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

Promulgating entity: Standing Committee of the National People’s Congress
Date of promulgation: June 30, 2020
Date of legal effect: June 30, 2020

https://www.el egislation.gov.hk/hk/A406
HRIC visited this page on October 14, 2020

Chapter I General Principles
Chapter II The Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security
Part 1 Duties
Part 2 Government Bodies
Chapter III Offences and Penalties
Part 1 Secession
Part 2 Subversion
Part 3 Terrorist Activities
Part 4 Collusion with a Foreign Country or with External Elements [overseas forces] to Endanger National Security
Part 5 Other Provisions on Penalty
Part 6 Scope of Application
Chapter IV Jurisdiction, Applicable Law and Procedure
Chapter V Office for Safeguarding National Security of the Central People’s
第一章 总则
General Principles

Chapter I

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 準確] implementation of the policy 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 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;
- maintaining prosperity and stability of HKSAR; and
- protecting lawful rights and interests of HKSAR.

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

Legislative purposes:

1. implementation of One Country, Two Systems under which people of Hong Kong administer Hong Kong with a high degree of autonomy;
2. safeguarding national security;
3. preventing, suppressing, and imposing punishment for secession, subversion, organisation, and perpetration of terrorist activities, and collusion with a foreign country or overseas forces;
4. maintaining prosperity and stability of HKSAR; and
5. protecting lawful rights and interests of HKSAR.

All emphases added.
maintaining prosperity and stability of the Hong Kong Special Administrative Region; and

- protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.

**Article 2**

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

**Article 3**

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

It is the constitutional duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duties 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
第四条

香港特别行政区维护国家安全应当尊重和保障人权，依法保障香港特别行政区居民根据香港特别行政区基本法和《公民权利和政治权利国际公约》、《经济、社会与文化权利的国际公约》适用的规定享有的包括言论、新闻、出版的自由，结社、集会、游行、示威的自由在内的权利和自由。

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.

第五条

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。故犯嫌疑人、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。

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.

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 guaranteed.
shall be protected [guaranteed] No one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in judicial proceedings.

Article 6

It is the common responsibility of all the people of China, including the people of Hong Kong [compatriots], 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.

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

Written confirmation or loyalty oath to uphold Basic Law is required for standing for election or assuming office.
第八条

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.

HKSAR shall complete national security legislation and improve relevant laws.

Article 8

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.

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."

第九条

The Hong Kong Special Administrative Region shall promote national security education in schools and through social organisations and the media.

HKSAR shall carry out national security education in schools, universities, social organizations, and
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.

HKSAR Chief Executive (CE) shall be accountable to CPG and submit an annual report and report on specific matters as requested.

Article 12

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

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

Article 13

The Chief Executive shall be the chairperson of the Committee for Safeguarding National Security of the

NOTE: The Chinese source text states “schools” but not “universities.”
香港特別行政區維護國家安全委員會下設秘書處，由秘書長領導。秘書長由行政長官提名，報中央人民政府任命。

第十四條

香港特別行政區維護國家安全委員會的職責為：

(一) 分析研判香港特別行政區維護國家安全形勢，規劃有關工作，制定香港特別行政區維護國家安全政策；
(二) 推進香港特別行政區維護國家安全的法律制度和執行情報機制建設；
(三) 協調香港特別行政區維護國家安全的重點工作和重大行動。

Duties and responsibilities of CSNS:

(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) advance construction of HKSAR’s legal system and enforcement mechanisms; and
(3) coordinate significant work and major operations in HKSAR.

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 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.
大 operations for safeguarding national security in the Region.

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

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

Work of CSNS not subject to disclosure.

Decisions of CSNS not subject to judicial review.

Article 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 [attend 列席] meetings of the Committee.

National Security Adviser to be designated by CPG shall advise CSNS on matters related to its duties and responsibilities.

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].

Hong Kong Police Force (HKPF) to establish dept for safeguarding national security (HKPF DSNS).

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
警務處維護國家安全部門可以從香港特別行政區以外聘請合格的專門人員和技術人員，協助執行維護國家安全任務。

第十七條
警務處維護國家安全部門的職責為：

（一）收集分析涉及國家安全的情報信息；
（二）部署、協調、推進維護國家安全的措施和行動；
（三）調查危害國家安全犯罪案件；
（四）進行反干預調查和開展國家安全審查；
（五）承辦香港特別行政區維護國家安全委員會交辦的維護國家安全工作；
（六）執行本法所需的其他職責。

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

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

Article 17
The duties and functions of the department for safeguarding national security of the Hong Kong Police Force shall be:

(1) collecting and analysing intelligence and information concerning national security;
(2) planning, coordinating and enforcing measures and operations for safeguarding national security;
(3) investigating cases of 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

Duties and responsibilities of HKPF DSNS:

(1) collect and analyse intelligence;
(2) deploy, coordinate, and drive forward measures and operations;
(3) investigate cases of offences;
(4) conduct anti-interference investigation and national security review;
(5) undertake tasks assigned by CSNS; and
(6) perform other duties and responsibilities necessary for the enforcement of this Law.
Administrative Region; and
(6) performing other duties and

functions [responsibilities 職責]
necessary for the enforcement of this
Law.

第十八條

香港特別行政區律政司設立專門的國家安全犯罪案件檢控部門，負責危害國家安全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。

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.

律政司國家安全犯罪案件檢控部門負責人由行政長官任命，行政長官任命前須書面徵求本法第四十八條規定的機構的意見。律政司國家安全犯罪案件檢控部門負責人在就職時應當宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政區，遵守法律，保守秘密。

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

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

Article 19

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

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

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

Head of DOJ SPD shall be appointed by CE, based on opinion of the Office established under Art. 48.

Head of DOJ SPD shall swear:
- to uphold Basic Law;
- allegiance to HKSAR;
- to abide by law; and
- to observe obligation of secrecy.

Financial Secretary shall, upon CE approval, appropriate a special fund.
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。

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

第一節 分裂國家罪

第二十條

任何人組織、策劃、實施或者參與實施以下旨在分裂國家、破壞國家統一行為之一的，不論是否使用武力或者以武力相威脅，即屬犯罪：

(一) 將香港特別行政區或者中華人民共和國其他任何部分從中華人民共和國分離出去；
(二) 非法改變香港特別行政區或者中華人民共和國其他任何部分的法律地位；
(三) 將香港特別行政區或者中華人民共和國其他任何部分轉歸外國統治。

A person who organises, plans, commits [implements 實施] 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 [transferring 轉歸] the Hong Kong Special Administrative Region or any other part of the People’s Republic of China to the rule of a foreign country.

Secession offences.
Organise, plan, implement, or participate in acts to:

(1) separate HKSAR or any other part of PRC from the PRC;
(2) alter by unlawful means status of HKSAR or any other part of PRC; or
(3) transfer HKSAR or any part of PRC to the rule of a foreign country.
第二十一條
任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

Article 21
A person who incites, assists in, abets 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. 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, commits 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。

view to subverting the State power shall be guilty of an offence:

(1) overthrowing or undermining [sabotaging 破壞] 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 [organs 機關] 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 [obstructing 阻撓], or undermining [sabotaging 破壞] the performance of duties and functions in accordance with the law by the body of central power of the People’s Republic of China or the body of power of the Hong Kong Special Administrative Region; or
(4) attacking or damaging the premises and facilities used by the body of power of the Hong Kong Special Administrative Region to perform its duties and functions, rendering it incapable of performing its normal duties and functions.

Penalties.
Principal offender of offence of a grave nature: life imprisonment or fixed-term imprisonment 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.
第二十三條
任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十二條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

Article 23
A person who incites, assists in, abets [counsels 教唆] 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.

第三節 恐怖活動罪
第二十四條
為脅迫中央人民政府、香港特別行政區政府或者國際組織或者威脅公眾[意圖]實現政治主張，組織、策劃、實施、參與實施或者威脅實施以下造成或者意圖造成嚴重社會危害的恐怖活動之一的，即屬犯罪：

Part 3 Terrorist Activities
Article 24
A person who organises, plans, commits [implements 實施], participates in or threatens to commit any of the following terrorist activities causing or intended to cause grave harm to the society with a view to coercing the Central People’s Government, the Government of the Hong Kong Special Administrative Region or an international organisation or intimidating the public in order to pursue political agenda shall be guilty of an offence:

(1) 針對人的嚴重暴力；
(2) 爆炸、縱火或者投放毒害性、放射性、傳染病病原體等物質；

(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。

犯前款罪，致人重傷、死亡或者使公私財產遭受重大損失的，處無期徒刑或者十年以上有期徒刑；其他情形，處三年以上十年以下有期徒刑。

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 leads 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 or fixed-term imprisonment of not less than ten years; and confiscation of property.

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.

**NOTE:** Source text contains only a single term for “safety”. The term “security” is not in the source text.
以下有期徒刑、拘役或者管制，可以并处罚金。

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.
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.

Terrorist activities in Part 3 shall not affect prosecution of terrorist offences committed in other forms or the imposition of other measures such as freezing of property in accordance with the laws of the Hong Kong Special Administrative Region.

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

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.
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 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 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 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 institution, organisation or individual 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) 危害] the sovereignty, unification and territorial integrity of the People’s Republic of China;

2. seriously disrupt formulation or implementation of laws or polices by the Government of the Hong Kong Special Administrative Region

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:
重後果；
(三) 對香港特別行政區選舉進行操控，破壞並可能造成嚴重後果；
(四) 對香港特別行政區或者中華人民共和國進行制裁、封鎖或者採取其他敵對行動；
(五) 通過各種非法方式引發香港特別行政區居民對中央人民政府或者香港特別行政區政府的憎恨並可能造成嚴重後果。

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

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

The [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].

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.
第三十条

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 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

第三十一条

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。

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.

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。

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。
不具有香港特別行政區永久性居民身份的人違反本法規定，因任何原因不對其追究刑事責任的，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，即時喪失該職務，並喪失參選或者出任上述職務的資格。

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

### Article 35

A person who is convicted of an offence endangering national security by a court shall be disqualified from standing as a candidate in the elections of the Legislative Council and district councils of the Hong Kong Special Administrative Region, holding any public office in the Region, or serving as a member of the Election Committee for electing the Chief Executive. If a person so convicted is a member of the Legislative Council, a government official, a public servant, a member of the Executive Council, a judge or a judicial officer, or a member of the district councils, who has taken an oath or made a declaration to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, 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.
第六節 效力範圍

第三十六條

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

在香港特別行政區註冊的船舶或者航空器內實施本法規定的犯罪的，也適用本法。

第三十七條

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

第三十八條

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

第三十九條

本法施行以後的行為，適用本法定罪處刑。

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 this Law’s entry into force.
第四章  案件管辖、法律适用和程序

第四十条

香港特别行政区对本法规定的犯罪案件行使管辖权，但本法第五十五条规定的情形除外。

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

香港特别行政区管辖危害国家安全犯罪案件的立案、侦查、控诉和审判的执行等程序事项，适用本法和香港特别行政区本地法律。

Article 41

This Law and the laws of the Hong Kong Special Administrative Region shall apply to procedural matters, including those related to criminal [*case filing 案件的立案] 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 case filing, investigation, prosecution, trial, and execution of penalty of cases over which the HKSAR has jurisdiction.

未经律政司长书面同意，任何人不得就危害国家安全犯罪案件提出控诉。但该规定不影响有关犯罪依法逮捕犯罪嫌疑人将被羁押，也不影响该等犯罪嫌疑人申请保释。

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

Cases of endangering national security within the jurisdiction of the HKSAR shall be tried on indictment.

未经律政司长书面同意，任何人不得就危害国家安全犯罪案件提出控诉。但该规定不影响有关犯罪依法逮捕犯罪嫌疑人将被羁押，也不影响该等犯罪嫌疑人申请保释。

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

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

审判应当公开进行。因为涉及国家秘密、公共秩序等情形不宜公开审理的，禁止新闻界和公众旁听全部或者一部分审理程序，但判决结果应当一律公开宣布。

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 禁止新闻界和公众旁听] all or part of the trial shall be closed to the media and the public; judgment to be delivered in 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

香港特别行政区执法、司法机关在适用香港特别行政区现行法律有关羁押、审判期限等方面的規定时，应当确保危害国家安全犯罪案件公正、及时办理，有效防范、制止和惩治危害国家安全犯罪。

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

香港特別行政区政府警务处维护国家安全部门办理危害国家安全案件時，可以採取香港特别行政区现行法律准予警方等执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 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 of cases concerning offence endangering national security are handled in a fair and timely manner so as to effectively prevent, suppress and impose punishment for such offence.

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

Article 43

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

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

HKPF DSNS may take measures outside of those authorized by existing laws, including:
國家安全犯罪行為的人員交出旅行證件或者限制其離境；

(三) 對用於或者意圖用於犯罪的財產、因犯罪所得的收益等與犯罪相關的財產，予以凍結，申請限制令、押記令、沒收令以及充公；

(四) 要求信息發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。

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.
implementation of the measures stipulated in the first paragraph of this Article by law enforcement authorities including the department for safeguarding national security of the Hong Kong Police Force.

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

Article 44

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

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

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.

**Article 45**

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

**Article 46**

In criminal proceedings in the Court of First Instance of the High Court concerning offences endangering national security, the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury on the grounds of, among others, the protection of State secrets, involvement of foreign factors in the case, and the guarantee 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.
第四十七條

香港特別行政區法院在審理案件中遇有涉及有關行為是否涉及國家安全或者有關證據材料是否涉及國家秘密的認定問題，應取得行政長官就該等問題發出的證明書，上述證明書對法院有約束力。

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.

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 [duties and responsibilities] 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.

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.

Staff of OSNS are sent by relevant CPG national security authorities

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 [duties and responsibilities]:

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall perform the following mandate [duties and responsibilities]:
(1) analysing and assessing developments [situations 形勢] in relation to safeguarding national security in the Hong Kong Special Administrative Region, and providing opinions and making proposals [recommendations 建議] 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 [and responsibilities 職責] for safeguarding national security;
(3) collecting and analysing intelligence and information concerning national security; and
(4) handling cases concerning offence endangering national security in accordance with the law.

Article 50

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall perform its mandate [duties and responsibilities 職責] 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.

OSNS shall not infringe on the 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
駐香港特別行政區維護國家安全公署人員依法接受國家監察機關的監督。

第五十一條

駐香港特別行政區維護國家安全公署的經費由中央財政保障。

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.

第五十二條

駐香港特別行政區維護國家安全公署應當加強與中央人民政府駐香港特別行政區聯絡辦公室、外交部駐香港特別行政區特派員公署、中國人民解放軍駐香港部隊的工作聯繫和工作協同。

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.

第五十三條

駐香港特別行政區維護國家安全公署應當與香港特別行政區維護國家安全委員會建立協調機制，監督、指導香港特別行政區維護國家安全工作。

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.

jurisdiction of the Hong Kong Special Administrative Region”?

OSNS shall have 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.

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

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）案件涉及外国或者境外势力介入的複杂情况，香港特别行政区管辖确有困难的；
（二）出现香港特别行政区政府无法有效执行本法的严重情况的；
（三）出现国家安全面临重大现实威脅的情况的。

第五十六条

根据本法第五十五条规定管辖有关危害国家安全犯罪嫌疑案件时，由驻香港特別行政区维护国家安全公署负责立案侦查，最高人民检察机关指定有關检査机关行使检察权，最高人民法院指定有關法院行使审判权。

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.

In exercising jurisdiction over a case pursuant to Art. 55:
▪ OSNS shall initiate investigation;
▪ Supreme People’s Procuratorate shall designate prosecuting body to prosecute;
▪ Supreme People’s Court shall designate a court to adjudicate.

第五十七条

根据本法第五十五条规定管辖案件的立案侦查、审查起诉、审判和刑罚的执行等诉讼程序事宜，适用《中华人民共和国刑事诉讼法》等相關法律的规定。

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制發的證件或者證明文件的人員和車輛等在執行職務時不受香港特別行政區執法人員檢查、搜查和扣押。

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

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 in accordance with this Law, and shall stop any act obstructing the performance of such mandate and hold those who commit such act liable in accordance with the law.

Chapter VI
Supplementary Provisions

Article 62

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

Article 63

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

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.
配合辦案的有關機構、組織和個人應當對案件有關情況予以保密。

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.

第六十四條

香港特別行政區適用本法時，本法規定的“有期徒刑”“無期徒刑”“沒收財產”和“罰金”分別指“監禁”“終身監禁”“充公犯罪所得”和“罰款”，“拘役”參照適用香港特別行政區相關法律規定的“監禁”“入勞役中心”“入教導所”、“管制”參照適用香港特別行政區相關法律規定的“社會服務令”“入感化院”，“吊銷執照或者營業許可證”指香港特別行政區相關法律規定的“取消註冊或者註冊豁免，或者取消牌照”。

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.

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.

第六十五條

本法的解釋權屬於全國人民代表大會常務委員會。

Article 65

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

NPCSC has power of interpretation of this Law.

第六十六條

本法自公佈之日起施行。

Article 66

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

Entry into force upon promulgation.