

## 《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》

(由行政長官會同香港特別行政區維護國家安全委員會根據《中華人民共和國香港特別行政區維護國家安全法》第四十三條第三款制定)

### 弁言

鑑於——

- (1) 在2020年6月30日第十三屆全國人民代表大會常務委員會第二十次會議上，全國人民代表大會常務委員會在徵詢香港特別行政區基本法委員會和香港特別行政區政府的意見後，決定將《中華人民共和國香港特別行政區維護國家安全法》加入列於《中華人民共和國香港特別行政區基本法》附件三的全國性法律；

## 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

(Made by the Chief Executive in conjunction with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region under the third paragraph of Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region)

### Preamble

WHEREAS—

- (1) at its Twentieth Meeting on 30 June 2020, the Standing Committee of the Thirteenth National People's Congress, after consulting the Committee for the Basic Law of the Hong Kong Special Administrative Region and the Government of the Hong Kong Special Administrative Region, decided to add 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》”) to the list of national laws in Annex III to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China;

- (2) 2020年6月30日，行政長官公布《中華人民共和國香港特別行政區維護國家安全法》自2020年6月30日晚上11時起在香港特別行政區實施；
- (3) 《中華人民共和國香港特別行政區維護國家安全法》第四十三條第一款訂明：香港特別行政區政府警務處維護國家安全部門辦理危害國家安全犯罪案件時，可以採取香港特別行政區現行法律准予警方等執法部門在調查嚴重犯罪案件時採取的各種措施，並可以採取以下措施——
  - (a) 搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
  - (b) 要求涉嫌實施危害國家安全犯罪行為的人員交出旅行證件或者限制其離境；
  - (c) 對用於或者意圖用於犯罪的財產、因犯罪所得的收益等與犯罪相關的財產，予以凍結，申請限制令、押記令、沒收令以及充公；
  - (d) 要求信息發佈人或者有關服務商移除信息或者提供協助；

- (2) on 30 June 2020, the Chief Executive gave notice that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region applies from 11 p.m. on 30 June 2020 in the Hong Kong Special Administrative Region;
- (3) the first paragraph of Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region provides, to the effect that, when handling cases concerning offence endangering national security, the department for safeguarding national security of the Police Force of the Hong Kong Special Administrative Region may take measures that law enforcement authorities, including the Hong Kong Police Force, are allowed to apply under the laws in force in the Hong Kong Special Administrative Region in investigating serious crimes, and may also take the following measures—
  - (a) search of premises, vehicles, vessels, aircraft and other relevant places and electronic devices that may contain evidence of an offence;
  - (b) ordering any person suspected of having committed an offence endangering national security to surrender travel documents, or prohibiting the person concerned from leaving the Region;
  - (c) freezing of, applying for restraint order, charging order and confiscation order in respect of, and forfeiture of property used or intended to be used for the commission of the offence, proceeds of crime, or other property relating to the commission of the offence;
  - (d) requiring a person who published information or the relevant service provider to delete the information or provide assistance;

- (e) 要求外國及境外政治性組織，外國及境外當局或者政治性組織的代理人提供資料；
  - (f) 經行政長官批准，對有合理理由懷疑涉及實施危害國家安全犯罪的人員進行截取通訊和秘密監察；及
  - (g) 對有合理理由懷疑擁有與偵查有關的資料或者管有有關物料的人員，要求其回答問題和提交資料或者物料；及
- (4) 《中華人民共和國香港特別行政區維護國家安全法》第四十三條第三款授權行政長官會同香港特別行政區維護國家安全委員會為採取該條第一款規定措施制定相關實施細則：

現制定本實施細則如下——

編輯附註：

本文件並無根據《法例發布條例》(第 614 章)編配章號。然而本文件在「電子版香港法例」(<https://www.elegislation.gov.hk>)中獲編配一個非正式的參考編號以作識別，並讓用戶可藉該非正式的參考編號進行搜尋。

- (e) requiring a political organization of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, or an agent of authorities or a political organization of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, to provide information;
  - (f) upon approval of the Chief Executive, carrying out interception of communications and conducting covert surveillance on a person who is suspected, on reasonable grounds, of having involved in the commission of an offence endangering national security; and
  - (g) requiring a person, who is suspected, on reasonable grounds, of having in possession information or material relevant to investigation, to answer questions and furnish such information or produce such material; and
- (4) the third paragraph of Article 43 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region authorizes the Chief Executive, in conjunction with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region, to make relevant implementation rules for the purpose of applying the measures under the first paragraph of that Article:

NOW, THEREFORE, these Implementation Rules are made as follows—

Editorial Note:

This instrument was not given a chapter number under the Legislation Publication Ordinance (Cap. 614). An unofficial reference number, however, is assigned to this instrument in Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for identification purposes. This also enables users to carry out a search by reference to the unofficial reference number.

## 1. 生效日期

本實施細則自 2020 年 7 月 7 日起實施。

## 2. 附表

- (1) 警務人員可按照附表 1 所訂，行使以下方面的權力：為搜證而搜查有關地方。
- (2) 警務人員可按照附表 2 所訂，行使以下方面的權力：對懷疑已干犯危害國家安全罪行而受調查的人，限制其離開香港。
- (3) 律政司司長、保安局局長或警務人員，可按照附表 3 所訂，行使以下方面的權力：凍結、限制、沒收及充公與干犯危害國家安全罪行有關的財產。
- (4) 警務人員可按照附表 4 所訂，行使以下方面的權力：移除危害國家安全的訊息，及要求平台服務商、主機服務商及網絡服務商提供協助。
- (5) 保安局局長及警務處處長，可按照附表 5 所訂，行使以下方面的權力：向外國及台灣政治性組織及外國及台灣代理人要求因涉港活動提供資料。
- (6) 警務處人員可為防止或偵測危害國家安全罪行或保障國家安全的目的，按照附表 6 所訂，申請授權進行截取通訊及秘密監察。
- (7) 警務人員可按照附表 7 所訂，行使以下方面的權力：要求提供資料和提交物料。

## 1. Commencement

These Implementation Rules come into operation on 7 July 2020.

## 2. Schedules

- (1) A police officer may, in accordance with Schedule 1, exercise the power to search places for evidence.
- (2) A police officer may, in accordance with Schedule 2, exercise the power to restrict a person suspected of having committed an offence endangering national security and under investigation from leaving Hong Kong.
- (3) The Secretary for Justice, the Secretary for Security or a police officer may, in accordance with Schedule 3, exercise the power to freeze, restrain, confiscate and forfeit property relating to the commission of an offence endangering national security.
- (4) A police officer may, in accordance with Schedule 4, exercise the power to remove messages endangering national security, and require a platform service provider, a hosting service provider and a network service provider to provide assistance.
- (5) The Secretary for Security and the Commissioner of Police may, in accordance with Schedule 5, exercise the power to require a foreign or Taiwan political organization, or a foreign or Taiwan agent, to provide information by reason of activities concerning Hong Kong.
- (6) An officer of the Police Force may, in accordance with Schedule 6, apply for the authorization to conduct interception of communications and covert surveillance for preventing or detecting offences endangering national security or for protecting national security.

**3. 指定法官**

根據本實施細則處理有關申請的裁判官、區域法院法官及高等法院原訟法庭法官，須為《中華人民共和國香港特別行政區維護國家安全法》第四十四條所規定的指定法官。

**4. 實施細則的真確本**

本實施細則的中文文本為真確本，解釋本實施細則須以此為根據。英文譯本僅供參考。

**3. Designated judge**

The magistrate, or the judge of the District Court or the Court of First Instance of the High Court, who handles an application under these Implementation Rules must be a designated judge under Article 44 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region.

**4. Authentic text of Implementation Rules**

The Chinese text of these Implementation Rules is an authentic text, and these Implementation Rules are to be construed accordingly. The English translation text is for reference only.