Annex A

Updated 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 with highlights of translation issues and suggested translation changes

Key to notations and changes

- **Grey highlight** and **bolding** have been applied to the terms with translation issues.
- In Column 2 of the chart (the English translation column), strikethrough has been applied to word(s) in the original official translation for which HRIC suggests alternate translation. HRIC’s suggested alternate translations along with Chinese source text appear inside square brackets.
- **Word(s) added** by HRIC are indicated by an asterisk (*) preceding the added word(s) inside square brackets.
- All **emphases (in italics)** in the English translation have been added by HRIC.
- A **typographical error** in Article 24 of the Chinese source text is indicated: 以 [意] 圖.

HRIC’s suggested translation changes highlight the importance of the accuracy of the text of a law. Technical language accuracy is critical to the accurate understanding of the scope of prohibited activities and the criminal liability. Under international standards and under common law interpretation norms, rights-restricting laws, should be construed narrowly and in the least restrictive manner possible, so as to enable the appropriate exercise of rights. In addition, our suggested language revision is aimed at conveying more accurately the ideological and political tone in several key provisions of the Chinese text, which is not reflected in the official English translation—as a key objective of the NSL, a Chinese law, is to assert control over perceived threats to the ideological and political dominance of the Communist Party of China over Hong Kong.

Below are some examples of HRIC’s suggested translation changes—with strikethrough on the original translation we suggest replacing, followed by our suggested translation change and Chinese source text inside square brackets—that illustrate the issues of scope and ideological and political overtone:

- From Article 1: “... 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 [overseas forces 境外勢力] to endanger national security . . . .”

*Note:* “External elements” can be read as a neutral term, but the Chinese phrase 境外勢力—“overseas forces”—is global in nature and connotes hostility. It is a phrase that is commonly used by the Chinese authorities to refer to foreign governments and civil society organizations critical of China.
From Article 5, para. 2: “A person is presumed innocent until convicted by a judicial body. The right to defend himself or herself and other rights in judicial proceedings [the legal process 訴訟] that a criminal suspect, defendant, and other parties in judicial proceedings are entitled to under the law shall be protected [guaranteed 保障].”

Note: The official English translation of 訴訟 as “judicial proceedings” is a narrow rendering of the source text, whereas the Chinese term is more expansive and should be translated as “the legal process” to convey more accurately that rights are not limited to court proceedings.

Article 6: “It is the common responsibility of all the people of China, including the people of Hong Kong [compatriots 同胞], to safeguard the sovereignty, unification and territorial integrity of the People’s Republic of China.”

Note: The official English translation, “the people of Hong Kong,” omitted the lineage and jurisdictional claim and the ideological overtone in the source text, 同胞. “compatriots.” The literal meaning of 同胞 is “those born of the same parents.” “Compatriots” is a term commonly used by the United Front Work Department of the Communist Party of China to refer to people in Hong Kong, Macau, and Taiwan.

From Article 21: “A person who incites, assists in, abets [counsels 教唆] or provides pecuniary or other financial assistance or pecuniary property for the commission by other persons of the offence under Article 20 of this Law shall be guilty of an offence.”

Note: The English word “abet” means “encourage, support, aide, or approve” a wrongdoing; the original Chinese term, 教唆, means “counsel, urge, advise” and is broader than the more narrow act of abetting a prohibited act.

HRIC welcomes comments and suggestions. Please send by email to communications@hrichina.org, with “NSL translation” in the subject line.
The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

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Government in the Hong Kong Special Administrative Region

Chapter VI Supplementary Provisions

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 [correct] 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 [overseas forces 境外勢力] to endanger national security in relation to the Hong Kong Special Administrative Region;

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 overseas forces;
- maintaining prosperity and stability of HKSAR; and
- protecting lawful rights and interests of HKSAR.

1 All emphases added.
• maintaining prosperity and stability of the Hong Kong Special Administrative Region; and
• protecting [guaranteeing 保障] 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 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 [a fundamental 根本] responsibility for national security affairs relating to the Hong Kong Special Administrative Region.

It is the [constitutional 憲制] duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duty [duties and responsibilities 職責] accordingly.

Responsibilities and duties of CPG and HKSAR govt:

▪ CPG has fundamental responsibility for national security affairs.
▪ HKSAR govt has constitutional duty to safeguard national security.
▪ Executive, legislative, and judicial organs of HKSAR shall effectively prevent, suppress, and impose punishment.

第二條

關於香港特別行政區法律地位的香港特別行政區基本法第一條*和第十二條規定是香港特別行政區基本法的根本性條款。香港特別行政區任何機構、組織和個人行使權利和自由，不得違背香港特別行政區基本法第一條和第十二條的規定。

第三條

中央人民政府對香港特別行政區有關的國家安全事務負有 根本責任。

香港特別行政區負有維護國家安全的 憲制責任，應當履行維護國家安全的職責。

香港特別行政區行政機關、立法機關、司法機關應當依據本法和其他有關法律規定有效防範、制止和懲治危害國家安全的行為和活動。
第四条

Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. In safeguarding national security, the Hong Kong Special Administrative Region shall respect and guarantee human rights. 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.

A person is presumed innocent until convicted by a judicial body. The right to defend himself or herself and other rights in judicial proceedings [the legal process] that a criminal suspect, defendant, and other parties in judicial proceedings are entitled to under the law shall be guaranteed.
No double jeopardy.

Article 6

It is the common responsibility of all the people of China, including the people of Hong Kong [compatriots 同胞], 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 of 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 [improve 完善] relevant laws.

HKSAR shall complete national security legislation and improve relevant laws.

Article 8

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

HK law enforcement and judicial authorities shall fully enforce this Law and related HKSAR national security laws.

HKSAR shall:

- strengthen work on safeguarding national security and prevention of terrorist activities;
- strengthen public communication guidance, supervision and management over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the Internet.

**NOTE: The Chinese source text states “schools” but not “universities.”**

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 [management 管理] over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.

HKSAR shall:

- strengthen work on safeguarding national security and prevention of terrorist activities;
- strengthen public communication guidance, supervision and management over national security matters in relation to schools, universities, social organizations, the media, and the Internet.

**NOTE: The Chinese source text states “schools” but not “universities.”**

Article 10

The Hong Kong Special Administrative Region shall promote [carry out 開展] national security education in schools and universities and through social
Chapter 1: National Security

Article 11

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

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 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 HKSAR.
The other members of the Committee shall be [include 包括] the Financial Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Secretary for Security, the Commissioner of Police, the head of the department for safeguarding national security of the Hong Kong Police Force established under Article 16 of this Law, the Director of Immigration, the Commissioner of Customs and Excise, and the Director of the Chief Executive’s Office.

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

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

(1) analysing and assessing developments [situations 形勢] in relation to safeguarding national security in the Hong Kong Special Administrative Region, making work plans [planning related work 規劃有關工作], and formulating policies for safeguarding national security in the Region;

(2) advancing the development [construction 建設] of the legal system and enforcement mechanisms of the Region for safeguarding national security; and

(3) coordinating major [significant 重] work and significant [major 重要] operations in HKSAR.

Duties and responsibilities of CSNS:

(1) analyse and assess situations, plan related work, formulate policies;

(2) advance construction of HKSAR’s legal system and enforcement mechanisms; and

(3) coordinate significant work and major 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 [subject 不受] to judicial review.

第十五條

香港特別行政區維護國家安全委員會的工作不受香港特別行政區任何其他機構、組織和個人的干涉，工作信息不予公開。香港特別行政區維護國家安全委員會作出的決定不受司法覆核。

Article 15

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

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 [power].

警務處維護國家安全部門負責人由行政長官任命，行政長官任命前須書面徵求本法第四十八條規定的機構的意見。警務處維護國家安全部門負責人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，忠於香港特別行政區政府。

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 of the Chief Executive 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; allegiance to HKSAR; to abide by law; and
Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, swears allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, and swear to abide by the law and to observe the obligation of secrecy.

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

Article 17

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

1. collecting and analysing intelligence and information concerning national security;
2. planning, coordinating and enforcing measures and operations for safeguarding national security;
3. investigating offences endangering national security;
4. conducting anti-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. perform other duties and responsibilities necessary for the enforcement of this Law.
Article 18

The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialised [national security crimes] 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.

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.

Article 19

The Financial Secretary of the Hong Kong Special Administrative Region shall, upon approval of the Chief

Financial Secretary shall, upon CE approval, appropriate a special fund
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. Financial Secretary shall submit annual report on control and management of the fund to HKSAR Legislative Council.

Chapter III
Offences and Penalties

Part 1  Secession

Article 20

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

(1) separating the Hong Kong Special Administrative Region or any other part of the People’s Republic of China from the People’s Republic of China;
(2) altering by unlawful means the legal status of the Hong Kong Special Administrative Region or of any other part of the People’s Republic of China; or
(3) surrendering the Hong Kong Special Administrative Region or any other part of the People’s Republic of China to the rule of a foreign country.
犯前款罪，對首要分子或者罪行重大者，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.

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。

Article 21
A person who incites, assists in, abets, or provides pecuniary or other financial assistance or pecuniary property for the commission by others of the offence under Article 20 of this Law shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances of the offence committed by a person are of a minor nature, the person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.

Part 2 Subversion

第二十二條
任何人組織、策劃、實施或者參與實施以下以武力、威脅使用武力或者其他非法手段旨在顛覆國家

Article 22
A person who organises, plans, implements, or participates in any of the following acts by force or threat of force or other unlawful means with a
政權行為之一的，即屬犯罪：

(一) 推翻、破壞中華人民共和國憲法所確立的中華人民共和國根本制度；

(二) 推翻中華人民共和國中央政權機關或者香港特別行政區政權機關；

(四) 嚴重干擾、阻撓、破壞中華人民共和國中央政權機關或者香港特別行政區政權機關依法履行職能；

(三) 攻擊、破壞香港特別行政區政權機關履職場所及其設施，致使其無法正常履行職能。

犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑；對積極參加的，處三年以上十年以下有期徒刑；對其他參加的，處三年以下有期徒刑、拘役或者管制。

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.

force/threat of force/other unlawful means to:

(1) overthrow or sabotage the basic system of the PRC established by PRC Constitution;

(2) overthrow CPG or HKSAR political organs;

(3) seriously interfere in, obstruct, or sabotage the performance of duties and functions of CPG or HKSAR body of power; or

(4) attack or damage premises and facilities of HKSAR political organs, resulting in their incapacity to perform their normal duties and functions.

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.
Article 23

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

Subversion offences. Incite, assist in, counsel, 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.

Part 3 Terrorist Activities

Article 24

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

Terrorist activities offences.

- Organise, plan, implement, participate in, or threaten to commit acts listed below
- 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;

(1) serious violence against person or persons;
(2) explosion, arson, dissemination of poisonous or radioactive substances, or pathogens;
(四) 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；
(三) 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.

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 three years to ten years.

Penalties.

Offender who organises or leads a terrorist organisation: life imprisonment or fixed-term imprisonment of not less than ten years; and confiscation of property.
Article 26

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

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.

Terrorist activities offences.

- provide support, assistance, or facilitation such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to a terrorist organisation or a terrorist; or
- manufacture or illegally possess explosives, poisonous or radioactive substances, or pathogens for commission of terrorist activities.

Penalties.

If circumstances are serious: fixed-term imprisonment of five years to ten years, and
and shall be imposed with a criminal fine.

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

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

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

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<th>Article 27</th>
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<td>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.</td>
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<td>If circumstances are serious: fixed-term imprisonment of five to ten years, and criminal fine or confiscation of property.</td>
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<td>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.</td>
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| Terrorist activities in Part 3 shall not affect prosecution of terrorist offences committed in other forms under HKSAR laws. |
Part 4  Collusion with a Foreign Country or with External Elements [Overseas Forces 境外勢力] 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 [overseas 境外] 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 [overseas 境外] 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 [overseas 境外] 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 [overseas 境外] institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People’s Republic of China, to commit any of the following acts shall be guilty of an offence:

(1) wage war against the People’s Republic of China, or using or threatening to use force to seriously undermine [harm (or endanger)] the sovereignty, unification and territorial integrity of the People’s Republic of China;
(2) seriously obstruct [阻撓] the formulation and implementation of laws or policies by the Government of the Hong Kong Special Administrative Region by HKSAR govt or CPG likely causing serious consequences;

Collusion offences.

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

 Proceedings of the sixth plenary meeting of the Standing Committee of the 14th National People’s Congress (3 February 2022)
or by the Central People’s Government, which is likely to cause serious consequences;

(3) rigging or undermining an election in the Hong Kong Special Administrative Region, which is likely to cause serious consequences;

(4) imposing sanctions or blockade, or engaging in other hostile activities against the Hong Kong Special Administrative Region or the People’s Republic of China; or

(5) provoking by unlawful means hatred among Hong Kong residents towards the Central People’s Government or the Government of the Region, which is likely to cause serious consequences.

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

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.

Overseas institution, organisation, and individual referred to in the first paragraph shall be convicted and punished for the same offence.

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

Article 30
A person who conspires with or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an [overseas境外] 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.

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.

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

Penalties.
Incorporated or unincorporated body: criminal fines and suspension of operation and revocation of license or business permit.

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 [recovered 追繳] and confiscated.

Penalties.
Recovery 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 [an independent or supplementary] punishment if he or she commits an offence under this Law.

Penalties for persons without HKSAR permanent residency status:
- deportation as independent or supplementary punishment if offence is committed;
- deportation if person contravenes this Law but is not prosecuted.
A person who is not a permanent resident of the Region may be subject to deportation if he or she contravene the provisions of this Law but is not prosecuted for any reason.

Article 35

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

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.

NOTE: Since a conviction can be reversed on appeal, this reference to conviction by “a” court raises questions on whether a conviction by “a” court that is being appealed can be the basis for disqualification/removal.
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 this Law’s entry into force.
第四章 案件管轄、法律適用和程序

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

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.

第四十一條
香港特別行政區管轄危害國家安全犯罪的立案、偵查、檢控、審判和刑罰的執行等程序事宜，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.

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

未經律政司長書面同意，任何人不得就危害國家安全犯罪案件提出檢控。但該規定不影響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.

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 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, [the media and the public shall be prohibited from attending] all or part of the trial shall be closed to the 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羈押、審理期限等方面的規定時，應當確保危害國家安全犯罪案件公正、及時辦理，有效防範、制止和懲治危害國家安全犯罪。

**Article 42**

When applying the laws in force in the Hong Kong Special Administrative Region concerning matters such as the detention and time limits related to detention and 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：

(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

**Article 43**

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

(1) search of premises, vehicles, vessels, aircraft and other relevant places and electronic devices that may contain evidence of an offence;
(2) ordering any person suspected of having committed an offence endangering national security to surrender travel documents;

HKSAR law enforcement and judicial authorities shall ensure fairness and timeliness in handling national security cases, so as to prevent, suppress, and punish the offences.

No bail for a suspect unless a judge determines the suspect/defendant will not continue to commit acts.

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

(1) searches of premises, vehicles, vessels, aircraft and other relevant places and electronic devices;
(2) ordering surrender of travel documents;
surrender travel documents, or prohibiting the person concerned from leaving the Region;

(3) freezing of, applying for restraint order, charging order and confiscation order in respect of, and forfeiture of property used or intended to be used for the commission of the offence, proceeds of crime, or other property relating to the commission of the offence;

(4) requiring a person who published information or the relevant service provider to delete the information or provide assistance;

(5) requiring a political organisation of a foreign country or outside the mainland, Hong Kong, and Macao of the People’s Republic of China, or an agent of authorities or a political organisation of a foreign country or outside the mainland, Hong Kong, and Macao of the People’s Republic of China, to provide information;

(6) upon approval of the Chief Executive, carrying out interception of communications and conducting covert surveillance on a person who is suspected, on reasonable grounds, of having involved in the commission of an offence endangering national security; and

(7) requiring a person, who is suspected, on reasonable grounds, of having in possession information or material relevant to investigation, to answer questions and furnish such information or produce such material.

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be responsible for supervising the CSNS (established by Art. 12) shall have oversight over implementation of...
採取本條第一款規定措施負有監督責任。

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.

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

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.

第四十四條

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

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.

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

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.

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

A person shall not be designated as a judge to adjudicate a case concerning offence endangering national security if he or she has made any statement or behaved in any manner endangering national security. A designated judge shall be removed from the designation list if he or she makes any statement or behaves in any manner endangering national security during the term of office.
The proceedings in relation to the prosecution for offences endangering national security in the magistrates’ courts, the District Court, the High Court and the Court of Final Appeal shall be handled by the designated judges in the respective courts.

**Article 45**

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

**Article 46**

In criminal proceedings in the Court of First Instance of the High Court concerning offences endangering national security, the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury on the grounds of, among others, 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.
Fourth Seventy Article 47

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

HKSAR courts shall obtain binding certificate from CE regarding:
- whether act involves national security; or
- evidence involves state secrets.

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

Article 48

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

CPG shall establish an Office for Safeguarding National Security (OSNS) in HKSAR.

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:

Staff of OSNS are sent by relevant CPG national security authorities

Staff of OSNS are sent by relevant CPG national security authorities
OSNS is empowered to:

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

Article 50

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

Staff of OSNS shall:

- abide by HKSAR and national laws; and
- be supervised by national supervisory authorities.

QUESTION: How can Art. 50 reconcile with Art. 60, which states: “[t]he acts performed in the course of duty by the Office for Safeguarding National Security ... and its staff in accordance with this Law shall not be subject to the..."
Article 51

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall be financially guaranteed by the CPG.

Article 52

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

Article 53

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall establish a mechanism of coordination with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region to oversee and provide guidance on the work of the Hong Kong Special Administrative Region for safeguarding national security.
The working departments of the Office shall establish mechanisms for collaboration with the relevant authorities of the Region responsible for safeguarding national security to enhance information sharing and operations coordination.

Article 54

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

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 NGOs; and
- foreign news agencies.

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:
- the case is complex;
- a serious situation has occurred where HKSAR is unable to effectively enforce this Law; or
- a major and imminent threat has occurred.

QUESTION: What is the relationship between Art. 55 and Art. 18(4) of the Basic Law?
（一）案件涉及外國或者境外勢力介入的複雜情況，香港特別行政區管轄確有困難的；
（二）出現香港特別行政區政府無法有效執行本法的嚴重情況的；
（三）出現國家安全面臨重大現實威脅的情況的。

第五十六條

根據本法第五十五條規定管轄有關危害國家安全犯罪案件時，由駐香港特別行政區維護國家安全公署負責立案偵查，最高人民檢察院指定有關檢察機關行使檢察權，最高人民法院指定有關法院行使審判權。

Article 56

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

第五十七條

根據本法第五十五條規定管轄案件的立案偵查、審查起訴、審判和刑罰的執行等訴訟程序事宜，適用《中華人民共和國刑事訴訟法》等相關法律的規定。

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
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:

- 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;
- a criminal suspect or defendant shall be entitled to a fair trial without undue delay.

**QUESTION: Will the lawyers be mainland Chinese lawyers or Hong Kong lawyers?**
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。

The Office and its staff shall enjoy other rights and immunities provided by laws of the Region.
Article 61

The relevant departments of the Government of the Hong Kong Special Administrative Region shall provide necessary facilitation and support to the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region in performing its mandate [duties and responsibilities] 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 offence endangering national security, shall keep confidential State secrets, trade secrets or personal information which they come to know in the process of handling such cases.

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

- law enforcement and judicial authorities and their staff; and
- a lawyer who serves as defence counsel or legal representative.

A lawyer who serves as defence counsel or legal representative shall keep confidential State secrets, trade secrets or personal information which he or she comes to know in the practice of law.
The relevant institutions, organisations and individuals who assist with the handling of a case shall keep confidential any information pertaining to the case.

Confidentiality of case information shall be kept by:

- relevant institutions, organisations; and
- individuals who assist with the handling of a case.

**Article 64**

In the application of this Law in the Hong Kong Special Administrative Region, the terms “fixed-term imprisonment”, “life imprisonment”, “confiscation of property” and “criminal fine” in this Law respectively mean “imprisonment”, “imprisonment for life”, “confiscation of proceeds of crime” and “fine”; “short-term detention” shall be construed, with reference to the relevant laws of the Region, as “imprisonment”, “short-term 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.

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

**Confiscation of proceeds of crime and “fine.”**

**Short-term detention.**

**Restriction.**

**Revocation of licence or business permit.**

**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.**

**Article 66**

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

**Entry into force upon promulgation.**