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.
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Chapter VI Supplementary Provisions

第一章 總則

Chapter I General Principles

Article 1

This Law is enacted, in accordance with the Constitution of the People’s Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, and the Decision of the National People’s Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the Hong Kong Special Administrative Region, for the purpose of:

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

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

1 All emphases added.
第二条

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)).

第三条

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

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

Responsibilities and duties of CPG and HKSAR govt:

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

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.

A person is presumed innocent until convicted by a judicial body. The right to defend himself or herself and other rights in judicial proceedings [the legal process] that a criminal suspect, defendant, and other parties in judicial proceedings are entitled to under the law

Presumption of innocence until convicted.

Defence rights of criminal suspects/defendants shall be guaranteed.

No double jeopardy.
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.

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.

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.

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.

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

Part 1  Duties

The Hong Kong Special Administrative Region shall complete, as early as
第八条
香港特别行政区宪法、司法机关应当切实执行本法和香港特别行政区现行法律有关防范、制止和惩治危害国家安全行为和活动的规定，有效维护国家安全。

Article 8
In order to safeguard national security effectively, the law enforcement and judicial authorities of the Hong Kong Special Administrative Region shall fully enforce this Law and the laws in force in the Region concerning the prevention of, suppression of, and imposition of punishment for acts and activities endangering national security.

HKSAR shall complete national security legislation and improve relevant laws.

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

Article 9
The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the Hong Kong Special Administrative Region shall take necessary measures to strengthen public communication, guidance, supervision and regulation [management] 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.”

第十条
香港特别行政区应当通过学校、社会团体、媒体、网络等开展国家安全教育，提高香港特别行政区

Article 10
The Hong Kong Special Administrative Region shall promote [carry out 開展] national security education in schools and universities and through social organisations, the media, the internet and

HKSAR shall carry out national security education in schools, universities, social organizations, and media, and on the Internet
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.

Article 13

The Chief Executive shall be the chairperson of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region. The other members of the Committee include:

- Chief Secretary for Administration
- Financial Secretary
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 重要] work and significant [major 重大] operations for safeguarding national security in the Region.

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.

Duties and responsibilities of CSNS:

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

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

(3) coordinate significant work and major operations in HKSAR.
No institution, organisation or individual in the Region shall interfere with the work of the Committee. Information relating to the work of the Committee shall not be subject to disclosure. Decisions made by the Committee shall not be amenable [subject 不受] to judicial review.

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 duties and functions 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
- to safeguard secrets.
the Hong Kong Special Administrative Region of the People’s Republic of China, and swear to abide by the law and to observe the obligation of secrecy.

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

**Article 17**

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

(1) collecting and analysing intelligence and information concerning national security;
(2) planning, coordinating and enforcing measures and operations for safeguarding national security;
(3) investigating offences endangering national security;
(4) conducting anti-interference investigation and national security review;
(5) carrying out tasks of safeguarding national security assigned by the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region; and
(6) performing other duties and responsibilities necessary for the enforcement of this Law.
第十八條

香港特別行政區律政司設立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。

第十九條

經行政長官批准，香港特別行政區政府財政司長應當從政府一般收入中撥出專門款項支付關於維護國家安全的開支並核准所涉及的人員編制，不受香港

necessary for the enforcement of this Law.

Article 18

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

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.

Article 19

The Financial Secretary of the Hong Kong Special Administrative Region shall, upon approval of the Chief Executive, appropriate from the general revenue a special fund to meet the expenditure for safeguarding national security and approve the establishment of

Financial Secretary shall, upon approval, appropriate a special fund from general revenue for expenditures for safeguarding national security and establishment
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。

relevant posts, which are not subject to any restrictions in the relevant provisions of the laws in force in the Region. The Financial Secretary shall submit an annual report on the control and management of the fund for this purpose to the Legislative Council of the Hong Kong Special Administrative Region.

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

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

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

(1) separating the Hong Kong Special Administrative Region or any other part of the People’s Republic of China from the People’s Republic of China;
(2) altering by unlawful means the legal status of the Hong Kong Special Administrative Region or of any other part of the People’s Republic of China; or
(3) surrendering the Hong Kong Special Administrative Region or any other part of the People’s Republic of China to [the rule of a foreign country].

犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑

A person who is a principal offender or a person who commits an offence of a grave nature [with grave circumstances] Penalties. Principal offender of offence with grave
第二十一條
任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十条規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

Article 21
A person who incites, assists in, abets [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.

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政權行為之一的，即屬犯罪：

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

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

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

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

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

A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a person who actively participates in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Penalties.

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

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

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

Article 23

Subversion offences.
任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十二條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

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

第三節 恐怖活動罪
Part 3 Terrorist Activities

第二十四條
Article 24

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，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：

Terrorist activities offences.

• Organise, plan, implement, participate in, or threaten to commit acts listed below
• 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. serious violence against a person or persons;
2. explosion, arson, or dissemination of poisonous or radioactive substances, pathogens of infectious diseases or other substances;
3. sabotage of means of transport, transport facilities, electric power or gas facilities, or other combustible or exploisible facilities;

(T1) 针对人的嚴重暴力；
(T2) 爆炸、縱火或者投放毒害性、放射性、傳染病病原體等物質；
(T4) 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) 嚴重幹擾、破壞水、電、燃氣、交通、通訊、網絡等公共服務和管理的電子控制系統；

(五) 以其他危險方法嚴重危害公眾健康或者安全。

A person who commits the offence causing serious bodily injury, death or significant loss of public or private property shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; in other circumstances, a person who commits the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

Article 25

A person who organises or takes charge of a terrorist organisation shall be guilty of an offence and shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years, and shall be subject to confiscation of property; a person who actively participates in a terrorist organisation shall be sentenced to fixed-term imprisonment of 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

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.

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

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 facilitation such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to a terrorist organisation or a terrorist, or for the commission of a terrorist activity; or manufactures or illegally possesses substances such as explosive, poisonous or radioactive substances and pathogens of infectious diseases or uses other means to prepare for the commission of a terrorist activity shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed with a criminal fine or subject to confiscation of property; in other circumstances, a person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction, and shall be imposed with a 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.
有前款行为，同时构成其他犯罪的，依照处罚较重的法律规定定罪处罚。

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.

第二十七条

宣传恐怖主义、煽动实施恐怖活动的，即属犯罪。情节严重的，处五年以上十年以下有期徒刑，并处罚金或者没收财产；其他情形，处五年以下有期徒刑、拘役或者管制，并处罚金。

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.

第二十八条

本节规定不影响依据香港特别行政区法律对其他形式的恐怖活动犯罪追究刑事责任并采取冻结财产等措施。

Article 28

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

第四节　勾结外国或者境外势力危害国家安全罪

Part 4　Collusion with a Foreign Country or with External Elements to Endanger National Security

第二十九条

为外国或者境外机构、组织、人员窃取、刺探、收买、非法提供涉及国家安全秘密或者情报的，即属犯罪。

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

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

Terrorist activities offence.

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.

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

Collusion offences.

▪ steal, spy, obtain with payment, or unlawfully
全的國家秘密或者情報的；請求外國或者境外機構、組織、人員實施，與
外國或者境外機構、組織、人員串謀實施，或者直接或者間接接受外國或者
境外機構、組織、人員的指使、控制、資助或者其他形式的支援實施以下
行為之一的，均屬犯罪：

(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；
(1) 擬制對中華人民共和國的國家秘密或者情報提供;
(2) 擬制對中國香港或者中國澳門的國家安全法擬制的國家秘密或者情報提供;
(3) 擬制對中國香港或者中國澳門的國家安全法擬制的國家秘密或者情報提供;
(4) 擬制對中國香港或者中國澳門的國家安全法擬制的國家秘密或者情報提供;
(5) 擬制對中國香港或者中國澳門的國家安全法擬制的國家秘密或者情報提供;

an institution, organisation or individual outside the mainland, Hong-Kong, and Macao of the People’s Republic of China shall be guilty of an offence; a person who requests a foreign country or an institution, organisation or individual outside the mainland, Hong-Kong, and Macao of the People’s Republic of China, or conspires with a foreign country or an institution, organisation or individual outside the mainland, Hong-Kong, and Macao of the People’s Republic of China, or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the mainland, Hong-Kong, and Macao of the People’s Republic of China, to commit any of the following acts shall be guilty of an offence:

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

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

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.

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.

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
第二十條、第二十二條的規定從重處罰。

penalty in accordance with the provisions therein respectively.

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。

An incorporated or unincorporated body such as a company or an organisation which commits an offence under this Law shall be imposed with a criminal fine.

The operation of an incorporated or unincorporated body such as a company or an organisation shall be suspended or its licence or business permit shall be revoked if the body has been punished for committing an offence under this Law.

Penalties.

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

第三十二條

因實施本法規定的犯罪而獲得的資助、收益、報酬等違法所得以及用於或者意圖用於犯罪的資金和工具，應當予以追繳、沒收。

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 追缴] 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：

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

(2) surrenders and gives a truthful account of the
動有效地防止犯罪結果發生的；

(二) 被動投案，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、被告人如實供述法律、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。

《香港國家安全法》

Article 34

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

Penalties for persons without HKSAR permanent residency status:

- deportation as independent or supplementary punishment if offence is committed;
- deportation if person contravenes this Law but is not prosecuted.

Article 35

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.
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。

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.

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.

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。

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.

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

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

This Law applies to:

- offences committed in HKSAR by any person, including acts or consequences occurring in the HKSAR; or
- on board a
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，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。

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...
第四十一条
香港特別行政區管轄危害國家安全犯罪案件的立案、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。

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

香港特別行政區管轄的危及國家安全犯罪案件的審判循公訴程序進行。

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。

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

Security of CPG in HKSAR).

Article 41
This Law and the laws of the Hong Kong Special Administrative Region shall apply to procedural matters, including those related to criminal investigation, prosecution, trial, and execution of penalty, in respect of cases concerning offence endangering national security over which the Region exercises jurisdiction.

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

The trial shall be conducted in an open court. When circumstances arise such as the trial involving State secrets or public order, [the media and the public shall be prohibited from attending] all or part of the trial shall be closed to the media and public; judgment to be delivered in an open court.

Article 42
When applying the laws in force in the Hong Kong Special Administrative Region concerning matters such as the detention and trial of persons, HKSAR law enforcement and judicial authorities shall ensure fairness and timeliness in handling national security cases, so
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方維護國家安全部門辦理危害國家安全犯罪案件時，可以採取香港特別行政區現行法律准予警方等執法部門在調查嚴重犯罪案件時採取的各種措施，並可以採取以下措施：

(一) 搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
(二) 要求涉嫌實施危害國家安全犯罪行為的人員交出旅行證件或者限制其離境；
(三) 對用於或者意圖用於犯罪的財產、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

第43條

Article 43

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

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

(四) 要求信息发佈人或者有关服务提供商移除信息或者提供协助；

(五) 要求外国及境外政治性組織，外国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採取本條第一款規定措施負有監督責任。

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be responsible for supervising the implementation of the measures stipulated in the first paragraph of this Article by law enforcement authorities including the department for safeguarding national security of the Hong Kong Police Force.

授權香港特別行政區行政長官會同香港特別行政區

The Chief Executive shall be authorised, in conjunction with the Committee for

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

CE shall be authorized, in conjunction with CSNS, to
第四十四條

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

Article 44

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

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

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

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。

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.

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。

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.

make implementation rules for applying HKPF DSNS measures.

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

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

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.

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

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保障陪審員及其家人的人身安全等理由，發出證書指示相關訴訟毋須在有陪審團的情況下進行審理。凡律政司長發出上述證書，高等法院原訟法庭應當在沒有陪審團的情況下進行審理，並由三名法官組成審判庭。

Article 46
In criminal proceedings in the Court of First Instance of the High Court concerning offences endangering national security, the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury on the grounds of, among others, the protection of State secrets, involvement of foreign factors in the case, and the protection [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.

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

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

HKSAR courts shall obtain binding certificate from CE regarding:
▪ whether act involves national security; or
▪ evidence involves state
第五章 中央人民政府駐香港特別行政區維護國家安全機構

第四十八條

中央人民政府在香港特別行政區設立維護國家安全公署。中央人民政府駐香港特別行政區維護國家安全公署依法履行維護國家安全職責，行使相關權力。

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.

駐香港特別行政區維護國家安全公署人員由中央人民政府維護國家安全的有關機關聯合派出。

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

第四十九條

駐香港特別行政區維護國家安全公署的職責為：

(1) 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、協商

(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];
第50条

驻香港特别行政区维护国家安全公署应严格依法履行职责，依法接受监督，不得侵害任何个人和组织的合法权益。

Article 50

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

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: “the 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”?
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 Central People’s Government.

附件

A

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.

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

The working departments of the Office shall establish mechanisms for collaboration with the relevant authorities of the Region responsible for safeguarding national security to enhance information sharing and operations coordination.
第五十四条

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.

第五十五条

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

(1) the case is complex due to the involvement of a foreign country or external elements, thus making it difficult for the Region to exercise jurisdiction over the case;

(2) a serious situation occurs where the Government of the Region is unable to effectively enforce this Law; or

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?
第五十六条

根据本法第五十五条规定管辖案件时，由驻香港特别行政区维护国家安全公署负责立案侦查，最高人民检察院指定有关检察机关行使检察权，最高人民法院指定有关法院行使审判权。

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》等有关法律的规定。

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

根據本法第五十五條規定管辖案件時，本法第五十五條規定的執法、司法機關依法行使相關權力，其他
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，有权委託律師作為辯護人。辯護律師可以依法為犯罪嫌疑人、被告人提供法律幫助。

Article 58

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

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

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

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

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?

In cases over which jurisdiction is exercised pursuant to Art. 55: any person with information
全國犯罪案件情況，都有
如實作證的義務。


donational security under this Law is
obliged to testify truthfully.

pertaining to an offence is
obliged to testify truthfully.

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.

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

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

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

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。

第六十一條
駐香港特別行政區維護國家安全公署及其人員享有
香港特別行政區法律規定的其他權利和豁免。

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。

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 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].

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

### 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。

### 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 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.

A lawyer who serves as defence counsel or legal representative shall keep confidential State secrets, trade secrets or personal information which he or she comes to know in the practice of law.

The relevant institutions, organisations and individuals who assist with the handling of a case shall keep confidential any information pertaining to the case.
第六十四條
在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」「罰款」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.