

Safeguarding National Security Bill

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A BILL

To

Improve the law for safeguarding national security in the Hong Kong Special Administrative Region of the People's Republic of China; and to provide for related matters.

Preamble

WHEREAS it is a must—

- (a) to resolutely, fully and faithfully implement the policy of “one country, two systems” under which the people of Hong Kong administer Hong Kong with a high degree of autonomy;
- (b) to establish and improve the legal system and enforcement mechanisms for the HKSAR to safeguard national security; and
- (c) to prevent, suppress and punish acts and activities endangering national security in accordance with the law, to protect the lawful rights and interests of the residents of the HKSAR and other people in the HKSAR, to ensure the property and investment in the HKSAR are protected by the law, to maintain prosperity and stability of the HKSAR:

AND WHEREAS there are requirements under the Constitution of the People's Republic of China and the following law, decision and interpretation for the HKSAR to perform the constitutional duty to safeguard national security and to improve the law for safeguarding national security in the HKSAR—

- (a) the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, including the provisions of Article 23 of that Law;
- (b) the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security (a translation of “《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》”) adopted at the Third Session of the Thirteenth National People's Congress on 28 May 2020;
- (c) the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”); and
- (d) the Interpretation by the Standing Committee of the National People's Congress of Article 14 and Article 47 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《全國人民代表大會常務委員會關於〈中華人民共和國香港特別行政區維護國家安全法〉第十四條和第四十七條的解釋》”) adopted at the 38th Session

of the Standing Committee of the Thirteenth National People's Congress on 30 December 2022:

AND WHEREAS—

- (a) the executive, legislative and judicial authorities of the HKSAR must effectively prevent, suppress and punish acts and activities endangering national security in accordance with the law; and
- (b) the residents of the HKSAR must safeguard the sovereignty, unity and territorial integrity of the state; any institution, organization and individual in the HKSAR must abide by the law of the HKSAR applicable for safeguarding national security, must not engage in acts and activities endangering national security, and must provide assistance in accordance with the law in response to a request made by the authorities when conducting the work on safeguarding national security in accordance with the law:

NOW, THEREFORE, it is enacted by the Legislative Council as follows—

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Safeguarding National Security Ordinance.

2. Principles of this Ordinance

This Ordinance is based on the following principles—

- (a) the highest principle of the policy of “one country, two systems” is to safeguard national sovereignty, security and development interests;
- (b) human rights are to be respected and protected, the rights and freedoms, including the freedoms of speech, of the press and of publication, the freedoms of association, of assembly, of procession and of demonstration, enjoyed under the Basic Law, the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR, are to be protected in accordance with the law; and
- (c) for acts and activities endangering national security, there must be adherence to active prevention in accordance with the principle of the rule of law, and suppression and punishment in accordance with the law, and accordingly—
 - (i) a person whose act constitutes an offence under the law is to be convicted and punished in accordance with the law; no one is to be convicted and punished for an act that does not constitute an offence under the law;
 - (ii) a person is to be presumed innocent before the person is convicted by a judicial authority;

- (iii) the right to defend, and other rights in a legal action, enjoyed in accordance with the law by a criminal suspect, defendant and other participants in the action are to be protected; and
- (iv) a person who has already been finally convicted or acquitted of an offence in judicial proceedings is not to be tried or punished again for the same act.

3. Interpretation

(1) In this Ordinance—

Central Authorities (中央) means the body of central power under the constitutional order established by the Constitution of the People's Republic of China, including (but not limited to) the National People's Congress of the People's Republic of China and its Standing Committee, the President of the People's Republic of China, the Central People's Government of the People's Republic of China and the Central Military Commission of the People's Republic of China;

Chinese armed force (中國武裝力量) means an armed force of China, that is the Chinese People's Liberation Army, the Chinese People's Armed Police Force or the militia;

Court (法院) means any of the following courts or tribunals of the Judiciary of the HKSAR—

- (a) the Court of Final Appeal;
- (b) the Court of Appeal;
- (c) the Court of First Instance;
- (d) the Competition Tribunal;

- (e) the District Court;
- (f) a Magistrates' Court;
- (g) the Lands Tribunal;
- (h) the Labour Tribunal;
- (i) the Small Claims Tribunal;
- (j) the Obscene Articles Tribunal;
- (k) the Coroner's Court;

designated judge (指定法官), in relation to a Court, means a judicial officer designated among the judicial officers of the Court under Article 44 of the HK National Security Law;

external force (境外勢力)—see section 6;

external place (境外) means a region or place outside the HKSAR (other than the Mainland and Macao);

function (職能) includes a power and a duty;

HK National Security Law (《香港國安法》) means the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”), as applied in the HKSAR under the Promulgation of National Law 2020 (L.N. 136 of 2020);

international organization (國際組織) means—

- (a) an organization the members of which include one or more—
 - (i) countries, regions or places; or
 - (ii) entities entrusted with functions by any country, region or place; or

- (b) an organization established by or under a treaty, convention or agreement made by 2 or more countries, regions or places,

and includes an institution (however described) under the organization;

judicial officer (司法人員) means—

- (a) a judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92); or
 - (b) a judicial officer appointed by the Chief Justice.
- (2) In this Ordinance, a reference to a case concerning national security includes—
- (a) a case in connection with an offence endangering national security;
 - (b) a case in connection with any measures taken for, or in connection with, safeguarding national security, whether under the HK National Security Law, this Ordinance or any other law; and
 - (c) any proceedings in connection with the case mentioned in paragraph (a) or (b).

4. Meaning of national security

In this Ordinance or any other Ordinance, a reference to national security is a reference to the status in which the state's political regime, sovereignty, unity and territorial integrity, the welfare of the people, sustainable economic and social development, and other major interests of the state are relatively free from danger and internal or external threats, and the capability to maintain a sustained status of security.

Note—

See Article 2 of the National Security Law of the People's Republic of China (a translation of “《中華人民共和國國家安全法》”)—

“National security means the status in which the state's political regime, sovereignty, unity and territorial integrity, the welfare of the people, sustainable economic and social development, and other major interests of the state are relatively free from danger and internal or external threats, and the capability to maintain a sustained status of security.” (a translation of “國家安全是指國家政權、主權、統一和領土完整、人民福祉、經濟社會可持續發展和國家其他重大利益相對處於沒有危險和不受內外威脅的狀態，以及保障持續安全狀態的能力。”).

5. Meaning of colluding with external force

For the purposes of an offence under this Ordinance, a person colludes with an external force to do an act if one or more of the following circumstances exist—

- (a) the person participates in an activity planned or otherwise led by an external force, and the act is an act that the person's participation in the activity involves;
- (b) the person does the act on behalf of an external force;
- (c) the person does the act in cooperation with an external force;
- (d) the person does the act under the control, supervision or direction of, or on request by, an external force;
- (e) the person does the act with the financial contributions, or the support by other means, of an external force.

6. Meaning of *external force*

- (1) In this Ordinance—

external force (境外勢力) means—

- (a) a government of a foreign country;
 - (b) the authority of a region or place of an external place;
 - (c) a political party in an external place;
 - (d) any other organization in an external place that pursues political ends;
 - (e) an international organization;
 - (f) a related entity of a government, authority, political party or organization mentioned in paragraph (a), (b), (c), (d) or (e); or
 - (g) a related individual of a government, authority, political party, organization or entity mentioned in paragraph (a), (b), (c), (d), (e) or (f).
- (2) In paragraph (f) of the definition of ***external force*** in subsection (1), a reference to a related entity of a government or authority is a reference to—
- (a) a company that falls within either or both of the following descriptions—
 - (i) the directors of the company are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government or authority;
 - (ii) the government or authority is in a position to exercise, by virtue of other factors, substantial control over the company; or
 - (b) a body that is not a company and that falls within either or both of the following descriptions—

-
- (i) the members of the executive committee (however called) of the body are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government or authority;
 - (ii) the government or authority is in a position to exercise, by virtue of other factors, substantial control over the body.
 - (3) In paragraph (f) of the definition of *external force* in subsection (1), a reference to a related entity of a political party in an external place, any other organization in an external place that pursues political ends or an international organization (*the organization*) is a reference to—
 - (a) a company that falls within either or both of the following descriptions—
 - (i) the directors of the company are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the organization;
 - (ii) the organization is in a position to exercise, by virtue of other factors, substantial control over the company;
 - (b) a body that is not a company and that falls within either or both of the following descriptions—

-
- (i) the members of the executive committee (however called) of the body are accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the organization;
 - (ii) the organization is in a position to exercise, by virtue of other factors, substantial control over the body; or
 - (c) a body that falls within the following description: the law, constitution, rules or other governing documents by which the body is constituted (or according to which the body operates) contain either or both of the following requirements—
 - (i) a director, senior officer or employee of the body is required to be a member of the organization;
 - (ii) any part of the body is required to constitute a part (however called) of the organization.
- (4) In paragraph (g) of the definition of *external force* in subsection (1), a reference to a related individual of a government, authority, political party, organization or entity is a reference to an individual that falls within either or both of the following descriptions—
- (a) the individual is accustomed, or under an obligation (whether formal or informal), to act in accordance with the directions, instructions or wishes of the government, authority, political party, organization or entity;

- (b) the government, authority, political party, organization or entity is in a position to exercise, by virtue of other factors, substantial control over the individual.

7. **Meaning of offence endangering national security**

To avoid doubt, in this Ordinance or any other Ordinance, a reference to an offence endangering national security includes—

- (a) the four types of offences under the HK National Security Law (which are the offence of secession, the offence of subversion, the offence of terrorist activities and the offence of collusion with a foreign country or with external elements to endanger national security (a translation of “分裂國家罪、顛覆國家政權罪、恐怖活動罪及勾結外國或者境外勢力危害國家安全罪”));
- (b) the offences under the Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》”);
- (c) the offences under this Ordinance; and
- (d) other offences endangering national security under the law of the HKSAR.

8. **Interpretation of other Ordinances etc.**

- (1) If this Ordinance and another Ordinance would be inconsistent but for this subsection, that other Ordinance is to be read in a way that have the best regard to the object and purposes of this Ordinance.

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- (2) A reference to the security of the HKSAR (including a phrase that means the same as “security of the HKSAR”) in another Ordinance is to be read as including national security.
- (3) If the law of the HKSAR confers any function on a person—
- (a) the function is to be read as including a duty to safeguard national security; and
 - (b) accordingly, any person, in making any decision in the performance of the function, must regard national security as the most important factor, and give appropriate consideration to it accordingly,
- and a reference in any Ordinance in connection with such a function is to be read accordingly.

9. Persons to whom offence provisions apply

Unless otherwise provided in a provision, an offence under this Ordinance applies to every person in the HKSAR. If an offence has extra-territorial effect, the extra-territorial effect is provided in the relevant Part.

Part 2

Treason etc.

10. Treason

- (1) A Chinese citizen who—
- (a) joins an external armed force that is at war with China, or is a part of the armed force;
 - (b) with intent to prejudice the situation of China in a war, assists an enemy at war with China in a war;
 - (c) levies war against China;
 - (d) instigates a foreign country or an external armed force to invade China with force; or
 - (e) with intent to endanger the sovereignty, unity or territorial integrity of China, uses force or threatens to use force,

commits an offence and is liable on conviction on indictment to life imprisonment.

- (2) In this section—

enemy at war with China (與中國交戰的敵方) includes a government of a foreign country or external armed force that is at war with China;

external armed force (外來武裝力量) means an armed force that does not belong to China.

11. Publicly manifest intention to commit offence of treason

A Chinese citizen who intends to commit an offence under section 10(1) and publicly manifests such intention commits an offence and is liable on conviction on indictment to imprisonment for 14 years.

12. Requirement on disclosure of commission by others of offence of treason

- (1) If a Chinese citizen (*the person*) knows that another person has committed, is committing or is about to commit an offence under section 10(1) (*commission of offence*), the person must disclose the commission of offence and the material facts in connection with the commission of offence within the person's knowledge to a police officer as soon as reasonably practicable after the person knows of the commission of offence, unless the commission of offence has been in the public domain.
- (2) A Chinese citizen who contravenes subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 14 years.
- (3) This section does not affect any claims, rights or entitlements on the ground of legal professional privilege.
- (4) The offence of misprision of treason under common law is abolished.

13. Unlawful drilling

- (1) If—
 - (a) a person, without the permission of the Secretary for Security or the Commissioner of Police, provides specified drilling to any other person; or
 - (b) a person is present, for the purpose of providing specified drilling to any other person, at a meeting held for the purpose of providing specified drilling, and the meeting is held without the permission of the Secretary for Security or the Commissioner of Police,

the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years.

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- (2) A person who—
- (a) receives specified drilling at a meeting mentioned in subsection (1)(b); or
 - (b) is present at a meeting mentioned in subsection (1)(b) for the purpose of receiving specified drilling,
- commits an offence and is liable on conviction on indictment to imprisonment for 3 years.
- (3) A person who, without the permission of the Secretary for Security or the Commissioner of Police—
- (a) receives or participates in specified drilling the conduct of which is planned or otherwise led by an external force; or
 - (b) receives or participates in specified drilling conducted under the control, direction, financial contributions or support of an external force,
- commits an offence and is liable on conviction on indictment to imprisonment for 5 years.
- (4) A person who, without the permission of the Secretary for Security or the Commissioner of Police—
- (a) provides specified drilling in a meeting the holding of which is planned or otherwise led by an external force;
 - (b) provides specified drilling on behalf of an external force;
 - (c) provides specified drilling in cooperation with an external force;
 - (d) provides specified drilling under the control, supervision or direction of, or on request by, an external force; or

- (e) provides specified drilling under the financial contributions, or support by other means, of an external force,
commits an offence and is liable on conviction on indictment to imprisonment for 10 years.
- (5) Subsections (3) and (4) do not apply if—
 - (a) the specified act is necessary for the person to discharge the person's duty as a public servant;
 - (b) the specified drilling is conducted under the law of the HKSAR;
 - (c) the person is not a Chinese citizen and has the nationality of a foreign country, and the person does the specified act because the person serves in an armed force of a government of the foreign country or serves as a law enforcement officer of a government of the foreign country;
 - (d) the person has the nationality or residency of a foreign country, and the person does the specified act because the person serves in an armed force of a government of the foreign country for complying with the legal requirement of the foreign country;
 - (e) China participates in the specified drilling, and the person does the specified act as a serviceman or law enforcement officer; or
 - (f) the specified drilling is provided by the military, national defence or police department of a government of a foreign country, and the drilling is a part of a course or extra-curricular activity held or arranged by an educational establishment for the students receiving full-time education at the educational establishment.

- (6) If—
- (a) a person does an act before the commencement of this section, and the act continues on or after that commencement; or
 - (b) a person does an act on or after that commencement under an arrangement or agreement made before that commencement,
- and the person would have committed an offence under subsection (3) or (4) for the act but for this subsection, then the person must not be convicted of the offence for the act.
- (7) Where an act is done or continues to be done after the expiry of 6 months after the commencement of this section, subsection (6) does not apply in relation to the act.
- (8) In this section—
- educational establishment*** (教育機構)—
- (a) means a university, college, school or other similar educational establishment; but
 - (b) does not include an educational establishment specialized in providing military training or drilling course;
- specified act*** (指明作為), in relation to an offence under subsection (3) or (4), means an act that constitutes the offence;
- specified drilling*** (指明操練)—
- (a) means training or drilling in—
 - (i) the use of an offensive weapon as defined by section 2(1) of the Public Order Ordinance (Cap. 245);

- (ii) the practice of military exercises; or
 - (iii) the practice of evolutions; but
- (b) does not include an activity that is training or drilling mentioned in paragraph (a)(i) but conducted solely for leisure purpose.

14. Extra-territorial effect of this Part

- (1) If—
- (a) a HKSAR resident who is a Chinese citizen does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under section 10(1) had it been done in the HKSAR, the resident commits the offence.
- (2) If—
- (a) any—
 - (i) Hong Kong permanent resident;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR, does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under section 13(3) or (4) had it been done in the HKSAR, the resident or body commits the offence.
- (3) In this section—
- HKSAR resident** (特區居民) means—
- (a) a Hong Kong permanent resident; or

- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).
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Part 3

Insurrection, Incitement to Mutiny and Disaffection, and Acts with Seditious Intention, etc.

Division 1—Insurrection

15. Insurrection

If—

- (a) a person joins an armed force, or be a part of an armed force, that is in an armed conflict with a Chinese armed force;
- (b) a person, with intent to prejudice the situation of a Chinese armed force in an armed conflict, assists an armed force (*that armed force*) that is in an armed conflict with a Chinese armed force, or assists the government, authority or organization to which that armed force belongs;
- (c) a person initiates armed conflict against a Chinese armed force; or
- (d) a person—
 - (i) with intent to endanger the sovereignty, unity or territorial integrity of China or the public safety of the HKSAR as a whole; or
 - (ii) being reckless as to whether the sovereignty, unity or territorial integrity of China, or the public safety of the HKSAR as a whole, would be endangered,

does a violent act in the HKSAR,

the person commits an offence and is liable on conviction on indictment to life imprisonment.

16. Extra-territorial effect of this Division

(1) If—

(a) any—

- (i) HKSAR resident who is a Chinese citizen;
- (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
- (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,

does any act outside the HKSAR; and

(b) the act would have constituted an offence under section 15 had it been done in the HKSAR, the resident or body commits the offence.

(2) In this section—

HKSAR resident (特區居民) means—

- (a) a Hong Kong permanent resident; or
- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2—Incitement of Members of Chinese Armed Force to Mutiny, Assisting Those Members to Abandon Duties, etc.**17. Incitement of members of Chinese armed force to mutiny**

(1) A person who knowingly incites a member of a Chinese armed force—

- (a) to abandon the duties and abandon the allegiance to China; or
- (b) to organize, initiate or participates in a mutiny, commits an offence and is liable on conviction on indictment to life imprisonment.

(2) In this section—

mutiny (叛變) means an act done by 2 or more persons who are, or at least 2 of whom are, members of a Chinese armed force—

- (a) to overthrow the lawful authority in a Chinese armed force or in an army or force of a government or organization of a foreign country that is acting in cooperation with a Chinese armed force; or
- (b) to resist such lawful authority in such a manner as to substantially prejudice the operational efficiency of a Chinese armed force or of, or of a part of, an army or force of a government or organization of a foreign country that is acting in cooperation with a Chinese armed force.

18. Assisting members of Chinese armed force to abandon duties or absent without leave

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that a member of a Chinese armed force is about to abandon the duties or absent himself or herself without leave, assists the member in so doing.

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- (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person, knowing that a member of a Chinese armed force is about to abandon the duties or absent himself or herself without leave, colludes with an external force to assist the member in so doing.
- (3) A person who, knowing that a member of a Chinese armed force has abandoned the duties or has absented himself or herself without leave—
- (a) conceals the member;
 - (b) assists the member in concealing himself or herself;
or
 - (c) assists the member in escaping from lawful custody, commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
- (4) A person who, knowing that a member of a Chinese armed force has abandoned the duties or has absented himself or herself without leave, colludes with an external force to—
- (a) conceal the member;
 - (b) assist the member in concealing himself or herself; or
 - (c) assist the member in escaping from lawful custody, commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

Division 3—Incitement to Disaffection etc.**19. Inciting disaffection of public officers**

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person knowingly incites a public officer to abandon upholding the Basic Law and abandon the allegiance to the HKSAR.
- (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person colludes with an external force to knowingly incite a public officer to abandon upholding the Basic Law and abandon the allegiance to the HKSAR.
- (3) In this section—

public officer (公職人員) means—

- (a) a person holding an office of emolument under the Government, whether such office be permanent or temporary;
- (b) any of the following persons (if the person is not a person mentioned in paragraph (a))—
 - (i) a principal official of the Government appointed in accordance with the Basic Law;
 - (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) or a person appointed under section 5A(3) of that Ordinance;
 - (iii) the Chairman of the Public Service Commission;
 - (iv) a staff member of the Independent Commission Against Corruption;

- (v) The Ombudsman or a person appointed under section 6 of The Ombudsman Ordinance (Cap. 397);
- (vi) the Privacy Commissioner for Personal Data or a person employed or engaged by the Commissioner under the Personal Data (Privacy) Ordinance (Cap. 486);
- (vii) the Chairperson or a member of the Equal Opportunities Commission, or a person employed or engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480);
- (viii) a judicial officer or a staff member of the Judiciary;
- (c) a member of the Executive Council;
- (d) a member of the Legislative Council;
- (e) a member of a District Council; or
- (f) a member of the Election Committee as defined by section 2(1) of the Chief Executive Election Ordinance (Cap. 569).

20. Inciting disaffection of personnel of offices of Central Authorities in Hong Kong

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person knowingly incites any of the personnel of any of the following offices of the Central Authorities in Hong Kong (*personnel of a CA office in HK*) to abandon the duties and abandon the allegiance to China—
- (a) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region;

- (b) the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region;
 - (c) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region.
- (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person colludes with an external force to knowingly incite any of the personnel of a CA office in HK to abandon the duties and abandon the allegiance to China.

21. Possession of documents or articles of incitement nature with intent to commit specified offence

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 3 years if the person, with intent to commit a specified offence, possesses a document or other article of such a nature that the distribution of a document or article of that nature to a relevant officer would constitute the specified offence.

- (2) In this section—

relevant officer (相關人員) means—

- (a) in relation to an offence under section 17—a member of a Chinese armed force;
- (b) in relation to an offence under section 19—a public officer within the meaning of that section;
- (c) in relation to an offence under section 20—any of the personnel of a CA office in HK within the meaning of that section;

specified offence (指明罪行) means an offence under section 17, 19 or 20.

Division 4—Acts with Seditious Intention etc.**22. Seditious intention**

- (1) For the purposes of this Division—
 - (a) a person does an act with a seditious intention if the person does the act with one or more of the intentions specified in subsection (2); and
 - (b) an act, word or publication is an act, word or publication that has a seditious intention if the act, word or publication has one or more of the intentions specified in subsection (2).
- (2) The intentions are as follows—
 - (a) an intention to bring a Chinese citizen, Hong Kong permanent resident or a person in the HKSAR into hatred, contempt or disaffection against the following system or institution—
 - (i) the fundamental system of the state established by the Constitution of the People’s Republic of China;
 - (ii) a state institution under the Constitution of the People’s Republic of China; or
 - (iii) the following offices of the Central Authorities in Hong Kong—
 - (A) the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region;
 - (B) the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region;

- (C) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region; or
 - (D) the Hong Kong Garrison of the Chinese People's Liberation Army;
- (b) an intention to bring a Chinese citizen, Hong Kong permanent resident or a person in the HKSAR into hatred, contempt or disaffection against the constitutional order, executive, legislative or judicial authority of the HKSAR;
 - (c) an intention to incite any person to attempt to procure the alteration, otherwise than by lawful means, of—
 - (i) any matter established in accordance with the law by the Central Authorities in relation to the HKSAR; or
 - (ii) any matter established in accordance with the law in the HKSAR;
 - (d) an intention to cause hatred or enmity amongst different classes of residents of the HKSAR or amongst residents of different regions of China;
 - (e) an intention to incite any other person to do a violent act in the HKSAR;
 - (f) an intention to incite any other person to do an act that does not comply with the law of the HKSAR or that does not obey an order issued under the law of the HKSAR.

- (3) However—
- (a) if a person does an act only with any of the intentions specified in subsection (4), the act is not done with a seditious intention; and
 - (b) if an act, word or publication only has any of the intentions specified in subsection (4), the act, word or publication is not an act, word or publication that has a seditious intention.
- (4) The intentions are as follows—
- (a) an intention to give an opinion on the system or constitutional order mentioned in subsection (2)(a) or (b), with a view to improving the system or constitutional order;
 - (b) an intention to point out an issue on a matter in respect of an institution or authority mentioned in subsection (2)(a) or (b), with a view to giving an opinion on the improvement of the matter;
 - (c) an intention to persuade any person to attempt to procure the alteration, by lawful means, of—
 - (i) any matter established in accordance with the law by the Central Authorities in relation to the HKSAR; or
 - (ii) any matter established in accordance with the law in the HKSAR;
 - (d) an intention to point out that hatred or enmity amongst different classes of residents of the HKSAR or amongst residents of different regions of China is produced, or that there is a tendency for such hatred or enmity to be produced, with a view to removing the hatred or enmity.

23. Offences in connection with seditious intention

- (1) A person who—
 - (a) with a seditious intention—
 - (i) does an act that has a seditious intention; or
 - (ii) utters a word that has a seditious intention;
 - (b) knowing that a publication has a seditious intention, prints, publishes, sells, offers for sale, distributes, displays or reproduces the publication; or
 - (c) imports a publication that has a seditious intention, commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
- (2) A person who colludes with an external force to do the following—
 - (a) with a seditious intention—
 - (i) do an act that has a seditious intention; or
 - (ii) utter a word that has a seditious intention;
 - (b) knowing that a publication has a seditious intention, print, publish, sell, offer for sale, distribute, display or reproduce the publication; or
 - (c) import a publication that has a seditious intention, commits an offence and is liable on conviction on indictment to imprisonment for 10 years.
- (3) A person who, without reasonable excuse, possesses a publication that has a seditious intention commits an offence and is liable on conviction on indictment to imprisonment for 3 years.

(4) In this section—

publish (發布) includes—

- (a) to communicate in any form, including speaking, writing, displaying notices, broadcasting, screening and playing of tapes or other recorded material; and
- (b) to disseminate or make available.

24. Proof of intention to incite public disorder or to incite violence not necessary

(1) In proceedings for an offence under section 23(1)(a) or (2)(a)—

- (a) it is not necessary to prove that the person does the act or utters the word with the intention to incite any other person to do an act causing public disorder; and
- (b) unless the intention under section 22(2)(e) constitutes an element of the offence, it is not necessary to prove that the person does the act or utters the word with the intention to incite any other person to do a violent act.

(2) In proceedings for an offence under section 23(1), (2) or (3)—

- (a) it is not necessary to prove that the act, word or publication (as appropriate) has the intention to incite any other person to do an act causing public disorder; and
- (b) unless the intention under section 22(2)(e) constitutes an element of the offence, it is not necessary to prove that the act, word or publication (as appropriate) has the intention to incite any other person to do a violent act.

25. Defence for offence under section 23(1)(c) or (2)(c)

- (1) It is a defence for a person charged with an offence under section 23(1)(c) or (2)(c) to establish that, at the time of the alleged offence, the person did not know that the publication is a publication that has a seditious intention.
- (2) A person is taken to have established a matter that needs to be established for a defence under subsection (1) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

Division 5—Miscellaneous Provisions**26. Power to remove or obliterate publications that have seditious intention**

- (1) A law enforcement officer—
 - (a) may, subject to subsection (3), enter any premises or place; and
 - (b) may stop and board any conveyance,
and may remove or obliterate any publication that has a seditious intention from there.
- (2) A law enforcement officer may take all or any of the following actions—
 - (a) to enter (by reasonable force if necessary) any premises or place that the officer is authorized under this section to enter;
 - (b) to remove by reasonable force any person or article obstructing the officer from exercising the power of removal or obliteration which the officer is authorized under this section to exercise;

- (c) to detain any conveyance until all publications that have a seditious intention have been removed or obliterated from the conveyance;
 - (d) to remove any person (by reasonable force if necessary) from any conveyance while any publication that has a seditious intention is removed or obliterated.
- (3) If the publication that has a seditious intention is not visible from a public place, the powers conferred by subsection (1)(a) may only be exercised—
- (a) with the prior permission of the occupier of the premises or place; or
 - (b) under and in accordance with a warrant issued by a magistrate for such purpose.
- (4) In this section—
- conveyance** (運輸工具) includes a vehicle, vessel, aircraft and hovercraft;
- law enforcement officer** (執法人員) means—
- (a) a police officer; or
 - (b) an officer of a law enforcement agency who is authorized by the Secretary for Security to perform the functions under this section.

27. Extra-territorial effect of Divisions 2, 3 and 4

- (1) If—
- (a) any—
 - (i) HKSAR resident who is a Chinese citizen;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or

- (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,
does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under section 17(1) had it been done in the HKSAR,
the resident or body commits the offence.
- (2) If—
 - (a) any—
 - (i) HKSAR resident;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,
does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under a provision specified in subsection (3) had it been done in the HKSAR,
the resident or body commits the offence.
- (3) The provision specified for the purposes of subsection (2) is—
 - (a) section 18(1), (2), (3) or (4);
 - (b) section 19(1) or (2);
 - (c) section 20(1) or (2); or
 - (d) section 23(1) or (2).

(4) In this section—

HKSAR resident (特區居民) means—

- (a) a Hong Kong permanent resident; or
 - (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).
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Part 4

Offences in connection with State Secrets and Espionage

Division 1—Offences in connection with State Secrets

28. Interpretation

In this Division—

disclose (披露), in relation to a document or other article, includes parting with possession of the document or article, and disclosing the information contained in the document or article;

government contractor (政府承辦商) means a person who is not a public officer but who provides, or is employed in the provision of, goods or services—

- (a) for the purposes of the Government; or
- (b) under an agreement or arrangement that is certified by the Chief Executive as being an agreement or arrangement to which the authority of a region or place, the government of a foreign country (including an institution under the government) or an international organization is a party, or that is subordinate to, or made for the purposes of implementing, any such agreement or arrangement;

information (資料), except in section 31 or 32, includes—

- (a) information stored by electronic means; and
- (b) message or intelligence that is not stored on any medium;

public officer (公職人員) means—

- (a) a person holding an office of emolument under the Government, whether such office be permanent or temporary;
- (b) any of the following persons (if the person is not a person mentioned in paragraph (a))—
 - (i) a principal official of the Government appointed in accordance with the Basic Law;
 - (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) or a person appointed under section 5A(3) of that Ordinance;
 - (iii) the Chairman of the Public Service Commission;
 - (iv) a staff member of the Independent Commission Against Corruption;
 - (v) The Ombudsman or a person appointed under section 6 of The Ombudsman Ordinance (Cap. 397);
 - (vi) the Privacy Commissioner for Personal Data or a person employed or engaged by the Commissioner under the Personal Data (Privacy) Ordinance (Cap. 486);
 - (vii) the Chairperson or a member of the Equal Opportunities Commission, or a person employed or engaged by the Commission under the Sex Discrimination Ordinance (Cap. 480);
 - (viii) a judicial officer or a staff member of the Judiciary;

- (c) a member of the Executive Council;
- (d) a member of the Legislative Council;
- (e) a member of a District Council; or
- (f) a member of the Election Committee as defined by section 2(1) of the Chief Executive Election Ordinance (Cap. 569);

region (地區) means a region, not being a country, outside the HKSAR;

specified disclosure (指明披露)—see section 29;

state secret (國家秘密) means one of the following secrets the disclosure, without lawful authority, of which would likely endanger national security—

- (a) a secret concerning major policy decision on affairs of China or the HKSAR;
- (b) a secret concerning the construction of national defence of China or concerning a Chinese armed force;
- (c) a secret concerning diplomatic or foreign affair activities of China, a secret concerning external affairs of the HKSAR, or a secret that China or the HKSAR is under an external obligation to preserve secrecy;
- (d) a secret concerning the economic or social development of China or the HKSAR;
- (e) a secret concerning the technological development or scientific technology of China or the HKSAR;
- (f) a secret concerning activities for safeguarding national security or the security of the HKSAR or for the investigation of offences;

- (g) a secret concerning the relationship between the Central Authorities and the HKSAR (including information on affairs relating to the HKSAR for which the Central Authorities are responsible under the Basic Law).

29. Meaning of *specified disclosure*

- (1) In this Division—

specified disclosure (指明披露), in relation to any information, document or other article, means the disclosure of the information, document or article in the following circumstances—

- (a) the purpose of making the disclosure is to reveal—
 - (i) circumstances in which the Government's performance of its functions in accordance with the law is seriously affected; or
 - (ii) a serious threat to public order, public safety or public health;
 - (b) the disclosure is of an extent that does not exceed what is necessary for revealing the matter mentioned in paragraph (a)(i) or (ii); and
 - (c) having regard to all the circumstances of the case, the public interest served by making the disclosure manifestly outweighs the public interest served by not making the disclosure.
- (2) In determining whether a person discloses any information, document or other article in the circumstances mentioned in paragraph (c) of the definition of *specified disclosure* in subsection (1), regard must be had to—

- (a) the seriousness of the matter mentioned in paragraph (a)(i) or (ii) of that definition;
- (b) whether there is any reasonably practicable step in place of the disclosure, and if so, whether the person has taken those steps before making the disclosure;
- (c) whether the person has reasonable grounds to believe that the disclosure is in the public interest;
- (d) the public interest served by the disclosure;
- (e) the extent of the damage or risk of damage brought about by the disclosure; and
- (f) whether the disclosure is made under an emergency.

30. Unlawful acquisition of state secrets

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if the person—
 - (a) knowing that any information, document or other article is or contains a state secret; or
 - (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security,
and without lawful authority, acquires the information, document or article.
- (2) It is a defence for a person charged with an offence under subsection (1)(a) to prove that the purpose of acquiring the information, document or article is to make a specified disclosure of the information, document or article.
- (3) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that any information, document or other article is or contains a state secret, and—

- (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,
and without lawful authority, acquires the information, document or article.
- (4) In this section, a reference to a person acquiring any information, document or other article—
- (a) includes the person asking for, collecting, recording or copying the information, document or article; but
 - (b) does not include—
 - (i) the information, document or article coming into the person's physical possession without the person's knowledge; or
 - (ii) the information, document or article coming into the person's possession or knowledge without the person taking any step.

31. Unlawful possession of state secrets

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 3 years if the person—
- (a) knowing that any information, document or other article is or contains a state secret; or
 - (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security,
and without lawful authority, possesses the information, document or article.

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- (2) It is a defence for a person charged with an offence under subsection (1)(a) to prove that the purpose of possessing the information, document or article is to make a specified disclosure of the information, document or article.
- (3) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if the person, knowing that any information, document or other article is or contains a state secret, and—
- (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,
- and without lawful authority, possesses the information, document or article.
- (4) It is a defence for a person charged with an offence under subsection (1) or (3) to establish that—
- (a) the person has taken all reasonable steps to do the following as soon as possible after the time at which the alleged offence commences (*commencement time*)—
 - (i) surrender the information, document or article mentioned in that subsection to a police officer; or
 - (ii) dispose of the information, document or article mentioned in that subsection in accordance with the direction of a police officer; and
 - (b) since the commencement time and until the happening of the event mentioned in paragraph (a)(i) or (ii), the person has taken all reasonable steps to ensure that the information, document or article is not disclosed.

- (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (6) In this section—
 - information* (資料)—
 - (a) includes information stored by electronic means; but
 - (b) does not include message or intelligence that is not stored on any medium.

32. Unlawful possession of state secrets when leaving HKSAR

- (1) A person who is (or was) a public officer commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person—
 - (a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's capacity as a public officer;
 - (b) knows that the information, document or article is or contains a state secret; and
 - (c) with intent to endanger national security or being reckless as to whether national security would be endangered, and without lawful authority, possesses the information, document or article when leaving the HKSAR.
- (2) For a person leaving the HKSAR on a cross-boundary conveyance, a reference in subsection (1) to the person possessing any information, document or other article includes any of the following circumstances—

- (a) the information, document or article being part of the personal belongings of the person carried on the conveyance;
 - (b) the information, document or article being in the checked baggage of the person (whether or not carried, or to be carried, on the same conveyance).
- (3) In this section—

cross-boundary conveyance (跨境運輸工具) means a vehicle, vessel, aircraft, hovercraft or other means of transport engaged on a journey leaving the HKSAR;

information (資料)—

- (a) includes information stored by electronic means; but
- (b) does not include message or intelligence that is not stored on any medium.

33. Unlawful disclosure of state secrets

- (1) If a specified person, without lawful authority, discloses any information, document or other article that is or contains a specified state secret and that is (or was) acquired or possessed by the person by virtue of the person's specified capacity, the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years.
- (2) It is a defence for a specified person charged with an offence under subsection (1) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the information, document or article was or contained a specified state secret.
- (3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if—

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- (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (4) A specified person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person—
- (a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's specified capacity;
 - (b) knows that the information, document or article is or contains a state secret (other than a specified state secret); and
 - (c) without lawful authority, discloses the information, document or article.
- (5) A specified person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if the person—
- (a) acquires or possesses (or acquired or possessed) any information, document or other article by virtue of the person's specified capacity;
 - (b) knows that the information, document or article is or contains a state secret (other than a specified state secret); and
 - (c) with intent to endanger national security, or being reckless as to whether national security would be endangered, and without lawful authority, discloses the information, document or article.

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- (6) A person commits an offence and is liable on conviction on indictment to imprisonment for 5 years if the person—
- (a) knowing that any information, document or other article is or contains a state secret; or
 - (b) having reasonable grounds to believe any information, document or other article is or contains a state secret, and with intent to endanger national security,
- and without lawful authority, discloses the information, document or article.
- (7) It is a defence for a person charged with an offence under subsection (6)(a) to prove that the disclosure of the information, document or article is a specified disclosure.
- (8) A person commits an offence and is liable on conviction on indictment to imprisonment for 7 years if the person, knowing that any information, document or other article is or contains a state secret, and—
- (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,
- and without lawful authority, discloses the information, document or article.
- (9) In this section, a reference to disclosing any information, document or other article does not include—
- (a) surrendering the information, document or article to a police officer; or
 - (b) disposing of the information, document or article in accordance with the direction of a police officer.

(10) In this section—

specified capacity (指明身分)—

- (a) in relation to a person who is (or was) a public officer—means the capacity of the person as a public officer; or
- (b) in relation to a person who is (or was) a government contractor—means the capacity of the person as a government contractor;

specified person (指明人士) means a person who is (or was) a public officer or government contractor;

specified state secret (指明國家秘密) means a state secret that is a secret mentioned in paragraph (b), (c) or (g) of the definition of ***state secret*** in section 28.

34. Unlawful disclosure of information etc. acquired by espionage

- (1) A person commits an offence if the person, without lawful authority, discloses any information, document or other article that the person knows (or has reasonable grounds to believe) to have come into the person's possession as a result of a contravention of section 41(1).
- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 10 years.

35. Unlawful disclosure of information etc. that appears to be confidential matter

- (1) If—
 - (a) a specified person, with intent to endanger national security, and without lawful authority—
 - (i) discloses any information, document or other article; and

- (ii) in making the disclosure, represents or holds out that the information, document or article is (or was) acquired or possessed by the person by virtue of the person's specified capacity; and
 - (b) the information, document or article would be (or likely to be) a confidential matter if it were true, the person commits an offence regardless of whether the information, document or article is true or not, and is liable on conviction on indictment to imprisonment for 5 years.
- (2) If—
 - (a) a specified person colludes with an external force, with intent to endanger national security, and without lawful authority—
 - (i) discloses any information, document or other article; and
 - (ii) in making the disclosure, represents or holds out that the information, document or article is (or was) acquired or possessed by the person by virtue of the person's specified capacity; and
 - (b) the information, document or article would be (or likely to be) a confidential matter if it were true, the person commits an offence regardless of whether the information, document or article is true or not, and is liable on conviction on indictment to imprisonment for 7 years.
- (3) It is a defence for a specified person charged with an offence under subsection (1) or (2) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the information,

document or article fell within subsection (1)(b) or (2)(b) (as the case may be).

- (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (5) In this section—

confidential matter (機密事項) means a matter the disclosure, without lawful authority, of which would prejudice the interest of the Central Authorities or the Government;

specified capacity (指明身分)—

- (a) in relation to a person who is (or was) a public officer—means the capacity of the person as a public officer; or
- (b) in relation to a person who is (or was) a government contractor—means the capacity of the person as a government contractor;

specified person (指明人士) means a person who is (or was) a public officer or government contractor.

36. Authorized disclosures

- (1) For the purposes of this Division, a disclosure by a public officer is made with lawful authority if, and only if, it is made in accordance with the officer's official duty.
- (2) For the purposes of this Division, a disclosure by a government contractor is made with lawful authority if, and only if, it is made—
 - (a) in accordance with an official authorization; or

- (b) for the purposes of the functions by virtue of which the contractor is a government contractor and without contravening an official restriction.
- (3) For the purposes of this Division, a disclosure by a person who is neither a public officer nor a government contractor is made with lawful authority if, and only if, it is made in accordance with an official authorization.
- (4) It is a defence for a person charged with an offence under section 33, 34 or 35 to establish that, at the time of the alleged offence, the person believed that the person had lawful authority to make the disclosure and had no reasonable grounds to believe otherwise.
- (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (6) In this section—

official authorization (正式授權) means an authorization duly given by a public officer or government contractor;

official restriction (正式限制) means a restriction duly imposed by a public officer or government contractor.

37. Safeguarding of information

- (1) Subsection (2) applies if—
- (a) a specified person possesses or controls any information, document or other article (***relevant information, document or article***) by virtue of the person's capacity as a specified person; and

- (b) the specified person would commit an offence under section 33 or 34 if the person discloses, without lawful authority, the relevant information, document or article.
- (2) The specified person commits an offence if—
- (a) being a public officer—the specified person retains the relevant information, document or article contrary to the person’s official duty; or
 - (b) being a government contractor—the specified person fails to comply with an official direction for the return or disposal of the relevant information, document or article,
- or if the specified person fails to take such care to prevent the unauthorized disclosure of the relevant information, document or article as a person in the specified person’s position may reasonably be expected to take.
- (3) It is a defence for a public officer charged with an offence under subsection (2)(a) to establish that, at the time of the alleged offence, the officer believed that the officer was acting in accordance with the officer’s official duty and had no reasonable grounds to believe otherwise.
- (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (5) Where a person possesses or controls any information, document or other article that it would be an offence under section 33 or 34 for the person to disclose without lawful authority, the person commits an offence if—

- (a) the person fails to comply with an official direction for the return or disposal of the information, document or article; or
 - (b) the person—
 - (i) obtained the information, document or article from a specified person on terms requiring the information, document or article to be held in confidence; or
 - (ii) obtained the information, document or article from a specified person in circumstances in which the specified person could reasonably expect that the information, document or article would be held in confidence,
and the person fails to take such care to prevent the unauthorized disclosure of the information, document or article as a person in the person's position may reasonably be expected to take.
- (6) A person who commits an offence under subsection (2) or (5) is liable on conviction on indictment to a fine at level 4 and to imprisonment for 3 months.
- (7) A person commits an offence if the person discloses any official information, document or other article that can be used for the purpose of obtaining access to any information, document or other article protected against disclosure by section 33 or 34 and the circumstances in which it is disclosed are such that it would be reasonable to expect that the official information, document or article might be used for that purpose without authority.
- (8) For the purposes of subsection (7), any information, document or article disclosed by the person is official information, document or article if—

- (a) the person possesses (or possessed) the information, document or article by virtue of the person's capacity as a specified person; or
 - (b) the person knows (or has reasonable grounds to believe) that a specified person possesses (or possessed) the information, document or article by virtue of the specified person's capacity as a specified person.
- (9) A person who commits an offence under subsection (7) is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 2 years.
- (10) In this section—

official direction (正式指示) means a direction duly given by a specified person;

specified person (指明人士) means a public officer or government contractor.

38. Extra-territorial effect of this Division

- (1) If—
- (a) any—
 - (i) HKSAR resident;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,
- does any act outside the HKSAR; and

- (b) the act would have constituted an offence under section 30(1) or (3), 31(1) or (3), 33(6) or (7) or 34(1) had it been done in the HKSAR,
- the resident or body commits the offence.
- (2) If a person does any act outside the HKSAR, and the act would have constituted an offence under section 33(1), (4) or (5) or 35(1) or (2) had it been done in the HKSAR, the person commits the offence.
- (3) In this section—
- HKSAR resident** (特區居民) means—
- (a) a Hong Kong permanent resident; or
- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2—Offences in connection with Espionage

39. Interpretation

- (1) In this Division—
- conveyance** (運輸工具) includes a vehicle, vessel, aircraft or hovercraft;
- document** (文件) includes part of a document;
- munitions** (軍火) includes the whole or any part of any vessel, aircraft, tank or similar engine, arms and ammunition, torpedo or mine, intended or adapted for use in war or armed conflict, and any other article, material or device, whether actual or proposed, intended for such use;

place (地方) means any place, and includes—

- (a) any conveyance; and
- (b) any tent or structure (whether or not movable or offshore);

prohibited place (禁地) means any of the following that is situated in the HKSAR—

- (a) a work of defence, arsenal or military or national defence establishment;
- (b) a place declared as a military restricted zone under Article 12 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區駐軍法》”);
- (c) a station, factory, dockyard, mine, minefield, camp, vessel or aircraft belonging to or occupied by or on behalf of the Central Authorities or the Government (**relevant Authority**) and used for military or national defence purpose;
- (d) a place that—
 - (i) belongs to or is occupied by or on behalf of a relevant Authority; and
 - (ii) may only be entered by a person performing a function in relation to that place, and is designed for placing one or more of the following items or relevant facilities—
 - (A) radiocommunications installation;
 - (B) telecommunications system;
 - (C) telecommunications installation;
 - (D) telecommunications network;

- (E) telecommunications line;
- (F) server;
- (e) a place belonging to or occupied by or on behalf of a relevant Authority and used for the purpose of building, repairing, making or storing any munitions, vessel, aircraft, arms or materials or instruments for use in time of war or armed conflict, or any information, document or other article relating to such munitions, vessel, aircraft, arms or materials or instruments, or for the purpose of getting any metals, oil or minerals of use in time of war or armed conflict;
- (f) a place not belonging to the relevant Authorities where any munitions, or any information, document or other article relating to such munitions, are being made, repaired, obtained or stored under a contract with, or with a person on behalf of, a relevant Authority, or otherwise on behalf of a relevant Authority; or
- (g) a place declared under section 40 as a prohibited place;

radiocommunications installation (無線電通訊裝置) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106);

telecommunications installation (電訊裝置) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106);

telecommunications line (電訊線路) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106);

telecommunications network (電訊網絡) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106);

telecommunications system (電訊系統) has the meaning given by section 2(1) of the Telecommunications Ordinance (Cap. 106);

unmanned tool (無人工具) means a conveyance or other power driven machine that is operated with no person on board.

(2) In this Division—

- (a) an expression referring to communicating includes any communicating, whether in whole or in part, and whether the information, document or other article itself or the substance, effect or description of the information, document or other article only be communicated;
- (b) an expression referring to the communication of any information, document or other article includes the transfer or transmission of the information, document or other article, and also includes providing means of obtaining or accessing the information, document or other article; and
- (c) an expression referring to obtaining any information, document or other article includes copying or causing to be copied the whole or any part of the information, document or other article.

40. Declaration of prohibited places and authorization of guards

- (1) For the purposes of this Division, the Chief Executive may, by order, declare a place situated in the HKSAR as a prohibited place if, having regard to the matters specified in subsection (2), the Chief Executive reasonably considers that it is necessary for safeguarding national security to declare the place as a prohibited place.
- (2) The matters are—
 - (a) the use of the place;
 - (b) the owner or occupier of the place;
 - (c) the nature of any information kept, stored or processed in the place; and
 - (d) the nature of any technology, equipment or material situated at the place.
- (3) An order made under subsection (1) may be made in respect of a particular place and may also be made in respect of a description of place.
- (4) The Chief Executive may authorize any person or any class of persons as a person or persons to discharge duty as a guard or sentry in respect of any prohibited place.

41. Espionage

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if the person, with intent to endanger national security, does an act specified in subsection (2).
- (2) The act is—
 - (a) approaching, inspecting, passing over or under, entering or accessing a prohibited place, or being in the neighbourhood of a prohibited place (including doing such act by electronic or remote means);

- (b) causing an unmanned tool to approach, inspect, pass over or under, enter or access a prohibited place, or to be in the neighbourhood of a prohibited place (including doing such act by electronic or remote means); or
 - (c) obtaining (including by interception of communication), collecting, recording, producing or possessing, or communicating to any other person, any information, document or other article that is calculated to be, or is intended to be, directly or indirectly useful to an external force.
- (3) If a person colludes with an external force to publish to the public a statement of fact that is false or misleading, and—
- (a) the person—
 - (i) with intent to endanger national security or being reckless as to whether national security would be endangered, so publishes the statement; and
 - (ii) knows that the statement is false or misleading; or
 - (b) the person—
 - (i) with intent to endanger national security, so publishes the statement; and
 - (ii) has reasonable grounds to believe that the statement is false or misleading,
- the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

- (4) For the purposes of subsection (3)—
- (a) a statement is a statement of fact if a reasonable person would consider it to be a representation of fact after reading or hearing it or after it comes to the person's knowledge by other means;
 - (b) a statement of fact is false if it is wholly false or false in a material respect, whether on its own or in the context in which it appears; and
 - (c) a statement of fact is misleading if a reasonable person, after reading or hearing it or after it comes to the person's knowledge by other means, would be misled in a material respect of the fact (whether on its own or in the context in which it appears) because—
 - (i) it omits in a material respect any information concerning the fact;
 - (ii) it conceals in a material respect any information concerning the fact; or
 - (iii) it provides in a material respect any information concerning the fact in a manner that is unclear, unintelligible, ambiguous or untimely.

- (5) In this section—

communication (通訊) has the meaning given by section 2(1) of the Interception of Communications and Surveillance Ordinance (Cap. 589);

interception (截取) has the meaning given by section 2(1) of the Interception of Communications and Surveillance Ordinance (Cap. 589).

42. Entering prohibited places without lawful authority etc.

A person commits an offence and is liable on conviction on indictment to imprisonment for 2 years if the person—

- (a) without reasonable excuse or lawful authority—
 - (i) inspects, passes over or under, enters or accesses a prohibited place (including doing such act by electronic or remote means); or
 - (ii) causes an unmanned tool to inspect, pass over or under, enter or access a prohibited place (including doing such act by electronic or remote means); and
- (b) knows (or has reasonable grounds to believe) that the person has no lawful authority to do the act mentioned in paragraph (a)(i) or (ii) at the time when doing the act.

43. Powers exercisable in relation to prohibited places

- (1) A specified officer may order—
 - (a) any person not to do or cease to do an act specified in section 41(2)(a) or (b);
 - (b) a person who has entered or accessed (including having entered or accessed by electronic or remote means) a prohibited place to leave the prohibited place immediately;
 - (c) a person who is in the neighbourhood of a prohibited place to leave the neighbourhood immediately; or

- (d) a person who drives or operates a conveyance that is in a prohibited place or in the neighbourhood of a prohibited place (*relevant place*), or who operates an unmanned tool that is in a relevant place, to remove the conveyance or the unmanned tool from the relevant place.
- (2) A specified officer may arrange—
 - (a) a conveyance or unmanned tool in a relevant place to be removed from the relevant place; or
 - (b) a conveyance or unmanned tool to be moved from a place within a relevant place to another place within a relevant place.
 - (3) A specified officer must not exercise a power conferred by subsection (1) or (2) unless the officer has reasonable grounds to believe that it is necessary for safeguarding national security to exercise the power.
 - (4) A person who contravenes an order made under subsection (1) commits an offence and is liable on conviction on indictment to imprisonment for 2 years.
 - (5) In this section—
 - specified officer* (指明人員)—
 - (a) in relation to a prohibited place—means any of the following persons—
 - (i) a police officer;
 - (ii) a person authorized under section 40(4) in respect of the prohibited place; or

- (b) in relation to a prohibited place belonging to or occupied by or on behalf of the Central Authorities—means a person assigned by the institution in charge of the prohibited place to discharge duty as a guard or sentry in respect of the prohibited place.

44. **Obstruction etc. in the vicinity of prohibited places**

- (1) If a specified officer is discharging duty in respect of a prohibited place, and another person, in the vicinity of the prohibited place—
 - (a) wilfully obstructs the specified officer from discharging the duty;
 - (b) knowingly misleads the specified officer in circumstances concerning the discharge of the duty by the specified officer; or
 - (c) otherwise wilfully interferes with or impedes the specified officer in the discharge of the duty, that other person commits an offence.
- (2) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for 2 years.
- (3) In this section—

specified officer (指明人員)—

 - (a) in relation to a prohibited place—means any of the following persons—
 - (i) a police officer;
 - (ii) a person authorized under section 40(4) in respect of the prohibited place; or

- (b) in relation to a prohibited place belonging to or occupied by or on behalf of the Central Authorities—means a person assigned by the institution in charge of the prohibited place to discharge duty as a guard or sentry in respect of the prohibited place.

45. Participating in or supporting external intelligence organizations, or accepting advantages offered by them, etc.

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 14 years if the person—
 - (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,knowingly do a prohibited act in relation to an external intelligence organization.
- (2) A person commits an offence and is liable on conviction on indictment to imprisonment for 10 years if—
 - (a) the person, being reckless as to whether national security would be endangered, does an act (*relevant act*);
 - (b) the relevant act constitutes a prohibited act done in relation to an external intelligence organization; and
 - (c) the person is reckless as to whether the relevant act would constitute the prohibited act.
- (3) The Chief Executive may issue a certifying document to certify whether an organization is an external intelligence organization, and the document is binding on a Court.

(4) In this section—

advantage (利益) means—

- (a) any gift, loan, fee, reward or commission consisting of money, of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise, or forbearance from the exercise, of any right, power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of paragraph (a), (b), (c), (d) or (e);

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

entertainment (款待) means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment relating to, or provided at the same time as, such provisions;

external intelligence organization (境外情報組織) means an organization established by an external force and engaging in the following work or activity (however described)—

- (a) intelligence work; or
- (b) subversion or sabotage of other countries or places;

financial support (財政支援) means any funds or other financial assets or economic resources;

funds (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale;
- (g) documents evidencing an interest in funds or financial resources; and
- (h) any other instrument of export financing;

prohibited act (受禁作為), in relation to an external intelligence organization, means—

- (a) becoming a member of the organization;

- (b) accepting a task or training from the organization (or a person acting on behalf of the organization);
- (c) offering substantial support (including providing financial support or information and recruiting members for the organization) to the organization (or a person acting on behalf of the organization); or
- (d) accepting substantial advantage offered by the organization (or a person acting on behalf of the organization).

46. Extra-territorial effect of this Division

- (1) If a person does any act outside the HKSAR, and the act would have constituted an offence under section 41(1) (in respect of an act specified in section 41(2)(a) or (b)) or an offence under section 42 had it been done in the HKSAR, the person commits the offence.
- (2) If—
 - (a) any—
 - (i) HKSAR resident who is a Chinese citizen;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under section 41(1) (in respect of an act specified in section 41(2)(c)) or an offence under section 45(1) or (2) had it been done in the HKSAR,the resident or body commits the offence.

- (3) If—
- (a) any—
 - (i) HKSAR resident;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,
does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under section 41(3) had it been done in the HKSAR,
the resident or body commits the offence.
- (4) In this section—
- HKSAR resident*** (特區居民) means—
- (a) a Hong Kong permanent resident; or
 - (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).
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Part 5

Sabotage Endangering National Security etc.

47. Sabotage endangering national security

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if the person—
 - (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,damages or weakens a public infrastructure.
- (2) A person commits an offence and is liable on conviction on indictment to life imprisonment if the person—
 - (a) with intent to endanger national security; or
 - (b) being reckless as to whether national security would be endangered,colludes with an external force to damage or weaken a public infrastructure.
- (3) For the purposes of subsections (1) and (2), an act is weakening a public infrastructure if the act causes any of the following effects (whenever caused) on the infrastructure (including any thing or software that constitutes the infrastructure)—
 - (a) making the infrastructure vulnerable to abuse or damage;
 - (b) making the infrastructure vulnerable to be accessed or altered by persons who are not entitled to access or alter the infrastructure;

- (c) causing the infrastructure not to be able to function as it should in whole or in part;
 - (d) causing the infrastructure not to operate in a way as set by its owner or the owner's representative (even if the act would not reduce the reliability of the operation of the infrastructure, of the thing or software constituting the infrastructure or of the information stored in the infrastructure).
- (4) In this section—
- public infrastructure*** (公共基礎設施) means—
- (a) the following item that belongs to the Central Authorities or the Government or is occupied by or on behalf of the Central Authorities or the Government (whether it is situated in the HKSAR or not)—
 - (i) infrastructure;
 - (ii) facility or equipment;
 - (iii) network or computer or electronic system;
 - (iv) office premises; or
 - (v) military or national defence facility or equipment;
 - (b) public means of transport or transport facility that is situated in the HKSAR (including an airport and relevant facility); or
 - (c) the following item that is situated in the HKSAR—
 - (i) public facility providing public services (such as water, electricity, energy, fuel, drainage, communication, the Internet); or

- (ii) computer or electronic system providing or managing the services mentioned in subparagraph (i).

48. Doing acts endangering national security in relation to computers or electronic systems

- (1) A person commits an offence and is liable on conviction on indictment to imprisonment for 20 years if—
 - (a) the person, with intent to endanger national security and without lawful authority, does an act in relation to a computer or electronic system;
 - (b) the person knows that the person has no lawful authority to do the act at the time of doing the act; and
 - (c) the act endangers (or is likely to endanger) national security.
- (2) For the purposes of subsection (1)(a), a person who does an act in relation to a computer or electronic system (*the person*) does the act without lawful authority if—
 - (a) the person is not a person who is responsible for the computer or electronic system and is entitled to decide whether the act could be done (*responsible person*); and
 - (b) the person does the act without the consent of a responsible person.
- (3) In this section—

computer or electronic system (電腦或電子系統) includes any thing or software that constitutes the computer or electronic system.

49. Extra-territorial effect of this Part

If a person does any act outside the HKSAR, and the act would have constituted an offence under section 47(1) or (2) or 48(1) had it been done in the HKSAR, the person commits the offence.

Part 6

External Interference and Organizations Engaging in Activities Endangering National Security

Division 1—External Interference

50. External interference

A person who—

- (a) with intent to bring about an interference effect, collaborates with an external force to do an act; and
- (b) uses improper means when so doing the act,

commits an offence and is liable on conviction on indictment to imprisonment for 14 years.

51. Meaning of bringing about interference effect

- (1) In this Division, a reference to bringing about an interference effect is a reference to bringing about one or more of the following effects—
 - (a) influencing the Central People's Government or the executive authorities of the HKSAR in—
 - (i) the formulation or execution of any policy or measures; or
 - (ii) the making or execution of any other decision, including influencing an official of the Central People's Government or of the executive authorities of the HKSAR, or any other officer who is authorized to perform the above function of the official, in performing that function;

- (b) influencing the Legislative Council in performing functions (including influencing a member of the Legislative Council in performing functions as such a member), or interfering with any process in connection with the Legislative Council;
- (c) influencing a Court in performing functions (including influencing a judicial officer in performing functions as such an officer), or interfering with the administration of justice in the HKSAR;
- (d) interfering with any election or any process in connection with an election, including—
 - (i) influencing any other person in exercising the right to vote, or the right to stand for election, of the person enjoyed in relation to any election under the Basic Law;
 - (ii) interfering with the process of constituting the Election Committee under section 8 of the Chief Executive Election Ordinance (Cap. 569); and
 - (iii) interfering with the process under which any other person becomes a member of a District Council under the District Councils Ordinance (Cap. 547);
- (e) prejudicing any one or more of the following relationships—
 - (i) the relationship between China and any foreign country;
 - (ii) the relationship between the Central Authorities and the HKSAR;

- (iii) the relationship between the Central Authorities and any other region of China;
- (iv) the relationship between the HKSAR and any other region of China;
- (v) the relationship between the HKSAR and any foreign country.

(2) In this section—

election (選舉) means an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554).

52. Meaning of collaborating with external force

For the purposes of this Division, a person collaborates with an external force to do an act if one or more of the following circumstances exist—

- (a) the person participates in an activity planned or otherwise led by an external force, and the act is an act that the person's participation in the activity involves;
- (b) the person does the act on behalf of an external force;
- (c) the person does the act in cooperation with an external force;
- (d) the person does the act under the control, supervision or direction of, or on request by, an external force;
- (e) the person does the act with the financial contributions, or the support by other means, of an external force.

53. Meaning of using improper means

- (1) For the purposes of section 50, the person mentioned in that section (*subject person*) uses improper means when doing the act mentioned in that section if the person falls within at least one of the descriptions in paragraphs (a), (b) and (c)—
 - (a) the subject person knowingly makes to a person a material misrepresentation when doing the act or any part of it;
 - (b) the act or any part of it is done by any one or more of the following ways—
 - (i) using or threatening to use violence against a person;
 - (ii) destroying or damaging, or threatening to destroy or damage, a person's property;
 - (iii) causing financial loss to a person by other means, or threatening to cause financial loss to a person by other means;
 - (iv) damaging or threatening to damage a person's reputation;
 - (v) causing mental injury to, or placing undue mental pressure on, a person;
 - (c) the act or any part of it constitutes an offence.
- (2) For the purposes of subsection (1)(a), a material misrepresentation—
 - (a) may be made orally or by written representation, and may be made by other conduct; and
 - (b) may be express or implied.

- (3) In this section, a reference to making to a person a material misrepresentation is a reference to making to the person a false or misleading representation that has the effect of preventing the person from discerning—
- (a) the fact that the subject person, with intent to bring about an interference effect, does the act; or
 - (b) the fact that the subject person collaborates with an external force to do the act.

54. Presumption of doing acts on behalf of external force

- (1) In proceedings brought against a person (*defendant*) for an offence under section 50, if the prosecution proves that the defendant, with intent to bring about an interference effect, did an act, the defendant is to be presumed, for the purposes of section 52(b), to have done the act on behalf of an external force as long as the prosecution further proves that—
- (a) the defendant communicated with the external force in relation to the intent or a matter in connection with the intent before so doing the act; and
 - (b) the defendant knew or ought to have known that the act or any part of it—
 - (i) would result in the external force achieving its aims; or
 - (ii) would otherwise benefit the external force.
- (2) However, the presumption under subsection (1) is rebutted by the defendant if—
- (a) there is sufficient evidence to raise an issue that the defendant did not do the act on behalf of the external force; and

- (b) the contrary is not proved by the prosecution beyond reasonable doubt.

55. Extra-territorial effect of this Division

(1) If—

(a) any—

- (i) HKSAR resident who is a Chinese citizen;
- (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
- (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,

does any act outside the HKSAR; and

- (b) the act would have constituted an offence under section 50 had it been done in the HKSAR,
the resident or body commits the offence.

(2) In this section—

HKSAR resident (特區居民) means—

- (a) a Hong Kong permanent resident; or
- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115).

Division 2—Organizations Engaging in Activities Endangering National Security

Subdivision 1—Preliminary

56. Interpretation

In this Division—

authorized officer (獲授權人員) means a public servant appointed under section 64;

connection (聯繫), in relation to an organization that is a political body, means the following circumstances—

- (a) the organization solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, or substantive support by other means, directly or indirectly, from a political organization of an external place;
- (b) the organization is affiliated directly or indirectly with a political organization of an external place;
- (c) any policy of the organization is determined directly or indirectly by a political organization of an external place; or
- (d) a political organization of an external place directs, controls, supervises, dictates or participates, directly or indirectly, in the decision making process of the organization;

office-bearer (幹事)—

- (a) in relation to an organization, means the president, vice-president, secretary or treasurer of the organization, or a member of the committee or governing body of the organization, or a person who

holds in the organization an office or position analogous to any of those mentioned above; or

- (b) in relation to a prohibited organization, means a person holding any office or position in the prohibited organization other than that of an ordinary member;

organization (組織) means—

- (a) a society as defined by section 2(1) of the Societies Ordinance (Cap. 151);
- (b) a person listed in the Schedule to that Ordinance; or
- (c) any other body, whatever its nature and regardless of whether the body is formed or established pursuant to, or is operated in accordance with, any object or aim;

political body (政治性團體) means—

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);

political organization of an external place (境外政治性組織) includes—

- (a) a government of a foreign country or a political subdivision of the government;
- (b) the authority of a region or place of an external place or a political subdivision of the authority;
- (c) an agent of the government or authority or an agent of the political subdivision of the government or authority; and

- (d) a political party in an external place or an agent of the political party;

prohibited organization (受禁組織) means an organization in relation to which an order made under section 58(1) or (2) is in force.

57. This Division does not affect operation of Societies Ordinance

This Division does not affect the operation of the Societies Ordinance (Cap. 151).

Subdivision 2—Prohibition of Operation of Organizations Engaging in Activities Endangering National Security in HKSAR

58. Prohibition of operation of organizations

- (1) If the Secretary for Security reasonably believes that it is necessary for safeguarding national security to prohibit the operation or continued operation of an organization specified in subsection (3) in the HKSAR, the Secretary for Security may, by order published in the Gazette, prohibit the operation or continued operation of the organization in the HKSAR.
- (2) If an organization specified in subsection (3)(a) (***local organization***) is a political body and has a connection with a political organization of an external place, the Secretary for Security may, by order published in the Gazette, prohibit the operation or continued operation of the local organization in the HKSAR.
- (3) The organization specified for subsections (1) and (2) is—
 - (a) an organization that is organized and established in the HKSAR or has its headquarters or chief place of business in the HKSAR, but does not include—

- (i) a company registered under the Companies Ordinance (Cap. 622) (**CO**);
 - (ii) a company registered under the former Companies Ordinance (as defined by section 2(1) of the CO); or
 - (iii) a non-Hong Kong company as defined by section 2(1) of the CO (***non-Hong Kong company***); or
- (b) an organization that is organized and established outside the HKSAR and has its headquarters or chief place of business outside the HKSAR (but excluding a non-Hong Kong company), to which one or more of the following circumstances apply—
- (i) the organization conducts any activity in the HKSAR;
 - (ii) any person in the HKSAR acts as an office-bearer or member of the organization or professes or claims to be an office-bearer or member of the organization;
 - (iii) any person in the HKSAR manages or assists in the management of the organization;
 - (iv) any person in the HKSAR conducts any activity in the HKSAR on behalf of, or in cooperation with, or under the control, supervision or direction of, the organization;
 - (v) the organization incites, induces or invites any person in the HKSAR to become a member of, or manage or assist in the management of, the organization;

- (vi) any person in the HKSAR pays money or gives aid of other kinds to or for the purposes of the organization;
 - (vii) the organization solicits or accepts financial contributions, loans, or financial sponsorships of any kind, or aid of other kinds, directly or indirectly from any person in the HKSAR;
 - (viii) the organization provides financial contributions, loans, or financial sponsorships of any kind, or aid of other kinds, directly or indirectly to any person in the HKSAR.
- (4) The Secretary for Security must not make an order under subsection (1) or (2) without first affording the organization an opportunity to be heard or to make written representations as the organization considers appropriate as to why such an order should not be made.
- (5) Subsection (4) does not apply if the Secretary for Security reasonably believes that affording the organization an opportunity to be heard or to make written representations would not be practicable in the circumstances of that case.
- (6) An order made under subsection (1) or (2) must as soon as practicable be—
- (a) served on the organization;
 - (b) published in a Chinese language newspaper and an English language newspaper in general circulation in the HKSAR designated by the Secretary for Security;
 - (c) published in the Gazette; and
 - (d) published on an internet website designated by the Secretary for Security.

- (7) An order made under subsection (1) or (2)—
 - (a) takes effect on publication in the Gazette; or
 - (b) if specified to take effect on a subsequent date—takes effect on the specified date.

59. Matters following prohibition of operation of local organizations

- (1) If the operation or continued operation in the HKSAR of any organization specified in section 58(3)(a) is prohibited under section 58 (*local prohibited organization*), the organization is dissolved on the taking effect of the order prohibiting the operation or continued operation of the organization under section 58(7).
- (2) After the dissolution of a local prohibited organization, the liability (if any) of every office-bearer and member of the organization continues and may be enforced as if the organization had not been dissolved.
- (3) If, immediately before the taking effect of an order prohibiting the operation or continued operation of a local prohibited organization under section 58(7), the organization is registered (however described, and carried out in whatever manner) under a specified Ordinance, subsections (4) and (5) apply to the organization.
- (4) If the organization is dissolved under subsection (1), the registration mentioned in subsection (3) is cancelled, and the specified authority must—
 - (a) if a register (however described) is required to be kept in relation to the registration under the specified Ordinance—update the register in view of the cancellation of the registration; and
 - (b) publish a notice of the cancellation of the registration in the Gazette.

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- (5) Where the organization is dissolved under subsection (1)—
- (a) if there is any provision in the specified Ordinance that applies after the dissolution of the organization under the specified Ordinance—the provision applies as if the organization were dissolved under the specified Ordinance; and
 - (b) if there is any provision in the specified Ordinance that applies to the winding up of the organization—the provision applies to the organization.
- (6) Subsection (7) applies to a local prohibited organization if—
- (a) the organization is not an organization mentioned in subsection (3); or
 - (b) the organization is an organization mentioned in subsection (3), but there is no provision in the specified Ordinance that applies to the winding up of the organization.
- (7) Where a local prohibited organization is dissolved under subsection (1), sections 360E, 360F, 360G, 360H, 360I, 360J, 360K, 360L and 360M of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) apply, with necessary modifications, to the organization as if the organization were a company that had been struck off the Companies Register, and had been dissolved, under section 360C of that Ordinance.
- (8) In this section—
- specified authority*** (指明當局), in relation to a registration mentioned in subsection (3), means—
- (a) if a person is required to keep a register (however described) in relation to the registration under the specified Ordinance—the person; or

(b) in any other case—the Secretary for Security;

specified Ordinance (指明條例) means an Ordinance other than the Companies Ordinance (Cap. 622) and the former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622).

Subdivision 3—Offences in connection with Prohibited Organizations

60. Prohibition of participation in activities of prohibited organizations

- (1) A person who, after the operation or continued operation of an organization in the HKSAR is prohibited under section 58—
 - (a) is or acts as an office-bearer of the organization, or professes or claims to be an officer-bearer of the organization; or
 - (b) manages or assists in the management of the organization,
commits an offence and is liable on conviction on indictment to a fine of \$1,000,000 and imprisonment for 14 years.
- (2) A person who, after the operation or continued operation of an organization in the HKSAR is prohibited under section 58—
 - (a) is or acts as a member of the organization, or professes or claims to be a member of the organization;
 - (b) conducts any activity on behalf of, or in cooperation with, or under the control, supervision or direction of, the organization;

- (c) participates in a meeting of the organization; or
 - (d) pays money or gives aid of other kinds to or for the purposes of the organization,
commits an offence and is liable on conviction on indictment to a fine of \$250,000 and imprisonment for 10 years.
- (3) The following act does not constitute an offence under subsection (1) or (2)—
- (a) participating in any proceedings, whether in one's own capacity or as a representative of an organization that is a party to the proceedings;
 - (b) seeking, providing or accepting any legal services, or making or receiving any payment for the services;
 - (c) making any payment, or doing any act, to discharge any liability, with the prior written permission of the Secretary for Security; or
 - (d) doing any act that is incidental to the act referred to in paragraph (a), (b) or (c).
- (4) It is a defence for a person charged with an offence under subsection (1) or (2) to establish that, at the time of the alleged offence, the person did not know and had no reasonable grounds to believe that the operation or continued operation of the organization in the HKSAR was prohibited under section 58.
- (5) Without affecting subsection (4)—
- (a) it is a defence for a person charged with an offence under subsection (1), for being or acting as an office-bearer of a prohibited organization, to establish that the person has taken all reasonable steps and exercised due diligence to terminate the status as such an office-bearer; or

- (b) it is a defence for a person who is charged with an offence under subsection (2), for being or acting as a member of a prohibited organization, to establish that the person has taken all reasonable steps and exercised due diligence to terminate the membership.
- (6) A person is taken to have established a matter that needs to be established for a defence under subsection (4) or (5) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

61. Allowing meetings of prohibited organizations to be held on premises

A person who knowingly allows a meeting of a prohibited organization, or of members of a prohibited organization, to be held in or on any place or premises belonging to or occupied by the person, or over which the person has control, commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.

62. Inciting etc. others to become members of prohibited organizations

A person who incites, induces or invites any other person to become a member of or assist in the management of a prohibited organization, or uses any violence, threat or intimidation towards any other person in order to induce that other person to become a member of or to assist in the management of a prohibited organization, commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.

63. Procuring subscription or aid for prohibited organizations

A person who procures or attempts to procure from any other person any subscription or aid for the purposes of a prohibited organization commits an offence and is liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 7 years.

Subdivision 4—Miscellaneous Provisions**64. Authorized officers**

The Secretary for Security may appoint a public servant in writing to be an authorized officer for the purposes of this Division.

65. Information to be provided by organizations

- (1) An authorized officer may, by written notice, require any organization to provide in writing information that is reasonably necessary for the Secretary for Security to perform a function of the Secretary for Security under section 58.
- (2) The notice under subsection (1) must be served on—
 - (a) the organization; or
 - (b) any office-bearer of the organization or any person who manages or assists in the management of the organization in the HKSAR.
- (3) The information required to be provided under subsection (1) may include the income, the source of income and the expenditure of the organization.
- (4) The notice under subsection (1) must specify the time within which (being not less than 7 days) the information must be provided.

- (5) The authorized officer may, on application made to the officer and on good reason being shown, grant an extension of time at the officer's discretion.

66. Persons responsible for providing information

- (1) The obligations imposed on any organization under section 65 are binding on every office-bearer of the organization, and on every person managing or assisting in the management of the organization in the HKSAR, who has been served with the notice under that section.
- (2) If an organization fails to comply with the whole or part of a notice served under section 65, each of the persons mentioned in subsection (1) is liable on summary conviction to a fine at level 4 unless the person establishes to the satisfaction of the court that the person has exercised due diligence and has failed to comply with the notice for reasons beyond the person's control.
- (3) If any information provided to the Secretary for Security in compliance with a notice served under section 65 is false, incorrect, or incomplete in a material particular, the person who has provided the information is liable on summary conviction to a fine at level 4 unless the person establishes to the satisfaction of the court that the person had good reason to believe that the information was true, correct and complete.

67. Power to inspect non-domestic premises

For the purpose of enabling the Secretary for Security to perform a function of the Secretary for Security under section 58, if a police officer of the rank of Superintendent or above reasonably believes that any non-domestic premises are kept or used by an organization or any of its members as a place for conducting any meeting or activity or a place of

business, the police officer (or a police officer authorized by that officer) may, at the time during which the meeting or activity is conducted, at the time during which the business is carried on, or at any other reasonable time, enter and inspect the non-domestic premises.

68. Power to search places in specific circumstances

- (1) If a magistrate is satisfied by information on oath by an authorized officer that there are reasonable grounds to suspect that any specified evidence is in a place, the magistrate may issue a warrant.
- (2) The warrant may authorize an authorized officer and any other person specified in the warrant to take all or any of the following actions—
 - (a) to enter and search the place;
 - (b) to seize, remove or impound anything that appears to that officer or that other person to be specified evidence;
 - (c) to remove by force a person or thing obstructing that officer or that other person from exercising a power conferred on that officer or that other person by this section;
 - (d) to detain a person found in the place until the place has been searched.
- (3) If—
 - (a) a police officer of the rank of Superintendent or above has reasonable grounds to suspect that any specified evidence is in a place; and

- (b) the delay necessary to obtain a warrant is likely to result in the loss or destruction of evidence or for any other reason it would not be reasonably practicable to obtain such a warrant,

the police officer (or a police officer authorized by that officer) may exercise any of the powers referred to in subsection (2) in respect of the place without a warrant issued under subsection (1).

- (4) In this section—

place (地方) means any place, and includes—

- (a) any vehicle, vessel, aircraft, hovercraft or other conveyance;
- (b) any tent or structure (whether or not movable or offshore); and
- (c) any electronic equipment;

specified evidence (指明證據) means anything that is or contains, or that is likely to be or contain, evidence necessary for the Secretary for Security to perform a function of the Secretary for Security under section 58.

69. Forfeiture

Any books, accounts, writings, banners, insignia or other movable property belonging to any prohibited organization must, on order of a magistrate, be forfeited and given to the Secretary for Security for disposal in the manner that the Secretary for Security considers appropriate.

70. Service of notices etc.

A notice or order that must be served on a person or organization under this Division is, in the absence of evidence to the contrary, deemed to be so served if—

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- (a) for an individual, the notice or order is—
 - (i) delivered to the individual;
 - (ii) left at the individual's last known address for service, or at the individual's last known place of residence or business;
 - (iii) sent by post to the individual at the individual's last known address for service, or at the individual's last known postal address, whether or not the address is in the HKSAR;
 - (iv) sent by electronic mail transmission, fax transmission or other similar method to the individual at the individual's last known address for service, or at the individual's last known postal address, or at the individual's last known place of residence or business, whether or not the address or place is in the HKSAR; or
 - (v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice or order concerns to the attention of the individual;
 - (b) for an organization, the notice or order is—
 - (i) given to or served on an office-bearer of the organization, or a person managing or assisting in the management of the organization;
 - (ii) left at the organization's last known address for service, or at its last known address;
 - (iii) sent by post to the organization at its last known address for service, or at its last known postal address, whether or not the address is in the HKSAR;

- (iv) sent by electronic mail transmission, fax transmission or other similar method to the organization at its last known address for service, or at its last known postal address, or at its last known address, whether or not the address is in the HKSAR; or
 - (v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice or order concerns to the attention of an office-bearer of the organization, or a person managing or assisting in the management of the organization.
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Part 7

Enforcement Powers and Procedure in Legal Actions etc. in connection with Safeguarding National Security

Division 1—Enforcement Powers, and Other Matters in connection with Investigation

Subdivision 1—Applications may be Made to Court for Extension of Detention Period for Investigation of Offences Endangering National Security

71. Interpretation

(1) In this Subdivision—

arrested person (被捕人)—see section 72(2);

Cap. 232 (《第232章》) means the Police Force Ordinance (Cap. 232);

first detention period (首段羈留期) means the period of 48 hours referred to in section 72(2);

hospital (醫院) means—

- (a) a hospital specified in Schedule 1 or 2 to the Hospital Authority Ordinance (Cap. 113); or
 - (b) a clinic for medical diagnosis or treatment that is maintained or managed by the Government.
- (2) In calculating a period under this Subdivision, any time during which the arrested person receives medical diagnosis or treatment in hospital, or is on the way there or back, is not included, except for any time during which the person is being questioned in hospital or on the way

there or back by a police officer for the purpose of obtaining evidence in respect of an offence.

72. Application of this Subdivision to persons arrested for offences endangering national security

- (1) This Subdivision applies in relation to a person who—
 - (a) is arrested for being reasonably suspected of having committed an offence endangering national security; and
 - (b) is required under section 52 of Cap. 232 to be brought before a magistrate as soon as practicable.
- (2) Subject to section 73(1), the person who is detained in police custody (*arrested person*) must be brought before a magistrate as soon as practicable, and in any event, not later than the first sitting of a Magistrates' Court after the expiry of the period of 48 hours after the person's arrest.

73. Applications to Court for extension of detention period

- (1) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by application supported by information on oath, apply to a magistrate for an extension, or further extension, of the period of detention of an arrested person in police custody without charge.
- (2) The information in support of the application—
 - (a) must be laid by a police officer of the rank of Chief Inspector or above; and
 - (b) must state—
 - (i) the nature of the offence;
 - (ii) the general nature of the evidence on which the arrested person was arrested;

- (iii) what inquiries have been made by the police in relation to the offence and what further inquiries are proposed to be made by them; and
- (iv) the reasons why further detention of the arrested person is necessary.

74. Court hearings of applications for extension of detention period

- (1) A magistrate must not hear the application unless—
 - (a) the arrested person has been given a copy of the application (the information in support of the application need not be given to the arrested person); and
 - (b) the arrested person has been brought before the magistrate for the hearing of the application.
- (2) If the arrested person is not represented by a solicitor or counsel but wishes to be so represented—
 - (a) the magistrate may adjourn the hearing of the application for a reasonable period to enable the person to be represented by a solicitor or counsel; and
 - (b) the arrested person may be delivered to the police for detention in their custody during the adjournment.

75. Court decisions on applications for extension of detention period

- (1) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that an extension (or further extension) of the period of detention of the arrested person in police custody is justified, the magistrate may authorize the period of detention of the arrested person in police custody without charge to be—

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- (a) for the first application after the arrested person's arrest—extended for a period not exceeding 7 days after the expiry of the first detention period; and
 - (b) for any subsequent application—further extended, with each period of extension not exceeding 7 days, and with the period of extension also not causing the total period of detention of the arrested person to exceed 14 days after the expiry of the first detention period.
 - (2) For the purposes of subsection (1), an extension (or further extension) of the period of detention of the arrested person in police custody is justified only if—
 - (a) the investigation of the offence is being diligently and expeditiously conducted by the police, and cannot reasonably be completed before the date of the application; and
 - (b) the detention of the arrested person without charge is necessary for securing or preserving the evidence of the offence or for obtaining the evidence by questioning the person.
 - (3) An authorization given under subsection (1)—
 - (a) must be in writing; and
 - (b) must state—
 - (i) the time at which the authorization is given; and
 - (ii) the period for which the arrested person is delivered to the police for detention in their custody is authorized.
 - (4) If the magistrate authorizes, under subsection (1), an extension (or further extension) of the period of detention of the arrested person in police custody (*extended period*), then, unless the person is charged, the person must be

discharged, in circumstances in which section 52(3) of Cap. 232 applies, on or before the expiry of the extended period.

- (5) If the magistrate refuses the application under subsection (1), then, unless the arrested person is charged, the arrested person must be discharged, in circumstances in which section 52(3) of Cap. 232 applies—
 - (a) for the first application after the arrested person's arrest—
 - (i) on or before the expiry of the first detention period; or
 - (ii) if the first detention period has expired when the application is refused—at the conclusion of the hearing of the application; and
 - (b) for any subsequent application—
 - (i) on or before the expiry of the last extended period; or
 - (ii) if the last extended period has expired when the application is refused—at the conclusion of the hearing of the application.
- (6) Despite subsections (4) and (5), if, before the expiry of the period under subsection (4) or (5) (as applicable), the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (2) exist, then, unless the arrested person is charged, the person must be discharged, in circumstances in which section 52(3) of Cap. 232 applies, immediately.

Subdivision 2—Applications may be Made to Court for Imposition of Appropriate Restrictions in relation to Consultation with Lawyers in View of Circumstances Endangering National Security

- 76. Consultation with relevant particular lawyers may be restricted in view of circumstances endangering national security**
- (1) This section applies if a person is arrested for being reasonably suspected of having committed an offence endangering national security and is detained in police custody, and during the detention in police custody, the person requests to consult, or is consulting, a particular lawyer or particular lawyers.
 - (2) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the issue by the magistrate of a warrant in relation to the person under this section.
 - (3) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that the circumstances specified in subsection (4) exist, the magistrate may issue a warrant authorizing a police officer to impose the following restriction on the person—
 - (a) the person must not, during the person's detention in police custody—
 - (i) consult the particular lawyer or lawyers; or
 - (ii) if the particular lawyer or lawyers is or are in the practice of the law in a certain solicitors' firm or certain solicitors' firms—consult any lawyer in the practice of the law in the firm or firms; but

- (b) the person may consult any other lawyer of the person's choosing.
- (4) The circumstances are—
- (a) the person's consultation with any lawyer referred to in subsection (3)(a) (*relevant lawyer*) during the person's detention in police custody will endanger national security or cause bodily harm to any person;
 - (b) the person has benefited from the offence, and the person's consultation with the relevant lawyer during the person's detention in police custody will hinder the recovery of the benefit unless the authorization is given; or
 - (c) the person's consultation with the relevant lawyer during the person's detention in police custody will pervert or obstruct the course of justice unless the authorization is given.
- (5) If the information under subsection (2) is laid during the person's consultation with a particular lawyer or particular lawyers, then, before a magistrate makes any decision on the information—
- (a) if the application that is supported by the information requests for the imposition of restrictions in relation to the person's consultation with the particular lawyer or lawyers—the person must suspend consultation with the particular lawyer or lawyers, but may consult any other lawyer of the person's choosing; or
 - (b) if the particular lawyer or lawyers is or are in the practice of the law in a certain solicitors' firm or certain solicitors' firms, and the application requests for the imposition of restrictions in relation to the person's consultation with any lawyer who is in the

practice of the law in the firm or firms (*relevant firm or firms*)—the person must suspend consultation with the particular lawyer or lawyers, and must not consult any other lawyer of the relevant firm or firms, but may consult any other lawyer of the person's choosing.

- (6) If, after the issue of the warrant and during the person's detention in police custody, the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (4) exist, a police officer must immediately cease to impose on the person the restriction mentioned in subsection (3).

77. Consultation with lawyers may be restricted in view of circumstances endangering national security

- (1) This section applies if a person is investigated for being reasonably suspected of having committed an offence endangering national security, regardless of whether the person has been arrested.
- (2) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the issue by the magistrate of a warrant in relation to the person under this section.
- (3) If the magistrate hearing the application is satisfied that—
 - (a) if the person has not been arrested—
 - (i) there are reasonable grounds to suspect that the person has committed the offence;
 - (ii) there are reasonable grounds to believe that the person is about to be arrested; and

(iii) there are reasonable grounds to believe that the circumstances specified in subsection (4) exist;
or

(b) if the person has been arrested—there are reasonable grounds to believe that the circumstances specified in subsection (4) exist,

the magistrate may issue a warrant authorizing a police officer to restrict the person's consultation with a lawyer during the period of detention of the person in police custody within the period of 48 hours after the person's arrest (*specified period*).

(4) The circumstances are—

(a) the person's consultation with a lawyer during the specified period will endanger national security or cause bodily harm to any person;

(b) the person has benefited from the offence, and the person's consultation with a lawyer during the specified period will hinder the recovery of the benefit unless the authorization is given; or

(c) the person's consultation with a lawyer during the specified period will pervert or obstruct the course of justice unless the authorization is given.

(5) If the warrant is issued before the person is arrested, the magistrate may direct that the warrant is only in force before the date that is specified.

(6) After the issue of the warrant, if, before the expiry of the specified period, the police officer who laid the information no longer has reasonable grounds to believe that the circumstances specified in subsection (4) exist, a police officer must immediately cease to restrict the person's consultation with a lawyer.

Subdivision 3—Applications may be Made to Court for Imposition of Appropriate Restrictions in relation to Persons on Bail for Prevention or Investigation of Offences Endangering National Security

78. Interpretation

In this Subdivision—

movement restriction order (行動限制令)—see section 80(1);

person on bail (獲保釋人)—see section 79;

recognizance (擔保) means a recognizance entered into in accordance with section 52(3) of the Police Force Ordinance (Cap. 232);

specified (指明) means specified in a movement restriction order.

79. Application of this Subdivision to persons arrested for offences endangering national security and on bail

If—

- (a) a person is arrested for being reasonably suspected of having committed an offence endangering national security; and
- (b) the person is about to be, or has been, discharged (whether or not a recognizance is required) by the police,

this Subdivision applies in relation to the person (*person on bail*).

80. Applications to Court for movement restriction orders in relation to period of bail

- (1) A police officer of the rank of Chief Superintendent or above or a police officer authorized by that officer may, by ex parte application supported by information on oath, apply to a magistrate for the making by the magistrate of an order (*movement restriction order*) directing that a person on bail must comply with the specified requirements and the specified conditions imposed in relation to those requirements.
- (2) The magistrate may specify one or more of the following requirements—
 - (a) the following requirements on the place of residence of the person on bail—
 - (i) the person on bail must reside in the specified place during the specified period;
 - (ii) the person must report to the police by the specified deadline information as to the identity of any person who also resides in the specified place;
 - (iii) the person on bail must remain in the specified place during the specified time;
 - (b) the person on bail must not enter the specified area or place during the specified period, or may only enter the area or place if the specified conditions are met;
 - (c) the person on bail must not, by any means or through any person, associate or communicate with the specified person during the specified period, or may only associate or communicate with the specified person if the specified conditions are met;

- (d) the person on bail must report to the police at the specified police station at the specified time.
- (3) The information in support of the application—
 - (a) must be laid by a police officer of the rank of Chief Inspector or above; and
 - (b) must state—
 - (i) the nature of the offence;
 - (ii) the general nature of the evidence on which the person on bail was arrested;
 - (iii) what inquiries have been made by the police in relation to the offence and what further inquiries are proposed to be made by them; and
 - (iv) the reasons why imposing any of the requirements mentioned in subsection (2) on the person on bail is necessary.

81. Court may make movement restriction orders

- (1) If the magistrate hearing the application is satisfied that there are reasonable grounds to believe that the circumstances specified in subsection (2) exist, the magistrate may make a movement restriction order in relation to a person on bail.
- (2) The circumstances are—
 - (a) the person on bail will not report to the police in accordance with the conditions specified by the police unless the person on bail is subject to the requirements requested to be imposed on the person on bail in the application (*relevant requirements*);
 - (b) there will be perversion or obstruction of the course of justice unless the person on bail is subject to the relevant requirements; or

- (c) national security will be endangered unless the person on bail is subject to the relevant requirements.
- (3) A movement restriction order—
- (a) must be in writing; and
 - (b) must state the requirements imposed on the person on bail and the conditions imposed in relation to the requirements.
- (4) A movement restriction order is valid for 3 months, and the validity period must not begin before the date on which the movement restriction order is served under subsection (5).
- (5) A movement restriction order must be served personally on the person on bail.
- (6) A magistrate may, on application by a police officer mentioned in section 80(1) (*relevant officer*), extend (or further extend) the validity period of a movement restriction order made in relation to a person on bail, with each period of extension being 1 month, if the magistrate is satisfied that there are reasonable grounds to believe that—
- (a) a circumstance specified in subsection (2) remains in existence; and
 - (b) the investigation of the offence is being diligently and expeditiously conducted by the police, and cannot reasonably be completed before the date of the application.
- (7) A magistrate may, on the application by a relevant officer or a person on bail, vary or discharge a movement restriction order made in relation to the person on bail.

- (8) A magistrate must not grant an application made under subsection (7) unless the magistrate is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so.

82. Review of movement restriction orders

- (1) If a magistrate refuses an application made by a person on bail under section 81(7), the person on bail may make an application to a judge of the Court of First Instance for the first-mentioned application to be granted (*review application*).
- (2) The judge of the Court of First Instance must not grant the review application unless the judge is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so.
- (3) Subject to subsection (2), the judge of the Court of First Instance may, by order, confirm, vary or revoke the magistrate's decision and may make any other order in relation to relevant matters as the judge of the Court of First Instance considers just.

83. Contravention of movement restriction orders

If a person on bail, without reasonable excuse, contravenes—

- (a) any requirement in a movement restriction order made in relation to the person; or
 - (b) any condition imposed in relation to the requirement,
- the person commits an offence and is liable on conviction on indictment to imprisonment for 1 year.

Subdivision 4—Miscellaneous Provisions and Offences in connection with Investigation

84. Applications under this Division to be heard in closed court in general

- (1) An application under this Division must be heard in a closed court.
- (2) Despite subsection (1), the judge of the Court of First Instance or the magistrate (as applicable) hearing the application may, either on his or her own motion or on application by any party to the hearing, order the application to be heard in open court.
- (3) However, the judge of the Court of First Instance or the magistrate concerned may only make an order under subsection (2) on being satisfied that doing so is necessary in the interests of justice and would not be contrary to the interests of national security.

85. No prejudicing of investigation of offences endangering national security

If a person knows or suspects that an investigation of an offence endangering national security is being conducted—

- (a) the person—
 - (i) with intent to prejudice the investigation; or
 - (ii) being reckless as to whether the investigation will be prejudiced,
without reasonable excuse or lawful authority, makes any disclosure; or
- (b) the person—
 - (i) knowing or suspecting that any material is likely to be relevant to the investigation; and

- (ii) with intent to conceal the facts disclosed by the material from persons conducting the investigation,

without reasonable excuse, falsifies, conceals, destroys or otherwise disposes of the material, or causes or permits the material to be falsified, concealed, destroyed or otherwise disposed of,

the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years.

Division 2—Absconders Charged with Offences Endangering National Security

Subdivision 1—Specification of Relevant Absconders

86. Power of Secretary for Security to specify an absconder for application of certain measures against the absconder

- (1) If the Secretary for Security reasonably believes that it is necessary for safeguarding national security to specify a person to which this subsection applies for the purposes of subsection (4), the Secretary for Security may, by notice published in the Gazette, specify the person for the purposes of that subsection.
- (2) Subsection (1) applies to a person if—
 - (a) a magistrate has, in a case in which the person is charged with an offence endangering national security, issued a warrant under section 72(1) of the Magistrates Ordinance (Cap. 227) to arrest the person;

- (b) reasonable steps have been taken to inform the person of the issue of the warrant, or the Secretary for Security reasonably believes that the person knew of the issue of the warrant;
 - (c) a period of 6 months after the issue of the warrant has expired;
 - (d) the person has not been brought before a magistrate; and
 - (e) the Secretary for Security reasonably believes that the person is not in the HKSAR.
- (3) The Secretary for Security must revoke a specification made in relation to a person under subsection (1) if—
- (a) the warrant mentioned in subsection (2)(a) in respect of the person has been revoked; or
 - (b) the person has been brought before a magistrate.
- (4) If the Secretary for Security specifies a person under subsection (1), the Secretary for Security may, during the period within which the specification is in force, by notice published in the Gazette, further specify that any one or more provisions in Subdivision 2 of this Division that the Secretary for Security reasonably considers to be suitable in all the circumstances of the case apply in relation to the person.
- (5) The Secretary for Security may, by notice published in the Gazette, vary or revoke a specification made under subsection (4).

Subdivision 2—Measures that may Apply against Relevant Absconders**87. Prohibition against making available funds etc. or dealing with funds etc.**

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) Except under the authority of a licence granted under section 94, a person must not—
 - (a) make available, directly or indirectly, any funds or other financial assets or economic resources to, or for the benefit of, a relevant absconder; or
 - (b) deal with, directly or indirectly, any funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant absconder.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe—
 - (a) for a contravention of subsection (2)(a)—that the funds or other financial assets or economic resources concerned were, or were to be, made available to, or for the benefit of, a relevant absconder; or
 - (b) for a contravention of subsection (2)(b)—that the person was dealing with the funds or other financial assets or economic resources belonging to, or owned or controlled by, a relevant absconder.

- (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited any of the following to an account belonging to, or directly or indirectly owned or controlled by, a relevant absconder—
- (a) interest or other earnings due on that account;
 - (b) payment due under contracts, agreements or obligations that arose before the date on which the relevant absconder became a relevant absconder.
- (7) In this section—
- deal with*** (處理) means—
- (a) in respect of funds—
 - (i) use, alter, move, allow access to or transfer;
 - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
 - (iii) make any other change that would enable use, including portfolio management; and
 - (b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring out or mortgaging the assets or resources;

economic resources (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

funds (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale;
- (g) documents evidencing an interest in funds or financial resources; and
- (h) any other instrument of export financing.

88. Prohibition against certain activities in connection with immovable property

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.

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- (2) Except under the authority of a licence granted under section 94, a person must not—
 - (a) lease, or otherwise make available, immovable property, directly or indirectly, to a relevant absconder; or
 - (b) lease immovable property, directly or indirectly, from a relevant absconder.
 - (3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
 - (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe—
 - (a) for a contravention of subsection (2)(a)—that the immovable property concerned was leased, or otherwise made available, to a relevant absconder; or
 - (b) for a contravention of subsection (2)(b)—that the immovable property concerned was leased from a relevant absconder.
 - (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

89. Prohibition in connection with joint ventures or partnerships with relevant absconders

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) Except under the authority of a licence granted under section 94, a person must not—
 - (a) establish a joint venture, partnership or any like relationship with a relevant absconder; or
 - (b) invest in such a joint venture, partnership or any like relationship.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know and had no reason to believe that the joint venture, partnership or like relationship concerned was one with a relevant absconder.
- (5) A person is taken to have established a matter that needs to be established for a defence under subsection (4) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

90. Suspension of qualification to practise

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) If, at any time during the period within which the specification is in force (*material time*), a relevant absconder holds a qualification to practise in a profession under any Ordinance, the qualification to practise is, for all purposes, to be regarded as suspended at the material time (regardless of whether the Ordinance itself provides for the suspension (however described) of the qualification to practise).
- (3) If, under any Ordinance, a person is required to keep a register (however described) in relation to the qualification to practise, the person must from time to time update the register in view of the operation of subsection (2).
- (4) Also, if, under any Ordinance, had the qualification to practise been suspended (however described) under the Ordinance, a provision would apply accordingly, then, where the qualification to practise is regarded as suspended under subsection (2), the provision also applies, with necessary modifications, accordingly as if the qualification to practise is suspended (however described) under the Ordinance.
- (5) In subsection (4), a reference to any provision does not include a provision that concerns an appeal or review against the suspension of the qualification to practise.
- (6) This section does not affect any power that a person may exercise under any Ordinance in relation to a relevant absconder.

91. Permission or registration for carrying on business or for employment not in effect temporarily

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) If, at any time during the period within which the specification is in force (*material time*), there is in effect, in relation to a relevant absconder (but not in effect in relation to the relevant absconder together with any other person)—
 - (a) a permission (however described, and given in whatever manner) under any Ordinance; or
 - (b) a registration (however described, and carried out in whatever manner) under any Ordinance,that is necessary for the relevant absconder to carry on any business or to be employed for any work, the permission or registration is, for all purposes, to be regarded as being not in effect temporarily at the material time (regardless of whether the Ordinance itself provides for the permission or registration being not in effect temporarily (however described)).
- (3) If, under any Ordinance, a person is required to keep a register (however described) in relation to the permission or registration, the person must from time to time update the register in view of the operation of subsection (2).
- (4) Also, if, under any Ordinance, had the permission or registration been not in effect temporarily (however described) under the Ordinance, a provision would apply accordingly, then, where the permission or registration is regarded as being not in effect temporarily under

subsection (2), the provision also applies, with necessary modifications, accordingly as if the permission or registration is not in effect temporarily (however described) under the Ordinance.

- (5) In subsection (4), a reference to any provision does not include a provision that concerns an appeal or review against the permission or registration being not in effect temporarily.
- (6) This section does not affect any power that a person may exercise under any Ordinance in relation to a relevant absconder, or in relation to the business carried on by the relevant absconder or the work for which the relevant absconder is employed.

92. Temporary removal from office of director

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) If, at any time during the period within which the specification is in force (*material time*), a relevant absconder holds the office of director of any company, the relevant absconder is, for all purposes, to be regarded as being removed temporarily from that office of director at the material time, and accordingly, the relevant absconder must not directly or indirectly take part or be concerned in the management of the company temporarily.
- (3) If, under any Ordinance, a person is required to keep a register (however described) in relation to that office of director, the person must from time to time update the register in view of the operation of subsection (2).

- (4) This section does not affect any power that a person may exercise under any Ordinance in relation to a relevant absconder.
- (5) In this section—
- company* (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622);
- director* (董事) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622).

93. Cancellation of HKSAR passports

- (1) If it is specified under section 86(4) (including by virtue of section 86(5)) that this section applies in relation to a person, the person is a relevant absconder for the purposes of this section during the period within which the specification is in force.
- (2) If—
- (a) a relevant absconder holds a HKSAR passport; and
- (b) the passport is valid immediately before the specification is made,
- the passport is, for all purposes, to be regarded as being cancelled at the time when the specification is made, and accordingly, the Director of Immigration may take possession of the passport.
- (3) To avoid doubt, a person must not appeal against the cancellation or taking of possession under section 10(1) of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539).

(4) In this section—

HKSAR passport (特區護照) means a passport issued by the Director of Immigration under section 3 of the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539).

Subdivision 3—Licences

94. Grant of licences

- (1) The Secretary for Security may, on application, grant a licence for doing an act prohibited by section 87, 88 or 89.
- (2) The Secretary for Security must not grant a licence under subsection (1) unless the Secretary for Security is satisfied that, in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to do so.

95. Provision of false or misleading information or documents for purpose of obtaining licences

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false or misleading in a material particular commits an offence and is liable on conviction on indictment to imprisonment for 3 years.
- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false or misleading in a material particular commits an offence and is liable on conviction on indictment to imprisonment for 3 years.

Division 3—Procedure in Legal Actions: General Provisions

96. Application of procedure under HK National Security Law to offences under this Ordinance

To avoid doubt, any case in connection with an offence under this Ordinance is a case mentioned in Article 41 of the HK National Security Law, and the procedure under Chapter IV of the HK National Security Law applies to such a case.

97. Cases concerning national security to be adjudicated by designated judges

- (1) If a case adjudicated by a Court is a case concerning national security by virtue of section 3(2)(b), the case must be adjudicated by a designated judge.
- (2) Subsection (1) does not limit the application of any other enactment to any case to the extent that the other enactment is not inconsistent with that subsection.

Division 4—Criminal Procedure for Cases in connection with Offences Endangering National Security

98. Application

This Division applies to a case in connection with an offence endangering national security, regardless of whether the case is also in connection with any other offence.

99. Interpretation

In this Division—

Cap. 227 (《第 227 章》) means the Magistrates Ordinance (Cap. 227);

return day (提訊日) has the meaning given by section 71A of Cap. 227.

100. Remand during committal proceedings

In applying section 79(1) of Cap. 227, the requirement in that section for remand not to exceed 8 clear days (and the exception to the requirement) must be disregarded.

101. Appointment of return day

- (1) Subsection (2) applies in place of section 80A(3) of Cap. 227.
- (2) The return day must not, unless the prosecutor and the accused consent or the magistrate, on reasonable cause being shown, determines otherwise, be less than 10 days nor more than 28 days from the day on which the return day is appointed.

102. Translations of documents

- (1) Subsection (2) applies in place of section 80B(2)(c) and (3) of Cap. 227.
- (2) Unless the magistrate, on application by the accused, order, for the purposes of section 80B(1) of Cap. 227, that a statement of a witness, or a documentary exhibit, of which a copy is served under that section must be accompanied by the following translation—
 - (a) if the statement or documentary exhibit is written in a language other than English—an English translation;
 - (b) if the statement or documentary exhibit is written in a language other than Chinese—a Chinese translation,the statement or documentary exhibit need not be accompanied by the translation.

- (3) In deciding whether to make an order under subsection (2), the magistrate must consider the need for the case to be handled in a fair and timely manner.

103. Preliminary inquiries dispensed with

- (1) Subsection (2) applies in place of sections 80C, 81, 81A, 82, 83, 84 and 85 of Cap. 227.
- (2) When the accused appears or is brought before a magistrate on the return day—
 - (a) the prosecutor must, if the requirements of section 80B(1) of Cap. 227 are satisfied, hand into court the originals of the documents referred to in that section; and
 - (b) the magistrate must, after an application is made by or on behalf of the Secretary for Justice, take the action under section 80C(4) of Cap. 227, and if the accused then pleads not guilty to the charge, the magistrate must order that the accused stand committed for trial in the Court of First Instance, and inform the accused of this fact or cause the accused to be informed of this fact.
- (3) Accordingly—
 - (a) in applying section 80A of Cap. 227—
 - (i) subsections (4)(c) and (d) of that section must be disregarded; and
 - (ii) subsection (4)(e) of that section is to be read as requiring that the magistrate must, on first appointing the return day, inform the accused of the matters mentioned in subsection (4) of this section;

- (b) in applying section 81B of Cap. 227—
 - (i) a reference to section 80C(4)(a) or 82(1) of Cap. 227 in subsection (1) of that section 81B is to be read as a reference to subsection (2)(b) of this section;
 - (ii) subsection (1) of that section 81B is to be read as requiring that the magistrate must inform the accused of the matters mentioned in subsection (4) of this section in the circumstances described in that subsection (1); and
 - (iii) the reference to “where the accused pleads guilty in proceedings under section 80C,” in subsection (2)(a) of that section 81B must be disregarded;
- (c) in applying section 85A of Cap. 227, a reference to section 80C(4) or 85(2) of Cap. 227 in subsection (1) of that section 85A is to be read as a reference to subsection (2)(b) of this section;
- (d) in applying section 86 of Cap. 227—
 - (i) the reference to section 80C(4) of Cap. 227 in subsection (1)(b) of that section 86 is to be read as a reference to subsection (2)(b) of this section; and
 - (ii) the reference to section 80C(1) of Cap. 227 in subsection (1)(b) of that section 86 is to be read as a reference to subsection (2)(a) of this section;
- (e) in applying section 33 of the Crimes Ordinance (Cap. 200), the reference to section 80C(1) of Cap. 227 in paragraph (a) of that section 33 is to be read as a reference to subsection (2)(a) of this section;

- (f) in applying section 14 of the Criminal Procedure Ordinance (Cap. 221) (*Cap. 221*), the reference to section 80C(4) of Cap. 227 in subsection (1)(a) of that section 14 is to be read as a reference to subsection (2)(b) of this section;
- (g) in applying section 16 of Cap. 221—
 - (i) the reference to section 80C(4) of Cap. 227 in subsection (1) of that section 16 is to be read as a reference to subsection (2)(b) of this section; and
 - (ii) the reference to section 80C(1) of Cap. 227 in subsection (1) of that section 16 is to be read as a reference to subsection (2)(a) of this section; and
- (h) if an application is made under section 77A of the District Court Ordinance (Cap. 336) for the proceedings to be transferred to the Court of First Instance, the following must be disregarded in applying that section—
 - (i) the requirement in subsection (4) of that section that the judge may only make an order allowing the application subject to subsection (5) of that section;
 - (ii) subsections (5) and (6) of that section; and
 - (iii) the condition in subsection (7) of that section that the accused elects under subsection (5) of that section to have a preliminary inquiry.

- (4) For the purposes of subsection (3)(a)(ii) and (b)(ii), the matters are that if the accused pleads not guilty to the charge, the court will have the accused committed for trial in the Court of First Instance, and if the accused pleads guilty to the charge, the court will have the accused committed to the Court of First Instance for sentence on that charge.

104. Accused not to apply for discharge without hearing after committal

- (1) If a certificate is issued in relation to a case under Article 46 of the HK National Security Law, section 16 of the Criminal Procedure Ordinance (Cap. 221) has no effect in relation to the case.
- (2) Accordingly, in applying section 85A of Cap. 227, subsection (1)(e) of that section must be disregarded.
- (3) This section does not limit the application of any other provision of this Division to the case to the extent that the other provision of this Division is not inconsistent with this section.

105. Lifting of restrictions on reports of committal proceedings

- (1) This section applies in place of section 87A(2) of Cap. 227.
- (2) Despite section 87A(1) of Cap. 227, a magistrate may, on application by the prosecution or the accused, order that the section does not apply to relevant reports of the committal proceedings.
- (3) However, the magistrate may only make an order under subsection (2) on being satisfied that doing so is necessary in the interests of justice and would not be contrary to the interests of national security.

- (4) An order made under subsection (2) must be entered in the Magistrate's Case Register.
- (5) If there are more than one accused in the case, the reference to the accused in subsection (2) is a reference to one of the accused.
- (6) For the purposes of sections 86(1)(f) and 87A(4) and (7) of Cap. 227, an order made under subsection (2) is to be regarded as an order made under section 87A(2) of Cap. 227.

Division 5—Penalties for Inchoate Offences

106. Penalty for conspiracy, incitement or attempt to commit offence under HK National Security Law

To avoid doubt, despite any other Ordinance—

- (a) if a person is convicted of conspiracy to commit any offence under the HK National Security Law (*NSL offence*), any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the conspiracy;
 - (b) if a person is convicted of incitement to commit any NSL offence, any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the incitement unless the HK National Security Law itself provides for the penalty for incitement to commit the NSL offence; and
 - (c) if a person is convicted of attempt to commit any NSL offence, any provision concerning the penalty for the NSL offence under the HK National Security Law also applies to the penalty for the attempt.
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Part 8

Mechanisms for Safeguarding National Security and Relevant Protections

107. Administrative instructions in connection with safeguarding national security

- (1) The Chief Executive may issue an administrative instruction to any public servant of the Government to give directions in relation to any of the following matters—
 - (a) the implementation of any instruction given by the Central People's Government in relation to safeguarding national security;
 - (b) the work on safeguarding national security;
 - (c) the provision of rights, exemptions, facilitation and support that are necessary for the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region in performing its mandate under Chapter V of the HK National Security Law in accordance with the law;
 - (d) any other matter that the Chief Executive considers conducive to safeguarding national security.
- (2) Any public servant of the Government must comply with an administrative instruction mentioned in subsection (1).

108. Public servants to assist in work on safeguarding national security

A public servant must provide all such assistance that is necessary for the work on safeguarding national security.

109. Chief Executive to issue certificate in relation to question of whether national security or state secret is involved

- (1) Apart from in the circumstances mentioned in Article 47 of the HK National Security Law, the Chief Executive may also, in circumstances that the Chief Executive considers appropriate, issue a certificate to certify whether an act or matter involves national security or whether any material involves state secret.
- (2) A certificate under subsection (1)—
 - (a) may be issued whether or not any proceedings have been commenced; and
 - (b) may be issued by the Chief Executive on the Chief Executive's own motion.
- (3) If a Court receives in any proceedings a certificate issued by the Chief Executive certifying a question under this section, the court is to be regarded as having obtained a certificate issued by the Chief Executive certifying the question under Article 47 of the HK National Security Law.

110. Adjudication of cases concerning national security etc.

- (1) The Courts are to adjudicate cases concerning national security independently in accordance with the relevant provisions of the Basic Law and the HK National Security Law, free from any interference. A person must respect and safeguard the Courts' adjudication of cases concerning national security in accordance with the law.
- (2) The Department of Justice is to control criminal prosecutions of cases in connection with offences endangering national security in accordance with the relevant provisions of the Basic Law and the HK National Security Law, free from any interference.

(3) The Government must take necessary measures to ensure the personal safety, and the safety of the property and place of residence, of any specified person and any aider, are subject to necessary protection.

(4) In this section—

aider (協助者) means an informer of, or a witness in, a case concerning national security;

specified person (指明人士) means—

- (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or
- (b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.

111. **Signing or certification of legal documents in respect of cases concerning national security etc.**

(1) This section applies to a document in respect of a case concerning national security (*relevant document*) if an Ordinance or a direction of a Court—

- (a) requires the document to be signed or certified by any of the following persons—
 - (i) a party to the case;
 - (ii) a specified person representing a party to the case;
- (b) requires the document to state the name of any of the following persons—
 - (i) a party to the case;

- (ii) a specified person representing a party to the case;
 - (c) permits the document to be signed or certified by any of the following persons—
 - (i) a party to the case;
 - (ii) a specified person representing a party to the case; or
 - (d) permits the document to state the name of any of the following persons—
 - (i) a party to the case;
 - (ii) a specified person representing a party to the case.
- (2) However, this section does not apply to—
- (a) an affidavit or any other document made on oath;
 - (b) a statutory declaration;
 - (c) a document made by a person as a witness for stating the truth; or
 - (d) a statement of truth made under an Ordinance or a direction of a Court for verifying a document.
- (3) Where the relevant document—
- (a) is one that falls within subsection (1)(a)(i) or (c)(i)—the document may be signed or certified by a specified person representing the party, and need not be signed or certified by the party; and
 - (b) is one that falls within subsection (1)(b)(i) or (d)(i)—the document may state the name of a specified person representing the party, and need not state the name of the party.

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- (4) Where the relevant document—
- (a) is one that falls within subsection (1)(a)—the requirement under subsection (1)(a) is met if the document contains a signature specified in subsection (5);
 - (b) is one that falls within subsection (1)(b)—the requirement under subsection (1)(b) is met if the document contains a name specified in subsection (6);
 - (c) is one that falls within subsection (1)(c)—the document may contain a signature specified in subsection (5); and
 - (d) is one that falls within subsection (1)(d)—the document may contain a name specified in subsection (6).
- (5) The signature specified for the purposes of subsection (4)(a) and (c) is—
- (a) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a public servant—a signature made in the name of the department or agency represented by the specified person;
 - (b) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a counsel—a signature made in the name of the department or agency (or solicitors' firm) represented by the person who gives instructions to the specified person; or

- (c) if the relevant document must or may (including may by virtue of subsection (3)(a)) be signed by a specified person and the specified person is a solicitor—a signature made in the name of the solicitors’ firm represented by the specified person.
- (6) The name specified for the purposes of subsection (4)(b) and (d) is—
- (a) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a public servant—the name of the department or agency represented by the specified person;
- (b) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a counsel—the name of the department or agency (or solicitors’ firm) represented by the person who gives instructions to the specified person; or
- (c) if the relevant document must or may (including may by virtue of subsection (3)(b)) state the name of a specified person and the specified person is a solicitor—the name of the solicitors’ firm represented by the specified person.
- (7) In this section—
- specified person*** (指明人士) means a public servant, counsel or solicitor;
- state*** (述明), in relation to a name, means mark, print, set out or otherwise provide the name.

112. Unlawful disclosure of personal data of persons handling cases or work concerning national security

(1) If a person commits an offence under section 64(3A) of the Personal Data (Privacy) Ordinance (Cap. 486), and—

(a) the data subject referred to in that section is—

- (i) a specified person;
- (ii) a family member of a specified person;
- (iii) an aider; or
- (iv) a family member of an aider; and

(b) the person commits the offence—

- (i) with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security; or
- (ii) in consequence of a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person or by the aider in providing assistance in relation to a case concerning national security,

the person commits an offence and is liable on conviction on indictment to imprisonment for 7 years.

(2) If a person commits an offence under section 64(3C) of the Personal Data (Privacy) Ordinance (Cap. 486), and—

(a) the data subject referred to in that section is—

- (i) a specified person;
- (ii) a family member of a specified person;
- (iii) an aider; or

- (iv) a family member of an aider; and
- (b) the person commits the offence—
 - (i) with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security; or
 - (ii) in consequence of a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person or by the aider in providing assistance in relation to a case concerning national security,

the person commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

- (3) If—
 - (a) any—
 - (i) HKSAR resident;
 - (ii) body corporate that is incorporated, formed or registered in the HKSAR; or
 - (iii) body of persons, whether corporate or unincorporate, that has a place of business in the HKSAR,does any act outside the HKSAR; and
 - (b) the act would have constituted an offence under subsection (1) or (2) had it been done in the HKSAR,the resident or body commits the offence.

(4) For the purposes of subsection (3), a reference to commit an offence under the Personal Data (Privacy) Ordinance (Cap. 486) in subsection (1) or (2) is to be read as including to do an act that—

- (a) is done outside the HKSAR; and
- (b) would have constituted the offence had it been done in the HKSAR.

(5) In this section—

aider (協助者) means an informer of, or a witness in, a case concerning national security;

family member (家人), in relation to a person, means another person who is related to the person by blood, marriage, adoption or affinity;

HKSAR resident (特區居民) means—

- (a) a Hong Kong permanent resident; or
- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap. 115);

specified person (指明人士) means—

- (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or
- (b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.

113. Unlawful harassment of persons handling cases or work concerning national security

(1) If—

- (a) a person (*Party A*), with intent to cause alarm or distress or specified harm to a specified person (or a family member of the specified person) or an aider (or a family member of the aider) (*Party B*)—
 - (i) uses any intimidating, abusive or offensive words to Party B by any means, or otherwise makes to Party B any intimidating, abusive or offensive communication; or
 - (ii) does any intimidating, abusive or offensive act towards Party B by any means;
- (b) a reasonable person, having regard to all the circumstances, would have anticipated that so using the words to Party B, making the communication to Party B or doing the act towards Party B would cause alarm or distress or specified harm to Party B;
- (c) the words, communication or act, in fact, causes alarm or distress or specified harm to Party B; and
- (d) Party A falls within the description in any of subparagraphs (i) and (ii)—
 - (i) Party A uses the words, makes the communication, or does the act with intent to prevent or deter the specified person's performance of his or her functions as a specified person or the aider's provision of assistance in relation to a case concerning national security;

- (ii) Party A uses the words, makes the communication, or does the act in consequence of—
 - (A) a thing done (or attempted to be done) by the specified person in the lawful performance of his or her functions as a specified person; or
 - (B) a thing done (or attempted to be done) by the aider in providing assistance in relation to a case concerning national security,

Party A commits an offence and is liable on conviction on indictment to imprisonment for 10 years.

- (2) If a person is charged with an offence under subsection (1) and the charge alleges that the person falls within the description in subsection (1)(d)(ii), it is a defence for the person to establish that it was reasonable in the circumstances to use the words, make the communication, or do the act.
- (3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (4) In this section—

aid (協助者) means an informer of, or a witness in, a case concerning national security;

family member (家人), in relation to a person, means another person who is related to the person by blood, marriage, adoption or affinity;

specified harm (指明傷害), in relation to a person, means—

- (a) psychological harm to the person;
- (b) harm causing the person to be concerned for the person's safety or well-being; or
- (c) harm causing the person to be concerned for damage to the property of the person;

specified person (指明人士) means—

- (a) any of the personnel of any department or agency that handles cases concerning national security, or is responsible for the work on safeguarding national security, in the HKSAR; or
 - (b) a judicial officer, staff member of the Judiciary, counsel or solicitor, who handles a case concerning national security.
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Part 9

Related Amendments

Division 1—Enactments Amended

114. Enactments amended

The enactments specified in Divisions 2 to 29 are amended as set out in those Divisions.

Division 2—Amendment to Interpretation and General Clauses Ordinance (Cap. 1)

115. Section 3 amended (interpretation of words and expressions)

Section 3—

Add in alphabetical order

“*national security* (國家安全)—see section 4 of the Safeguarding National Security Ordinance (of 2024);”.

Division 3—Amendment to Evidence Ordinance (Cap. 8)

116. Section 77 amended (privilege of witnesses)

Section 77(3)—

Repeal

“the security of the United Kingdom, Hong Kong, or any other territory for which the United Kingdom is responsible under international law”

Substitute

“national security or the security of the HKSAR”.

Division 4—Amendments to Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

117. Section 181 amended (power to stay or restrain proceedings against company)

(1) Section 181—

Renumber the section as section 181(1).

(2) After section 181(1)—

Add

“(2) However, if the action or proceeding relates to a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (of 2024)), the reference to “and before a winding-up order has been made” in subsection (1) is to be disregarded in applying that subsection.”.

118. Section 186 amended (actions stayed on winding-up order)

(1) Section 186—

Renumber the section as section 186(1).

(2) After section 186(1)—

Add

“(2) If any action or proceeding relates to a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (of 2024)), subsection (1) does not prevent the action or proceeding from being proceeded with or commenced against the company.”.

119. Section 360C amended (power of the Chief Executive in Council to order company engaging in undesirable activities to be struck off)

(1) Section 360C(1)—

Repeal

everything before “may order”

Substitute

“(1) If the Chief Executive in Council is satisfied that a company formed and registered under the Companies Ordinance (Cap. 622) or any former Companies Ordinance would—

(a) if it were a society to which the Societies Ordinance (Cap. 151) applied—

(i) be liable to have its registration or exemption from registration cancelled under section 5D of that Ordinance; or

(ii) be liable to have its operation or continued operation prohibited by the Secretary for Security under section 8 of that Ordinance; or

(b) if it were an organization to which section 58(1) or (2) of the Safeguarding National Security Ordinance (of 2024) applied—be liable to have its operation or continued operation in Hong Kong prohibited by the Secretary for Security under that section,

the Chief Executive in Council”.

(2) After section 360C(2)—

Add

- “(2A) A company dissolved under subsection (2)—
- (a) in the case of subsection (1)(a)(ii)—is, for all purposes, to be regarded as an unlawful society within the meaning of the Societies Ordinance (Cap. 151); or
 - (b) in the case of subsection (1)(b)—is, for all purposes, to be regarded as a prohibited organization within the meaning of Division 2 of Part 6 of the Safeguarding National Security Ordinance (of 2024).”.

120. Section 360G amended (certain sections to apply)

Section 360G, after “211,”—

Add

“216,”.

121. Section 360M substituted

Section 360M—

Repeal the section

Substitute

“360M. Protection of Official Receiver etc.

- (1) A person to whom this section applies is not personally liable for an act done or omitted to be done by the person in good faith in respect of the winding up of any company under this Part in—
 - (a) performing or purportedly performing a function under this Part; or
 - (b) exercising or purportedly exercising a power under this Part.

- (2) The persons to whom this section applies are—
 - (a) the Official Receiver; and
 - (b) a public servant.”.

122. Section 360N amended (non-Hong Kong companies)

- (1) Section 360N—

Renumber the section as section 360N(1).

- (2) Section 360N(1)—

Repeal

everything before “Provided”

Substitute

- “(1) If the Chief Executive in Council is satisfied that a non-Hong Kong company would—
 - (a) if it were a society to which the Societies Ordinance (Cap. 151) applied—
 - (i) be liable to have its registration or exemption from registration cancelled under section 5D of that Ordinance; or
 - (ii) be liable to have its operation or continued operation prohibited by the Secretary for Security under section 8 of that Ordinance; or
 - (b) if it were an organization to which section 58(1) or (2) of the Safeguarding National Security Ordinance (of 2024) applied—be liable to have its operation or continued operation in Hong Kong prohibited by the Secretary for Security under that section,

the Chief Executive in Council may order the company to cease to carry on business within Hong Kong, and the company must immediately cease to carry on business within Hong Kong.”.

(3) After section 360N(1)—

Add

“(2) A company which has been ordered to cease to carry on business within Hong Kong under subsection (1)—

(a) in the case of subsection (1)(a)(ii)—is, for all purposes, to be regarded as an unlawful society within the meaning of the Societies Ordinance (Cap. 151); or

(b) in the case of subsection (1)(b)—is, for all purposes, to be regarded as a prohibited organization within the meaning of Division 2 of Part 6 of the Safeguarding National Security Ordinance (of 2024).”.

Division 5—Amendment to Pensions Ordinance (Cap. 89)

123. Section 15 amended (pension, gratuity or allowance may be cancelled, suspended or reduced on conviction, etc.)

Section 15(1)(a)(iii)—

Repeal

“treason under section 2 of the Crimes Ordinance (Cap. 200)”

Substitute

“any offence endangering national security”.

Division 6—Amendment to Post Office Ordinance (Cap. 98)

124. Section 32 amended (prohibited articles)

Section 32(1)—

Repeal paragraph (h)

Substitute

“(h) anything the publication of which would constitute an offence endangering national security;”.

Division 7—Amendment to Pension Benefits Ordinance (Cap. 99)

125. Section 29 amended (pension benefits may be cancelled, suspended or reduced on conviction, etc.)

Section 29(1)(c)—

Repeal

“treason under section 2 of the Crimes Ordinance (Cap. 200)”

Substitute

“any offence endangering national security”.

Division 8—Amendments to Societies Ordinance (Cap. 151)

126. Section 2 amended (interpretation)

(1) Section 2(1), definition of *election*—

Repeal

everything after “means”

Substitute

“an election set out in section 4(1) of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554);”.

- (2) Section 2(1)—
- (a) definition of *foreign political organization*;
 - (b) definition of *political organization of Taiwan*;
 - (c) definition of *connection*—

Repeal the definitions.

- (3) Section 2(1)—

Add in alphabetical order

“*connection* (聯繫), in relation to a society or a branch, that is a political body, means the following circumstances—

- (a) the society or the branch solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, or substantive support by other means, directly or indirectly, from a political organization of an external place;
- (b) the society or the branch is affiliated directly or indirectly with a political organization of an external place;
- (c) any policy of the society or the branch is determined directly or indirectly by a political organization of an external place; or
- (d) a political organization of an external place directs, controls, supervises, dictates or participates, directly or indirectly, in the decision making process of the society or the branch;

external place (境外) means a region or place outside Hong Kong (other than the Mainland and Macao);

political organization of an external place (境外政治性組織) includes—

- (a) a government of a foreign country or a political subdivision of the government;
- (b) the authority of a region or place of an external place or a political subdivision of the authority;
- (c) an agent of the government or authority or an agent of the political subdivision of the government or authority; and
- (d) a political party in an external place or an agent of the political party;”.

(4) Section 2(4)—

Repeal

everything after “Hong Kong.”.

127. Section 5A amended (registration and exemption from registration)

Section 5A(3)(b)—

Repeal

“foreign political organization or a political organization of Taiwan”

Substitute

“political organization of an external place”.

128. Section 5D amended (cancellation of registration or exemption from registration)

Section 5D(1)(b)—

Repeal

“foreign political organization or a political organization of Taiwan”

Substitute

“political organization of an external place”.

129. Section 8 amended (prohibition of operation of societies)

Section 8(1)—

Repeal

everything after “prohibiting the operation or continued operation of”

Substitute

“a society or a branch if the Societies Officer reasonably believes that the prohibition of the operation or continued operation of the society or the branch is necessary in the interests of public safety, public order or the protection of the rights and freedoms of others.”.

130. Section 32 amended (power of entry in special cases)

Section 32—

Repeal

“national security or to”.

Division 9—Amendment to Crimes Ordinance (Cap. 200)

131. Parts I and II repealed

Parts I and II—

Repeal the Parts.

**Division 10—Amendments to Criminal Procedure Ordinance
(Cap. 221)**

132. Section 9 amended (rules and orders as to practice and procedure)

Section 9(3)—

Repeal

“(including trials for treason or misprision of treason)”.

133. Section 9G amended (an accused person may be refused bail in particular circumstances)

Section 9G—

Repeal subsection (10)

Substitute

“(10) An accused person charged with murder may be admitted to bail only on the order of a judge.”.

134. Section 14A amended (trial of offences)

(1) Section 14A(1)—

Repeal paragraph (a).

(2) Section 14A—

Repeal subsection (2)

Substitute

“(2) Where any provision in any Ordinance creates, or results in the creation of, an offence and subject to subsection (4), the words “upon indictment” or “on indictment” appear, the offence is triable only on indictment.”.

135. Section 51 amended (trial of offences)

Section 51(2)—

Repeal

“other than treason”.

136. Section 79I amended (court may take evidence by live television link from person outside Hong Kong)

(1) After section 79I(2)(a)—

Add

“(ab) the criminal proceedings concerned are specified proceedings;”.

(2) After section 79I(2)—

Add

“(3) Even if any permission has been given, in specified proceedings, under this section that is not yet amended, then, as long as a verdict has not yet been delivered in the proceedings, the permission is to be regarded as having never been given.

(4) In this section—

amended (經修訂) means amended by the Safeguarding National Security Ordinance (of 2024);

specified proceedings (指明法律程序) means proceedings of a case concerning national security (within the meaning of section 3(2) of the Safeguarding National Security Ordinance (of 2024)).”.

137. Section 91 amended (penalties for concealing offences)

Section 91(4)—

Repeal

“other than treason”.

138. Section 100 amended (abolition of presumption of coercion of married woman by husband)

Section 100—

Repeal

“treason”

Substitute

“an offence endangering national security the maximum penalty for which is life imprisonment”.

139. Section 123 amended (criminal proceedings may be held in camera and non-disclosure of identity of witnesses in certain cases)

(1) Section 123(1)—

Repeal

“in the interests of justice or public order or security”

Substitute

“for a purpose mentioned in subsection (1AA)”.

(2) After section 123(1)—

Add

“(1AA) The purpose is—

- (a) safeguarding national security, including preventing the disclosure of state secret (as defined by section 28 of the Safeguarding National Security Ordinance (of 2024));
- (b) safeguarding public order;
- (c) safeguarding justice; or
- (d) any other proper purpose.”.

- (3) Section 123(1A)(b)—

Repeal

“prejudice the interests of justice or public order or security”

Substitute

“be contrary to a purpose mentioned in subsection (1AA)”.

- (4) Section 123(1B)(a)—

Repeal

“and the decision of the Court of Appeal shall be final”.

- (5) After section 123(1B)(a)—

Add

“(ab) Also, if the case is a case to which Division 4 of Part 7 of the Safeguarding National Security Ordinance (of 2024) applies, then if the Court of Appeal grants leave, the prosecution may also appeal to the Court of Appeal against the decision of the court to refuse to make an order under subsection (1).

(ac) The decision of the Court of Appeal on the appeal is final.”.

- (6) Section 123(1B)(d)(ii), after “order”—

Add

“or decision”.

- (7) Section 123(1B)(e), after “subsection (1)—

Add

“, or decisions of a court to refuse to make orders under subsection (1),”.

(8) Section 123(1B)(f)—

Repeal

“in the interests of justice or public order or security”

Substitute

“for a purpose mentioned in subsection (1AA)”.

140. Schedule 3 amended (excepted offences)

Schedule 3—

Add

“11. An offence endangering national security.”.

**Division 11—Amendments to Legal Aid in Criminal Cases
Rules (Cap. 221 sub. leg. D)**

141. Rule 13 amended (legal aid in certain cases)

(1) Rule 13(1)(a)—

Repeal

“upon a charge of murder, treason or piracy with violence”

Substitute

“for a specified offence”.

(2) Rule 13(1)(b)—

Repeal

“charge of murder, treason or piracy with violence”

Substitute

“specified offence”.

(3) Rule 13(1)(c)—

Repeal

“charge of murder, treason or piracy with violence”

Substitute

“specified offence”.

- (4) After rule 13(3)—

Add

“(4) In this rule—

specified offence (指明罪行) means—

- (a) an offence endangering national security the maximum penalty for which is life imprisonment;
- (b) murder; or
- (c) an offence under section 19 of the Crimes Ordinance (Cap. 200).”.

Division 12—Amendments to Magistrates Ordinance (Cap. 227)

142. Second Schedule amended

- (1) Second Schedule, Part I, item 2—

Repeal

“or an offence against Part VIII of the Crimes Ordinance (Cap. 200)”

Substitute

“an offence against Part VIII of the Crimes Ordinance (Cap. 200), or an offence endangering national security”.

- (2) Second Schedule, Part I—

Repeal items 4 and 5.

- (3) Second Schedule, Part I, item 7—

Repeal

“, seditious”.

- (4) Second Schedule, Part III, item 2—

Repeal

“section 17, 28 or 29 of the Offences against the Person Ordinance (Cap. 212) or section 16, 17 or 18 of the Firearms and Ammunition Ordinance (Cap. 238)”

Substitute

“an offence against section 17, 28 or 29 of the Offences against the Person Ordinance (Cap. 212), an offence against section 16, 17 or 18 of the Firearms and Ammunition Ordinance (Cap. 238), or an offence endangering national security”.

- (5) Second Schedule, Part III—

Repeal items 4 and 5.

- (6) Second Schedule, Part III, item 7—

Repeal

“, seditious”.

**Division 13—Amendment to Police Force Ordinance
(Cap. 232)**

143. Section 3 amended (interpretation)

Section 3—

Repeal the definition of *serious arrestable offence*

Substitute

“*serious arrestable offence* (嚴重的可逮捕罪行) means—

- (a) an offence endangering national security;

- (b) an offence specified in Schedule 2; or
- (c) any other offence for which a person may under or by virtue of any law be sentenced to imprisonment for a term not less than 7 years.”.

Division 14—Amendment to Prison Rules (Cap. 234 sub. leg. A)

144. Rule 69 amended (remission of sentence)

After rule 69(1)—

Add

- “(1A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the prisoner must not be granted remission under subrule (1) unless the Commissioner is satisfied that the prisoner’s being granted remission will not be contrary to the interests of national security.
- (1B) To avoid doubt, subsection (1A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection.
- (1C) If a prisoner is not granted remission because of a decision made by the Commissioner under subsection (1A), the Commissioner must, after making the decision, review the decision annually.”.

**Division 15—Amendment to Public Order Ordinance
(Cap. 245)**

145. Section 2 amended (interpretation)

Section 2(2)—

Repeal

everything after “Hong Kong.”.

**Division 16—Amendment to Education Ordinance
(Cap. 279)**

146. Section 31 amended (grounds for cancellation of registration of manager)

After section 31(1)(a)—

Add

- “(ab) if the Secretary for Security has made an order under section 58(1) or (2) of the Safeguarding National Security Ordinance (of 2024) in relation to an organization (as defined by section 56 of that Ordinance), and the person was an office-bearer (as defined by section 56 of that Ordinance) of the organization immediately before the order was made;
- (ac) if the Chief Executive in Council has made an order under section 360C or 360N of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) in relation to a company or non-Hong Kong company (as defined by section 2(1) of that Ordinance), and the person was a director (as defined by section 2(1) of that Ordinance) of the company immediately before the order was made;”.

**Division 17—Amendment to Trade Unions Ordinance
(Cap. 332)**

147. Section 48 amended (conspiracy in relation to trade disputes)

Section 48(4)—

Repeal

“sedition or any offence against the State or the Sovereign”

Substitute

“any offence endangering national security”.

**Division 18—Amendments to Customs and Excise Service
Ordinance (Cap. 342)**

148. Section 17 amended (when members to be deemed on duty)

Section 17, after “Schedule 2”—

Add

“or in preventing, suppressing or investigating an offence endangering national security”.

149. Section 17A amended (general powers of arrest and search)

(1) Section 17A(1)—

Repeal

“an offence against this Ordinance or an Ordinance specified in Schedule 2”

Substitute

“a specified offence”.

(2) After section 17A(4)—

Add

“(5) In this section—

specified offence (指明罪行) means—

- (a) an offence endangering national security; or
- (b) an offence against this Ordinance or an Ordinance specified in Schedule 2.”.

150. Section 17B amended (power to enter and search for suspects)

Section 17B(5), definition of *arrestable offence*—

Repeal

“an offence”

Substitute

“an offence endangering national security, or any other offence”.

151. Section 17BA amended (search and examination without warrant)

(1) Section 17BA(1)—

Repeal

“, for the purposes of enforcing this Ordinance or an Ordinance specified in Schedule 2”.

(2) After section 17BA(1)—

Add

“(1A) The power under subsection (1) may only be exercised for either or both of the following purposes—

- (a) preventing, suppressing or investigating an offence endangering national security;
- (b) enforcing this Ordinance or an Ordinance specified in Schedule 2.”.

152. Section 17BB amended (inspection of travel documents)

(1) Section 17BB—

Renumber the section as section 17BB(1).

(2) Section 17BB(1)—

Repeal

“in exercising any powers under this Ordinance or any Ordinance specified in Schedule 2,”.

(3) After section 17BB(1)—

Add

“(2) The power under subsection (1) may only be exercised in either or both of the following circumstances—

(a) during the prevention, suppression or investigation of an offence endangering national security;

(b) during the exercise of any powers under this Ordinance or any Ordinance specified in Schedule 2.”.

Division 19—Amendment to Pension Benefits (Judicial Officers) Ordinance (Cap. 401)**153. Section 31 amended (pension benefits may be cancelled, suspended or reduced on conviction, etc.)**

Section 31(1)(c)—

Repeal

“treason under section 2 of the Crimes Ordinance (Cap. 200)”

Substitute

“an offence endangering national security”.

**Division 20—Amendment to Hong Kong Arts Development
Council Ordinance (Cap. 472)**

154. Section 3 amended (establishment of the Council)

Section 3(6)(m)—

Repeal

“treason”

Substitute

“any offence endangering national security”.

**Division 21—Amendment to Post-Release Supervision of
Prisoners Ordinance (Cap. 475)**

**155. Section 6 amended (Board may order early release of prisoner
under supervision)**

After section 6(3)—

Add

“(3A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer to the Board for its consideration under subsection (3) the case of the prisoner unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security.

- (3B) To avoid doubt, subsection (3A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection.
- (3C) If the Commissioner decides under subsection (3A) not to refer to the Board for its consideration the case of the prisoner, the Commissioner must, after making the decision, review the decision annually.”.

Division 22—Amendment to Post-Release Supervision of Prisoners Regulation (Cap. 475 sub. leg. A)

156. Schedule 1 amended (specified offences)

Schedule 1, before the Note—

Add

“Others

8. An offence endangering national security”.

Division 23—Amendments to Official Secrets Ordinance (Cap. 521)

157. Part II repealed (espionage)

Part II—

Repeal the Part.

158. Section 12 amended (interpretation)

- (1) Section 12(1), definition of *prescribed*—

Repeal

“Governor”

Substitute

“Chief Executive”.

- (2) Section 12(1), definition of *public servant*, paragraph (a)—

Repeal

“Crown in right of the Government of Hong Kong”

Substitute

“Government”.

- (3) Section 12(1), definition of *public servant*—

Repeal paragraphs (b) and (c).

- (4) Section 12(1)—

- (a) definition of *armed forces*;
- (b) definition of *British national*;
- (c) definition of *defence*;
- (d) definition of *disclose* and *disclosure*;
- (e) definition of *international relations*—

Repeal the definitions.

- (5) Section 12(1)—

Add in alphabetical order

“*disclose* (披露), in relation to a document or other article, includes parting with possession of the document or article, and disclosing the information contained in the document or article;

HKSAR resident (特區居民) means—

- (a) a Hong Kong permanent resident; or
- (b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap. 177) but has no right of abode

in Hong Kong under the Immigration Ordinance (Cap. 115);

international organization (國際組織) means—

- (a) an organization the members of which include one or more—
 - (i) countries, regions or places; or
 - (ii) entities entrusted with functions by any country, region or place; or
 - (b) an organization established by or under a treaty, convention or agreement made by 2 or more countries, regions or places,
- and includes an institution (however described) under the organization;”.

- (6) Section 12(2)—

Repeal

everything after “goods or services”

Substitute

“for the purposes of the Government.”.

- (7) Section 12—

Repeal subsections (4), (5) and (6).

159. Section 13 amended (security and intelligence information—members of services and persons notified)

- (1) Section 13(4)—

Repeal

“Governor, and such a notice may be served if, in the Governor’s opinion, the work undertaken by the person in question is or includes work connected with the security or intelligence services and its nature is such that the

interests of the national security of the United Kingdom or the security of Hong Kong”

Substitute

“Chief Executive, and such a notice may be served if, in the Chief Executive’s opinion, the work undertaken by the person in question is or includes work connected with the security or intelligence services and its nature is such that the interests of the security of Hong Kong”.

- (2) Section 13(6)—

Repeal

“Governor on the person concerned and the Governor”

Substitute

“Chief Executive on the person concerned and the Chief Executive”.

160. Sections 15 and 16 repealed

Sections 15 and 16—

Repeal the sections.

161. Section 18 amended (information resulting from unauthorized disclosures or information entrusted in confidence)

- (1) Section 18(1)(a) and (2)—

Repeal

“to 17”

Substitute

“, 14 and 17”.

- (2) Section 18(3)—

Repeal

“to 16”

Substitute

“and 14”.

- (3) Section 18(4)—

Repeal

“, 15 or 16”.

- (4) Section 18(5)—

Repeal

“British national or Hong Kong permanent resident”

Substitute

“person mentioned in subsection (5A)”.

- (5) After section 18(5)—

Add

“(5A) The person is—

- (a) a HKSAR resident;
- (b) a body corporate that is incorporated, formed or registered in Hong Kong; or
- (c) a body of persons, whether corporate or unincorporate, that has a place of business in Hong Kong.”.

- (6) Section 18—

Repeal subsection (6)

Substitute

“(6) For the purposes of this section, information or a document or article is protected against disclosure by any of sections 13, 14 and 17 if—

- (a) it relates to security or intelligence; or
- (b) it is information or a document or article to which section 17 applies,

and information or a document or article is protected against disclosure by any of sections 13 and 14 if it falls within paragraph (a).”.

(7) Section 18(7)—

Repeal

“to 17”

Substitute

“, 14 and 17”.

162. Section 19 repealed (information resulting from spying)

Section 19—

Repeal the section.

163. Section 20 amended (information entrusted in confidence to territories, States or international organizations)

(1) Section 20(2)—

Repeal

“, defence or international relations”.

(2) Section 20(2)(a)—

Repeal

“Government of the United Kingdom or Hong Kong”

Substitute

“Central People’s Government or the Government”.

(3) Section 20(4)—

Repeal

“, 15 or 16”.

(4) Section 20(6)—

Repeal

“to 18”

Substitute

“, 14, 17 and 18”.

164. Section 21 amended (authorized disclosures)

Section 21(4)—

Repeal

“to 20”

Substitute

“, 14, 17, 18 and 20”.

165. Section 22 amended (safeguarding of information)

(1) Section 22(1)—

Repeal

“to 21”

Substitute

“, 14, 17, 18, 20 and 21”.

(2) Section 22(4)—

Repeal

“or 19”.

(3) Section 22(6)—

Repeal

“to 21”

Substitute

“, 14, 17, 18, 20 and 21”.

166. Section 23 amended (acts done abroad)

(1) Section 23—

Renumber the section as section 23(1).

(2) Section 23(1)—

Repeal

“British national, a Hong Kong permanent resident or a public servant”

Substitute

“person mentioned in subsection (2)”.

(3) After section 23(1)—

Add

“(2) The person is—

(a) a HKSAR resident;

(b) a body corporate that is incorporated, formed or registered in Hong Kong;

(c) a body of persons, whether corporate or unincorporate, that has a place of business in Hong Kong; or

(d) a public servant.”.

167. Section 24 amended (provisions as to trial of offences)

Section 24(2)—

Repeal

“the United Kingdom or”.

**Division 24—Amendments to Long-term Prison Sentences
Review Ordinance (Cap. 524)**

168. Section 11 amended (duty of Commissioner to refer cases of prisoners to Board for review)

After section 11(1)—

Add

- “(1A) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer to the Board for review the sentence of the prisoner under this section unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security.
- (1B) To avoid doubt, subsection (1A) applies whether the sentence of the prisoner mentioned in that subsection was imposed before, on or after the commencement of that subsection.
- (1C) If the Commissioner decides under subsection (1A) not to refer to the Board for review the sentence of the prisoner, the Commissioner must, after making the decision, review the decision every 2 years.”.

169. Section 28 amended (review of sentence after recall)

(1) Section 28—

Renumber the section as section 28(1).

(2) After section 28(1)—

Add

- “(2) However, if a prisoner serves a sentence in respect of the prisoner’s conviction of an offence endangering national security, the Commissioner must not refer

the sentence to the Board for review under subsection (1) unless the Commissioner is satisfied that an early release of the prisoner will not be contrary to the interests of national security.

- (3) To avoid doubt, subsection (2) applies whether the sentence was imposed before, on or after the commencement of that subsection.
- (4) If the Commissioner decides under subsection (2) not to refer the sentence to the Board for review, the Commissioner must, after making the decision, review the decision every 2 years.”.

Division 25—Amendments to Legislative Council Ordinance (Cap. 542)

170. Section 39 amended (when person is disqualified from being nominated as a candidate and from being elected as a Member)

Section 39(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

171. Section 40 amended (what requirements are to be complied with by persons nominated as candidates)

Section 40(1)(b)(iii)(C)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

**Division 26—Amendments to District Councils Ordinance
(Cap. 547)**

172. Section 14 amended (disqualification from being appointed as members)

Section 14(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

173. Section 19 amended (disqualification from being registered as ex officio members)

Section 19(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

174. Section 21 amended (when person is disqualified from being nominated as a candidate and from being elected as a member)

Section 21(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

175. Section 26A amended (disqualification from holding office as members)

Section 26A(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

Division 27—Amendments to Chief Executive Election Ordinance (Cap. 569)

176. Section 14 amended (disqualification from being nominated)

Section 14(1)(g)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

177. Section 16 amended (manner of nomination)

Section 16(5)(c), after “(c),”—

Add

“(ca),”.

178. Schedule amended (Election Committee)

(1) The Schedule, after section 5M(1)(a)—

Add

“(ab) has been convicted of an offence endangering national security;”.

(2) The Schedule, after section 9(1)(a)—

Add

“(ab) has been convicted of an offence endangering national security;”.

(3) The Schedule, after section 18(1)(c)—

Add

“(ca) has been convicted of an offence endangering national security;”.

Division 28—Amendments to Rural Representative Election Ordinance (Cap. 576)

179. Section 9 amended (when a Rural Representative is disqualified from holding office)

Section 9(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

180. Section 23 amended (when a person is disqualified from being nominated as a candidate and from being elected as a Rural Representative)

Section 23(1)(c)—

Repeal

“treason”

Substitute

“an offence endangering national security”.

**Division 29—Amendment to Legislation Publication
Ordinance (Cap. 614)**

181. Section 4 amended (contents of database)

After section 4(1)(a)(vi)—

Add

“(vii) the Safeguarding National Security Ordinance (of 2024);”.

Explanatory Memorandum

The object of this Bill is to improve the law for safeguarding national security in the Hong Kong Special Administrative Region of the People's Republic of China (*HKSAR*), and to provide for related matters.

2. The preamble sets out certain information, and states the background, to assist in the understanding of the Bill.
3. The Bill is divided into 9 Parts.

Part 1—Preliminary

4. Clause 1 sets out the short title.
5. Clause 2 sets out the principles on which the Bill is based.
6. Clause 3 contains definitions for the interpretation of the Bill.
7. Clause 4 provides for the meaning of national security in the Bill and other Ordinances.
8. Clauses 5, 6 and 7 respectively provide for the meaning of colluding with external force in the offence provisions in the Bill, the meaning of external force in the Bill, and the meaning of offence endangering national security in the Bill and other Ordinances.
9. Clause 8 provides how the Bill affects the interpretation of other Ordinances, including the interpretation of a reference to the security of the HKSAR, and the interpretation of a reference in connection with certain functions.

10. Clause 9 concerns the persons to whom the offence provisions in the Bill apply.

Part 2—Treason etc.

11. Clause 10 provides for the offence of treason. A Chinese citizen commits an offence if the Chinese citizen does an act set out in that section (such as joining an external armed force that is at war with China).
12. Clause 11 provides that a Chinese citizen commits an offence if the Chinese citizen publicly manifests an intention to commit the offence of treason.
13. Clause 12 provides that if a Chinese citizen knows that another person commits the offence of treason, the Chinese citizen must make a disclosure to the police as soon as possible, and if the Chinese citizen contravenes the requirement, the Chinese citizen commits an offence. That section also abolishes the offence of misprision of treason under common law.
14. Clause 13 provides for the offence of unlawful drilling. If a person provides or participates in drilling such as practice of military exercises without permission, the person commits an offence unless the act is done under the specified exceptional circumstances.
15. Clause 14 provides for the extra-territorial effect of Part 2 of the Bill.

Part 3—Insurrection, Incitement to Mutiny and Disaffection, and Acts with Seditious Intention, etc.

16. Part 3 of the Bill contains 5 Divisions—
 - (a) Division 1 concerns insurrection (clauses 15 and 16);
 - (b) Division 2 concerns incitement of members of Chinese armed force to mutiny, assisting those members to abandon duties (clauses 17 and 18);
 - (c) Division 3 concerns incitement to disaffection (clauses 19 to 21);
 - (d) Division 4 concerns offences in connection with seditious intention (clauses 22 to 25); and
 - (e) Division 5 contains miscellaneous provisions (clauses 26 and 27).
17. Clause 15 provides for the offence of insurrection. A person commits an offence if the person does an act set out in that section (such as initiating armed conflict against a Chinese armed force).
18. Clause 16 provides for the extra-territorial effect of Division 1 of Part 3 of the Bill.
19. Clause 17 provides that a person commits an offence if the person knowingly incites a member of a Chinese armed force to abandon the duties and abandon the allegiance to China, or to participate in a mutiny.
20. Clause 18 provides that a person commits an offence if the person knowingly assists a member of a Chinese armed force to abandon the duties or absent himself or herself without leave.

21. Clause 19 provides that a person commits an offence if the person knowingly incites a public officer to abandon upholding the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and abandon the allegiance to the HKSAR.
22. Clause 20 provides that a person commits an offence if the person knowingly incites any of the personnel of an office of the Central Authorities in Hong Kong to abandon the duties and abandon the allegiance to China.
23. Clause 21 provides that a person commits an offence if the person, with intent to commit an offence under clause 17, 19 or 20, possesses a document or other article of incitement nature.
24. Clause 22 defines what seditious intention means.
25. Clause 23 provides for the offences in connection with seditious intention.
26. Clause 24 states that, in proceedings concerning offences in connection with seditious intention, it is not necessary to prove the intention to incite public disorder or to incite violence.
27. Clause 25 provides for the defence for the offence of importing a publication that has a seditious intention.
28. Clause 26 empowers law enforcement officers to remove or obliterate a publication that has a seditious intention.
29. Clause 27 provides for the extra-territorial effect of Divisions 2, 3 and 4 of Part 3 of the Bill.

Part 4—Offences in connection with State Secrets and Espionage

30. Part 4 of the Bill contains 2 Divisions—
 - (a) Division 1 concerns offences in connection with state secrets (clauses 28 to 38); and
 - (b) Division 2 concerns offences in connection with espionage (clauses 39 to 46).
31. Clauses 28 and 29 contain definitions (including definitions of *public officer* and *state secret*) for the interpretation of Division 1 of Part 4 of the Bill.
32. Clause 30 provides for the offence of acquiring state secret without lawful authority, and the defence for the offence.
33. Clause 31 provides for the offence of possessing state secret without lawful authority, and the defence for the offence.
34. Clause 32 provides for the offence of possessing state secret, when leaving the HKSAR, without lawful authority.
35. Clause 33 provides for the offence of disclosing state secret without lawful authority, and the defence for the offence.
36. Clause 34 provides for the offence of disclosing information etc., acquired by espionage, without lawful authority.
37. Clause 35 provides for the offence of disclosing, with intent to endanger national security and without lawful authority, information etc. that appears to be a confidential matter, and the defence for the offence.

38. Clause 36 provides for what kind of disclosure is made with lawful authority.
39. Clause 37 provides for certain offences concerning the protection of information etc. from unauthorized disclosure, and the defence for some of the offences.
40. Clause 38 provides for the extra-territorial effect of Division 1 of Part 4 of the Bill.
41. Clause 39 contains definitions (including definition of *prohibited place*) for the interpretation of Division 2 of Part 4 of the Bill.
42. Clause 40 empowers the Chief Executive—
 - (a) to declare, by order, a place situated in the HKSAR as a prohibited place; and
 - (b) to authorize any person or any class of persons as a person or persons to discharge duty as a guard or sentry in respect of any prohibited place.
43. Clause 41 provides for the offence of espionage. Under that clause, espionage includes certain acts concerning prohibited places, certain acts concerning information etc. useful to an external force, and collusion with an external force to publish to the public a statement of fact that is false or misleading.
44. Clause 42 provides for the offence of entering a prohibited place without lawful authority etc.
45. Clause 43 provides for the power exercisable in respect of a prohibited place by a police officer or a person discharging duty as a guard or sentry in respect of the prohibited place.

46. Clause 44 provides for the offence concerning obstructing, interfering or impeding a police officer, or a person discharging duty as a guard or sentry in respect of the prohibited place, in discharging duty in respect of a prohibited place.
47. Clause 45 provides for the offence concerning participating in or supporting external intelligence organizations or accepting advantages offered by them, etc.
48. Clause 46 provides for the extra-territorial effect of Division 2 of Part 4 of the Bill.

Part 5—Sabotage Endangering National Security etc.

49. Clause 47 provides that a person commits an offence if the person, with intent to endanger national security or being reckless as to whether national security would be endangered, damages or weakens a public infrastructure.
50. Clause 48 provides that a person commits an offence if the person, with intent to endanger national security and without lawful authority, does an act that endangers (or is likely to endanger) national security in relation to a computer or electronic system.
51. Clause 49 provides for the extra-territorial effect of Part 5 of the Bill.

Part 6—External Interference and Organizations Engaging in Activities Endangering National Security

52. Part 6 of the Bill contains 2 Divisions—
 - (a) Division 1 concerns external interference (clauses 50 to 55); and

(b) Division 2 concerns organizations engaging in activities endangering national security (clauses 56 to 70).

53. Clause 50 provides for the offence of external interference. A person commits an offence if the person, with intent to bring about an interference effect, collaborates with an external force to do an act through improper means.
54. Clauses 51, 52 and 53 respectively provide for the meanings of bringing about interference effect, collaborating with external force and using improper means.
55. Clause 54 provides that if the conditions under that clause are met, a person who is charged with an offence of external interference is to be presumed to have done the relevant act on behalf of an external force (and, accordingly, to have collaborated with an external force to do the act).
56. Clause 55 provides for the extra-territorial effect of Division 1 of Part 6 of the Bill.
57. Clause 56 contains the definitions for the interpretation of Division 2 of Part 6 of the Bill.
58. Clause 57 clarifies that Division 2 of Part 6 of the Bill does not affect the operation of the Societies Ordinance (Cap. 151).
59. Clause 58 empowers the Secretary for Security to prohibit the operation or continued operation of certain organizations (*prohibited organizations*) in the HKSAR if the conditions under that clause are met.

60. Clause 59 provides for matters following the prohibition of the operation or continued operation of a local prohibited organization.
61. Clauses 60 to 63 provide for offences in connection with prohibited organizations. The offences are—
 - (a) the offence of participation in activities of a prohibited organization (clause 60);
 - (b) the offence of allowing meetings of a prohibited organization to be held on premises (clause 61);
 - (c) the offence of inciting any other person to become a member of a prohibited organization or assist in the management of a prohibited organization (clause 62); and
 - (d) the offence of procuring subscription or aid for a prohibited organization (clause 63).
62. Clause 64 empowers the Secretary for Security to appoint authorized officers for the purposes of Division 2 of Part 6 of the Bill.
63. Clause 65 empowers an authorized officer to require an organization to provide information, while clause 66 provides for the persons responsible for providing the information.
64. Clause 67 empowers an authorized police officer to enter and inspect non-domestic premises used by an organization for conducting any meeting or carrying on business if the conditions under that clause are met.
65. Clause 68 empowers a police officer to conduct a search if the conditions under that clause are met.

66. Clause 69 provides that any movable property belonging to a prohibited organization must, on order of a magistrate, be forfeited and given to the Secretary for Security for disposal.
67. Clause 70 concerns service of a notice or order under Division 2 of Part 6 of the Bill.

Part 7—Enforcement Powers and Procedure in Legal Actions etc. in connection with Safeguarding National Security

68. Part 7 of the Bill contains 5 Divisions—
- (a) Division 1 concerns enforcement powers, and other matters in connection with investigation (clauses 71 to 85);
 - (b) Division 2 concerns absconders charged with offences endangering national security (clauses 86 to 95);
 - (c) Division 3 contains general provisions on procedure in legal actions (clauses 96 and 97);
 - (d) Division 4 concerns the criminal procedure for cases in connection with offences endangering national security (clauses 98 to 105); and
 - (e) Division 5 concerns penalties for inchoate offences (clause 106).
69. Clause 71 contains the definitions for the interpretation of Subdivision 1 of Division 1 of Part 7 of the Bill (clauses 71 to 75), while clause 72 provides that the Subdivision applies to a person who is arrested for being reasonably suspected of having committed an offence endangering national security (*arrested person*).

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70. Clauses 73, 74 and 75 empower a magistrate to authorize the police to extend the period of detention of an arrested person without charge, with the period of extension not causing the total period of detention of the arrested person to exceed 14 days after the expiry of the period of 48 hours after the person's arrest.
71. Clauses 76 and 77 empower a magistrate to authorise the police to impose the following restrictions on the following persons—
- (a) the arrested person must not, during the person's detention in police custody, consult a relevant particular lawyer, or any lawyer practising in a relevant solicitors' firm, but the person may consult any other lawyer of the person's choosing (clause 76);
 - (b) a person who is investigated for being reasonably suspected of having committed an offence endangering national security must not, during the period of the first 48 hours after the person's arrest, consult any lawyer (clause 77).
72. Clause 78 contains the definitions for the interpretation of Subdivision 3 of Division 1 of Part 7 of the Bill (clauses 78 to 83), while clause 79 provides that the Subdivision applies to a person who is arrested for being reasonably suspected of having committed an offence endangering national security and is admitted to bail (*person on bail*).
73. Clauses 80 and 81 empower a magistrate to make an order (*movement restriction order*) directing that a person on bail must comply with certain requirements, for example, the person on bail must reside in a specified place during the specified period, or the person on bail must not enter a specified area during the specified period.

74. Clause 82 provides for review of a movement restriction order.
75. Clause 83 provides that a person on bail commits an offence if the person contravenes a movement restriction order.
76. Clause 84 provides that an application under Division 1 of Part 7 of the Bill is to be heard in a closed court in general.
77. Clause 85 provides that a person commits an offence if the person knows or suspects that an investigation of an offence endangering national security is being conducted and does an act that prejudices the investigation under that clause.
78. Clause 86 empowers the Secretary for Security to specify a person who is charged with an offence endangering national security and has absconded for more than 6 months if the conditions under that clause are met, so as to enable the Secretary for Security to apply the measures under clauses 87, 88, 89, 90, 91, 92 and 93 against the person.
79. Clauses 87, 88, 89, 90, 91, 92 and 93 respectively—
 - (a) prohibit a person from making available any funds or other financial assets or economic resources to a relevant absconder, or dealing with any funds or other financial assets or economic resources of a relevant absconder (clause 87);
 - (b) prohibit a person from leasing immovable property to or from a relevant absconder (clause 88);
 - (c) prohibit a person from establishing a joint venture or partnership with a relevant absconder, or investing in such a joint venture or partnership (clause 89);

- (d) provide that any qualification for professional practice of a relevant absconder is to be regarded as suspended (clause 90);
 - (e) provide that any permission or registration that is necessary for a relevant absconder to carry on any business or to be employed for any work is to be regarded as being not in effect temporarily (clause 91);
 - (f) provide that a relevant absconder is to be regarded as being removed temporarily from the office of director of a company held by him or her (clause 92); and
 - (g) provide that the HKSAR passport of a relevant absconder is to be regarded as cancelled (clause 93).
80. Clause 94 empowers the Secretary for Security to grant a licence for doing an act prohibited by clause 87, 88 or 89 if the conditions under that clause 94 are met.
81. Clause 95 provides that a person commits an offence if the person, for the purpose of obtaining such a licence, makes any statement or provides any information or document that is false or misleading.
82. Clause 96 provides, for the avoidance of doubt, that the procedure under Chapter IV of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”), as applied in the HKSAR under the Promulgation of National Law 2020 (L.N. 136 of 2020) (*HK National Security Law*), applies to any case in connection with an offence under the Bill.

83. Clause 97 provides that a case concerning national security that is in connection with any measures taken for, or in connection with, safeguarding national security must be adjudicated by a designated judge.
84. Clause 98 provides that Division 4 of Part 7 of the Bill applies to a case in connection with an offence endangering national security (*NS case*), while clause 99 contains the definitions for the interpretation of that Division.
85. Clause 100 provides that the requirement for remand during committal proceedings not to exceed 8 clear days does not apply to a NS case.
86. Clause 101 provides for NS cases a deadline for the return day that is earlier than that for other cases.
87. Clause 102 adjusts for NS cases the requirement of certain documents to be accompanied by translations.
88. Clause 103 dispenses for NS cases the procedure for preliminary inquiries.
89. Clause 104 provides that if a certificate is issued in relation to a NS case under Article 46 of the HK National Security Law, the accused in the case who was committed for trial must not apply for discharge without a hearing.
90. Clause 105 makes provisions concerning the lifting for NS cases of restrictions on reports of committal proceedings.

91. Clause 106 provides, for the avoidance of doubt, that if a person is convicted of conspiracy, incitement or attempt to commit an offence under the HK National Security Law, any provision under the HK National Security Law concerning the penalty for that offence under the HK National Security Law also applies to the penalty for the conspiracy, incitement or attempt (as the case may be).

Part 8—Mechanisms for Safeguarding National Security and Relevant Protections

92. Clause 107 empowers the Chief Executive to issue an administrative instruction to any public servant of the HKSAR Government to give directions in relation to matters such as the implementation of any instruction given by the Central People's Government in relation to safeguarding national security.
93. Clause 108 provides that a public servant must provide all such assistance that is necessary for the work on safeguarding national security.
94. Clause 109 empowers the Chief Executive to issue a certificate in relation to the question of whether national security or state secret is involved, regardless of whether any proceedings have commenced.
95. Clause 110 requires the HKSAR Government to take measures to ensure the personal safety, and the safety of the property and places of residence, of personnel who handle cases concerning national security or are responsible for the work on safeguarding national security, and of informers of, or witnesses in, such a case, are subject to protection.

96. Clause 111 allows a public servant, counsel or solicitor to sign a legal document in respect of a case concerning national security in the name of the department, agency or solicitors' firm represented by the public servant, counsel or solicitor, or to state in the document the name of the department, agency or solicitors' firm, without signing in or stating his or her own name.
97. Clauses 112 and 113 provide certain protections for the following persons (*specified persons*): personnel who handle cases concerning national security or are responsible for the work on safeguarding national security, informers of, or witnesses in, such a case, and family members of those persons. The protections are—
- (a) the prohibition against any unlawful disclosure of the personal data of a specified person (clause 112); and
 - (b) the prohibition against doing any intimidating, abusive or offensive act towards a specified person for preventing or deterring the specified person's performance of functions or provision of assistance (clause 113).

Part 9—Related Amendments

98. Part 9 contains related amendments to certain enactments.