可向裁判官申請手令進入和搜查有關地方進行搜證。在特殊情況(如緊急情況)下,助理處長級或以上警務人員可授權其人員在無手令的情況下,進入有關地方搜證。

2. 限制受調查的人離開香港

參照現行《防止賄賂條例》(第201章)限制受調查人離境的條文,細則授權警務人員可向裁判官申請手令,要求懷疑犯了該等危害國家安全罪行而受調查的人交出旅行證件,並限制其離開香港,以免部分涉案人士潛逃海外。交出旅行證件的人,可以書面向警務處處長或裁判官申請發還該旅行證件及批准離開香港。

3. 凍結、限制、沒收及充公與危害國家安全罪行相關財產

有關安排參照現行《有組織及嚴重罪行條例》(第455章)及《聯合國(反恐怖主義措施)條例》(第575章)相關權力和規定。保安局局長如有合理理由懷疑某財產是危害國家安全罪行相關財產,可藉書面通知作出指示,任何人不得處理該財產。而原訟法庭可在律政司司長的申請下,命令將罪行相關財產充公。任何人如知悉或懷疑任何財產是危害國家安全罪行相關財產,亦有責任在切實可行的情況下盡快向警方披露,以及不得向另一人披露任何相當可能損害或會因應上述的披露而進行的任何調查的資料。律政司司長亦可向原訟法庭申請限制令或押記令,禁止任何人處理任何可變現財產,或指明可變現財產作為押記以擔保向政府繳付款項的命令,並可向法庭申請沒收危害國家安全罪行的犯罪得益,命令在訂定期間內妥為繳付追討款額。

4. 移除危害國家安全的信息及要求協助

如警務處處長有合理理由懷疑在電子平台上發布的電子信息相當可能構成危害國家安全罪行或相當可能會導致危害國家安全罪行的發生，可在保安局局長批准下，授權指定的警務處人員要求有關發布人士、平台服務商、主機服務商及 / 或網路服務商移除危害國家安全的信息；限制或停止任何人接達該信息；或限制或停止任何人接達該平台或相關部分。但若所需的科技並非發布者或有關服務商合理可得，或有關服務商遵從有關要求有對第三方招致相當程度損失或損害第三方的權利的風險存在，則可為合理辯解。

若有關的信息發布人未即時合作，而有關資訊會繼續在網上嚴重影響公眾，警務人員可向裁判官申請手令檢取有關電子器材，並作出行動盡快移除該信息。有關人員亦可在指定情況向裁判官申請發出手令，授權警務人員，要求有關服務商按情況需提供有關身分紀錄或解密協助。

5. 向外國及台灣政治性組織及其代理人要求就涉港活動提供資料

警務處處長如合理地相信是防止及偵查危害國家安全罪行所需要的，可在保安局局長批准下，藉向某外國政治性組織或台灣政治性組織，或某外國代理人或台灣代理人，送達書面通知，規定該組織或代理人在指定期限內，按指定方式向警務處處長提交指明資料（包括在香港的活動及個人資料、資產、收入、收入來源及開支）。此細則參考了現有《社團條例》（第 151 章），社團事務主任可要求社團提供資料的條文。

6. 進行截取通訊及秘密監察的授權申請

為有效防止和偵測危害國家安全罪行及保護涉及國家安全的資料的機密性，所有截取通訊及秘密監察行動的申請，須經行政長官批准；而進行侵擾程度較低的秘密監察行動，可向行政長官指定的首長級警務處人員申請。授權當局須確定秘密行動能符合「相稱性」和「必要性」的驗證標準，方可作出授權。根據《國安法》第四十三條，國安委對警務處採取規定的措施負有監督責任，而根據實行細則，行政長官可委任一名獨立人士，協助國安委履行上述的監督責任。此外，保安局局長亦發出《運作原則及指引》，為警務人員如何作出有關申請及行使權力提供運作原則及指引，規定警務處人員在執行有關職能時須予遵守。有關《運作原則及指引》會與《實施細則》同時刊憲。

7. 提供資料和提交物料

為協助偵查危害國家安全罪行，或干犯有關罪行而獲得的得益，律政司司長或警務人員可向法庭申請批准，要求有關人士在指定時限內回答問題，或提供或交出相關資料或物料。有關條文，參考現行《有組織及嚴重罪行條例》（第 455 章）及《聯合國（反恐怖主義措施）條例》（第 575 章）相關權力和規定。

為確保上述有關措施能有效實施，《實施細則》亦按需要訂定違反規定的相關罰則。舉例而言，若無合理辯解，如信息發布人未有遵從警方移除危害國家安全的信息要求，一經定罪，可被判罰款\$100,000 及監禁一年；如有服務商未有遵從移除或限制或停止任何人接達危害國家安全的信息或平台，或提供協助的要求，一經定罪，則可被判罰款\$100,000 及監禁六個月。此外，若外國及台灣政治性組織或外國及台灣代理人未有按要求向警方提供資料，除非可證明已經盡力或有非可能控制的原因，否則一經定罪，可被判罰款\$100,000 及監禁六個月；而若涉及提供虛假、不正確或不完整的資料，則可被判罰款\$100,000 及監禁兩年，但有理由相信有關資料是真實、正確及完整則屬合理辯解。至於其他的各項，有關的罪行及免責辯護（如有訂明）與所參考的現有法律條文大致相同。在合適的情況下提供辯解條文，可以為無法遵從要求的人提供合適的辯解理由。上述的實施細則符合《國安法》及《基本法》的規定，包括關於尊重和保障人權的規定。

政府代表明日（七月七日）會出席立法會保安事務委員會、司法及法律事務委員會及政制事務委員會聯合會議，向議員講解《國安法》及《實施細則》的內容。

2020 年 7 月 6 日（星期一）

香港時間 20 時 16 分

Safeguarding National Security Ordinance

An Ordinance to improve the law for safeguarding national security in the Hong Kong Special Administrative Region of the People's Republic of China; and to provide for related matters.

[23 March 2024]

Preamble

WHEREAS it is a must—

- (a) to resolutely, fully and faithfully implement the policy of “one country, two systems” under which the people of Hong Kong administer Hong Kong with a high degree of autonomy;
- (b) to establish and improve the legal system and enforcement mechanisms for the HKSAR to safeguard national security; and
- (c) to prevent, suppress and punish acts and activities endangering national security in accordance with the law, to protect the lawful rights and interests of the residents of the HKSAR and other people in the HKSAR, to ensure the property and investment in the HKSAR are protected by the law, to maintain prosperity and stability of the HKSAR;

AND WHEREAS there are requirements under the Constitution of the People’s Republic of China and the following law, decision and interpretation for the HKSAR to perform the constitutional duty to safeguard national security and to improve the law for safeguarding national security in the HKSAR—

- (a) the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, including the provisions of Article 23 of that Law;
- (b) the Decision of the National People’s Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security (a translation of “《全國人民代表大會關於建立健全香港特別行政區維護國家安全的法律制度和執行機制的決定》”) adopted at the Third Session of the Thirteenth National People’s Congress on 28 May 2020;
- (c) the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”); and
- (d) the Interpretation by the Standing Committee of the National People’s Congress of Article 14 and Article 47 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區維護國家安全法〉第十四條和第四十七條的解釋》”) adopted at the 38th Session of the Standing Committee of the Thirteenth National People’s Congress on 30 December 2022;

AND WHEREAS—

- (a) the executive, legislative and judicial authorities of the HKSAR must effectively prevent, suppress and punish acts and activities endangering national security in accordance with the law; and
- (b) the residents of the HKSAR must safeguard the sovereignty, unity and territorial integrity of the state; any institution, organization and individual in the HKSAR must abide by the law of the HKSAR applicable for safeguarding national security, must not engage in acts and activities endangering national security, and must provide assistance in accordance with the law in response to a request made by the authorities when conducting the work on safeguarding national security in accordance with the law;

NOW, THEREFORE, it is enacted by the Legislative Council as follows—

Editorial Note: This instrument was not given a chapter number under the Legislation Publication Ordinance (Cap. 614). An unofficial reference number, however, is assigned to this instrument in Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for identification purposes. This also enables users to carry out a search by reference to the unofficial reference number.

Part 1—Preliminary

1.	Short title This Ordinance may be cited as the Safeguarding National Security Ordinance.
2.	Principles of this Ordinance This Ordinance is based on the following principles— (a) the highest principle of the policy of “one country, two systems” is to safeguard national sovereignty, security and development interests; (b) human rights are to be respected and protected, the rights and freedoms, including the freedoms of speech, of the press and of publication, the freedoms of association, of assembly, of procession and of demonstration, enjoyed under the Basic Law, the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR, are to be protected in accordance with the law; and

	(c) for acts and activities endangering national security, there must be adherence to active prevention in accordance with the principle of the rule of law, and suppression and punishment in accordance with the law, and accordingly— (i) a person whose act constitutes an offence under the law is to be convicted and punished in accordance with the law; no one is to be convicted and punished for an act that does not constitute an offence under the law; (ii) a person is to be presumed innocent before the person is convicted by a judicial authority; (iii) the right to defend, and other rights in a legal action, enjoyed in accordance with the law by a criminal suspect, defendant and other participants in the action are to be protected; and (iv) a person who has already been finally convicted or acquitted of an offence in judicial proceedings is not to be tried or punished again for the same act.
3.	Interpretation (1) In this Ordinance— Central Authorities (中央) means the body of central power under the constitutional order established by the Constitution of the People's Republic of China, including (but not limited to) the National People's Congress of the People's Republic of China and its Standing Committee, the President of the People's Republic of China, the Central People's Government of the People's Republic of China and the Central Military Commission of the People's Republic of China; Chinese armed force (中國武裝力量) means an armed force of China, that is the Chinese People's Liberation Army, the Chinese People's Armed Police Force or the militia; Court (法院) means any of the following courts or tribunals of the Judiciary of the HKSAR— (a) the Court of Final Appeal; (b) the Court of Appeal; (c) the Court of First Instance; (d) the Competition Tribunal; (e) the District Court; (f) a Magistrates' Court; (g) the Lands Tribunal; (h) the Labour Tribunal; (i) the Small Claims Tribunal; (j) the Obscene Articles Tribunal; (k) the Coroner's Court; designated judge (指定法官), in relation to a Court, means a judicial officer designated among the judicial officers of the Court under Article 44 of the HK National Security Law; external force (境外勢力)—see section 6; external place (境外) means a region or place outside the HKSAR (other than the Mainland and Macao); function (職能) includes a power and a duty; HK National Security Law (《香港國安法》) means the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”), as applied in the HKSAR under the Promulgation of National Law 2020 (L.N. 136 of 2020)*; international organization (國際組織) means— (a) an organization the members of which include 2 or more countries, regions, places, or entities entrusted with functions by any country, region or place; or (b) an organization established by or under a treaty, convention or agreement made by 2 or more countries, regions or places, and includes an institution (however described) under the organization; judicial officer (司法人員) means— (a) a judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or (b) a judicial officer appointed by the Chief Justice. (2) In this Ordinance, a reference to a case concerning national security includes— (a) a case in connection with an offence endangering national security; (b) a case in connection with any measures taken for, or in connection with, safeguarding national security,

	whether under the HK National Security Law, this Ordinance or any other law; and (c) any proceedings in connection with the case mentioned in paragraph (a) or (b). Editorial Note: * See Instrument A302.
4.	Meaning of national security In this Ordinance or any other Ordinance, a reference to national security is a reference to the status in which the state's political regime, sovereignty, unity and territorial integrity, the welfare of the people, sustainable economic and social development, and other major interests of the state are relatively free from danger and internal or external threats, and the capability to maintain a sustained status of security. Note—See Article 2 of the National Security Law of the People's Republic of China (a translation of “《中華人民共和國國家安全法》”)—“National security means the status in which the state's political regime, sovereignty, unity and territorial integrity, the welfare of the people, sustainable economic and social development, and other major interests of the state are relatively free from danger and internal or external threats, and the capability to maintain a sustained status of security.” (a translation of “國家安全是指國家政權、主權、統一和領土完整、人民福祉、經濟社會可持續發展和國家其他重大利益相對處於沒有危險和不受內外威脅的狀態，以及保障持續安全狀態的能力。”).
5.	Meaning of colluding with external force For the purposes of an offence under this Ordinance, a person colludes with an external force to do an act if one or more of the following circumstances exist—
	(a) the person participates in an activity planned or otherwise led by an external force, and the act is an act that the person's participation in the activity involves; (b) the person does the act on behalf of an external force; (c) the person does the act in cooperation with an external force; (d) the person does the act under the control, supervision or direction of, or on request by, an external force; (e) the person does the act with the financial contributions, or the support by other means, of an external force.
6.	Meaning of external force (1) In this Ordinance—external force (境外勢力) means— (a) a government of a foreign country; (b) the authority of an external place; (c) a political party in an external place; (d) any other organization in an external place that pursues political ends; (e) an international organization; (f) a related entity of a government, authority, political party or organization mentioned in paragraph (a), (b), (c), (d) or (e); or (g) a related individual of a government, authority, political party, organization or entity mentioned in paragraph (a), (b), (c), (d), (e) or (f). (2) In paragraph (f) of the definition of external force in subsection (1), a reference to a related entity of a government or authority is a reference to— (a) a company that falls within either or both of the following descriptions— (i) the directors of the company are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government or authority; (ii) the government or authority is in a position to exercise, by virtue of other factors, substantial control over the company; or (b) a body that is not a company and that falls within either or both of the following descriptions— (i) the members of the executive committee (however called) of the body are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government or authority; (ii) the government or authority is in a position to exercise, by virtue of other factors, substantial control over the body. (3) In paragraph (f) of the definition of external force in subsection (1), a reference to a related entity of a political party in an external place, any other organization in an external place that pursues political ends or an international organization (the organization) is a reference to— (a) a company that falls within either or both of the following descriptions—

	(i) the directors of the company are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the organization; (ii) the organization is in a position to exercise, by virtue of other factors, substantial control over the company; (b) a body that is not a company and that falls within either or both of the following descriptions— (i) the members of the executive committee (however called) of the body are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the organization; (ii) the organization is in a position to exercise, by virtue of other factors, substantial control over the body; or (c) a body that falls within the following description: the law, constitution, rules or other governing documents by which the body is constituted (or according to which the body operates) contain either or both of the following requirements— (i) a director, senior officer or employee of the body is required to be a member of the organization; (ii) any part of the body is required to constitute a part (however called) of the organization. (4) In paragraph (g) of the definition of external force in subsection (1), a reference to a related individual of a government, authority, political party, organization or entity is a reference to an individual that falls within either or both of the following descriptions— (a) the individual is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government, authority, political party, organization or entity; (b) the government, authority, political party, organization or entity is in a position to exercise, by virtue of other factors, substantial control over the individual.
7.	Meaning of offence endangering national security To avoid doubt, in this Ordinance or any other Ordinance, a reference to an offence endangering national security includes— (a) the four types of offences under the HK National Security Law (which are the offence of secession, the offence of subversion, the offence of terrorist activities and the offence of collusion with a foreign country or with external elements to endanger national security (a translation of “分裂國家罪、顛覆國家政權罪、恐怖活動罪及勾結外國或者境外勢力危害國家安全罪”)); (b) the offences under the Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》”)*; (c) the offences under this Ordinance; and (d) other offences endangering national security under the law of the HKSAR. Editorial Note: * See Instrument A303.
8.	Interpretation of other Ordinances etc. (1) If this Ordinance and another Ordinance would be inconsistent but for this subsection, that other Ordinance is to be read in a way that have the best regard to the object and purposes of this Ordinance. (2) A reference to the security of the HKSAR (including a phrase that means the same as “security of the HKSAR”) in another Ordinance is to be read as including national security. (3) If the law of the HKSAR confers any function on a person— (a) the function is to be read as including a duty to safeguard national security; and (b) accordingly, any person, in making any decision in the performance of the function, must regard national security as the most important factor, and give appropriate consideration to it accordingly, and a reference in any Ordinance in connection with such a function is to be read accordingly.
9.	Persons to whom offence provisions apply Unless otherwise provided in a provision, an offence under this Ordinance applies to every person in the HKSAR. If an offence has extra-territorial effect, the extra-territorial effect is provided in the relevant Part.

Part 2—Treason etc.

10.	Treason
	(1) A Chinese citizen who—

	(a) joins an external armed force that is at war with China, or is a part of the armed force; (b) with intent to prejudice the situation of China in a war, assists an enemy at war with China in a war; (c) levies war against China; (d) instigates a foreign country or an external armed force to invade China with force; or (e) with intent to endanger the sovereignty, unity or territorial integrity of China, uses force or threatens to use force, commits an offence and is liable on conviction on indictment to life imprisonment. (2) In this section—enemy at war with China (與中國交戰的敵方) includes a government of a foreign country or external armed force that is at war with China; external armed force (外來武裝力量) means an armed force that does not belong to China.
11.	Publicly manifest intention to commit offence of treason A Chinese citizen who intends to commit an offence under section 10(1) and publicly manifests such intention commits an offence and is liable on conviction on indictment to imprisonment for 14 years.
12.	Requirement on disclosure of commission by others of offence of treason (1) If a Chinese citizen (the person) knows that another person has committed, is committing or is about to commit an offence under section 10(1) (commission of offence), the person must disclose the commission of offence and the material facts in connection with the commission of offence within the person's knowledge to a police officer as soon as reasonably practicable after the person knows of the commission of offence, unless the commission of offence has been in the public domain. (2) A Chinese citizen who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 14 years. (3) This section does not affect any claims, rights or entitlements on the ground of legal professional privilege. (4) This section provides for the offence of misprision of treason under common law as a statutory provision with appropriate improvements.
13.	Unlawful drilling (1) If— (a) a person, without the permission of the Secretary for Security or the Commissioner of Police, provides specified drilling to any other person; or (b) a person is present, for the purpose of providing specified drilling to any other person, at a meeting held for the purpose of providing specified drilling, and the meeting is held without the permission of the Secretary for Security or the Commissioner of Police, the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years. (2) A person who— (a) receives specified drilling at a meeting mentioned in subsection (1)(b); or (b) is present at a meeting mentioned in subsection (1)(b) for the purpose of receiving specified drilling, commits an offence and is liable on conviction on indictment to imprisonment for 3 years. (3) A person who, without the permission of the Secretary for Security or the Commissioner of Police— (a) receives or participates in specified drilling the conduct of which is planned or otherwise led by an external force; or (b) receives or participates in specified drilling conducted under the control, direction, financial contributions or support of an external force, commits an offence and is liable on conviction on indictment to imprisonment for 5 years. (4) A person who, without the permission of the Secretary for Security or the Commissioner of Police— (a) provides specified drilling in a meeting the holding of which is planned or otherwise led by an external force; (b) provides specified drilling on behalf of an external force; (c) provides specified drilling in cooperation with an external force; (d) provides specified drilling under the control, supervision or direction of, or on request by, an external force; or (e) provides specified drilling under the financial contributions, or support by other means, of an external force, commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (5) Subsections (3) and (4) do not apply if—

	(a) the specified act is necessary for the person to discharge the person's duty as a public servant; (b) the specified drilling is conducted under the law of the HKSAR; (c) the person is not a Chinese citizen and has the nationality of a foreign country, and the person does the specified act because the person serves in an armed force of a government of the foreign country or serves as a law enforcement officer of a government of the foreign country; (d) the person has the nationality or residency of a foreign country, and the person does the specified act because the person serves in an armed force of a government of the foreign country for complying with the legal requirement of the foreign country; (e) China participates in the specified drilling, and the person does the specified act as a serviceman or law enforcement officer; or (f) the specified drilling is provided by the military, national defence or police department of a government of a foreign country, and the drilling is a part of a course or extra-curricular activity held or arranged by an educational establishment for the students receiving full-time education at the educational establishment.
	(6) If— (a) a person does an act before the commencement* of this section, and the act continues on or after that commencement; or (b) a person does an act on or after that commencement under an arrangement or agreement made before that commencement, and the person would have committed an offence under subsection (3) or (4) for the act but for this subsection, then the person must not be convicted of the offence for the act.
	(7) Where an act is done or continues to be done after the expiry of 6 months after the commencement of this section, subsection (6) does not apply in relation to the act.
	(8) In this section—
	educational establishment (教育機構)— (a) means a university, college, school or other similar educational establishment; but (b) does not include an educational establishment specialized in providing military training or drilling course;
	specified act (指明作為), in relation to an offence under subsection (3) or (4), means an act that constitutes the offence;
	specified drilling (指明操練)— (a) means training or drilling in—
	(i) the use of an offensive weapon as defined by section 2(1) of the Public Order Ordinance (Cap. 245); (ii) the practice of military exercises; or (iii) the practice of evolutions; but
	(b) does not include an activity that is training or drilling mentioned in paragraph (a)(i) but conducted solely for leisure purpose.
	Editorial Note: * Commencement date: 23 March 2024.
14.	Extra-territorial effect of this Part
	(1) If— (a) a HKSAR resident who is a Chinese citizen does any act outside the HKSAR; and (b) the act would have constituted an offence under section 10(1) had it been done in the HKSAR, the resident commits the offence.
	(2) If— (a) any—
	(i) Hong Kong permanent resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and
	(b) the act would have constituted an offence under section 13(3) or (4) had it been done in the HKSAR, the resident or body commits the offence.
	(3) In this section—HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Part 3—Insurrection, Incitement to Mutiny and Disaffection, and Acts with Seditious Intention, etc.

Division 1: Insurrection

15.	Insurrection If— (a) a person joins an armed force, or is a part of an armed force, that is in an armed conflict with a Chinese armed force; (b) a person, with intent to prejudice the situation of a Chinese armed force in an armed conflict, assists an armed force (that armed force) that is in an armed conflict with a Chinese armed force, or assists the government, authority or organization to which that armed force belongs; (c) a person initiates armed conflict against a Chinese armed force; or (d) a person— (i) with intent to endanger the sovereignty, unity or territorial integrity of China or the public safety of the HKSAR as a whole; or (ii) being reckless as to whether the sovereignty, unity or territorial integrity of China, or the public safety of the HKSAR as a whole, would be endangered, does a violent act in the HKSAR, the person commits an offence and is liable on conviction on indictment to life imprisonment.
16.	Extra-territorial effect of this Division (1) If— (a) any— (i) HKSAR resident who is a Chinese citizen; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under section 15 had it been done in the HKSAR, the resident or body commits the offence. (2) In this section—HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2: Incitement of Members of Chinese Armed Force to Mutiny, Assisting Those Members to Abandon Duties, etc.

17.	Incitement of members of Chinese armed force to mutiny (1) A person who knowingly incites a member of a Chinese armed force— (a) to abandon the duties and abandon the allegiance to China; or (b) to organize, initiate or participates in a mutiny, commits an offence and is liable on conviction on indictment to life imprisonment. (2) In this section—Mutiny (叛變) means an act done by 2 or more persons who are, or at least 2 of whom are, members of a Chinese armed force— (a) to overthrow the lawful authority in a Chinese armed force or in an army or force of a government or organization of a foreign country that is acting in cooperation with a Chinese armed force; or (b) to resist such lawful authority in such a manner as to substantially prejudice the operational efficiency of a Chinese armed force or of, or of a part of, an army or force of a government or organization of a foreign country that is acting in cooperation with a Chinese armed force.
18.	Assisting members of Chinese armed force to abandon duties or absent without leave (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that a member of a Chinese armed force is about to abandon the duties or absent himself or herself without leave, assists the member in so doing. (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person, knowing that a member of a Chinese armed force is about to abandon the duties or absent himself or herself without leave, colludes with an external force to assist the member in so doing. (3) A person who, knowing that a member of a Chinese armed force has abandoned the duties or has

absented himself or herself without leave— (a) conceals the member; (b) assists the member in concealing himself or herself; or (c) assists the member in escaping from lawful custody, commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
(4) A person who, knowing that a member of a Chinese armed force has abandoned the duties or has absented himself or herself without leave, colludes with an external force to— (a) conceal the member; (b) assist the member in concealing himself or herself; or (c) assist the member in escaping from lawful custody, commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

Division 3: Incitement to Disaffection etc.

19.	Inciting disaffection of public officers (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person knowingly incites a public officer to abandon upholding the Basic Law and abandon the allegiance to the HKSAR. (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person colludes with an external force to knowingly incite a public officer to abandon upholding the Basic Law and abandon the allegiance to the HKSAR. (3) In this section—public officer (公職人員) means— (a) a person holding an office of emolument under the Government, whether such office be permanent or temporary; (b) any of the following persons (if the person is not a person mentioned in paragraph (a))— (i) a principal official of the Government appointed in accordance with the Basic Law; (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) or a person appointed under section 5A(3) of that Ordinance; (iii) the Chairman of the Public Service Commission; (iv) a staff member of the Independent Commission Against Corruption; (v) The Ombudsman or a person appointed under section 6 of The Ombudsman Ordinance (Cap. 397); (vi) the Privacy Commissioner for Personal Data or a person employed or engaged by the Commissioner under the Personal Data (Privacy) Ordinance (Cap. 486); (vii) the Chairperson or a member of the Equal Opportunities Commission, or a person employed or engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); (viii) a judicial officer or a staff member of the Judiciary; (c) a member of the Executive Council; (d) a member of the Legislative Council; (e) a member of a District Council; (f) a member of the Election Committee as defined by section 2(1) of the Chief Executive Election Ordinance (Cap. 569); or (g) a person of a class specified under section 20.
20.	Specification of public officers For the purposes of section 19, the Chief Executive in Council may, by order published in the Gazette, specify a class of persons as public officers if the Chief Executive in Council reasonably considers that it is necessary for safeguarding national security to specify the class of persons as public officers.
21.	Inciting disaffection of personnel of offices of Central Authorities in Hong Kong (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person knowingly incites any of the personnel of any of the following offices of the Central Authorities in Hong Kong (personnel of a CA office in HK) to abandon the duties and abandon the allegiance to China— (a) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region; (b) the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region;

	(c) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region.
	(2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person colludes with an external force to knowingly incite any of the personnel of a CA office in HK to abandon the duties and abandon the allegiance to China.
22.	Possession of documents or articles of incitement nature with intent to commit specified offence
	(1) A person commits an offence and is liable on conviction on indictment to imprisonment for 3 years if the person, with intent to commit a specified offence, possesses a document or other article of such a nature that the distribution of a document or article of that nature to a relevant officer would constitute the specified offence.
	(2) In this section—relevant officer (相關人員) means—
	(a) in relation to an offence under section 17—a member of a Chinese armed force;
	(b) in relation to an offence under section 19—a public officer within the meaning of that section;
	(c) in relation to an offence under section 21—any of the personnel of a CA office in HK within the meaning of that section; specified offence (指明罪行) means an offence under section 17, 19 or 21.

Division 4: Acts with Seditious Intention etc.

23.	Seditious intention
	(1) For the purposes of this Division—
	(a) a person does an act with a seditious intention if the person does the act with one or more of the intentions specified in subsection (2); and
	(b) an act, word or publication is an act, word or publication that has a seditious intention if the act, word or publication has one or more of the intentions specified in subsection (2).
	(2) The intentions are as follows—
	(a) an intention to bring a Chinese citizen, Hong Kong permanent resident or a person in the HKSAR into hatred, contempt or disaffection against the following system or institution—
	(i) the fundamental system of the state established by the Constitution of the People's Republic of China;
	(ii) a state institution under the Constitution of the People's Republic of China; or
	(iii) the following offices of the Central Authorities in Hong Kong—
	(A) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region;
	(B) the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region;
	(C) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region; or
	(D) the Hong Kong Garrison of the Chinese People's Liberation Army;
	(b) an intention to bring a Chinese citizen, Hong Kong permanent resident or a person in the HKSAR into hatred, contempt or disaffection against the constitutional order, executive, legislative or judicial authority of the HKSAR;
	(c) an intention to incite any person to attempt to procure the alteration, otherwise than by lawful means, of—
	(i) any matter established in accordance with the law by the Central Authorities in relation to the HKSAR; or
	(ii) any matter established in accordance with the law in the HKSAR;
	(d) an intention to cause hatred or enmity amongst different classes of residents of the HKSAR or amongst residents of different regions of China;
	(e) an intention to incite any other person to do a violent act in the HKSAR;
	(f) an intention to incite any other person to do an act that does not comply with the law of the HKSAR or that does not obey an order issued under the law of the HKSAR.
	(3) However—
	(a) if a person does an act only with any of the intentions specified in subsection (4), the act is not done with a seditious intention; and
	(b) if an act, word or publication only has any of the intentions specified in subsection (4), the act, word or publication is not an act, word or publication that has a seditious intention.

	(4) The intentions are as follows— (a) an intention to give an opinion on the system or constitutional order mentioned in subsection (2)(a) or (b), with a view to improving the system or constitutional order; (b) an intention to point out an issue on a matter in respect of an institution or authority mentioned in subsection (2)(a) or (b), with a view to giving an opinion on the improvement of the matter; (c) an intention to persuade any person to attempt to procure the alteration, by lawful means, of— (i) any matter established in accordance with the law by the Central Authorities in relation to the HKSAR; or (ii) any matter established in accordance with the law in the HKSAR; (d) an intention to point out that hatred or enmity amongst different classes of residents of the HKSAR or amongst residents of different regions of China is produced, or that there is a tendency for such hatred or enmity to be produced, with a view to removing the hatred or enmity.
24.	Offences in connection with seditious intention (1) A person who— (a) with a seditious intention— (i) does an act that has a seditious intention; or (ii) utters a word that has a seditious intention; (b) knowing that a publication has a seditious intention, prints, publishes, sells, offers for sale, distributes, displays or reproduces the publication; or (c) imports a publication that has a seditious intention, commits an offence and is liable on conviction on indictment to imprisonment for 7 years. (2) A person who colludes with an external force to do the following— (a) with a seditious intention— (i) do an act that has a seditious intention; or (ii) utter a word that has a seditious intention; (b) knowing that a publication has a seditious intention, print, publish, sell, offer for sale, distribute, display or reproduce the publication; or (c) import a publication that has a seditious intention, commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (3) A person who, without reasonable excuse, possesses a publication that has a seditious intention commits an offence and is liable on conviction on indictment to imprisonment for 3 years. (4) In this section—publish (發布) includes— (a) to communicate in any form, including speaking, writing, displaying notices, broadcasting, screening and playing of tapes or other recorded material; and (b) to disseminate or make available.
25.	Proof of intention to incite public disorder or to incite violence not necessary (1) In proceedings for an offence under section 24(1)(a) or (2)(a)— (a) it is not necessary to prove that the person does the act or utters the word with the intention to incite any other person to do an act causing public disorder; and (b) unless the intention under section 23(2)(e) constitutes an element of the offence, it is not necessary to prove that the person does the act or utters the word with the intention to incite any other person to do a violent act. (2) In proceedings for an offence under section 24(1), (2) or (3)— (a) it is not necessary to prove that the act, word or publication (as appropriate) has the intention to incite any other person to do an act causing public disorder; and (b) unless the intention under section 23(2)(e) constitutes an element of the offence, it is not necessary to prove that the act, word or publication (as appropriate) has the intention to incite any other person to do a violent act.
26.	Defence for offence under section 24(1)(c) or (2)(c) (1) It is a defence for a person charged with an offence under section 24(1)(c) or (2)(c) to establish that, at the time of the alleged offence, the person did not know that the publication is a publication that has a seditious intention. (2) A person is taken to have established a matter that needs to be established for a defence under subsection (1) if—

(a) there is sufficient evidence to raise an issue with respect to that matter; and
(b) the contrary is not proved by the prosecution beyond reasonable doubt.

Division 5: Miscellaneous Provisions

27.	Power to remove or obliterate publications that have seditious intention (1) A law enforcement officer— (a) may, subject to subsection (3), enter any premises or place; and (b) may stop and board any conveyance, and may remove or obliterate any publication that has a seditious intention from there. (2) A law enforcement officer may take all or any of the following actions— (a) to enter (by reasonable force if necessary) any premises or place that the officer is authorized under this section to enter; (b) to remove by reasonable force any person or article obstructing the officer from exercising the power of removal or obliteration which the officer is authorized under this section to exercise; (c) to detain any conveyance until all publications that have a seditious intention have been removed or obliterated from the conveyance; (d) to remove any person (by reasonable force if necessary) from any conveyance while any publication that has a seditious intention is removed or obliterated. (3) If the publication that has a seditious intention is not visible from a public place, the powers conferred by subsection (1)(a) may only be exercised— (a) with the prior permission of the occupier of the premises or place; or (b) under and in accordance with a warrant issued by a magistrate for such purpose. (4) In this section—conveyance (運輸工具) includes a vehicle, vessel, aircraft and hovercraft; law enforcement officer (執法人員) means— (a) a police officer; or (b) an officer of a law enforcement agency who is authorized by the Secretary for Security to perform the functions under this section.
28.	Extra-territorial effect of Divisions 2, 3 and 4 (1) If— (a) any— (i) HKSAR resident who is a Chinese citizen; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under section 17(1) had it been done in the HKSAR, the resident or body commits the offence. (2) If— (a) any— (i) HKSAR resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under a provision specified in subsection (3) had it been done in the HKSAR, the resident or body commits the offence. (3) The provision specified for the purposes of subsection (2) is— (a) section 18(1), (2), (3) or (4); (b) section 19(1) or (2); (c) section 21(1) or (2); or (d) section 24(1) or (2). (4) In this section—HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Part 4—Offences in connection with State Secrets and Espionage

Division 1: Offences in connection with State Secrets

29.	Interpretation
	In this Division—

	disclose (披露), in relation to a document or other article, includes parting with possession of the document or article, and disclosing the information contained in the document or article;
	government contractor (政府承辦商) means a person who is not a public officer but who provides, or is employed in the provision of, goods or services— (a) for the purposes of the Government; or (b) under an agreement or arrangement that is certified by the Chief Executive as being an agreement or arrangement to which the authority of a region or place, the government of a foreign country (including an institution under the government) or an international organization is a party, or that is subordinate to, or made for the purposes of implementing, any such agreement or arrangement;
	information (資料), except in section 33 or 34, includes— (a) information stored by electronic means; and (b) message or intelligence that is not stored on any medium;
	public officer (公職人員) means— (a) a person holding an office of emolument under the Government, whether such office be permanent or temporary; (b) any of the following persons (if the person is not a person mentioned in paragraph (a))— (i) a principal official of the Government appointed in accordance with the Basic Law; (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) or a person appointed under section 5A(3) of that Ordinance; (iii) the Chairman of the Public Service Commission; (iv) a staff member of the Independent Commission Against Corruption; (v) The Ombudsman or a person appointed under section 6 of The Ombudsman Ordinance (Cap. 397); (vi) the Privacy Commissioner for Personal Data or a person employed or engaged by the Commissioner under the Personal Data (Privacy) Ordinance (Cap. 486); (vii) the Chairperson or a member of the Equal Opportunities Commission, or a person employed or engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480); (viii) a judicial officer or a staff member of the Judiciary;
	(c) a member of the Executive Council; (d) a member of the Legislative Council; (e) a member of a District Council; (f) a member of the Election Committee as defined by section 2(1) of the Chief Executive Election Ordinance (Cap. 569); or (g) a person of a class specified under section 31; region (地區) means a region, not being a country, outside the HKSAR;
	specified disclosure (指明披露)—see section 30;
	state secret (國家秘密) means one of the following secrets the disclosure, without lawful authority, of which would likely endanger national security— (a) a secret concerning major policy decision on affairs of China or the HKSAR; (b) a secret concerning the construction of national defence of China or concerning a Chinese armed force; (c) a secret concerning diplomatic or foreign affair activities of China, a secret concerning external affairs of the HKSAR, or a secret that China or the HKSAR is under an external obligation to preserve secrecy; (d) a secret concerning the economic or social development of China or the HKSAR; (e) a secret concerning the technological development or scientific technology of China or the HKSAR; (f) a secret concerning activities for safeguarding national security or the security of the HKSAR or for the investigation of offences; (g) a secret concerning the relationship between the Central Authorities and the HKSAR (including information on affairs relating to the HKSAR for which the Central Authorities are responsible under the Basic Law).
30.	Meaning of specified disclosure (1) In this Division—specified disclosure (指明披露), in relation to any information, document or other article, means the disclosure of the information, document or article in the following circumstances— (a) the purpose of making the disclosure is to reveal— (i) circumstances in which the Government's performance of its functions in accordance with the law is

	seriously affected; or (ii) a serious threat to public order, public safety or public health; (b) the disclosure is of an extent that does not exceed what is necessary for revealing the matter mentioned in paragraph (a)(i) or (ii); and (c) having regard to all the circumstances of the case, the public interest served by making the disclosure manifestly outweighs the public interest served by not making the disclosure. (2) In determining whether a person discloses any information, document or other article in the circumstances mentioned in paragraph (c) of the definition of specified disclosure in subsection (1), regard must be had to— (a) the seriousness of the matter mentioned in paragraph (a)(i) or (ii) of that definition; (b) whether there is any reasonably practicable step in place of the disclosure, and if so, whether the person has taken those steps before making the disclosure; (c) whether the person has reasonable grounds to believe that the disclosure is in the public interest; (d) the public interest served by the disclosure; (e) the extent of the damage or risk of damage brought about by the disclosure; and (f) whether the disclosure is made under an emergency.
31.	Specification of public officers For the purposes of this Division, the Chief Executive in Council may, by order published in the Gazette, specify a class of persons as public officers if the Chief Executive in Council reasonably considers that it is necessary for safeguarding national security to specify the class of persons as public officers.
32.	Unlawful acquisition of state secrets (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if the person— (a) knowing that any information, document or other article is or contains a state secret; or (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security, and without lawful authority, acquires the information, document or article. (2) It is a defence for a person charged with an offence under subsection (1)(a) to prove that the purpose of acquiring the information, document or article is to make a specified disclosure of the information, document or article. (3) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that any information, document or other article is or contains a state secret, and— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, and without lawful authority, acquires the information, document or article. (4) In this section, a reference to a person acquiring any information, document or other article— (a) includes the person asking for, collecting, recording or copying the information, document or article; but (b) does not include— (i) the information, document or article coming into the person's physical possession without the person's knowledge; or (ii) the information, document or article coming into the person's possession or knowledge without the person taking any step.
33.	Unlawful possession of state secrets (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 3 years if the person— (a) knowing that any information, document or other article is or contains a state secret; or (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security, and without lawful authority, possesses the information, document or article. (2) It is a defence for a person charged with an offence under subsection (1)(a) to prove that the purpose of possessing the information, document or article is to make a specified disclosure of the information, document or article. (3) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if

	the person, knowing that any information, document or other article is or contains a state secret, and— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, and without lawful authority, possesses the information, document or article. (4) It is a defence for a person charged with an offence under subsection (1) or (3) to establish that— (a) the person has taken all reasonable steps to do the following as soon as possible after the time at which the alleged offence commences (commencement time)— (i) surrender the information, document or article mentioned in that subsection to a police officer; or (ii) dispose of the information, document or article mentioned in that subsection in accordance with the direction of a police officer; and (b) since the commencement time and until the happening of the event mentioned in paragraph (a)(i) or (ii), the person has taken all reasonable steps to ensure that the information, document or article is not disclosed. (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (6) In this section—information (資料)— (a) includes information stored by electronic means; but (b) does not include message or intelligence that is not stored on any medium.
34.	Unlawful possession of state secrets when leaving HKSAR (1) A person who is (or was) a public officer commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person— (a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's capacity as a public officer; (b) knows that the information, document or article is or contains a state secret; and (c) with intent to endanger national security or being reckless as to whether national security would be endangered, and without lawful authority, possesses the information, document or article when leaving the HKSAR. (2) For a person leaving the HKSAR on a departure conveyance, a reference in subsection (1) to the person possessing any information, document or other article includes any of the following circumstances— (a) the information, document or article being part of the personal belongings of the person carried on the conveyance; (b) the information, document or article being in the checked baggage of the person (whether or not carried, or to be carried, on the same conveyance). (3) In this section—departure conveyance (離境運輸工具) means a vehicle, vessel, aircraft, hovercraft or other means of transport engaged on a journey leaving the HKSAR; information (資料)— (a) includes information stored by electronic means; but (b) does not include message or intelligence that is not stored on any medium.
35.	Unlawful disclosure of state secrets (1) If a specified person, without lawful authority, discloses any information, document or other article that is or contains a specified state secret and that is (or was) acquired or possessed by the person by virtue of the person's specified capacity, the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (2) It is a defence for a specified person charged with an offence under subsection (1) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the information, document or article was or contained a specified state secret. (3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (4) A specified person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person—

	(a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's specified capacity; (b) knows that the information, document or article is or contains a state secret (other than a specified state secret); and (c) without lawful authority, discloses the information, document or article.
	(5) A specified person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person— (a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's specified capacity; (b) knows that the information, document or article is or contains a state secret (other than a specified state secret); and (c) with intent to endanger national security, or being reckless as to whether national security would be endangered, and without lawful authority, discloses the information, document or article.
	(6) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if the person— (a) knowing that any information, document or other article is or contains a state secret; or (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security, and without lawful authority, discloses the information, document or article.
	(7) It is a defence for a person charged with an offence under subsection (6)(a) to prove that the disclosure of the information, document or article is a specified disclosure.
	(8) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that any information, document or other article is or contains a state secret, and— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, and without lawful authority, discloses the information, document or article.
	(9) In this section, a reference to disclosing any information, document or other article does not include— (a) surrendering the information, document or article to a police officer; or (b) disposing of the information, document or article in accordance with the direction of a police officer.
	(10) In this section— specified capacity (指明身分)— (a) in relation to a person who is (or was) a public officer—means the capacity of the person as a public officer; or (b) in relation to a person who is (or was) a government contractor—means the capacity of the person as a government contractor; specified person (指明人士) means a person who is (or was) a public officer or government contractor; specified state secret (指明國家秘密) means a state secret that is a secret mentioned in paragraph (b), (c) or (g) of the definition of state secret in section 29.
36.	Unlawful disclosure of information etc. acquired by espionage (1) A person commits an offence if the person, without lawful authority, discloses any information, document or other article that the person knows (or has reasonable grounds to believe) to have come into the person's possession as a result of a contravention of section 43(1). (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 10 years.
37.	Unlawful disclosure of information etc. that appears to be confidential matter (1) If— (a) a specified person, with intent to endanger national security, and without lawful authority— (i) discloses any information, document or other article; and (ii) in making the disclosure, represents or holds out that the information, document or article is (or was) acquired or possessed by the person by virtue of the person's specified capacity; and (b) the information, document or article would be (or likely to be) a confidential matter if it were true, the person commits an offence regardless of whether the information, document or article is true or not, and is liable on conviction on indictment to imprisonment for 5 years.

	(2) If— (a) a specified person colludes with an external force, with intent to endanger national security, and without lawful authority— (i) discloses any information, document or other article; and (ii) in making the disclosure, represents or holds out that the information, document or article is (or was) acquired or possessed by the person by virtue of the person's specified capacity; and (b) the information, document or article would be (or likely to be) a confidential matter if it were true, the person commits an offence regardless of whether the information, document or article is true or not, and is liable on conviction on indictment to imprisonment for 7 years. (3) It is a defence for a specified person charged with an offence under subsection (1) or (2) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the information, document or article fell within subsection (1)(b) or (2)(b) (as the case may be). (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (5) In this section— confidential matter (機密事項) means a matter the disclosure, without lawful authority, of which would prejudice the interest of the Central Authorities or the Government; specified capacity (指明身分)— (a) in relation to a person who is (or was) a public officer—means the capacity of the person as a public officer; or (b) in relation to a person who is (or was) a government contractor—means the capacity of the person as a government contractor; specified person (指明人士) means a person who is (or was) a public officer or government contractor.
38.	Authorized disclosures (1) For the purposes of this Division, a disclosure by a public officer is made with lawful authority if, and only if, it is made in accordance with the officer's official duty. (2) For the purposes of this Division, a disclosure by a government contractor is made with lawful authority if, and only if, it is made— (a) in accordance with an official authorization; or (b) for the purposes of the functions by virtue of which the contractor is a government contractor and without contravening an official restriction. (3) For the purposes of this Division, a disclosure by a person who is neither a public officer nor a government contractor is made with lawful authority if, and only if, it is made in accordance with an official authorization. (4) It is a defence for a person charged with an offence under section 35, 36 or 37 to establish that, at the time of the alleged offence, the person believed that the person had lawful authority to make the disclosure and had no reasonable grounds to believe otherwise. (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (6) In this section— official authorization (正式授權) means an authorization duly given by a public officer or government contractor; official restriction (正式限制) means a restriction duly imposed by a public officer or government contractor.
39.	Safeguarding of information (1) Subsection (2) applies if— (a) a specified person possesses or controls any information, document or other article (relevant information, document or article) by virtue of the person's capacity as a specified person; and (b) the specified person would commit an offence under section 35 or 36 if the person discloses, without

	lawful authority, the relevant information, document or article.
	(2) The specified person commits an offence if— (a) being a public officer—the specified person retains the relevant information, document or article contrary to the person's official duty; or (b) being a government contractor—the specified person fails to comply with an official direction for the return or disposal of the relevant information, document or article, or if the specified person fails to take such care to prevent the unauthorized disclosure of the relevant information, document or article as a person in the specified person's position may reasonably be expected to take.
	(3) It is a defence for a public officer charged with an offence under subsection (2)(a) to establish that, at the time of the alleged offence, the officer believed that the officer was acting in accordance with the officer's official duty and had no reasonable grounds to believe otherwise.
	(4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.
	(5) Where a person possesses or controls any information, document or other article that it would be an offence under section 35 or 36 for the person to disclose without lawful authority, the person commits an offence if— (a) the person fails to comply with an official direction for the return or disposal of the information, document or article; or (b) the person— (i) obtained the information, document or article from a specified person on terms requiring the information, document or article to be held in confidence; or (ii) obtained the information, document or article from a specified person in circumstances in which the specified person could reasonably expect that the information, document or article would be held in confidence, and the person fails to take such care to prevent the unauthorized disclosure of the information, document or article as a person in the person's position may reasonably be expected to take.
	(6) A person who commits an offence under subsection (2) or (5) is liable on conviction on indictment to a fine at level 4 and to imprisonment for 3 months.
	(7) A person commits an offence if the person discloses any official information, document or other article that can be used for the purpose of obtaining access to any information, document or other article protected against disclosure by section 35 or 36 and the circumstances in which it is disclosed are such that it would be reasonable to expect that the official information, document or article might be used for that purpose without authority.
	(8) For the purposes of subsection (7), any information, document or article disclosed by the person is official information, document or article if— (a) the person possesses (or possessed) the information, document or article by virtue of the person's capacity as a specified person; or (b) the person knows (or has reasonable grounds to believe) that a specified person possesses (or possessed) the information, document or article by virtue of the specified person's capacity as a specified person.
	(9) A person who commits an offence under subsection (7) is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 2 years.
	(10) In this section— official direction (正式指示) means a direction duly given by a specified person; specified person (指明人士) means a public officer or government contractor.
40.	Extra-territorial effect of this Division
	(1) If— (a) any— (i) HKSAR resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,

does any act outside the HKSAR; and
(b) the act would have constituted an offence under section 32(1) or (3), 33(1) or (3), 35(6) or (8) or 36(1) had it been done in the HKSAR, the resident or body commits the offence.
(2) If a person does any act outside the HKSAR, and the act would have constituted an offence under section 35(1), (4) or (5) or 37(1) or (2) had it been done in the HKSAR, the person commits the offence.
(3) In this section—HKSAR resident (特區居民) means—
(a) a Hong Kong permanent resident; or
(b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2: Offences in connection with Espionage

41.	Interpretation
	(1) In this Division— conveyance (運輸工具) includes a vehicle, vessel, aircraft and hovercraft; document (文件) includes part of a document; munitions (軍火) includes the whole or any part of any vessel, aircraft, tank or similar engine, arms and ammunition, torpedo or mine, intended or adapted for use in war or armed conflict, and any other article, material or device, whether actual or proposed, intended for such use;
	place (地方) means any place, and includes— (a) any conveyance; and (b) any tent or structure (whether or not movable or offshore);
	prohibited place (禁地) means any of the following that is situated in the HKSAR— (a) a work of defence, arsenal or military or national defence establishment; (b) a place declared as a military restricted zone under Article 12 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區駐軍法》”); (c) a station, factory, dockyard, mine, minefield, camp, vessel or aircraft belonging to or occupied by or on behalf of the Central Authorities or the Government (relevant Authority) and used for military or national defence purpose; (d) a place that— (i) belongs to or is occupied by or on behalf of a relevant Authority; and (ii) may only be entered by a person performing a function in relation to that place, and is designed for placing one or more of the following items or relevant facilities— (A) radiocommunications installation; (B) telecommunications system; (C) telecommunications installation; (D) telecommunications network; (E) telecommunications line; (F) server;
	(e) a place belonging to or occupied by or on behalf of a relevant Authority and used for the purpose of building, repairing, making or storing any munitions, vessel, aircraft, arms or materials or instruments for use in time of war or armed conflict, or any information, document or other article relating to such munitions, vessel, aircraft, arms or materials or instruments, or for the purpose of getting any metals, oil or minerals of use in time of war or armed conflict; (f) a place not belonging to the relevant Authorities where any munitions, or any information, document or other article relating to such munitions, are being made, repaired, obtained or stored under a contract with, or with a person on behalf of, a relevant Authority, or otherwise on behalf of a relevant Authority; or (g) a place declared under section 42 as a prohibited place;
	radiocommunications installation (無線電通訊裝置) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106); telecommunications installation (電訊裝置) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106); telecommunications line (電訊線路) has the meaning given by section 2(1) of the Telecommunications

	Ordinance (Cap. 106); telecommunications network (電訊網絡) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106); telecommunications system (電訊系統) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106); unmanned tool (無人工具) means a conveyance or other power driven machine that is operated with no person on board. (2) In this Division— (a) an expression referring to communicating includes any communicating, whether in whole or in part, and whether the information, document or other article itself or the substance, effect or description of the information, document or other article only be communicated; (b) an expression referring to the communication of any information, document or other article includes the transfer or transmission of the information, document or other article, and also includes providing means of obtaining or accessing the information, document or other article; and (c) an expression referring to obtaining any information, document or other article includes copying or causing to be copied the whole or any part of the information, document or other article.
42.	Declaration of prohibited places and authorization of guards (1) For the purposes of this Division, the Chief Executive may, by order published in the Gazette, declare a place situated in the HKSAR as a prohibited place if, having regard to the matters specified in subsection (2), the Chief Executive reasonably considers that it is necessary for safeguarding national security to declare the place as a prohibited place. (2) The matters are— (a) the use of the place; (b) the owner or occupier of the place; (c) the nature of any information kept, stored or processed in the place; and (d) the nature of any technology, equipment or material situated at the place. (3) An order made under subsection (1) may be made in respect of a particular place and may also be made in respect of a description of place. (4) The Chief Executive may authorize any person or any class of persons as a person or persons to discharge duty as a guard or sentry in respect of any prohibited place.
43.	Espionage (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if the person, with intent to endanger national security, does an act specified in subsection (2). (2) The act is— (a) approaching, inspecting, passing over or under, entering or accessing a prohibited place, or being in the neighbourhood of a prohibited place (including doing such act by electronic or remote means); (b) causing an unmanned tool to approach, inspect, pass over or under, enter or access a prohibited place, or to be in the neighbourhood of a prohibited place (including doing such act by electronic or remote means); or (c) obtaining (including by interception of communication), collecting, recording, producing or possessing, or communicating to any other person, any information, document or other article that is calculated to be, or is intended to be, directly or indirectly useful to an external force. (3) If a person colludes with an external force to publish to the public a statement of fact that is false or misleading, and— (a) the person— (i) with intent to endanger national security or being reckless as to whether national security would be endangered, so publishes the statement; and (ii) knows that the statement is false or misleading; or (b) the person— (i) with intent to endanger national security, so publishes the statement; and (ii) has reasonable grounds to believe that the statement is false or misleading, the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (4) For the purposes of subsection (3)—

	(a) a statement is a statement of fact if a reasonable person would consider it to be a representation of fact after reading or hearing it or after it comes to the person's knowledge by other means; and (b) a statement of fact is false if it is wholly false or false in a material respect, whether on its own or in the context in which it appears. (5) In this section— communication (通訊) has the meaning given by section 2(1) of the Interception of Communications and Surveillance Ordinance (Cap. 589); interception (截取) has the meaning given by section 2(1) of the Interception of Communications and Surveillance Ordinance (Cap. 589).
44.	Entering prohibited places without lawful authority etc. A person commits an offence and is liable on conviction on indictment to imprisonment for 2 years if the person— (a) without reasonable excuse or lawful authority— (i) inspects, passes over or under, enters or accesses a prohibited place (including doing such act by electronic or remote means); or (ii) causes an unmanned tool to inspect, pass over or under, enter or access a prohibited place (including doing such act by electronic or remote means); and (b) knows (or has reasonable grounds to believe) that the person has no lawful authority to do the act mentioned in paragraph (a)(i) or (ii) at the time when doing the act.
45.	Powers exercisable in relation to prohibited places (1) A specified officer may order— (a) any person not to do or cease to do an act specified in section 43(2)(a) or (b); (b) a person who has entered or accessed (including having entered or accessed by electronic or remote means) a prohibited place to leave the prohibited place immediately; (c) a person who is in the neighbourhood of a prohibited place to leave the neighbourhood immediately; or (d) a person who drives or operates a conveyance that is in a prohibited place or in the neighbourhood of a prohibited place (relevant place), or who operates an unmanned tool that is in a relevant place, to remove the conveyance or the unmanned tool from the relevant place. (2) A specified officer may arrange— (a) a conveyance or unmanned tool in a relevant place to be removed from the relevant place; or (b) a conveyance or unmanned tool to be moved from a place within a relevant place to another place within a relevant place. (3) A specified officer must not exercise a power conferred by subsection (1) or (2) unless the officer has reasonable grounds to believe that it is necessary for safeguarding national security to exercise the power. (4) A person who contravenes an order made under subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 2 years. (5) In this section—specified officer (指明人員)— (a) in relation to a prohibited place—means any of the following persons— (i) a police officer; (ii) a person authorized under section 42(4) in respect of the prohibited place; or (b) in relation to a prohibited place belonging to or occupied by or on behalf of the Central Authorities—means a person assigned by the institution in charge of the prohibited place to discharge duty as a guard or sentry in respect of the prohibited place.
46.	Obstruction etc. in the vicinity of prohibited places (1) If a specified officer is discharging duty in respect of a prohibited place, and another person, in the vicinity of the prohibited place— (a) wilfully obstructs the specified officer from discharging the duty; (b) knowingly misleads the specified officer in circumstances concerning the discharge of the duty by the specified officer; or (c) otherwise wilfully interferes with or impedes the specified officer in the discharge of the duty, that other person commits an offence. (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 2 years.

	(3) In this section— specified officer (指明人員)— (a) in relation to a prohibited place—means any of the following persons— (i) a police officer; (ii) a person authorized under section 42(4) in respect of the prohibited place; or (b) in relation to a prohibited place belonging to or occupied by or on behalf of the Central Authorities—means a person assigned by the institution in charge of the prohibited place to discharge duty as a guard or sentry in respect of the prohibited place.
47.	Participating in or supporting external intelligence organizations, or accepting advantages offered by them, etc. (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 14 years if the person— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, knowingly does a prohibited act in relation to an external intelligence organization. (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if— (a) the person, being reckless as to whether national security would be endangered, does an act (relevant act); (b) the relevant act constitutes a prohibited act done in relation to an external intelligence organization; and (c) the person is reckless as to whether the relevant act would constitute the prohibited act. (3) The Chief Executive may issue a certifying document to certify whether an organization is an external intelligence organization, and the document is binding on a Court. (4) In this section— advantage (利益) means— (a) any gift, loan, fee, reward or commission consisting of money, of any valuable security or of other property or interest in property of any description; (b) any office, employment or contract; (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part; (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted; (e) the exercise, or forbearance from the exercise, of any right, power or duty; and (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of paragraph (a), (b), (c), (d) or (e); economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services; entertainment (款待) means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment relating to, or provided at the same time as, such provisions; external intelligence organization (境外情報組織) means an organization established by an external force and engaging in the following work or activity (however described)— (a) intelligence work; or (b) subversion or sabotage of other countries or places; financial support (財政支援) means any funds or other financial assets or economic resources; funds (資金) includes— (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments; (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); (d) interest, dividends or other income on or value accruing from or generated by property; (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments; (f) letters of credit, bills of lading and bills of sale; (g) documents evidencing an interest in funds or financial resources; and

	(h) any other instrument of export financing; prohibited act (受禁作為), in relation to an external intelligence organization, means— (a) becoming a member of the organization; (b) accepting a task or training from the organization (or a person acting on behalf of the organization); (c) offering substantial support (including providing financial support or information and recruiting members for the organization) to the organization (or a person acting on behalf of the organization); or (d) accepting substantial advantage offered by the organization (or a person acting on behalf of the organization).
48.	Extra-territorial effect of this Division (1) If a person does any act outside the HKSAR, and the act would have constituted an offence under section 43(1) (in respect of an act specified in section 43(2)(a) or (b)) or an offence under section 44 had it been done in the HKSAR, the person commits the offence. (2) If— (a) any— (i) HKSAR resident who is a Chinese citizen; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under section 43(1) (in respect of an act specified in section 43(2)(c)) or an offence under section 47(1) or (2) had it been done in the HKSAR, the resident or body commits the offence. (3) If— (a) any— (i) HKSAR resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under section 43(3) had it been done in the HKSAR, the resident or body commits the offence. (4) In this section—HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Part 5—Sabotage Endangering National Security etc.

49.	Sabotage endangering national security (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if the person— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, damages or weakens a public infrastructure. (2) A person commits an offence and is liable on conviction on indictment to life imprisonment if the person— (a) with intent to endanger national security; or (b) being reckless as to whether national security would be endangered, colludes with an external force to damage or weaken a public infrastructure. (3) For the purposes of subsections (1) and (2), an act is weakening a public infrastructure if the act causes any of the following effects (whenever caused) on the infrastructure (including any thing or software that constitutes the infrastructure)— (a) making the infrastructure vulnerable to abuse or damage; (b) making the infrastructure vulnerable to be accessed or altered by persons who are not entitled to access or alter the infrastructure; (c) causing the infrastructure not to be able to function as it should in whole or in part; (d) causing the infrastructure not to operate in a way as set by its owner or the owner's representative (even if the act would not reduce the reliability of the operation of the infrastructure, of the thing or software
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	constituting the infrastructure or of the information stored in the infrastructure).
	(4) In this section— public infrastructure (公共基礎設施) means— (a) the following item that belongs to the Central Authorities or the Government or is occupied by or on behalf of the Central Authorities or the Government (whether it is situated in the HKSAR or not)— (i) infrastructure; (ii) facility or equipment; (iii) network or computer or electronic system; (iv) office premises; or (v) military or national defence facility or equipment; (b) public means of transport, public transport infrastructure or public transport facility that is situated in the HKSAR (including an airport and relevant facility); or (c) the following item that is situated in the HKSAR— (i) the following item providing or maintaining public services (such as finance, logistics, water, electricity, energy, fuel, drainage, communication, the Internet)— (A) infrastructure; or (B) facility; or (ii) computer or electronic system providing or managing the services mentioned in subparagraph (i).
50.	Doing acts endangering national security in relation to computers or electronic systems (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if— (a) the person, with intent to endanger national security and without lawful authority, does an act in relation to a computer or electronic system; (b) the person knows that the person has no lawful authority to do the act at the time of doing the act; and (c) the act endangers (or is likely to endanger) national security. (2) For the purposes of subsection (1)(a), a person who does an act in relation to a computer or electronic system (the person) does the act without lawful authority if— (a) the person is not a person who is responsible for the computer or electronic system and is entitled to decide whether the act could be done (responsible person); and (b) the person does the act without the consent of a responsible person. (3) In this section— computer or electronic system (電腦或電子系統) includes any thing or software that constitutes the computer or electronic system.
51.	Extra-territorial effect of this Part If a person does any act outside the HKSAR, and the act would have constituted an offence under section 49(1) or (2) or 50(1) had it been done in the HKSAR, the person commits the offence.

Part 6—External Interference Endangering National Security and Organizations Engaging in Activities Endangering National Security

Division 1: External Interference Endangering National Security

52.	External interference endangering national security A person who— (a) with intent to bring about an interference effect, collaborates with an external force to do an act; and (b) uses improper means when so doing the act, commits an offence and is liable on conviction on indictment to imprisonment for 14 years.
53.	Meaning of bringing about interference effect (1) In this Division, a reference to bringing about an interference effect is a reference to bringing about one or more of the following effects— (a) influencing the Central People's Government or the executive authorities of the HKSAR in— (i) the formulation or execution of any policy or measures; or (ii) the making or execution of any other decision, including influencing an official of the Central People's Government or of the executive authorities of the HKSAR, or any other officer who is authorized to perform the above function of the official, in performing that function; (b) influencing the Legislative Council in performing functions (including influencing a member of the Legislative Council in performing functions as such a member), or interfering with any process in connection with the Legislative Council;

	(c) influencing a Court in performing functions (including influencing a judicial officer in performing functions as such an officer), or interfering with the administration of justice in the HKSAR; (d) interfering with any election or any process in connection with an election, including— (i) influencing any other person in exercising the right to vote, or the right to stand for election, of the person enjoyed in relation to any election under the Basic Law; (ii) interfering with the process of constituting the Election Committee under section 8 of the Chief Executive Election Ordinance (Cap. 569); and (iii) interfering with the process under which any other person becomes a member of a District Council under the District Councils Ordinance (Cap. 547); (e) prejudicing any one or more of the following relationships— (i) the relationship between China and any foreign country; (ii) the relationship between the Central Authorities and the HKSAR; (iii) the relationship between the Central Authorities and any other region of China; (iv) the relationship between the HKSAR and any other region of China; (v) the relationship between the HKSAR and any foreign country. (2) In this section—election (選舉) means an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).
54.	Meaning of collaborating with external force For the purposes of this Division, a person collaborates with an external force to do an act if one or more of the following circumstances exist— (a) the person participates in an activity planned or otherwise led by an external force, and the act is an act that the person's participation in the activity involves; (b) the person does the act on behalf of an external force; (c) the person does the act in cooperation with an external force; (d) the person does the act under the control, supervision or direction of, or on request by, an external force; (e) the person does the act with the financial contributions, or the support by other means, of an external force.
55.	Meaning of using improper means (1) For the purposes of section 52, the person mentioned in that section (subject person) uses improper means when doing the act mentioned in that section if the person falls within at least one of the descriptions in paragraphs (a), (b) and (c)— (a) the subject person knowingly makes to a person a material misrepresentation when doing the act or any part of it; (b) the act or any part of it is done by any one or more of the following ways— (i) using or threatening to use violence against a person; (ii) destroying or damaging, or threatening to destroy or damage, a person's property; (iii) causing financial loss to a person by other means, or threatening to cause financial loss to a person by other means; (iv) damaging or threatening to damage a person's reputation; (v) causing psychological harm to, or placing undue psychological pressure on, a person; (c) the act or any part of it constitutes an offence. (2) For the purposes of subsection (1)(a), a material misrepresentation— (a) may be made orally or by written representation, and may be made by other conduct; and (b) may be express or implied. (3) In this section, a reference to making to a person a material misrepresentation is a reference to making to the person a false or misleading representation that has the effect of preventing the person from discerning— (a) the fact that the subject person, with intent to bring about an interference effect, does the act; or (b) the fact that the subject person collaborates with an external force to do the act.
56.	Presumption of doing acts on behalf of external force (1) In proceedings brought against a person (defendant) for an offence under section 52, if the prosecution proves that the defendant, with intent to bring about an interference effect, did an act, the defendant is to be presumed, for the purposes of section 54(b), to have done the act on behalf of an external force as long as

	the prosecution further proves that— (a) the defendant communicated with the external force in relation to the intent or a matter in connection with the intent before so doing the act; and (b) the defendant knew or ought to have known that the act or any part of it— (i) would result in the external force achieving its aims; or (ii) would otherwise benefit the external force. (2) However, the presumption under subsection (1) is rebutted by the defendant if— (a) there is sufficient evidence to raise an issue that the defendant did not do the act on behalf of the external force; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.
57.	Extra-territorial effect of this Division (1) If— (a) any— (i) HKSAR resident who is a Chinese citizen; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under section 52 had it been done in the HKSAR, the resident or body commits the offence. (2) In this section—HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2: Organizations Engaging in Activities Endangering National Security

Subdivision 1: Preliminary

58.	Interpretation In this Division— authorized officer (獲授權人員) means a public servant appointed under section 67; connection (聯繫), in relation to an organization that is a political body, means the following circumstances— (a) the organization solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, or substantive support by other means, directly or indirectly, from a political organization of an external place; (b) the organization is affiliated directly or indirectly with a political organization of an external place; (c) any policy of the organization is determined directly or indirectly by a political organization of an external place; or (d) a political organization of an external place directs, controls, supervises, dictates or participates, directly or indirectly, in the decision making process of the organization; office-bearer (幹事)— (a) in relation to an organization, means the president, vice-president, secretary or treasurer of the organization, or a member of the committee or governing body of the organization, or a person who holds in the organization an office or position analogous to any of those mentioned above; or (b) in relation to a prohibited organization, means a person holding any office or position in the prohibited organization other than that of an ordinary member; organization (組織) means— (a) a society as defined by section 2(1) of the Societies Ordinance (Cap. 151); (b) a person listed in the Schedule to that Ordinance; or (c) any other body, whatever its nature and regardless of whether the body is formed or established pursuant to, or is operated in accordance with, any object or aim; political body (政治性團體) means— (a) a political party or an organization that purports to be a political party; or (b) an organization whose principal function or main object is to promote or prepare a candidate for an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);
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	political organization of an external place (境外政治性組織) includes— (a) a government of a foreign country or a political subdivision of the government; (b) the authority of an external place or a political subdivision of the authority; (c) an agent of the government or authority or an agent of the political subdivision of the government or authority; and (d) a political party in an external place or an agent of the political party; prohibited organization (受禁組織) means an organization in relation to which an order made under section 60(1) or (2) is in force.
59.	This Division does not affect operation of Societies Ordinance This Division does not affect the operation of the Societies Ordinance (Cap. 151).

Subdivision 2: Prohibition of Operation of Organizations Engaging in Activities Endangering National Security in HKSAR

60.	Prohibition of operation of organizations (1) If the Secretary for Security reasonably believes that it is necessary for safeguarding national security to prohibit the operation or continued operation of an organization specified in subsection (3) in the HKSAR, the Secretary for Security may, by order published in the Gazette, prohibit the operation or continued operation of the organization in the HKSAR. (2) If an organization specified in subsection (3)(a) (local organization) is a political body and has a connection with a political organization of an external place, the Secretary for Security may, by order published in the Gazette, prohibit the operation or continued operation of the local organization in the HKSAR. (3) The organization specified for subsections (1) and (2) is— (a) an organization that is organized and established in the HKSAR or has its headquarters or chief place of business in the HKSAR, but does not include— (i) a company registered under the Companies Ordinance (Cap. 622) (CO); (ii) a company registered under the former Companies Ordinance (as defined by section 2(1) of the CO); or (iii) a non-Hong Kong company as defined by section 2(1) of the CO (non-Hong Kong company); or (b) an organization that is organized and established outside the HKSAR and has its headquarters or chief place of business outside the HKSAR (but excluding a non-Hong Kong company), to which one or more of the following circumstances apply— (i) the organization conducts any activity in the HKSAR; (ii) any person in the HKSAR acts as an office-bearer or member of the organization or professes or claims to be an office-bearer or member of the organization; (iii) any person in the HKSAR manages or assists in the management of the organization; (iv) any person in the HKSAR conducts any activity in the HKSAR on behalf of, or in cooperation with, or under the control, supervision or direction of, the organization; (v) the organization incites, induces or invites any person in the HKSAR to become a member of, or manage or assist in the management of, the organization; (vi) any person in the HKSAR pays money or gives aid of other kinds to or for the purposes of the organization; (vii) the organization solicits or accepts financial contributions, loans, or financial sponsorships of any kind, or aid of other kinds, directly or indirectly from any person in the HKSAR; (viii) the organization provides financial contributions, loans, or financial sponsorships of any kind, or aid of other kinds, directly or indirectly to any person in the HKSAR. (4) The Secretary for Security must not make an order under subsection (1) or (2) without first affording the organization an opportunity to be heard or to make written representations as the organization considers appropriate as to why such an order should not be made. (5) Subsection (4) does not apply if the Secretary for Security reasonably believes that affording the organization an opportunity to be heard or to make written representations would not be practicable in the circumstances of that case. (6) An order made under subsection (1) or (2) must as soon as practicable be— (a) served on the organization; (b) published in a Chinese language newspaper and an English language newspaper in general circulation in the HKSAR designated by the Secretary for Security; (c) published in the Gazette; and (d) published on an internet website designated by the Secretary for Security. (7) An order made under subsection (1) or (2)— (a) takes effect on publication in the Gazette; or (b) if specified to take effect on a subsequent date—takes effect on the specified date.
61.	Matters following prohibition of operation of local organizations

	(1) If the operation or continued operation in the HKSAR of any organization specified in section 60(3)(a) is prohibited under section 60 (local prohibited organization), the organization is dissolved on the taking effect of the order prohibiting the operation or continued operation of the organization under section 60(7). (2) After the dissolution of a local prohibited organization, the liability (if any) of every office-bearer and member of the organization continues and may be enforced as if the organization had not been dissolved. (3) If, immediately before the taking effect of an order prohibiting the operation or continued operation of a local prohibited organization under section 60(7), the organization is registered (however described, and carried out in whatever manner) under a specified Ordinance, subsections (4) and (5) apply to the organization. (4) If the organization is dissolved under subsection (1), the registration mentioned in subsection (3) is cancelled, and the specified authority must— (a) if a register (however described) is required to be kept in relation to the registration under the specified Ordinance—update the register in view of the cancellation of the registration; and (b) publish a notice of the cancellation of the registration in the Gazette. (5) Where the organization is dissolved under subsection (1)— (a) if there is any provision in the specified Ordinance that applies after the dissolution of the organization under the specified Ordinance—the provision applies as if the organization were dissolved under the specified Ordinance; and (b) if there is any provision that applies to the winding up of the organization, or any other provision that has the same effect, in the specified Ordinance—the provision applies to the organization. (6) Subsection (7) applies to a local prohibited organization if— (a) the organization is not an organization mentioned in subsection (3); or (b) the organization is an organization mentioned in subsection (3), but there is neither a provision that applies to the winding up of the organization nor any other provision that has the same effect in the specified Ordinance. (7) Where a local prohibited organization is dissolved under subsection (1), sections 360E, 360F, 360G, 360H, 360I, 360J, 360K, 360L and 360M of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) apply, with necessary modifications, to the organization as if the organization were a company that had been struck off the Companies Register, and had been dissolved, under section 360C of that Ordinance. (8) In this section—specified authority (指明當局), in relation to a registration mentioned in subsection (3), means— (a) if a person is required to keep a register (however described) in relation to the registration under the specified Ordinance—the person; or (b) in any other case—the Secretary for Security; specified Ordinance (指明條例) means an Ordinance other than the Companies Ordinance (Cap. 622) and the former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622).
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Subdivision 3: Offences in connection with Prohibited Organizations

62.	Prohibition of participation in activities of prohibited organizations (1) A person who, after the operation or continued operation of an organization in the HKSAR is prohibited under section 60— (a) is or acts as an office-bearer of the organization, or professes or claims to be an officer-bearer of the organization; or (b) manages or assists in the management of the organization, commits an offence and is liable on conviction on indictment to a fine of \$1,000,000 and imprisonment for 14 years. (2) A person who, after the operation or continued operation of an organization in the HKSAR is prohibited under section 60— (a) is or acts as a member of the organization, or professes or claims to be a member of the organization; (b) conducts any activity on behalf of, or in cooperation with, or under the control, supervision or direction of, the organization; (c) participates in a meeting of the organization; or (d) pays money or gives aid of other kinds to or for the purposes of the organization, commits an offence and is liable on conviction on indictment to a fine of \$250,000 and imprisonment for 10 years. (3) The following act does not constitute an offence under subsection (1) or (2)— (a) doing an act with the prior written permission of the Secretary for Security;
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	(b) participating in any proceedings, whether in one's own capacity or as a representative of an organization that is a party to the proceedings; (c) seeking, providing or accepting any legal services, or making or receiving any payment for the services; or (d) doing any act that is incidental to the act referred to in paragraph (b) or (c).
	(4) It is a defence for a person charged with an offence under subsection (1) or (2) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the operation or continued operation of the organization in the HKSAR was prohibited under section 60.
	(5) Without affecting subsection (4)— (a) it is a defence for a person charged with an offence under subsection (1), for being or acting as an office-bearer of a prohibited organization, to establish that the person has taken all reasonable steps and exercised due diligence to terminate the status as such an office-bearer; or (b) it is a defence for a person who is charged with an offence under subsection (2), for being or acting as a member of a prohibited organization, to establish that the person has taken all reasonable steps and exercised due diligence to terminate the membership.
	(6) A person is taken to have established a matter that needs to be established for a defence under subsection (4) or (5) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.
63.	Allowing meetings of prohibited organizations to be held on premises A person who knowingly allows a meeting of a prohibited organization, or of members of a prohibited organization, to be held in or on any place or premises belonging to or occupied by the person, or over which the person has control, commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.
64.	Inciting etc. others to become members of prohibited organizations A person who incites, induces or invites any other person to become a member of or assist in the management of a prohibited organization, or uses any violence, threat or intimidation towards any other person in order to induce that other person to become a member of or to assist in the management of a prohibited organization, commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.
65.	Procuring subscription or aid for prohibited organizations A person who procures or attempts to procure from any other person any subscription or aid for the purposes of a prohibited organization commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.
66.	Shadow organizations of prohibited organizations (1) In section 62(1)(a) and (b) and (2)(a), (b), (c) and (d), a reference to the organization includes a shadow organization of the organization. (2) In sections 63, 64 and 65, a reference to a prohibited organization includes a shadow organization of a prohibited organization. (3) For the purposes of this section, if an organization (Organization A) holds itself out to be another organization (Organization B), Organization A is a shadow organization of Organization B.

Subdivision 4: Miscellaneous Provisions

67.	Authorized officers The Secretary for Security may appoint a public servant in writing to be an authorized officer for the purposes of this Division.
68.	Information to be provided by organizations (1) An authorized officer may, by written notice, require any organization to provide in writing information that is reasonably necessary for the Secretary for Security to perform a function of the Secretary for Security under section 60. (2) The notice under subsection (1) must be served on— (a) the organization; or (b) any office-bearer of the organization or any person who manages or assists in the management of the organization in the HKSAR.

	(3) The information required to be provided under subsection (1) may include the income, the source of income and the expenditure of the organization. (4) The notice under subsection (1) must specify the time within which (being not less than 7 days) the information must be provided. (5) The authorized officer may, on application made to the officer and on good reason being shown, grant an extension of time at the officer's discretion.
69.	Persons responsible for providing information (1) The obligations imposed on any organization under section 68 are binding on every office-bearer of the organization, and on every person managing or assisting in the management of the organization in the HKSAR, who has been served with the notice under that section. (2) If an organization fails to comply with the whole or part of a notice served under section 68, each of the persons mentioned in subsection (1) is liable on summary conviction to a fine at level 4 unless the person establishes to the satisfaction of the court that the person has exercised due diligence and has failed to comply with the notice for reasons beyond the person's control. (3) If any information provided to the Secretary for Security in compliance with a notice served under section 68 is false, incorrect, or incomplete in a material particular, the person who has provided the information is liable on summary conviction to a fine at level 4 unless the person establishes to the satisfaction of the court that the person had good reason to believe that the information was true, correct and complete.
70.	Power to inspect non-domestic premises For the purpose of enabling the Secretary for Security to perform a function of the Secretary for Security under section 60, if a police officer of the rank of Superintendent or above reasonably believes that any non-domestic premises are kept or used by an organization or any of its members as a place for conducting any meeting or activity or a place of business, the police officer (or a police officer authorized by that officer) may, at the time during which the meeting or activity is conducted, at the time during which the business is carried on, or at any other reasonable time, enter and inspect the non-domestic premises.
71.	Power to search places in specific circumstances (1) If a magistrate is satisfied by information on oath by an authorized officer that there are reasonable grounds to suspect that any specified evidence is in a place, the magistrate may issue a warrant. (2) The warrant may authorize an authorized officer and any other person specified in the warrant to take all or any of the following actions— (a) to enter and search the place; (b) to seize, remove or impound anything that appears to that officer or that other person to be specified evidence; (c) to remove by force a person or thing obstructing that officer or that other person from exercising a power conferred on that officer or that other person by this section; (d) to detain a person found in the place until the place has been searched. (3) If— (a) a police officer of the rank of Superintendent or above has reasonable grounds to suspect that any specified evidence is in a place; and (b) the delay necessary to obtain a warrant is likely to result in the loss or destruction of evidence or for any other reason it would not be reasonably practicable to obtain such a warrant, the police officer (or a police officer authorized by that officer) may exercise any of the powers referred to in subsection (2) in respect of the place without a warrant issued under subsection (1). (4) In this section— place (地方) means any place, and includes— (a) any vehicle, vessel, aircraft, hovercraft or other conveyance; (b) any tent or structure (whether or not movable or offshore); and (c) any electronic equipment; specified evidence (指明證據) means anything that is or contains, or that is likely to be or contain, evidence necessary for the Secretary for Security to perform a function of the Secretary for Security under section 60.
72.	Forfeiture Any books, accounts, writings, banners, insignia or other movable property belonging to any prohibited

	organization must, on order of a magistrate, be forfeited and given to the Secretary for Security for disposal in the manner that the Secretary for Security considers appropriate.
73.	Service of notices etc. A notice or order that must be served on a person or organization under this Division is, in the absence of evidence to the contrary, deemed to be so served if— (a) for an individual, the notice or order is— (i) delivered to the individual; (ii) left at the individual's last known address for service, or at the individual's last known place of residence or business; (iii) sent by post to the individual at the individual's last known address for service, or at the individual's last known postal address, whether or not the address is in the HKSAR; (iv) sent by electronic mail transmission, fax transmission or other similar method to the individual at the individual's last known address for service, or at the individual's last known postal address, or at the individual's last known place of residence or business, whether or not the address or place is in the HKSAR; or (v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice or order concerns to the attention of the individual; (b) for an organization, the notice or order is— (i) given to or served on an office-bearer of the organization, or a person managing or assisting in the management of the organization; (ii) left at the organization's last known address for service, or at its last known address; (iii) sent by post to the organization at its last known address for service, or at its last known postal address, whether or not the address is in the HKSAR; (iv) sent by electronic mail transmission, fax transmission or other similar method to the organization at its last known address for service, or at its last known postal address, or at its last known address, whether or not the address is in the HKSAR; or (v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice or order concerns to the attention of an office-bearer of the organization, or a person managing or assisting in the management of the organization.

Part 7—Enforcement Powers and Procedure in Legal Actions etc. in connection with Safeguarding National Security

Division 1: Enforcement Powers, and Other Matters in connection with Investigation

Subdivision 1: Applications may be Made to Court for Extension of Detention Period for Investigation of Offences Endangering National Security

74.	Interpretation (1) In this Subdivision— arrested person (被捕人)—see section 75(2); Cap. 232 (《第 232 章》) means the Police Force Ordinance (Cap. 232); first detention period (首段羈留期) means the period of 48 hours referred to in section 75(2); hospital (醫院) means— (a) a hospital specified in Schedule 1 or 2 to the Hospital Authority Ordinance (Cap. 113); or (b) a clinic for medical diagnosis or treatment that is maintained or managed by the Government. (2) In calculating a period under this Subdivision, any time during which the arrested person receives medical diagnosis or treatment in hospital, or is on the way there or back, is not included, except for any time during which the person is being questioned in hospital or on the way there or back by a police officer for the purpose of obtaining evidence in respect of an offence.
75.	Application of this Subdivision to persons arrested for offences endangering national security (1) This Subdivision applies in relation to a person who— (a) is arrested for being reasonably suspected of having committed an offence endangering national security; and (b) is required under section 52 of Cap. 232 to be brought before a magistrate as soon as practicable. (2) Subject to section 78(1), the person who is detained in police custody (arrested person) must be brought

	before a magistrate as soon as practicable, and in any event, not later than the first sitting of a Magistrates' Court after the expiry of the period of 48 hours after the person's arrest.
76.	Applications to Court for extension of detention period (1) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by application supported by information on oath, apply to a magistrate for an extension, or further extension, of the period of detention of an arrested person in police custody without charge. (2) The information in support of the application— (a) must be laid by a police officer of the rank of Chief Inspector or above; and (b) must state— (i) the nature of the offence; (ii) the general nature of the evidence on which the arrested person was arrested; (iii) what inquiries have been made by the police in relation to the offence and what further inquiries are proposed to be made by them; and (iv) the reasons why further detention of the arrested person is necessary.
77.	Court hearings of applications for extension of detention period (1) A magistrate must not hear the application unless— (a) the arrested person has been given a copy of the application (the information in support of the application need not be given to the arrested person); and (b) the arrested person has been brought before the magistrate for the hearing of the application. (2) If the arrested person is not represented by a solicitor or counsel but wishes to be so represented— (a) the magistrate may adjourn the hearing of the application for a reasonable period to enable the person to be represented by a solicitor or counsel, and the period must not exceed— (i) for the first application after the arrested person's arrest—7 days after the expiry of the first detention period; and (ii) for any subsequent application—7 days after the expiry of the last period of extension, or 14 days after the expiry of the first detention period, whichever is the earlier; and (b) the arrested person is to be delivered to the police for detention in their custody during the adjournment.
78.	Court decisions on applications for extension of detention period (1) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that an extension (or further extension) of the period of detention of the arrested person in police custody is justified, the magistrate may authorize the period of detention of the arrested person in police custody without charge to be— (a) for the first application after the arrested person's arrest—extended for a period not exceeding 7 days after the expiry of the first detention period; and (b) for any subsequent application—further extended, with each period of extension not exceeding 7 days, and with the period of extension also not causing the total period of detention of the arrested person to exceed 14 days after the expiry of the first detention period. (2) For the purposes of subsection (1), an extension (or further extension) of the period of detention of the arrested person in police custody is justified only if— (a) the investigation of the offence is being diligently and expeditiously conducted by the police, and cannot reasonably be completed before the date of the application; and (b) the detention of the arrested person without charge is necessary for securing or preserving the evidence of the offence or for obtaining the evidence by questioning the person. (3) An authorization given under subsection (1)— (a) must be in writing; and (b) must state— (i) the time at which the authorization is given; and (ii) the period for which the arrested person is delivered to the police for detention in their custody is authorized. (4) If the magistrate authorizes, under subsection (1), an extension (or further extension) of the period of detention of the arrested person in police custody (extended period), then, unless the person is charged, the person must be discharged, in circumstances in which section 52(3) of Cap. 232 applies, on or before the expiry of the extended period.

(5) If the magistrate refuses the application under subsection (1), then, unless the arrested person is charged, the arrested person must be discharged, in circumstances in which section 52(3) of Cap. 232 applies— (a) for the first application after the arrested person's arrest— (i) on or before the expiry of the first detention period; or (ii) if the first detention period has expired when the application is refused—at the conclusion of the hearing of the application; and (b) for any subsequent application— (i) on or before the expiry of the last extended period; or (ii) if the last extended period has expired when the application is refused—at the conclusion of the hearing of the application.
(6) Despite subsections (4) and (5), if, before the expiry of the period under subsection (4) or (5) (as applicable), the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (2) exist, then, unless the arrested person is charged, the person must be discharged, in circumstances in which section 52(3) of Cap. 232 applies, immediately.

Subdivision 2: Applications may be Made to Court for Imposition of Appropriate Restrictions in relation to Consultation with Legal Representatives in View of Circumstances Endangering National Security

79.	Consultation with relevant particular legal representatives may be restricted in view of circumstances endangering national security (1) This section applies if a person is arrested for being reasonably suspected of having committed an offence endangering national security and is detained in police custody, and during the detention in police custody, the person requests to consult, or is consulting, a particular legal representative or particular legal representatives. (2) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the issue by the magistrate of a warrant in relation to the person under this section. (3) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that the circumstances specified in subsection (4) exist, the magistrate may issue a warrant authorizing a police officer to impose the following restriction on the person— (a) the person must not, during the person's detention in police custody— (i) consult the particular legal representative or legal representatives; or (ii) if the particular legal representative or legal representatives is or are in the practice of the law in a certain Hong Kong firm or certain Hong Kong firms—consult any legal representative in the practice of the law in the firm or firms; but (b) the person may consult any other legal representative of the person's choosing. (4) The circumstances are— (a) the person's consultation with any legal representative referred to in subsection (3)(a) (relevant legal representative) during the person's detention in police custody will endanger national security or cause bodily harm to any person; (b) the person has benefited from the offence, and the person's consultation with the relevant legal representative during the person's detention in police custody will hinder the recovery of the benefit unless the authorization is given; or (c) the person's consultation with the relevant legal representative during the person's detention in police custody will pervert or obstruct the course of justice unless the authorization is given. (5) If the information under subsection (2) is laid during the person's consultation with a particular legal representative or particular legal representatives, then, before a magistrate makes any decision on the information— (a) if the application that is supported by the information requests for the imposition of restrictions in relation to the person's consultation with the particular legal representative or legal representatives—the person must suspend consultation with the particular legal representative or legal representatives, but may consult any other legal representative of the person's choosing; or (b) if the particular legal representative or legal representatives is or are in the practice of the law in a certain Hong Kong firm or certain Hong Kong firms, and the application requests for the imposition of restrictions
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	in relation to the person's consultation with any legal representative who is in the practice of the law in the firm or firms (relevant firm or firms)—the person must suspend consultation with the particular legal representative or legal representatives, and must not consult any other legal representative of the relevant firm or firms, but may consult any other legal representative of the person's choosing. (6) If, after the issue of the warrant and during the person's detention in police custody, the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (4) exist, a police officer must immediately cease to impose on the person the restriction mentioned in subsection (3). (7) In this section— Hong Kong firm (香港律師行) has the meaning given by section 2(1) of the Legal Practitioners Ordinance (Cap. 159); legal representative (法律代表) means a solicitor or counsel.
80.	Consultation with legal representatives may be restricted in view of circumstances endangering national security (1) This section applies if a person is investigated for being reasonably suspected of having committed an offence endangering national security, regardless of whether the person has been arrested. (2) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the issue by the magistrate of a warrant in relation to the person under this section. (3) If the magistrate hearing the application is satisfied that— (a) if the person has not been arrested— (i) there are reasonable grounds to suspect that the person has committed the offence; (ii) there are reasonable grounds to believe that the person is about to be arrested; and (iii) there are reasonable grounds to believe that the circumstances specified in subsection (4) exist; or (b) if the person has been arrested—there are reasonable grounds to believe that the circumstances specified in subsection (4) exist, the magistrate may issue a warrant authorizing a police officer to restrict the person's consultation with a legal representative during the period of detention of the person in police custody within the period of 48 hours after the person's arrest (specified period). (4) The circumstances are— (a) the person's consultation with a legal representative during the specified period will endanger national security or cause bodily harm to any person; (b) the person has benefited from the offence, and the person's consultation with a legal representative during the specified period will hinder the recovery of the benefit unless the authorization is given; or (c) the person's consultation with a legal representative during the specified period will pervert or obstruct the course of justice unless the authorization is given. (5) If the warrant is issued before the person is arrested, the magistrate may direct that the warrant is only in force before the date that is specified. (6) After the issue of the warrant, if, before the expiry of the specified period, the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (4) exist, a police officer must immediately cease to restrict the person's consultation with a legal representative. (7) In this section—legal representative (法律代表) means a solicitor or counsel.

Subdivision 3: Applications may be Made to Court for Imposition of Appropriate Restrictions in relation to Persons on Bail for Prevention or Investigation of Offences Endangering National Security

81.	Interpretation In this Subdivision— movement restriction order (行動限制令)—see section 83(1); person on bail (獲保釋人)—see section 82; recognizance (擔保) means a recognizance entered into in accordance with section 52(3) of the Police Force Ordinance (Cap. 232); specified (指明) means specified in a movement restriction order.
82.	Application of this Subdivision to persons arrested for offences endangering national security and on bail If—

	(a) a person is arrested for being reasonably suspected of having committed an offence endangering national security; and (b) the person is about to be, or has been, discharged (whether or not a recognizance is required) by the police, this Subdivision applies in relation to the person (person on bail).
83.	Applications to Court for movement restriction orders in relation to period of bail (1) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the making by the magistrate of an order (movement restriction order) directing that a person on bail must comply with the specified requirements and the specified conditions imposed in relation to those requirements. (2) The magistrate may specify one or more of the following requirements— (a) the following requirements on the place of residence of the person on bail— (i) the person on bail must reside in the specified place during the specified period; (ii) the person on bail must report to the police by the specified deadline information as to the identity of any person who also resides in the specified place; (iii) the person on bail must remain in the specified place during the specified time; (b) the person on bail must not enter the specified area or place during the specified period, or may only enter the area or place if the specified conditions are met; (c) the person on bail must not, by any means or through any person, associate or communicate with the specified person during the specified period, or may only associate or communicate with the specified person if the specified conditions are met; (d) the person on bail must report to the police at the specified police station at the specified time. (3) The information in support of the application— (a) must be laid by a police officer of the rank of Chief Inspector or above; and (b) must state— (i) the nature of the offence; (ii) the general nature of the evidence on which the person on bail was arrested; (iii) what inquiries have been made by the police in relation to the offence and what further inquiries are proposed to be made by them; and (iv) the reasons why imposing any of the requirements mentioned in subsection (2) on the person on bail is necessary.
84.	Court may make movement restriction orders (1) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that the circumstances specified in subsection (2) exist, the magistrate may make a movement restriction order in relation to a person on bail. (2) The circumstances are— (a) the person on bail will not report to the police in accordance with the conditions specified by the police unless the person on bail is subject to the requirements requested to be imposed on the person on bail in the application (relevant requirements); (b) there will be perversion or obstruction of the course of justice unless the person on bail is subject to the relevant requirements; or (c) national security will be endangered unless the person on bail is subject to the relevant requirements. (3) A movement restriction order— (a) must be in writing; and (b) must state the requirements imposed on the person on bail and the conditions imposed in relation to the requirements. (4) A movement restriction order is valid for 3 months, and the validity period must not begin before the date on which the movement restriction order is served under subsection (5). (5) A movement restriction order must be served personally on the person on bail. (6) A magistrate may, on application by a police officer mentioned in section 83(1) (relevant officer), extend (or further extend) the validity period of a movement restriction order made in relation to a person on bail, with each period of extension being 1 month, if the magistrate is satisfied that there are reasonable grounds to believe that—

	(a) a circumstance specified in subsection (2) remains in existence; and (b) the investigation of the offence is being diligently and expeditiously conducted by the police, and cannot reasonably be completed before the date of the application.
	(7) A magistrate may, on the application by a relevant officer or a person on bail, vary or discharge a movement restriction order made in relation to the person on bail.
	(8) A magistrate must not grant an application made under subsection (7) unless the magistrate is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so.
85.	Review of movement restriction orders (1) If a magistrate refuses an application made by a person on bail under section 84(7), the person on bail may make an application to a judge of the Court of First Instance for the first-mentioned application to be granted (review application). (2) The judge of the Court of First Instance must not grant the review application unless the judge is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so. (3) Subject to subsection (2), the judge of the Court of First Instance may, by order, confirm, vary or revoke the magistrate's decision and may make any other order in relation to relevant matters as the judge of the Court of First Instance considers just.
86.	Contravention of movement restriction orders If a person on bail, without reasonable excuse, contravenes— (a) any requirement in a movement restriction order made in relation to the person; or (b) any condition imposed in relation to the requirement, the person commits an offence and is liable on conviction on indictment to imprisonment for 1 year.

Subdivision 4: Miscellaneous Provisions and Offences in connection with Investigation

87.	Applications under this Division to be heard in closed court in general (1) An application under this Division must be heard in a closed court. (2) Despite subsection (1), the judge of the Court of First Instance or the magistrate (as applicable) hearing the application may, either on his or her own motion or on application by any party to the hearing, order the application to be heard in open court. (3) However, the judge of the Court of First Instance or the magistrate concerned may only make an order under subsection (2) on being satisfied that doing so is necessary in the interests of justice and would not be contrary to the interests of national security.
88.	No prejudicing of investigation of offences endangering national security If a person knows or suspects that an investigation of an offence endangering national security is being conducted— (a) the person— (i) with intent to prejudice the investigation; or (ii) being reckless as to whether the investigation will be prejudiced, without reasonable excuse or lawful authority, makes any disclosure; or (b) the person— (i) knowing or suspecting that any material is likely to be relevant to the investigation; and (ii) with intent to conceal the facts disclosed by the material from persons conducting the investigation, without reasonable excuse, falsifies, conceals, destroys or otherwise disposes of the material, or causes or permits the material to be falsified, concealed, destroyed or otherwise disposed of, the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years.

Division 2: Absconders in respect of Offences Endangering National Security

Subdivision 1: Specification of Relevant Absconders

89.	Power of Secretary for Security to specify an absconder for application of certain measures against the absconder (1) If the Secretary for Security reasonably believes that it is necessary for safeguarding national security to specify a person to which this subsection applies for the purposes of subsection (4), the Secretary for
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Security may, by notice published in the Gazette, specify the person for the purposes of that subsection.
(2) Subsection (1) applies to a person if— (a) a Court has issued, in relation to an offence endangering national security, a warrant to arrest the person; (b) reasonable steps have been taken to inform the person of the issue of the warrant, or the Secretary for Security reasonably believes that the person knew of the issue of the warrant; (c) the person has not been brought before a judge or magistrate (as the case may be); and (d) the Secretary for Security reasonably believes that the person is not in the HKSAR.
(3) The Secretary for Security must revoke a specification made in relation to a person under subsection (1) if— (a) the warrant mentioned in subsection (2)(a) in respect of the person has been revoked; or (b) the person has been brought before a judge or magistrate (as the case may be).
(4) If the Secretary for Security specifies a person under subsection (1), the Secretary for Security may, during the period within which the specification is in force, by notice published in the Gazette, further specify that any one or more provisions in Subdivision 2 of this Division that the Secretary for Security reasonably considers to be suitable in all the circumstances of the case apply in relation to the person.
(5) The Secretary for Security may, by notice published in the Gazette, vary or revoke a specification made under subsection (4).

Subdivision 2: Measures that may Apply against Relevant Absconders

90.	Prohibition against making available funds etc. or dealing with funds etc.
	(1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
	(2) Except under the authority of a licence granted under section 97, a person must not— (a) make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant absconder; or (b) deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant absconder.
	(3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
	(4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe— (a) for a contravention of subsection (2)(a)—that the funds or other financial assets or economic resources concerned were, or were to be, made available to, or for the benefit of, a relevant absconder; or (b) for a contravention of subsection (2)(b)—that the person was dealing with the funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant absconder.
	(5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.
	(6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited any of the following to an account belonging to, or directly or indirectly owned or controlled by, a relevant absconder— (a) interest or other earnings due on that account; (b) payment due under contracts, agreements or obligations that arose before the date on which the relevant absconder became a relevant absconder.
	(7) In this section— deal with (處理) means—
	(a) in respect of funds—
	(i) use, alter, move, allow access to or transfer; (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or (iii) make any other change that would enable use, including portfolio management; and

	(b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring out or mortgaging the assets or resources; economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services; funds (資金) includes— (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments; (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts); (d) interest, dividends or other income on or value accruing from or generated by property; (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments; (f) letters of credit, bills of lading and bills of sale; (g) documents evidencing an interest in funds or financial resources; and (h) any other instrument of export financing.
91.	Prohibition against certain activities in connection with immovable property (1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force. (2) Except under the authority of a licence granted under section 97, a person must not— (a) lease, or otherwise make available, immovable property, directly or indirectly, to a relevant absconder; or (b) lease immovable property, directly or indirectly, from a relevant absconder. (3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years. (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe— (a) for a contravention of subsection (2)(a)—that the immovable property concerned was leased, or otherwise made available, to a relevant absconder; or (b) for a contravention of subsection (2)(b)—that the immovable property concerned was leased from a relevant absconder. (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (6) If a person does an act mentioned in subsection (2) under a contract, agreement or obligation that arose before the date on which the relevant absconder became a relevant absconder, the person is not to be regarded as having contravened that subsection by reason only of that act.
92.	Prohibition in connection with joint ventures or partnerships with relevant absconders (1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force. (2) Except under the authority of a licence granted under section 97, a person must not— (a) establish a joint venture, partnership or any like relationship with a relevant absconder; or (b) invest in such a joint venture, partnership or any like relationship. (3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years. (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe that the joint venture, partnership or like relationship concerned was one with a relevant absconder. (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.

	(6) If a person does an act mentioned in subsection (2) under a contract, agreement or obligation that arose before the date on which the relevant absconder became a relevant absconder, the person is not to be regarded as having contravened that subsection by reason only of that act.
93.	Suspension of qualification to practise (1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force. (2) If, at any time during the period within which the specification is in force (material time), a relevant absconder holds a qualification to practise in a profession under any Ordinance, the qualification to practise is, for all purposes, to be regarded as suspended at the material time (regardless of whether the Ordinance itself provides for the suspension (however described) of the qualification to practise). (3) If, under any Ordinance, a person is required to keep a register (however described) in relation to the qualification to practise, the person must from time to time update the register in view of the operation of subsection (2). (4) Also, if, under any Ordinance, had the qualification to practise been suspended (however described) under the Ordinance, a provision would apply accordingly, then, where the qualification to practise is regarded as suspended under subsection (2), the provision also applies, with necessary modifications, accordingly as if the qualification to practise is suspended (however described) under the Ordinance. (5) In subsection (4), a reference to any provision does not include a provision that concerns an appeal or review against the suspension of the qualification to practise. (6) This section does not affect any power that a person may exercise under any Ordinance in relation to a relevant absconder.
94.	Permission or registration for carrying on business or for employment not in effect temporarily (1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force. (2) If, at any time during the period within which the specification is in force (material time), there is in effect, in relation to a relevant absconder (but not in effect in relation to the relevant absconder together with any other person)— (a) a permission (however described, and given in whatever manner) under any Ordinance; or (b) a registration (however described, and carried out in whatever manner) under any Ordinance, that is necessary for the relevant absconder to carry on any business or to be employed for any work, the permission or registration is, for all purposes, to be regarded as being not in effect temporarily at the material time (regardless of whether the Ordinance itself provides for the permission or registration being not in effect temporarily (however described)). (3) If, under any Ordinance, a person is required to keep a register (however described) in relation to the permission or registration, the person must from time to time update the register in view of the operation of subsection (2). (4) Also, if, under any Ordinance, had the permission or registration been not in effect temporarily (however described) under the Ordinance, a provision would apply accordingly, then, where the permission or registration is regarded as being not in effect temporarily under subsection (2), the provision also applies, with necessary modifications, accordingly as if the permission or registration is not in effect temporarily (however described) under the Ordinance. (5) In subsection (4), a reference to any provision does not include a provision that concerns an appeal or review against the permission or registration being not in effect temporarily. (6) This section does not affect any power that a person may exercise under any Ordinance in relation to a relevant absconder, or in relation to the business carried on by the relevant absconder or the work for which the relevant absconder is employed.
95.	Temporary removal from office of director (1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force. (2) If, at any time during the period within which the specification is in force (material time), a relevant

	absconder holds the office of director of any company, the relevant absconder is, for all purposes, to be regarded as being removed temporarily from that office of director at the material time, and accordingly, the relevant absconder must not directly or indirectly take part or be concerned in the management of the company temporarily.
	(3) If, under any Ordinance, a person is required to keep a register (however described) in relation to that office of director, the person must from time to time update the register in view of the operation of subsection (2).
	(4) This section does not affect— (a) any power that a person may exercise under the law of the HKSAR in relation to a relevant absconder; or (b) any power that a person may exercise under the constitution, rules or other governing documents by which the company is constituted (or according to which the company operates) in relation to a relevant absconder.
	(5) In this section— company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622); director (董事) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622).
96.	Cancellation of HKSAR passports etc.
	(1) If it is specified under section 89(4) (including by virtue of section 89(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
	(2) If— (a) a relevant absconder holds a HKSAR passport; and (b) the passport is valid immediately before the specification is made, the passport is, for all purposes, to be regarded as being cancelled at the time when the specification is made, and accordingly, the Director of Immigration may take possession of the passport.
	(3) If an application for a HKSAR passport is made by a relevant absconder, the application is, for the purposes of section 3(1) of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539) and all other purposes, to be regarded as being invalid.
	(4) In this section—HKSAR passport (特區護照) means a passport issued by the Director of Immigration under section 3 of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539).

Subdivision 3: Licences

97.	Grant of licences
	(1) The Secretary for Security may, on application, grant a licence for doing an act prohibited by section 90, 91 or 92.
	(2) The Secretary for Security must not grant a licence under subsection (1) unless the Secretary for Security is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so.
98.	Provision of false or misleading information or documents for purpose of obtaining licences
	(1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false or misleading in a material particular commits an offence and is liable on conviction on indictment to imprisonment for 3 years.
	(2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false or misleading in a material particular commits an offence and is liable on conviction on indictment to imprisonment for 3 years.

Division 3: Procedure in Legal Actions: General Provisions

99.	Application of procedure under HK National Security Law to offences under this Ordinance To avoid doubt, any case in connection with an offence under this Ordinance is a case mentioned in Article 41 of the HK National Security Law, and the procedure under Chapter IV of the HK National Security Law applies to such a case.
100.	Cases concerning national security to be adjudicated by designated judges
	(1) If a case adjudicated by a Court is a case concerning national security by virtue of section 3(2)(b), the case must be adjudicated by a designated judge.

	(2) Subsection (1) does not limit the application of any other enactment to any case to the extent that the other enactment is not inconsistent with that subsection.
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Division 4: Criminal Procedure for Cases in connection with Offences Endangering National Security

101.	Application This Division applies to a case in connection with an offence endangering national security, regardless of whether the case is also in connection with any other offence.
102.	Interpretation In this Division— Cap. 227 (《第 227 章》) means the Magistrates Ordinance (Cap. 227); return day (提訊日) has the meaning given by section 71A of Cap. 227.
103.	Remand during committal proceedings In applying section 79(1) of Cap. 227, the requirement in that section for remand not to exceed 8 clear days (and the exception to the requirement) must be disregarded.
104.	Appointment of return day (1) Subsection (2) applies in place of section 80A(3) of Cap. 227. (2) The return day must not, unless the prosecutor and the accused consent or the magistrate, on reasonable cause being shown, determines otherwise, be less than 10 days nor more than 28 days from the day on which the return day is appointed.
105.	Translations of documents (1) Subsection (2) applies in place of section 80B(2)(c) and (3) of Cap. 227. (2) Unless the magistrate, on application by the accused, orders, for the purposes of section 80B(1) of Cap. 227, that a statement of a witness, or a documentary exhibit, of which a copy is served under that section must be accompanied by the following translation— (a) if the statement or documentary exhibit is written in a language other than English—an English translation; (b) if the statement or documentary exhibit is written in a language other than Chinese—a Chinese translation, the statement or documentary exhibit need not be accompanied by the translation. (3) In deciding whether to make an order under subsection (2), the magistrate must consider the need for the case to be handled in a fair and timely manner.
106.	Preliminary inquiries dispensed with (1) Subsection (2) applies in place of sections 80C, 81, 81A, 82, 83, 84 and 85 of Cap. 227. (2) When the accused appears or is brought before a magistrate on the return day— (a) the prosecutor must, if the requirements of section 80B(1) of Cap. 227 are satisfied, hand into court the originals of the documents referred to in that section; and (b) the magistrate must, after an application is made by or on behalf of the Secretary for Justice, take the action under section 80C(4) of Cap. 227, and if the accused then pleads not guilty to the charge, the magistrate must order that the accused stand committed for trial in the Court of First Instance, and inform the accused of this fact or cause the accused to be informed of this fact. (3) Accordingly— (a) in applying section 80A of Cap. 227— (i) subsections (4)(c) and (d) of that section must be disregarded; and (ii) subsection (4)(e) of that section is to be read as requiring that the magistrate must, on first appointing the return day, inform the accused of the matters mentioned in subsection (4) of this section; (b) in applying section 81B of Cap. 227— (i) a reference to section 80C(4)(a) or 82(1) of Cap. 227 in subsection (1) of that section 81B is to be read as a reference to subsection (2)(b) of this section; (ii) subsection (1) of that section 81B is to be read as requiring that the magistrate must inform the accused of the matters mentioned in subsection (4) of this section in the circumstances described in that subsection (1); and (iii) the reference to “where the accused pleads guilty in proceedings under section 80C,” in subsection (2)(a) of that section 81B must be disregarded;

	(c) in applying section 85A of Cap. 227, a reference to section 80C(4) or 85(2) of Cap. 227 in subsection (1) of that section 85A is to be read as a reference to subsection (2)(b) of this section; (d) in applying section 86 of Cap. 227— (i) the reference to section 80C(4) of Cap. 227 in subsection (1)(b) of that section 86 is to be read as a reference to subsection (2)(b) of this section; and (ii) the reference to section 80C(1) of Cap. 227 in subsection (1)(b) of that section 86 is to be read as a reference to subsection (2)(a) of this section; (e) in applying section 33 of the Crimes Ordinance (Cap. 200), the reference to section 80C(1) of Cap. 227 in paragraph (a) of that section 33 is to be read as a reference to subsection (2)(a) of this section; (f) in applying section 14 of the Criminal Procedure Ordinance (Cap. 221) (Cap. 221), the reference to section 80C(4) of Cap. 227 in subsection (1)(a) of that section 14 is to be read as a reference to subsection (2)(b) of this section; (g) in applying section 16 of Cap. 221— (i) the reference to section 80C(4) of Cap. 227 in subsection (1) of that section 16 is to be read as a reference to subsection (2)(b) of this section; and (ii) the reference to section 80C(1) of Cap. 227 in subsection (1) of that section 16 is to be read as a reference to subsection (2)(a) of this section; and (h) if an application is made under section 77A of the District Court Ordinance (Cap. 336) for the proceedings to be transferred to the Court of First Instance, the following must be disregarded in applying that section— (i) the requirement in subsection (4) of that section that the judge may only make an order allowing the application subject to subsection (5) of that section; (ii) subsections (5) and (6) of that section; and (iii) the condition in subsection (7) of that section that the accused elects under subsection (5) of that section to have a preliminary inquiry. (4) For the purposes of subsection (3)(a)(ii) and (b)(ii), the matters are that if the accused pleads not guilty to the charge, the court will have the accused committed for trial in the Court of First Instance, and if the accused pleads guilty to the charge, the court will have the accused committed to the Court of First Instance for sentence on that charge.
107.	Accused not to apply for discharge without hearing after committal (1) If a certificate is issued in relation to a case under Article 46 of the HK National Security Law, section 16 of the Criminal Procedure Ordinance (Cap. 221) has no effect in relation to the case. (2) Accordingly, in applying section 85A of Cap. 227, subsection (1)(e) of that section must be disregarded. (3) This section does not limit the application of any other provision of this Division to the case to the extent that the other provision of this Division is not inconsistent with this section.
108.	Lifting of restrictions on reports of committal proceedings (1) This section applies in place of section 87A(2) of Cap. 227. (2) Despite section 87A(1) of Cap. 227, a magistrate may, on application by the prosecution or the accused, order that the section does not apply to relevant reports of the committal proceedings. (3) However, the magistrate may only make an order under subsection (2) on being satisfied that doing so is necessary in the interests of justice and would not be contrary to the interests of national security. (4) An order made under subsection (2) must be entered in the Magistrate's Case Register. (5) If there are more than one accused in the case, the reference to the accused in subsection (2) is a reference to one of the accused. (6) For the purposes of sections 86(1)(f) and 87A(4) and (7) of Cap. 227, an order made under subsection (2) is to be regarded as an order made under section 87A(2) of Cap. 227.

Division 5: Penalties for Inchoate Offences

109.	Penalty for conspiracy, incitement or attempt to commit offence under HK National Security Law To avoid doubt, despite any other Ordinance— (a) if a person is convicted of conspiracy to commit any offence under the HK National Security Law (NSL offence), any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the conspiracy;
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	(b) if a person is convicted of incitement to commit any NSL offence, any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the incitement unless the HK National Security Law itself provides for the penalty for incitement to commit the NSL offence; and (c) if a person is convicted of attempt to commit any NSL offence, any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the attempt.
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Part 8—Mechanisms for Safeguarding National Security and Relevant Protections

110.	Chief Executive in Council may make subsidiary legislation for safeguarding national security (1) The Chief Executive in Council may make subsidiary legislation for the needs of safeguarding national security and the better carrying into effect of the following laws and interpretation— (a) the HK National Security Law, including provisions in its Chapter V concerning the mandate of the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region; (b) the Interpretation by the Standing Committee of the National People’s Congress of Article 14 and Article 47 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區維護國家安全法〉第十四條和第四十七條的解釋》”)* adopted at the 38th Session of the Standing Committee of the Thirteenth National People’s Congress on 30 December 2022; (c) this Ordinance. (2) Any subsidiary legislation made under this section may provide that a contravention of the subsidiary legislation is an indictable offence and may prescribe penalties for it of a fine not exceeding \$500,000 and imprisonment not exceeding 7 years. Editorial Note: * See Instrument A304.
111.	Administrative instructions in connection with safeguarding national security (1) The Chief Executive may issue an administrative instruction to any department or agency of the Government or any public servant to give directions in relation to any of the following matters— (a) the implementation of any instruction given by the Central People’s Government in relation to safeguarding national security; (b) the work on safeguarding national security; (c) the provision of rights, exemptions, facilitation and support that are necessary for the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region in performing its mandate under Chapter V of the HK National Security Law in accordance with the law; (d) any other matter that the Chief Executive considers conducive to safeguarding national security. (2) Any department or agency of the Government or any public servant must comply with an administrative instruction mentioned in subsection (1).
112.	Judgements and decisions of National Security Committee (1) A meeting of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (National Security Committee) is to be convened by the chairperson. The National Security Adviser is to sit in on meetings of the National Security Committee. The National Security Adviser is to provide advice on matters relating to the duties and functions of the National Security Committee. (2) The secretariat of the National Security Committee is to convey, and assist in the follow-up of and the giving of effect to, the judgements and decisions made by the National Security Committee in its performance of duties and functions under the provisions of the HK National Security Law. (3) If the law of the HKSAR confers any function on a person, any person, in making any decision in the performance of the function, must respect, and implement in accordance with the law, the judgements and decisions of the National Security Committee.
113.	Provision of advice, or giving of directions, in relation to national security education etc. The Chief Secretary for Administration may provide advice, or give any direction, to any person whom the Chief Secretary for Administration considers appropriate, for promoting national security education, raising the awareness of residents of the HKSAR of national security and of the obligation to abide by the law, or strengthening public communication, guidance, supervision and regulation of the work on safeguarding

	national security and prevention of terrorist activities.
114.	Public servants to assist in work on safeguarding national security (1) A public servant must provide all such assistance that is necessary for the work on safeguarding national security. (2) Accordingly, a public servant must provide any department or agency that is responsible for the work on safeguarding national security, and its personnel, in the HKSAR, with all reasonable facilitation, support, backing and protection in a timely manner, including providing the necessary manpower and other necessary resources in a timely manner. (3) A public servant must exercise all powers and discretions that the public servant has (including any power and discretion concerning the giving of any exemption) to discharge the obligation under this section.
115.	Chief Executive to issue certificate in relation to question of whether national security or state secrets involved (1) Apart from in the circumstances mentioned in Article 47 of the HK National Security Law, the Chief Executive may also, in circumstances that the Chief Executive considers appropriate, issue a certificate to certify whether an act or matter involves national security or whether any material involves state secrets. (2) A certificate under subsection (1)— (a) may be issued whether or not any proceedings have been commenced; and (b) may be issued by the Chief Executive on the Chief Executive's own motion. (3) If a Court receives in any proceedings a certificate issued by the Chief Executive certifying a question under this section, the court is to be regarded as having obtained a certificate issued by the Chief Executive certifying the question under Article 47 of the HK National Security Law.
116.	Adjudication of cases concerning national security etc. (1) The Courts are to adjudicate cases concerning national security independently in accordance with the relevant provisions of the Basic Law and the HK National Security Law, free from any interference. A person must respect and safeguard the Courts' adjudication of cases concerning national security in accordance with the law. (2) The Department of Justice is to control criminal prosecutions of cases in connection with offences endangering national security in accordance with the relevant provisions of the Basic Law and the HK National Security Law, free from any interference. (3) The Government must take necessary measures to ensure the personal safety, and the safety of the property and place of residence, of any specified person and any aider, are subject to necessary protection. (4) In this section— aider (協助者) means an informer of, or a witness in, a case concerning national security; specified person (指明人士) means— (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or (b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.
117.	Signing or certification of legal documents in respect of specified cases etc. (1) This section applies to a document in respect of a specified case (relevant document) if an Ordinance or a direction of a Court— (a) requires the document to be signed or certified by any of the following persons— (i) a party to the case; (ii) a specified person representing a party to the case; (b) requires the document to state the name of any of the following persons— (i) a party to the case; (ii) a specified person representing a party to the case; (c) permits the document to be signed or certified by any of the following persons— (i) a party to the case; (ii) a specified person representing a party to the case; or (d) permits the document to state the name of any of the following persons— (i) a party to the case;

(ii) a specified person representing a party to the case.
(2) However, this section does not apply to— (a) an affidavit or any other document made on oath; (b) a statutory declaration; (c) a document made by a person as a witness for stating the truth; or (d) a statement of truth made under an Ordinance or a direction of a Court for verifying a document.
(3) Where the relevant document— (a) is one that falls within subsection (1)(a)(i) or (c)(i)—the document may be signed or certified by a specified person representing the party, and need not be signed or certified by the party; and (b) is one that falls within subsection (1)(b)(i) or (d)(i)—the document may state the name of a specified person representing the party, and need not state the name of the party.
(4) Where the relevant document— (a) is one that falls within subsection (1)(a)—the requirement under subsection (1)(a) is met if the document contains a signature specified in subsection (5); (b) is one that falls within subsection (1)(b)—the requirement under subsection (1)(b) is met if the document contains a name specified in subsection (6); (c) is one that falls within subsection (1)(c)—the document may contain a signature specified in subsection (5); and (d) is one that falls within subsection (1)(d)—the document may contain a name specified in subsection (6).
(5) The signature specified for the purposes of subsection (4)(a) and (c) is— (a) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a public servant—a signature made in the name of the department or agency represented by the specified person; (b) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a counsel—a signature made in the name of the department or agency (or solicitors' firm) represented by the person who gives instructions to the specified person; or (c) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a solicitor—a signature made in the name of the solicitors' firm represented by the specified person.
(6) The name specified for the purposes of subsection (4)(b) and (d) is— (a) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a public servant—the name of the department or agency represented by the specified person; (b) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a counsel—the name of the department or agency (or solicitors' firm) represented by the person who gives instructions to the specified person; or (c) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a solicitor—the name of the solicitors' firm represented by the specified person.
(7) For the purposes of subsection (1), if— (a) a case is a case concerning national security; or (b) proceedings are brought against a person for an offence endangering national security, and the person is a party to a case, the case is a specified case.
(8) For the purposes of subsection (7)(b), proceedings for an offence endangering national security are brought against a person if— (a) a magistrate issues a warrant or summons against the person under section 72 of the Magistrates Ordinance (Cap. 227) in respect of the offence; (b) the person is arrested for the offence (whether or not the person is released on bail); (c) the person is charged with the offence after being taken into custody without a warrant; or (d) an indictment charging the person with the offence is preferred by the direction or with the consent of a judge under section 24A(1)(b) of the Criminal Procedure Ordinance (Cap. 221).
(9) In this section—specified person (指明人士) means a public servant, counsel or solicitor;

	state (述明), in relation to a name, means mark, print, set out or otherwise provide the name.
118.	Unlawful disclosure of personal data of persons handling cases or work concerning national security (1) If a person commits an offence under section 64(3A) of the Personal Data (Privacy) Ordinance (Cap. 486), and— (a) the data subject referred to in that section is— (i) a specified person; (ii) a family member of a specified person; (iii) an aider; or (iv) a family member of an aider; and (b) the person commits the offence— (i) with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security; or (ii) in consequence of a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person or by the aider in providing assistance in relation to a case concerning national security, the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years. (2) If a person commits an offence under section 64(3C) of the Personal Data (Privacy) Ordinance (Cap. 486), and— (a) the data subject referred to in that section is— (i) a specified person; (ii) a family member of a specified person; (iii) an aider; or (iv) a family member of an aider; and (b) the person commits the offence— (i) with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security; or (ii) in consequence of a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person or by the aider in providing assistance in relation to a case concerning national security, the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (3) If— (a) any— (i) HKSAR resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and (b) the act would have constituted an offence under subsection (1) or (2) had it been done in the HKSAR, the resident or body commits the offence. (4) For the purposes of subsection (3), a reference to commit an offence under the Personal Data (Privacy) Ordinance (Cap. 486) in subsection (1) or (2) is to be read as including to do an act that— (a) is done outside the HKSAR; and (b) would have constituted the offence had it been done in the HKSAR. (5) In this section— aider (協助者) means an informer of, or a witness in, a case concerning national security; family member (家人), in relation to a person, means another person who is related to the person by blood, marriage, adoption or affinity; HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115); specified person (指明人士) means— (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or

	(b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.
119.	Unlawful harassment of persons handling cases or work concerning national security (1) If— (a) a person (Party A), with intent to cause alarm or distress or specified harm to a specified person (or a family member of the specified person) or an aider (or a family member of the aider) (Party B)— (i) uses any intimidating, abusive or offensive words to Party B by any means, or otherwise makes to Party B any intimidating, abusive or offensive communication; or (ii) does any intimidating, abusive or offensive act towards Party B by any means; (b) a reasonable person, having regard to all the circumstances, would have anticipated that so using the words to Party B, making the communication to Party B or doing the act towards Party B would cause alarm or distress or specified harm to Party B; (c) the words, communication or act, in fact, causes alarm or distress or specified harm to Party B; and (d) Party A falls within the description in any of subparagraphs (i) and (ii)— (i) Party A uses the words, makes the communication, or does the act with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security; (ii) Party A uses the words, makes the communication, or does the act in consequence of— (A) a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person; or (B) a thing done (or attempted to be done) by the aider in providing assistance in relation to a case concerning national security, Party A commits an offence and is liable on conviction on indictment to imprisonment for 10 years. (2) If a person is charged with an offence under subsection (1) and the charge alleges that the person falls within the description in subsection (1)(d)(ii), it is a defence for the person to establish that it was reasonable in the circumstances to use the words, make the communication, or do the act. (3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt. (4) In this section— aiders (協助者) means an informer of, or a witness in, a case concerning national security; family member (家人), in relation to a person, means another person who is related to the person by blood, marriage, adoption or affinity; specified harm (指明傷害), in relation to a person, means— (a) psychological harm to the person; (b) harm causing the person to be concerned for the person's safety or well-being; or (c) harm causing the person to be concerned for damage to the property of the person; specified person (指明人士) means— (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or (b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.
120.	Specified Court may on application take anonymity measures (1) If a specified Court is satisfied that it is necessary for safeguarding national security to take certain measures in relation to any existing or contemplated proceedings (regardless of whether the proceedings concern a case concerning national security, and regardless of whether the proceedings take place in that Court or any other Court) to protect the identity of any specified person from disclosure, the specified Court may, on ex parte application by the Secretary for Justice, order the measures be taken. (2) Without limiting subsection (1), an order made under that subsection may prohibit a person from disclosing— (a) information that shows the identity of a specified person; or (b) information from which the identity of a specified person may be inferred.

	(3) A hearing of an application under subsection (1) must take place in a closed court.
	(4) If an order is made under subsection (1), a person affected by the order may apply to the specified Court to vary or revoke the order.
	(5) The specified Court must not vary or revoke the order unless the specified Court, having regard to all the circumstances of the case, is satisfied that injustice would be caused if the order is not varied or revoked.
	(6) To avoid doubt, unless the specified Court orders otherwise, the Secretary for Justice need not, for the purposes of an application under subsection (4), provide to the applicant documents submitted to the specified Court at the time when the Secretary for Justice made the application under subsection (1).
	(7) To avoid doubt— (a) this section does not limit any other power that any Court may exercise; and (b) section 117 does not prevent a specified Court from ordering under subsection (1) any measures to be taken in relation to a document mentioned in section 117(2).
	(8) In this section— specified Court (指明法院) means any of the following courts of the Judiciary of the HKSAR— (a) the Court of Final Appeal; (b) the Court of Appeal; (c) the Court of First Instance; (d) the District Court; (e) a Magistrates' Court;
	specified person (指明人士), in relation to any existing or contemplated proceedings, means the following person whom the proceedings involve or are likely to involve— (a) a public servant; (b) a judicial officer or a staff member of the Judiciary; (c) a counsel or solicitor; or (d) an informer or witness.
121.	Offence of contravening order prohibiting disclosure of identity
	(1) If a person, knowing that an order prohibiting disclosure of identity has been made, discloses information the disclosure of which is prohibited by the order, the person commits an offence and is liable on conviction on indictment to imprisonment for 5 years.
	(2) It is a defence for a person charged with an offence under subsection (1) to establish that the person had a reasonable excuse or lawful authority to make the disclosure.
	(3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if— (a) there is sufficient evidence to raise an issue with respect to that matter; and (b) the contrary is not proved by the prosecution beyond reasonable doubt.
	(4) If— (a) any—
	(i) HKSAR resident; (ii) body corporate that is incorporated, formed or registered in the HKSAR; or (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and
	(b) the act would have constituted an offence under a subsection (1) had it been done in the HKSAR, the resident or body commits the offence.
	(5) In this section—order prohibiting disclosure of identity (身分披露禁令) means an order made under section 120(1) prohibiting any person from making the disclosure mentioned in section 120(2).

Part 9—Related Amendments

Division 1: Enactments Amended

122.	Enactments amended The enactments specified in Divisions 2 to 29 are amended as set out in those Divisions.
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Division 2: Amendment to Interpretation and General Clauses Ordinance (Cap. 1)

123.	Section 3 amended (interpretation of words and expressions)
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Section 3— Add in alphabetical order “national security (國家安全)—see section 4 of the Safeguarding National Security Ordinance (6 of 2024);”.
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Division 3: Amendment to Evidence Ordinance (Cap. 8)

124.	Section 77 amended (privilege of witnesses) Section 77(3)— Repeal “the security of the United Kingdom, Hong Kong, or any other territory for which the United Kingdom is responsible under international law” Substitute “national security or the security of the HKSAR”.
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Division 4: Amendments to Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

125.	Section 181 amended (power to stay or restrain proceedings against company) (1) Section 181— Renumber the section as section 181(1). (2) After section 181(1)— Add “(2) However, if the action or proceeding relates to a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (6 of 2024)), the reference to “and before a winding-up order has been made” in subsection (1) is to be disregarded in applying that subsection.”.
126.	Section 186 amended (actions stayed on winding-up order) (1) Section 186— Renumber the section as section 186(1). (2) After section 186(1)— Add “(2) If any action or proceeding relates to a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (6 of 2024)), subsection (1) does not prevent the action or proceeding from being proceeded with or commenced against the company.”.
127.	Section 360C amended (power of the Chief Executive in Council to order company engaging in undesirable activities to be struck off) (1) Section 360C(1)— Repeal everything before “may order” Substitute “(1) If the Chief Executive in Council is satisfied that a company formed and registered under the Companies Ordinance (Cap. 622) or any former Companies Ordinance would— if it were a society to which the Societies Ordinance (Cap. 151) applied— (i) be liable to have its registration or exemption from registration cancelled under section 5D of that Ordinance; or (ii) be liable to have its operation or continued operation prohibited by the Secretary for Security under section 8 of that Ordinance; or (b) if it were an organization to which section 60(1) or (2) of the Safeguarding National Security Ordinance (6 of 2024) applied—be liable to have its operation or continued operation in Hong Kong prohibited by the Secretary for Security under that section, the Chief Executive in Council”.
	(2) After section 360C(2)— Add “(2A) A company dissolved under subsection (2)— (a) in the case of subsection (1)(a)(ii)—is, for all purposes, to be regarded as an unlawful society; or (b) in the case of subsection (1)(b)—is, for all purposes, to be regarded as a prohibited organization. (2B) If a person is, because of the operation of this section, required to act as a member of an unlawful society or prohibited organization to deal with matters arising from the winding up or dissolution of the society or organization, the person does not commit any offence under the Societies Ordinance (Cap. 151) or the Safeguarding National Security Ordinance (6 of 2024) only because the person so acts.”.
	(3) After section 360C(3)— Add “(4) In this section— prohibited organization (受禁組織) means a prohibited organization within the meaning of Division 2 of

	Part 6 of the Safeguarding National Security Ordinance (6 of 2024); unlawful society (非法社團) means an unlawful society within the meaning of the Societies Ordinance (Cap. 151).”.
128.	Section 360G amended (certain sections to apply) Section 360G, after “211,”— Add “216,”.
129.	Section 360M substituted Section 360M— Repeal the section Substitute “360M. Protection of Official Receiver etc. (1) A person to whom this section applies is not personally liable for an act done or omitted to be done by the person in good faith in respect of the winding up of any company under this Part in— (a) performing or purportedly performing a function under this Part; or (b) exercising or purportedly exercising a power under this Part. (2) The persons to whom this section applies are— (a) the Official Receiver; and (b) a public servant.”.
130.	Section 360N amended (non-Hong Kong companies) (1) Section 360N— Renumber the section as section 360N(1). (2) Section 360N(1)— Repeal everything before “Provided” Substitute “(1) If the Chief Executive in Council is satisfied that a non-Hong Kong company would— (a) if it were a society to which the Societies Ordinance (Cap. 151) applied— (i) be liable to have its registration or exemption from registration cancelled under section 5D of that Ordinance; or (ii) be liable to have its operation or continued operation prohibited by the Secretary for Security under section 8 of that Ordinance; or (b) if it were an organization to which section 60(1) or (2) of the Safeguarding National Security Ordinance (6 of 2024) applied—be liable to have its operation or continued operation in Hong Kong prohibited by the Secretary for Security under that section, the Chief Executive in Council may order the company to cease to carry on business within Hong Kong, and the company must immediately cease to carry on business within Hong Kong;”. (3) After section 360N(1)— Add “(2) A company which has been ordered to cease to carry on business within Hong Kong under subsection (1)— (a) in the case of subsection (1)(a)(ii)—is, for all purposes, to be regarded as an unlawful society; or (b) in the case of subsection (1)(b)—is, for all purposes, to be regarded as a prohibited organization. (3) If a person is, because of the operation of this section, required to act as a member of an unlawful society or prohibited organization to deal with matters arising from the winding up or dissolution of the society or organization, the person does not commit any offence under the Societies Ordinance (Cap. 151) or the Safeguarding National Security Ordinance (6 of 2024) only because the person so acts. (4) In this section— prohibited organization (受禁組織) means a prohibited organization within the meaning of Division 2 of Part 6 of the Safeguarding National Security Ordinance (6 of 2024); unlawful society (非法社團) means an unlawful society within the meaning of the Societies Ordinance (Cap. 151).”.

Division 5: Amendment to Pensions Ordinance (Cap. 89)

131.	Section 15 amended (pension, gratuity or allowance may be cancelled, suspended or reduced on conviction, etc.) Section 15(1)(a)(iii)—
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	Repeal “treason under section 2 of the Crimes Ordinance (Cap. 200)” Substitute “any offence endangering national security”.
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Division 6: Amendment to Post Office Ordinance (Cap. 98)

132.	Section 32 amended (prohibited articles) Section 32(1)— Repeal paragraph (h) Substitute “(h) anything the publication of which would constitute an offence endangering national security;”.
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Division 7: Amendment to Pension Benefits Ordinance (Cap. 99)

133.	Section 29 amended (pension benefits may be cancelled, suspended or reduced on conviction, etc.) Section 29(1)(c)— Repeal “treason under section 2 of the Crimes Ordinance (Cap. 200)” Substitute “any offence endangering national security”.
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Division 8: Amendments to Societies Ordinance (Cap. 151)

134.	Section 2 amended (interpretation) (1) Section 2(1), definition of election— Repeal everything after “means” Substitute “an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);”.
	(2) Section 2(1)— (a) definition of foreign political organization; (b) definition of political organization of Taiwan; (c) definition of connection— Repeal the definitions.
	(3) Section 2(1)— Add in alphabetical order “connection (聯繫), in relation to a society or a branch, that is a political body, means the following circumstances— (a) the society or the branch solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, or substantive support by other means, directly or indirectly, from a political organization of an external place; (b) the society or the branch is affiliated directly or indirectly with a political organization of an external place; (c) any policy of the society or the branch is determined directly or indirectly by a political organization of an external place; or (d) a political organization of an external place directs, controls, supervises, dictates or participates, directly or indirectly, in the decision making process of the society or the branch; external place (境外) means a region or place outside Hong Kong (other than the Mainland and Macao); political organization of an external place (境外政治性組織) includes— (a) a government of a foreign country or a political subdivision of the government; (b) the authority of an external place or a political subdivision of the authority; (c) an agent of the government or authority or an agent of the political subdivision of the government or authority; and (d) a political party in an external place or an agent of the political party;”.
	(4) Section 2(4)— Repeal everything after “Hong Kong.”.
135.	Section 5A amended (registration and exemption from registration) Section 5A(3)(b)— Repeal “foreign political organization or a political organization of Taiwan” Substitute “political organization of an external place”.
135.	Section 5A amended (registration and exemption from registration)

	Section 5A(3)(b)— Repeal “foreign political organization or a political organization of Taiwan” Substitute “political organization of an external place”.
136.	Section 5D amended (cancellation of registration or exemption from registration) Section 5D(1)(b)— Repeal “foreign political organization or a political organization of Taiwan” Substitute “political organization of an external place”.
137.	Section 8 amended (prohibition of operation of societies) Section 8(1)— Repeal everything after “prohibiting the operation or continued operation of” Substitute “a society or a branch if the Societies Officer reasonably believes that the prohibition of the operation or continued operation of the society or the branch is necessary in the interests of public safety, public order or the protection of the rights and freedoms of others.”.
138.	Section 32 amended (power of entry in special cases) Section 32— Repeal “national security or to”.

Division 9: Amendment to Crimes Ordinance (Cap. 200)

139.	Parts I and II repealed Parts I and II— Repeal the Parts.
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Division 10: Amendments to Criminal Procedure Ordinance (Cap. 221)

140.	Section 9 amended (rules and orders as to practice and procedure) Section 9(3)— Repeal “(including trials for treason or misprision of treason)”.
141.	Section 9G amended (an accused person may be refused bail in particular circumstances) Section 9G— Repeal subsection (10) Substitute “(10) An accused person charged with murder may be admitted to bail only on the order of a judge.”.
142.	Section 14A amended (trial of offences) (1) Section 14A(1)— Repeal paragraph (a). (2) Section 14A— Repeal subsection (2) Substitute “(2) Where any provision in any Ordinance creates, or results in the creation of, an offence and subject to subsection (4), the words “upon indictment” or “on indictment” appear, the offence is triable only on indictment.”.
143.	Section 51 amended (trial of offences) Section 51(2)— Repeal “other than treason”.
144.	Section 79I amended (court may take evidence by live television link from person outside Hong Kong) (1) After section 79I(2)(a)— Add “(ab) the criminal proceedings concerned are specified proceedings;”. (2) After section 79I(2)— Add “(3) Even if any permission has been given, in specified proceedings, under this section that is not yet amended, then, as long as a verdict has not yet been delivered in the proceedings, the permission is to be regarded as having never been given. (4) In this section— amended (經修訂) means amended by the Safeguarding National Security Ordinance (6 of 2024); specified proceedings (指明法律程序) means proceedings of a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (6 of 2024)).”.

145.	Section 91 amended (penalties for concealing offences) Section 91(4)— Repeal “other than treason”.
146.	Section 100 amended (abolition of presumption of coercion of married woman by husband) Section 100— Repeal “treason” Substitute “an offence endangering national security the maximum penalty for which is life imprisonment”.
147.	Section 123 amended (criminal proceedings may be held in camera and non-disclosure of identity of witnesses in certain cases) (1) Section 123(1)— Repeal “in the interests of justice or public order or security” Substitute “for a purpose mentioned in subsection (1AA)”.
	(2) After section 123(1)— Add “(1AA) The purpose is— (a) safeguarding national security, including preventing the disclosure of state secret (as defined by section 29 of the Safeguarding National Security Ordinance (6 of 2024)); (b) safeguarding public order; (c) safeguarding justice; or (d) any other proper purpose.”.
	(3) Section 123(1A)(b)— Repeal “prejudice the interests of justice or public order or security” Substitute “be contrary to a purpose mentioned in subsection (1AA)”.
	(4) Section 123(1B)(a)— Repeal “and the decision of the Court of Appeal shall be final”.
	(5) After section 123(1B)(a)— Add “(ab) Also, if the case is a case to which Division 4 of Part 7 of the Safeguarding National Security Ordinance (6 of 2024) applies, then if the Court of Appeal grants leave, the prosecution may also appeal to the Court of Appeal against the decision of the court to refuse to make an order under subsection (1). (ac) The decision of the Court of Appeal on the appeal is final.”.
	(6) Section 123(1B)(d)(ii), after “order”— Add “or decision”.
	(7) Section 123(1B)(e), after “subsection (1)” — Add “, or decisions of a court to refuse to make orders under subsection (1),”.
	(8) Section 123(1B)(f)— Repeal “in the interests of justice or public order or security” Substitute “for a purpose mentioned in subsection (1AA)”.
148.	Schedule 3 amended (excepted offences) Schedule 3— Add “11. An offence endangering national security.”.

Division 11: Amendments to Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D)

149.	Rule 13 amended (legal aid in certain cases) (1) Rule 13(1)(a)— Repeal “upon a charge of murder, treason or piracy with violence” Substitute “for a specified offence”.
	(2) Rule 13(1)(b)— Repeal “charge of murder, treason or piracy with violence” Substitute “specified offence”.
	(3) Rule 13(1)(c)— Repeal “charge of murder, treason or piracy with violence” Substitute “specified offence”.
	(4) After rule 13(3)— Add “(4) In this rule—specified offence (指明罪行) means—

	(a) an offence endangering national security the maximum penalty for which is life imprisonment; (b) murder; or (c) an offence under section 19 of the Crimes Ordinance (Cap. 200).”.
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Division 12: Amendments to Magistrates Ordinance (Cap. 227)

150.	Second Schedule amended
	(1) Second Schedule, Part I, item 2— Repeal “or an offence against Part VIII of the Crimes Ordinance (Cap. 200)” Substitute “an offence against Part VIII of the Crimes Ordinance (Cap. 200), or an offence endangering national security”.
	(2) Second Schedule, Part I— Repeal items 4 and 5.
	(3) Second Schedule, Part I, item 7— Repeal “, seditious”.
	(4) Second Schedule, Part III, item 2— Repeal “section 17, 28 or 29 of the Offences against the Person Ordinance (Cap. 212) or section 16, 17 or 18 of the Firearms and Ammunition Ordinance (Cap. 238)” Substitute “an offence against section 17, 28 or 29 of the Offences against the Person Ordinance (Cap. 212), an offence against section 16, 17 or 18 of the Firearms and Ammunition Ordinance (Cap. 238), or an offence endangering national security”.
	(5) Second Schedule, Part III— Repeal items 4 and 5.
	(6) Second Schedule, Part III, item 7— Repeal “, seditious”.

Division 13: Amendment to Police Force Ordinance (Cap. 232)

151.	Section 3 amended (interpretation) Section 3— Repeal the definition of serious arrestable offence Substitute “serious arrestable offence (嚴重的可逮捕罪行) means— (a) an offence endangering national security; (b) an offence specified in Schedule 2; or (c) any other offence for which a person may under or by virtue of any law be sentenced to imprisonment for a term not less than 7 years.”.
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Division 14: Amendment to Prison Rules (Cap. 234 sub. leg. A)

152.	Rule 69 amended (remission of sentence) After rule 69(1)— Add “(1A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the prisoner must not be granted remission under subrule (1) unless the Commissioner is satisfied that the prisoner’s being granted remission will not be contrary to the interests of national security. (1B) To avoid doubt, subsection (1A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection. (1C) If a prisoner is not granted remission because of a decision made by the Commissioner under subsection (1A), the Commissioner must, after making the decision, review the decision annually.”.
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Division 15: Amendment to Public Order Ordinance (Cap. 245)

153.	Section 2 amended (interpretation) Section 2(2)— Repeal everything after “Hong Kong.”.
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Division 16: Amendment to Education Ordinance (Cap. 279)

154.	Section 31 amended (grounds for cancellation of registration of manager) After section 31(1)(a)— Add “(ab) if the Secretary for Security has made an order under section 60(1) or (2) of the Safeguarding National Security Ordinance (6 of 2024) in relation to an organization (as defined by section 58 of that Ordinance), and the person was an office-bearer (as defined by section 58 of that Ordinance) of the organization immediately before the order was made; (ac) if the Chief Executive in Council has made an order under section 360C or 360N of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) in relation to a company or non-Hong Kong company (as defined by section 2(1) of that Ordinance), and the person was a director (as defined by section 2(1) of that Ordinance) of the company immediately before the order was made;”.
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Division 17: Amendment to Trade Unions Ordinance (Cap. 332)

155.	Section 48 amended (conspiracy in relation to trade disputes) Section 48(4)— Repeal “sedition or any offence against the State or the Sovereign” Substitute “any offence endangering national security”.
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Division 18: Amendments to Customs and Excise Service Ordinance (Cap. 342)

156.	Section 17 amended (when members to be deemed on duty) Section 17, after “Schedule 2”— Add “or in preventing, suppressing or investigating an offence endangering national security”.
157.	Section 17A amended (general powers of arrest and search) (1) Section 17A(1)— Repeal “an offence against this Ordinance or an Ordinance specified in Schedule 2” Substitute “a specified offence”. (2) After section 17A(4)— Add “(5) In this section—specified offence (指明罪行) means— (a) an offence endangering national security; or (b) an offence against this Ordinance or an Ordinance specified in Schedule 2.”.
158.	Section 17B amended (power to enter and search for suspects) Section 17B(5), definition of arrestable offence— Repeal “an offence” Substitute “an offence endangering national security, or any other offence”.
159.	Section 17BA amended (search and examination without warrant) (1) Section 17BA(1)— Repeal “, for the purposes of enforcing this Ordinance or an Ordinance specified in Schedule 2”. (2) After section 17BA(1)— Add “(1A) The power under subsection (1) may only be exercised for either or both of the following purposes— (a) preventing, suppressing or investigating an offence endangering national security; (b) enforcing this Ordinance or an Ordinance specified in Schedule 2.”.
160.	Section 17BB amended (inspection of travel documents) (1) Section 17BB— Renumber the section as section 17BB(1). (2) Section 17BB(1)— Repeal “in exercising any powers under this Ordinance or any Ordinance specified in Schedule 2”. (3) After section 17BB(1)— Add “(2) The power under subsection (1) may only be exercised in either or both of the following circumstances— (a) during the prevention, suppression or investigation of an offence endangering national security; (b) during the exercise of any powers under this Ordinance or any Ordinance specified in Schedule 2.”.

Division 19: Amendment to Pension Benefits (Judicial Officers) Ordinance (Cap. 401)

161.	Section 31 amended (pension benefits may be cancelled, suspended or reduced on conviction, etc.) Section 31(1)(c)— Repeal “treason under section 2 of the Crimes Ordinance (Cap. 200)” Substitute “an offence endangering national security”.
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Division 20: Amendment to Hong Kong Arts Development Council Ordinance (Cap. 472)

162.	Section 3 amended (establishment of the Council) Section 3(6)(m)— Repeal “treason” Substitute “any offence endangering national security”.
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Division 21: Amendment to Post-Release Supervision of Prisoners Ordinance (Cap. 475)

163.	Section 6 amended (Board may order early release of prisoner under supervision) After section 6(3)— Add “(3A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer to the Board for its consideration under subsection (3) the case of the prisoner unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security. (3B) To avoid doubt, subsection (3A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection. (3C) If the Commissioner decides under subsection (3A) not to refer to the Board for its consideration the case of the prisoner, the Commissioner must, after making the decision, review the decision annually.”.
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Division 22: Amendment to Post-Release Supervision of Prisoners Regulation (Cap. 475 sub. leg. A)

164.	Schedule 1 amended (specified offences) Schedule 1, before the Note— Add “Others 8. An offence endangering national security”.
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Division 23: Amendments to Official Secrets Ordinance (Cap. 521)

165.	Part II repealed (espionage) Part II—Repeal the Part.
166.	Section 12 amended (interpretation) (1) Section 12(1), definition of prescribed— Repeal “Governor” Substitute “Chief Executive”. (2) Section 12(1), definition of public servant, paragraph (a)— Repeal “Crown in right of the Government of Hong Kong” Substitute “Government”. (3) Section 12(1), definition of public servant— Repeal paragraphs (b) and (c). (4) Section 12(1)— (a) definition of armed forces; (b) definition of British national; (c) definition of defence; (d) definition of disclose and disclosure; (e) definition of international relations— Repeal the definitions. (5) Section 12(1)— Add in alphabetical order “disclose (披露), in relation to a document or other article, includes parting with possession of the document or article, and disclosing the information contained in the document or article;

	HKSAR resident (特區居民) means— (a) a Hong Kong permanent resident; or (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115); international organization (國際組織) means— (a) an organization the members of which include 2 or more countries, regions, places, or entities entrusted with functions by any country, region or place; or (b) an organization established by or under a treaty, convention or agreement made by 2 or more countries, regions or places, and includes an institution (however described) under the organization;”. (6) Section 12(2)— Repeal everything after “goods or services” Substitute “for the purposes of the Government.”. (7) Section 12— Repeal subsections (4), (5) and (6).
167.	Section 13 amended (security and intelligence information—members of services and persons notified) (1) Section 13(4)— Repeal “Governor, and such a notice may be served if, in the Governor’s opinion, the work undertaken by the person in question is or includes work connected with the security or intelligence services and its nature is such that the interests of the national security of the United Kingdom or the security of Hong Kong” Substitute “Chief Executive, and such a notice may be served if, in the Chief Executive’s opinion, the work undertaken by the person in question is or includes work connected with the security or intelligence services and its nature is such that the interests of the security of Hong Kong”. (2) Section 13(6)— Repeal “Governor on the person concerned and the Governor” Substitute “Chief Executive on the person concerned and the Chief Executive”.
168.	Sections 15 and 16 repealed Sections 15 and 16—Repeal the sections.
169.	Section 18 amended (information resulting from unauthorized disclosures or information entrusted in confidence) (1) Section 18(1)(a) and (2)— Repeal “to 17” Substitute “, 14 and 17”. (2) Section 18(3)—Repeal “to 16” Substitute “and 14”. (3) Section 18(4)—Repeal “, 15 or 16”. (4) Section 18(5)—Repeal “British national or Hong Kong permanent resident” Substitute “person mentioned in subsection (5A)”. (5) After section 18(5)— Add “(5A) The person is— (a) a HKSAR resident; (b) a body corporate that is incorporated, formed or registered in Hong Kong; or (c) a body of persons, whether corporate or unincorporate, that has a place of business in Hong Kong.”. (6) Section 18— Repeal subsection (6) Substitute “(6) For the purposes of this section, information or a document or article is protected against disclosure by any of sections 13, 14 and 17 if— (a) it relates to security or intelligence; or (b) it is information or a document or article to which section 17 applies, and information or a document or article is protected against disclosure by any of sections 13 and 14 if it falls within paragraph (a).”. (7) Section 18(7)—Repeal “to 17” Substitute “, 14 and 17”.
170.	Section 19 repealed (information resulting from spying)

	Section 19—Repeal the section.
171.	Section 20 amended (information entrusted in confidence to territories, States or international organizations)
	(1) Section 20(2)—Repeal “, defence or international relations”.
	(2) Section 20(2)(a)— Repeal “Government of the United Kingdom or Hong Kong” Substitute “Central People’s Government or the Government”.
	(3) Section 20(4)— Repeal “, 15 or 16”.
	(4) Section 20(6)—Repeal “to 18” Substitute “, 14, 17 and 18”.
172.	Section 21 amended (authorized disclosures)
	Section 21(4)—Repeal “to 20” Substitute “, 14, 17, 18 and 20”.
173.	Section 22 amended (safeguarding of information)
	(1) Section 22(1)—Repeal “to 21” Substitute “, 14, 17, 18, 20 and 21”.
	(2) Section 22(4)—Repeal “or 19”.
	(3) Section 22(6)—Repeal “to 21” Substitute “, 14, 17, 18, 20 and 21”.
174.	Section 23 amended (acts done abroad)
	(1) Section 23—Renumber the section as section 23(1).
	(2) Section 23(1)—Repeal “British national, a Hong Kong permanent resident or a public servant” Substitute “person mentioned in subsection (2)”.
	(3) After section 23(1)—Add “(2) The person is— (a) a HKSAR resident; (b) a body corporate that is incorporated, formed or registered in Hong Kong; (c) a body of persons, whether corporate or unincorporate, that has a place of business in Hong Kong; or (d) a public servant.”.
175.	Section 24 amended (provisions as to trial of offences)
	Section 24(2)—Repeal “the United Kingdom or”.

Division 24: Amendments to Long-term Prison Sentences Review Ordinance (Cap. 524)

176.	Section 11 amended (duty of Commissioner to refer cases of prisoners to Board for review) After section 11(1)— Add “(1A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer to the Board for review the sentence of the prisoner under this section unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security. (1B) To avoid doubt, subsection (1A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection. (1C) If the Commissioner decides under subsection (1A) not to refer to the Board for review the sentence of the prisoner, the Commissioner must, after making the decision, review the decision every 2 years.”.
177.	Section 28 amended (review of sentence after recall)
	(1) Section 28—Renumber the section as section 28(1).
	(2) After section 28(1)— Add “(2) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer the sentence to the Board for review under subsection (1) unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security. (3) To avoid doubt, subsection (2) applies whether the sentence was imposed before, on or after the commencement of that subsection.

	(4) If the Commissioner decides under subsection (2) not to refer the sentence to the Board for review, the Commissioner must, after making the decision, review the decision every 2 years.”.
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Division 25: Amendments to Legislative Council Ordinance (Cap. 542)

178.	Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member) Section 39(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.
179.	Section 40 amended (what requirements are to be complied with by persons nominated as candidates) Section 40(1)(b)(iii)(C)—Repeal “treason” Substitute “an offence endangering national security”.

Division 26: Amendments to District Councils Ordinance (Cap. 547)

180.	Section 14 amended (disqualification from being appointed as members) Section 14(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.
181.	Section 19 amended (disqualification from being registered as ex officio members) Section 19(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.
182.	Section 21 amended (when person is disqualified from being nominated as a candidate and from being elected as a member) Section 21(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.
183.	Section 26A amended (disqualification from holding office as members) Section 26A(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.

Division 27: Amendments to Chief Executive Election Ordinance (Cap. 569)

184.	Section 14 amended (disqualification from being nominated) Section 14(1)(g)—Repeal “treason” Substitute “an offence endangering national security”.
185.	Section 16 amended (manner of nomination) Section 16(5)(c), after “(c),”—Add “(ca),”.
186.	Section 26 amended (disqualification from voting) Section 26(1)(c), after “(b),”— Add “(ca),”.
187.	Schedule amended (Election Committee) (1) The Schedule, after section 5M(1)(a)— Add “(ab) has been convicted of an offence endangering national security;”.
	(2) The Schedule, after section 9(1)(a)— Add “(ab) has been convicted of an offence endangering national security;”.
	(3) The Schedule, after section 18(1)(c)— Add “(ca) has been convicted of an offence endangering national security;”.

Division 28: Amendments to Rural Representative Election Ordinance (Cap. 576)

188.	Section 9 amended (when a Rural Representative is disqualified from holding office) Section 9(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.
189.	Section 23 amended (when a person is disqualified from being nominated as a candidate and from being elected as a Rural Representative) Section 23(1)(c)—Repeal “treason” Substitute “an offence endangering national security”.

Division 29: Amendment to Legislation Publication Ordinance (Cap. 614)

190.	Section 4 amended (contents of database) After section 4(1)(a)(vi)—Add “(vii) the Safeguarding National Security Ordinance (6 of 2024);”.
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《維護國家安全條例》

本條例旨在完善中華人民共和國香港特別行政區維護國家安全的法律；以及就相關事宜訂定條文。

[2024 年 3 月 23 日]

弁言

鑑於必須 ——

- (a) 堅定不移並全面準確貫徹“一國兩制”、“港人治港”、高度自治的方針；
- (b) 建立健全特區維護國家安全的法律制度和執行機制；及
- (c) 依法防範、制止和懲治危害國家安全的行為和活動，保障特區居民和在特區的其他人的合法權益，確保特區內的財產和投資受法律保護，保持特區的繁榮和穩定；

又鑑於《中華人民共和國憲法》及以下法律、決定及解釋下有關特區履行維護國家安全的憲制責任以及完善特區維護國家安全的法律的要求 ——

- (a) 《中華人民共和國香港特別行政區基本法》，包括當中第二十三條的規定；
- (b) 於 2020 年 5 月 28 日第十三屆全國人民代表大會第三次會議上通過的《全國人民代表大會關於建立健全香港特別行政區維護國家安全的法律制度和執行機制的決定》；
- (c) 《中華人民共和國香港特別行政區維護國家安全法》；及
- (d) 於 2022 年 12 月 30 日第十三屆全國人民代表大會常務委員會第三十八次會議上通過的《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區維護國家安全法〉第十四條和第四十七條的解釋》；

又鑑於 ——

- (a) 特區行政、立法、司法機關應當依法有效防範、制止和懲治危害國家安全的行為和活動；及
- (b) 特區居民須維護國家主權、統一和領土完整；在特區的任何機構、組織和個人，都應當遵守特區維護國家安全所適用的法律，不得從事危害國家安全的行為和活動，並應當在上述機關依法開展維護國家安全工作時，應其要求依法提供協助；

現由立法會制定本條例如下 ——

編輯附註：

本文件並無根據《法例發布條例》(第 614 章)編配章號。然而本文件在「電子版香港法例」(<https://www.elegislation.gov.hk>)中獲編配一個非正式的參考編號以作識別，並讓用戶可藉該非正式的參考編號進行搜尋。

第 1 部 導言

1.	簡稱 本條例可引稱為《維護國家安全條例》。
2.	條例的原則 本條例建基於以下原則 —— (a) “一國兩制”方針的最高原則，是維護國家主權、安全、發展利益； (b) 尊重和保障人權，依法保護根據《基本法》、《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》適用於特區的有關規定享有的包括言論、新聞、出版的自由，結社、集會、遊行、示威的自由在內的權利和自由；及 (c) 對於危害國家安全的行為和活動，應當按法治原則堅持積極防範，依法制止和懲治，據此 —— (i) 法律規定為犯罪行為的，依照法律定罪處罰；法律沒有規定為犯罪行為的，不得定罪處罰； (ii) 任何人未經司法機關判罪之前，均假定無罪； (iii) 犯罪嫌疑人、被告人和其他訴訟參與人依法享有的辯護權和其他訴訟權利，予以保障；及 (iv) 任何人已經司法程序被最終確定有罪或者宣告無罪的，不得就同一行為再予審判或者懲罰。
3.	釋義 (1) 在本條例中 ——

	中央 (Central Authorities) 指《中華人民共和國憲法》確立的憲制秩序下的中央政權機關，包括 (但不限於) 中華人民共和國全國人民代表大會及其常務委員會、中華人民共和國主席、中華人民共和國中央人民政府及中華人民共和國中央軍事委員會； 中國武裝力量 (Chinese armed force) 指中國的武裝力量，即中國人民解放軍、中國人民武裝警察部隊或民兵； 司法人員 (judicial officer) 指 —— (a) 擔任於《司法人員推薦委員會條例》(第 92 章) 附表 1 指明的司法職位的司法人員；或 (b) 由終審法院首席法官委任的司法人員； 法院 (Court) 指屬特區司法機構的任何以下法院、法庭或審裁處 —— (a) 終審法院； (b) 上訴法庭； (c) 原訟法庭； (d) 競爭事務審裁處； (e) 區域法院； (f) 裁判法院； (g) 土地審裁處； (h) 勞資審裁處； (i) 小額錢債審裁處； (j) 淫褻物品審裁處； (k) 死因裁判法庭； 指定法官 (designated judge) 就任何法院而言，指根據《香港國安法》第四十四條從該法院的司法人員中指定的司法人員； 《香港國安法》(HK National Security Law) 指根據《2020 年全國性法律公布》(2020 年第 136 號法律公告) 在特區實施的《中華人民共和國香港特別行政區維護國家安全法》*； 國際組織 (international organization) 指 —— (a) 某組織，其成員包括 2 個或多於 2 個國家、地區、地方或受任何國家、地區或地方委以職能的實體；或 (b) 藉 (或基於) 2 個或多於 2 個國家、地區或地方之間訂立的條約、公約、協議或協定而設立的組織， 並包括上述組織轄下的機構 (不論如何描述)； 境外 (external place) 指特區以外的地區或地方 (內地及澳門除外)； 境外勢力 (external force) ——見第 6 條； 職能 (function) 包括權力及責任。
	(2) 在本條例中，提述涉及國家安全的案件，包括 —— (a) 與危害國家安全的罪行相關的案件； (b) 與以下措施相關的案件：不論是根據《香港國安法》、本條例或其他法律，為維護國家安全 (或在與維護國家安全相關的情況下) 而採取的措施；及 (c) 與 (a) 或 (b) 段所述案件相關的任何法律程序。 編輯附註：* 見文件 A302。
4.	國家安全的涵義 在本條例或任何其他條例中，提述國家安全，即提述國家政權、主權、統一和領土完整、人民福祉、經濟社會可持續發展和國家其他重大利益相對處於沒有危險和不受內外威脅的狀態，以及保障持續安全狀態的能力。 附註 ——請參閱《中華人民共和國國家安全法》第二條 ——“國家安全是指國家政權、主權、統一和領土完整、人民福祉、經濟社會可持續發展和國家其他重大利益相對處於沒有危險和不受內外威脅的狀態，以及保障持續安全狀態的能力。”。
5.	勾結境外勢力的涵義 就本條例所訂罪行而言，如有一項或多於一項以下情況，某人即屬勾結境外勢力作出某項作為 —— (a) 該人參與某項由境外勢力策劃或以其他方式主導的活動，而該項作為，是該人參與該項活動所牽涉的作為； (b) 該人代境外勢力作出該項作為； (c) 該人在與境外勢力合作下，作出該項作為；

	(d) 該人在境外勢力控制、監督、指使或要求下，作出該項作為； (e) 該人在境外勢力資助或以其他方式支援下，作出該項作為。
6.	境外勢力的涵義 (1) 在本條例中 —— 境外勢力 (external force) 指 —— (a) 外國政府； (b) 境外當局； (c) 在境外的政黨； (d) 在境外的其他追求政治目的之組織； (e) 國際組織； (f) 任何 (a)、(b)、(c)、(d) 或 (e) 段所述政府、當局、政黨或組織的關聯實體；或 (g) 任何 (a)、(b)、(c)、(d)、(e) 或 (f) 段所述政府、當局、政黨、組織或實體的關聯個人。 (2) 在第 (1) 款中境外勢力的定義的 (f) 段中，提述某政府或當局的關聯實體，即提述 —— (a) 符合一項或兩項以下描述的公司 —— (i) 其董事慣常或有義務 (不論是正式或非正式的義務) 按照該政府或當局的指示、指令或意願行事； (ii) 該政府或當局能夠憑藉其他因素在相當程度上控制它；或 (b) 符合一項或兩項以下描述的並非公司的團體 —— (i) 其執行委員會 (不論稱謂如何) 的成員慣常或有義務 (不論是正式或非正式的義務) 按照該政府或當局的指示、指令或意願行事； (ii) 該政府或當局能夠憑藉其他因素在相當程度上控制它。 (3) 在第 (1) 款中境外勢力的定義的 (f) 段中，提述某在境外的政黨、在境外的其他追求政治目的之組織或國際組織(該組織)的關聯實體，即提述 —— (a) 符合一項或兩項以下描述的公司 —— (i) 其董事慣常或有義務 (不論是正式或非正式的義務) 按照該組織的指示、指令或意願行事； (ii) 該組織能夠憑藉其他因素在相當程度上控制它； (b) 符合一項或兩項以下描述的並非公司的團體 —— (i) 其執行委員會 (不論稱謂如何) 的成員慣常或有義務 (不論是正式或非正式的義務) 按照該組織的指示、指令或意願行事； (ii) 該組織能夠憑藉其他因素在相當程度上控制它；或 (c) 符合以下描述的團體：其組成或運作所據的法律、章程、規則或其他規管文件，有一項或兩項以下規定 —— (i) 該團體的董事、高級人員或僱員，須由該組織的成員擔任； (ii) 該團體的任何部分，須構成該組織的部分 (不論稱謂如何)。 (4) 在第 (1) 款中境外勢力的定義的 (g) 段中，提述某政府、當局、政黨、組織或實體的關聯個人，即提述符合一項或兩項以下描述的個人 —— (a) 該人慣常或有義務 (不論是正式或非正式的義務) 按照該政府、當局、政黨、組織或實體的指示、指令或意願行事； (b) 該政府、當局、政黨、組織或實體能夠憑藉其他因素在相當程度上控制該人。
7.	危害國家安全的罪行的涵義 為免生疑問，在本條例或任何其他條例中，提述危害國家安全的罪行，包括 —— (a) 《香港國安法》下的四類罪行 (即分裂國家罪、顛覆國家政權罪、恐怖活動罪及勾結外國或者境外勢力危害國家安全罪)； (b) 《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》*下的罪行； (c) 本條例所訂的罪行；及 (d) 特區的法律下其他危害國家安全的罪行。 編輯附註：* 見文件 A303。
8.	其他條例的釋義等 (1) 凡本條例與另一條例，如無本款的話是會有不一致之處的，則須以最能顧及本條例的目的和作用的方式，理解該另一條例。 (2) 凡另一條例提述特區的安全 (包括與“特區的安全”意義相同的詞句)，須理解為包括國家安全。 (3) 凡特區的法律授予某人任何職能 —— (a) 該職能須理解為包括維護國家安全的責任；及

	(b) 據此，任何人在作出執行該職能上的任何決定時，須將國家安全視為最重要的因素，並據此給予適當的考慮，而在任何條例中與該等職能相關的提述，須據此理解。
9.	罪行條文的適用對象 除非條文另有規定，本條例所訂的罪行適用於在特區的所有人。如某罪行具有域外法律效力，該域外法律效力在相關的部內訂定。

第 2 部 叛國等

10.	叛國 (1) 任何中國公民 —— (a) 加入與中國交戰的外來武裝力量，或作為其中一分子； (b) 意圖損害中國在戰爭中的形勢，而協助在戰爭中與中國交戰的敵方； (c) 向中國發動戰爭； (d) 鼓動外國或外來武裝力量以武力入侵中國；或 (e) 意圖危害中國的主權、統一或領土完整，而使用武力或威脅使用武力，即屬犯罪，一經循公訴程序定罪，可處終身監禁。 (2) 在本條中 —— 外來武裝力量 (external armed force) 指不屬於中國的武裝力量；與中國交戰的敵方 (enemy at war with China) 包括與中國交戰的外國政府或外來武裝力量。
11.	公開表明意圖犯叛國罪 任何中國公民意圖犯第 10(1) 條所訂罪行，並公開表明該項意圖，即屬犯罪，一經循公訴程序定罪，可處監禁 14 年。
12.	披露他人犯叛國罪的規定 (1) 如任何中國公民 (該人) 知悉另一人已犯、正犯或即將犯第 10(1) 條所訂罪行 (犯罪事宜)，則除非犯罪事宜是公眾已可知的，否則該人須在知悉犯罪事宜後，在合理地切實可行範圍內，盡快向警務人員披露犯罪事宜，以及該人所知悉並與犯罪事宜相關的關鍵事實。 (2) 任何中國公民違反第 (1) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 14 年。 (3) 基於法律專業保密權的理由的申索、權利或享有權，不受本條影響。 (4) 本條將普通法下的隱匿叛國罪經適當改善而訂為成文法條文。
13.	非法操練 (1) 如 —— (a) 任何人未經保安局局長或警務處處長准許，而向其他人提供指明操練；或 (b) 任何人為向其他人提供指明操練，出席旨在提供指明操練的聚會，而該聚會是未經保安局局長或警務處處長准許舉行的，該人即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 任何人 —— (a) 在第 (1)(b) 款所述的聚會中，接受指明操練；或 (b) 出席第 (1)(b) 款所述的聚會，旨在接受指明操練，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。 (3) 任何人未經保安局局長或警務處處長准許 —— (a) 接受或參與由境外勢力策劃或以其他方式主導進行的指明操練；或 (b) 接受或參與在境外勢力控制、指使、資助或支援下進行的指明操練，即屬犯罪，一經循公訴程序定罪，可處監禁 5 年。 (4) 任何人未經保安局局長或警務處處長准許 —— (a) 在由境外勢力策劃或以其他方式主導舉行的聚會中，提供指明操練； (b) 代境外勢力提供指明操練； (c) 在與境外勢力合作下，提供指明操練； (d) 在境外勢力控制、監督、指使或要求下，提供指明操練；或 (e) 在境外勢力資助或以其他方式支援下，提供指明操練，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (5) 第 (3) 及 (4) 款不適用於以下情況 —— (a) 指明作為是有關的人以其公務人員身分履行職責所需的； (b) 有關指明操練是根據特區法律進行的； (c) 有關的人並非中國公民，並具有某外國的國籍，而該人因在該外國的政府的武裝部隊中服務，或因擔任該外國的政府的執法人員，作出指明作為； (d) 有關的人具有某外國的國籍或居民身分，而該人為遵守該外國的法律規定而在該外國的政府的武裝部隊中服務，因而作出指明作為；

	(e) 中國有參與有關指明操練，而有關的人以軍人或執法人員身分作出指明作為；或 (f) 有關指明操練由外國政府的軍事、國防或警察部門提供，而該等操練是教育機構為在該教育機構接受全日制教育的學生舉辦或安排的課程或課餘活動的一部分。 (6) 如 —— (a) 某人在本條生效日期*之前作出某項作為，而該項作為在該日期當日或之後仍然持續；或 (b) 某人根據在該日期之前訂立的某項安排或協議，在該日期當日或之後作出某項作為，而該人若非因有本款便會就該項作為而犯了第 (3) 或 (4) 款所訂罪行，則該人不得就該項作為而被裁定犯上述罪行。 (7) 凡任何作為是在本條生效日期後 6 個月屆滿後作出或繼續作出的，第 (6) 款並不就該項作為而適用。 (8) 在本條中 ——指明作為 (specified act) 就第 (3) 或 (4) 款所訂罪行而言，指構成該罪行的作為； 指明操練 (specified drilling) —— (a) 指以下事宜的訓練或操練 —— (i) 使用攻擊性武器 (《公安條例》(第 245 章) 第 2(1) 條所界定者)； (ii) 進行軍事練習；或 (iii) 進行變陣演習；但 (b) 如某項活動屬 (a)(i) 段所指的訓練或操練但純粹為康樂目的而進行的——不包括該項活動； 教育機構 (educational establishment) —— (a) 指任何大學、學院、學校或其他相類似的教育機構；但 (b) 不包括專門提供軍事訓練或操練課程的教育機構。 編輯附註：* 生效日期：2024 年 3 月 23 日。
14.	本部的域外法律效力 (1) 如 —— (a) 任何屬中國公民的特區居民，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 10(1) 條所訂罪行，則該居民即屬犯該罪行。 (2) 如 —— (a) 任何 —— (i) 香港永久性居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 13(3) 或 (4) 條所訂罪行，則該居民或該團體即屬犯該罪行。 (3) 在本條中 ——特區居民 (HKSAR resident) 指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》(第 177 章) 所指的身分證的資格，但沒有《入境條例》(第 115 章) 所指的香港居留權的人。

第 3 部 叛亂、煽惑叛變及離叛，以及具煽動意圖的作為等

第 1 分部：叛亂

15.	叛亂 如 —— (a) 任何人加入與中國武裝力量進行武裝衝突的武裝力量，或作為其中一分子； (b) 任何人意圖損害中國武裝力量在武裝衝突中的形勢，而協助與中國武裝力量進行武裝衝突的武裝力量，或協助該武裝力量所屬的政府、當局或組織； (c) 任何人向中國武裝力量發動武裝衝突；或 (d) 任何人 —— (i) 意圖危害中國的主權、統一或領土完整或特區整體的公共安全；或 (ii) 罔顧是否會危害中國的主權、統一或領土完整或特區整體的公共安全，而在特區作出暴力作為，該人即屬犯罪，一經循公訴程序定罪，可處終身監禁。
16.	本分部的域外法律效力 (1) 如 ——

(a) 任何 ——
(i) 屬中國公民的特區居民；
(ii) 在特區成立、組成或註冊的法人團體；或
(iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而
(b) 該項作為假若是在特區作出即構成第 15 條所訂罪行，則該居民或該團體即屬犯該罪行。
(2) 在本條中 ——特區居民 (HKSAR resident) 指 ——
(a) 香港永久性居民；或
(b) 符合獲發《人事登記條例》(第 177 章) 所指的身分證的資格，但沒有《入境條例》(第 115 章) 所指的香港居留權的人。

第 2 分部：煽惑中國武裝力量成員叛變、協助該等成員放棄職責等

17.	煽惑中國武裝力量成員叛變 (1) 任何人明知而煽惑中國武裝力量成員 —— (a) 放棄職責及放棄向中國效忠；或 (b) 組織、發動或參與叛變，即屬犯罪，一經循公訴程序定罪，可處終身監禁。 (2) 在本條中 ——叛變 (mutiny) 的涵義如下：凡 2 名或多於 2 名人士作出以下作為，而該等人士屬中國武裝力量成員，或當中最少 2 名人士屬中國武裝力量成員，則該項作為即屬叛變 —— (a) 推翻中國武裝力量的合法權力，或推翻正與中國武裝力量合作行動的外國政府或組織的軍隊或部隊的合法權力；或 (b) 反抗上述合法權力，而反抗方式嚴重影響中國武裝力量的運作效率，或嚴重影響正與中國武裝力量合作行動的外國政府或組織的軍隊或部隊或其任何部分的運作效率。
18.	協助中國武裝力量成員放棄職責或擅離職守 (1) 任何人知悉中國武裝力量成員即將放棄職責或擅離職守，仍協助該成員作出該行動，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 任何人知悉中國武裝力量成員即將放棄職責或擅離職守，仍勾結境外勢力，協助該成員作出該行動，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (3) 任何人知悉中國武裝力量成員已放棄職責或擅離職守，仍 —— (a) 藏匿該成員； (b) 協助該成員藏匿；或 (c) 協助該成員逃離合法羈押，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (4) 任何人知悉中國武裝力量成員已放棄職責或擅離職守，仍勾結境外勢力 —— (a) 藏匿該成員； (b) 協助該成員藏匿；或 (c) 協助該成員逃離合法羈押，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。

第 3 分部：煽惑離叛等

19.	煽惑公職人員離叛 (1) 任何人明知而煽惑公職人員放棄擁護《基本法》及放棄向特區效忠，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 任何人勾結境外勢力，明知而煽惑公職人員放棄擁護《基本法》及放棄向特區效忠，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (3) 在本條中 ——公職人員 (public officer) 指 —— (a) 擔任特區政府轄下的受薪職位的人，不論該職位屬永久或臨時性質； (b) 任何以下人士 (如該人不屬於 (a) 段所指的人) —— (i) 按照《基本法》委任的特區政府主要官員； (ii) 根據《外匯基金條例》(第 66 章) 第 5A 條委任的金融管理專員或根據該條例第 5A(3) 條委任的人； (iii) 公務員敘用委員會主席； (iv) 廉政公署的職員； (v) 申訴專員或根據《申訴專員條例》(第 397 章) 第 6 條委任的人； (vi) 個人資料私隱專員或其根據《個人資料(私隱)條例》(第 486 章) 僱用或聘用的人； (vii) 平等機會委員會的主席或成員，或由該委員會根據《性別歧視條例》(第 480 章) 僱用或聘用
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	的人； (viii) 司法人員或司法機構的職員； (c) 行政會議成員； (d) 立法會議員； (e) 區議會議員； (f) 《行政長官選舉條例》(第 569 章)第 2(1) 條所界定的選舉委員；或 (g) 屬根據第 20 條指明的類別的人士。
20.	公職人員的指明 為施行第 19 條，行政長官會同行政會議如合理地認為，將屬某類別的人士指明為公職人員，是維護國家安全所需者，則可藉在憲報刊登的命令，將屬該類別的人士指明為公職人員。
21.	煽惑中央駐港機構人員離叛 (1) 任何人明知而煽惑任何以下中央駐港機構的人員(中央駐港機構人員)放棄職責及放棄向中國效忠，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年 —— (a) 中央人民政府駐香港特別行政區聯絡辦公室； (b) 中央人民政府駐香港特別行政區維護國家安全公署； (c) 中華人民共和國外交部駐香港特別行政區特派員公署。 (2) 任何人勾結境外勢力，明知而煽惑中央駐港機構人員放棄職責及放棄向中國效忠，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。
22.	意圖犯指明罪行而管有煽惑性質的文件或物品 (1) 任何人出於犯指明罪行的意圖，管有某種性質的文件或其他物品，而將該種性質的文件或物品分發予相關人員是會構成該指明罪行的，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。 (2) 在本條中 ——指明罪行(specified offence)指第 17、19 或 21 條所訂罪行；相關人員(relevant officer)指 —— (a) 就第 17 條所訂罪行而言——中國武裝力量成員； (b) 就第 19 條所訂罪行而言——該條所指的公職人員； (c) 就第 21 條所訂罪行而言——該條所指的中央駐港機構人員。

第 4 分部：具煽動意圖的作為等

23.	煽動意圖 (1) 就本分部而言 —— (a) 任何人如出於一項或多於一項第 (2) 款所指明的意圖而作出某項作為，即屬出於煽動意圖而作出該項作為；及 (b) 任何作為、文字或刊物如具一項或多於一項第 (2) 款所指明的意圖，即屬具煽動意圖的作為、文字或刊物。 (2) 有關意圖如下 —— (a) 意圖引起中國公民、香港永久性居民或在特區的人，對以下制度或機構的憎恨或藐視，或對其離叛 —— (i) 《中華人民共和國憲法》確定的國家根本制度； (ii) 《中華人民共和國憲法》規定的國家機構；或 (iii) 以下中央駐港機構 —— (A) 中央人民政府駐香港特別行政區聯絡辦公室； (B) 中央人民政府駐香港特別行政區維護國家安全公署； (C) 中華人民共和國外交部駐香港特別行政區特派員公署；或 (D) 中國人民解放軍駐香港部隊； (b) 意圖引起中國公民、香港永久性居民或在特區的人，對特區的憲制秩序、行政、立法或司法機關的憎恨或藐視，或對其離叛； (c) 意圖煽惑任何人企圖不循合法途徑改變 —— (i) 中央就特區依法制定的事項；或 (ii) 在特區依法制定的事項； (d) 意圖引起特區不同階層居民間或中國不同地區居民間的憎恨或敵意； (e) 意圖煽惑他人在特區作出暴力作為； (f) 意圖煽惑他人作出不遵守特區法律或不服從根據特區法律發出的命令的作為。
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	(3) 然而 —— (a) 任何人如僅出於任何第 (4) 款所指明的意圖而作出某項作為，則不屬出於煽動意圖而作出該項作為；及 (b) 任何作為、文字或刊物如僅具任何第 (4) 款所指明的意圖，則不屬具煽動意圖的作為、文字或刊物。 (4) 有關意圖如下 —— (a) 意圖就第 (2)(a) 或 (b) 款所指的制度或憲制秩序提出意見，而目的是完善該制度或憲制秩序； (b) 意圖就關乎第 (2)(a) 或 (b) 款所指的機構或機關的事宜指出問題，而目的是就該事宜提出改善意見； (c) 意圖勸說任何人嘗試循合法途徑改變 —— (i) 中央就特區依法制定的事項；或 (ii) 在特區依法制定的事項； (d) 意圖指出在特區不同階層居民間或中國不同地區居民間產生或有傾向產生憎恨或敵意，而目的是消除該項憎恨或敵意。
24.	煽動意圖的相關罪行 q (1) 任何人 —— (a) 出於煽動意圖 —— (i) 作出具煽動意圖的作為；或 (ii) 發表具煽動意圖的文字； (b) 明知刊物具煽動意圖而刊印、發布、出售、要約出售、分發、展示或複製該刊物；或 (c) 輸入具煽動意圖的刊物，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 任何人勾結境外勢力 —— (a) 出於煽動意圖 —— (i) 作出具煽動意圖的作為；或 (ii) 發表具煽動意圖的文字； (b) 明知刊物具煽動意圖而刊印、發布、出售、要約出售、分發、展示或複製該刊物；或 (c) 輸入具煽動意圖的刊物，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (3) 任何人無合理辯解而管有具煽動意圖的刊物，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。 (4) 在本條中 ——發布 (publish) 包括 —— (a) 作出任何形式的通訊，包括講話、書寫、展示通告、廣播、於屏幕放映及播放紀錄帶或其他經記錄的材料；及 (b) 傳布或提供。
25.	無需證明煽惑擾亂公共秩序或煽惑暴力的意圖 (1) 在就第 24(1)(a) 或 (2)(a) 條所訂罪行而進行的法律程序中 —— (a) 無需證明有關的人出於煽惑他人作出擾亂公共秩序的作為的意圖，而作出有關作為或發表有關文字；及 (b) 除非第 23(2)(e) 條所指的意圖構成該罪行的其中一項元素，否則無需證明有關的人出於煽惑他人作出暴力作為的意圖，而作出有關作為或發表有關文字。 (2) 在就第 24(1)、(2) 或 (3) 條所訂罪行而進行的法律程序中 —— (a) 無需證明有關作為、文字或刊物 (視何者屬適當而定) 具煽惑他人作出擾亂公共秩序的作為的意圖；及 (b) 除非第 23(2)(e) 條所指的意圖構成該罪行的其中一項元素，否則無需證明有關作為、文字或刊物 (視何者屬適當而定) 具煽惑他人作出暴力作為的意圖。
26.	第 24(1)(c) 或 (2)(c) 條所訂罪行的免責辯護 (1) 被控犯第 24(1)(c) 或 (2)(c) 條所訂罪行的人，如確立在指稱的罪行發生時，自己並不知道有關刊物是具煽動意圖的刊物，即為免責辯護。 (2) 在以下情況下，某人須視作已確立需要就第(1)款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。

第 5 分部：雜項條文

27.	移走或清除具煽動意圖的刊物的權力
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	(1) 執法人員 —— (a) 可在第 (3) 款的規限下，進入任何處所或地方；及 (b) 可截停及登上任何運輸工具，並可從該處移走或清除任何具煽動意圖的刊物。 (2) 執法人員可作出所有或任何以下行動 —— (a) 進入（並在有必要時可使用合理武力進入）其根據本條獲授權進入的處所或地方； (b) 以合理武力驅逐或移走妨礙其根據本條獲授權行使移走或清除權力的人或物品； (c) 扣留任何運輸工具，直至從該處將具煽動意圖的刊物全部移走或清除為止； (d) 在移走或清除具煽動意圖的刊物時，將任何人驅離（並在有必要時可使用合理武力將任何人驅離）任何運輸工具。 (3) 如具煽動意圖的刊物並非從公眾地方可見，則只有在符合以下情況下，方可行使第 (1)(a) 款所賦予的權力 —— (a) 事先取得有關處所或地方佔用人的准許；或 (b) 根據及按照裁判官為此目的而發出的手令。 (4) 在本條中 —— 執法人員 (law enforcement officer) 指 —— (a) 警務人員；或 (b) 獲保安局局長授權執行本條職能的執法機關人員；運輸工具 (conveyance) 包括車輛、船隻、航空器及氣墊船。
28.	第 2、3 及 4 分部的域外法律效力 (1) 如 —— (a) 任何 —— (i) 屬中國公民的特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 17(1) 條所訂罪行，則該居民或該團體即屬犯該罪行。 (2) 如 —— (a) 任何 —— (i) 特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 (3) 款指明的條文所訂罪行，則該居民或該團體即屬犯該罪行。 (3) 為施行第 (2) 款而指明的條文是 —— (a) 第 18(1)、(2)、(3) 或 (4) 條； (b) 第 19(1) 或 (2) 條； (c) 第 21(1) 或 (2) 條；或 (d) 第 24(1) 或 (2) 條。 (4) 在本條中 —— 特區居民 (HKSAR resident) 指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》(第 177 章) 所指的身分證的資格，但沒有《入境條例》(第 115 章) 所指的香港居留權的人。

第 4 部 與國家秘密及間諜活動相關的罪行

第 1 分部：與國家秘密相關的罪行

29.	釋義 在本分部中 —— 公職人員 (public officer) 指 —— (a) 擔任特區政府轄下的受薪職位的人，不論該職位屬永久或臨時性質； (b) 任何以下人士（如該人不屬於 (a) 段所指的人） —— (i) 按照《基本法》委任的特區政府主要官員； (ii) 根據《外匯基金條例》(第 66 章) 第 5A 條委任的金融管理專員或根據該條例第 5A(3) 條委任的人； (iii) 公務員敘用委員會主席； (iv) 廉政公署的職員；
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	(v) 申訴專員或根據《申訴專員條例》(第 397 章)第 6 條委任的人； (vi) 個人資料私隱專員或其根據《個人資料(私隱)條例》(第 486 章)僱用或聘用的人； (vii) 平等機會委員會的主席或成員，或由該委員會根據《性別歧視條例》(第 480 章)僱用或聘用的人； (viii) 司法人員或司法機構的職員； (c) 行政會議成員； (d) 立法會議員； (e) 區議會議員； (f) 《行政長官選舉條例》(第 569 章)第 2(1) 條所界定的選舉委員；或 (g) 屬根據第 31 條指明的類別的人士； 地區 (region) 指特區以外的不屬國家的地區； 披露 (disclose) 就文件或其他物品而言，包括放棄對該文件或物品的管有，及披露該文件或物品所載有的資料； 指明披露 (specified disclosure) ——見第 30 條； 政府承辦商 (government contractor) 指任何不是公職人員，但屬 —— (a) 為特區政府的目的，提供貨品或服務 (或受僱為該等目的提供貨品或服務) 的人；或 (b) 根據以下協議或安排提供貨品或服務 (或受僱根據以下協議或安排提供貨品或服務) 的人：由行政長官核證為屬任何地區或地方的當局、任何外國政府 (包括該政府轄下的機構) 或任何國際組織屬其中一方的協議或安排的協議或安排，或附屬於任何該等協議或安排的或為執行任何該等協議或安排而訂立的協議或安排； 國家秘密 (state secret) 的涵義如下：若屬以下其中一項的秘密，在沒有合法權限下披露，便相當可能會危害國家安全，該秘密即屬國家秘密 —— (a) 關乎中國或特區事務的重大決策的秘密； (b) 關乎中國國防建設或中國武裝力量的秘密； (c) 關乎中國外交或外事活動的秘密、關乎特區對外事務的秘密，或中國或特區對外承擔保密義務的秘密； (d) 關乎中國或特區經濟或社會發展的秘密； (e) 關乎中國或特區科技發展或科學技術的秘密； (f) 關乎維護國家安全或特區安全或偵查罪行的活動的秘密； (g) 關乎中央與特區之間的關係的秘密 (包括與特區有關並且根據《基本法》是由中央管理的事務的資料)； 資料 (information) 除在第 33 或 34 條外，包括 —— (a) 以電子形式儲存的資料；及 (b) 並非儲存於任何媒體的訊息或消息。
30.	指明披露的涵義 (1) 在本分部中 ——指明披露 (specified disclosure) 就某資料、文件或其他物品而言，指在以下情況下披露該資料、文件或其他物品 —— (a) 作出該項披露的目的是揭露 —— (i) 嚴重影響特區政府依法執行職能的情況；或 (ii) 一項對公共秩序、公共安全或公眾健康的嚴重威脅； (b) 該項披露並不超逾揭露 (a)(i) 或 (ii) 段所述事宜所需的範圍；及 (c) 在顧及有關個案的整體情況下，作出該項披露所照顧的公眾利益，明顯重於不作出該項披露所照顧的公眾利益。 (2) 在斷定某人披露某資料、文件或其他物品，是否屬第 (1) 款中指明披露的定義的 (c) 段所述的情況時，須考慮 —— (a) 該定義的 (a)(i) 或 (ii) 段所述事宜的嚴重性； (b) 是否有替代該項披露並屬合理地切實可行的步驟，以及 (如有的話) 該人在作出該項披露前，是否採取了該等步驟； (c) 該人是否有合理理由相信該項披露符合公眾利益； (d) 該項披露所照顧的公眾利益； (e) 該項披露所帶來的損害或損害風險的程度；及 (f) 作出該項披露是否基於緊急情況。
31.	公職人員的指明

	為施行本分部，行政長官會同行政會議如合理地認為，將屬某類別的人士指明為公職人員，是維護國家安全所需者，則可藉在憲報刊登的命令，將屬該類別的人士指明為公職人員。
32.	非法獲取國家秘密 (1) 任何人如 —— (a) 明知某資料、文件或其他物品屬或載有國家秘密；或 (b) 有合理理由相信某資料、文件或其他物品屬或載有國家秘密，並意圖危害國家安全，而在沒有合法權限下，獲取該資料、文件或物品，即屬犯罪，一經循公訴程序定罪，可處監禁 5 年。 (2) 被控犯第 (1)(a) 款所訂罪行的人，如證明獲取有關資料、文件或物品的目的，是為作出該資料、文件或物品的指明披露，即為免責辯護。 (3) 任何人如明知某資料、文件或其他物品屬或載有國家秘密，並 —— (a) 意圖危害國家安全；或 (b) 罔顧是否會危害國家安全，而在沒有合法權限下，獲取該資料、文件或物品，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (4) 在本條中，提述某人獲取某資料、文件或其他物品 —— (a) 包括該人索取、收集、記錄或複製該資料、文件或物品；但 (b) 不包括 —— (i) 該資料、文件或物品在該人不知情的情況下，落入該人的實質管有；或 (ii) 在該人沒有採取任何步驟的情況下，該資料、文件或物品落入該人的管有或被該人知悉。
33.	非法管有國家秘密 (1) 任何人如 —— (a) 明知某資料、文件或其他物品屬或載有國家秘密；或 (b) 有合理理由相信某資料、文件或其他物品屬或載有國家秘密，並意圖危害國家安全，而在沒有合法權限下，管有該資料、文件或物品，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。 (2) 被控犯第 (1)(a) 款所訂罪行的人，如證明管有有關資料、文件或物品的目的，是為作出該資料、文件或物品的指明披露，即為免責辯護。 (3) 任何人如明知某資料、文件或其他物品屬或載有國家秘密，並 —— (a) 意圖危害國家安全；或 (b) 罔顧是否會危害國家安全，而在沒有合法權限下，管有該資料、文件或物品，即屬犯罪，一經循公訴程序定罪，可處監禁 5 年。 (4) 被控犯第 (1) 或 (3) 款所訂罪行的人，如確立以下事情，即為免責辯護 —— (a) 在指稱的罪行開始發生的時間 (開始時間) 之後，該人已採取一切合理步驟，盡快將該款所述的資料、文件或物品 —— (i) 交予警務人員；或 (ii) 按照警務人員的指示處置；及 (b) 自開始時間起，至 (a)(i) 或 (ii) 段所述的事情發生為止，該人已採取一切合理步驟，以確使該資料、文件或物品不被披露。 (5) 在以下情況下，某人須視作已確立需要就第 (4) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (6) 在本條中 ——資料 (information) —— (a) 包括以電子形式儲存的資料；但 (b) 不包括並非儲存於任何媒體的訊息或消息。
34.	非法在離開特區時管有國家秘密 (1) 任何屬 (或曾經屬) 公職人員的人如 —— (a) 憑藉其公職人員身分而獲取或管有 (或曾經獲取或管有) 某資料、文件或其他物品； (b) 明知該資料、文件或物品屬或載有國家秘密；及 (c) 意圖危害國家安全，或罔顧是否會危害國家安全，而在沒有合法權限下，在離開特區時管有該資料、文件或物品，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 就乘搭離境運輸工具離開特區的人而言，在第 (1) 款中提述該人管有某資料、文件或其他物

	品，包括任何以下情況 —— (a) 該資料、文件或物品屬該人的個人物品的一部分，並由該運輸工具運載； (b) 該資料、文件或物品在該人的托運行李內（不論是否由或將會由同一運輸工具運載）。 (3) 在本條中 ——資料（information）—— (a) 包括以電子形式儲存的資料；但 (b) 不包括並非儲存於任何媒體的訊息或消息；離境運輸工具（departure conveyance）指在離開特區的行程中使用的車輛、船隻、航空器、氣墊船或其他運輸工具。
35.	非法披露國家秘密 (1) 任何指明人士如在沒有合法權限下，披露憑藉其指明身分而獲取或管有（或曾經獲取或管有）的、屬或載有指明國家秘密的資料、文件或其他物品，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (2) 被控犯第 (1) 款所訂罪行的指明人士，如確立在指稱的罪行發生時，自己既不知道亦無合理理由相信有關資料、文件或物品屬或載有指明國家秘密，即為免責辯護。 (3) 在以下情況下，某人須視作已確立需要就第 (2) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (4) 任何指明人士如 —— (a) 憑藉其指明身分而獲取或管有（或曾經獲取或管有）某資料、文件或其他物品； (b) 明知該資料、文件或物品屬或載有國家秘密（指明國家秘密除外）；及 (c) 在沒有合法權限下，披露該資料、文件或其他物品，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (5) 任何指明人士如 —— (a) 憑藉其指明身分而獲取或管有（或曾經獲取或管有）某資料、文件或其他物品； (b) 明知該資料、文件或物品屬或載有國家秘密（指明國家秘密除外）；及 (c) 意圖危害國家安全，或罔顧是否會危害國家安全，而在沒有合法權限下，披露該資料、文件或其他物品，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (6) 任何人如 —— (a) 明知某資料、文件或其他物品屬或載有國家秘密；或 (b) 有合理理由相信某資料、文件或其他物品屬或載有國家秘密，並意圖危害國家安全，而在沒有合法權限下，披露該資料、文件或其他物品，即屬犯罪，一經循公訴程序定罪，可處監禁 5 年。 (7) 被控犯第 (6)(a) 款所訂罪行的人，如證明披露有關資料、文件或其他物品屬一項指明披露，即為免責辯護。 (8) 任何人如明知某資料、文件或其他物品屬或載有國家秘密，並 —— (a) 意圖危害國家安全；或 (b) 罔顧是否會危害國家安全，而在沒有合法權限下，披露該資料、文件或其他物品，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (9) 在本條中，提述披露某資料、文件或其他物品，不包括將該資料、文件或其他物品 —— (a) 交予警務人員；或 (b) 按照警務人員的指示處置。 (10) 在本條中 ——指明人士（specified person）指屬（或曾經屬）公職人員或政府承辦商的人；指明身分（specified capacity）—— (a) 就屬（或曾經屬）公職人員的人而言——指該人作為公職人員的身分；或 (b) 就屬（或曾經屬）政府承辦商的人而言——指該人作為政府承辦商的身分；指明國家秘密（specified state secret）指屬第 29 條中國家秘密的定義的 (b)、(c) 或 (g) 段所述的秘密的國家秘密。
36.	非法披露因間諜活動所得的資料等 (1) 任何人如在沒有合法權限下，披露該人明知（或有合理理由相信）是因違反第 43(1) 條以致落入該人的管有的資料、文件或其他物品，即屬犯罪。 (2) 任何人犯第 (1) 款所訂罪行，一經循公訴程序定罪，可處監禁 10 年。
37.	非法披露看來屬機密事項的資料等 (1) 如 —— (a) 任何指明人士意圖危害國家安全，而在沒有合法權限下 —— (i) 披露任何資料、文件或其他物品；及

	(ii) 在作出該項披露時,表述或顯示該資料、文件或物品為該人士憑藉其指明身分而獲取或管有(或曾經獲取或管有)者;及 (b) 該資料、文件或物品假若屬實的話,便會屬(或相當可能屬)機密事項,則不論該資料、文件或物品是否屬實,該人士即屬犯罪,一經循公訴程序定罪,可處監禁5年。 (2) 如 —— (a) 任何指明人士勾結境外勢力,意圖危害國家安全,而在沒有合法權限下 —— (i) 披露任何資料、文件或其他物品;及 (ii) 在作出該項披露時,表述或顯示該資料、文件或物品為該人士憑藉其指明身分而獲取或管有(或曾經獲取或管有)者;及 (b) 該資料、文件或物品假若屬實的話,便會屬(或相當可能屬)機密事項,則不論該資料、文件或物品是否屬實,該人士即屬犯罪,一經循公訴程序定罪,可處監禁7年。 (3) 被控犯第(1)或(2)款所訂罪行的指明人士,如確立在指稱的罪行發生時,自己既不知道亦無合理理由相信有關資料、文件或物品屬第(1)(b)或(2)(b)款(視屬何情況而定)所指者,即為免責辯護。 (4) 在以下情況下,某人須視作已確立需要就第(3)款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據,就該事宜帶出爭論點;及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (5) 在本條中 ——指明人士(specified person)指屬(或曾經屬)公職人員或政府承辦商的人;指明身分(specified capacity) —— (a) 就屬(或曾經屬)公職人員的人而言——指該人作為公職人員的身分;或 (b) 就屬(或曾經屬)政府承辦商的人而言——指該人作為政府承辦商的身分;機密事項(confidential matter)指符合以下說明的事項:若在沒有合法權限下披露該事項,便會損害中央或特區政府的利益。
38.	經授權的披露 (1) 就本分部而言,如公職人員按照其公務上的職責作出披露,該項披露即屬在合法權限下作出,亦僅在該等情況下該項披露方屬在合法權限下作出。 (2) 就本分部而言,如政府承辦商 —— (a) 按照正式授權作出披露;或 (b) 憑藉某職能而屬政府承辦商,而該承辦商在沒有違反正式限制的情況下,為該職能的目的作出披露,該項披露即屬在合法權限下作出,亦僅在該等情況下該項披露方屬在合法權限下作出。 (3) 就本分部而言,如既非公職人員亦非政府承辦商的人所作出的披露是按照正式授權作出的,該項披露即屬在合法權限下作出,亦僅在該等情況下該項披露方屬在合法權限下作出。 (4) 被控犯第35、36或37條所訂罪行的人,如確立在指稱的罪行發生時,相信自己有合法權限作出有關的披露,亦沒有合理理由相信情況並非如此,即為免責辯護。 (5) 在以下情況下,某人須視作已確立需要就第(4)款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據,就該事宜帶出爭論點;及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (6) 在本條中 ——正式限制(official restriction)指由公職人員或政府承辦商妥為施加的限制;正式授權(official authorization)指由公職人員或政府承辦商妥為給予的授權。
39.	資料的保障 (1) 在以下情況下,第(2)款適用 —— (a) 任何指明人士憑藉其作為指明人士的身分,管有或控制任何資料、文件或其他物品(有關資料、文件或物品);及 (b) 若該指明人士在沒有合法權限下披露有關資料、文件或物品,便會犯第35或36條所訂罪行。 (2) 如指明人士 —— (a) 如屬公職人員——在違反其公務上的職責的情況下保留有關資料、文件或物品;或 (b) 如屬政府承辦商——沒有遵從關於有關資料、文件或物品的交回或處置的正式指示,或沒有採取可合理地期望一名處於該指明人士的位置的人會採取的謹慎措施,以防止有關資料、文件或物品在未經授權下披露,該指明人士即屬犯罪。 (3) 被控犯第(2)(a)款所訂罪行的公職人員,如確立在指稱的罪行發生時,相信自己是按照其公務上的職責行事,亦沒有合理理由相信情況並非如此,即為免責辯護。 (4) 在以下情況下,某人須視作已確立需要就第(3)款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據,就該事宜帶出爭論點;及

	(b) 控方沒有提出足以排除合理疑點的相反證明。 (5) 凡任何人管有或控制任何資料、文件或其他物品，而若該人在沒有合法權限下披露該資料、文件或其他物品，便會犯第 35 或 36 條所訂罪行，如有以下情況，該人即屬犯罪 —— (a) 該人沒有遵從關於該資料、文件或其他物品的交回或處置的正式指示；或 (b) 該人 —— (i) 按某些條款從指明人士取得該資料、文件或其他物品，而該等條款規定該資料、文件或其他物品須在機密情況下持有；或 (ii) 在某情況下從指明人士取得該資料、文件或其他物品，而該情況令該指明人士能夠合理地期望該資料、文件或其他物品會在機密情況下持有，而該人沒有採取可合理地期望一名處於其位置的人會採取的謹慎措施，以防止該資料、文件或其他物品在未經授權下披露。 (6) 任何人犯第 (2) 或 (5) 款所訂罪行，一經循公訴程序定罪，可處第 4 級罰款及監禁 3 個月。 (7) 凡有任何官方資料、文件或其他物品能被人用於取覽被第 35 或 36 條禁止披露的任何資料、文件或其他物品，則任何人披露該官方資料、文件或其他物品，而從作出該項披露的情況來看，預期該官方資料、文件或其他物品可能被人沒有權限下用於該目的是合理的，該人即屬犯罪。 (8) 就第 (7) 款而言，如有以下情況，有關的人所披露的資料、文件或其他物品即屬官方資料、文件或其他物品 —— (a) 該人憑藉其作為指明人士的身分（或曾經憑藉該身分）而管有該資料、文件或其他物品；或 (b) 該人明知（或有合理理由相信）某指明人士憑藉其作為指明人士的身分（或曾經憑藉該身分）而管有該資料、文件或其他物品。 (9) 任何人犯第 (7) 款所訂罪行，一經循公訴程序定罪，可處罰款 \$500,000 及監禁 2 年。 (10) 在本條中 —— 正式指示 (official direction) 指由指明人士妥為給予的指示；指明人士 (specified person) 指公職人員或政府承辦商。
40.	本分部的域外法律效力 (1) 如 —— (a) 任何 —— (i) 特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 32(1) 或 (3)、33(1) 或 (3)、35(6) 或 (8) 或 36(1) 條所訂罪行，則該居民或該團體即屬犯該罪行。 (2) 如任何人在特區以外地方作出任何作為，而該項作為假若是在特區作出即構成第 35(1)、(4) 或 (50) 或 37(1) 或 (2) 條所訂罪行，則該人即屬犯該罪行。 (3) 在本條中 —— 特區居民 (HKSAR resident) 指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》(第 177 章) 所指的身分證的資格，但沒有《入境條例》(第 115 章) 所指的香港居留權的人。

第 2 分部：與間諜活動相關的罪行

41.	釋義 (1) 在本分部中 —— 文件 (document) 包括文件的一部分； 地方 (place) 指任何地方，並包括 —— (a) 任何運輸工具；及 (b) 任何帳幕或構築物(不論是否可移動的或是否離岸的)； 軍火 (munitions) 包括擬在戰爭或武裝衝突中使用（或經改裝以在戰爭或武裝衝突中使用）的任何船隻、航空器、坦克或類似機器的整體或其任何部分、槍械及彈藥、魚雷、水雷、地雷或空雷，以及任何擬作該用途的其他物品、物料或裝置，不論是實有的或擬有的； 無人工具 (unmanned tool) 指沒有人在其上的情況下操作的運輸工具或其他以動力驅動的機器； 無線電通訊裝置 (radiocommunications installation) 具有《電訊條例》(第 106 章) 第 2(1) 條所給予的涵義； 禁地 (prohibited place) 指位於特區的 ——
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	(a) 防衛工事、軍火庫或軍事或國防設施； (b) 根據《中華人民共和國香港特別行政區駐軍法》第十二條宣布為軍事禁區的地方； (c) 屬於中央或特區政府（有關當局）、由有關當局佔用或代表有關當局佔用，並作軍事或國防用途的站所、工廠、船塢、坑道、雷場、營舍、船隻或航空器； (d) 某一地方，它 —— (i) 是屬於有關當局、由有關當局佔用或代表有關當局佔用的地方；及 (ii) 僅可由任何就該地方執行職能的人士進入，以及設計用作放置以下一項或多於一項，或相關設施 —— (A) 無線電通訊裝置； (B) 電訊系統； (C) 電訊裝置； (D) 電訊網絡； (E) 電訊線路； (F) 伺服器； (e) 屬於有關當局、由有關當局佔用或代表有關當局佔用，並用於建造、修理、製作或儲存任何供戰時或武裝衝突時使用的軍火、船隻、航空器、槍械或物料或工具，或用於建造、修理、製作或儲存與之有關的資料、文件或其他物品的地方，或屬於有關當局、由有關當局佔用或代表有關當局佔用，並為取得任何在戰時或武裝衝突時有用的金屬、石油或礦物的目的而使用的地方； (f) 不屬於有關當局的地方，而在該地方內，有任何軍火或與之有關的任何資料、文件或其他物品正根據與有關當局或與代表有關當局的人訂立的合約而製作、修理、取得或儲存或在其他情況下代表有關當局而製作、修理、取得或儲存；或 (g) 根據第 42 條宣布為禁地的地方； 運輸工具（conveyance）包括車輛、船隻、航空器及氣墊船； 電訊系統（telecommunications system）具有《電訊條例》（第 106 章）第 2(1) 條所給予的涵義； 電訊裝置（telecommunications installation）具有《電訊條例》（第 106 章）第 2(1) 條所給予的涵義； 電訊網絡（telecommunications network）具有《電訊條例》（第 106 章）第 2(1) 條所給予的涵義； 電訊線路（telecommunications line）具有《電訊條例》（第 106 章）第 2(1) 條所給予的涵義。 (2) 在本分部中 —— (a) 提述傳達的詞句，包括任何傳達，不論是全部傳達或部分傳達，亦不論所傳達的是資料、文件或其他物品本身或只是傳達其內容或效果或對其所作的描述； (b) 提述傳達資料、文件或其他物品的詞句，包括轉移或轉傳資料、文件或其他物品，亦包括提供取得或接達資料、文件或其他物品的途徑；及 (c) 提述取得資料、文件或其他物品的詞句，包括複製或安排複製資料、文件或其他物品的整體或其任何部分。
42.	禁地的宣布和守衛的授權 (1) 為施行本分部，行政長官如在顧及第 (2) 款指明的事宜下，合理地認為宣布某位於特區的地方為禁地，是維護國家安全所需者，則可藉在憲報刊登的命令宣布該地方為禁地。 (2) 有關事宜是 —— (a) 有關地方的用途； (b) 該地方的擁有人或佔用人； (c) 在該地方內保存、儲存或處理的任何資料的性質；及 (d) 位於該地方內的任何科技、設備或物料的性質。 (3) 根據第 (1) 款作出的命令，可就某特定地方作出，亦可就某種類地方作出。 (4) 行政長官可授權任何人或任何類別的人，作為就任何禁地履行守衛或警衛職責的人。
43.	間諜活動 (1) 如任何人意圖危害國家安全，而作出第 (2) 款指明的作為，該人即屬犯罪，一經循公訴程序定罪，可處監禁 20 年。 (2) 有關作為是 —— (a) 接近、查察、從上方或下方越過、進入或接達禁地，或出現於毗鄰禁地之處（包括透過電子或遙距方式作出上述作為）； (b) 致使無人工具接近、查察、從上方或下方越過、進入或接達禁地，或出現於毗鄰禁地之處（包括透過電子或遙距方式作出上述作為）；或 (c) 取得（包括以截取通訊方式取得）、收集、記錄、製作或管有旨在對或擬對境外勢力有直接或

	間接用處的任何資料、文件或其他物品，或將之傳達予任何其他人。
	(3) 如任何人勾結境外勢力，向公眾發布虛假或具誤導性的事實陳述，而 ——
	(a) 該人 ——
	(i) 意圖危害國家安全，或罔顧是否會危害國家安全，而如此發布該項陳述；及
	(ii) 知道該項陳述屬虛假或具誤導性；或
	(b) 該人 ——
	(i) 意圖危害國家安全，而如此發布該項陳述；及
	(ii) 有合理理由相信該項陳述屬虛假或具誤導性，該人即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。
	(4) 就第 (3) 款而言 ——
	(a) 如合理的人閱讀、聆聽或以其他方式得悉某項陳述後，會認為該項陳述是事實的表述，該項陳述即屬事實陳述；及
	(b) 如某項事實陳述全部或在要項上屬虛假（不論該項陳述本身如此，或該項陳述在其語境中是如此），該項陳述即屬虛假。
	(5) 在本條中 ——通訊（communication）具有《截取通訊及監察條例》（第 589 章）第 2(1) 條所給予的涵義；截取（interception）具有《截取通訊及監察條例》（第 589 章）第 2(1) 條所給予的涵義。
44.	在沒有合法權限下進入禁地等 如任何人 ——
	(a) 在沒有合理辯解或合法權限下 ——
	(i) 查察、從上方或下方越過、進入或接達禁地（包括透過電子或遙距方式作出上述作為）；或
	(ii) 致使無人工具查察、從上方或下方越過、進入或接達禁地（包括透過電子或遙距方式作出上述作為）；及
	(b) 明知（或有合理理由相信）自己在作出 (a)(i) 或 (ii) 段所述的作為時，並沒有合法權限作出該項作為，該人即屬犯罪，一經循公訴程序定罪，可處監禁 2 年。
45.	可就禁地行使的權力
	(1) 指明人員可命令 ——
	(a) 任何人不得作出或停止作出第 43(2)(a) 或 (b) 條指明的作為；
	(b) 已進入或接達（包括透過電子或遙距方式進入或接達）禁地的人立即離開禁地；
	(c) 出現於毗鄰禁地之處的人立即離開該處；或
	(d) 駕駛或操作在禁地或毗鄰禁地之處（有關地方）內的運輸工具的人，或操作在有關地方內的無人工具的人，將該運輸工具或無人工具移離有關地方。
	(2) 指明人員可安排 ——
	(a) 將在有關地方內的運輸工具或無人工具，移離有關地方；或
	(b) 將運輸工具或無人工具從有關地方內的某處，移至有關地方內的另一處。
	(3) 指明人員除非有合理理由相信行使第 (1) 或 (2) 款所賦予的權力是維護國家安全所需者，否則不得行使該權力。
	(4) 任何人違反根據第 (1) 款作出的命令，即屬犯罪，一經循公訴程序定罪，可處監禁 2 年。
	(5) 在本條中 ——指明人員（specified officer） ——
	(a) 就任何禁地而言——指任何以下的人 ——
	(i) 警務人員；
	(ii) 根據第 42(4) 條就該禁地獲授權的人；或
	(b) 就屬於中央、由中央佔用或代表中央佔用的禁地而言——指掌管該禁地的機構所指派的就該禁地履行守衛或警衛職責的人。
46.	在禁地附近作出妨礙等
	(1) 如任何指明人員正在就某禁地履行職責，而有另一人在該禁地附近 ——
	(a) 蓄意妨礙該指明人員履行該職責；
	(b) 在關乎該指明人員履行該職責的情況下，明知而誤導該指明人員；或
	(c) 蓄意以其他方式干預或阻礙該指明人員履行該職責，該另一人即屬犯罪。
	(2) 任何人犯第 (1) 款所訂罪行，一經循公訴程序定罪，可處監禁 2 年。
	(3) 在本條中 ——指明人員（specified officer） ——
	(a) 就任何禁地而言——指任何以下的人 ——
	(i) 警務人員；

	(ii) 根據第 42(4) 條就該禁地獲授權的人；或 (b) 就屬於中央、由中央佔用或代表中央佔用的禁地而言——指掌管該禁地的機構所指派的就該禁地履行守衛或警衛職責的人。
47.	參加或支援境外情報組織，或接受其提供的利益等 (1) 如任何人 —— (a) 意圖危害國家安全；或 (b) 罔顧是否會危害國家安全，而明知地就境外情報組織作出受禁作為，該人即屬犯罪，一經循公訴程序定罪，可處監禁 14 年。 (2) 如 —— (a) 任何人罔顧是否會危害國家安全，而作出某項作為 (有關作為)； (b) 有關作為構成就境外情報組織作出的受禁作為；及 (c) 該人罔顧有關作為是否會構成上述受禁作為，該人即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (3) 行政長官可就某組織是否境外情報組織的認定問題發出證明文件，該文件對法院有約束力。 (4) 在本條中 —— 利益 (advantage) 指 —— (a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類的其他財產或財產權益； (b) 任何職位、受僱工作或合約； (c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結； (d) 任何其他服務或優待 (款待除外)，包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出； (e) 行使或不行使任何權利、權力或職責；及 (f) 有條件或無條件提供、承諾給予或答應給予 (a)、(b)、(c)、(d) 或 (e) 段所指的任何利益； 受禁作為 (prohibited act) 就某境外情報組織而言，指 —— (a) 成為該組織的成員； (b) 接受該組織 (或代該組織行事的人) 的任務或培訓； (c) 向該組織 (或代該組織行事的人) 提供實質支援 (包括提供財政支援或資料，以及為該組織招募成員)；或 (d) 接受由該組織 (或代該組織行事的人) 提供的實質利益； 財政支援 (financial support) 指任何資金或其他財務資產或經濟資源； 款待 (entertainment) 指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待； 經濟資源 (economic resources) 指並非資金的各種資產，不論是有形的或無形的、是動產或不動產，並可用以取得資金、貨物或服務； 資金 (funds) 包括 —— (a) 金幣、金錠、現金、支票、金錢的申索、銀票、匯票及其他作付款用的票據； (b) 存於財務機構或其他實體的存款、帳戶結餘、債項及債務責任； (c) 證券及債務票據 (包括股額及股份、代表證券的證明書、債券、票據、認購權證、債權證、債權股證及衍生工具合約)； (d) 財產所孳生的利息、股息或其他收入、自財產累算的價值或財產所產生的價值； (e) 信貸、抵銷權、保證或擔保、履約保證或其他財務承擔； (f) 信用狀、提單及賣據； (g) 資金或財務資源的權益的證明文件；及 (h) 任何其他出口融資的票據； 境外情報組織 (external intelligence organization) 指由境外勢力設立並從事以下工作或活動 (不論如何稱述) 的組織 —— (a) 情報工作；或 (b) 對其他國家或地方進行的顛覆或破壞活動。
48.	本分部的域外法律效力 (1) 如任何人在特區以外地方作出任何作為，而該項作為假若是在特區作出即構成第 43(1) 條所訂罪行 (關乎第 43(2)(a) 或 (b) 條指明的作為者) 或第 44 條所訂罪行，則該人即屬犯該罪行。 (2) 如 ——

(a) 任何 ——
(i) 屬中國公民的特區居民；
(ii) 在特區成立、組成或註冊的法人團體；或
(iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而
(b) 該項作為假若是在特區作出即構成第 43(1) 條所訂罪行（關乎第 43(2)(c) 條指明的作為者）或第 47(1) 或 (2) 條所訂罪行，則該居民或該團體即屬犯該罪行。
(3) 如 ——
(a) 任何 ——
(i) 特區居民；
(ii) 在特區成立、組成或註冊的法人團體；或
(iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而
(b) 該項作為假若是在特區作出即構成第 43(3) 條所訂罪行，則該居民或該團體即屬犯該罪行。
(4) 在本條中 ——特區居民（HKSAR resident）指 ——
(a) 香港永久性居民；或
(b) 符合獲發《人事登記條例》（第 177 章）所指的身分證的資格，但沒有《入境條例》（第 115 章）所指的香港居留權的人。

第 5 部 危害國家安全的破壞活動等

49.	危害國家安全的破壞活動
(1) 如任何人 ——	
(a) 意圖危害國家安全；或	
(b) 罔顧是否會危害國家安全，而損壞或削弱公共基礎設施，該人即屬犯罪，一經循公訴程序定罪，可處監禁 20 年。	
(2) 如任何人勾結境外勢力 ——	
(a) 意圖危害國家安全；或	
(b) 罔顧是否會危害國家安全，而損壞或削弱公共基礎設施，該人即屬犯罪，一經循公訴程序定罪，可處終身監禁。	
(3) 就第 (1) 及 (2) 款而言，凡任何作為對公共基礎設施（包括組成該設施的東西或軟件）造成任何以下效果（不論在何時造成） ——	
(a) 使該設施變得容易遭濫用或損壞；	
(b) 使無權接達或改動該設施的人，變得容易接達或改動該設施；	
(c) 導致該設施無法發揮其完整或部分應有功能；	
(d) 導致該設施並非如其擁有人（或該擁有人的代表）對其所設定的運作方式運作（即使該項作為不會令該設施的操作、組成該設施的東西或軟件或在該設施內儲存的資料的可靠性減損亦然），該項作為即屬削弱該設施。	
(4) 在本條中 ——公共基礎設施（public infrastructure）指 ——	
(a) 屬於中央或特區政府的，或由或代表中央或特區政府佔用的以下各項（不論其是否位於特區） ——	
(i) 基礎設施；	
(ii) 設施或設備；	
(iii) 網絡或電腦或電子系統；	
(iv) 辦公處所；或	
(v) 軍事或國防的設施或設備；	
(b) 位於特區的公共交通工具、公共交通基礎設施或公共交通設施（包括機場及相關設施）；或	
(c) 位於特區的 ——	
(i) 提供或維持公共服務（例如金融、物流、水、電力、能源、燃料、排污、通訊、互聯網）的 ——	
(A) 基礎設施；或	
(B) 設施；或	
(ii) 提供或管理第 (i) 節所述服務的電腦或電子系統。	
50.	就電腦或電子系統作出危害國家安全的作為
(1) 如 ——	
(a) 某人意圖危害國家安全，而在沒有合法權限下，就某電腦或電子系統作出某項作為；	

	(b) 該人知道自己在作出該項作為時，並沒有合法權限作出該項作為；及 (c) 該項作為危害（或相當可能危害）國家安全，該人即屬犯罪，一經循公訴程序定罪，可處監禁 20 年。 (2) 就第 (1)(a) 款而言，在以下情況下，就某電腦或電子系統作出某項作為的人（該人），即屬在沒有合法權限下作出該項作為 —— (a) 該人並非下述的人：對該電腦或電子系統負責任，並有權決定是否可作出該項作為的人（負責人）；及 (b) 該人在沒有獲負責人同意的情況下作出該項作為。 (3) 在本條中 —— 電腦或電子系統（computer or electronic system）包括組成電腦或電子系統的東西或軟件。
51.	本部的域外法律效力 如任何人在特區以外地方作出任何作為，而該項作為假若是在特區作出即構成第 49(1) 或 (2) 或 50(1) 條所訂罪行，則該人即屬犯該罪行。

第 6 部 危害國家安全的境外干預及從事危害國家安全活動的組織

第 1 分部：危害國家安全的境外干預

52.	危害國家安全的境外干預 任何人如 —— (a) 意圖帶來干預效果，而配合境外勢力作出某項作為；及 (b) 在如此作出該項作為時，使用不當手段，即屬犯罪，一經循公訴程序定罪，可處監禁 14 年。
53.	帶來干預效果的涵義 (1) 在本分部中，提述帶來干預效果，即提述帶來一種或多於一種以下效果 —— (a) 影響中央人民政府或特區行政機關 —— (i) 制訂或執行任何政策或措施；或 (ii) 作出或執行任何其他決定，包括影響中央人民政府或特區行政機關的官員，或其他獲授權執行其上述職能的人員，執行該職能； (b) 影響立法會執行職能（包括影響任何立法會議員以該身分執行職能），或干預與立法會相關的程序； (c) 影響法院執行職能（包括影響任何司法人員以該身分執行職能），或干預特區的司法； (d) 干預任何選舉或與選舉相關的程序，包括 —— (i) 影響他人行使其在《基本法》下就任何選舉而享有的選舉權或被選舉權； (ii) 干預根據《行政長官選舉條例》（第 569 章）第 8 條組成選舉委員會的程序；及 (iii) 干預他人根據《區議會條例》（第 547 章）成為區議會議員的程序； (e) 損害任何一項或多於一項以下關係 —— (i) 中國與任何外國的關係； (ii) 中央與特區的關係； (iii) 中央與中國任何其他地區的關係； (iv) 特區與中國任何其他地區的關係； (v) 特區與任何外國的關係。 (2) 在本條中 —— 選舉（election）指《選舉（舞弊及非法行為）條例》（第 554 章）第 4(1) 條所列的選舉。
54.	配合境外勢力的涵義 就本分部而言，如有一項或多於一項以下情況，某人即屬配合境外勢力作出某項作為 —— (a) 該人參與某項由境外勢力策劃或以其他方式主導的活動，而該項作為，是該人參與該項活動所牽涉的作為； (b) 該人代境外勢力作出該項作為； (c) 該人在與境外勢力合作下，作出該項作為； (d) 該人在境外勢力控制、監督、指使或要求下，作出該項作為； (e) 該人在境外勢力資助或以其他方式支援下，作出該項作為。
55.	使用不當手段的涵義 (1) 就第 52 條而言，該條所述的人（當事者）如符合 (a)、(b) 及 (c) 段當中至少一項的描述，即屬在作出該條所述的作為時，使用不當手段 ——

	(a) 當事者在作出該項作為或其任何部分時，明知而對任何人作出關鍵失實陳述； (b) 該項作為或其任何部分，是以任何一種或多於一種以下方式作出的 —— (i) 對任何人施予暴力，或威脅對任何人施予暴力； (ii) 摧毀或損毀任何人的財產，或威脅摧毀或損毀任何人的財產； (iii) 以其他方式使任何人蒙受財政上的損失，或威脅以其他方式使任何人蒙受財政上的損失； (iv) 使任何人的名譽受損，或威脅使任何人的名譽受損； (v) 使任何人受到心理傷害，或對任何人施予過分的心理壓力； (c) 該項作為或其任何部分構成罪行。 (2) 就第 (1)(a) 款而言，關鍵失實陳述 —— (a) 可藉口頭或書面陳述作出，亦可藉其他行徑作出；及 (b) 可屬明言或暗示。 (3) 在本條中，提述對任何人作出關鍵失實陳述，即提述對該人作出虛假或具誤導性的陳述，而該項陳述具有防止該人洞悉任何以下事實的效果 —— (a) 當事者意圖帶來干預效果而作出有關作為此一事實；或 (b) 當事者配合境外勢力而作出有關作為此一事實。
56.	代境外勢力作出作為的推定 (1) 凡有就第 52 條所訂罪行而對某人（被告人）提起任何法律程序，則在該法律程序中，如控方證明被告人意圖帶來干預效果而作出某項作為，則只要控方進一步證明 —— (a) 被告人在如此作出該項作為前，曾就該項意圖，或曾就與該項意圖相關的事宜，與某境外勢力溝通；及 (b) 被告人知道或理應知道，該項作為或其任何部分 —— (i) 是會使該境外勢力達到其目的的；或 (ii) 是會在其他情況下使該境外勢力得益的，被告人即須被推定為就第 54(b) 條而言屬代該境外勢力作出該項作為。 (2) 然而，被告人在以下情況下，即屬推翻第 (1) 款所訂的推定 —— (a) 有足夠證據，帶出被告人並非代有關境外勢力作出有關作為的爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。
57.	本分部的域外法律效力 (1) 如 —— (a) 任何 —— (i) 屬中國公民的特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 52 條所訂罪行，則該居民或該團體即屬犯該罪行。 (2) 在本條中 ——特區居民（HKSAR resident）指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》（第 177 章）所指的身分證的資格，但沒有《入境條例》（第 115 章）所指的香港居留權的人。

第 2 分部：從事危害國家安全活動的組織

第 1 次分部：導言

58.	釋義 在本分部中 —— 受禁組織（prohibited organization）的涵義如下：凡根據第 60(1) 或 (2) 條就某組織作出命令，而該項命令屬有效，該組織即屬受禁組織； 政治性團體（political body）指 —— (a) 政黨或宣稱是政黨的組織；或 (b) 其主要功能或宗旨是為參加選舉（《選舉（舞弊及非法行為）條例》（第 554 章）第 4(1) 條所列者）的候選人宣傳或作準備的組織； 組織（organization）指 —— (a) 《社團條例》（第 151 章）第 2(1) 條所界定的社團； (b) 該條例的附表所列明的人；或
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	(c) 任何其他團體，而不論該團體屬何性質，亦不論該團體是否根據任何宗旨或目標而組成或成立，或是否按照任何宗旨或目標而運作；
	幹事 (office-bearer) —— (a) 就組織而言，指組織的會長、副會長、秘書或司庫，或組織的委員會成員或管治組織成員，或在組織擔任類似任何上述職位或職務的人；或 (b) 就受禁組織而言，指在受禁組織擔任普通成員以外任何職位或職務的人；
	境外政治性組織 (political organization of an external place) 包括 —— (a) 外國政府或其政治分部； (b) 境外當局或其政治分部； (c) 該政府或當局的代理人，或該政府或當局的政治分部的代理人；及 (d) 在境外的政黨或其代理人；
	獲授權人員 (authorized officer) 指根據第 67 條委任的公務人員；
	聯繫 (connection) 就屬政治性團體的組織而言，指以下情況 —— (a) 該組織直接或間接尋求或接受境外政治性組織的資助、任何形式的財政上的贊助或支援或貸款，或其他方式的實質支援； (b) 該組織直接或間接附屬於境外政治性組織； (c) 該組織的任何政策是直接或間接由境外政治性組織釐定；或 (d) 在該組織的決策過程中，境外政治性組織直接或間接作出指示、控制、監督、主使或參與。
59.	本分部不影響《社團條例》的施行 本分部不影響《社團條例》(第 151 章) 的施行。

第 2 次分部：禁止從事危害國家安全活動的組織在特區運作

60.	禁止組織運作 (1) 如保安局局長合理地相信，禁止第 (3) 款指明的組織在特區運作或繼續運作，是維護國家安全所需者，則保安局局長可藉在憲報刊登的命令，禁止該組織在特區運作或繼續運作。 (2) 如第 (3)(a) 款指明的組織 (本地組織) 是政治性團體，並與境外政治性組織有聯繫，則保安局局長可藉在憲報刊登的命令，禁止該本地組織在特區運作或繼續運作。 (3) 為施行第 (1) 及 (2) 款而指明的組織是 —— (a) 在特區組織和成立或總部或主要的業務地點設於特區的任何組織，但不包括 —— (i) 根據《公司條例》(第 622 章)(《公司條例》) 註冊的公司； (ii) 根據《公司條例》第 2(1) 條所界定的《舊有公司條例》註冊的公司；或 (iii) 《公司條例》第 2(1) 條所界定的非香港公司 (非香港公司)；或 (b) 在特區以外地方組織和成立而總部或主要的業務地點設於特區以外地方的任何組織(但不包括非香港公司)，而有一項或多於一項以下情況適用於該組織 —— (i) 該組織在特區進行任何活動； (ii) 任何在特區的人以該組織的幹事或成員身分行事，或自稱或聲稱是該組織的幹事或成員； (iii) 任何在特區的人管理或協助管理該組織； (iv) 任何在特區的人在特區代該組織或與該組織合作進行任何活動，或在該組織控制、監督或指使下在特區進行任何活動； (v) 該組織煽惑、誘使或邀請任何在特區的人成為該組織的成員或管理或協助管理該組織； (vi) 任何在特區的人向該組織付款或給予其他形式的援助，或為該組織的目的而付款或給予其他形式的援助； (vii) 該組織直接或間接尋求或接受任何在特區的人的資助、貸款，或任何形式的財政上的贊助或其他形式的援助； (viii) 該組織直接或間接向任何在特區的人提供資助、貸款，或任何形式的財政上的贊助或其他形式的援助。 (4) 保安局局長如事先沒有給予該組織機會，就為何不應根據第 (1) 或 (2) 款作出命令而作出該組織認為適當的陳詞或書面申述，則不得作出該項命令。 (5) 如保安局局長合理地相信給予該組織機會作出陳詞或書面申述，在該個案的情況下並不切實可行，第(4)款則不適用。 (6) 根據第 (1) 或 (2) 款作出的命令，須在切實可行範圍內盡快 —— (a) 送達該組織；
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	(b) 在保安局局長指定的、於特區廣泛流通的一份中文報章及一份英文報章刊登； (c) 在憲報刊登；及 (d) 在保安局局長指定的互聯網網站發布。
	(7) 凡根據第 (1) 或 (2) 款作出命令，該項命令 —— (a) 一經在憲報刊登，即行生效；或 (b) 如指明於較後日期生效——在該指明日期生效。
61.	本地組織被禁止運作後的善後事宜 (1) 任何第 60(3)(a) 條指明的組織如根據第 60 條被禁止在特區運作或繼續運作（本地受禁組織），當禁止該組織運作或繼續運作的命令根據第 60(7) 條生效時，該組織即屬已解散。 (2) 本地受禁組織的每名幹事及成員的法律責任（如有的話）在該組織解散後仍然持續並可強制執行，猶如該組織未曾解散。 (3) 在緊接禁止本地受禁組織運作或繼續運作的命令根據第 60(7) 條生效前，如該組織有根據某指明條例獲註冊（不論如何描述，亦不論以何種方式進行），則第 (4) 及 (5) 款適用於該組織。 (4) 如該組織根據第 (1) 款屬已解散，第 (3) 款所述的註冊即屬已取消，而指明當局須 —— (a) 如根據該指明條例須就該項註冊備存登記冊（不論如何描述）——因應該項註冊取消而更新該登記冊；及 (b) 在憲報刊登關於該項註冊取消的公告。 (5) 凡該組織根據第 (1) 款屬已解散 —— (a) 如該指明條例有條文在該組織根據該指明條例解散後適用——該條文即猶如該組織是根據該指明條例解散的而適用；及 (b) 如該指明條例有適用於該組織的清盤的條文或具相同效力的其他條文——該條文即適用於該組織。 (6) 第 (7) 款適用於以下本地受禁組織 —— (a) 該組織並非第 (3) 款所述的組織；或 (b) 該組織屬第 (3) 款所述的組織，但有關指明條例既無適用於該組織的清盤的條文，亦無具相同效力的其他條文。 (7) 凡本地受禁組織根據第 (1) 款屬已解散，《公司（清盤及雜項條文）條例》（第 32 章）第 360E、360F、360G、360H、360I、360J、360K、360L 及 360M 條在經必要的變通後，即適用於該組織，猶如該組織屬根據該條例第 360C 條自公司登記冊中被剔除並解散的公司。 (8) 在本條中 ——指明條例（specified Ordinance）指《公司條例》（第 622 章）及該條例第 2(1) 條所界定的《舊有公司條例》以外的條例；指明當局（specified authority）就第 (3) 款所述的註冊而言，指 —— (a) 如某人根據有關指明條例須就該項註冊備存登記冊（不論如何描述）——該人；或 (b) 如屬其他情況——保安局局長。

第 3 次分部：與受禁組織相關的罪行

62.	禁止參與受禁組織的活動 (1) 任何人在某組織根據第 60 條被禁止在特區運作或繼續運作後 —— (a) 身為該組織的幹事或以該組織的幹事身分行事，或自稱或聲稱是該組織的幹事；或 (b) 管理或協助管理該組織，即屬犯罪，一經循公訴程序定罪，可處罰款 \$1,000,000 及監禁 14 年。 (2) 任何人在某組織根據第 60 條被禁止在特區運作或繼續運作後 —— (a) 身為該組織的成員或以該組織的成員身分行事，或自稱或聲稱是該組織的成員； (b) 代該組織或與該組織合作進行任何活動，或在該組織控制、監督或指使下進行任何活動； (c) 參與該組織的集會；或 (d) 向該組織付款或給予其他形式的援助，或為該組織的目的而付款或給予其他形式的援助，即屬犯罪，一經循公訴程序定罪，可處罰款 \$250,000 及監禁 10 年。 (3) 以下作為不構成第 (1) 或 (2) 款所訂罪行 —— (a) 在事先獲得保安局局長書面批准的情況下作出作為； (b) 參與某法律程序，不論是以本人身分參與或作為屬該法律程序的一方的組織的代表而參與； (c) 尋求、提供或接受任何法律服務，或就該等服務支付或收取任何款項；或 (d) 作出 (b) 或 (c) 段提述的作為所附帶的任何作為。 (4) 被控犯第 (1) 或 (2) 款所訂罪行的人，如確立在指稱的罪行發生時，自己既不知道亦無合理
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	由相信有關組織已根據第 60 條被禁止在特區運作或繼續運作，即為免責辯護。 (5) 在不影響第 (4) 款的原則下 —— (a) 就身為受禁組織的幹事或以受禁組織的幹事身分行事而被控犯第 (1) 款所訂罪行的人，如確立自己已採取一切合理步驟，並已盡應盡的努力，以終止該幹事身分；或 (b) 就身為受禁組織的成員或以受禁組織的成員身分行事而被控犯第 (2) 款所訂罪行的人，如確立自己已採取一切合理步驟，並已盡應盡的努力，以終止該成員身分，即為免責辯護。 (6) 在以下情況下，某人須視作已確立需要就第 (4) 或 (5) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。
63.	容許受禁組織在處所內集會 任何人明知而容許受禁組織或受禁組織成員的集會在屬於該人或由該人佔用或控制的任何地方或處所舉行，即屬犯罪，一經循公訴程序定罪，可處罰款 \$250,000 及監禁 7 年。
64.	煽惑他人成為受禁組織成員等 任何人煽惑、誘使或邀請他人成為受禁組織成員或協助管理受禁組織，或對他人使用暴力、作出威脅或恐嚇以誘使該人成為受禁組織成員或協助管理受禁組織，即屬犯罪，一經循公訴程序定罪，可處罰款 \$250,000 及監禁 7 年。
65.	為受禁組織牟取會費或援助 任何人為受禁組織的目的而向他人牟取或企圖為受禁組織的目的而向他人牟取會費或援助，即屬犯罪，一經循公訴程序定罪，可處罰款 \$250,000 及監禁 7 年。
66.	受禁組織的影子組織 (1) 在第 62(1)(a) 及 (b) 及 (2)(a)、(b)、(c) 及 (d) 條中，提述該組織，包括該組織的影子組織。 (2) 在第 63、64 及 65 條中，提述受禁組織，包括受禁組織的影子組織。 (3) 就本條而言，如某組織 (組織甲) 顯示自己是另一組織 (組織乙)，組織甲即屬組織乙的影子組織。

第 4 次分部：雜項條文

67.	獲授權人員 為施行本分部，保安局局長可藉書面委任某公務人員為獲授權人員。
68.	組織須提供資料 (1) 獲授權人員可藉書面通知，規定任何組織以書面提供保安局局長為根據第 60 條執行其職能而合理需要的資料。 (2) 第 (1) 款所指的通知，須送達 —— (a) 該組織；或 (b) 該組織的任何幹事或任何在特區管理或協助管理該組織的人。 (3) 根據第 (1) 款規定提供的資料，可包括該組織的收入、收入來源及開支。 (4) 第 (1) 款所指的通知，須指明提供資料的時限，而該時限不得少於 7 日。 (5) 獲授權人員可就向其提出的申請，在有好的理由提出後，酌情批准將有關時限延長。
69.	負責提供資料的人 (1) 第 68 條施加於任何組織的責任，對每名根據該條獲送達通知的該組織幹事及在特區管理或協助管理該組織的人，均有約束力。 (2) 如任何組織沒有遵從根據第 68 條送達的通知的全部或部分規定，則每名第 (1) 款所述的人，一經循簡易程序定罪，可處第 4 級罰款，但如該人確立而使法庭信納，該人已盡應盡的努力，以及該人沒有遵從該通知的規定是由於非該人所能控制的原因所致的，則屬例外。 (3) 為遵從根據第 68 條送達的通知的規定而向保安局局長提供的任何資料，如在要項上是虛假、不正確或不完整的，則提供該等資料的人，一經循簡易程序定罪，可處第 4 級罰款，但如該人確立而使法庭信納，該人當時有好的理由相信該等資料是真實、正確及完整的，則屬例外。
70.	視察非住宅處所的權力 為使保安局局長能根據第 60 條執行其職能，警司級或以上的警務人員如合理地相信，某組織或其成員將某非住宅處所設置為或用作為進行集會或活動的地點或經營業務的地點，則該警務人員(或獲其授權的警務人員)可在上述集會或活動進行的時間、上述業務經營的時間，或任何其他合理時間，進入和視察該非住宅處所。

71.	在特定情況下搜查地方的權力 (1) 如裁判官因經獲授權人員宣誓而作的告發，信納有合理理由懷疑，在某地方有任何指明證據，則裁判官可發出手令。 (2) 上述手令可授權獲授權人員及該手令所指明的其他人，作出所有或任何以下行動 —— (a) 進入和搜查該地方； (b) 在覺得任何物件屬指明證據時，檢取、移走或扣押該物件； (c) 如任何人或物件妨礙該人員或該其他人行使本條賦予該人員或該其他人的權力——強行移走該人或物件； (d) 扣留在該地方發現的人，直至完成搜查該地方為止。 (3) 如 —— (a) 警司級或以上的警務人員有合理理由懷疑，在某地方有任何指明證據；及 (b) 取得手令，必然引致阻延，此項阻延相當可能導致證據喪失或毀滅，或有任何其他理由，使取得上述手令並非合理地切實可行，則該警務人員(或獲其授權的警務人員)可在沒有根據第 (1) 款發出的手令的情況下，就該地方行使第 (2) 款提述的任何權力。 (4) 在本條中 ——地方 (place) 指任何地方，並包括 —— (a) 任何車輛、船隻、航空器、氣墊船或其他運輸工具； (b) 任何帳幕或構築物 (不論是否可移動的或是否離岸的)；及 (c) 任何電子設備；指明證據 (specified evidence) 指屬或包含 (或相當可能屬或包含) 保安局局長在根據第 60 條執行其職能方面所需要的證據的任何物件。
72.	沒收 屬於受禁組織的任何簿冊、帳目、字據、旗幟、徽章或其他動產，一經裁判官發出命令，均須予以沒收和交由保安局局長按其認為適當的方式處置。
73.	通知等的送達 如無相反證據，則根據本分部須向某人或某組織送達的通知或命令，在以下情況下，須當作已經送達 —— (a) 就個人而言，該通知或命令 —— (i) 已交付該人； (ii) 已留在該人最後為人所知的供送達文件的地址，或其最後為人所知的居住地方或業務地址； (iii) 已藉郵遞寄往該人最後為人所知的供送達文件的地址，或其最後為人所知的通信地址，以寄交該人，而不論該地址是否在特區； (iv) 已藉電郵、圖文傳真或其他類似的方法送往該人最後為人所知的供送達文件的地址，或其最後為人所知的通信地址，或其最後為人所知的居住地方或業務地址，以送交該人，而不論該地址或地方是否在特區；或 (v) 已透過互聯網或相類似的電子網絡發布，以令該人知悉該通知或命令所關乎的事宜； (b) 就組織而言，該通知或命令 —— (i) 已給予或送達該組織的幹事或管理或協助管理該組織的人士； (ii) 已留在該組織最後為人所知的供送達文件的地址，或其最後為人所知的地址； (iii) 已藉郵遞寄往該組織最後為人所知的供送達文件的地址，或其最後為人所知的通信地址，以寄交該組織，而不論該地址是否在特區； (iv) 已藉電郵、圖文傳真或其他類似的方法送往該組織最後為人所知的供送達文件的地址，或其最後為人所知的通信地址，或其最後為人所知的地址，以送交該組織，而不論該地址是否在特區；或 (v) 已透過互聯網或相類似的電子網絡發布，以令該組織的幹事或管理或協助管理該組織的人士知悉該通知或命令所關乎的事宜。

第 7 部 與維護國家安全相關的執法權力及訴訟程序等

第 1 分部：執法權力及其他與調查相關的事宜

第 1 次分部：為調查危害國家安全罪行可向法院申請延長羈留期

74.	釋義 (1) 在本次分部中 ——首段羈留期 (first detention period) 指第 75(2) 條提述的 48 小時期間；被捕人 (arrested person) ——見第 75(2) 條；《第 232 章》(Cap. 232) 指《警隊條例》(第 232 章)；醫院 (hospital) 指 ——
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	(a) 《醫院管理局條例》(第 113 章)附表 1 或 2 中指明的醫院；或 (b) 由特區政府經辦或管理用作醫療診斷或治療的診所。 (2) 在根據本次分部計算某期間時，被捕人在醫院接受醫療診斷或治療的時間、該人前往醫院的時間或該人自醫院返回的時間，均不計算在內，但如該人在醫院時接受警務人員訊問，或在前往醫院或自醫院返回的途中，有任何時間接受警務人員訊問，而訊問的目的是為了取得關乎某罪行的證據，則在根據本次分部計算某期間時，該等訊問時間均須計算在內。
75.	本次分部適用於因危害國家安全的罪行而被拘捕的人 (1) 如 —— (a) 某人因被合理地懷疑干犯危害國家安全的罪行而被拘捕；及 (b) 該人須根據《第 232 章》第 52 條，在切實可行範圍內，盡快帶到裁判官席前，則本次分部就該人而適用。 (2) 除第 78(1) 條另有規定外，被警方羈留的上述的人(被捕人)須在切實可行範圍內，盡快帶到裁判官席前，而無論如何，不得遲於在該人被拘捕後的 48 小時期間屆滿後首次有裁判法院開庭之時。
76.	向法院申請延長羈留期 (1) 總警司級或以上的警務人員或獲其授權的警務人員，可向裁判官提出以經宣誓而作的告發支持的申請，要求將被捕人在沒有被落案起訴的情況下被警方羈留的期間，延長或進一步延長。 (2) 支持上述申請的告發 —— (a) 須由總督察級或以上的警務人員作出；及 (b) 須述明 —— (i) 該罪行的性質； (ii) 拘捕被捕人所憑藉的證據的概括性質； (iii) 警方已就該罪行作出何種查究，以及警方建議作出何種進一步查究；及 (iv) 基於何種原因，而有必要繼續羈留被捕人。
77.	法院就申請延長羈留期的聆訊 (1) 除非以下條件獲符合，否則裁判官不得就有關申請進行聆訊 —— (a) 被捕人已獲給予該項申請的申請書的複本(支持該項申請的告發則無需給予被捕人)；及 (b) 被捕人已為了就該項申請進行聆訊，而被帶到裁判官席前。 (2) 如被捕人並無律師或大律師代表，但意欲有律師或大律師代表，則 —— (a) 裁判官可將申請聆訊押後一段合理期間，使該人能夠獲得律師或大律師代表，而該期間不得超逾 —— (i) 如屬被捕人被拘捕後的首次申請——自首段羈留期屆滿後起計的 7 日；及 (ii) 如屬其後的申請——自上一段延長期屆滿後起計的 7 日，或自首段羈留期屆滿後起計的 14 日，兩者以較早者為準；及 (b) 在聆訊押後期間，被捕人交由警方羈留。
78.	法院就申請延長羈留期的決定 (1) 如就申請進行聆訊的裁判官信納，有合理理由相信延長(或進一步延長)被捕人被警方羈留的期間屬有理可據，則該裁判官可作出授權，將被捕人在沒有被落案起訴的情況下被警方羈留的期間 —— (a) 如屬被捕人被拘捕後的首次申請——延長，延長期為一段自首段羈留期屆滿後起計的不超逾 7 日的期間；及 (b) 如屬其後的申請——進一步延長，每段延長期不得超逾 7 日，而延長期亦不得致使被捕人的總羈留期間，超逾自首段羈留期屆滿後起計的 14 日。 (2) 就第 (1) 款而言，只有在以下情況下，延長(或進一步延長)被捕人被警方羈留的期間方屬有理可據 —— (a) 警方正努力並迅速地進行該罪行的調查，而調查按理不能在有關申請日期前完成；及 (b) 被捕人在沒有被落案起訴的情況下被羈留，對保障或保存該罪行的證據，或對訊問該人以取得該等證據，屬於必要。 (3) 根據第 (1) 款作出的授權 —— (a) 須採用書面形式；及 (b) 須述明 —— (i) 該項授權的作出時間；及 (ii) 授權將被捕人交由警方羈留的期間。

(4) 如裁判官根據第 (1) 款，授權延長 (或進一步延長) 被捕人被警方羈留的期間 (經延長期間)，則除非該人被落案起訴，否則須在該經延長期間屆滿之時或之前，在《第 232 章》第 52(3) 條適用的情況下，釋放該人。
(5) 如裁判官根據第 (1) 款拒絕申請，則除非被捕人被落案起訴，否則須在以下時間，在《第 232 章》第 52(3) 條適用的情況下，釋放該人 ——
(a) 如屬被捕人被拘捕後的首次申請 ——
(i) 在首段羈留期屆滿之時或之前；或
(ii) 如該項申請遭拒絕時首段羈留期已屆滿——該項申請的聆訊完結時；及
(b) 如屬其後的申請 ——
(i) 在對上一次經延長期間屆滿之時或之前；或
(ii) 如該項申請遭拒絕時對上一次經延長期間已屆滿——該項申請的聆訊完結時。
(6) 儘管有第 (4) 及 (5) 款的規定，在第 (4) 或 (5) 款 (視何者適用而定) 所指的期間屆滿之前，如作出有關告發的警務人員不再有合理理由相信有第 (2) 款指明的情況，則除非被捕人被落案起訴，否則須在《第 232 章》第 52(3) 條適用的情況下，立即釋放該人。

第 2 次分部：因應危害國家安全情況可向法院申請就諮詢法律代表施加適當限制

79.	因應危害國家安全情況可限制諮詢相關個別法律代表 (1) 如某人因被合理地懷疑干犯危害國家安全的罪行而被拘捕及被警方羈留，而該人在被警方羈留期間，要求諮詢某名或某些個別法律代表或正諮詢某名或某些個別法律代表，則本條適用。 (2) 總警司級或以上的警務人員或獲其授權的警務人員，可向裁判官提出以經宣誓而作的告發支持的單方面申請，要求裁判官就該人根據本條發出手令。 (3) 就申請進行聆訊的裁判官如信納，有合理理由相信有第 (4) 款指明的情況，即可發出手令，授權警務人員向該人施加以下限制 —— (a) 該人不得在被警方羈留期間 —— (i) 諮詢該名或該等個別法律代表；或 (ii) 如該名或該等個別法律代表在某間或某些香港律師行從事法律執業——諮詢在該間或該等律師行從事法律執業的任何法律代表；但 (b) 該人可諮詢該人所選擇的其他法律代表。 (4) 有關情況是 —— (a) 該人在被警方羈留期間諮詢任何第 (3)(a) 款提述的法律代表(相關法律代表)，將危害國家安全或導致任何人身體受傷； (b) 該人已從該罪行中取得利益，而除非上述授權作出，否則該人在被警方羈留期間諮詢相關法律代表，將妨礙追討上述利益；或 (c) 除非上述授權作出，否則該人在被警方羈留期間諮詢相關法律代表，將破壞或妨礙司法公正。 (5) 如第 (2) 款所指的告發是在該人諮詢某名或某些個別法律代表的期間作出的，則在裁判官就該告發作出任何決定之前 —— (a) 如以該告發支持的申請要求就該人諮詢該名或該等個別法律代表施加限制——該人須暫停諮詢該名或該等個別法律代表，但可諮詢該人所選擇的其他法律代表；或 (b) 如該名或該等個別法律代表在某間或某些香港律師行從事法律執業，而該項申請要求就該人諮詢在該間或該等律師行 (相關律師行) 從事法律執業的任何法律代表施加限制——該人須暫停諮詢該名或該等個別法律代表，且不得諮詢相關律師行的任何其他法律代表，但可諮詢該人所選擇的其他法律代表。 (6) 在上述手令發出後並在該人被警方羈留的期間，如作出有關告發的警務人員不再有合理理由相信有第(4)款指明的情況，則警務人員須立即停止向該人施加第 (3) 款所指的限制。 (7) 在本條中 ——法律代表 (legal representative) 指律師或大律師；香港律師行 (Hong Kong firm) 具有《法律執業者條例》(第 159 章) 第 2(1) 條所給予的涵義。
80.	因應危害國家安全情況可限制諮詢法律代表 (1) 如某人因被合理地懷疑干犯危害國家安全的罪行而受調查，則本條適用，不論該人是否已被拘捕。 (2) 總警司級或以上的警務人員或獲其授權的警務人員，可向裁判官提出以經宣誓而作的告發支持的單方面申請，要求裁判官就該人根據本條發出手令。 (3) 就申請進行聆訊的裁判官如信納 ——

(a) 如該人尚未被拘捕 ——
(i) 有合理理由懷疑該人已干犯該罪行；
(ii) 有合理理由相信該人即將被拘捕；及
(iii) 有合理理由相信有第 (4) 款指明的情況；或
(b) 如該人已被拘捕——有合理理由相信有第 (4) 款指明的情況，即可發出手令，授權警務人員在該人被拘捕後的 48 小時期間內被警方羈留的期間（指明期間），限制該人諮詢法律代表。
(4) 有關情況是 ——
(a) 該人在指明期間諮詢法律代表，將危害國家安全或導致任何人身體受傷；
(b) 該人已從該罪行中取得利益，而除非上述授權作出，否則該人在指明期間諮詢法律代表，將妨礙追討上述利益；或
(c) 除非上述授權作出，否則該人在指明期間諮詢法律代表，將破壞或妨礙司法公正。
(5) 如上述手令是在該人被拘捕之前發出的，有關裁判官可指示該手令只在所指明的日期之前有效。
(6) 在上述手令發出後，如在指明期間屆滿前，作出有關告發的警務人員不再有合理理由相信有第 (4) 款指明的情況，則警務人員須立即停止限制該人諮詢法律代表。
(7) 在本條中 ——法律代表（legal representative）指律師或大律師。

第 3 次分部：為防範或調查危害國家安全罪行可向法院申請就獲保釋人施加適當限制

81.	釋義 在本次分部中 ——行動限制令（movement restriction order）——見第 83(1) 條；指明（specified）指在行動限制令中指明；擔保（recognizance）指按照《警隊條例》（第 232 章）第 52(3) 條作出的擔保；獲保釋人（person on bail）——見第 82 條。
82.	本次分部適用於因危害國家安全的罪行而被拘捕並獲准保釋的人如 —— (a) 某人因被合理地懷疑干犯危害國家安全的罪行而被拘捕；及 (b) 該人即將或已經獲警方釋放（不論是否在須作出擔保的情況下釋放），則本次分部就該人（獲保釋人）而適用。
83.	向法院申請就保釋期間的行動限制令 (1) 總警司級或以上的警務人員或獲其授權的警務人員，可向裁判官提出以經宣誓而作的告發支持的單方面申請，要求裁判官發出命令（行動限制令），指示獲保釋人須遵從指明規定，以及就該等規定所施加的指明條件。 (2) 裁判官可指明的規定，是一項或多於一項的以下規定 —— (a) 關於獲保釋人居住地方的以下規定 —— (i) 獲保釋人須在指明期間內，於指明地方居住； (ii) 獲保釋人須在指明限期前，向警方申報同住於指明地方的人的身分資料； (iii) 獲保釋人須在指明時間留在指明地方； (b) 獲保釋人不得在指明期間內，進入指明地區或地方，或僅可在符合指明條件的情況下進入該地區或地方； (c) 獲保釋人不得在指明期間內，以任何方式（或透過任何人）與指明人士聯繫，或僅可在符合指明條件的情況下與指明人士聯繫； (d) 獲保釋人須在指明時間，於指明警署向警方報到。 (3) 支持上述申請的告發 —— (a) 須由總督察級或以上的警務人員作出；及 (b) 須述明 —— (i) 該罪行的性質； (ii) 拘捕獲保釋人所憑藉的證據的概括性質； (iii) 警方已就該罪行作出何種查究，以及警方建議作出何種進一步查究；及 (iv) 基於何種原因，而有必要向獲保釋人施加第 (2) 款所指的任何規定。
84.	法院可發出行動限制令 (1) 如就申請進行聆訊的裁判官信納，有合理理由相信有第 (2) 款指明的情況，則該裁判官可就獲保釋人發出行動限制令。 (2) 有關情況是 —— (a) 除非獲保釋人受制於該項申請中要求向獲保釋人施加的規定（有關規定），否則獲保釋人將不

	會按照警方指明的條件，向警方報到； (b) 除非獲保釋人受制於有關規定，否則將破壞或妨礙司法公正；或 (c) 除非獲保釋人受制於有關規定，否則將危害國家安全。
	(3) 行動限制令 —— (a) 須採用書面形式；及 (b) 須述明向獲保釋人施加的規定，以及就上述規定所施加的條件。
	(4) 行動限制令的有效期為 3 個月，而該期間不得早於根據第 (5) 款送達行動限制令的日期開始。
	(5) 行動限制令須面交送達獲保釋人。
	(6) 裁判官如信納有合理理由相信有以下情況，則可應第 83(1) 條所述的警務人員（有關人員）的申請，延長（或進一步延長）就獲保釋人發出的行動限制令的有效期，每段延長期為 1 個月 —— (a) 第 (2) 款指明的某項情況仍然存在；及 (b) 警方正努力並迅速地進行該罪行的調查，而調查按理不能在該項申請日期前完成。
	(7) 裁判官可應有關人員或獲保釋人的申請，更改或解除就獲保釋人發出的行動限制令。
	(8) 裁判官除非信納在有關個案的整體情況下，批准根據第 (7) 款提出的申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。
85.	行動限制令的覆核 (1) 如裁判官拒絕批准獲保釋人根據第 84(7) 條提出的申請，獲保釋人可向原訟法庭法官提出要求批准該項申請的申請（覆核申請）。 (2) 原訟法庭法官除非信納在有關個案的整體情況下，批准覆核申請屬合理和必需，而且不會不利於國家安全，否則不得批准覆核申請。 (3) 在第 (2) 款的規限下，原訟法庭法官可藉命令確認、更改或撤銷裁判官的決定，並可就有關事宜作出原訟法庭法官認為公正的其他命令。
86.	違反行動限制令 獲保釋人無合理辯解而違反 —— (a) 就其發出的行動限制令的任何規定；或 (b) 就上述規定所施加的任何條件，即屬犯罪，一經循公訴程序定罪，可處監禁 1 年。

第 4 次分部：雜項條文及與調查相關的罪行

87.	本分部申請一般於非公開法庭進行聆訊 (1) 本分部所指的申請須於非公開法庭進行聆訊。 (2) 儘管有第 (1) 款的規定，就申請進行聆訊的原訟法庭法官或裁判官（視何者適用而定）可主動或應聆訊任何一方的申請，命令申請須於公開法庭進行聆訊。 (3) 然而，有關的原訟法庭法官或裁判官僅在信納根據第 (2) 款作出命令，是就司法公正而言屬必需，而且不會不利於國家安全的情況下，方可如此作出該項命令。
88.	不得妨害調查危害國家安全的罪行 如任何人知悉或懷疑有對危害國家安全的罪行的調查正在進行 —— (a) 該人 —— (i) 意圖妨害該項調查；或 (ii) 罔顧是否會妨害該項調查，而在沒有合理辯解或合法權限下，作出任何披露；或 (b) 該人 —— (i) 在知悉或懷疑任何材料相當可能是與該項調查有關的情況下；及 (ii) 意圖對進行該項調查的人隱瞞該材料所披露的事實，而在沒有合理辯解下，捏改、隱藏、銷毀或以其他方式處置該材料，或致使安排或准許捏改、隱藏、銷毀或以其他方式處置該材料，該人即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。

第 2 分部：危害國家安全罪行的潛逃者

第 1 次分部：指明有關潛逃者

89.	保安局局長有權為針對某潛逃者施行某些措施而指明該潛逃者 (1) 如保安局局長合理地相信，為施行第 (4) 款指明某名本款適用的人，是維護國家安全所需者，則保安局局長可藉在憲報刊登的公告，為施行該款指明該人。 (2) 如 ——
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(a) 法院已就危害國家安全的罪行，發出手令將某人拘捕；
(b) 已採取合理步驟將發出該手令一事通知該人，或保安局局長合理地相信該人已知悉該手令已發出；
(c) 該人仍未被帶到法官或裁判官（視屬何情況而定）席前；及
(d) 保安局局長合理地相信該人並非身處特區，則第 (1) 款適用於該人。
(3) 在以下情況下，保安局局長須撤銷根據第 (1) 款就某人作出的指明 ——
(a) 第 (2)(a) 款所述的、關乎該人的手令已被撤銷；或
(b) 該人已被帶到法官或裁判官（視屬何情況而定）席前。
(4) 保安局局長如根據第 (1) 款指明某人，則可在該項指明屬有效的期間，藉在憲報刊登的公告，進一步指明，本分部第 2 次分部當中保安局局長合理地認為在有關個案的整體情況下屬合適的任何一條或多於一條條文，就該人而適用。
(5) 保安局局長可藉在憲報刊登的公告，更改或撤銷根據第 (4) 款作出的指明。

第 2 次分部：可針對有關潛逃者施行的措施

90.	禁止提供資金等或處理資金等
(1)	如有根據第 89(4) 條（包括憑藉第 89(5) 條）指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。
(2)	除獲根據第 97 條批予的特許授權外，任何人不得 ——
(a)	直接或間接向有關潛逃者提供任何資金或其他財務資產或經濟資源，亦不得為有關潛逃者的利益而直接或間接提供任何資金或其他財務資產或經濟資源；或
(b)	直接或間接處理屬於有關潛逃者的任何資金或其他財務資產或經濟資源，亦不得直接或間接處理由有關潛逃者擁有或控制的任何資金或其他財務資產或經濟資源。
(3)	任何人違反第 (2) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。
(4)	被控犯第 (3) 款所訂罪行的人，如確立自己既不知道亦無理由相信 ——
(a)	如屬違反第 (2)(a) 款——有關的資金或其他財務資產或經濟資源，是向（或將會向）有關潛逃者提供的，或是為（或將會為）有關潛逃者的利益而提供的；或
(b)	如屬違反第 (2)(b) 款——自己在處理屬於有關潛逃者的資金或其他財務資產或經濟資源，或由有關潛逃者擁有或控制的資金或其他財務資產或經濟資源，即為免責辯護。
(5)	在以下情況下，某人須視作已確立需要就第 (4) 款所訂的免責辯護而確立的事宜 ——
(a)	有足夠證據，就該事宜帶出爭論點；及
(b)	控方沒有提出足以排除合理疑點的相反證明。
(6)	任何人不得僅因將任何以下一項，記入屬於有關潛逃者的帳戶，或由有關潛逃者直接或間接擁有或控制的帳戶，而被視為違反第 (2) 款 ——
(a)	該帳戶應得的利息或其他收入；
(b)	該有關潛逃者根據在其成為有關潛逃者當日之前產生的合約、協定或義務，而應得的付款。
(7)	在本條中 ——
	處理（deal with）——
(a)	就資金而言，指 ——
(i)	使用、改動、移動、容許動用或移轉；
(ii)	以將會導致任何以下方面有所改變的任何其他方式，予以處理：規模、數額、地點、擁有權、管有權、性質或目的地；或
(iii)	作出任何令到資金可予使用的任何其他改變，包括資金組合管理；及
(b)	就其他財務資產或經濟資源而言，指使用該等資產或資源，以任何方式，取得資金、貨物或服務，包括將該等資產或資源出售、出租或作抵押；
	經濟資源（economic resources）指並非資金的各種資產，不論是有形的或無形的、是動產或不動產，並可用以取得資金、貨物或服務；
	資金（funds）包括 ——
(a)	金幣、金錠、現金、支票、金錢的申索、銀票、匯票及其他作付款用的票據；
(b)	存於財務機構或其他實體的存款、帳戶結餘、債項及債務責任；
(c)	證券及債務票據（包括股額及股份、代表證券的證明書、債券、票據、認購權證、債權證、債權股證及衍生工具合約）；
(d)	財產所孳生的利息、股息或其他收入、自財產累算的價值或財產所產生的價值；

	(e) 信貸、抵銷權、保證或擔保、履約保證或其他財務承擔； (f) 信用狀、提單及賣據； (g) 資金或財務資源的權益的證明文件；及 (h) 任何其他出口融資的票據。
91.	禁止與不動產相關的某些活動 (1) 如有根據第 89(4) 條 (包括憑藉第 89(5) 條) 指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 除獲根據第 97 條批予的特許授權外，任何人不得 —— (a) 直接或間接將不動產租賃予或以其他方式提供予有關潛逃者；或 (b) 直接或間接向有關潛逃者租入不動產。 (3) 任何人違反第 (2) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (4) 被控犯第 (3) 款所訂罪行的人，如確立自己既不知道亦無理由相信 —— (a) 如屬違反第 (2)(a) 款——有關的不動產，是租賃予或以其他方式提供予有關潛逃者的；或 (b) 如屬違反第 (2)(b) 款——有關的不動產，是向有關潛逃者租入的，即為免責辯護。 (5) 在以下情況下，某人須視作已確立需要就第 (4) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (6) 如任何人是根據在有關潛逃者成為有關潛逃者當日之前產生的合約、協定或義務，而作出第 (2) 款所述的作為的，則該人不得僅因該項作為，而被視為違反該款。
92.	與涉及有關潛逃者的合資企業或合夥相關的禁止 (1) 如有根據第 89(4) 條 (包括憑藉第 89(5) 條) 指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 除獲根據第 97 條批予的特許授權外，任何人不得 —— (a) 與有關潛逃者成立合資企業、合夥或類似的關係；或 (b) 投資於該等合資企業、合夥或類似的關係。 (3) 任何人違反第 (2) 款，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (4) 被控犯第 (3) 款所訂罪行的人，如確立自己既不知道亦無理由相信有關的合資企業、合夥或類似的關係，是涉及有關潛逃者的合資企業、合夥或類似的關係，即為免責辯護。 (5) 在以下情況下，某人須視作已確立需要就第 (4) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (6) 如任何人是根據在有關潛逃者成為有關潛逃者當日之前產生的合約、協定或義務，而作出第 (2) 款所述的作為的，則該人不得僅因該項作為，而被視為違反該款。
93.	執業資格暫時吊銷 (1) 如有根據第 89(4) 條(包括憑藉第 89(5) 條)指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 如有關潛逃者在該項指明屬有效的期間內，有任何時間 (關鍵時間) 根據任何條例持有某專業的執業資格，則該執業資格即就所有目的而言視為在關鍵時間暫時吊銷 (而不論該條例本身有否就該執業資格的暫時吊銷 (不論如何描述) 訂定條文)。 (3) 如根據任何條例，某人須就該執業資格備存任何名冊(不論如何描述)，則該人須不時因應第 (2) 款的施行而更新該名冊。 (4) 此外，如根據任何條例，假使該執業資格根據該條例暫時吊銷 (不論如何描述) 的話某條文便會因而適用，則凡該執業資格根據第 (2) 款視為暫時吊銷，該條文即在經必要的變通後亦因而適用，猶如該執業資格是根據該條例而暫時吊銷 (不論如何描述)。 (5) 在第 (4) 款中，提述任何條文，不包括關乎對有關執業資格的暫時吊銷作出上訴或覆核的條文。 (6) 任何人根據任何條例可就有關潛逃者行使的任何權力，不受本條影響。
94.	在經營業務或受僱工作上的准許或註冊暫時無效 (1) 如有根據第 89(4) 條 (包括憑藉第 89(5) 條) 指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 如在該項指明屬有效的期間內，有任何時間 (關鍵時間) 有某項就有關潛逃者經營任何業務或受僱任何工作而言屬必需的 —— (a) 任何條例下的准許 (不論如何描述，亦不論以何種方式給予)；或

	(b) 任何條例下的註冊（不論如何描述，亦不論以何種方式進行），就有關潛逃者而具有效力（但並非就有關潛逃者兼任何其他人士而具有效力），則該項准許或註冊即就所有目的而言視為在關鍵時間暫時無效（而不論該條例本身有否就該項准許或註冊的暫時無效（不論如何描述）訂定條文）。 (3) 如根據任何條例，某人須就該項准許或註冊備存任何名冊（不論如何描述），則該人須不時因應第（2）款的施行而更新該名冊。 (4) 此外，如根據任何條例，假使該項准許或註冊根據該條例暫時無效（不論如何描述）的話某條文便會因而適用，則凡該項准許或註冊根據第（2）款視為暫時無效，該條文即在經必要的變通後亦因而適用，猶如該項准許或註冊是根據該條例而暫時無效（不論如何描述）。 (5) 在第（4）款中，提述任何條文，不包括關乎對有關准許或註冊的暫時無效作出上訴或覆核的條文。 (6) 任何人根據任何條例可就有關潛逃者行使的任何權力，或就有關潛逃者經營的業務或受僱的工作行使的任何權力，不受本條影響。
95.	暫時罷免董事職位 (1) 如有根據第 89(4) 條（包括憑藉第 89(5) 條）指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 有關潛逃者如在該項指明屬有效的期間內，有任何時間（關鍵時間）擔任任何公司的董事職位，即就所有目的而言視為在關鍵時間遭暫時罷免該董事職位，並據此而暫時不得直接或間接參與或關涉該公司的管理。 (3) 如根據任何條例，某人須就該董事職位備存任何名冊（不論如何描述），則該人須不時因應第（2）款的施行而更新該名冊。 (4) 任何人 —— (a) 根據特區的法律而可就有關潛逃者行使的任何權力；或 (b) 根據有關公司的組成或運作所據的章程、規則或其他規管文件而可就有關潛逃者行使的任何權力，不受本條影響。 (5) 在本條中 ——公司（company）具有《公司條例》（第 622 章）第 2(1) 條所給予的涵義；董事（director）具有《公司條例》（第 622 章）第 2(1) 條所給予的涵義。
96.	撤銷特區護照等 (1) 如有根據第 89(4) 條（包括憑藉第 89(5) 條）指明本條就某人而適用，則在該項指明屬有效的期間，該人即就本條而言屬有關潛逃者。 (2) 如 —— (a) 有關潛逃者持有特區護照；及 (b) 在緊接該項指明作出前，該護照屬有效，則該護照即就所有目的而言視為在該項指明作出時被撤銷，據此，入境事務處處長可接管該護照。 (3) 如任何要求發出特區護照的申請，是由有關潛逃者所作出的，則該項申請即就《香港特別行政區護照條例》（第 539 章）第 3(1) 條及所有其他目的而言視為無效。 (4) 在本條中 ——特區護照（HKSAR passport）指入境事務處處長根據《香港特別行政區護照條例》（第 539 章）第 3 條發出的護照。

第 3 次分部：特許

97.	特許的批予 (1) 保安局局長可應申請批予特許，准許作出第 90、91 或 92 條所禁止的作為。 (2) 保安局局長除非信納在有關個案的整體情況下，根據第（1）款批予特許屬合理和必需，而且不會不利於國家安全，否則不得批予該特許。
98.	為取得特許，提供虛假或具誤導性的資料或文件 (1) 任何人為了取得特許，而作出任何該人知道在要項上屬虛假或具誤導性的陳述，或提供或交出任何該人知道在要項上屬虛假或具誤導性的資料或文件，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。 (2) 任何人為了取得特許，而罔顧實情地作出任何在要項上屬虛假或具誤導性的陳述，或提供或交出任何在要項上屬虛假或具誤導性的資料或文件，即屬犯罪，一經循公訴程序定罪，可處監禁 3 年。

第 3 分部：訴訟程序：一般條文

99.	《香港國安法》所訂程序適用於本條例所訂罪行 為免生疑問，任何與本條例所訂罪行相關的案件，均屬《香港國安法》第四十一條所述的案件，《香港國安法》第四章所訂程序，適用於該等案件。
100.	任何涉及國家安全的案件均須由指定法官審理 (1) 任何法院所審理的案件，如憑藉第 3(2)(b) 條而屬涉及國家安全的案件，即須由指定法官審理。 (2) 在其他成文法則與第 (1) 款並無抵觸的範圍內，該款並不局限其他成文法則對任何案件的適用。

第 4 分部：與危害國家安全的罪行相關的案件的刑事訴訟程序

101.	適用範圍 如任何案件屬與危害國家安全的罪行相關的案件，則本分部適用於該案件（而不論該案件是否亦與任何其他罪行相關）。
102.	釋義 在本分部中 —— 《第 227 章》(Cap. 227) 指《裁判官條例》(第 227 章)；提訊日 (return day) 具有《第 227 章》第 71A 條所給予的涵義。
103.	交付審判程序中的還押期間 在應用《第 227 章》第 79(1) 條時，該條中還押期間須不超過 8 整天此一規定（以及該項規定的例外情況），須不予理會。
104.	提訊日的指定 (1) 第 (2) 款取代《第 227 章》第 80A(3) 條而適用。 (2) 除非檢控官及被控人均同意，或在有合理理由提出的情況下裁判官另有裁定，否則提訊日不得在提訊日被指定之日起計的 10 天內或 28 天後。
105.	文件的譯本 (1) 第 (2) 款取代《第 227 章》第 80B(2)(c) 及 (3) 條而適用。 (2) 除非裁判官應被控人的申請，為《第 227 章》第 80B(1) 條的目的，命令任何根據該條送達的證人陳述書或呈堂文件，須附有以下譯本 —— (a) 如該陳述書或呈堂文件並非用英文寫成——英文譯本； (b) 如該陳述書或呈堂文件並非用中文寫成——中文譯本，否則該陳述書或呈堂文件無需附有該譯本。 (3) 裁判官在決定是否根據第 (2) 款作出任何命令時，須考慮公正地和及時地辦理有關案件的需要。
106.	省免初級偵訊 (1) 第 (2) 款取代《第 227 章》第 80C、81、81A、82、83、84 及 85 條而適用。 (2) 被控人在提訊日出庭或被帶到裁判官席前時 —— (a) 如《第 227 章》第 80B(1) 條的規定已獲遵行，則檢控官須將該條所指的文件正本提交法庭；及 (b) 裁判官在律政司司長或其代表提出申請後，須採取《第 227 章》第 80C(4) 條所指的行動，而如被控人當時否認控罪，則裁判官須命令將被控人交付原訟法庭審訊，並須將此事通知被控人或安排令被控人獲悉此事。 (3) 據此 —— (a) 在應用《第 227 章》第 80A 條時 —— (i) 該條的第 (4)(c) 及 (d) 款，須不予理會；及 (ii) 該條的第 (4)(e) 款，須理解為規定裁判官須在首次指定提訊日時，通知被控人本條的第 (4) 款所述的事宜； (b) 在應用《第 227 章》第 81B 條時 —— (i) 該條的第 (1) 款中對《第 227 章》第 80C(4)(a) 或 82(1) 條的提述，須理解為對本條的第 (2)(b) 款的提述； (ii) 該條的第 (1) 款，須理解為規定裁判官須在該款所描述的情況下，通知被控人本條的第 (4) 款所述的事宜；及 (iii) 該條的第 (2)(a) 款中對“如被控人在根據第 80C 條進行的法律程序中承認控罪，”的提述，須不予理會；

	(c) 在應用《第 227 章》第 85A 條時，該條的第 (1) 款中對《第 227 章》第 80C(4) 或 85(2) 條的提述，須理解為對本條的第 (2)(b) 款的提述； (d) 在應用《第 227 章》第 86 條時 —— (i) 該條的第 (1)(b) 款中對《第 227 章》第 80C(4) 條的提述，須理解為對本條的第 (2)(b) 款的提述；及 (ii) 該條的第 (1)(b) 款中對《第 227 章》第 80C(1) 條的提述，須理解為對本條的第 (2)(a) 款的提述； (e) 在應用《刑事罪行條例》(第 200 章) 第 33 條時，該條的 (a) 段中對《第 227 章》第 80C(1) 條的提述，須理解為對本條的第 (2)(a) 款的提述； (f) 在應用《刑事訴訟程序條例》(第 221 章) (《第 221 章》) 第 14 條時，該條的第 (1)(a) 款中對《第 227 章》第 80C(4) 條的提述，須理解為對本條的第 (2)(b) 款的提述； (g) 在應用《第 221 章》第 16 條時 —— (i) 該條的第 (1) 款中對《第 227 章》第 80C(4) 條的提述，須理解為對本條的第 (2)(b) 款的提述；及 (ii) 該條的第 (1) 款中對《第 227 章》第 80C(1) 條的提述，須理解為對本條的第 (2)(a) 款的提述；及 (h) 如有根據《區域法院條例》(第 336 章) 第 77A 條要求將法律程序移交原訟法庭的申請作出，則在應用該條時 —— (i) 該條的第 (4) 款中法官須在符合該條的第 (5) 款的情況下方可作出准許申請的命令此一規定； (ii) 該條的第 (5) 及 (6) 款；及 (iii) 該條的第 (7) 款中被告人根據該條的第 (5) 款選擇作初級偵訊此一條件，須不予理會。 (4) 就第(3)(a)(ii) 及 (b)(ii) 款而言，有關事宜，是如被告人否認控罪，法庭會將被告人交付原訟法庭審訊，而如被告人承認控罪，法庭則會就該項控罪將被告人交付原訟法庭判處。
107.	被告人被交付審訊後不得申請未經聆訊釋放 (1) 如有證書根據《香港國安法》第四十六條就任何案件發出，則就該案件而言，《刑事訴訟程序條例》(第 221 章) 第 16 條並無任何效力。 (2) 據此，在應用《第 227 章》第 85A 條時，該條的第 (1)(c) 款，須不予理會。 (3) 在本分部其他條文與本條並無抵觸的範圍內，本條並不局限本分部其他條文對上述案件的適用。
108.	解除對報導交付審判程序限制 (1) 本條取代《第 227 章》第 87A(2) 條而適用。 (2) 儘管有《第 227 章》第 87A(1) 條的規定，裁判官可應控方或被告人的申請，命令該條並不適用於有關交付審判程序的相關報導。 (3) 然而，裁判官僅在信納根據第 (2) 款作出命令，是就司法公正而言屬必需，而且不會不利於國家安全的情況下，方可如此作出該項命令。 (4) 根據第 (2) 款作出的命令，須載入裁判官的案件登記冊內。 (5) 如有關案件中有多於一名被告人，則第 (2) 款中提述被告人，即提述其中一名被告人。 (6) 就《第 227 章》第 86(1)(f) 及 87A(4) 及 (7) 條而言，根據第 (2) 款作出的命令，須視為根據《第 227 章》第 87A(2) 條作出的命令。

第 5 分部：初步罪行的罰則

109.	串謀犯、煽惑他人犯或企圖犯《香港國安法》所訂罪行的罰則 為免生疑問，儘管有其他條例的規定 —— (a) 如任何人被裁定串謀犯任何《香港國安法》所訂罪行 (國安法罪行)，則《香港國安法》下關於該項國安法罪行的罰則的條文，亦適用於該項串謀犯罪的罰則； (b) 如任何人被裁定煽惑他人犯任何國安法罪行，則《香港國安法》下關於該項國安法罪行的罰則的條文，亦適用於該項煽惑他人犯罪的罰則 (但如《香港國安法》本身有就煽動他人犯該項國安法罪行訂明罰則，則屬例外)；及 (c) 如任何人被裁定企圖犯任何國安法罪行，則《香港國安法》下關於該項國安法罪行的罰則的條文，亦適用於該項企圖犯罪的罰則。
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第 8 部 維護國家安全機制及相關保障

110.	行政長官會同行政會議可訂立維護國家安全附屬法例 (1) 行政長官會同行政會議可為維護國家安全所需，並為更有效地實施以下法律及解釋，訂立附屬法例 —— (a) 《香港國安法》，包括當中第五章關乎中央人民政府駐香港特別行政區維護國家安全公署的職責的條文； (b) 於 2022 年 12 月 30 日第十三屆全國人民代表大會常務委員會第三十八次會議上通過的《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區維護國家安全法〉第十四條和第四十七條的解釋》*； (c) 本條例。 (2) 根據本條訂立的附屬法例，可規定違反該附屬法例屬可公訴罪行，並可為該罪行，訂明罰款不超過 \$500,000 及監禁不超過 7 年的刑罰。 編輯附註：* 見文件 A304。
111.	與維護國家安全相關的行政指令 (1) 行政長官可向特區政府的任何部門或機關或任何公務人員發布行政指令，就任何以下事宜作出指示 —— (a) 落實中央人民政府就維護國家安全發出的指令； (b) 維護國家安全的工作； (c) 為中央人民政府駐香港特別行政區維護國家安全公署依法履行在《香港國安法》第五章下的職責提供必需的權利、豁免、便利和配合； (d) 行政長官認為有利於維護國家安全的其他事宜。 (2) 特區政府的任何部門或機關或任何公務人員須遵守第 (1) 款所述的行政指令。
112.	國安委的判斷和決定 (1) 香港特別行政區維護國家安全委員會（國安委）由主席召開會議，國家安全事務顧問列席國安委會議。國家安全事務顧問就國安委履行職責相關事務提供意見。 (2) 國安委根據《香港國安法》的規定履行職責時所作的判斷和決定，由國安委秘書處傳達並協助跟進落實。 (3) 凡特區的法律授予某人任何職能，任何人在作出執行該職能上的任何決定時，須尊重並依法執行國安委的判斷和決定。
113.	就國家安全教育等事宜提供意見或發出指示 政務司司長可為開展國家安全教育、提高特區居民的國家安全意識和守法意識，或為加強就維護國家安全和防範恐怖活動的工作的宣傳、指導、監督和管理，向其認為適當的人，提供意見或發出指示。
114.	公務人員須協助維護國家安全工作 (1) 任何公務人員須為維護國家安全的工作，提供一切所需的協助。 (2) 據此，任何公務人員須向在特區的負責維護國家安全工作的任何部門、機關及其人員，及時提供一切合理的便利、配合、支持和保障，包括及時提供所需的人力及其他資源。 (3) 任何公務人員須運用其享有的一切權力及酌情權（包括關乎給予任何豁免的權力及酌情權），以履行本條下的責任。
115.	行政長官就國家安全或國家秘密認定問題發出證明書 (1) 除《香港國安法》第四十七條所述的情況外，行政長官亦可在其認為適當的情況下，就某行為或事宜是否涉及國家安全或某材料是否涉及國家秘密的認定問題，發出證明書。 (2) 第(1)款所指的證明書 —— (a) 可在不論是否已有法律程序展開的情況下發出；及 (b) 可由行政長官主動發出。 (3) 法院如在任何法律程序中，收到行政長官根據本條就某認定問題發出的證明書，即視為已根據《香港國安法》第四十七條，取得行政長官就該認定問題發出的證明書。
116.	涉及國家安全的案件的審理等 (1) 法院依照《基本法》及《香港國安法》的有關規定，獨立審理涉及國家安全的案件，不受任何干涉。任何人須尊重和維護法院依法審理涉及國家安全的案件。 (2) 律政司依照《基本法》及《香港國安法》的有關規定，主管與危害國家安全的罪行相關的案件的刑事檢控工作，不受任何干涉。

	(3) 特區政府須採取必要措施，確保指明人士及協助者的人身、財產和住所安全受到必要的保障。 (4) 在本條中 —— 協助者 (aider) 指涉及國家安全的案件的舉報人或證人；指明人士 (specified person) 指 —— (a) 在特區處理涉及國家安全的案件或負責維護國家安全工作的任何部門或機關的人員；或 (b) 處理涉及國家安全的案件的司法人員、司法機構的職員、大律師或律師。
117.	簽署或核證關乎指明案件之法律文件等 (1) 凡任何文件關乎指明案件，而某條例或法院指示 —— (a) 規定該文件由任何以下人士簽署或核證 —— (i) 該案件某方； (ii) 代表該案件某方的指明人士； (b) 規定該文件述明任何以下人士的姓名或名稱 —— (i) 該案件某方； (ii) 代表該案件某方的指明人士； (c) 准許該文件由任何以下人士簽署或核證 —— (i) 該案件某方； (ii) 代表該案件某方的指明人士；或 (d) 准許該文件述明任何以下人士的姓名或名稱 —— (i) 該案件某方； (ii) 代表該案件某方的指明人士，則本條適用於該文件 (有關文件) 。 (2) 然而，本條不適用於以下文件 —— (a) 誓章或其他經宣誓作出的文件； (b) 法定聲明； (c) 屬某人以證人身分作出的用以陳述事實的文件；或 (d) 根據某條例或法院指示作出的用以核實某文件的屬實申述。 (3) 有關文件 —— (a) 凡屬第 (1)(a)(i) 或 (c)(i) 款 —— 可由代表有關方的指明人士簽署或核證，而無需由該方簽署或核證；及 (b) 凡屬第 (1)(b)(i) 或 (d)(i) 款 —— 可述明代表有關方的指明人士的姓名，而無需述明該方的姓名或名稱。 (4) 有關文件 —— (a) 凡屬第 (1)(a) 款 —— 如載有第 (5) 款指明的簽署，則第 (1)(a) 款所指的規定即屬符合； (b) 凡屬第 (1)(b) 款 —— 如載有第 (6) 款指明的名稱，則第 (1)(b) 款所指的規定即屬符合； (c) 凡屬第 (1)(c) 款 —— 可載有第 (5) 款指明的簽署；及 (d) 凡屬第 (1)(d) 款 —— 可載有第 (6) 款指明的名稱。 (5) 為施行第 (4)(a) 及 (c) 款而指明的簽署是 —— (a) 如有關文件須或可 (包括憑藉第 (3)(a) 款而可) 由某指明人士簽署而該人士屬公務人員 —— 以該人士所代表的部門或機關的名義作出的簽署； (b) 如有關文件須或可 (包括憑藉第 (3)(a) 款而可) 由某指明人士簽署而該人士屬大律師 —— 以向該人士發出指示的人所代表的部門或機關 (或律師行) 的名義作出的簽署；或 (c) 如有關文件須或可 (包括憑藉第 (3)(a) 款而可) 由某指明人士簽署而該人士屬律師 —— 以該人士所代表的律師行的名義作出的簽署。 (6) 為施行第 (4)(b) 及 (d) 款而指明的名稱是 —— (a) 如有關文件須或可 (包括憑藉第 (3)(b) 款而可) 述明某指明人士的姓名而該人士屬公務人員 —— 該人士所代表的部門或機關的名稱； (b) 如有關文件須或可 (包括憑藉第 (3)(b) 款而可) 述明某指明人士的姓名而該人士屬大律師 —— 向該人士發出指示的人所代表的部門或機關 (或律師行) 的名稱；或 (c) 如有關文件須或可 (包括憑藉第 (3)(b) 款而可) 述明某指明人士的姓名而該人士屬律師 —— 該人士所代表的律師行的名稱。 (7) 就第 (1) 款而言，凡 —— (a) 某案件屬涉及國家安全的案件；或 (b) 有法律程序就危害國家安全的罪行而對某人提起，而該人屬某案件的一方，該案件即屬指明案件。 (8) 就第 (7)(b) 款而言，如 ——

	(a) 裁判官就某危害國家安全的罪行根據《裁判官條例》(第 227 章)第 72 條針對某人發出手令或傳票； (b) 某人因某危害國家安全的罪行而被拘捕（不論該人是否獲保釋）； (c) 某人在無手令的情況下受拘押後被控以某危害國家安全的罪行；或 (d) 控告某人某危害國家安全的罪行的公訴書，根據《刑事訴訟程序條例》(第 221 章)第 24A(1)(b)條，按法官的指示或經其同意而提出，即屬有法律程序就該罪行而對該人提起。 (9) 在本條中 ——指明人士 (specified person) 指公務人員、大律師或律師；述明 (state) 就姓名或名稱而言，指註明、印有、列出或以其他方式提供該姓名或名稱。
118.	非法披露處理涉及國家安全的案件或工作的人的個人資料 (1) 任何人犯《個人資料(私隱)條例》(第 486 章)第 64(3A) 條所訂罪行，而 —— (a) 該條提述的資料當事人是 —— (i) 某指明人士； (ii) 某指明人士的家人； (iii) 某協助者；或 (iv) 某協助者的家人；及 (b) 該人犯該罪行 —— (i) 其意圖是妨礙或阻嚇該指明人士執行其指明人士的職能，或妨礙或阻嚇該協助者就涉及國家安全的案件提供協助；或 (ii) 是由於該指明人士在合法執行其指明人士的職能的過程中作出（或試圖作出）的事情，或由於該協助者就涉及國家安全的案件提供協助的過程中作出（或試圖作出）的事情，即屬犯罪，一經循公訴程序定罪，可處監禁 7 年。 (2) 任何人犯《個人資料(私隱)條例》(第 486 章)第 64(3C) 條所訂罪行，而 —— (a) 該條提述的資料當事人是 —— (i) 某指明人士； (ii) 某指明人士的家人； (iii) 某協助者；或 (iv) 某協助者的家人；及 (b) 該人犯該罪行 —— (i) 其意圖是妨礙或阻嚇該指明人士執行其指明人士的職能，或妨礙或阻嚇該協助者就涉及國家安全的案件提供協助；或 (ii) 是由於該指明人士在合法執行其指明人士的職能的過程中作出（或試圖作出）的事情，或由於該協助者就涉及國家安全的案件提供協助的過程中作出（或試圖作出）的事情，即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (3) 如 —— (a) 任何 —— (i) 特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 (1) 或 (2) 款所訂罪行，則該居民或該團體即屬犯該罪行。 (4) 就第 (3) 款而言，在第 (1) 或 (2) 款中對犯《個人資料(私隱)條例》(第 486 章)所訂的某罪行的提述，須理解為包括作出符合以下說明的作為 —— (a) 該項作為在特區以外地方作出；及 (b) 該項作為假若是在特區作出即構成該罪行。 (5) 在本條中 —— 協助者 (aider) 指涉及國家安全的案件的舉報人或證人； 指明人士 (specified person) 指 —— (a) 在特區處理涉及國家安全的案件或負責維護國家安全工作的任何部門或機關的人員；或 (b) 處理涉及國家安全的案件的司法人員、司法機構的職員、大律師或律師； 家人 (family member) 就某人而言，指藉血緣、婚姻、領養或姻親關係而與該人有親屬關係的人； 特區居民 (HKSAR resident) 指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》(第 177 章)所指的身分證的資格，但沒有《入境條例》(第 115 章)

	所指的香港居留權的人。
119.	對處理涉及國家安全的案件或工作的人作出非法騷擾作為 (1) 如 —— (a) 任何人 (甲方) 意圖令某指明人士 (或其任何家人) 或某協助者 (或其任何家人) (乙方) 感到驚恐或困擾或蒙受指明傷害而 —— (i) 以任何方式對乙方使用具威嚇性、辱罵性或冒犯性的言詞，或以任何其他方式向乙方傳達具威嚇性、辱罵性或冒犯性的訊息；或 (ii) 以任何方式對乙方作出具威嚇性、辱罵性或冒犯性的作為； (b) 一名合乎常理的人在顧及所有情況後，應會預期如此對乙方使用上述言詞、傳達上述訊息或作出上述作為，會令乙方感到驚恐或困擾或蒙受指明傷害； (c) 上述言詞、訊息或作為，事實上令乙方感到驚恐或困擾或蒙受指明傷害；及 (d) 甲方符合第 (i) 及 (ii) 節當中任何一節的描述 —— (i) 其使用上述言詞、傳達上述訊息或作出上述作為的意圖，是妨礙或阻嚇該指明人士執行其指明人士的職能，或妨礙或阻嚇該協助者就涉及國家安全的案件提供協助； (ii) 其使用上述言詞、傳達上述訊息或作出上述作為，是由於 —— (A) 該指明人士在合法執行其指明人士的職能的過程中作出 (或試圖作出) 的事情；或 (B) 該協助者就涉及國家安全的案件提供協助的過程中作出 (或試圖作出) 的事情，甲方即屬犯罪，一經循公訴程序定罪，可處監禁 10 年。 (2) 凡任何人被控犯第 (1) 款所訂罪行，而控罪指稱該人符合第 (1)(d)(ii) 款的描述，則該人如確立在有關情況下，使用有關言詞、傳達有關訊息或作出有關作為是合理的，即為免責辯護。 (3) 在以下情況下，某人須視作已確立需要就第 (2) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (4) 在本條中 —— 協助者 (aider) 指涉及國家安全的案件的舉報人或證人； 指明人士 (specified person) 指 —— (a) 在特區處理涉及國家安全的案件或負責維護國家安全工作的任何部門或機關的人員；或 (b) 處理涉及國家安全的案件的司法人員、司法機構的職員、大律師或律師； 指明傷害 (specified harm) 就某人而言，指 —— (a) 對該人的心理傷害； (b) 導致該人擔心其安全或福祉的傷害；或 (c) 導致該人擔心其財產受損的傷害； 家人 (family member) 就某人而言，指藉血緣、婚姻、領養或姻親關係而與該人有親屬關係的人。
120.	指明法院可應申請採取身分保密措施 (1) 如任何指明法院信納，就任何正進行或擬進行的法律程序 (不論該法律程序是否關乎涉及國家安全的案件，亦不論該法律程序是在該法院抑或任何其他法院進行)，採取某項措施，保障任何指明人士的身分免被披露，是維護國家安全所需者，則該指明法院可應律政司司長提出的單方面申請，命令該項措施予以施行。 (2) 在不局限第 (1) 款的前提下，根據該款作出的命令，可禁止任何人披露 —— (a) 顯示指明人士身分的資料；或 (b) 可從中推斷出指明人士身分的資料。 (3) 任何就第 (1) 款所指的申請而進行的聆訊，須於非公開法庭進行。 (4) 如有任何命令根據第 (1) 款作出，則受該項命令影響的人，可向有關指明法院申請更改或撤銷該項命令。 (5) 除非該指明法院在顧及相關案件的所有情況後信納，不更改或撤銷該項命令的話，會造成不公正情況，否則不得更改或撤銷該項命令。 (6) 為免生疑問，除非指明法院另有命令，否則律政司司長無需為第 (4) 款所指的申請的目的，向有關申請人提供律政司司長根據第 (1) 款提出有關申請時呈交指明法院的文件。 (7) 為免生疑問 —— (a) 本條並不局限任何法院可行使的任何其他權力；及 (b) 第 117 條並不阻止指明法院根據第 (1) 款命令任何措施就第 117(2) 條所述的文件予以施行。 (8) 在本條中 —— 指明人士 (specified person) 就任何正進行或擬進行的法律程序而言，指該法律程序牽涉或相當可

	能會牽涉的 —— (a) 公務人員； (b) 司法人員或司法機構的職員； (c) 大律師或律師；或 (d) 舉報人或證人； 指明法院 (specified Court) 指屬特區司法機構的任何以下法院或法庭 —— (a) 終審法院； (b) 上訴法庭； (c) 原訟法庭； (d) 區域法院； (e) 裁判法院。
121.	違反身分披露禁令的罪行 (1) 任何人明知某項身分披露禁令已作出，而披露該項禁令所禁止披露的資料，即屬犯罪，一經循公訴程序定罪，可處監禁 5 年。 (2) 被控犯第 (1) 款所訂罪行的人，如確立自己有合理辯解或合法權限作出有關的披露，即為免責辯護。 (3) 在以下情況下，某人須視作已確立需要就第 (2) 款所訂的免責辯護而確立的事宜 —— (a) 有足夠證據，就該事宜帶出爭論點；及 (b) 控方沒有提出足以排除合理疑點的相反證明。 (4) 如 —— (a) 任何 —— (i) 特區居民； (ii) 在特區成立、組成或註冊的法人團體；或 (iii) 不論是法團抑或不是法團的在特區有業務地點的團體，在特區以外地方作出任何作為；而 (b) 該項作為假若是在特區作出即構成第 (1) 款所訂罪行，則該居民或該團體即屬犯該罪行。 (5) 在本條中 ——身分披露禁令(order prohibiting disclosure of identity)指根據第 120(1) 條作出的、禁止任何人作出第 120(2) 條所述披露的命令。

第 9 部 相關修訂

第 1 分部：修訂成文法則

122.	修訂成文法則 第 2 至 29 分部指明的成文法則現予修訂，修訂方式列於上述各分部。
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第 2 分部：修訂《釋義及通則條例》(第 1 章)

123.	修訂第 3 條 (詞語和詞句的釋義) 第 3 條 ——按筆劃數目順序加入“國家安全 (national security) ——見《維護國家安全條例》(2024 年第 6 號) 第 4 條；”。
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第 3 分部：修訂《證據條例》(第 8 章)

124.	修訂第 77 條 (證人特權) 第 77(3) 條 ——廢除“聯合王國、香港、或任何其他地區 (根據國際法是由聯合王國須就該地區負責的) 的安全”代以“國家安全或特區的安全”。
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第 4 分部：修訂《公司 (清盤及雜項條文) 條例》(第 32 章)

125.	修訂第 181 條 (擱置或禁制進行針對公司的法律程序的權力) (1) 第 181 條 ——將該條重編為第 181(1) 條。 (2) 在第 181(1) 條之後 ——加入“(2) 然而，如上述訴訟或法律程序，是關乎涉及國家安全的案件 (《維護國家安全條例》(2024 年第 6 號) 第 3(2) 條所指者) 的，則在應用第 (1) 款時，該款中對“及在清盤令作出前”的提述，須不予理會。”。
126.	修訂第 186 條 (清盤令作出後訴訟須予擱置) (1) 第 186 條 ——將該條重編為第 186(1) 條。

	(2) 在第 186(1) 條之後 ——加入“(2) 如任何訴訟或法律程序，是關乎涉及國家安全的案件(《維護國家安全條例》(2024 年第 6 號) 第 3(2) 條所指者) 的，則第 (1) 款並不阻止針對公司進行或展開該項訴訟或法律程序。”。
127.	修訂第 360C 條 (行政長官會同行政會議有權命令將從事不良活動的公司剔除) (1) 第 360C(1) 條 —— 廢除 在“可命令”之前的所有字句 代以 “(1) 行政長官會同行政會議如信納根據《公司條例》(第 622 章) 或任何《舊有公司條例》組成及註冊的公司 —— (a) 假若是《社團條例》(第 151 章) 所適用的社團 —— (i) 其註冊或註冊豁免本可根據該條例第 5D 條取消；或 (ii) 保安局局長本可根據該條例第 8 條禁止其運作或繼續運作；或 (b) 假若是《維護國家安全條例》(2024 年第 6 號) 第 60(1) 或 (2) 條所適用的組織，保安局局長本可根據該條禁止其在香港運作或繼續運作，則行政長官會同行政會議”。 (2) 在第 360C(2) 條之後 —— 加入 “(2A) 根據第 (2) 款解散的公司 —— (a) 如屬第 (1)(a)(ii) 款的情況——即就所有目的而言視為非法社團；或 (b) 如屬第 (1)(b) 款的情況——即就所有目的而言視為受禁組織。 (2B) 如任何人是因為本條的施行，而須以非法社團或受禁組織的成員的身分行事，以處理該社團或組織清盤或解散所引致的事宜，則該人不會僅因如此行事而犯任何《社團條例》(第 151 章) 或《維護國家安全條例》(2024 年第 6 號) 所訂罪行。”。 (3) 在第 360C(3) 條之後 —— 加入 “(4) 在本條中 —— 受禁組織 (prohibited organization) 指《維護國家安全條例》(2024 年第 6 號) 第 6 部第 2 分部所指的受禁組織； 非法社團 (unlawful society) 指《社團條例》(第 151 章) 所指的非法社團。”。
128.	修訂第 360G 條 (某些條文適用) 第 360G 條，在“211、”之後 ——加入“216、”。
129.	取代第 360M 條 第 360M 條 ——廢除該條 代以 “360M. 對破產管理署署長等的保障 (1) 凡本條適用的人 —— (a) 在執行或看來是執行本部之下的職能時；或 (b) 在行使或看來是行使本部之下的權力時，就根據本部進行的任何公司清盤真誠地作出或沒有作出某項作為，該人無需為該項作為或不作為，承擔個人法律責任。 (2) 本條適用的人為 —— (a) 破產管理署署長；及 (b) 公務人員。”。
130.	修訂第 360N 條 (非香港公司) (1) 第 360N 條 ——將該條重編為第 360N(1) 條。 (2) 第 360N(1) 條 ——廢除 在“但任何人”之前的所有字句 代以 “(1) 行政長官會同行政會議如信納非香港公司 —— (a) 假若是《社團條例》(第 151 章) 所適用的社團 —— (i) 其註冊或註冊豁免本可根據該條例第 5D 條取消；或 (ii) 保安局局長本可根據該條例第 8 條禁止其運作或繼續運作；或 (b) 假若是《維護國家安全條例》(2024 年第 6 號) 第 60(1) 或 (2) 條所適用的組織，保安局局長本可根據該條禁止其在香港運作或繼續運作，則行政長官會同行政會議可命令有關公司停止在香港內經營業務，而該公司須隨即停止在香港內經營業務：”。 (3) 在第 360N(1) 條之後 —— 加入

“ (2) 根據第 (1) 款被命令停止在香港內經營業務的公司 —— (a) 如屬第 (1)(a)(ii) 款的情況——即就所有目的而言視為非法社團；或 (b) 如屬第 (1)(b) 款的情況——即就所有目的而言視為受禁組織。 (3) 如任何人是因為本條的施行，而須以非法社團或受禁組織的成員的身分行事，以處理該社團或組織清盤或解散所引致的事宜，則該人不會僅因如此行事而犯任何《社團條例》(第 151 章) 或《維護國家安全條例》(2024 年第 6 號) 所訂罪行。 (4) 在本條中 —— 受禁組織 (prohibited organization) 指《維護國家安全條例》(2024 年第 6 號) 第 6 部第 2 分部所指的受禁組織； 非法社團 (unlawful society) 指《社團條例》(第 151 章) 所指的非法社團。”。	
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第 5 分部：修訂《退休金條例》(第 89 章)

131.	修訂第 15 條 (經定罪等後退休金、酬金或津貼可予取消、暫停支付或扣減) 第 15(1)(a)(iii) 條 ——廢除“《刑事罪行條例》(第 200 章) 第 2 條所訂的叛逆罪”代以“任何危害國家安全的罪行”。
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第 6 分部：修訂《郵政署條例》(第 98 章)

132.	修訂第 32 條 (禁寄物品) 第 32(1) 條 ——廢除 (h) 段 代以 “(h) 如發布某東西會構成危害國家安全的罪行——該東西；”。
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第 7 分部：修訂《退休金利益條例》(第 99 章)

133.	修訂第 29 條 (經定罪等後退休金利益可予取消、暫停支付或扣減) 第 29(1)(c) 條 ——廢除“《刑事罪行條例》(第 200 章) 第 2 條所訂的叛逆”代以“任何危害國家安全的罪行”。
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第 8 分部：修訂《社團條例》(第 151 章)

134.	修訂第 2 條 (釋義) (1) 第 2(1) 條，選舉的定義 —— 廢除 在“指”之後的所有字句 代以 “《選舉 (舞弊及非法行為) 條例》(第 554 章) 第 4(1) 條所列的選舉；”。 (2) 第 2(1) 條 —— (a) 外國政治性組織的定義； (b) 台灣政治性組織的定義； (c) 聯繫的定義 ——廢除該等定義。 (3) 第 2(1) 條 —— 按筆劃數目順序加入 “境外 (external place) 指香港以外的地區或地方 (內地及澳門除外)； 境外政治性組織 (political organization of an external place) 包括 —— (a) 外國政府或其政治分部； (b) 境外當局或其政治分部； (c) 該政府或當局的代理人，或該政府或當局的政治分部的代理人；及 (d) 在境外的政黨或其代理人； 聯繫 (connection) 就屬政治性團體的社團或分支機構而言，指以下情況 —— (a) 該社團或該分支機構直接或間接尋求或接受境外政治性組織的資助、任何形式的財政上的贊助或支援或貸款，或其他方式的實質支援； (b) 該社團或該分支機構直接或間接附屬於境外政治性組織； (c) 該社團或該分支機構的任何政策是直接或間接由境外政治性組織釐定；或 (d) 在該社團或該分支機構的決策過程中，境外政治性組織直接或間接作出指示、控制、監督、主使或參與。”。 (4) 第 2(4) 條 ——
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	廢除 在“相同。”之後的所有字句。
135.	修訂第 5A 條 (註冊及豁免註冊) 第 5A(3)(b) 條 ——廢除“外國政治性組織或台灣”代以“境外”。
136.	修訂第 5D 條 (取消註冊或註冊豁免) 第 5D(1)(b) 條 ——廢除“外國政治性組織或台灣”代以“境外”。
137.	修訂第 8 條 (禁止社團的運作) 第 8(1) 條 —— 廢除 在“事務主任可”之前的所有字句 代以 “(1) 如社團事務主任合理地相信禁止任何社團或分支機構的運作或繼續運作，是維護公共安全、公共秩序或保護他人的權利和自由所需者，社團”。
138.	修訂第 32 條 (在特殊情況下進入的權力) 第 32 條 ——廢除“國家安全或”。

第 9 分部：修訂《刑事罪行條例》(第 200 章)

139.	廢除第 I 及 II 部 第 I 及 II 部 ——廢除該等部。
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第 10 分部：修訂《刑事訴訟程序條例》(第 221 章)

140.	修訂第 9 條 (關於常規與程序的規則及命令) 第 9(3) 條 ——廢除“(包括叛逆罪或隱匿叛逆罪的審訊)”。
141.	修訂第 9G 條 (在特別情況下可拒絕被控人保釋) 第 9G 條 ——廢除第 (10) 款 代以“(10) 被控人如被控告謀殺罪，只有在法官的命令下才可獲准保釋。”。
142.	修訂第 14A 條 (罪行的審訊) (1) 第 14A(1) 條 ——廢除 (a) 段。 (2) 第 14A 條 ——廢除第 (2) 款 代以“(2) 凡條例中任何條文訂出罪行或達致訂出罪行，且載有“循公訴程序”等字，則在不抵觸第 (4) 款的條文下，該罪行只可循公訴程序審訊。”。
143.	修訂第 51 條 (罪行的審訊) 第 51(2) 條 ——廢除“任何並非叛逆罪的”代以“就任何”。
144.	修訂第 79I 條 (法庭可藉電視直播聯繫錄取在香港以外的人的證據) (1) 在第 79I(2)(a) 條之後 —— 加入 “(ab) 有關的刑事法律程序屬指明法律程序；”。 (2) 在第 79I(2) 條之後 —— 加入 “(3) 即使已有任何准許，在指明法律程序中根據未經修訂的本條給予，只要在該法律程序中尚未有裁決宣告，該項准許即視為從未給予。 (4) 在本條中 —— 指明法律程序 (specified proceedings) 指涉及國家安全的案件 (《維護國家安全條例》(2024 年第 6 號) 第 3(2) 條所指者) 的法律程序； 經修訂 (amended) 指經《維護國家安全條例》(2024 年第 6 號) 修訂。”。
145.	修訂第 91 條 (隱瞞罪行的罰則) 第 91(4) 條 ——廢除“(叛逆罪除外)”。
146.	修訂第 100 條 (已婚婦女遭丈夫脅迫的推定的廢除) 第 100 條 ——廢除“叛逆罪”代以“最高刑罰為終身監禁的危害國家安全的罪行”。
147.	修訂第 123 條 (在某些案件中刑事法律程序可藉非公開形式進行和不披露證人的身分) (1) 第 123(1) 條 ——廢除“司法公正、公安或安全”代以“第 (1AA) 款所述的目的”。 (2) 在第 123(1) 條之後 ——加入“(1AA) 有關目的是 —— (a) 維護國家安全，包括防止國家秘密 (《維護國家安全條例》(2024 年第 6 號) 第 29 條所界定者)

	的披露； (b) 維護公共秩序； (c) 維護司法公正；或 (d) 其他正當目的。”。
	(3) 第 123(1A)(b) 條 ——廢除“損害司法公正、公安或安全” 代以 “有違第 (1AA) 款所述的目的”。
	(4) 第 123(1B)(a) 條 ——廢除“，而上訴法庭的決定是最終決定”。
	(5) 在第 123(1B)(a) 條之後 ——
	加入
	“(ab) 此外，如有關案件，屬適用《維護國家安全條例》(2024 年第 6 號) 第 7 部第 4 分部者，則如上訴法庭給予許可，控方亦可針對法庭拒絕根據第 (1) 款作出命令的決定，向上訴法庭提出上訴。
	(ac) 上訴法庭對上述上訴所作的決定是最終決定。”。
	(6) 第 123(1B)(d)(ii) 條，在“命令”之後 ——加入“或決定”。
	(7) 第 123(1B)(e) 條，在“命令”之後 ——加入“或對法庭拒絕根據第 (1) 款作出命令的決定”。
	(8) 第 123(1B)(f) 條 ——廢除“司法公正、公安或安全” 代以 “第 (1AA) 款所述的目的”。
148.	修訂附表 3 (例外罪行) 附表 3 ——加入 “11.危害國家安全的罪行。”。

第 11 分部：修訂《刑事案件法律援助規則》(第 221 章，附屬法例 D)

149.	修訂第 13 條 (某些案件的法律援助) (1) 第 13(1)(a) 條 ——廢除“謀殺、叛逆或使用暴力的海盜行為的控罪” 代以 “指明罪行”。 (2) 第 13(1)(b) 條 ——廢除“就謀殺、叛逆或使用暴力的海盜行為的控罪被定罪” 代以 “被裁定犯某指明罪行，”。 (3) 第 13(1)(c) 條 ——廢除“謀殺、叛逆或使用暴力的海盜行為的控罪” 代以 “指明罪行”。 (4) 在第 13(3) 條之後 ——加入“(4) 在本條中 ——指明罪行 (specified offence) 指 —— (a) 最高刑罰為終身監禁的危害國家安全的罪行； (b) 謀殺罪；或 (c) 《刑事罪行條例》(第 200 章) 第 19 條所訂罪行。”。
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第 12 分部：修訂《裁判官條例》(第 227 章)

150.	修訂附表 2 (1) 附表 2，第 I 部，第 2 項 ——廢除“，或違反《刑事罪行條例》(第 200 章) 第 VIII 部” 代以 “的罪行、《刑事罪行條例》(第 200 章) 第 VIII 部的罪行，或危害國家安全”。 (2) 附表 2，第 I 部 ——廢除第 4 及 5 項。 (3) 附表 2，第 I 部，第 7 項 ——廢除“、煽動性”。 (4) 附表 2，第 III 部，第 2 項 ——廢除 “或違反《火器及彈藥條例》(第 238 章) 第 16、17 或 18 條的罪行” 代以 “違反《火器及彈藥條例》(第 238 章) 第 16、17 或 18 條的罪行，或危害國家安全的罪行”。 (5) 附表 2，第 III 部 ——廢除第 4 及 5 項。 (6) 附表 2，第 III 部，第 7 項 ——廢除“、煽動性”。
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第 13 分部：修訂《警隊條例》(第 232 章)

151.	修訂第 3 條 (釋義) 第 3 條 —— 廢除 嚴重的可逮捕罪行的定義 代以 “嚴重的可逮捕罪行 (serious arrestable offence) 指 —— (a) 危害國家安全的罪行； (b) 附表 2 所指明的罪行；或 (c) 令犯者可根據或憑藉任何法律被判處的最長監禁刑期是不少於 7 年的其他罪行；”。
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第 14 分部：修訂《監獄規則》(第 234 章，附屬法例 A)

152.	修訂第 69 條 (減刑) 在第 69(1) 條之後 —— 加入 “(1A) 然而，如某囚犯是因被裁定犯危害國家安全的罪行而服刑，則除非署長信納該囚犯獲得減刑，不會不利於國家安全，否則該囚犯不得根據第 (1) 款獲得減刑。 (1B) 為免生疑問，不論第 (1A) 款所述的囚犯的刑罰是在該款的生效日期之前、當日或之後判處的，該款亦適用。 (1C) 如囚犯因署長根據第 (1A) 款作出的決定不獲得減刑，署長須在作出該項決定後，每年覆核該項決定。”。
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第 15 分部：修訂《公安條例》(第 245 章)

153.	修訂第 2 條 (釋義) 第 2(2) 條 ——廢除在“相同。”之後的所有字句。
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第 16 分部：修訂《教育條例》(第 279 章)

154.	修訂第 31 條 (取消校董註冊的理由) 在第 31(1)(a) 條之後 —— 加入 “(ab) 如保安局局長已根據《維護國家安全條例》(2024 年第 6 號) 第 60(1) 或 (2) 條，就該條例第 58 條所界定的組織作出命令，而該人在緊接該項命令作出前，屬該組織的幹事 (該條例第 58 條所界定者) ； (ac) 如行政長官會同行政會議已根據《公司 (清盤及雜項條文) 條例》(第 32 章) 第 360C 或 360N 條，就該條例第 2(1) 條所界定的公司或非香港公司作出命令，而該人在緊接該項命令作出前，屬該公司的董事 (該條例第 2(1) 條所界定者) ；”。
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第 17 分部：修訂《職工會條例》(第 332 章)

155.	修訂第 48 條 (與勞資糾紛有關的串謀罪) 第 48(4) 條 ——廢除“、煽動或對國家或君主犯罪”代以“或任何危害國家安全的罪行”。
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第 18 分部：修訂《香港海關條例》(第 342 章)

156.	修訂第 17 條 (海關人員當作值勤的情況) 第 17 條，在“行事，”之後 ——加入“或會需要他為防範、制止或調查危害國家安全的罪行而行事，”。
157.	修訂第 17A 條 (逮捕和搜查的一般權力) (1) 第 17A(1) 條 —— 廢除 “觸犯本條例或附表 2 內指明條例” 代以 “干犯指明罪行”。 (2) 在第 17A(4) 條之後 —— 加入 “(5) 在本條中 —— 指明罪行 (specified offence) 指 —— (a) 危害國家安全的罪行；或 (b) 違反本條例或附表 2 內指明條例的罪行。”。
158.	修訂第 17B 條 (進入處所和搜尋疑犯的權力) 第 17B(5) 條，可逮捕的罪行的定義 ——廢除“由法律規限固定刑罰的罪行，”代以“危害國家安全的罪行，或其他由法律規限固定刑罰的罪行”。
159.	修訂第 17BA 條 (在無手令下的搜查和檢查) (1) 第 17BA(1) 條 ——廢除“為執行本條例或附表 2 內指明的條例，”。 (2) 在第 17BA(1) 條之後 ——加入“(1A) 第 (1) 款所指的權力，僅可為一項或兩項以下目的而行使 ——

	(a) 防範、制止或調查危害國家安全的罪行； (b) 執行本條例或附表 2 內指明的條例。”。
160.	修訂第 17BB 條 (旅行證件的查閱) (1) 第 17BB 條 ——將該條重編為第 17BB(1)條。 (2) 第 17BB(1) 條 ——廢除“在根據本條例或附表 2 內指明的任何條例行使任何權力時，”。 (3) 在第 17BB(1) 條之後 ——加入“(2) 第 (1) 款所指的權力，僅可在一項或兩項以下情況下行使 —— (a) 在防範、制止或調查危害國家安全的罪行時； (b) 在根據本條例或附表 2 內指明的任何條例行使任何權力時。”。

第 19 分部：修訂《退休金利益(司法人員)條例》(第 401 章)

161.	修訂第 31 條 (經定罪等後退休金利益可予取消、暫停支付或扣減) 第 31(1)(c) 條 ——廢除“《刑事罪行條例》(第 200 章) 第 2 條所訂的叛逆” 代以 “任何危害國家安全的罪行”。
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第 20 分部：修訂《香港藝術發展局條例》(第 472 章)

162.	修訂第 3 條 (發展局的設立) 第 3(6)(m) 條 ——廢除“叛逆罪” 代以 “任何危害國家安全的罪行”。
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第 21 分部：修訂《監管釋囚條例》(第 475 章)

163.	修訂第 6 條 (委員會可命令將囚犯提早釋放並加以監管) 在第 6(3) 條之後 —— 加入 “(3A) 然而，如某囚犯是因被裁定犯危害國家安全的罪行而服刑，則署長除非信納提早釋放該囚犯，不會不利於國家安全，否則不得根據第 (3) 款將該囚犯的個案轉介予委員會考慮。 (3B) 為免生疑問，不論第 (3A) 款所述的囚犯的刑罰是在該款的生效日期之前、當日或之後判處的，該款亦適用。 (3C) 如署長根據第 (3A) 款決定不將有關囚犯的個案轉介予委員會考慮，署長須在作出該項決定後，每年覆核該項決定。”。
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第 22 分部：修訂《監管釋囚規例》(第 475 章，附屬法例 A)

164.	修訂附表 1 (指明罪行) 附表 1，在註之前 ——加入 “其他 8. 危害國家安全的罪行”。
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第 23 分部：修訂《官方機密條例》(第 521 章)

165.	廢除第 II 部 (間諜活動) 第 II 部 ——廢除該部。
166.	修訂第 12 條 (釋義) (1) 第 12(1) 條，訂明的定義 ——廢除“總督” 代以 “行政長官”。 (2) 第 12(1) 條，公務人員的定義，(a) 段 ——廢除“英皇香港” 代以 “特區”。 (3) 第 12(1) 條，公務人員的定義 ——廢除 (b) 及 (c) 段。 (4) 第 12(1) 條 —— (a) 武裝部隊的定義； (b) 英國國民的定義； (c) 防務的定義； (d) 披露的定義； (e) 國際關係的定義 ——廢除該等定義。 (5) 第 12(1) 條 —— 按筆劃數目順序加入 “披露 (disclose) 就文件或其他物品而言，包括放棄對該文件或物品的管有，及披露該文件或物品所載有的資料；

	特區居民 (HKSAR resident) 指 —— (a) 香港永久性居民；或 (b) 符合獲發《人事登記條例》(第 177 章) 所指的身分證的資格，但沒有《入境條例》(第 115 章) 所指的香港居留權的人； 國際組織 (international organization) 指 —— (a) 某組織，其成員包括 2 個或多於 2 個國家、地區、地方或受任何國家、地區或地方委以職能的實體；或 (b) 藉 (或基於) 2 個或多於 2 個國家、地區或地方之間訂立的條約、公約、協議或協定而設立的組織，並包括上述組織轄下的機構 (不論如何描述) 。 (6) 第 12(2) 條 ——廢除在“但”之後的所有字句 代以 “屬為特區政府的目的，提供貨品或服務(或受僱為該等目的提供貨品或服務) 的人。”。 (7) 第 12 條 ——廢除第 (4)、(5) 及 (6) 款。
167.	修訂第 13 條 (保安及情報資料——部門成員及獲知會人士) (1) 第 13(4) 條 —— 廢除 “總督送達該人的書面通知而作出，而總督如認為有關人士所承擔的工作屬或包括與保安或情報部門有關連，且其性質是為保障聯合王國的國家安全或香港的安全的需要，該人宜受該款規限，則總督” 代以 “行政長官送達該人的書面通知而作出，而行政長官如認為有關人士所承擔的工作屬或包括與保安或情報部門有關連，且其性質是為保障香港的安全的需要，該人宜受該款規限，則行政長官”。 (2) 第 13(6) 條 —— 廢除 “總督送達有關人士的另一書面通知而撤銷，而總督” 代以 “行政長官送達有關人士的另一書面通知而撤銷，而行政長官”。
168.	廢除第 15 及 16 條 第 15 及 16 條 ——廢除該等條文。
169.	修訂第 18 條 (因未經授權的披露所得的資料或在機密情況下託付的資料) (1) 第 18(1)(a) 及 (2) 條 ——廢除“至” 代以 “、14 及”。 (2) 第 18(3) 條 ——廢除“至 16” 代以 “及 14”。 (3) 第 18(4) 條 ——廢除“、15 或 16”。 (4) 第 18(5) 條 ——廢除“英國國民或香港永久性居民” 代以 “第(5A)款所指的人士”。 (5) 在第 18(5) 條之後 ——加入 “(5A) 有關人士是 —— (a) 特區居民； (b) 在香港成立、組成或註冊的法人團體；或 (c) 不論是法團抑或不是法團的在香港有業務地點的團體。”。 (6) 第 18 條 ——廢除第 (6) 款 代以 “(6) 就本條而言，如任何資料、文件或物品 —— (a) 關乎保安或情報；或 (b) 是第 17 條適用的資料、文件或物品，該資料、文件或物品即屬為第 13、14 及 17 條中的任何一條禁止披露者，而如它符合(a)段的描述，它即屬為第 13 及 14 條中的任何一條禁止披露者。”。 (7) 第 18(7) 條 ——廢除“至” 代以 “、14 及”。
170.	廢除第 19 條 (因諜報活動所得的資料) 第 19 條 ——廢除該條。
171.	修訂第 20 條 (在機密情況下託付予地區、國家或國際組織的資料) (1) 第 20(2) 條 ——廢除“或防務或國際關係”。 (2) 第 20(2)(a) 條 ——廢除“聯合王國政府或香港政府在機密情況下傳達予某地區、國家或國際組織，或被人代表聯合王國政府或香港” 代以 “中央人民政府或特區政府在機密情況下傳達予某地區、國家或國際組織，或被人代表中央人民政府或特區”。 (3) 第 20(4) 條 ——廢除“、15 或 16”。 (4) 第 20(6) 條 ——廢除“至” 代以 “、14、17 及”。
172.	修訂第 21 條 (經授權的披露)

	第 21(4) 條 ——廢除“至”代以“、14、17、18 及”。
173.	修訂第 22 條 (資料的保障)
	(1) 第 22(1) 條 ——廢除“至”代以“、14、17、18、20 及”。
	(2) 第 22(4) 條 ——廢除“或 19”。
	(3) 第 22(6) 條 ——廢除“至”代以“、14、17、18、20 及”。
174.	修訂第 23 條 (在海外作出的作為)
	(1) 第 23 條 ——將該條重編為第 23(1) 條。
	(2) 第 23(1)條 ——廢除“英國國民、香港永久性居民或公務人員”代以“第 (2) 款所指的人士”。
	(3) 在第 23(1) 條之後 ——加入“(2) 有關人士是 ——
	(a) 特區居民；
	(b) 在香港成立、組成或註冊的法人團體；
	(c) 不論是法團抑或不是法團的在香港有業務地點的團體；或
	(d) 公務人員。”。
175.	修訂第 24 條 (關於罪行審訊的條文)
	第 24(2) 條 ——廢除“聯合王國或”。

第 24 分部：修訂《長期監禁刑罰覆核條例》(第 524 章)

176.	修訂第 11 條 (署長將囚犯的個案轉介委員會覆核的責任)
	在第 11(1) 條之後 ——
	加入
	“(1A) 然而，如某囚犯是因被裁定犯危害國家安全的罪行而服刑，則署長除非信納提早釋放該囚犯，不會不利於國家安全，否則不得根據本條將該囚犯的刑罰轉介予委員會覆核。
	(1B) 為免生疑問，不論第 (1A) 款所述的囚犯的刑罰是在該款的生效日期之前、當日或之後判處的，該款亦適用。
	(1C) 如署長根據第 (1A) 款決定不將有關囚犯的刑罰轉介予委員會覆核，署長須在作出該項決定後，每兩年覆核該項決定。”。
177.	修訂第 28 條 (召回囚犯後對刑罰作出的覆核)
	(1) 第 28 條 ——將該條重編為第 28(1)條。
	(2) 在第 28(1) 條之後 ——加入“(2) 然而，如囚犯是因被裁定犯危害國家安全的罪行而服刑，則署長除非信納提早釋放該囚犯，不會不利於國家安全，否則不得根據第 (1) 款將該項刑罰轉介予委員會覆核。
	(3) 為免生疑問，不論該項刑罰是在第 (2) 款的生效日期之前、當日或之後判處的，該款亦適用。
	(4) 如署長根據第 (2) 款決定不將該項刑罰轉介予委員會覆核，署長須在作出該項決定後，每兩年覆核該項決定。”。

第 25 分部：修訂《立法會條例》(第 542 章)

178.	修訂第 39 條 (喪失獲提名為候選人或當選為議員的資格的情況)
	第 39(1)(c) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。
179.	修訂第 40 條 (獲提名的候選人須遵從的規定)
	第 40(1)(b)(iii)(C) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。

第 26 分部：修訂《區議會條例》(第 547 章)

180.	修訂第 14 條 (喪失獲委任為議員的資格的情況)
	第 14(1)(c) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。
181.	修訂第 19 條 (喪失登記為當然議員的資格的情況)
	第 19(1)(c) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。
182.	修訂第 21 條 (喪失獲提名為候選人及當選為議員的資格的情況)
	第 21(1)(c) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。
183.	修訂第 26A 條 (喪失擔任議員的資格的情況)
	第 26A(1)(c) 條 ——廢除“叛逆罪”代以“任何危害國家安全的罪行”。

第 27 分部：修訂《行政長官選舉條例》(第 569 章)

184.	修訂第 14 條(喪失獲提名為候選人的資格) 第 14(1)(g) 條 ——廢除“叛逆罪” 代以 “任何危害國家安全的罪行”。
185.	修訂第 16 條 (提名方式) 第 16(5)(c) 條，在“(c)、”之後 ——加入“(ca)、”。
186.	修訂第 26 條 (喪失投票資格) 第 26(1)(c) 條，在“(b)、”之後 ——加入“(ca)、”。
187.	修訂附表 (選舉委員會) (1) 附表，在第 5M(1)(a) 條之後 ——加入 “(ab) 已被裁定犯任何危害國家安全的罪行；”。
	(2) 附表，在第 9(1)(a) 條之後 ——加入 “(ab) 已被裁定犯任何危害國家安全的罪行；”。
	(3) 附表，在第 18(1)(c) 條之後 ——加入 “(ca) 已被裁定犯任何危害國家安全的罪行；”。

第 28 分部：修訂《鄉郊代表選舉條例》(第 576 章)

188.	修訂第 9 條 (喪失擔任鄉郊代表職位的資格的情況) 第 9(1)(c) 條 ——廢除 “叛逆罪” 代以 “任何危害國家安全的罪行”。
189.	修訂第 23 條 (喪失獲提名為候選人及當選為鄉郊代表的資格的情況) 第 23(1)(c) 條 ——廢除 “叛逆罪” 代以 “任何危害國家安全的罪行”。

第 29 分部：修訂《法例發布條例》(第 614 章)

190.	修訂第 4 條 (資料庫的內容) 在第 4(1)(a)(vi) 條之後 ——加入 “(vii) 《維護國家安全條例》(2024 年第 6 號); ”。
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