



《中華人民共和國香港特別行政區維護國家安全法》

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

香港特別行政區政府

Hong Kong Special Administrative Region Government



概況

Overview

- 2020年5月28日在北京舉行的第十三屆全國人民代表大會（全國人大）決定授權全國人民代表大會常務委員會（全國人大常委會）就建立健全香港特別行政區（香港特區）維護國家安全的法律制度和執行機制制定相關法律。《中華人民共和國香港特別行政區維護國家安全法》（《香港國安法》）於2020年6月30日獲得通過，並按照《基本法》第十八條的程序列入《基本法》附件三，隨即在香港頒布實施。
- 香港特區是中華人民共和國不可分離的部分，是直轄於中央人民政府並享有高度自治權的一個地方行政區域。維護國家主權、統一和領土完整是香港特區的憲制責任，是香港特區政府的職責所在，也是包括香港同胞在內的全中國人民的共同義務，關乎全港市民的切身利益。



- The 13th National People's Congress (NPC) decided in Beijing on 28 May 2020 to entrust the Standing Committee of the National People's Congress (NPCSC) to formulate relevant laws on establishing and improving the legal system and enforcement mechanisms for the Hong Kong Special Administrative Region (HKSAR) to safeguard national security. The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law) was passed on 30 June 2020 for inclusion in Annex III to the Basic Law according to Article 18 of the Basic Law. The Law was promulgated and applied in Hong Kong on the same day.
- The HKSAR is an inalienable part of the People's Republic of China. It is a local administrative region directly under the Central People's Government (CPG) and enjoys a high degree of autonomy. Safeguarding sovereignty, unification and territorial integrity of the People's Republic of China is the constitutional responsibility of the HKSAR, the duty of the HKSAR Government, and the common responsibility of all the people of China including the people of Hong Kong, and is also in the interests of all Hong Kong residents.

概況（續）

Overview (CONT'D)

- 鑑於當時香港特區面臨的國家安全風險日增，中央從國家層面制定香港特區維護國家安全的法律，以堵塞香港在國家安全方面的漏洞，實有必要性和迫切性。訂立《香港國安法》是完善「一國兩制」制度體系的重要一步，同時讓香港社會迅速和有效地恢復穩定和安全。
- 《香港國安法》旨在防範、制止和懲治危害國家安全的行為和活動。條文作出了明確的規定，並提供了清晰的法律基礎，有助維護國家安全，扭轉社會亂局，讓香港回復穩定，從而改善香港的營商和投資環境。



- In view of the increasingly pronounced national security risks faced by the HKSAR then, the enactment of a national security law for the HKSAR by the Central Authorities at the State level is both necessary and urgent in order to plug the loophole in national security in Hong Kong. The enactment of the National Security Law is an important step to improve the "One Country, Two Systems" regime, and at the same time to swiftly and effectively restore stability and security in Hong Kong society.
- The National Security Law provides clear rules and legal basis for preventing, suppressing and imposing punishment for acts and activities endangering national security, and is conducive to safeguarding national security. The Law can promptly reverse the chaotic situation and restore stability in Hong Kong, thereby improving Hong Kong's business and investment environment.

概況（續）

Overview (CONT'D)

- 香港是國際化的城市，與其他國家、地區以及相關國際組織有密切的來往和聯繫。《香港國安法》旨在防範、制止和懲治危害國家安全的行為和活動，與人民的正常交往有明顯區別。奉公守法的人士不會誤墮法網。
- 特區政府亦會按《香港國安法》第9條和第10條，加強宣傳和教育，提高香港居民的國家安全概念和守法意識，亦會用好每年的「國家憲法日」和「全民國家安全教育日」，進行更具規模的公眾教育工作。



- Hong Kong is an international city having close contact and communication with other countries, regions and relevant international organisations. What the National Security Law seeks to prevent, suppress and punish are acts and activities endangering national security, which are distinctly different from people's normal interactions. Law-abiding people will not be caught by the Law inadvertently.
- In accordance with Articles 9 and 10 of the National Security Law, the HKSAR Government will strengthen publicity and education to enhance Hong Kong people's understanding of national security and law-abiding awareness, and will make good use of the annual Constitution Day and National Security Education Day to conduct public education on a larger scale.

背景

Background

- 《基本法》第二十三條訂明，香港特區應自行立法禁止任何叛國、分裂國家、煽動叛亂、顛覆中央人民政府及竊取國家機密的行為，禁止外國的政治性組織或團體在香港特區進行政治活動，禁止香港特區的政治性組織或團體與外國的政治性組織或團體建立聯繫。回歸以來，由於種種原因，特區仍未能就《基本法》第二十三條立法，使香港在維護國家安全領域上長期處於「不設防」的狀況，需面對不容忽視的風險。
- 2019年6月開始的十多個月，香港飽受社會動盪和暴力示威打擊，不但對本地經濟和社會穩定造成負面影響，而鼓吹「港獨」和革命等行為，更對國家安全構成威脅。



- Article 23 of the Basic Law states that the HKSAR shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the CPG, or theft of State secrets, to prohibit foreign political organisations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organisations or bodies. Since its return to the Motherland, the HKSAR has still not enacted legislation on Article 23 for various reasons. Hong Kong has long been “defenceless” in terms of safeguarding national security and hence facing considerable risks.
- For over 10 months since June 2019, Hong Kong was severely affected by social unrest and violent protests that had negative impacts on the economy and stability of Hong Kong and posed a threat to national security, including calls for “Hong Kong independence” and revolution.

背景（續）

Background (CONT'D)

- ◎ 反對勢力和鼓吹「港獨」、「自決」等主張的組織公然挑戰中央和特區政府的政權，除乞求外國和境外勢力干預香港事務外，甚至主張制裁香港，反映外部勢力介入香港事務變本加厲。這些舉措罔顧港人利益，嚴重危害國家主權、安全和發展利益。
- ◎ 香港局勢的發展變化已經到了「非中央出手不行」的地步。

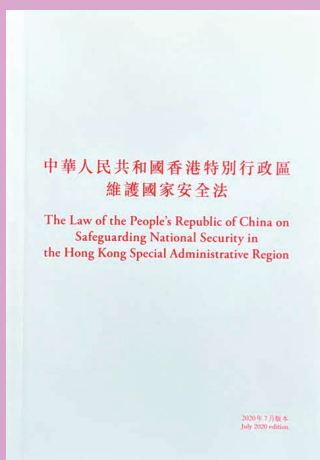


- ◎ Opposition forces and organisations advocating “Hong Kong independence”, “self-determination”, etc. blatantly challenged the authority of the Central Authorities and the HKSAR Government, pleaded for interference in Hong Kong’s affairs by foreign countries and external elements and even begged for sanctions against Hong Kong. External forces intensified their interference in Hong Kong’s internal affairs. These activities disregard the interests of Hong Kong people and seriously jeopardise national sovereignty, security and development interests.
- ◎ The situation in Hong Kong evolved to such a state that the Central Authorities had no alternative but to step in and take action.

《香港國安法》

The National Security Law

- ◎ 制定《香港國安法》的目的是全面準確貫徹「一國兩制」、「港人治港」、高度自治的方針，維護國家安全，防範、制止和懲治與香港特區有關的分裂國家、顛覆國家政權、組織實施恐怖活動和勾結外國或境外勢力危害國家安全的犯罪行為，保持香港特區的繁榮和穩定，以及保障特區居民的合法權益。
- ◎ 《香港國安法》針對的是極少數危害國家安全的人，獲得保障的則是香港絕大多數市民的生命財產及依法享有的各項基本權利和自由。
- ◎ 《香港國安法》共66條，分為6章，分別為：總則，香港特區維護國家安全的職責和機構，罪行和處罰，案件管轄、法律適用和程序，中央人民政府駐香港特別行政區維護國家安全機構，以及附則。



- ◎ The purposes of the National Security Law are: to ensure the resolute, full and faithful implementation of the policy of “One Country, Two Systems” under which the people of Hong Kong administer Hong Kong with a high degree of autonomy; safeguard national security; prevent, suppress and impose punishment for the offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the HKSAR; maintain prosperity and stability of the HKSAR; and protect the lawful rights and interests of HKSAR residents.
- ◎ The Law only targets an extremely small minority of persons endangering national security while the life and property of, as well as various lawful basic rights and freedoms enjoyed by the overwhelming majority of HKSAR residents are protected.
- ◎ With 66 articles, the Law has six chapters, namely: general principles; the duties and the Government bodies of the HKSAR for safeguarding national security; offences and penalties; jurisdiction, applicable law and procedure; office for safeguarding national security of the CPG in the HKSAR; and supplementary provisions.

《香港國安法》(續)

The National Security Law (CONT'D)

- ◎ 《香港國安法》明確規定防範、制止和懲治危害國家安全犯罪應當堅持的法治原則，涵蓋依照法律定罪和處刑、無罪推定、一事不二審，以及保障犯罪嫌疑人的訴訟權利等。《香港國安法》訂明的罪行不具追溯力，只適用於法律實施後的行為。
- ◎ 《香港國安法》亦明確規定香港特區維護國家安全應當尊重和保障人權，依法保護港人根據《基本法》、《公民權利和政治權利國際公約》，以及《經濟、社會與文化權利的國際公約》適用於香港的有關規定享有的權利和自由，包括言論、新聞、出版自由、結社、集會、遊行、示威自由在內的權利和自由。



- ◎ The Law clearly stipulates that the principle of the rule of law shall be adhered to in preventing, suppressing and imposing punishment for offences endangering national security, including that of conviction and sentencing in accordance with the law, presumption of innocence, the prohibition of double jeopardy, and protection of the rights of a suspect in judicial proceedings, etc. The offences created by the Law have no retrospective effect and are only applicable to acts after the commencement of the Law.
- ◎ The Law clearly stipulates that human rights shall be respected and protected in safeguarding national security. The HKSAR shall protect in accordance with the law Hong Kong people's rights and freedoms under the Basic Law as well as the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration.

《香港國安法》(續)

The National Security Law (CONT'D)

- ◎ 《香港國安法》規定設立由行政長官擔任主席的香港特別行政區維護國家安全委員會（香港特區國安委），負責和承擔特區維護國家安全事務及主要責任，並受中央人民政府監督和問責。香港特區國安委設國家安全事務顧問，由中央人民政府指派。國務院設立中央人民政府駐香港特別行政區維護國家安全公署，依法履行維護國家安全職責，行使相關權力。
- ◎ 就《香港國安法》規定的違法案件，除極罕有的特定情形外，香港特區行使管轄權，包括有關案件的立案偵查、檢控、審判和刑罰的執行等訴訟程序事宜，均適用《香港國安法》和香港特區的本地法律。



- ◎ The Law provides for the establishment of a Committee for Safeguarding National Security of the HKSAR chaired by the Chief Executive, which shall be responsible for affairs relating to, and assume primary responsibility for, safeguarding national security in the HKSAR. It is under the supervision of and accountable to the CPG. The Committee has a National Security Adviser, who is designated by the CPG. The State Council has established the Office for Safeguarding National Security of the CPG in the HKSAR, which performs the mandate for safeguarding national security and exercises relevant powers in accordance with the law.
- ◎ Except under the exceptional circumstances specified, the HKSAR shall have jurisdiction over cases concerning offences under the National Security Law. The National Security Law and the laws of the HKSAR shall apply to procedural matters, including those related to criminal investigation, prosecution, trial and execution of penalty.

《香港國安法》(續)

The National Security Law (CONT'D)

- 負責處理危害國家安全違法案件的法官，是行政長官從各級法院法官中指定的一批法官。行政長官在指定法官前可徵詢香港特區國安委和終審法院首席法官的意見。除涉及國家秘密或公共秩序等情況外，審訊過程應當公開進行，而判決結果應當一律公開宣布。法院亦須確保案件公正和及時辦理。
- 特區政府轄下警務處和律政司為《香港國安法》的主要執行機構，並已設立專門處理維護國家安全事務的部門。
- 香港特區國安委於2020年7月6日舉行首次會議，並行使《香港國安法》第四十三條所賦予的權力，為執法機構制定採取特定措施的相關實施細則，以完善特區維護國家安全的執行機制。《香港國安法第四十三條實施細則》於翌日生效。

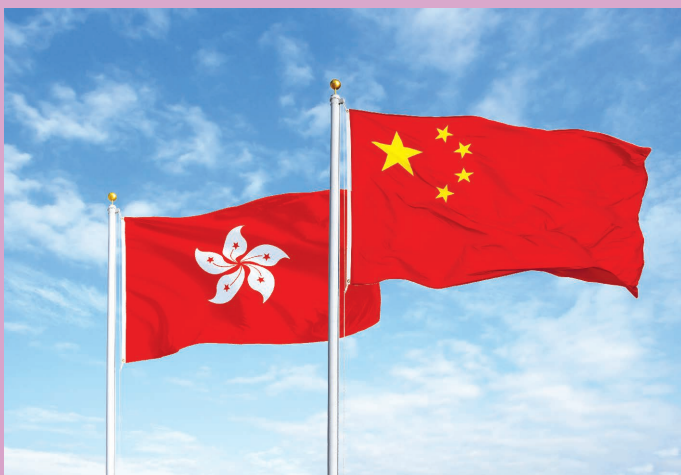


- The judges responsible for handling cases concerning offences endangering national security are designated by the Chief Executive from judges of courts at different levels, and the Chief Executive may consult the Committee for Safeguarding National Security of the HKSAR and the Chief Justice of the Court of Final Appeal before making such designation. Unless when circumstances arise such as the trial involving State secrets or public order, the trial shall be conducted in open court; and all judgments shall be delivered in open court. The courts shall also ensure that the cases are handled in a fair and timely manner.
- As the principal authorities to enforce the National Security Law, the Hong Kong Police Force and the Department of Justice of the HKSAR Government have set up dedicated divisions to handle national security affairs.
- The Committee for Safeguarding National Security of the HKSAR held its first meeting on 6 July 2020 and exercised the power under Article 43 of the National Security Law to make relevant implementation rules for law enforcement agencies to observe when carrying out the specific measures, so as to improve the enforcement mechanisms for safeguarding national security in the HKSAR. The Implementation Rules for Article 43 of the National Security Law took effect on the following day.

在國家層面維護國家安全

Safeguarding National Security at the State Level

- 全球不同國家都設有維護國家安全的法例，涵蓋國家安全的法律制度和執行機制。對任何國家來說，國家安全立法均屬國家的立法權力。
- 國家安全屬於中央事權，並不在香港特區的自治範圍內。《基本法》雖然規定香港特區可自行就國家安全立法，但並沒有排除中央為維護國家安全而進行立法。
- 全國人大是國家的最高權力機關。根據《中華人民共和國憲法》，全國人大和全國人大常委會行使國家立法權。
- 全球任何一個國家既不可亦不會對威脅國家安全的行為（例如2019年在香港滋生的本土恐怖主義及分離主義）視若無睹，置若罔聞。



- Different countries have legislation safeguarding national security, covering the legal system and enforcement mechanisms in respect of national security. As in any other country, national security legislation falls within the purview of the State.
- National security is outside the limits of the HKSAR's autonomy and squarely under the purview of the Central Authorities. Whilst the Basic Law requires the HKSAR to enact national security laws, it does not preclude the Central Authorities from enacting laws on national security.
- The NPC is the highest organ of State power. According to the Constitution of the People's Republic of China, both the NPC and the NPCSC exercise the legislative power of the State.
- No country can or would turn a blind eye to threats to national security like the emergence of local terrorism and separatism seen in Hong Kong in 2019.

**市民如欲獲取更多關於《香港國安法》的資料，
可瀏覽網上《香港國安法頒布2周年展覽》：**

<http://nslexhibition.hk/>



More information on the National Security Law is available at the online "Exhibition on the 2nd Anniversary of the Promulgation of the National Security Law" :

<http://nslexhibition.hk/>

