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附表 5

[第 2 條]

關於向外國及台灣政治性組織及其代理人要求因涉港 活動提供資料的細則

1. 釋義

在本附表中——

外國代理人 (foreign agent) ——

- (a) 指在香港活動，並符合以下兩項條件的人——
 - (i) 受外國政府或外國政治性組織直接或間接指使、直接或間接監督、直接或間接控制、僱用、補貼或資助，或收受外國政府或外國政治性組織金錢或非金錢報酬；及
 - (ii) 為外國政府或外國政治性組織的利益而進行其全部或部分活動；但
- (b) 不包括在香港依照香港法律享有特權及豁免權的外交代表、領事官員或領館僱員，或其他在香港依照香港法律享有特權及豁免權的人或團體；

外國政治性組織 (foreign political organization) ——

- (a) 指——
 - (i) 在中華人民共和國領域外的政黨；
 - (ii) 在中華人民共和國領域外的其他追求政治目的之組織；但
- (b) 不包括沒有在香港活動(包括透過其他人進行的活動)的政治性組織；

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[r. 2]

Rules on Requiring Foreign and Taiwan Political Organizations and Agents to Provide Information by Reason of Activities Concerning Hong Kong

1. Interpretation

In this Schedule—

foreign agent (外國代理人)—

- (a) means a person who carries on activities in Hong Kong, and—
 - (i) is directly or indirectly directed, directly or indirectly supervised, directly or indirectly controlled, employed, subsidized or funded by a foreign government or foreign political organization, or accepts monetary or non-monetary rewards from a foreign government or foreign political organization; and
 - (ii) carries on all or part of the person's activities for the benefit of a foreign government or foreign political organization; but
- (b) does not include a diplomatic agent, a consular officer, or an employee of a consular post, who is entitled to privileges and immunities in Hong Kong in accordance with the laws of Hong Kong, or any other person or body that is entitled to privileges and immunities in Hong Kong in accordance with the laws of Hong Kong;

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台灣代理人 (Taiwan agent) 指在香港活動，並符合以下兩項條件的人——

- (a) 受台灣當局或台灣政治性組織直接或間接指使、直接或間接監督、直接或間接控制、僱用、補貼或資助，或收受台灣當局或台灣政治性組織金錢或非金錢報酬；及
- (b) 為台灣當局或台灣政治性組織的利益而進行其全部或部分活動；

台灣政治性組織 (Taiwan political organization) ——

- (a) 指——
 - (i) 在台灣的政治黨；
 - (ii) 在台灣的其他追求政治目的之組織；但
- (b) 不包括沒有在香港活動(包括透過其他人進行的活動)的政治性組織；

台灣當局 (Taiwan authority) 指台灣執政當局或相關組織。

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foreign political organization (外國政治性組織)——

- (a) means—
 - (i) a political party outside the territory of the People's Republic of China;
 - (ii) any other organization outside the territory of the People's Republic of China that pursues political ends; but
- (b) does not include a political organization that does not carry on activities (including activities carried on through another person) in Hong Kong;

Taiwan agent (台灣代理人) means a person who carries on activities in Hong Kong, and—

- (a) is directly or indirectly directed, directly or indirectly supervised, directly or indirectly controlled, employed, subsidized or funded by a Taiwan authority or Taiwan political organization, or accepts monetary or non-monetary rewards from a Taiwan authority or Taiwan political organization; and
- (b) carries on all or part of the person's activities for the benefit of a Taiwan authority or Taiwan political organization;

Taiwan authority (台灣當局) means the administrative authority or related organization of Taiwan;

Taiwan political organization (台灣政治性組織)——

- (a) means—
 - (i) a political party in Taiwan;
 - (ii) any other organization in Taiwan that pursues political ends; but

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2. 規管外國或台灣政治性組織

- (1) 警務處處長如合理地相信發出有關規定是防止及偵查危害國家安全罪行所需要的，則可在保安局局長批准下，不時藉向某外國政治性組織或台灣政治性組織送達書面通知，規定該組織在指定期限內，按指定方式向警務處處長提供以下資料——
 - (a) 該組織的在香港職員及在香港的成員的個人資料（包括姓名、年齡、身分證明文件的類別及號碼、職業及住址）；
 - (b) 該組織在香港的活動；
 - (c) 該組織在香港的資產、收入、收入來源及開支。
- (2) 第(1)款施加於任何組織的責任，對每名該組織在香港的幹事及每名在香港管理或協助管理該組織的人士，均有約束力，前提是該幹事或人士已獲根據第(1)款送達通知。
- (3) 如任何組織沒有遵從根據第(1)款送達的通知的規定，則每名第(2)款所述並已獲送達通知的幹事及人士即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 6 個月，但如該幹事或人士確立而使法庭信納，該幹事或人士已盡應盡的努力，以及該幹事或人士沒有遵從該通知的規定是由於非該幹事或人士所能控制的原因所致的，則屬例外。
- (4) 為遵從根據第(1)款送達的通知的規定而向警務處處長提供的任何資料，如在要項上是虛假、不正確或不完整的，則提供該等資料的人即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 2 年，但如該人確立而使法庭

- (b) does not include a political organization that does not carry on activities (including activities carried on through another person) in Hong Kong.

2. Regulation of foreign or Taiwan political organizations

- (1) If the Commissioner of Police reasonably believes that it is necessary to issue the requirement for the prevention and investigation of an offence endangering national security, the Commissioner may from time to time, with the approval of the Secretary for Security, by written notice served on a foreign political organization or Taiwan political organization, require the organization to provide the Commissioner with the following information within the specified period in the specified way—
 - (a) the personal particulars of the staff of the organization in Hong Kong, and of the members of the organization in Hong Kong (including name, age, type and number of identification document, occupation and residential address);
 - (b) the activities of the organization in Hong Kong;
 - (c) the assets, income, sources of income, and expenditure of the organization in Hong Kong.
- (2) The obligations imposed on an organization by subsection (1) is binding on every office-bearer of the organization in Hong Kong, and on every person managing or assisting in the management of the organization in Hong Kong, if the office-bearer or person has been served with the notice under subsection (1).
- (3) If an organization fails to comply with a notice served under subsection (1), every office-bearer and person who is mentioned in subsection (2) and who has been served with

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信納，該人當時有好的理由相信該等資料是真實、正確及完整的，則屬例外。

3. 規管外國或台灣代理人

- (1) 警務處處長如合理地相信發出有關規定是防止及偵查危害國家安全罪行所需要的，則可在保安局局長批准下，不時藉向某外國代理人或台灣代理人送達書面通知，規定該代理人在指定期限內，按指定方式向警務處處長提供以下資料——
 - (a) 該代理人如屬個人——
 - (i) 該代理人在香港的活動及個人資料（包括該代理人參與本地組織的活動及職位、經營業務、職業及住址）；
 - (ii) 該代理人在香港的資產、收入、收入來源及開支；或
 - (b) 該代理人如屬一個組織——

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the notice commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 6 months unless the office-bearer or person establishes to the satisfaction of the court that the office-bearer or person has exercised due diligence and that the office-bearer or person has failed to comply with the notice for reasons beyond the office-bearer's or the person's controls.

- (4) If any information provided to the Commissioner of Police in compliance with a notice served under subsection (1) is false, incorrect, or incomplete in a material particular, the person who has provided the information commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 2 years 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.

3. Regulation of foreign or Taiwan agents

- (1) If the Commissioner of Police reasonably believes that it is necessary to issue the requirement for the prevention and investigation of an offence endangering national security, the Commissioner may from time to time, with the approval of the Secretary for Security, by written notice served on a foreign agent or Taiwan agent, require the agent to provide the Commissioner with the following information within the specified period in the specified way—
 - (a) if the agent is an individual—
 - (i) the activities of the agent in Hong Kong, and the personal particulars of the agent (including the activities participated by the agent in any local organization, the agent's post, business, occupation and address);

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- (i) 該組織的在香港職員及在香港成員的個人資料 (包括姓名、年齡、身分證明文件的類別及號碼、職業及住址)；
 - (ii) 該組織在香港的活動；
 - (iii) 該組織在香港的資產、收入、收入來源及開支。
- (2) 任何代理人如沒有遵從根據第(1)(a)款送達的通知的規定，即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 6 個月，但如該代理人確立而使法庭信納，該代理人已盡應盡的努力，以及該代理人沒有遵從該通知的規定是由於非該代理人所能控制的原因所致的，則屬例外。
- (3) 如某外國代理人或台灣代理人屬一個組織，則——
- (a) 第(1)(b)款施加於該代理人的責任，對每名在香港的幹事及每名在香港管理或協助管理該代理人的人士，均有約束力，前提是該幹事或人士已獲根據第(1)款送達通知；及
 - (b) 如該代理人沒有遵從根據第(1)(b)款送達的通知的規定，則每名(a)段所述並已獲送達通知的幹事及人士即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 6 個月，但如該幹事或人士確立而使法庭信納，該幹事或人士已盡應盡的努力，以及該幹事或人士沒有遵從該通知的規定是由於非該幹事或人士所能控制的原因所致的，則屬例外。
- (4) 為遵從根據第(1)款送達的通知的規定而向警務處處長提供的任何資料，如在要項上是虛假、不正確或不完整的，則提供該等資料的人即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 2 年，但如該人確立而使法庭信納，該人當時有好的理由相信該等資料是真實、正確及完整的，則屬例外。

- (ii) the assets, income, sources of income, and expenditure of the agent in Hong Kong; or
 - (b) if the agent is an organization—
 - (i) the personal particulars of the staff of the organization in Hong Kong, and of the members of the organization in Hong Kong (including name, age, type and number of identification document, occupation and residential address);
 - (ii) the activities of the organization in Hong Kong;
 - (iii) the assets, income, sources of income, and expenditure of the organization in Hong Kong.
- (2) If an agent fails to comply with a notice served under subsection (1)(a), the agent commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 6 months unless the agent establishes to the satisfaction of the court that the agent has exercised due diligence and has failed to comply with the notice for reasons beyond the agent's controls.
- (3) If a foreign agent or Taiwan agent is an organization—
- (a) the obligations imposed on the agent by subsection (1)(b) is binding on every office-bearer in Hong Kong, and on every person managing or assisting in the management of the organization in Hong Kong, if the office-bearer or person has been served with the notice under subsection (1); and
 - (b) if the agent fails to comply with a notice served under subsection (1)(b), every office-bearer and person who is mentioned in paragraph (a) and who has been served with the notice commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to

4. 送達書面通知

如無相反證據，則根據本附表第 2 或 3 條可向某組織或某人送達的通知，在以下情況下，須當作已經送達——

- (a) 就個人而言，該通知——
 - (i) 已交付該人；
 - (ii) 已留在該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的居住地方或業務地址；
 - (iii) 已藉郵遞寄往該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，以寄交該人；或
 - (iv) 已藉電郵、圖文傳真或其他類似的方法送往該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，

- imprisonment for 6 months unless the office-bearer or person establishes to the satisfaction of the court that the office-bearer or person has exercised due diligence and that the office-bearer or person has failed to comply with the notice for reasons beyond the office-bearer's or person's controls.
- (4) If any information provided to the Commissioner of Police in compliance with a notice served under subsection (1) is false, incorrect, or incomplete in a material particular, the person who has provided the information commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 2 years 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.

4. Service of written notices

A notice that may be served on an organization or person under section 2 or 3 of this Schedule is, in the absence of evidence to the contrary, deemed to be so served if—

- (a) for an individual, the notice is—
 - (i) delivered to the individual;
 - (ii) left at the individual's last known address for service in Hong Kong, or at the individual's last known place of residence or business in Hong Kong;
 - (iii) sent by post to the individual at the individual's last known address for service in Hong Kong, or at the individual's last known postal address in Hong Kong; or

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- 或其最後為人所知的在香港的居住地方或業務地址，以送交該人；
- (b) 就組織而言，該通知 ——
- (i) 已給予或送達該組織在香港的幹事或在香港管理或協助管理該組織的人士；
 - (ii) 已留在該組織最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的地址；
 - (iii) 已藉郵遞寄往該組織最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，以寄交該組織；或
 - (iv) 已藉電郵、圖文傳真或其他類似的方法送往該組織最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，或其最後為人所知的在香港的地址，以送交該組織。
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- (iv) sent by electronic mail transmission, fax transmission or other similar method to the individual at the individual's last known address for service in Hong Kong, or at the individual's last known postal address in Hong Kong, or at the individual's last known place of residence or business in Hong Kong;
- (b) for an organization, the notice is—
- (i) given to or served on an office-bearer of the organization in Hong Kong, or a person managing or assisting in the management of the organization in Hong Kong;
 - (ii) left at the organization's last known address for service in Hong Kong, or at its last known address in Hong Kong;
 - (iii) sent by post to the organization at its last known address for service in Hong Kong, or at its last known postal address in Hong Kong; or
 - (iv) sent by electronic mail transmission, fax transmission or other similar method to the organization at its last known address for service in Hong Kong, or at its last known postal address in Hong Kong, or at its last known address in Hong Kong.
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