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 was founded in March 1989 by overseas Chinese students and scientists with a mission to promote international human rights and advancing the institutional protection of these rights in the People’s Republic of China. Since 1996, HRIC’s work has evolved to focus on promoting sustainable independent civil society on the mainland as well as in the Hong Kong SAR.
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Preface

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

Appendix: Select commentary, analyses and explainers
(June 30, 2020-July 4, 2020)
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 unofficial English translation 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.
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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.

No contravening of fundamental Basic Law Articles: Art. 1 (HKSAR is inalienable part of PRC) and Art. 12 (HKSAR shall enjoy a high degree of autonomy directly under the Central People’s Government (CPG)).

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.
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。

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.

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。

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.

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，不得就同一行為再次受審判或者懲罰。

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.

Human rights and freedoms shall be respected and protected, including those under Basic Law, ICCPR, and ICESCR:

- freedoms of speech, the press, publication, association, assembly, procession, and demonstration.

Rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security.

Presumption of innocence until convicted.

Defence rights of criminal suspects/defendants shall be protected.

No double jeopardy.
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.

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.

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.

HKSAR shall complete national security legislation and refine (source text: 完善 perfect) relevant laws.
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。

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。

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。

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報告。

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
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.

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.

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
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.

**Head of CSNS Secretariat:**
Secretary-General appointed by CPG, nominated by CE.

**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.

**Duties and functions of CSNS:**

1. Analyse and assess developments, make work plans, formulate policies;
2. Advance development of HKSAR’s legal system and enforcement mechanisms; and
3. Coordinate major work and significant operations in HKSAR.

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

National Security Adviser to be designated by CPG shall

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.
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。

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意見。
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。

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.

第三章 罪行和處罰
Chapter III Offences and Penalties

第一節 分裂國家罪
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...
(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。

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.

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。

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 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.
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.

第二節 顛覆國家政權罪
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.
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。

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.

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。

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.

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

Penalties.
If circumstances are serious: fixed-term imprisonment of five years to ten years.
If circumstances are minor: fixed-term imprisonment of not more than five years, short-term detention, or restriction.

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

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

Terrorist activities offences.
• Organise, plan, commit, participate in, or threaten to commit acts listed below
(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。

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。

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.

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。

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.

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，

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.

Terrorist activities offence.
Advocate terrorism or incites the commission of a terrorist activity.

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.
第二十八条

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

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:

- 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 of support from a foreign country, institution, organization or individual outside mainland, HK, and Macao to commit any of the following acts:

  (1) wage 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 toward the Central People’s Government or the Government of the Region, which is likely to cause serious consequences.

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.

Institution, organisation, and individual outside the mainland, Hong Kong, and Macao referred to in the first paragraph shall be convicted and punished for the same offence.
第三十條
為實施本法第二十條、第二十條規定的犯罪，與外國或者境外機構、組織、人員串謀，或者直接或者間接接受外國或者境外機構、組織、人員的指導、控制、資助或者其他形式的支援的，按照本法第二十條、第二十條規定從重處罰。

Article 30
A person who conspires with or directly or indirectly receives instructions, control, funding or other forms of support from a foreign country or an institution, organisation, or individual outside 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.

第五節 其他處罰規定

Part 5 Other Provisions on Penalty

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。

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.

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。

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.

Penalties.
Seizure and confiscation of proceeds from, and funds and tools used or intended to be used in, the commission of an offence.
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.

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

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 for any reason.
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佈。

### 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.

Conviction of national security offence disqualifies persons from standing as candidates or holding any public office.

If a LegCo member, govt official, public servant, or member of district council, who has taken oath is convicted of national security offence, he/she shall be removed, and disqualified from standing as candidates or holding any 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.

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.
第四章 案件管轄、法律適用和程序

第四十条
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。

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).

第四十一条
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。

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.

未经律政司長書面同意，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。

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.

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。

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.

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佈。

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.
第四十二条
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羁押、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。

第四十三条
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

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.

HKPF DSNS may take measures outside of those authorized by existing laws, including:

(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
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。

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.

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。

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.
第四十五條
除非本法另有規定外，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危害國家安全犯罪案件提起的刑事檢控程序。

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.

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。

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.

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”，均應當理解為法官或者法官作為事實裁斷者的職能。

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.

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安全的問題時，應當依照香港特別行政區的法律處理。

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

Designated judges at all levels of courts shall handle national security cases in accordance with the laws of the HKSAR.

Secretary of Justice may issue certificate for trial without jury on grounds of, among others:
- protection of state secrets,
- “foreign factors” involvement, and
- protection of personal safety of jurors and family members.

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.

HKSAR courts shall obtain binding certificate from CE regarding:
- whether act involves national security,
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。

involves State secrets when such questions arise in the adjudication of a case. The certificate shall be binding on the courts.

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

Chapter V Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region

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。

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.

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。

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

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：

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:

(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；

(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;

OSNS is empowered to:

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

(2) supervise, guide,
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.

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.
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.

OSNS has oversight power over all national security work in HKSAR, through a coordination mechanism with the CSNS (established in Art. 12).

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.

OSNS, together with the Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR, 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，最高人民法院

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

- OSNS shall initiate investigation;
- Supreme People's Procuratorate shall designate prosecuting body to prosecute;

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

1. OSNS shall initiate investigation;
2. Supreme People’s Procuratorate shall designate prosecuting body to prosecute;

NGOs, and
- foreign news agencies.
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.

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.
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。

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.

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。

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.

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.

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。

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.

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

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

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

Holder of an identification document or a document of certification issued by OSNS and articles including
第六条
香港特别行政区执法人员检查、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及其人員履行職務時，香港特別行政區政府有關部門必須提供必要的便利和配合，對妨礙執行職務的行為依法予以制止並追究責任。

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.

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。

Article 62
This Law shall prevail where provisions of the local laws of the Hong Kong Special Administrative Region are inconsistent with this Law.

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

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.

Confidentiality of case information shall be kept by:

- relevant institutions, organisations and individuals who assist with the handling of a case.
- relevant institutions, organisations and individuals who assist with the handling of a case.
- a lawyer who serves as defence counsel or legal representative.

Fixed-term imprisonment, life imprisonment”, confiscation of property and “criminal fine”

Confiscation of proceeds of crime” and “fine”

Short-term detention

Restriction

Revoke licence or business permit
第六十五条

本法的解释权属于全国人民代表大会常务委员会。

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.

第六十六条

本法自公布之日起施行。

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

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Explainers

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