HRIC annotated bilingual chart of
The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

A Resource

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HRIC annotated bilingual chart of The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

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(June 30, 2020-July 4, 2020)
PREFACE

In the late evening of June 30, 2020, the National People’s Congress Standing Committee Standing Committee (NPCSC) unanimously passed The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL-HK) that went into force the same day at 11:00 p.m. The NSL-HK was then inserted in Annex III of the Basic Law of Hong Kong. This act bypasses the Hong Kong Legislative Council (LegCo), which is empowered by the Basic Law to formulate and pass laws for the HKSAR, and contravenes the Basic Law’s provision that only national laws relating to defense and foreign affairs may be inserted into Annex III. (The NSL-HK went into effect in Chinese text only; an official English version of the law was not made public by the HKSAR government until July 4.)

The NSL-HK prohibits and penalizes four key categories of offenses: secession, subversion, terrorist activities, and collusion with a foreign country or with external elements to endanger national security. The controversial move to unilaterally pass and impose national security legislation on Hong Kong has drawn and continues to draw widespread concern and condemnation of the process as well as its substantive content.

The mainland Chinese authorities, with the enthusiastic support of the HKSAR administration, had pursued an unusually swift process in drafting and promulgating the NSL-HK. A formal Decision authorizing the NPCSC to draft the law was adopted by the NPC on May 28. The mainland authorities declared that they held ten consultations with a total of 120 individuals from various sectors of the Hong Kong public, hardly a meaningful portion of the Hong Kong population of 7.5 million people.

The international community, including governments, UN human rights experts, legal experts and scholars, and local and international NGOs, have condemned Beijing’s blatant move to expand its draconian national security regime to the HKSAR. The majority of responses highlights that the Law is in direct contravention of the PRC Constitution, Hong Kong’s Basic Law, and the PRC’s treaty obligations clearly codified in the 1984 Sino-British Joint Declaration to ensure a “high degree of autonomy,” rule of law, and protection of fundamental rights and freedoms in Hong Kong under the International Covenant for Civil and Political Rights which applies in Hong Kong. The NSL-HK is in effect, a hardline authoritarian effort to exert control through the legalization of an embedded police state and restrictions on protected rights, in tension with international standards and the human rights obligations of the Central and SAR governments.

HRIC has prepared the following annotated bilingual chart of the NSL-HK to facilitate reading of the law and highlight the troubling, problematic aspects of the law, including:
the pervasive lack of clear definitions as required by international law standards or failure to define key terms, including “national security,” “terrorist activity,” “provoking hatred” against the Central and HKSAR governments, or taking down “information” on the Internet;

the establishment of a multi-level implementation structure overseen by a “supra” national security agency in Hong Kong (Arts. 48-60), the Office for Safeguarding National security—OSNS—made up of personnel sent by mainland authorities to the HKSAR supervised by mainland authorities who are empowered to:
  o oversee all national security prevention work in HKSAR and require compliance from all HKSAR government entities and individuals;
  o assert jurisdiction over cases, where mainland criminal procedures will apply: OSNS initiate investigation, the Supreme People’s Procuratorate prosecute, and the Supreme People’s Court designate a court to adjudicate; and
  o operate in HKSAR not subject to the jurisdiction of the HKSAR;

the requirement that heads of the new department of national security in the Hong Kong Police Force (Art. 16) and the specialized prosecution division on the Hong Kong Department of Justice (Art. 18) swear allegiance and to observe the obligation of secrecy;

the expansion of the powers of an already unaccountable Hong Kong Police Force to take measures outside of those authorized by existing HKSAR laws (Art. 43); and

the extraterritorial application of the law to permanent HKSAR residents and bodies registered in the HKSAR (Art. 37) and to non-permanent residents outside the HKSAR committing acts “against the HKSAR” (Art. 38).

The NSL-HK is rife with troubling provisions such as these examples. Since the publication of the NSL-HK, dozens of excellent commentaries and analyses, along with explainers of the NSL have appeared. In the Appendix, HRIC has compiled a select list of these items for reference.

Governments are now recognizing that taking a principled stand to protect the Hong Kong people will also protect their national economic and security interests and core values, as well as their own citizens and companies in and outside of Hong Kong. As the world has witnessed, the COVID-19 pandemic has exposed and highlighted the threats posed by China’s serious governance and human rights deficits to global public health, security, and economic stability. Foreign governments, including the U.S., UK, and, others had threatened Beijing that if it promulgated the national security law, it would face sanctions and other consequences. In addition, a number of governments indicated they would offer asylum, visa options, and a “lifeboat” to assist those who have to leave Hong Kong. Now they need to make good on their statements of concern with concrete follow-up responses to support not only those who will leave, but those who cannot leave or choose to remain.
Since the entry into force of the NSL-HK on June 30, the HK police have already arrested hundreds of individuals, including over a dozen arrests related to offences under the new law. They and essentially every person in or outside Hong Kong, and organizations and groups, face the threats posed by a vague, comprehensive security regime established by the new law—one that lacks oversight and independent accountability and rights protection measures. Their security and freedom depends upon the survival of the rule of law, an independent judiciary, and due process protections.
Chapter I General Principles

Chapter II The Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security

Part 1 Duties
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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常務委員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。

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

Authority for the Law: PRC Constitution, HKSAR Basic Law, and NPCSC Decision.

Legislative purposes:

- implementation of One Country, Two Systems under which people of Hong Kong administer Hong Kong with a high degree of autonomy;
- safeguarding national security;
- preventing, suppressing, and imposing punishment for secession, subversion, organisation, and perpetration of terrorist activities, and collusion with a foreign country or with external elements;
- maintaining prosperity and stability of HKSAR; and
- protecting lawful rights

*All emphases added.*
• 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.

**Responsibilities and duties of CPG and HKSAR govt:**

- CPG has overarching responsibility for national security affairs;
- HKSAR govt has duty to safeguard national security.
- Executive authorities, legislature, and judiciary of HKSAR shall effectively prevent, suppress, and impose punishment.
第四条

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.

第五条

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.

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。

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.

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。

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.

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。

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.

第二章 香港特別行政區維護國家安全的職責和機構

Chapter II
The Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security

第一節 職責

Part 1 Duties

第七條
香港特別行政區應當儘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。

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.

Safeguarding sovereignty, unification, and territorial integrity of PRC is common responsibility of people of China, including the people of Hong Kong (source text: 香港同胞 Hong Kong compatriots).

Scope of prohibition: behavior and activities by any institution, organisation, or individual in HKSAR.

Written confirmation or loyalty oath to uphold Basic Law is required for standing for election or assuming office.
第八条
香港特别行政区执法、司法机关应当切实执行本法和香港特别行政区现行法律有关防范、制止和惩治危害国家安全行为和活动的规定，有效维护国家安全。

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.

第九条
香港特别行政区应当加强维护国家安全和防范恐怖活动的工作。对学校、社会团体、媒体、网络等涉及国家安全的事宜，香港特别行政区政府应当采取必要措施，加强宣传、指导、监督和管理。

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.

第十条
香港特别行政区应当通过学校、社会团体、媒体、网络等开展国家安全教育，提高香港特别行政区居民的国家安全意识和守法意识。

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.

第十一条
香港特别行政区行政长官应当就香港特别行政区维护国家安全事务向中央人民政府负责。

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
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具體情況提交年度報告。

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、保安局局長、警務處處長，本法第十六條規定的警務處維護國家安全部門的負責人、入境事務處處長、海關於長和行政長官辦公室主任。

第十二條

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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 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.

HKSAR shall establish Committee for Safeguarding National Security (CSNS), with primary responsibility for safeguarding national security, under supervision of and accountable to CPG.

CSNS chair: CE

CSNS members:

- Chief Secretary for Administration
- Financial Secretary
- Secretary for Justice
- Secretary for Security
- Commissioner of Police
- head of dept for safeguarding national security of the HKPF established under Art. 16
- Director of Immigration
- Commissioner of Customs and Excise
- Director of CE Office
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 be designated by the Chief Executive in agreement with the Central People’s Government.

No institution, organisation or individual in HKSAR shall interfere with work of CSNS.

Work of CSNS not subject to disclosure.

Decisions of CSNS not subject to judicial review.
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.

Head of HKPF DSNS shall be appointed by CE based on opinion of the Office to be established under Art. 48.

Head of HKPF DSNS shall swear:

- to uphold Basic Law,
- allegiance to HKSAR,
- to abide by law, and
- to observe obligation of secrecy.

DSNS may recruit professionals and experts from outside HKSAR for assistance.
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) 調查危害國家安全的案件；
(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。

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.

Duties and functions of HKPF DSNS:

(1) collect and analyse intelligence;
(2) plan, coordinate, and enforce measures and operations;
(3) investigate offences;
(4) conduct counter-interference investigation and national security review;
(5) carry out tasks assigned by CSNS; and
(6) perform other duties and functions necessary for the enforcement of this Law.

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，負責危害國家安全的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。

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

HKSAR Dept of Justice shall establish specialised prosecution division (DOJ SPD).

DOJ SPD prosecutors shall be appointed by Secretary for Justice after consent of CSNS.

Head of DOJ SPD shall be appointed by CE, based on opinion of the Office established under Art. 48.
Head of DOJ SPD shall swear:
- to uphold Basic Law,
- allegiance to HKSAR,
- to abide by law, and
- to observe obligation of secrecy.

Financial Secretary shall, upon CE approval, appropriate a special fund from general revenue for expenditures for safeguarding national security and establishment of relevant posts—unrestricted by HKSAR laws.

Financial Secretary shall submit annual report on control and management of the fund to HKSAR Legislative Council.

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

Secession offences.

Organise, plan, commit, or participate in acts to:

1. separate HKSAR or any other part of PRC from the PRC;
2. alter by unlawful means
Article 20

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.

Penalties.
Principal offender of offence of a grave nature: life imprisonment or fixed-term imprisonment of not less than ten years.
Active participant: fixed-term imprisonment of three years to ten years.
Other participants: fixed-term imprisonment of not more than three years, short-term, detention or restriction.

Secession offences.
Incite, assist in, abet, or provide pecuniary or other financial assistance or property for commission of secession by others.

Penalties.
If circumstances are serious: fixed-term imprisonment of five years to ten years.

第二十一條

任何人煽動、協助、教唆、以金錢或其他財物資助他人實施本法第二十条規定的犯罪的，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。
person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.

If circumstances are minor: 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.

Subversion offences. Organise, plan, commit, or participate in acts by force/threat of force/other unlawful means to:

1. overthrow or undermine basic system of the PRC established by PRC Constitution;
2. overthrow CPG or HKSAR political organs;
3. seriously interfere in, disrupt, or undermine duties and functions of CPG or CPG or HKSAR body of power (Source text: 政权机关, political organs); or
4. attack or damage premises and facilities of HKSAR political organs, resulting in their incapacity to perform their 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.

Penalties.
Principal offender of offence of a grave nature: life imprisonment or fixed-term imprisonment not less than ten years.
Active participant: fixed-term imprisonment of three years to ten years.
Other participants: imprisonment of not more than three years, short-term detention, or restriction.
Administrative Region or an international organisation or intimidating the public in order to pursue political agenda shall be guilty of an offence:

- causing or intended to cause grave harm to society
- in order to coerce CPG, HKSAR, or an int’l org, or intimidate the public to pursue political agenda:

(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.

Penalties.
Offender causing serious bodily injury, death, or significant loss of public or private property: life imprisonment or fixed-term imprisonment of not less than ten years.

Offender in other circumstances: fixed-term imprisonment of three years to ten years.
第二十五条

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。

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.

Penalties.
Offender who organises or takes charge of a terrorist organisation: life imprisonment or fixed-term imprisonment of not less than ten years; and confiscation of property.

Active participant in a terrorist organisation: fixed-term imprisonment of three years to ten years and criminal fine.

Other participants: imprisonment of not more than three years, short-term detention, or restriction.

Definition.
Terrorist organisation: an organisation which commits or intends to commit, terrorist offences, or participates or assists in commission of offences under Art. 24.

第二十六条

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、非法持有爆炸性、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，

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

Terrorist activities offences.
- provide support, assistance or facility such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to terrorist organisation or a terrorist; or
- manufacture or illegally possess explosives, poisonous or radioactive substances,
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.

Penalties.

If circumstances are serious: fixed-term imprisonment of five years to ten years, and criminal fine or confiscation of property.

Other circumstances: fixed-term imprisonment of not more than five years, short-term detention, or restriction, and criminal fine.

Offender of acts in preceding paragraph which also constitute other offences shall be convicted and sentenced for the offences carrying more severe penalties.

Terrorist activities offence.
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。

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.

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：

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 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, to commit any of the following acts shall be guilty of an offence:

Collusion offences.

- steal, spy, obtain with payment, or unlawfully provide State secrets or intelligence concerning national security for a foreign country, institution, organization or individual outside mainland, HK, and Macao; or
- request, conspire with, or directly or indirectly receive instructions, control, funding or other kinds or support from a foreign country, institution, organization or individual outside mainland, HK, and Macao to commit any of the following acts:

  (1) waging war against the People’s Republic of China, or using or threatening to use force to seriously undermine the sovereignty,
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。

Penalties.

Fixed-term Imprisonment of three years to ten years.

Offence of grave nature: 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.
第三十条

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.

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.
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。

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.

第三十四條
不具有香港特別行政區永久性居民身份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。

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.

Penalties for persons without HKSAR permanent residency status:
- deportation as sole or additional punishment if offence is committed;
- deportation if person contravenes this Law, but is not prosecuted.

不具有香港特別行政區永久性居民身份的人違反本法規定，因任何原因不對
第三十五條

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.
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 applies to:
- offences committed in HKSAR by any person, including acts or consequences occurring in the HKSAR or
- on board a vessel/aircraft registered in HKSAR.

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.

This Law applies to:
- a HKSAR permanent resident;
- an incorporated or unincorporated body set up in HKSAR; or
- a person or the body who commits an offence under this Law outside HKSAR.

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.

This Law applies to:
- offences committed against the HKSAR from outside HKSAR by a person who is not a HKSAR permanent resident.

Article 39

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

This Law applies to acts committed after Law entry into force.
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.

HKSAR has jurisdiction except for circumstances specified in Art. 55 (jurisdiction of the Office for Safeguarding National Security of CPG in HKSAR).

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.

This Law shall apply to criminal investigation, prosecution, trial, and execution of penalty of cases over which the HKSAR has 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.

No prosecution may be initiated without written consent of Secretary for Justice.

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

Cases of endangering national security within the jurisdiction of the HKSAR 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.

All or part of a trial involving State secrets or public order shall be closed to media and public; judgment to be delivered in open court.
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。

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.

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。

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.

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:

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) 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;
(2) 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;
(3) 對用於或者意圖用

(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

(1) searches of premises, vehicles, vessels, aircraft and other relevant places and electronic devices;
(2) ordering surrender of travel documents;
(3) freezing and confiscating property, proceeds of crimes, other related property;
(4) requiring service
(四) 要求信息發佈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。

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；

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 suspected of possessing information or material relevant to investigation to answer questions and provide the 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.

CSNS (established by Art. 12) shall have oversight over implementation of measures in the first paragraph of this Article by law enforcement including the HKPF DSNS.
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.

CE shall be authorized, in conjunction with CSNS, to make implementation rules for applying HKPF DSNS measures.

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.

CE shall designate judges to handle national security cases.

CE may consult with the CSNS and the Chief Justice, and judges of the Court of Final Appeal for making such designations.

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.

Judges who have made statements or committed acts that have “in any manner” endangered national security shall not adjudicate national security cases.

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.

All national security cases shall be tried by designated judges in the respective courts.

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。
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.

With this certificate, a case shall be tried by a panel of three judges in the Court of First Instance.

References to “jury” or “verdict of the jury” in such cases are construed as judges functioning as 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

HKSAR courts shall obtain binding certificate from CE regarding:

- whether act involves national security, or
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。

第四十九條　
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。

Article 48　
The Central People’s Government shall
establish 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.

Staff of OSNS are sent by
relevant CPG national
security authorities

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:

OSNS is empowered to:

(1) analyse and assess
national security
developments in the
HKSAR; provide major
strategic and policy
proposals;

(2) supervise, guide,
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。

(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.

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的合法權益。

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.

Staff of OSNS shall:
▪ abide by HKSAR and national laws, and
▪ be supervised by national supervisory authorities.

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。

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.

OSNS shall be funded by the CPG.

第五十二條

Article 52
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。

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。

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region (OSNS) shall strengthen cooperation with CPG representative entities in HKSAR:

- Liaison Office (LOCPG),
- Office of Commissioner of Ministry of Foreign Affairs in the HKSAR, and
- PLA’s Hong Kong Garrison.

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.

Working depts of OSNS shall share information and coordinate operations with relevant HKSAR authorities.

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。

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.

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的監督。

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 Hong Kong are empowered to manage:

- organs of foreign governments,
- international organisations, and
府組織和新聞機構的管理和服务。

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.

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。

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.

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

In exercising jurisdiction over a case pursuant to Art. 55:

• OSNS shall initiate investigation;
• Supreme People’s Procuratorate shall designate prosecuting body to prosecute;

NGOs, foreign news agencies.

In exercising jurisdiction over a case pursuant to Art. 55:
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.

In cases over which jurisdiction is exercised pursuant to Art. 55:

- PRC’s Criminal Procedure Law and other related national laws shall apply;
- decisions of authorities referred to in Art. 56 shall have legal force in HKSAR; and
- institutions, organisations, and individuals concerned must comply with measures taken by OSNS.

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.
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。

犯罪嫌疑人、被告人被合法拘捕後，享有儘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。

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管轄。

### 第五十八條

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 58

**In cases over which jurisdiction is exercised pursuant to Art. 55:**

- a criminal suspect shall have **right to retain a lawyer** from the day he/she receives inquiry from OSNS or from the day a mandatory measure is taken against him/her;

### 第五十九條

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。

### 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

In cases over which jurisdiction is exercised pursuant to Art. 55: any person with information pertaining to an offence is obliged to testify truthfully.

### 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

OSNS and its staff shall not be subject to jurisdiction of HKSAR.

Holder of an identification document or a document of certification issued by OSNS and articles including
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.

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

Confidentiality of State secrets, trade secrets, or personal information shall be kept by:

- law enforcement and judicial authorities and
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.
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。

Article 65
The power of interpretation of this Law shall be vested in the Standing Committee of the National People’s Congress.

NPCSC has power of interpretation of this Law.

第六十六條
本法自公佈之日起施行。

Article 66
This Law shall come into force on the date of its promulgation.

Entry into force upon promulgation.
Appendix

Select commentary, analysis, and explainers

(June 30 - July 4, 2020)

Commentary & analysis


Simon Jenkins, “Britain can't protect Hong Kong from China – but it can do right by its people,” July 2, 2020.
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Explainers

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http://www.xinhuanet.com/english/2020-07/04/c_139187959.htm
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Elson Tong, “Explainer: 10 things to know about Hong Kong’s national security law – new crimes, procedures and agencies,” July 1, 2020.

Jessie Yeung, “China has passed a controversial national security law in Hong Kong. Here's what you need to know”, July 1, 2020.

TNL編輯, “《港版國安法》納管全世界，在美國喊台獨也可能觸法？一文看對外國人的影響,”, July 1, 2020.
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https://www.dw.com/zh/10%E4%B8%AA%E4%BA%89%E8%AE%AE%E7%82%B9-%E4%B8%80%E6%96%87%E7%9C%8B%E6%87%82%E6%8C%AF%E7%89%88%E5%9B%BD%E5%AE%89%E6%B3%95/a-54009495

Grace Tsoi and Lam Cho Wai, “Hong Kong security law: What is it and is it worrying?”

Greg Torode, “EXPLAINER-What you need to know about Hong Kong's national security law,”