

附件 A

中国人权最新《中华人民共和国香港特别行政区维护国家安全法》双语注释表（重点提出了翻译问题和修改建议）

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.

中華人民共和國香港特別行政區維護國家安全法

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

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政區維護國家
安全機構

Government in the Hong
Kong Special
Administrative Region

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第一章 總則

Chapter I
General Principles

第一條

Article 1

為堅定不移並全面**準確**貫徹“一國兩制”、“港人治港”、高度自治的方針，維護國家安全，防範、制止和懲治與香港特別行政區有關的分裂國家、顛覆國家政權、組織實施恐怖活動和勾結外國或者**境外勢力**危害國家安全等犯罪，保持香港特別行政區的繁榮和穩定，**保障**香港特別行政區居民的合法權益，根據中華人民共和國憲法、中華人民共和國香港特別行政區基本法和全國人民代表大會關於建立健全香港特別行政區維護國家安全的法律制度和執行機制的決定，制定本法。

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 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

¹All 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.*

residents.

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。

Article 2

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

No contravening of fundamental Basic Law

Articles: Art. 1 (HKSAR is inalienable part of PRC) and **Art. 12** (HKSAR shall enjoy a high degree of autonomy directly under the Central People's Government (CPG)).

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。

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.

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.

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。

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.

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。

The *executive authorities, legislature and judiciary* [legislative, and judicial organs 立法機關、司法機關] of the Region shall effectively prevent, ~~suppress~~ [prohibit 制止] and impose punishment for any act or activity endangering national security in

accordance with this Law and other relevant laws.

第四條

香港特別行政區維護國家安全應當尊重和保障人權，依法保護香港特別行政區居民根據香港特別行政區基本法和《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》適用於香港的有關規定享有的包括言論、新聞、出版的自由，結社、集會、遊行、示威的自由在內的權利和自由。

Article 4

~~Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. [In safeguarding national security, the Hong Kong Special Administrative Region shall respect and guarantee human rights~~ 香港特別行政區維護國家安全應當尊重和保障人權]. 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.

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

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

第五條

防範、制止和懲治危害國家安全犯罪，應當堅持法治原則。法律規定為犯罪行為的，依照法律定罪處刑；法律沒有規定為犯罪行為的，不得定罪處刑。

Article 5

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

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

任何人未經司法機關判罪之前均假定無罪。保障犯罪嫌疑人、被告人和其他訴訟參與人依法享有的辯護權和其他訴訟權利。任何人已經司法程序被最終確定有罪或者宣告無罪

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

Presumption of innocence until convicted.

Defence rights of criminal suspects/defendants shall be guaranteed.

的，不得就同一行為再予審判或者懲罰。

shall be **protected [guaranteed 保障]**.
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.

No double jeopardy.

第六條

維護國家主權、統一和領土完整是包括香港**同胞**在內的全中國人民的共同義務。

Article 6

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

在香港特別行政區的任何機構、組織和個人都應當遵守本法和香港特別行政區有關維護國家安全的其他法律，不得從事危害國家安全的行為和活動。

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

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

香港特別行政區居民在參選或者就任公職時應當依法簽署文件確認或者宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政區。

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

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

第二章 香港特別行政區維護國家安全的職責和機構

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

第一節 職責

Part 1 Duties

第七條

Article 7

香港特別行政區應當儘早完成香港特別行政區基本

The Hong Kong Special Administrative Region shall complete, as early as

法規定的維護國家安全立法，**完善**相關法律。

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.

第八條

香港特別行政區執法、司法機關應當切實執行本法和香港特別行政區現行法律有關防範、制止和懲治危害國家安全行為和活動的規定，有效維護國家安全。

Article 8

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

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

第九條

香港特別行政區應當加強維護國家安全和防範恐怖活動的工作。對**學校**、社會團體、媒體、網絡等涉及國家安全的事宜，香港特別行政區政府應當採取必要措施，加強宣傳、指導、監督和**管理**。

Article 9

The Hong Kong Special Administrative Region shall *strengthen its work on safeguarding national security and prevention of terrorist activities*. The Government of the Hong Kong Special Administrative Region shall take necessary measures to *strengthen public communication, guidance, supervision and **regulation** [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.”

Chinese 第十條

香港特別行政區應當通過**學校**、社會團體、媒體、網絡等**開展**國家安全教育，提高香港特別行政區

Article 10

The Hong Kong Special Administrative Region shall **promote** **[carry out 開展]** *national security education* in schools and **universities** and through social

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

居民的國家安全意識和守法意識。

organisations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law.

media, and on the Internet to raise awareness of national security and obligations.

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

第十一條

香港特別行政區行政長官應當就香港特別行政區維護國家安全事務向中央人民政府負責，並就香港特別行政區履行維護國家安全**職責**的情況提交年度報告。

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* [***and responsibilities 職責**] 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.

如中央人民政府提出要求，行政長官應當就維護國家安全特定事項及時提交報告。

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

第二節 機構

Part 2 Government Bodies

第十二條

香港特別行政區設立維護國家安全委員會，負責香港特別行政區維護國家安全事務，承擔維護國家安全的主要責任，並接受中央人民政府的監督和問責。

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.

第十三條

香港特別行政區維護國家安全委員會由行政長官擔任主席，成員**包括**政務司

Article 13

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

CSNS chair: CE
CSNS members:
▪ Chief Secretary for

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

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

- Administration
- Financial Secretary
- Secretary for Justice
- Secretary for Security
- Commissioner of Police
- Head of Dept for safeguarding national security of the HKPF established under Art. 16
- Director of Immigration
- Commissioner of Customs and Excise
- Director of CE Office

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。

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

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

第十四條

Article 14

香港特別行政區維護國家安全委員會的**職責**為：

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

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

- (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 重點] work and significant [major 重***

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.

大] operations for safeguarding national security in the Region.

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。

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.

第十五條

香港特別行政區維護國家安全委員會設立國家安全事務顧問，由中央人民政府指派，就香港特別行政區維護國家安全委員會履行職責相關事務提供意見。國家安全事務顧問列席香港特別行政區維護國家安全委員會會議。

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 [*performance of 履行] 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.

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].

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

警務處維護國家安全部門負責人由行政長官任命，行政長官任命前須書面徵求本法第四十八條規定的機構的意見。警務處維護國家安全部門負責人在就職時應當宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共

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

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

和國香港特別行政區，遵守法律，**保守秘密**。

*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** [safeguard secrets 保守秘密].*

- to safeguard secrets.

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

The department for safeguarding national security of the Hong Kong Police Force may recruit qualified **professionals** [**specialists** 專門人員] and technical personnel from outside the Hong Kong Special Administrative Region to provide assistance in the performance of [***related** 相關] duties for safeguarding national security.

DSNS may recruit specialists and technical personnel from outside HKSAR for assistance.

第十七條

Article 17

警務處維護國家安全部門的**職責**為：

The **duties and functions** [**responsibilities** 職責] of the department for safeguarding national security of the Hong Kong Police Force shall be:

- (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。

- (1) collecting and analysing intelligence and information concerning national security;
- (2) **planning** [**deploying** 部署], coordinating and **enforcing** [**driving forward** 推進] measures and operations for safeguarding national security;
- (3) investigating **offences** [**cases of offences** 犯罪案件] endangering national security;
- (4) conducting **counter-interference** [**anti-interference** 反干預] investigation and national security review;
- (5) **carrying out** [**undertaking** 承辦] 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。

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

第十九條

經行政長官批准，香港特別行政區政府財政司長應

Article 18

The *Department of Justice of the Hong Kong Special Administrative Region* shall establish a specialised [***national security crimes** 國家安全犯罪案件] *prosecution division* responsible for the prosecution of offences endangering national security and other related legal work. The prosecutors of this division shall be appointed by the Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.

The *head of the specialised* [***national security crimes** 國家安全犯罪案件] *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** 國家安全犯罪案件] *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~~ [**safeguard secrets** 保守秘密].

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.

from general revenue for expenditures for safeguarding national security and establishment of relevant posts—unrestricted by HKSAR laws.

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

第三章 罪行和處罰

Chapter III Offences and Penalties

第一節 分裂國家罪

Part 1 Secession

第二十條

Article 20

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：

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:

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

- (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。

- (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 統治] a foreign country.**

- (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.

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* [with grave circumstances **罪行重大**] shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a *person who actively participates* in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and *other participants* shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Penalties.

Principal offender of offence with grave circumstances: life imprisonment or fixed-term imprisonment of not less than ten years.

Active participant: fixed-term imprisonment of three years to ten years.

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

第二十一條

任何人煽動、協助、**教唆**、以金錢或者其他財物資助他人實施本法第二十條規定的犯罪的，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* [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. 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.

Secession offences.

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

Penalties.

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

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

第二節 顛覆國家政權罪

Part 2 Subversion

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* [implements **實施**] or participates in any of the following acts by force or threat of force or other unlawful means with a

Subversion offences.

Organise, plan, implement, or participate in acts by

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。

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.*

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.

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*.

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.

第三節 恐怖活動罪

Part 3 Terrorist Activities

第二十四條

為脅迫中央人民政府、香港特別行政區政府或者國際組織或者威嚇公眾 **以** **[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：

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:

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:**

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

- (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。

- (3) *sabotage* of means of transport, transport facilities, electric power or gas facilities, or other combustible or explosible facilities;
- (4) *serious interruption or sabotage* of electronic control systems for providing and managing public services such as water, electric power, gas, transport, telecommunications and the internet; or
- (5) *other dangerous activities [methods 方法] which seriously jeopardise [harm (or endanger) 重危] public health [or] safety, or security.*

- (3) **sabotage** of means of transport, transport facilities, electric power or gas facilities, or other combustible or explosive facilities;
- (4) **serious interruption or sabotage of electronic control systems** for public services; or
- (5) **other dangerous methods** seriously harming (or endangering) public health or safety.

NOTE: Source text contains only a single term for “safety” 安全. The term “security” is not in the source text.

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*.

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

Offender in other circumstances: fixed-term imprisonment of three years to ten years.

第二十五條

組織、領導恐怖活動組織的，即屬犯罪，處無期徒刑或者十年以上有期徒刑，並處沒收財產；積極參加的，處三年以上十年以下有期徒刑，並處罰金；其他參加的，處三年

Article 25

A person who *organises or takes charge of [leads 領導] 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*

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.**

以下有期徒刑、拘役或者管制，可以並處罰金。

imprisonment of not less than three years but not more than ten years and shall be imposed with a criminal fine; and *other participants* shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction, and shall be liable to a criminal fine.

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.

本法所指的恐怖活動組織，是指實施或者意圖實施本法第二十四條規定的恐怖活動罪行或者參與或者協助實施本法第二十四條規定的恐怖活動罪行的組織。

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

Definition.

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

第二十六條

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

Article 26

A person who provides support, assistance or **facility** [**facilitation** 便利] 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,

Terrorist activities offences.

- **provide support, assistance, or facilitation** such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to terrorist organization 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.

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.

有前款行為，同時構成其他犯罪的，依照處罰較重的規定定罪處罰。

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.

第二十七條

Article 27

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。

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

Penalties.

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

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

第二十八條

Article 28

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

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.

Terrorist activities in Part 3 shall not affect prosecution of terrorist offences committed in other forms under HKSAR laws.

第四節 勾結外國或者境外勢力危害國家安全罪

第二十九條

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

- (一) 對中華人民共和國發動戰爭，或者以武力或者武力相威脅，對中華人民共和國主權、統一和領土完整造成嚴重危害；
- (二) 對香港特別行政區政府或者中央人民政府制定和執行法律、政策進行嚴重阻撓並可能造成嚴重

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) waging a 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 ~~disrupting~~ [obstructing 阻撓] the formulation and implementation of laws or policies 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**:

- (1) **wage war** against PRC, or use or threaten to use force to seriously harm (or endanger) PRC sovereignty, unification, and territorial integrity;
- (2) **seriously obstruct formulation or implementation of laws or polices** by HKSAR govt or CPG likely causing serious consequences;

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

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

本條第一款規定涉及的境外機構、組織、人員，按共同犯罪定罪處刑。

- or by the Central People's Government, which is likely to cause serious consequences;
- (3) rigging or **undermining** **[sabotaging 破壞]** an election in the Hong Kong Special Administrative Region, which is likely to cause serious consequences;
- (4) imposing sanctions or blockade, or engaging in other hostile activities against the Hong Kong Special Administrative Region or the People's Republic of China; or
- (5) provoking by unlawful means hatred among Hong Kong residents towards the Central People's Government or the Government of the Region, which is likely to cause serious consequences.

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

The **[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]**.

- (3) **rig or sabotage an election** in HKSAR likely causing serious consequences;
- (4) **impose sanctions or blockade**, or engage in other hostiles act against HKSAR or PRC; or
- (5) **provoke by unlawful means hatred** among Hong Kong residents toward CPG or HKSAR govt likely causing serious consequences.

Penalties.

Fixed-term Imprisonment of three years to ten years.

Offence of grave nature: life imprisonment or fixed-term imprisonment of not less than ten years.

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

第三十條

為實施本法第二十條、第二十二條規定的犯罪，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.

Penalty.

Offender who conspires with or directly or indirectly receives instructions, control, funding, or other kinds of support from a foreign country or overseas institution, organisation, or individual **to commit secession (Art. 20) or subversion (Art. 22)** shall receive the **more severe penalties** set out in Arts. 20 and 22.

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.

Penalties.

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

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 [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。

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 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~~ [another 他人] person, which is verified to be true, or provides material information which assists in solving other criminal case.

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

Article 34

A person who is not a permanent resident of the Hong Kong Special Administrative Region may be subject to deportation as ~~the sole or an additional~~ [an independent or supplementary 獨立適用或者附加] punishment if he or she commits an offence under this Law.

Lighter or reduced penalties, or exemption, in case of minor offence if offender:

- (1) **discontinues** the commission of the offence;
- (2) **surrenders and gives a truthful account** of the offence; or
- (3) **reports on others** or provides information assisting in solving other cases.

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.

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，即時喪失該等職務，並喪失參選或者出任上述職務的資格。

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

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

Article 35

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

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

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 經法院判決 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

Part 6 Scope of Application

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。

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.

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。

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.

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。

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.

第三十九條

本法施行以後的行為，適用本法定罪處刑。

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

Chapter IV Jurisdiction, Applicable Law and Procedure

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.

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

第四十一條

香港特別行政區管轄危害國家安全犯罪案件的立案偵查、檢控、審判和刑罰的執行等程序事宜，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 [*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.

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

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

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

香港特別行政區管轄的危害國家安全犯罪案件的審判循公訴程序進行。

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

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

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

The trial shall be conducted in an open court. When circumstances arise such as the trial involving State secrets or public order, [the media and the public shall be prohibited from attending 禁止新聞界和公眾旁聽] all or part of the trial shall be closed to the media and the

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.

public but the judgment shall be delivered in an open court.

第四十二條

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

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

第四十三條

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

- (一) 搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
- (二) 要求涉嫌實施危害

Article 42

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

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

Article 43

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

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

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**;

- 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。

香港特別行政區維護國家安全委員會對警務處維護國家安全部門等執法機構

- 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 [remove 移除]** 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

- (3) **freezing and confiscating property**, proceeds of crimes, other related property;
- (4) **requiring service providers to remove** published information;
- (5) requiring foreign political organisations or their agents outside the mainland, Hong Kong, and Macao to **provide information**;
- (6) with approval of CE, **intercepting communications and carrying out covert surveillance** on suspects; and
- (7) requiring a person suspected of **possessing information or material** relevant to investigation **to answer questions and provide** the material.

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.

**measures in the first
paragraph of this Article by
law enforcement including
the HKPF DSNS.**

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.

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

第四十四條

Article 44

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。

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

**CE shall designate judges to
handle national security
cases.**

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

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.

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

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

第四十五條

除本法另有規定外，裁判法院、區域法院、高等法院和終審法院應當按照香港特別行政區的其他法律處理就危害國家安全犯罪案件提起的刑事檢控程序。

第四十六條

對高等法院原訟法庭進行的就危害國家安全犯罪案件提起的刑事檢控程序，律政司長可基於保護國家秘密、案件具有涉外因素或者保障陪審員及其家人的人身安全等理由，發出證書指示相關訴訟毋須在有陪審團的情況下進行審理。凡律政司長發出上述證書，高等法院原訟法庭應當在沒有陪審團的情況下進行審理，並由三名法官組成審判庭。

凡律政司長發出前款規定的證書，適用於相關訴訟的香港特別行政區任何法律條文關於“陪審團”或者“陪審團的裁決”，均應當理解為指法官或者法官作為事實裁斷者的職能。

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,~~ **[including 等:]** the protection of State secrets, involvement of foreign factors in the case, and the ~~protection~~ **[guarantee 保障]** 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.

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

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

Secretary of Justice may issue certificate for trial without jury on grounds including:

- protection of state secrets;
- “foreign factors” involvement; and
- **guarantee of personal safety** of jurors and family members.

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

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

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 職責]** 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 職責]**:

- (一) 分析研判香港特別行政區維護國家安全**形勢**，就維護國家安全重大戰略和重要政策提出意見和**建議**；
- (二) 監督、指導、協調、支持香港特別行政區履行維護國家安全的**職責**；
- (三) 收集分析國家安全情報信息；
- (四) 依法辦理危害國家安全犯罪案件。

- (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.

OSNS is empowered to:

- (1) analyse and assess **national security situations** in the HKSAR; provide **major strategic and policy recommendations**;
- (2) **oversee, guide, coordinate, and support** all work in HKSAR relating to safeguarding national security;
- (3) collect and analyse **intelligence**; and
- (4) **handle cases**.

第五十條

駐香港特別行政區維護國家安全公署應當嚴格依法履行**職責**，依法接受監督，不得侵害任何個人的合法權益。

Article 50

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall perform its **mandate** [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.

駐香港特別行政區維護國家安全公署人員除須遵守全國性法律外，還應當遵守香港特別行政區法律。

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

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

jurisdiction of the Hong Kong Special Administrative Region”?

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。

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

第五十一條

Article 51

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。

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall be **funded** [financially guaranteed 財政保障] by the Central People’s Government.

OSNS shall be financially guaranteed by the CPG.

第五十二條

Article 52

駐香港特別行政區維護國家安全公署應當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。

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

OSNS shall strengthen cooperation with CPG representative entities in HKSAR:

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

第五十三條

Article 53

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

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

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

駐香港特別行政區維護國家安全公署的工作部門應當與香港特別行政區維護國家安全的有關機關建立協作機制，加強信息共享和行動配合。

第五十四條

駐香港特別行政區維護國家安全公署、外交部駐香港特別行政區特派員公署會同香港特別行政區政府採取必要措施，加強對外國和國際組織駐香港特別行政區機構、在香港特別行政區的外國和境外非政府組織和新聞機構的管理和服務。

第五十五條

有以下情形之一的，經香港特別行政區政府或者駐香港特別行政區維護國家安全公署提出，並報中央人民政府批准，由駐香港特別行政區維護國家安全公署對本法規定的危害國家安全犯罪案件行使管轄權：

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

Article 54

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

Article 55

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

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

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.**

OSNS shall exercise jurisdiction over a case 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。

- (1) the case is complex due to the involvement of a foreign country or **external elements [overseas forces 境外勢力]**, thus making it difficult for the Region to exercise jurisdiction over the case;
- (2) a serious situation occurs where the Government of the Region is unable to effectively enforce this Law; or
- (3) **a major and imminent threat to national security has occurred [a situation of actual major and imminent threat to national security occurs 出現國家安全面臨重大現實威脅的情況]**.

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.

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

根據本法第五十五條規定管轄案件時，本法第五十六條規定的執法、司法機關依法行使相關權力，其為決定採取強制措施、偵查措施和司法裁判而簽發的法律文書在香港特別行政區具有法律效力。對於駐香港特別行政區維護國家安全公署依法採取的措施，有關機構、組織和個人必須遵從。

第五十八條

根據本法第五十五條規定管轄案件時，犯罪嫌疑人自被駐香港特別行政區維護國家安全公署第一次訊問或者採取強制措施之日起，有權委託律師作為辯護人。辯護律師可以依法為犯罪嫌疑人、被告人提供法律幫助。

When exercising jurisdiction over cases pursuant to Article 55 of this Law, the law enforcement and judicial authorities referred to in Article 56 of this Law shall exercise powers in accordance with the law. The legal documents issued by these authorities on their decisions to take mandatory and investigation measures and on their judicial decisions shall have legal force in the Hong Kong Special Administrative Region. The institutions, organisations and individuals concerned must comply with measures taken by the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region in accordance with the law.

Article 58

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

- institutions, organisations, and individuals concerned must comply with measures taken by OSNS.

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

Article 59

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。

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.

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

第六十條

Article 60

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。

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.

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

持有駐香港特別行政區維護國家安全公署制發的證件或者證明文件的人員和車輛等在執行職務時不受香港特別行政區執法人員檢查、搜查和扣押。

In the course of performing duty, a holder of an identification document or a document of **certification [proof 證明]** 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.

Holder of an identification document or a document of certification issued by OSNS and articles including vehicles used by the holder **shall not be subject to inspection, search, or detention** by law enforcement officers in HKSAR.

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.

第六十一條

駐香港特別行政區維護國家安全公署依據本法規定履行職責時，香港特別行政區政府有關部門須提供必要的便利和配合，對妨礙有關執行職務的行為依法予以制止並追究責任。

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 職責]** 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.

Relevant HKSAR government depts shall **facilitate and support OSNS** in performing its mandate and **shall not obstruct the performance** of such mandate.

第六章 附則

Chapter VI Supplementary Provisions

第六十二條

香港特別行政區本地法律規定與本法不一致的，適用本法規定。

Article 62

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

Where inconsistent with HKSAR local laws, this Law shall prevail.

第六十三條

辦理本法規定的危害國家安全犯罪案件的有關執法、司法機關及其人員或者辦理其他危害國家安全犯罪案件的香港特別行政區執法、司法機關及其人員，應當對辦案過程中知悉的國家秘密、商業秘密和個人隱私予以保密。

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.

擔任辯護人或者訴訟代理人的律師應當保守在執業活動中知悉的國家秘密、商業秘密和個人隱私。

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.