

2026年3月24日
資料文件

立法會保安事務委員會及
司法及法律事務委員會

《2026年〈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〉（修訂）實施細則》

目的

行政長官會同香港特別行政區維護國家安全委員會（“香港特區國安委”）已行使《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》”）第四十三條所授予的權力，制定《2026年〈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〉（修訂）實施細則》（“《實施細則（修訂）細則》”），《實施細則（修訂）細則》已於2026年3月23日刊憲及實施。本文件旨在向委員介紹《實施細則（修訂）細則》的內容。

引言

2. 根據《香港國安法》第四十三條，香港警務處國家安全處（“國安處”）等香港特別行政區（“香港特區”）執法機構辦理危害國家安全犯罪案件時，可以採取香港特區現行法律准予執法部門在調查嚴重犯罪案件時採取的各種措施，並可以採取該條規定的七項措施¹，而香港特區國

¹ 該七項措施包括：

安委對該等執法機構採取有關措施負有監督責任。《香港國安法》第四十三條亦授權行政長官會同香港特區國安委為有關措施制定相關實施細則。就此，行政長官會同香港特區國安委於 2020 年 7 月 6 日行使《香港國安法》第四十三條所授予的權力，制定《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》（“《實施細則》”），《實施細則》於 2020 年 7 月 7 日生效。《實施細則》列明香港特區執法機構採取《香港國安法》第四十三條所規定的措施的細則，及為確保有效執行措施所需的相關罪行和罰則。行政長官會同香港特區國安委曾於 2023 年 12 月對《實施細則》附表 3 第 3 條作出修訂²。

3. 隨著《維護國家安全條例》（“《國安條例》”）在 2024 年 3 月 23 日正式生效，香港特區履行了就《基本法》第二十三條本地立法的憲制責任，完成了歷史使命。雖然《香港國安法》、《國安條例》和香港特區其他維護國家安全相關法律使國家安全在香港特區得到有效保障，但根據《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》和《香港國

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- （一）搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
 - （二）要求涉嫌實施危害國家安全犯罪行為的人員交出旅行證件或者限制其離境；
 - （三）對用於或者意圖用於犯罪的財產、因犯罪所得的收益等與犯罪相關的財產，予以凍結，申請限制令、押記令、沒收令以及充公；
 - （四）要求信息發佈人或者有關服務商移除信息或者提供協助；
 - （五）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；
 - （六）經行政長官批准，對有合理理由懷疑涉及實施危害國家安全犯罪的人員進行截取通訊和秘密監察；及
 - （七）對有合理理由懷疑擁有與偵查有關的資料或者管有有關物料的人員，要求其回答問題和提交資料或者物料。

² 修訂目的是明確根據附表 3 發出的凍結財產通知書在與其相關的危害國家安全罪行的法律程序待決期間，仍然有效。

安法》的相關規定，香港特區有憲制責任持續完善維護國家安全的法律制度和執行機制，以持續有效防範、制止和懲治危害國家安全的行為和活動。

4. 現時地緣政治局勢日趨複雜，國家安全風險變化莫測，並可能突如其來且無法預計，國家安全隱患仍然存在。在辦理危害國家安全犯罪案件和執行《實施細則》的過程中，香港特區汲取了一些實際經驗。經參考該些實踐和執行經驗，以及相關的法庭案例，行政長官會同香港特區國安委制定《實施細則(修訂)細則》，加以完善香港特區執法機構可採取的措施，以及進一步釐清相關法律程序及技術性安排，以進一步強化執法機構的執法力量，以更有效防止及偵查危害國家安全犯罪案件，及時防範和化解國家安全風險。

《實施細則(修訂)細則》

5. 《實施細則(修訂)細則》對《實施細則》正文、附表 1 至附表 5 及附表 7 作出修訂，以完善香港特區執法機構辦理危害國家安全犯罪案件時，可以採取的措施，主要內容如下(《實施細則(修訂)細則》載於附件一)。

附表 1：關於為搜證而搜查有關地方的細則

就檢取的電子設備進行解密

6. 由於科技發展，不少犯罪分子往往利用電子設備傳遞信息、組織、策劃和實施危害國家安全罪行，他們更會將電子設備和其儲存的大量電子資料加密，以隱密方式干犯危害國家安全罪行，藉此規避警方的偵測。修訂前的《實施細則》附表 1 已授權警務人員在獲得裁判官發出的手令或在取得手令並非合理地切實可行的情況下，就其有合理理由懷疑包含危害國家安全罪行的證據的電子設備，行使第 2(3)條所訂的權力(包括檢查、檢驗、搜查、檢取、

移走和扣留該設備)³，但《實施細則》附表 1 沒有授權警務人員要求嫌疑人或設備擁有人等提供相關電子設備的解密方法，這會顯著增加調查難度及所需資源，甚至可能導致未能及時識別其他涉案嫌疑犯，或無法獲得某些關鍵證據。為確保搜查有效和可及時執行，及使有關條文更切合搜查電子設備的情況，《實施細則(修訂)細則》對《實施細則》附表 1 作出以下修訂：

- (a) 清楚訂明警務人員就電子設備可以行使的權力包括檢查、檢驗、搜查、檢取和轉移在該設備之內，或可藉該設備接達，而有關警務人員合理地相信屬指明證據的任何東西，以及檢取、移走和扣留該設備（附表 1 經修訂的第 2(3)(b) 條），亦清楚訂明警務人員有權接達該電子設備、將該設備所儲存或可藉該設備接達的材料解密、將證據材料以可見及可閱讀方式重現，或轉為紙上書面形式，以及複製證據材料，或摘錄其內容或以其他方式將證據材料轉移（附表 1 新增第 4(1) 條）；
- (b) 訂明警務人員可要求指明人士⁴提供所需密碼或其他解密方法，或提供其他屬合理和必需的資料或協助，以致警務人員能夠就該設備行使相關搜查權力（“解密要求”）（附表 1 新增第 4(2) 及 (3) 條）；

³ 根據附表 1 第 1 條，「地方」包括任何電子設備。

⁴ 根據附表 1 新增第 4(3) 條，以下屬“指明人士”：

- (一) 因為被合理地懷疑已干犯相關的危害國家安全罪行而正受調查的人；
- (二) 警務人員合理地相信某人：
 - (i) 擁有、管有或掌控有關電子設備；
 - (ii) 獲授權接達該設備；
 - (iii) 正使用或曾使用該設備；
 - (iv) 知悉有關密碼或解密方法。

- (c) 訂明任何人如沒有合理辯解而沒有遵從上述解密要求，或者明知或罔顧實情地提供在要項上虛假或誤導性資料，即屬犯罪：沒有遵從要求的最高罰則為罰款\$100,000及監禁1年，提供在要項上虛假或誤導性資料的最高罰則為罰款\$500,000及監禁3年（附表1新增第5條及第6條）。相類似罪行可見附表4⁵、附表5⁶及附表7⁷；
- (d) 為平衡執法需要和普通法下相關人士免使自己入罪的權利，訂明：一方面，指明人士不得以遵從解密要求可能會導致自己入罪為理由，而不遵從有關要求（附表1新增第5(2)(a)條）；另一方面，在符合訂明條件的情況下，有關解密要求以及指明人士為遵從解密要求而提供密碼、解密方法或資料這一事，不得在刑事法律程序⁸中，接納為不利該指明人士的證據（附表1新增第7(2)條）⁹及
- (e) 根據普通法司法管轄區案例，雖然指明人士為遵從解密要求而提供密碼、解密方法或資料這一事，不

⁵ 附表 4 第 12(1)條：服務商不遵從提供有關身分紀錄或解密協助的要求。

⁶ 附表 5 第 2(3)條及第 3(3)條：境外政治性組織或境外勢力代理人不遵從向警務處處長提交資料的要求；第 2(4)條及第 3(4)條：提供要項上是虛假的資料。

⁷ 附表 7 第 2(14)條：在充作遵從提交資料的要求時，明知或罔顧實情地提供在要項上屬虛假或有誤導成分的陳述。

⁸ 此處所述的刑事法律程序，不包括有關指明人士被控犯以下罪行的刑事法律程序 ——

(a) 第 6(c)段所述罪行（不遵從解密要求或提供要項上虛假或誤導性資料的罪行）；或

(b) 《刑事罪行條例》（第 200 章）第 V 部所訂罪行（宣誓下作假證供及相關罪行）。

⁹ 類似的本地法例規定包括《證券及期貨條例》（第 571 章）第 187 條及《保護關鍵基礎設施（電腦系統）條例》（第 653 章）第 41 條等。

得在刑事法律程序中，接納為不利該指明人士的證據，但這項限制並不適用於憑藉解密要求而取得於電子設備所儲存或藉該設備接達的材料¹⁰。為避免有人在法律程序中以免使自己入罪的權利為理由，爭議該等材料不可接納為證據，訂明上述(d)段對接納證據的限制，不適用於藉着解密要求而取得的材料（附表1新增第7(4)條）。

7. 上述修訂符合《基本法》第三十條對通訊自由和通訊秘密的保障，以及《香港人權法案》第十四條對私生活和通信的保障。很多普通法司法管轄區都授權執法人員在調查搜證的過程中，要求提供電子設備的解密方法¹¹。修訂前的《實施細則》附表 1 已經授權警務人員搜查包含危害國家安全罪行的證據的電子設備（包括破解該設備），是次修訂只是授權警務人員在執行上述權力時，可以要求指明人士提供解密方法，以致警務人員能夠執行上述搜查權力，並沒有對通訊自由和通訊秘密等構成額外的侵擾。

¹⁰ 見英格蘭及威爾斯上訴法院在 *R v S (F)* [2009] 1 W.L.R. 1489 的判決，以及愛爾蘭最高法院在 *Poptoshev v Director of Public Prosecutions* [2025] IESC 47 的判決。

¹¹ 例如：英國《2000年調查權力規管法》（Regulation of Investigatory Powers Act 2000）第III部、澳洲《1914年犯罪法》（Crimes Act 1914）第3LA條、新西蘭《2012年搜查和監視法》（Search and Surveillance Act 2012）第130條、愛爾蘭《2001年刑事司法（盜竊和欺詐罪）法》（Criminal Justice (Theft and Fraud Offences) Act 2001）第48條、新加坡《2010年刑事訴訟法》（Criminal Procedure Code 2010）第39和第40條。

另外，在 *Cheung Ka Ho Cyril & Others v Securities and Futures Commission* [2020] HKCFI 270 一案中，高等法院原訟法庭裁定證券及期貨事務監察委員會（“證監會”）可根據《證券及期貨條例》（第571章）第183條（該條賦權證監會可要求受調查人或有關人士（包括證監會有合理理由相信管有有關資料的人），提供可能載有與證監會調查有關的資料的任何紀錄或文件），發出通知要求有關人士提供被檢取電子設備及其電郵帳戶的密碼。

8. 上述修訂亦符合受《香港人權法案》第十條和第十一條保障的不得被逼自證其罪的權利。雖然指明人士不得以可能導致入罪為由而不遵從解密要求，但條文清楚訂明遵從解密要求一事，一般在刑事法律程序不得被直接接納為不利該人的證據。參考終審法院確立的法律原則¹²，上述機制平衡了執法人員調查搜證的正當需要和相關人士的權利，完全符合不得被逼自證其罪的權利。

處理法律專業保密權聲請的程序

9. 《基本法》第三十五條保障香港居民得到秘密法律諮詢的權利，而普通法制度相當重視法律專業保密權的保障，所以執法機構不得檢取受法律專業保密權保障的材料。警務人員在搜查某地方並在該地方檢取任何相信屬證據的材料時，或會遇到相關擁有人或管有人（“聲請人”）聲稱有關材料受法律專業保密權保障。一般而言，聲請人可向法庭提出申請，要求法庭宣告有關材料受法律專業保密權保障。

10. 案例確立的法律原則是：(1)聲請人就確立法律專業保密權負有舉證責任；(2)任何空泛而大範圍的聲請均屬不當；及(3)與訟各方必須向法庭提供具實質意義的協助，以協助解決法律專業保密權的爭議¹³。然而，過往經驗顯示，部分聲請人在提出相關聲請時只作出廣泛且欠具體的聲請，或濫用程序，拖延案件的進度，即使最終法庭拒絕接納大部分甚至全部法律專業保密權聲請，但由於警方遲遲未能將相關材料開封作進一步調查，大大阻礙了辦案效率，違

¹² *A v Commissioner of the Independent Commission Against Corruption* (2012) 15 HKCFAR 362。亦見英格蘭及威爾斯上訴法院在 *R v S (F)* [2009] 1 W.L.R. 1489 和愛爾蘭最高法院在 *Poptoshev v Director of Public Prosecutions* [2025] IESC 47 的判決。

¹³ *Citic Pacific Ltd v Secretary for Justice (No 2)* [2015] 4 HKLRD 20。

背《香港國安法》第四十二條有關公正、及時辦理危害國家安全犯罪案件的規定。

11. 因此《實施細則(修訂)細則》對《實施細則》附表1作出修訂，加入第2部“法律專業保密權聲請”，訂明關乎警務人員為偵查危害國家安全罪行而檢取、移走或扣留的材料法律專業保密權聲請所適用的處理程序及嚴格的時間表等，具體內容包括：

- (a) 凡警務人員為偵查危害國家安全罪行而檢取、移走或扣留任何材料，除非雙方另有協議，第2部所訂的程序適用於關乎該材料的法律專業保密權聲請¹⁴（附表1新增第9條）；
- (b) 聲請人須藉原訴傳票並以誓章支持向法庭提出法律專業保密權聲請（附表1新增第10條）；
- (c) 答辯人開封初步聲請材料和製作初步聲請材料的複本，以及向聲請人提供複本等的程序，包括訂明答辯人事先就開封的時間和地點給予聲請人通知，而不論聲請人或其代表是否在場，答辯人仍可繼續進行開封和製作複本程序（附表1新增第11條）；
- (d) 聲請人須在指定期限內指明法律專業保密權聲請所涉材料的具體範圍、性質、有關材料享有法律專業保密權的原因等，以供答辯人在指定期限內識別聲請中受爭議的部分。聲請人及答辯人可協議或向法庭申請延長該期限（附表1新增第12條）；

¹⁴ 就某些較為簡單的法律專業保密權聲請，例如聲請人只就少量文件提出聲請，雙方可協議循更簡易的程序處理爭議，以更為有效及快捷的程序處理聲請。

- (e) 在識別受爭議的材料後，聲請人和答辯人須在指定期限內向法庭存檔和向對方送達誓章證據和書面陳詞，聲請人及答辯人可協議或向法庭申請延長該期限。法庭一般須在不經口頭聆訊的情況下就爭議作出裁定（附表 1 新增第 13 、 15 及 16 條）；
- (f) 就儲存於電子設備內或可藉電子設備接達的初步聲請材料或受爭議的正式聲請材料，聲請人須應答辯人要求在其指明的時間內提供所需的密碼或其他解密方法，或提供其他合理和必需的資料或協助。如答辯人未能藉上述方法解密電子設備，以製作複本或查閱資料，則可在取得申請人的同意後開封有關材料以嘗試接達該設備或將該設備所儲存或可藉該設備接達的任何材料解密（附表 1 新增第 14 條）；
- (g) 法庭除非信納上述 (d) 及 (e) 項所述的延長期限的申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請（附表 1 新增第 15 條）；及
- (h) 在聲請人未有遵從上述配合解密的要求、在指定期限內指明聲請所涉材料或送達誓章證據和陳詞的相關規定的情況下，聲請的有關部分須視為被撤回，法庭只可在特殊情況下批准重啟有關聲請（附表 1 新增第 17 及 18 條）。

12. 上述修訂符合受《基本法》第三十五條保障的秘密法律諮詢的權利。上述修訂只是對法律專業保密權聲請的法律程序作出規定，防止濫用，絲毫沒有削弱對法律專業保密權的實質保障。法院仍然會按照確立的法律原則，公平公正地處理法律專業保密權的聲請。訂明的程序充分保障聲請人的權利，例如明文要求在法律專業保密權聲請開展後，答辯人須確保初步聲請材料已被加封，以及容許法庭按聲請人的申請而延長期限或重啟聲請。事實上，上述

修訂能夠加快處理法律專業保密權聲請的程序，更能達致及時辦理危害國家安全犯罪案件的目標，並保障被告人儘早接受司法機關公正審判的權利（該權利受到《基本法》第八十七條及《香港人權法案》第五(三)條和第十一(二)(丙)條保障）。

附表 2：關於限制受調查的人離開香港的細則

13. 《實施細則》附表 2 賦權裁判官可應警務人員提出的申請，發出通知書要求因合理地被懷疑已干犯危害國家安全罪行而受調查的人，向該警務人員交出所管有的任何旅行證件；而獲送達上述通知書的人亦不得在自該通知書日期起計的 6 個月期間離開香港。但修訂前的附表 2 並未有就不遵從上述通知書的規定的行為訂明罰則。在欠缺阻嚇力下，某些受調查人為逃避調查和刑責，鋌而走險作出潛逃行為的風險不容忽視。就此，《實施細則(修訂)細則》進一步完善《實施細則》附表 2 的相關規定，包括：

- (a) 任何人不遵從通知書的要求交出旅行證件，或未獲得批准的情況下在該通知書的有效期間離開香港，即屬犯罪，一經循公訴程序定罪，可處罰款\$100,000 及監禁 1 年¹⁵（附表 2 經修訂的第 2(5)條）；
- (b) 作出技術性修訂，釐清裁判官應警務人員的申請而延展扣留旅行證件和離境限制的期間，可按需要延展多於一次（附表 2 經修訂第的 2(8)條）；

¹⁵ 罰則參考《維護國家安全條例》第 86 條違反行動限制令的類近罪行。

英國《2023 年國家安全法》第 56 條就違反防範和調查措施，包括不得離開英國的措施，訂立罪行。就違反不得離開英國的措施，最高罰則是監禁 10 年，而且訂明不得以「合理辯解」作為辯護理由。

- (c) 就發還旅行證件及准許離開香港的申請，警務處處長或裁判官在考慮是否批准申請時，國家安全必然是其中一個考慮因素。因此，在原有的批准條件(即「拒絕批准申請會對申請人造成不合理困苦」)外，明確加入另一批准條件，即警務處處長或裁判官必須信納批准申請不會不利於國家安全(附表 2 經修訂的第 3(3)及 4(3)條)；
- (d) 為確保獲批准發還旅行證件或准許離開香港的人會依時回港交出旅行證件及在指定地點報到，以及在離港期間不會干犯危害國家安全罪行，賦權裁判官在批准有關申請時可施加其認為屬必要的條件(附表 2 新增第 3(6A)及 4(6A)條)；
- (e) 參考《國安條例》第 85 條關於行動限制令的覆核機制，將附表 2 原有規定就裁判官拒絕發還旅行證件或准許離開香港申請的上訴機制，更改為向原訟法庭法官提出覆核申請的機制，覆核機制比上訴機制在程序上更具彈性¹⁶。只有在原訟法庭法官經顧及整體情況(包括調查的利益)後，信納拒絕批准覆核申請會對申請人造成不合理困苦，而且批准該項申請不會不利於國家安全，方可批准覆核申請(附表 2 新增第 4A 條)；
- (f) 提出申請並獲發還旅行證件或批准離開香港的人，如沒有遵從就此施加的任何條件¹⁷的規定，

¹⁶ 這種覆核機制與《刑事訴訟程序條例》(第 221 章)下由原訟法庭就拒絕保釋或保釋條件的覆核類似，原訟法庭是重新考慮受覆核的決定，而不是考慮裁判官有沒有犯錯。而且，法庭不受證據規則限制，雙方可向法庭呈交新證據。

¹⁷ 包括須在指明的時間再次向警務人員交出申請人的旅行證件、須在指明的時間及指明的在香港的地點報到，以及其他裁判官施加的其他必要條件。

即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年。如被告人能證明自己對此有合理辯解，則屬免責辯護（附表 2 經修訂的第 5(1)及(1A)條）。

附表 3：關於凍結、限制、沒收及充公財產的細則

14. 資金是干犯危害國家安全罪行的重要一環。保安局、警方及律政司過去一直積極運用《實施細則》附表 3 下的權力，以切斷危害國家安全活動的資金鏈。《實施細則(修訂)細則》進一步完善附表 3 的以下條文，以達致更有效防範和制止危害國家安全的行為和活動。

在嚴重案件中充公被定罪者的罪行相關財產

15. 根據《香港國安法》第三十二條，因實施該法規定的犯罪而獲得的資助、收益、報酬等違法所得以及用於或者意圖用於犯罪的資金和工具，應當予以追繳、沒收。此條文目的包括為達致切斷犯罪資金鏈以防止進一步的危害國家安全犯罪行為。根據《實施細則》附表 3 第 9 條，律政司司長可向原訟法庭或區域法院申請「沒收令」(confiscation order)，沒收被裁定危害國家安全罪行罪名成立，或已死亡或潛逃的被告人的犯罪得益；而根據《實施細則》附表 3 第 13(1)條，律政司司長及其代表可向原訟法庭申請「充公令」(forfeiture order)，充公特定的「罪行相關財產」¹⁸。

¹⁸ 根據《實施細則》附表 3 第 1(1)條，「罪行相關財產」(offence related property) 指 —

(a) 符合以下說明的人的財產 —

(i) 任何干犯或企圖干犯危害國家安全罪行的人；或

(ii) 任何參與或協助干犯危害國家安全罪行的人；或

(b) 任何擬用於或曾用於資助或以其他方式協助干犯危害國家安全罪行的財產。

16. 「充公令」並不是一項處罰，其目的是為了切斷犯罪資金鏈以防範及制止進一步的危害國家安全犯罪行為，並執行《香港國安法》第三十二條的規定。大多數情節嚴重、影響深遠的危害國家安全犯罪案件，均涉及一些犯罪團夥，當中的「主腦」人物在背後策劃及統籌實施整個犯罪圖謀，亦同時充當「金主」的角色，為危害國家安全罪行提供財政資助或其他物質上的支援。這些「主腦」人物在整個犯罪圖謀中扮演極其重要的角色，並聯同其他團夥實施危害國家安全罪行。在這些嚴重案件中，犯案者的重犯風險不容忽視，而即使他們暫時被監禁，也有可能會作出安排，動用其財政資源資助或協助他人犯罪；但由於與危害國家安全罪行相關的資金鏈往往具有高度隱蔽性，警方調查所得的證據不一定能夠清楚顯示該等人士具體而言意圖利用哪一項財產資助或協助犯罪。

17. 有見及此，有必要採取有效措施，防止這些干犯嚴重危害國家安全罪行的「主腦」或「金主」等被定罪者，繼續運用其罪行相關財產或透過向其同謀人或代理人提供資金，繼續從事危害國家安全的行為和活動，以切斷危害國家安全罪行的資金鏈、瓦解相關犯罪團夥、削弱其干犯危害國家安全罪行的能力，以達致防範和制止危害國家安全的行為和活動的重要目標。因此，《實施細則(修訂)細則》對附表 3 下的充公制度作出補充規定，在嚴重案件中，若符合以下條件，干犯危害國家安全罪行的被定罪者的「指明財產」須予充公（附表 3 新增第 13A 條）：

- (a) 被定罪者因被裁定犯任何危害國家安全罪行而被判處終身監禁或監禁 10 年或以上；及
- (b) 法庭信納，被定罪者曾經將其財產的任何部分，用於資助或以其他方式協助干犯被定罪者所被裁定犯的危害國家安全罪行，或者有合理理由懷疑被定罪者擬將其財產的任何部分用於資助或以其他方式協助干犯危害國家安全罪行。

18. 上述的「指明財產」，是指在充公令作出當日屬有效的凍結財產通知書、限制令或押記令所涵蓋的財產。若符合上述所有條件，法庭必須命令充公被定罪者的所有指明財產，除非被定罪者能夠提出證明，且法庭信納充公其所有指明財產是明顯不相稱的。

19. 如前所述，此充公制度的補充規定只適用於被裁定干犯嚴重危害國家安全行為和活動、並且曾經或被合理地懷疑會資助或協助干犯危害國家安全罪行的人。僅在這些涉及嚴重案件的有限情況下，上述「充公所有指明財產是原則」的新規定才適用，確保切斷犯罪資金鏈，有效防範和制止危害國家安全的行為和活動。與此同時，有關條文也加入了例外規定，容許被定罪者提出證據證明充公其所有指明財產，對防止被定罪者將指明財產用於資助或協助干犯危害國家安全罪行此目的而言，是明顯不相稱的，使用「明顯」的意思，旨在強調法庭若要作出「不相稱」的裁定，必須信納沒有任何合理的法官在有關情況下會認為充公所有指明財產是相稱的。若法庭信納，則法庭須命令將被定罪者的指明財產，按其認為對達致該目的而言屬相稱的程度充公。參考其他司法管轄區的案例，上述規定確保機制符合《基本法》第六條和第一百零五條對私有財產權的保障。¹⁹

¹⁹ 例如：英國最高法院在 *R v Wya* [2013] 1 AC 294 一案裁定，當時英國《2002年犯罪所得法》(Proceeds of Crime Act 2002) 下的「沒收令」(confiscation order) 應引入一個例外情況，即法庭如果認為某項沒收令的申請是不符合相稱性原則，必須按法庭認為屬相稱的程度發出沒收令。英國最高法院裁定，引入上述例外情況後，英國沒收令的法律條文符合受《歐洲人權公約》第一議定書第一條保障的財產權。現時，英國《2002年犯罪所得法》第 6(5)條已明確引入上述例外情況，即法庭需按照不會違反相稱性原則的程度，發出沒收令。

20. 事實上，美國法律中亦有機制，規定涉及恐怖活動的人士，一般而言，其所有財產均可被充公，以打擊恐怖活動²⁰。

授權海關人員充公具煽動意圖的物品

21. 根據過往執法經驗，危害國家安全分子往往以隱密的方式，包括假裝成正常進口貨物，從境外偷運具煽動意圖的物品（例如具煽動意圖的書籍、刊物等）進入香港。香港海關是監察貨物進出口的執法部門，對有效堵截具煽動意圖的物品從不同口岸進入香港特區扮演關鍵的角色。經《國安條例》修訂的《香港海關條例》（第 342 章）賦予海關人員為防範、制止或調查危害國家安全的罪行而行使搜查和檢查權力。現時，海關人員一般會將在口岸截獲具煽動意圖的物品轉交警方作刑事調查²¹。然而，有鑒於不少寄運有關物品的人身處境外，另外也不時出現未能確定

另外，英國樞密院在 *Williams v Supervisory Authority* [2020] UKPC 15 審視了安提瓜及巴布達的民事充公機制，認為雖然民事充公令的門檻非常低（只需證明相關時間內有「洗錢」活動），並可能對被告人造成極大影響（民事充公令可以針對被告人的任何財產，除非被告人能證明某財產不應被充公），但相關機制符合對財產權的憲法保障，特別是考慮到相關機制可以被解讀為引入類似 *Waya* 案的例外情況，即法庭需按照不會違反相稱性原則的程度發出民事充公令。

²⁰ 自「9.11」事件後，美國進一步修訂有關充公財產的法律，對被認定為「恐怖分子」的人所採取的沒收財產的範圍非常廣泛：美國《2001年美國愛國者法》(USA Patriot Act 2001)第 806 條(即現行美國法典第 18 章第 981(a)(1)(G)(i)條) 訂明任何參與策劃或實施針對美國、美國公民或居民的恐怖主義罪行的個人、實體或組織的所有資產，及所有能令任何人在該些實體或組織中構成影響力的所有資產均可以被充公（某些特定情況除外），不論該些資產是在國內還是在國外。

²¹ 根據《國安條例》第 24 條，任何人輸入具煽動意圖的刊物，或無合理辯解而管有具煽動意圖的刊物，即屬犯罪。

物品的擁有人的情況，刑事調查在這些情況下未必是最有效的處理方法。

22. 有見及此，為有效堵截具煽動意圖的物品被輸入香港，《實施細則(修訂)細則》對《實施細則》附表 3 作出修訂，賦權海關人員在指明地方²²執行職能時，可檢取其合理地懷疑屬具煽動意圖的物品，並訂立一個將有關物品充公的簡易程序（附表 3 新增第 13B 及 13C 條）：

- (a) 被檢取物品的擁有人或管有人等可在檢取日起計的 60 日內就為何該物品不應被充公向海關關長作出書面申述；
- (b) 如海關關長收到申述，並在考慮該項申述後，仍認為該物品應被充公，則可向裁判官申請將有關物品充公。裁判官如接獲上述申請，須舉行聆訊，作出書面申述的人（“聲請人”）有權出席。裁判官如信納有關物品屬具煽動意圖的物品，須命令將該物品充公。裁判官如不信納該物品屬具煽動意圖的物品，可命令將該物品在符合裁判官指明的條件下交付予聲請人或以其他方式處置；或
- (c) 如在(a)項所述的期限屆滿當日，仍無申述就有關物品作出，則該物品即須充公。

其他技術性修訂

²² 「指明地方」指 -

- (a) 進入或離開香港的地點；
- (b) 已抵達香港或即將離開香港的船舶、航空器、鐵路列車或車輛；或
- (c) 貨物在出口前或進口後儲存的地方。

23. 其他為了使《實施細則》附表 3 規定的措施和程序能更順暢執行而作出的技術性修訂包括：

- (a) 就撤銷凍結財產通知書、要求批准或更改特許、撤銷或更改限制令或押記令等的申請，細化批准相關申請的條件，包括明確加入「不會不利於國家安全」的條件；
- (b) 理順附表 3 中對「律政司司長或獲授權人員²³」、及「律政司司長或其代表」的提述，刪去「獲授權人員」和「其代表」的提述。附表 3 下的限制令、押記令、沒收令或充公令的申請，是以律政司司長的名義提出，而律政司司長作為訴訟方，自然有權由律政人員或（如有需要）外聘律師或大律師代表；
- (c) 因應特區政府計劃在 2027 年實施《土地業權條例》（第 585 章），就新批土地實行業權註冊制度，有需要對附表 3 作出相應修訂，確保《土地業權條例》生效時，就該條例適用的土地發出的凍結財產通知書及限制令，可以根據該條例予以註冊；
- (d) 加入條文，就有關限制令、押記令及沒收令的相關事宜而言，使《有組織及嚴重罪行條例》（第 455 章）的相關條文經所需變通後適用於《實施細則》附表 3 的相關部分，以完善限制令、押記令及沒收令的機制。

附表 4：關於移除危害國家安全的訊息及要求協助的細則

²³ 根據附表 3 第 1 條，「獲授權人員」指就任何本附表所指的申請而獲律政司司長以書面授權的律政人員。

24. 根據《實施細則》附表 4，警務處處長如有合理理由懷疑某人曾在電子平台上，發布電子訊息，而該發布相當可能構成危害國家安全罪行或導致其發生，則可在保安局局長批准下，授權指定人員就電子訊息採取禁制行動。經驗顯示危害國家安全的電子訊息可以被迅速且廣泛地在不同互聯網平台轉載，而曾被採取禁制行動的電子訊息，也可能會立刻被重新上載於另一平台。因此，《實施細則（修訂）細則》就《實施細則》附表 4 的條文作出以下修訂，以更有效採取禁制行動（附表 4 經修訂的第 6 及 7 條）：

(a) 訂明警務處處長如有合理理由懷疑 —

(i) 某人曾在電子平台上，發布某電子訊息；及

(ii) 該項發布相當可能構成危害國家安全罪行或相當可能會導致危害國家安全罪行的發生，

則可在保安局局長批准下，為施行附表 4 下的禁制行動而指明該電子訊息（附表 4 經修訂的第 6 條）；

(b) 如任何人曾在任何電子平台上發布某電子訊息，而指定人員²⁴合理地相信該訊息是根據(a)項指明的電子訊息，則可根據第7條要求發布者、平台服務商、主機服務商，或網絡服務商在該人員所指明的期限前，將該訊息從該平台之上移除或對其作出禁制行動²⁵（附表4經修訂的第7條）。

附表 5：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

²⁴ 根據《實施細則》附表 4 第 13 條，保安局局長可為施行該附表而委任公職人員為指定人員。

²⁵ 就“禁制行動”的定義，見《實施細則》附表 4 第 5 條。

25. 根據修訂前的《實施細則》附表 5，經保安局局長批准，警務處處長可為防止及偵查危害國家安全罪行所需而要求外國及台灣政治性組織及代理人提供有關涉港活動的資料。

26. 地緣政治風險急劇變化，境外勢力對香港特區的威脅有增無減。基於其隱蔽性，要識別境外勢力的代理人，以及調查他們與境外勢力之間的聯繫、在港活動等，存在極大困難。因此，必須賦予警方充足的調查權力，以確保能夠及時並且有效防止及偵查危害國家安全罪行。同時，相關調查往往涉及高度機密的情報信息，必須採取有效措施防止相關信息被披露，以免影響日後的調查、執法和檢控工作。另一方面，終審法院於 2025 年 3 月 6 日就一宗涉及附表 5 下的「沒有遵從通知規定提供資料」罪的案件²⁶作

²⁶ 2021 年 8 月 25 日，警務處處長合理地相信香港市民支援愛國民主運動聯合會（支聯會）為「外國代理人」，處長根據附表 5 第 3(1)條向支聯會發出有關通知，要求支聯會提供資料。案發時為支聯會副主席的鄒幸彤，與當時該組織的兩名常委鄧岳君、徐漢光，因未有遵從根據《實施細則》發予他們的通知的規定向警方提供資料，於 2023 年 3 月 4 日被裁定違反附表 5 下的「沒有遵從通知規定提供資料」罪罪成。3 人的上訴被高等法院原訟法庭駁回後，再申請上訴至終審法院。

終審法院作出以下裁定：

- (a) 就《實施細則》附表 5 第 3(3)條而言，從其文字及立法目的作出的詮釋可見，控方須證明獲發出附表 5 第 3(1)條的通知的人士或組織事實上為「外國代理人」，這是有關罪行的必要元素，只證明警務處處長合理地相信其為「外國代理人」並不足夠；
- (b) 各上訴人可以通過抗辯的方式挑戰該通知的效力，原因是通知的效力是有關罪行的必要元素。重要的是，《實施細則》中沒有提供任何獨立程序用以挑戰該通知的發出或其效力，而且其立法意圖也沒有表示刑事法庭不合適審理這些挑戰；
- (c) 在此情況下，控方可賴以證明罪行中外國代理人元素的僅有材料被遮蓋，導致控罪在材料欠奉的情況下無法證實，而且這令各上訴人無法得知控方對有關罪行的必要元素的論據為何。各

出判決，有關判決也揭示了附表 5 有需要完善之處。經仔細研究過往的執法經驗，以及終審法院的有關判決，《實施細則(修訂)細則》進一步完善《實施細則》附表 5，以增強執法力量，具體修訂如下：

- (a) 統整並完善「外國政治性組織」、「外國代理人」、「台灣當局」、「台灣政治性組織」、「台灣代理人」等表述：參考《國安條例》第6條，以「境外政治性組織」、「境外勢力」等表述取代，統整並完善附表5第1條中的相關表述（附表5經修訂的第1條及新增第1A條）；
- (b) 明確警務處處長要求提交資料的門檻：修訂第2和第3條，訂明警務處處長只要合理地相信：(1)某人或組織是有在香港進行任何活動的境外政治性組織，或者是境外勢力的代理人；及(2)發出要求是防止及偵查危害國家安全罪行所需，便可依據條文，要求該人或組織提交資料（附表5新增第2(1AA)及3(1AA)條）；
- (c) 完善「代理人」的定義：修訂前的第1條中「代理人」的定義必須同時符合兩個條件，即受外國政府、外國政治性組織、台灣當局或台灣政治性組織指使、監督、控制等或收受報酬；並須為其利益而進行活動。「為其利益而進行活動」這項條件只涉及行為人主觀意圖，而且也沒有充分反映境外勢力及其代理人之間可能存在的關係，因此《實施細則(修訂)細則》將這項條件修訂為意圖使該境外勢力達到其目的或在其他情況下使其得益，或者知道或理應知道有關活動是會或相當可能會使該境外勢力達到其

上訴人無法取得相關資料或物料，以令其自證清白，又或就其有罪的指控提出合理疑點，因而得不到公平審訊。

目的或在其他情況下使其得益（附表5經修訂的第1(2)條）；

- (d) 完善要求提供資料的機制，以確保警方能有效偵測境外勢力在香港進行的干預活動：
- (i) 訂明警務處處長發出的書面通知，可以規定境外政治性組織或境外勢力代理人每隔一段指定時間（而非單次）提交資料，另進一步明確要求提交資料的範圍（附表5經修訂的第2及3條）；
 - (ii) 除原有規定境外政治性組織，及境外勢力代理人以書面方式提供有關涉港活動的資料外，參考《實施細則》附表7，訂明警務處處長也可向有關個人或有關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送達書面通知，要求有關人士在指定時間及地點回答問題或提供資料（附表5新增第2(2A)及3(2A)條）²⁷；
- (e) 釐清免使自己入罪的權利的適用情況：為避免有人（包括組織、幹事或人士）以行使免使自己入罪的權利或遵守保密責任等理由而不配合提供資料，《實施細則(修訂)細則》訂明不得以遵從警務處處長的有關規定可能會導致自己入罪，或會違反法規或其他規定所施加的保密責任，或其他對披露資料的限制為理由，而不遵從有關規定（附表5新增第2(2C)條和第3(2C)條）。同時，在符合訂明條件的情況下，有關規定以及組織或人士為遵從有關規定而提供的資料或答案，不得在刑事法律程序中接納

²⁷ 要求受規管單位在指定時間及地點回答調查人員問題或提供資料的權力，在本地法例中頗為常見，例如《證券及期貨條例》（第571章）第183條；《競爭條例》（第619章）第42條；及《保護關鍵基礎設施(電腦系統)條例》（第653章）第30、35及43條等。

為不利該人的證據（附表5新增第6(2)條）；

- (f) 加入法定覆核程序：根據終審法院的相關判決，在附表5下，若收到警務處處長書面通知的組織或個人不遵從有關要求提交資料的書面通知而被檢控，可在刑事法律程序中，挑戰有關書面通知的合法性。這種「先違反、後挑戰」的安排，雖然確保法院有機會審視警務處處長發出書面通知的合法性，但也可能變相鼓勵有關組織或個人以身試法。此外，基於刑事審訊中公平審訊的要求，警方可能需要向被告人披露高度機密的調查資料，以支持書面通知的合法性，否則便無法繼續檢控，使警方陷入兩難局面，情況並不理想。為確保警方的調查效率，同時充分保障相關組織和個人的權利（特別是他們獲得公平審訊的權利），《實施細則(修訂)細則》在附表5新增一個法定覆核機制，容許接獲書面通知的一方，向高等法院原訟法庭提出申請，要求撤銷或更改有關通知。在新安排下，如接獲書面通知的一方欲挑戰有關通知的合法性，應透過新加入的法定覆核機制先行處理，因此，有關通知的合法性不再是控方在刑事法律程序中需要舉證的罪行元素（附表5新增第3部）；及
- (g) 加入資料保密規定：此外，為保障警方調查的機密性，所有關乎警務處處長為尋求向境外政治性組織或境外勢力代理人發出通知，而向保安局局長提交的資料，除非法庭另有命令，否則不得在任何法律程序中予以披露（附表5新增第5條）。

附表 7：關於要求提供資料和提交物料的細則

27. 根據《實施細則》附表 7，為偵查危害國家安全罪行，或因有關罪行而產生的得益，律政司司長或警務人員可向法庭申請命令，要求有關人士在指定期限內回答問題

或提供資料，或交出相關物料。該人也有可能會就被要求提供的資料或交出的物料提出法律專業保密權聲請。因此，參照上述附表 1 新增的第 2 部，《實施細則(修訂)細則》在附表 7 加入第 3 部“法律專業保密權聲請”，訂明處理法律專業保密權聲請的程序。

《實施細則(修訂)細則》的影響

28. 制定《實施細則(修訂)細則》符合《基本法》，包括有關人權的條文，以及《香港國安法》的有關規定。《實施細則(修訂)細則》只是對香港特區執法機構在辦理危害國家安全罪行案件時的權力及可以採取的各種措施作出完善。《實施細則(修訂)細則》所作的規定嚴謹，具體地規定了在甚麼情況下，相關執法機構可行使的權力；《實施細則(修訂)細則》的多項措施設有由司法機關把關的機制，例如執法機構需要事先向裁判官或原訟法庭申請批准，或訂明相關個人和組織向法庭申請覆核的權利和程序，以確保執法人員在執行各項措施時，既能有效防範、制止和懲治危害國家安全的行為和活動，也能同時按《香港國安法》第四條及第五條的要求，充分保障個人和組織的合法權利。《實施細則(修訂)細則》中訂立的罪行，都是參照香港法例已有、常見的同類罪行，清楚界定各項罪行元素，及就犯罪意圖、例外情況或免責辯護等作出了明確規定，奉公守法的人不會誤墮法網。《實施細則(修訂)細則》不會影響一般市民的生活，以及機構和組織的正常運作。

保安局

律政司

2026 年 3 月 23 日

《2026 年〈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〉
(修訂)實施細則》

2026 年第 27 號法律公告
B234

第 1 條

《2026 年〈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〉(修訂)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)

1. 生效日期
本實施細則自 2026 年 3 月 23 日起實施。
2. 修訂《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》
《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》現予修訂，修訂方式列於第 3 至 9 條。
3. 修訂第 2 條(附表)
 - (1) 第 2(3) 條，在“保安局局長”之後——
加入
“、海關人員”。
 - (2) 第 2(5) 條——
廢除
“外國及台灣政治性組織及外國及台灣代理人”

2026 Implementation Rules for Amending 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 L.N. 27 of 2026

Rule 1

B235

2026 Implementation Rules for Amending 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

(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)

1. **Commencement**
These Implementation Rules come into operation on 23 March 2026.
2. **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 amended**
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 are amended as set out in rules 3 to 9.
3. **Rule 2 amended (Schedules)**
 - (1) Rule 2(3), after “Secretary for Security”—
Add
“, a member of the Customs and Excise Service”.
 - (2) Rule 2(5)—
Repeal
“a foreign or Taiwan political organization, or a foreign or Taiwan agent”

代以

“境外政治性組織及境外勢力代理人”。

- (3) 第 2(7) 條，中文文本——

廢除

“物料”

代以

“材料”。

4. 修訂附表 1 (關於為搜證而搜查有關地方的細則)

- (1) 附表 1，在第 1 條之前——
加入

“第 1 部

一般細則”。

- (2) 附表 1，第 1 條，標題——

廢除

“釋義”

代以

“釋義(第 1 部)”。

- (3) 附表 1，第 1 條——

廢除

“本附表”

代以

“本部”。

Substitute

“an external political organization, or an agent of an
external force”.

- (3) Rule 2(7), Chinese text—

Repeal

“物料”

Substitute

“材料”.

4. **Schedule 1 amended (rules relating to search of places for
evidence)**

- (1) Schedule 1, before section 1—

Add

“Part 1

General Rules”.

- (2) Schedule 1, section 1, heading—

Repeal

“Interpretation”

Substitute

“Interpretation (Part 1)”.

- (3) Schedule 1, section 1—

Repeal

“this Schedule”

Substitute

“this Part”.

- (4) 附表 1，中文文本，第 1 條，**指明證據**的定義——
廢除
“物件”
代以
“東西”。
- (5) 附表 1，第 2(1) 條——
廢除
“就該項告發所指明的地方”。
- (6) 附表 1，第 2(2) 條——
廢除
在“懷疑在”之後的所有字句
代以
“某地方有任何指明證據，可發出手令，授權警務人員連同所需的協助人員行使一項或多於一項第 (3) 款所訂的權力。”。
- (7) 附表 1，第 2 條——
廢除第 (3) 款
代以
“(3) 有關權力是——
(a) 如有關地方不是電子設備——
(i) 進入 (並在有必要時可使用合理武力進入) 和搜查該地方；
(ii) 檢查、檢驗、搜查、檢取、移走和扣留在該地方而有關警務人員合理地相信屬指明證據的任何東西；

- (4) Schedule 1, Chinese text, section 1, definition of **指明證據**—
Repeal
“物件”
Substitute
“東西”.
- (5) Schedule 1, section 2(1)—
Repeal
“in relation to the place specified in the information”.
- (6) Schedule 1, section 2(2)—
Repeal
everything after “necessary to”
Substitute
“exercise one or more of the powers under subsection (3) if the magistrate is satisfied by information on oath that there is reasonable ground for suspecting that there is in a certain place any specified evidence.”.
- (7) Schedule 1, section 2—
Repeal subsection (3)
Substitute
“(3) The powers are—
(a) if the place is not electronic equipment—
(i) to enter (by the use of reasonable force if necessary) and search the place;
(ii) to inspect, examine, search, seize, remove and detain anything in the place that the police officer reasonably believes to be specified evidence;

- (iii) 扣留在該地方發現的任何人，直至對該地方的搜查已完畢為止；或
- (b) 如有關地方是電子設備——
- (i) 檢查、檢驗、搜查、檢取和轉移——
- (A) 在該設備之內；或
- (B) 可藉該設備接達，
而有關警務人員合理地相信屬指明證據的任何東西；
- (ii) 檢取、移走和扣留該設備。”。
- (8) 附表 1，第 3(1) 條——
廢除
“行使”
代以
“行使一項或多於一項”。
- (9) 附表 1，英文文本，第 3(1)(a) 條——
廢除
“any specified evidence is in a place”
代以
“there is in a certain place any specified evidence”。
- (10) 附表 1，在第 3 條之後——
加入

- (iii) to detain any person found in the place until the place has been searched; or
- (b) if the place is electronic equipment—
- (i) to inspect, examine, search, seize and transfer anything—
- (A) that is in the equipment; or
- (B) that is accessible by means of the equipment,
and that the police officer reasonably believes to be specified evidence;
- (ii) to seize, remove and detain the equipment.”.
- (8) Schedule 1, section 3(1)—
Repeal
“the power”
Substitute
“one or more of the powers”.
- (9) Schedule 1, English text, section 3(1)(a)—
Repeal
“any specified evidence is in a place”
Substitute
“there is in a certain place any specified evidence”.
- (10) Schedule 1, after section 3—
Add

“4. 關於電子設備的補充條文

- (1) 就本附表第 2 及 3 條而言，本附表第 2(3)(b)(i) 條就某電子設備所訂的權力，包括對該設備作出一項或多於一項以下行動——
 - (a) 接達該設備；
 - (b) 將該設備所儲存或可藉該設備接達的材料解密；
 - (c) 使——
 - (i) 在該設備之內；或
 - (ii) 可藉該設備接達，而警務人員合理地相信屬指明證據的材料 (**證據材料**)，以可見及可閱讀形式重現；
 - (d) 將證據材料轉為紙上書面形式；
 - (e) 複製證據材料，或摘錄其內容，以及取去有關複本或摘錄；
 - (f) 以其他方式將證據材料轉移。
- (2) 本附表第 2(2) 或 3(1) 條所述的警務人員，可——
 - (a) 要求任何指明人士向該警務人員提供所需的密碼或其他解密方法；或

“4. Supplementary provisions as to electronic equipment

- (1) For the purposes of sections 2 and 3 of this Schedule, the power under section 2(3)(b)(i) of this Schedule in respect of any electronic equipment includes to take one or more of the following actions in respect of the equipment—
 - (a) access the equipment;
 - (b) decrypt any material that is stored in, or that is accessible by means of, the equipment;
 - (c) reproduce in a visible and legible form any material—
 - (i) that is in the equipment; or
 - (ii) that is accessible by means of the equipment,and that the police officer reasonably believes to be specified evidence (**evidential material**);
 - (d) reduce the evidential material into a written form on paper;
 - (e) make copies of, or take extracts from, the evidential material and take away the copies or extracts;
 - (f) transfer the evidential material by any other means.
- (2) The police officer mentioned in section 2(2) or 3(1) of this Schedule may—
 - (a) require a specified person to provide the police officer with any password, or other decryption method, that is necessary; or

(b) 要求任何指明人士向該警務人員提供其他屬合理和必需的資料或協助，
以致該警務人員能夠行使本附表第 2(3)(b)(i) 條所訂的權力。

(3) 就第 (2) 款而言，如——

(a) 某人因為被合理地懷疑已干犯相關的危害國家安全罪行，而正受調查；或

(b) 警務人員合理地相信某人符合一項或多於一項以下描述——

(i) 擁有、管有或掌控有關電子設備；

(ii) 獲授權接達該設備；

(iii) 正使用或曾使用該設備；

(iv) 知悉有關密碼或解密方法，

該人即屬指明人士。

5. 不遵從提供密碼等要求屬犯罪

(1) 任何人如沒有遵從根據本附表第 4(2) 條施加的要求，即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年。

(b) require a specified person to provide the police officer with any other reasonable and necessary information or assistance,

so as to enable the police officer to exercise the power under section 2(3)(b)(i) of this Schedule.

(3) For the purposes of subsection (2), a person is a specified person if—

(a) the person is being investigated for being reasonably suspected of having committed the relevant offence endangering national security; or

(b) a police officer reasonably believes that the person falls within one or more of the following descriptions—

(i) the person owns, possesses or controls the electronic equipment;

(ii) the person is authorized to access the equipment;

(iii) the person is using or has used the equipment;

(iv) the person knows of the password or decryption method.

5. Offence of failing to comply with requirement to provide password etc.

(1) If a person fails to comply with a requirement imposed under section 4(2) of this Schedule, the person commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year.

- (2) 任何人不得以會有下述情況為理由，而不遵從上述要求——
 - (a) 遵從該項要求，可能會導致該人入罪；或
 - (b) 遵從該項要求，會違反法規或其他規定所施加的——
 - (i) 保密責任；或
 - (ii) 其他對披露資料的限制。
- (3) 被控犯第(1)款所訂罪行的人，如確立自己對沒有遵從有關要求有合理辯解，即為免責辯護。
- (4) 如有以下情況，被告人即視為已確立自己對沒有遵從有關要求有合理辯解——
 - (a) 所舉出的證據，已足夠帶出被告人有該合理辯解一事的爭議點；及
 - (b) 控方沒有提出足以排除合理疑點的相反證明。

6. 作出虛假陳述等屬犯罪

任何人在充作遵從根據本附表第4(2)條施加的要求時——

- (a) 提供該人知道在要項上虛假或有誤導成分的資料，或作出該人知道在要項上虛假或有誤導成分的陳述；或
- (b) 罔顧實情地提供在要項上虛假或有誤導成分的資料，或罔顧實情地作出在要項上虛假或有誤導成分的陳述，

- (2) A person is not excused from complying with the requirement on the ground that to do so—
 - (a) might tend to incriminate the person; or
 - (b) would breach—
 - (i) an obligation as to secrecy; or
 - (ii) any other restriction on the disclosure of information,
that is imposed by statute or otherwise.
- (3) It is a defence for a person charged with an offence under subsection (1) to establish that the person had a reasonable excuse for failing to comply with the requirement.
- (4) A defendant is taken to have established that the defendant had a reasonable excuse for failing to comply with the requirement if—
 - (a) sufficient evidence is adduced to raise an issue that the defendant had such a reasonable excuse; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

6. Offence of making false statement etc.

If a person, in purported compliance with a requirement imposed under section 4(2) of this Schedule—

- (a) provides any information, or makes a statement, that the person knows to be false or misleading in a material particular; or
- (b) recklessly provides any information, or recklessly makes a statement, that is false or misleading in a material particular,

即屬犯罪，一經循公訴程序定罪，可處罰款 \$500,000 及監禁 3 年。

7. 限制在法律程序中使用導致入罪的密碼等作為證據

- (1) 如警務人員根據本附表第 4(2) 條，要求某指明人士提供任何密碼或其他解密方法，或提供任何資料，則該警務人員須確保該指明人士已事先獲告知或提醒第 (2) 款的效力。
- (2) 儘管在本實施細則中有其他條文的規定，如——
 - (a) 某指明人士為遵從警務人員根據本附表第 4(2) 條施加的要求，向該警務人員提供任何密碼或其他解密方法，或提供任何資料；
 - (b) (a) 段所述一事可能會導致該指明人士入罪；及
 - (c) 該指明人士在如此提供該密碼、解密方法或資料前，聲稱 (a) 段所述一事可能會導致自己入罪，

則該項要求，以及 (a) 段所述一事，均不得在法院的刑事法律程序中，接納為不利該指明人士的證據。

the person commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years.

7. Limitations on use of incriminating passwords etc. as evidence in proceedings

- (1) If a police officer, under section 4(2) of this Schedule, requires a specified person to provide any password or other decryption method, or to provide any information, the police officer must ensure that the specified person has first been informed or reminded of the effect of subsection (2).
- (2) Despite any other provision of these Implementation Rules, if—
 - (a) a specified person provides a police officer with any password or other decryption method, or with any information, for compliance with a requirement imposed by the police officer under section 4(2) of this Schedule;
 - (b) the matter mentioned in paragraph (a) might tend to incriminate the specified person; and
 - (c) the specified person claims, before so providing the password, decryption method or information, that the matter mentioned in paragraph (a) might tend to incriminate the specified person,

the requirement and the matter mentioned in paragraph (a) are not admissible in evidence against the specified person in criminal proceedings in a court of law.

- (3) 第 (2) 款所述的刑事法律程序，不包括有關指明人士被控犯以下罪行的刑事法律程序——
- (a) 本附表第 5(1) 或 6 條所訂罪行；或
- (b) 《刑事罪行條例》(第 200 章) 第 V 部所訂罪行。
- (4) 為免生疑問，第 (2) 款對接納證據的限制，並不適用於憑藉根據本附表第 4(2) 條施加的要求而取得的材料。

第 2 部

法律專業保密權聲請

8. 釋義 (第 2 部)

在本部中——

正式聲請材料 (formal-claim material) 就某項法律專業保密權聲請而言，指就該項聲請而根據本附表第 12(1)(a) 條指明的材料；

初步聲請材料 (preliminary-claim material) 就某項法律專業保密權聲請而言，指就該項聲請而根據本附表第 10(2) 條指明的材料；

受爭議材料列表 (list of disputed material) 具有本附表第 12(4) 條所給予的涵義；

法律專業保密權聲請 (LPP claim) 指向法庭提出的、聲稱某材料享有法律專業保密權的聲請；

法庭 (Court) 指高等法院原訟法庭；

- (3) The criminal proceedings mentioned in subsection (2) do not include criminal proceedings in which the specified person is charged with—
- (a) an offence under section 5(1) or 6 of this Schedule; or
- (b) an offence under Part V of the Crimes Ordinance (Cap. 200).
- (4) To avoid doubt, the limitations by subsection (2) on the admissibility in evidence do not apply to any material that is obtained by virtue of a requirement imposed under section 4(2) of this Schedule.

Part 2

Claims of Legal Professional Privilege

8. Interpretation (Part 2)

In this Part—

claimant (聲請人), in relation to an LPP claim, means the person who makes the claim;

Court (法庭) means the Court of First Instance of the High Court;

formal-claim material (正式聲請材料), in relation to an LPP claim, means any material specified under section 12(1)(a) of this Schedule in respect of the claim;

list of disputed material (受爭議材料列表) has the meaning given by section 12(4) of this Schedule;

LPP claim (法律專業保密權聲請) means a claim made to the Court that particular material is subject to legal professional privilege;

答辯人 (respondent) 指警務處處長；

聲請人 (claimant) 就某項法律專業保密權聲請而言，指提出該項聲請的人。

9. 本部的適用範圍等

- (1) 如任何警務人員為偵查危害國家安全罪行而檢取、移走或扣留任何材料(不論是否根據本附表第 1 部而檢取、移走或扣留該材料)，則任何關乎該材料的法律專業保密權聲請，須按照本部處理。
- (2) 然而，如在某項法律專業保密權聲請中，聲請人與答辯人協議本部不適用於該項聲請，則本部不適用於該項聲請。
- (3) 《高等法院規則》(第 4 章，附屬法例 A) 在不抵觸本部的範圍內，適用於根據本部進行的法律程序。

10. 提出法律專業保密權聲請

- (1) 有關法律專業保密權聲請，須藉原訴傳票(採用《高等法院規則》(第 4 章，附屬法例 A) 附錄 A 表格 10 格式者) 提出，並以誓章支持。
- (2) 上述誓章須指明聲請人聲稱哪些材料享有法律專業保密權。
- (3) 聲請人須將上述原訴傳票及誓章的文本，送達——
 - (a) 答辯人；及

preliminary-claim material (初步聲請材料), in relation to an LPP claim, means any material specified under section 10(2) of this Schedule in respect of the claim;
respondent (答辯人) means the Commissioner of Police.

9. Application of this Part etc.

- (1) An LPP claim in respect of any material is to be dealt with in accordance with this Part if the material is seized, removed or detained (whether seized, removed or detained under Part 1 of this Schedule) by a police officer for investigation of an offence endangering national security.
- (2) However, this Part does not apply to an LPP claim if the claimant and the respondent of the claim agree that this Part does not so apply.
- (3) The Rules of the High Court (Cap. 4 sub. leg. A) apply to proceedings conducted under this Part to the extent that those Rules are not inconsistent with this Part.

10. Making of LPP claims

- (1) The LPP claim concerned must be made by originating summons (in Form No. 10 in Appendix A to the Rules of the High Court (Cap. 4 sub. leg. A)) and be supported by affidavit.
- (2) The affidavit must specify which material is claimed by the claimant to be subject to legal professional privilege.
- (3) The claimant must serve a copy of the originating summons and affidavit on—
 - (a) the respondent; and

(b) 律政司司長。

11. 答辯人開封材料和製作複本

- (1) 答辯人在收到根據本附表第 10(3) 條送達的原訴傳票及誓章的文本後，須——
 - (a) 在合理地切實可行的範圍內，盡快確保有關初步聲請材料已被加封；及
 - (b) 向聲請人發出書面通知，為本條的施行而指明——
 - (i) 一個或多於一個地方 (該地方或各地方為**指明地方**)；及
 - (ii) 一個或多於一個日期 (該日期或各日期為**指明日期**) 以及一個或多於一個時段 (該時段或各時段為**指明時段**)。
- (2) 除非聲請人與答辯人之間另有協議，否則上述通知須在指明日期前不少於 7 日發出。
- (3) 答辯人或其代表須於指明日期、指明時段及指明地方，開封初步聲請材料，以採用其認為合適的方式，在合理地切實可行的範圍內，製作初步聲請材料的複本，而不論聲請人或其代表是否在场。

(b) the Secretary for Justice.

11. Unsealing of material, and making of copies, by respondent

- (1) After receiving the copy of the originating summons and affidavit served under section 10(3) of this Schedule, the respondent must—
 - (a) ensure, as soon as reasonably practicable, that the preliminary-claim material concerned has been sealed; and
 - (b) give the claimant a written notice specifying for the purposes of this section—
 - (i) one or more places (that place or each of those places being a *specified place*); and
 - (ii) one or more dates (that date or each of those dates being a *specified date*) and one or more periods (that period or each of those periods being a *specified period*).
- (2) Unless the claimant and the respondent agree otherwise, the notice must be given not less than 7 days before a specified date.
- (3) The respondent or a representative of the respondent must, at a specified place and during a specified period on a specified date, unseal the preliminary-claim material to make, in the manner the respondent or the representative considers appropriate and so far as is reasonably practicable, copies of the preliminary-claim material, whether in the presence or absence of the claimant or a representative of the claimant.

- (4) 如有任何初步聲請材料 (**數碼材料**) 是儲存於電子設備內或可藉電子設備接達的，則為施行第 (3) 款——
- (a) 答辯人或其代表可藉以下兩種方式，或以下兩種方式的其中一種，製作數碼材料的複本——
- (i) 將數碼材料的複本儲存於空白儲存裝置內；
- (ii) 在以電子方式使數碼材料以可見及可閱讀形式重現後，拍攝其照片或影片；及
- (b) 答辯人或其代表在未能夠製作數碼材料的複本 (包括因為該設備或數碼材料被加密而未能夠製作該複本) 的情況下，可嘗試藉着聲請人為遵從任何根據本附表第 14(2) 條施加的要求而提供的密碼、解密方法、資料或協助，製作數碼材料的複本。
- (5) 答辯人或其代表如已按照第 (3) 款製作所有初步聲請材料 (無法取覽材料除外) 的複本，須——
- (a) 將至少一份有關複本交予聲請人或其代表；及

- (4) If any of the preliminary-claim material (**digital material**) is stored in, or is accessible by means of, electronic equipment, then for the purposes of subsection (3)—
- (a) the respondent or a representative of the respondent may, by one or both of the following means, make copies of the digital material—
- (i) store the copies of the digital material in blank storage devices;
- (ii) take any photograph or video of the digital material after reproducing it in a visible and legible form by electronic means; and
- (b) the respondent or a representative of the respondent, if unable to make copies of the digital material (including being unable to make such copies because the equipment or digital material is encrypted), may attempt to make copies of the digital material with any password, decryption method, information or assistance provided by the claimant for compliance with any requirement imposed under section 14(2) of this Schedule.
- (5) If the respondent or a representative of the respondent has made copies of all the preliminary-claim material (other than the inaccessible material) in accordance with subsection (3), the respondent or that representative must—
- (a) give at least one of the copies to the claimant or a representative of the claimant; and

(b) 向聲請人發出通知，述明答辯人或其代表已遵從 (a) 段的規定。

(6) 在本條中——

無法取覽材料 (inaccessible material) 指答辯人或其代表在作出第 (4)(b) 款所述的嘗試後仍未能夠製作其複本的數碼材料。

12. 識別聲請中受爭議的部分

- (1) 有關法律專業保密權聲請的聲請人，須在本附表第 11(5)(b) 條所述的通知發出當日後的 14 日內，向法庭存檔和向答辯人送達一份列表 (**正式聲請列表**)——
 - (a) 指明初步聲請材料當中聲稱享有法律專業保密權的，具體而言是哪些；
 - (b) 在合理地切實可行的範圍內列出正式聲請材料的詳情，包括——
 - (i) 日期、標題、主題、作者、接收者及目的；及
 - (ii) 就任何儲存於電子設備內的正式聲請材料而言——雜湊值、檔案名稱、檔案類型及檔案路徑；
 - (c) 述明正式聲請材料的性質；

(b) give the claimant a notice stating that the respondent or that representative of the respondent has complied with the requirement in paragraph (a).

(6) In this section—

inaccessible material (無法取覽材料) means any digital material of which the respondent or a representative of the respondent is unable to make copies after the attempt mentioned in subsection (4)(b).

12. Identification of disputed parts in claims

- (1) The claimant of the LPP claim concerned must, within 14 days after the date on which the notice mentioned in section 11(5)(b) of this Schedule is given, file with the Court and serve on the respondent a list (**list for formal claim**)—
 - (a) specifying which specific material in the preliminary-claim material is claimed to be subject to legal professional privilege;
 - (b) setting out, so far as is reasonably practicable, the particulars of the formal-claim material, including—
 - (i) the date, title, subject, author, recipient and purpose; and
 - (ii) in relation to any formal-claim material that is stored in electronic equipment—the hash value, file name, file type and file path;
 - (c) stating the nature of the formal-claim material;

- (d) 述明聲請人聲稱正式聲請材料所享有的法律專業保密權，是法律意見保密權抑或訴訟保密權；及
 - (e) 述明聲請人聲稱正式聲請材料享有法律專業保密權的原因。
- (2) 如某初步聲請材料整份不屬正式聲請材料，則答辯人或其代表可開封該初步聲請材料及其任何複本，而不論聲請人或其代表是否在場。
- (3) 如某初步聲請材料局部不屬正式聲請材料，則本附表第 19 條適用於該初步聲請材料。
- (4) 答辯人如對某正式聲請材料是否如正式聲請列表所指明般享有法律專業保密權此問題有爭議，可在該列表按照第 (1) 款送達當日後 14 日內，向法院存檔和向聲請人送達一份列表 (**受爭議材料列表**)，指明正式聲請材料當中答辯人有上述爭議的，具體而言是哪些。
- (5) 儘管有第 (1) 或 (4) 款的規定——
- (a) 聲請人及答辯人可協議延長該款所述的期限；及

- (d) stating whether the legal professional privilege that the claimant claims the formal-claim material is subject to is legal advice privilege or litigation privilege; and
 - (e) stating the reasons for which the claimant claims that the formal-claim material is subject to legal professional privilege.
- (2) If the whole of particular preliminary-claim material is not formal-claim material, the respondent or a representative of the respondent may unseal the preliminary-claim material and any copy of it, whether in the presence or absence of the claimant or a representative of the claimant.
- (3) If any part of particular preliminary-claim material is not formal-claim material, section 19 of this Schedule applies to the preliminary-claim material.
- (4) If the respondent disputes whether particular formal-claim material is subject to legal professional privilege as specified in the list for formal claim, the respondent may, within 14 days after the date of service of the list in accordance with subsection (1), file with the Court and serve on the claimant a list (**list of disputed material**) specifying which specific material in the formal-claim material the respondent so disputes.
- (5) Despite subsection (1) or (4)—
- (a) the claimant and the respondent may agree to extend the period mentioned in that subsection; and

- (b) 法庭可按照本附表第 15 條，應聲請人或答辯人提出的申請，延長該期限一次或多於一次。

13. 在有爭議情況下的誓章證據及書面陳詞

- (1) 如有受爭議材料列表按照本附表第 12(4) 條就有關法律專業保密權聲請存檔和送達，則聲請人須在該項送達作出當日後的 14 日內，向法庭存檔和向答辯人送達誓章證據及書面陳詞，以支持該列表所指明的材料享有法律專業保密權此一聲稱。
- (2) 答辯人須在有關誓章證據及書面陳詞根據第 (1) 款送達當日後的 14 日內，向法庭存檔和向聲請人送達誓章證據及書面陳詞，述明其反對有關材料享有法律專業保密權的理由。
- (3) 聲請人可在有關誓章證據及書面陳詞根據第 (2) 款送達當日後的 7 日內，向法庭存檔和向答辯人送達進一步誓章證據及書面陳詞，回應答辯人根據該款送達的誓章證據及書面陳詞。
- (4) 法庭在其認為適合的情況下——
 - (a) 可查閱上述材料；及
 - (b) 可指示答辯人查閱上述材料。

- (b) the Court may, in accordance with section 15 of this Schedule and on application by the claimant or respondent, extend the period for one or more times.

13. Affidavit evidence and written submissions in case of dispute

- (1) If a list of disputed material is filed and served in respect of the LPP claim concerned in accordance with section 12(4) of this Schedule, the claimant must, within 14 days after the date of the service, file with the Court and serve on the respondent affidavit evidence and written submissions in support of the claim that the material specified in the list is subject to legal professional privilege.
- (2) The respondent must, within 14 days after the date of service of the affidavit evidence and written submissions under subsection (1), file with the Court and serve on the claimant affidavit evidence and written submissions stating the grounds on which the respondent opposes that the material is subject to legal professional privilege.
- (3) The claimant may, within 7 days after the date of service of the affidavit evidence and written submissions under subsection (2), file with the Court and serve on the respondent further affidavit evidence and written submissions in reply to the affidavit evidence and written submissions served by the respondent under that subsection.
- (4) The Court, if it considers appropriate—
 - (a) may inspect the material; and
 - (b) may direct the respondent to inspect the material.

- (5) 儘管有第 (1)、(2) 或 (3) 款的規定——
- (a) 聲請人及答辯人可協議延長該款所述的期限；及
 - (b) 法庭可按照本附表第 15 條，應聲請人或答辯人提出的申請，延長該期限一次或多於一次。

14. 聲請人提供密碼等的責任

- (1) 如——
- (a) 屬本附表第 11(4)(b) 條所述的情況；或
 - (b) 法庭根據本附表第 13(4) 條作出指示，而有關材料是儲存於電子設備內或可藉電子設備接達的，
- 則本條適用。
- (2) 答辯人或其代表可為了確保本附表第 11(4)(b) 條所述的複本製作或本附表第 13(4) 條所述的查閱 (視何者適用而定) 得以實行，要求聲請人在答辯人或其代表指明的時間內，作出以下兩項行動，或以下兩項行動的其中一項——
- (a) 向答辯人提供所需的密碼或其他解密方法；
 - (b) 向答辯人提供其他屬合理和必需的資料或協助。

- (5) Despite subsection (1), (2) or (3)—
- (a) the claimant and the respondent may agree to extend the period mentioned in that subsection; and
 - (b) the Court may, in accordance with section 15 of this Schedule and on application by the claimant or respondent, extend the period for one or more times.

14. Duty of claimant to provide passwords etc.

- (1) This section applies—
- (a) in the case of section 11(4)(b) of this Schedule; or
 - (b) in the case where the Court gives a direction under section 13(4) of this Schedule and the material concerned is stored in, or is accessible by means of, electronic equipment.
- (2) The respondent or a representative of the respondent may, for ensuring that the making of copies mentioned in section 11(4)(b) of this Schedule or the inspection mentioned in section 13(4) of this Schedule (as applicable) can be carried out, require the claimant to, within the time specified by the respondent or that representative, take one or both of the following actions—
- (a) provide the respondent with any password, or other decryption method, that is necessary;
 - (b) provide the respondent with any other reasonable and necessary information or assistance.

- (3) 答辯人或其代表如未能夠藉着聲請人為遵從任何根據第 (2) 款施加的要求而提供的密碼、解密方法、資料或協助，確保本附表第 11(4)(b) 條所述的複本製作或本附表第 13(4) 條所述的查閱 (視何者適用而定) 得以實行，則可在取得聲請人的同意後，在聲請人 (包括其代表) 不在場的情況下，開封有關材料 (包括開封有關設備)，並採用答辯人或其代表認為合適的技術，嘗試作出以下兩項行動，或以下兩項行動的其中一項——
- (a) 接達該設備；
- (b) 將該設備所儲存或可藉該設備接達的材料解密。
- (4) 如答辯人或其代表成功根據第 (3) 款將任何材料 (**成功取覽材料**) 解密，則——
- (a) 本附表第 11(1)(b)、(2)、(3) 及 (4)(a) 及 12 條適用於成功取覽材料，猶如在該等條文中提述初步聲請材料，是提述成功取覽材料；及
- (b) 本附表第 11(5) 條適用於成功取覽材料，猶如在該條中提述所有初步聲請材料 (無法取覽材料除外) 的複本，是提述成功取覽材料的複本。

- (3) If the respondent or a representative of the respondent is unable to, with any password, decryption method, information or assistance provided by the claimant for compliance with any requirement imposed under subsection (2), ensure that the making of copies mentioned in section 11(4)(b) of this Schedule or the inspection mentioned in section 13(4) of this Schedule (as applicable) can be carried out, the respondent or that representative, after obtaining the consent of the claimant, may in the absence of the claimant (including a representative of the claimant) unseal the material concerned (including unsealing the equipment concerned) and attempt to take one or both of the following actions by employing any technology that the respondent or a representative of the respondent considers appropriate—
- (a) access the equipment;
- (b) decrypt any material that is stored in, or that is accessible by means of, the equipment.
- (4) If the respondent or a representative of the respondent successfully decrypts any material under subsection (3) (**successfully accessed material**)—
- (a) sections 11(1)(b), (2), (3) and (4)(a) and 12 of this Schedule apply to the successfully accessed material as if a reference in those provisions to preliminary-claim material were a reference to successfully accessed material; and
- (b) section 11(5) of this Schedule applies to the successfully accessed material as if a reference in that section to copies of all the preliminary-claim material (other than the inaccessible material) were a reference to copies of the successfully accessed material.

15. 延長期限的申請

- (1) 根據本附表第 12(5)(b) 或 13(5)(b) 條提出的申請，須於該項申請所尋求延長的期限屆滿前，以傳票提出。
- (2) 提出上述申請的一方 (**申請方**) 須在提出該項申請時——
 - (a) 向法庭存檔——
 - (i) 上述傳票；及
 - (ii) 支持該項申請的誓章證據及書面陳詞 (如有的話)；及
 - (b) 向另一方 (**答辯方**) 送達 (a) 段所述文件的文本。
- (3) 答辯方可在有關誓章證據及書面陳詞根據第 (2) 款送達當日的 7 日內，向法庭存檔和向申請方送達誓章證據及書面陳詞 (如有的話)，述明其反對該項申請的理由。
- (4) 法庭除非認為有必要就上述申請進行口頭聆訊，否則須在不經口頭聆訊的情況下，就該項申請作出裁定。
- (5) 法庭除非信納在有關個案的整體情況下，批准上述申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。

15. Applications for extension of periods

- (1) An application made under section 12(5)(b) or 13(5)(b) of this Schedule must be made by summons before the expiry of the period of which an extension is sought under the application.
- (2) The party that makes the application (**applicant**) must, at the time when the application is made—
 - (a) file with the Court—
 - (i) the summons; and
 - (ii) affidavit evidence and written submissions (if any) in support of the application; and
 - (b) serve on the other party (**responding party**) a copy of the documents mentioned in paragraph (a).
- (3) The responding party may, within 7 days after the date of service of the affidavit evidence and written submissions under subsection (2), file with the Court and serve on the applicant affidavit evidence and written submissions (if any) stating the grounds on which the responding party opposes the application.
- (4) The Court must determine the application without an oral hearing unless the Court considers it necessary to conduct an oral hearing of the application.
- (5) The Court must not grant the application unless it 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.

16. 法庭就爭議作出裁定

- (1) 法庭除非認為有必要就有關法律專業保密權聲請進行口頭聆訊，否則須在不經口頭聆訊的情況下，就該項聲請作出裁定。
- (2) 如法庭根據第 (1) 款裁定某正式聲請材料整份不享有法律專業保密權，則答辯人或其代表可開封該材料及其任何複本，而不論聲請人或其代表是否在場。
- (3) 如法庭根據第 (1) 款裁定某正式聲請材料局部不享有法律專業保密權，則本附表第 19 條適用於該材料。

17. 在未有遵從規定的情況下，聲請視為被撤回

- (1) 如聲請人沒有遵從本附表第 12(1) 條的規定——
 - (a) 有關法律專業保密權聲請，須視為被撤回；及
 - (b) 據此，答辯人或其代表可開封所有初步聲請材料及其任何複本，而不論聲請人或其代表是否在場。
- (2) 如就受爭議材料列表所指明的任何材料而言，聲請人沒有遵從本附表第 13(1) 條的規定——

16. Court's determination of disputes

- (1) The Court must determine the LPP claim concerned without an oral hearing unless the Court considers it necessary to conduct an oral hearing of the claim.
- (2) If the Court determines under subsection (1) that the whole of particular formal-claim material is not subject to legal professional privilege, the respondent or a representative of the respondent may unseal the material and any copy of it, whether in the presence or absence of the claimant or a representative of the claimant.
- (3) If the Court determines under subsection (1) that any part of particular formal-claim material is not subject to legal professional privilege, section 19 of this Schedule applies to the material.

17. Claims treated as withdrawn on non-compliance with requirements

- (1) If the claimant fails to comply with a requirement in section 12(1) of this Schedule—
 - (a) the LPP claim concerned is to be treated as withdrawn; and
 - (b) accordingly, the respondent or a representative of the respondent may unseal all the preliminary-claim material and any copy of the material, whether in the presence or absence of the claimant or a representative of the claimant.
- (2) If the claimant fails to comply with a requirement in section 13(1) of this Schedule in respect of any material specified in the list of disputed material—

- (a) 有關法律專業保密權聲請在關乎該材料的範圍內，須視為被撤回；及
 - (b) 據此，答辯人或其代表可開封該材料及其任何複本，而不論聲請人或其代表是否在场。
- (3) 如就任何初步聲請材料或正式聲請材料而言，聲請人沒有遵從根據本附表第14(2)條作出的要求，或拒絕給予本附表第14(3)條所述的同意——
- (a) 有關法律專業保密權聲請在關乎該材料的範圍內，須視為被撤回；及
 - (b) 據此，答辯人或其代表可開封該材料及其任何複本，而不論聲請人或其代表是否在场。
- (4) 如有關法律專業保密權聲請已根據第(1)、(2)或(3)款視為被撤回，答辯人須向聲請人發出和向法院存檔書面通知，述明此事。
- (5) 就本條而言——
- (a) 如第(1)款所指的規定，經本附表第12(5)條變更，則在該款中提述該項規定，須理解為提述經如此變更的該項規定；及

- (a) the LPP claim concerned is to be treated as withdrawn to the extent that it relates to the material; and
 - (b) accordingly, the respondent or a representative of the respondent may unseal the material and any copy of it, whether in the presence or absence of the claimant or a representative of the claimant.
- (3) If the claimant fails to comply with a requirement made under section 14(2) of this Schedule, or refuses to give the consent mentioned in section 14(3) of this Schedule, in respect of any preliminary-claim material or formal-claim material—
- (a) the LPP claim concerned is to be treated as withdrawn to the extent that it relates to the material; and
 - (b) accordingly, the respondent or a representative of the respondent may unseal the material and any copy of it, whether in the presence or absence of the claimant or a representative of the claimant.
- (4) If the LPP claim concerned is treated as withdrawn under subsection (1), (2) or (3), the respondent must give the claimant and file with the Court a written notice stating this fact.
- (5) For the purposes of this section—
- (a) if the requirement mentioned in subsection (1) is modified by section 12(5) of this Schedule, the reference in that subsection to that requirement is to be understood as a reference to that requirement as so modified; and

- (b) 如第 (2) 款所指的規定，經本附表第 13(5) 條變更，則在該款中提述該項規定，須理解為提述經如此變更的該項規定。

18. 申請重啟視為被撤回的聲請

- (1) 如有關法律專業保密權聲請根據本附表第 17 條視為被撤回 (或在某範圍內被撤回)，聲請人可向法庭申請重新啟動該項聲請 (或在該範圍內重新啟動該項聲請) (**重啟聲請申請**)。
- (2) 重啟聲請申請須以傳票提出，並以誓章支持。
- (3) 除非法庭信納——
 - (a) 聲請人已盡應盡的努力，遵從聲請人如本附表第 17 條所述般沒有遵從的要求或規定；
 - (b) 聲請人沒有遵從該項要求或規定是由於非該人所能控制的原因所致的；及
 - (c) 在有關個案的整體情況下，批准重啟聲請申請屬合理和必需，而且不會不利於國家安全，否則法庭不得批准該項申請。
- (4) 法庭如根據第 (3) 款批准重啟聲請申請，須給予指示，就上述法律專業保密權聲請而對本部的規定加以必要變通。

- (b) if the requirement mentioned in subsection (2) is modified by section 13(5) of this Schedule, the reference in that subsection to that requirement is to be understood as a reference to that requirement as so modified.

18. Applications for restoration of claims that are treated as withdrawn

- (1) If the LPP claim concerned is treated as withdrawn (or withdrawn to a certain extent) under section 17 of this Schedule, the claimant may apply to the Court for restoration of the claim (or restoration of the claim to that extent) (**restoration application**).
- (2) A restoration application must be made by summons and be supported by affidavit.
- (3) The Court must not grant a restoration application unless it is satisfied that—
 - (a) the claimant has exercised due diligence to comply with the requirement that the claimant has failed to comply with as mentioned in section 17 of this Schedule;
 - (b) the claimant has failed to comply with the requirement for reasons beyond the control of the claimant; and
 - (c) in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to grant the application.
- (4) If the Court grants a restoration application under subsection (3), it must give directions to make necessary modifications to the requirements in this Part in respect of the LPP claim.

- (5) 法庭須信納根據第 (4) 款給予的指示屬合理和必需，而且不會不利於國家安全。

19. 對局部材料解除限制的程序

- (1) 為施行本附表第 12(3) 或 16(3) 條，答辯人須向聲請人發出書面通知，為本條的施行而指明——
- (a) 一個或多於一個地方 (該地方或各地方為**指明地方**)；及
- (b) 一個或多於一個日期 (該日期或各日期為**指明日期**) 以及一個或多於一個時段 (該時段或各時段為**指明時段**)。
- (2) 除非聲請人與答辯人之間另有協議，否則上述通知須在指明日期前不少於 3 日發出。
- (3) 答辯人或其代表可於指明日期、指明時段及指明地方，開封有關材料，以從中摘錄或複製——
- (a) 如屬本附表第 12(3) 條的情況——該材料當中如該條所述般不屬正式聲請材料的部分；或
- (b) 如屬本附表第 16(3) 條的情況——該材料當中如該條所述般被裁定不享有法律專業保密權的部分，
- 而不論聲請人或其代表是否在场。”。

- (5) The Court must be satisfied that a direction given under subsection (4) is reasonable and necessary and would not be contrary to the interests of national security.

19. Procedures for lifting restrictions on part of material

- (1) For the purposes of section 12(3) or 16(3) of this Schedule, the respondent must give the claimant a written notice specifying for the purposes of this section—
- (a) one or more places (that place or each of those places being a *specified place*); and
- (b) one or more dates (that date or each of those dates being a *specified date*) and one or more periods (that period or each of those periods being a *specified period*).
- (2) Unless the claimant and the respondent agree otherwise, the notice must be given not less than 3 days before a specified date.
- (3) The respondent or a representative of the respondent may, at a specified place and during a specified period on a specified date, unseal the material concerned to extract from it or to copy—
- (a) in the case of section 12(3) of this Schedule—the part of it that is, as mentioned in that section, not formal-claim material; or
- (b) in the case of section 16(3) of this Schedule—the part of it that is, as mentioned in that section, determined to be not subject to legal professional privilege,
- whether in the presence or absence of the claimant or a representative of the claimant.”.

5. 修訂附表 2 (關於限制受調查的人離開香港的細則)

(1) 附表 2, 第 2 條——

廢除第 (2) 及 (3) 款

代以

“(2) 根據第 (1) 款向某人 (受調查人) 發出的通知書, 須面交送達受調查人。

(3) 受調查人須立即遵照根據第 (1) 款向其發出的通知書辦理。”。

(2) 附表 2, 第 2(4) 條——

廢除

“在不抵觸第 (8) 款的條文下, ”。

(3) 附表 2, 第 2(4) 條——

廢除

“根據第 (1) 款發出的通知書的收件人 (不論該”

代以

“受調查人 (不論”。

(4) 附表 2, 第 2(4) 條, 在“6 個月期間”之後——

加入

“(或經根據第 (8) 款延展 (或進一步延展) 的期間)”。

(5) 附表 2, 第 2 條——

廢除第 (5) 款

代以

5. Schedule 2 amended (rules relating to restriction on persons
under investigation from leaving Hong Kong)

(1) Schedule 2, section 2—

Repeal subsections (2) and (3)

Substitute

“(2) A notice issued to a person (*investigated person*) under subsection (1) must be served personally on the investigated person.

(3) An investigated person must comply with a notice issued to him or her under subsection (1) immediately.”.

(2) Schedule 2, section 2(4)—

Repeal

“Subject to subsection (8),”.

(3) Schedule 2, section 2(4)—

Repeal

“a person to whom a notice under subsection (1) is addressed must not leave Hong Kong, whether or not the”

Substitute

“An investigated person must not leave Hong Kong, whether or not a”.

(4) Schedule 2, section 2(4), after “date of the notice”—

Add

“(or that period as extended (or further extended) under subsection (8))”.

(5) Schedule 2, section 2—

Repeal subsection (5)

Substitute

- “(5) 受調查人如明知而違反第 (3) 或 (4) 款，即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年。”。
- (6) 附表 2，第 2 條——
廢除第 (6) 款。
- (7) 附表 2，第 2(7) 條——
廢除
“在不抵觸第 (8) 款的條文下，”。
- (8) 附表 2，第 2(7) 條，在“6 個月期間”之後——
加入
“(或經根據第 (8) 款延展(或進一步延展)的期間)”。
- (9) 附表 2，第 2(8) 條——
廢除
在“裁判官應”之前的所有字句
代以
“(8) 為施行第 (4) 及 (7) 款，該等條文所提述的 6 個月期間，在以下情況下可獲延展(或進一步延展)，每段延展期為 3 個月：”。
- (10) 附表 2，第 2(8) 條——
廢除
“通知書的收件人”
代以
“受調查人”。

- “(5) If an investigated person knowingly contravenes subsection (3) or (4), the person commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year.”.
- (6) Schedule 2, section 2—
Repeal subsection (6).
- (7) Schedule 2, section 2(7)—
Repeal
“Subject to subsection (8), a travel”
Substitute
“A travel”.
- (8) Schedule 2, section 2(7), after “date of the notice”—
Add
“(or that period as extended (or further extended) under subsection (8))”.
- (9) Schedule 2, section 2(8)—
Repeal
everything before “if a magistrate”
Substitute
“(8) For the purposes of subsections (4) and (7), the period of 6 months referred to in those provisions may be extended (or further extended), with each period of extension being 3 months.”.
- (10) Schedule 2, section 2(8)—
Repeal
“the person to whom the relevant notice is addressed”
Substitute
“the investigated person concerned”.

- (11) 附表 2，第 2(9) 條——
廢除
“一切”。
- (12) 附表 2，中文文本，第 2(10) 條——
廢除
所有“收件人”
代以
“受調查人”。
- (13) 附表 2，第 3(3) 條——
廢除
在“後”之後的所有字句
代以
“信納以下事宜的情況下，警務處處長或裁判官(視屬何情況而定)方可批准根據第(1)款提出的申請——
(a) 拒絕批准該項申請會對申請人造成不合理困苦；及
(b) 批准該項申請不會不利於國家安全。”。
- (14) 附表 2，第 3 條——
廢除第(6)款
代以
“(6) 根據本條提出的申請，可在無條件下獲得批准，亦可——
(a) 在以下條件的規限下獲得批准——

- (11) Schedule 2, section 2(9)—
Repeal
“All proceedings”
Substitute
“Proceedings”.
- (12) Schedule 2, Chinese text, section 2(10)—
Repeal
“收件人”(wherever appearing)
Substitute
“受調查人”.
- (13) Schedule 2, section 3(3)—
Repeal
everything after “the magistrate”
Substitute
“(as the case may be), having regard to all the circumstances, including the interests of the investigation referred to in section 2(1) of this Schedule, is satisfied that—
(a) a refusal to grant the application would cause unreasonable hardship to the applicant; and
(b) it would not be contrary to the interests of national security to grant the application.”.
- (14) Schedule 2, section 3—
Repeal subsection (6)
Substitute
“(6) An application under this section may be granted either without conditions or subject to—
(a) the conditions that—

- (i) 申請人須在指明的時間再次向警務人員交出申請人的旅行證件；及
 - (ii) 申請人須在指明的時間及指明的在香港的地點報到，並須在其後進一步指明的其他時間及進一步指明的在香港的地點報到；及
 - (b) 在裁判官根據第 (6A) 款施加的條件 (如有的話) 的規限下獲得批准。
- (6A) 裁判官在根據本條批准申請時，可為以下目的而施加其認為屬必要的條件——
- (a) 確保申請人遵從根據第 (6)(a) 款施加的條件的規定；或
 - (b) 確保申請人在身處香港以外地方期間不會干犯危害國家安全罪行。”。
- (15) 附表 2，第 3(7) 條——
廢除
“(6)(a)”
代以
“(6)(a)(i)”。
- (16) 附表 2，第 3(8) 條——
廢除
在“進行的法律程序”之後的所有字句
代以

- (i) the applicant must further surrender the applicant's travel document to a police officer at such time as may be specified; and
 - (ii) the applicant must appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong as may subsequently be further specified; and
 - (b) the conditions imposed by a magistrate under subsection (6A) (if any).
- (6A) On granting an application under this section, a magistrate may impose any condition that the magistrate considers necessary for—
- (a) ensuring the applicant's compliance with the requirements of the conditions imposed under subsection (6)(a); or
 - (b) ensuring that the applicant would not commit any offence endangering national security during the period the applicant is outside Hong Kong.”.
- (15) Schedule 2, section 3(7)—
Repeal
“(6)(a)”
Substitute
“(6)(a)(i)”.
- (16) Schedule 2, section 3(8)—
Repeal
everything after “before a magistrate under this section”
Substitute

“，須在內庭進行。”。

(17) 附表 2，第 4(3) 條——

廢除

在“後”之後的所有字句

代以

“信納以下事宜的情況下，警務處處長或裁判官
(視屬何情況而定)方可批准根據第(1)款提出的
申請——

(a) 拒絕批准該項申請會對申請人造成不合理困
苦；及

(b) 批准該項申請不會不利於國家安全。”。

(18) 附表 2，第 4 條——

廢除第 (6) 款

代以

“(6) 根據本條提出的申請，可在無條件下獲得批准，亦
可——

(a) 在以下條件的規限下獲得批准：申請人須在指
明的時間及指明的在香港的地點報到，並須在
其後進一步指明的其他時間及進一步指明的在
香港的地點報到；及

(b) 在裁判官根據第 (6A) 款施加的條件 (如有的話)
的規限下獲得批准。

(6A) 裁判官在根據本條批准申請時，可為以下目的而施
加其認為屬必要的條件——

“must be conducted in chambers.”.

(17) Schedule 2, section 4(3)—

Repeal

everything after “the magistrate”

Substitute

“(as the case may be), having regard to all the
circumstances, including the interests of the
investigation referred to in section 2(1) of this
Schedule, is satisfied that—

(a) a refusal to grant the application would cause
unreasonable hardship to the applicant; and

(b) it would not be contrary to the interests of
national security to grant the application.”.

(18) Schedule 2, section 4—

Repeal subsection (6)

Substitute

“(6) An application under this section may be granted
either without conditions or subject to—

(a) a condition that the applicant must appear at
such time and place in Hong Kong as may be
specified and at such other time and place in
Hong Kong as may subsequently be further
specified; and

(b) the conditions imposed by a magistrate under
subsection (6A) (if any).

(6A) On granting an application under this section, a
magistrate may impose any condition that the
magistrate considers necessary for—

- (a) 確保申請人遵從根據第 (6)(a) 款施加的條件的規定；或
- (b) 確保申請人在身處香港以外地方期間不會干犯危害國家安全罪行。”。

(19) 附表 2，第 4(7) 條——

廢除

“(6)”

代以

“(6)(a)”。

(20) 附表 2，第 4(8) 條——

廢除

在“進行的法律程序”之後的所有字句

代以

“，須在內庭進行。”。

(21) 附表 2，在第 4 條之後——

加入

“4A. 覆核

- (1) 如裁判官拒絕批准某人根據本附表第 3 或 4 條提出的申請，該人可向原訟法庭法官提出要求批准該項申請的申請 (**覆核申請**)。

- (a) ensuring the applicant's compliance with the requirements of the conditions imposed under subsection (6)(a); or
- (b) ensuring that the applicant would not commit any offence endangering national security during the period the applicant is outside Hong Kong.”.

- (b) ensuring that the applicant would not commit any offence endangering national security during the period the applicant is outside Hong Kong.”.

(19) Schedule 2, section 4(7)—

Repeal

“(6)”

Substitute

“(6)(a)”.

(20) Schedule 2, section 4(8)—

Repeal

everything after “before a magistrate under this section”

Substitute

“must be conducted in chambers.”.

(21) Schedule 2, after section 4—

Add

“4A. Review

- (1) If a magistrate refuses to grant an application made by a person under section 3 or 4 of this Schedule, the person may make an application to a judge of the Court of First Instance for the first-mentioned application to be granted (**review application**).

- (2) 只有在原訟法庭法官經顧及整體情況(包括顧及本附表第 2(1) 條所提述的調查的利益)後信納以下事宜的情況下,原訟法庭法官方可批准覆核申請——
- (a) 拒絕批准覆核申請會對申請人造成不合理困苦;及
- (b) 批准覆核申請不會不利於國家安全。
- (3) 在第 (2) 款的規限下,原訟法庭法官——
- (a) 可藉命令確認、更改或撤銷裁判官的決定;及
- (b) 可就有關事宜作出原訟法庭法官認為公正的其他命令。”。
- (22) 附表 2, 第 5 條——
- 廢除第 (1) 款**
- 代以
- “(1) 任何根據本附表第 3 或 4 條提出申請並獲批准的人,如沒有遵從根據該條施加的任何條件的規定,即屬犯罪,一經循公訴程序定罪,可處罰款 \$100,000 及監禁 1 年。
- (1A) 被控犯第 (1) 款所訂罪行的人,如證明自己對沒有遵從有關條件的規定有合理辯解,即為免責辯護。”。
- (23) 附表 2, 第 5 條——

- (2) A judge of the Court of First Instance may only grant the review application if the judge, having regard to all the circumstances, including the interests of the investigation referred to in section 2(1) of this Schedule, is satisfied that——
- (a) a refusal to grant the review application would cause unreasonable hardship to the applicant; and
- (b) it would not be contrary to the interests of national security to grant the review application.
- (3) Subject to subsection (2), a judge of the Court of First Instance——
- (a) may, by order, confirm, vary or revoke the magistrate's decision; and
- (b) may, in relation to relevant matters, make any other order that the judge of the Court of First Instance considers just.”.
- (22) Schedule 2, section 5—
- Repeal subsection (1)**
- Substitute**
- “(1) If a person who is granted an application under section 3 or 4 of this Schedule fails to comply with the requirement of any condition imposed under that section, the person commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year.
- (1A) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for failing to comply with the requirement of the condition.”.
- (23) Schedule 2, section 5—

廢除第 (2) 款

代以

“(2) 如任何根據本附表第 3 或 4 條提出申請並獲批准的人，沒有遵從根據該條施加的任何條件的規定，則不論該人是否已被裁定犯第 (1) 款所訂罪行，裁判官亦可應警務人員的申請或根據《裁判官條例》(第 227 章) 第 65 條，沒收該人根據本附表第 3 或 4 條(視屬何情況而定) 繳存的款項或作出的擔保。”。

6. 修訂附表 3 (關於凍結、限制、沒收及充公財產的細則)

(1) 附表 3，第 1(1) 條，**可變現財產**的定義，(c) 段——

廢除

“對該詞所界定”

代以

“所給予”。

(2) 附表 3，英文文本，第 1(1) 條，**realisable property** 的定義，(d) 段——

廢除

“are instituted”

代以

“being instituted against a person”。

(3) 附表 3，中文文本，第 1(1) 條，**罪行相關財產**的定義，(b) 段——

廢除

Repeal subsection (2)

Substitute

“(2) If a person who is granted an application under section 3 or 4 of this Schedule fails to comply with the requirement of any condition imposed under that section, any deposit made, or recognizance entered into, by the person under section 3 or 4 (as the case may be) of this Schedule may be forfeited by a magistrate on application by a police officer or under section 65 of the Magistrates Ordinance (Cap. 227), regardless of whether the person is convicted of an offence under subsection (1).”.

6. Schedule 3 amended (rules relating to freezing, restraint, confiscation and forfeiture of property)

(1) Schedule 3, section 1(1), definition of **realisable property**, paragraph (c)—

Repeal

“as defined”

Substitute

“given”.

(2) Schedule 3, English text, section 1(1), definition of **realisable property**, paragraph (d)—

Repeal

“are instituted”

Substitute

“being instituted against a person”.

(3) Schedule 3, Chinese text, section 1(1), definition of **罪行相關財產**, paragraph (b)—

Repeal

- “產；”
代以
“產。”。
- (4) 附表 3，第 1(1) 條——
廢除獲授權人員的定義。
- (5) 附表 3，第 1(3)(a) 條——
廢除
“從危害國家安全罪行”
代以
“因危害國家安全罪行而產生”。
- (6) 附表 3，第 1(3)(b) 條——
廢除
“從某項危害國家安全罪行”
代以
“因某項危害國家安全罪行而產生”。
- (7) 附表 3，在第 1(6) 條之後——
加入
“(7) 在本附表中，對煽動意圖的提述，須經加以必要的變通後，按照《維護國家安全條例》(2024 年第 6 號) 第 23 條解釋。”。
- (8) 附表 3，第 3(2) 條——
廢除
“第 4(1) 條”
代以
“第 4(1A) 條”。
- (9) 附表 3，第 3 條——

- “產；”
Substitute
“產。”。
- (4) Schedule 3, section 1(1)—
Repeal the definition of *authorized officer*.
- (5) Schedule 3, section 1(3)(a)—
Repeal
“proceeds of”
Substitute
“proceeds arising from”.
- (6) Schedule 3, section 1(3)(b)—
Repeal
“proceeds of”
Substitute
“proceeds arising from”.
- (7) Schedule 3, after section 1(6)—
Add
“(7) A reference in this Schedule to a seditious intention is to be construed in accordance with section 23 of the Safeguarding National Security Ordinance (6 of 2024) with the necessary modifications.”.
- (8) Schedule 3, section 3(2)—
Repeal
“section 4(1)”
Substitute
“section 4(1A)”.
- (9) Schedule 3, section 3—

廢除第 (6) 款

代以

“(6) 第 (6A) 款適用於——

- (a) 根據第 (1) 款發出的通知所指明的財產；及
- (b) 根據第 (2) 或 (4E) 款發出的通知所關乎的財產。

(6A) 凡有關財產涉及不動產——

- (a) 如屬根據《土地業權條例》(第 585 章) 註冊的財產——該通知及與該通知有關的標的物，可根據該條例以土地註冊處處長認為適當的方式註冊；或
- (b) 如屬任何其他財產——就《土地註冊條例》(第 128 章) 而言，該通知須視作影響土地的文書，並可根據該條例以土地註冊處處長認為適當的方式，作為影響土地的文書註冊。”。

(10) 附表 3，第 4 條——

廢除第 (1) 款

代以

“(1) 如已有通知根據本附表第 3 條送達——

- (a) 任何持有該通知所指明的財產的人；
- (b) 任何由他人為之或代表持有該財產的人；或

Repeal subsection (6)

Substitute

“(6) Subsection (6A) applies to—

- (a) any property specified in a notice issued under subsection (1); and
- (b) any property to which a notice issued under subsection (2) or (4E) relates.

(6A) Where the property involves immovable property—

- (a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the notice and the subject matter to which the notice relates are registrable under that Ordinance in the way that the Land Registrar considers appropriate; or
- (b) for any other property—the notice is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the way that the Land Registrar considers appropriate.”.

(10) Schedule 3, section 4—

Repeal subsection (1)

Substitute

“(1) Where a notice has been served under section 3 of this Schedule, then—

- (a) any person who holds any property specified in the notice;
- (b) any person for or on behalf of whom the property is held; or

- (c) 任何其他獲原訟法庭信納為受該通知所影響的人，
可向原訟法庭提出申請，要求在該通知關乎如此指明的財產的範圍內撤銷該通知。
- (1A) 凡有根據第(1)款提出的申請——
- (a) 如原訟法庭不信納有合理理由懷疑有關財產是罪行相關財產——原訟法庭須批准該項申請；或
- (b) 如原訟法庭信納有合理理由懷疑該財產是罪行相關財產——原訟法庭除非信納在有關個案的整體情況下，批准該項申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。”。
- (11) 附表3，第4(2)條——
廢除
在“指示。”之後的所有字句。
- (12) 附表3，在第4(2)條之後——
加入
“(2A) 原訟法庭除非信納在有關個案的整體情況下，批准第(2)款所指的申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。”。
- (13) 附表3，第6(1)條——

- (c) any other person in respect of whom the Court of First Instance is satisfied that the person is affected by the notice,
may make an application to the Court of First Instance for the notice to be revoked to the extent that it relates to the property so specified.
- (1A) Where an application is made under subsection (1)—
- (a) if the Court of First Instance is not satisfied that there are reasonable grounds to suspect that the property is offence related property—the Court of First Instance must grant the application; or
- (b) if the Court of First Instance is satisfied that there are reasonable grounds to suspect that the property is offence related property—the Court of First Instance must not grant the application unless it 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.”.
- (11) Schedule 3, section 4(2)—
Repeal
everything after “section 3(7) of this Schedule.”.
- (12) Schedule 3, after section 4(2)—
Add
“(2A) The Court of First Instance must not grant an application under subsection (2) unless it 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.”.
- (13) Schedule 3, section 6(1)—

廢除

在“限制令”之前的所有字句

代以

“(1) 原訟法庭可在律政司司長提出申請後，並在符合以下條件的情況下，發出”。

(14) 附表 3，英文文本，第 6(1)(a)(i) 條——

廢除

“has not”

代以

“has not,”。

(15) 附表 3，第 6 條——

廢除第 (2) 款

代以

“(2) 限制令或押記令——

(a) 可由原訟法庭在內庭應單方面申請而發出；及

(b) 須附有向受該命令所影響的人發出通知的規定。”。

(16) 附表 3，第 6(3) 條——

廢除

在“押記令。”之後的所有字句。

(17) 附表 3，在第 6(3) 條之後——

加入

Repeal everything before paragraph (a)

Substitute

“(1) The Court of First Instance may, after an application is made by the Secretary for Justice, make a restraint order or charging order if the following conditions are satisfied—”。

(14) Schedule 3, English text, section 6(1)(a)(i)—

Repeal

“has not”

Substitute

“has not,”.

(15) Schedule 3, section 6—

Repeal subsection (2)

Substitute

“(2) A restraint order or charging order—

(a) may be made on an ex parte application to the Court of First Instance in chambers; and

(b) must provide for notice to be given to persons affected by the order.”.

(16) Schedule 3, section 6(3)—

Repeal

everything after “affected by it to the Court of First Instance.”.

(17) Schedule 3, after section 6(3)—

Add

“(3A) 原訟法庭除非信納在有關個案的整體情況下，批准第 (3) 款所指的申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。”。

(18) 附表 3，第 7(4) 條——

廢除

“獲授權人員”

代以

“警務人員”。

(19) 附表 3，第 7 條——

廢除第 (5) 款

代以

“(5) 凡任何限制令涉及不動產——

(a) 如屬根據《土地業權條例》(第 585 章)註冊的財產——該命令及與該命令有關的標的物，可根據該條例以土地註冊處處長認為適當的方式註冊；或

(b) 如屬任何其他財產——就《土地註冊條例》(第 128 章)而言，該命令須視作影響土地的文書，並可根據該條例以土地註冊處處長認為適當的方式，作為影響土地的文書註冊。”。

(20) 附表 3，在第 8(3) 條之後——

加入

“(3A) 《有組織及嚴重罪行條例》(第 455 章)第 12(9) 條 (**第 12(9) 條**) 適用於解釋在第 (3)(a) 款中對“受本附表

“(3A) The Court of First Instance must not grant an application under subsection (3) unless it 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.”.

(18) Schedule 3, section 7(4)—

Repeal

“an authorized officer”

Substitute

“a police officer”.

(19) Schedule 3, section 7—

Repeal subsection (5)

Substitute

“(5) Where a restraint order concerns immovable property—

(a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the way that the Land Registrar considers appropriate; or

(b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the way that the Land Registrar considers appropriate.”.

(20) Schedule 3, after section 8(3)—

Add

“(3A) Section 12(9) of the Organized and Serious Crimes Ordinance (Cap. 455) (**section 12(9)**) applies to the

圍制的饋贈”的提述，一如第 12(9) 條適用於解釋在該條例中對“受本條例圍制的饋贈”的提述，而為此，第 12(9) 條須加以下述的變通——

- (a) 在第 12(9) 條中對“指明的罪行”或“有組織罪行”的提述，即提述“危害國家安全罪行”；
- (b) 在第 12(9) 條中對“本條例”的提述，即提述“本附表”；
- (c) 在第 12(9) 條中對“被告人”的提述，具有本附表第 1(1) 條所給予的涵義；及
- (d) 在第 12(9) 條中提述某人被起訴，即提述對某人提起法律程序而須按照本附表第 1(2) 條解釋。”。

(21) 附表 3，英文文本，第 8(6) 條——

廢除
“laws”
代以
“law”。

(22) 附表 3，第 9(1) 條——

廢除
“或獲授權人員”。

(23) 附表 3，英文文本，第 9(2) 條——

廢除
“laws”
代以

construction of the reference in subsection (3)(a) to “gift caught by this Schedule” as section 12(9) applies to the construction of a reference in that Ordinance to “gift caught by this Ordinance”, and for that purpose, section 12(9) is subject to the following modifications—

- (a) a reference in section 12(9) to “specified offence” or “organized crime” is a reference to “offence endangering national security”;
- (b) a reference in section 12(9) to “this Ordinance” is a reference to “this Schedule”;
- (c) a reference in section 12(9) to “defendant” has the meaning given by section 1(1) of this Schedule; and
- (d) a reference in section 12(9) to proceedings being instituted against a person is to be construed in accordance with section 1(2) of this Schedule.”.

(21) Schedule 3, English text, section 8(6)—

Repeal
“laws”

Substitute
“law”.

(22) Schedule 3, section 9(1)—

Repeal
“or an authorized officer”.

(23) Schedule 3, English text, section 9(2)—

Repeal
“laws”
Substitute

- “law”。
- (24) 附表 3，第 9(5) 條——
廢除
“所干犯的危害國家安全罪行”
代以
“因所干犯的危害國家安全罪行而產生”。
- (25) 附表 3，在第 9(8) 條之後——
加入
“(8A) 就根據本條而提出的申請而言，舉證準則須為適用於在法庭進行的民事法律程序的舉證準則。”。
- (26) 附表 3，第 9(10) 條——
廢除
“獲授權人員”
代以
“律政司司長”。
- (27) 附表 3，英文文本，第 9(11) 條——
廢除
“laws”
代以
“law”。
- (28) 附表 3，第 10(1) 條——
廢除
“獲授權人員”
代以
“律政司司長”。
- (29) 附表 3，第 10(2) 條——

- “law”.
- (24) Schedule 3, section 9(5)—
Repeal
“proceeds of”
Substitute
“proceeds arising from”.
- (25) Schedule 3, after section 9(8)—
Add
“(8A) The standard of proof on an application under this section is the standard of proof applicable to civil proceedings in a court of law.”.
- (26) Schedule 3, section 9(10)—
Repeal
“An authorized officer”
Substitute
“The Secretary for Justice”.
- (27) Schedule 3, English text, section 9(11)—
Repeal
“laws”
Substitute
“law”.
- (28) Schedule 3, section 10(1)—
Repeal
“An authorized officer”
Substitute
“The Secretary for Justice”.
- (29) Schedule 3, section 10(2)—

廢除

“獲授權人員可”

代以

“律政司司長可”。

(30) 附表 3，第 10(2)(a) 條——

廢除

“從任何危害國家安全罪行”

代以

“因任何危害國家安全罪行而產生”。

(31) 附表 3，第 10(2)(a) 條——

廢除

“從該罪行”

代以

“因該罪行而產生”。

(32) 附表 3，第 10(2)(b) 條——

廢除

“獲授權人員發覺有可變現財產，而該人員”

代以

“律政司司長發覺有可變現財產，而且”。

(33) 附表 3，第 10(2)(c) 條——

廢除

“從該罪行”

代以

Repeal

“An authorized officer”

Substitute

“The Secretary for Justice”.

(30) Schedule 3, section 10(2)(a)—

Repeal

“proceeds of any”

Substitute

“proceeds arising from any”.

(31) Schedule 3, section 10(2)(a)—

Repeal

“proceeds of the”

Substitute

“proceeds arising from the”.

(32) Schedule 3, section 10(2)(b)—

Repeal

“an authorized officer becomes aware of realisable property, the existence of which was not known to the officer”

Substitute

“the Secretary for Justice becomes aware of realisable property, the existence of which was not known to the Secretary for Justice”.

(33) Schedule 3, section 10(2)(c)—

Repeal

“proceeds of”

Substitute

“因該罪行而產生”。

(34) 附表 3，第 13(1) 條——

廢除

“應律政司司長或其代表提出的申請而”

代以

“在律政司司長提出申請後，”。

(35) 附表 3，在第 13 條之後——

加入

“13A. 在嚴重案件中充公被定罪者的罪行相關財產

- (1) 在不局限本附表第 13 條的原則下，如某人 (**被定罪者**) 因被裁定犯任何危害國家安全罪行而被判處終身監禁或監禁 10 年或以上，則本條適用。
- (2) 如原訟法庭在律政司司長提出申請後信納——
 - (a) 被定罪者曾經將其財產的任何部分，用於資助或以其他方式協助干犯被定罪者所被裁定犯的危害國家安全罪行；或
 - (b) 有合理理由懷疑被定罪者擬將其財產的任何部分，用於資助或以其他方式協助干犯危害國家安全罪行，

“proceeds arising from”.

(34) Schedule 3, section 13(1)—

Repeal

“The Court of First Instance may, if satisfied on an application made by or on behalf of the Secretary for Justice”

Substitute

“After an application is made by the Secretary for Justice, the Court of First Instance may, if satisfied”.

(35) Schedule 3, after section 13—

Add

“13A. Forfeiture of convicted person's offence related property in serious cases

- (1) Without limiting section 13 of this Schedule, this section applies if a person (**convicted person**) is sentenced to life imprisonment or imprisonment for 10 years or more for having been convicted of any offence endangering national security.
- (2) If, after an application is made by the Secretary for Justice, the Court of First Instance is satisfied that—
 - (a) the convicted person used any part of the convicted person's property to finance or otherwise assist the commission of the offence endangering national security of which the convicted person is convicted; or
 - (b) there are reasonable grounds to suspect that the convicted person intends to use any part of the convicted person's property to finance or otherwise assist the commission of an offence endangering national security,

則原訟法庭須命令將被定罪者的所有指明財產充公。

- (3) 然而，即使原訟法庭在律政司司長提出申請後信納第(2)(a)或(b)款所述的事宜，但如被定罪者提出證據而令原訟法庭信納，將被定罪者的所有指明財產充公，對防止被定罪者將指明財產的任何部分用於資助或以其他方式協助干犯危害國家安全罪行此一目的而言，是明顯不相稱的，則第(2)款不適用，而原訟法庭須命令將被定罪者的指明財產，按原訟法庭認為對達致該目的而言屬相稱的程度充公。
- (4) 就根據本條而提出的申請而言，舉證準則須為適用於在法庭進行的民事法律程序的舉證準則。
- (5) 為免生疑問，即使——
 - (a) 被定罪者被裁定犯的危害國家安全罪行是在本條開始實施之前發生的；或
 - (b) 有關定罪或判刑是在本條開始實施之前作出的，本條亦適用於被定罪者。
- (6) 在本條中——

the Court of First Instance must order the forfeiture of all the specified property of the convicted person.

- (3) However, even though the Court of First Instance is, after an application is made by the Secretary for Justice, satisfied of the matter mentioned in subsection (2)(a) or (b), if the convicted person produces evidence satisfying the Court of First Instance that the forfeiture of all the specified property of the convicted person would be plainly disproportionate to the aim of preventing the convicted person from using any part of the specified property to finance or otherwise assist the commission of an offence endangering national security, then subsection (2) does not apply and the Court of First Instance must order the forfeiture of the specified property of the convicted person to the extent that the Court of First Instance considers proportionate to achieving that aim.
- (4) The standard of proof on an application under this section is the standard of proof applicable to civil proceedings in a court of law.
- (5) To avoid doubt, this section applies to the convicted person even if—
 - (a) the offence endangering national security of which the convicted person is convicted occurred before this section comes into operation; or
 - (b) the conviction or sentencing concerned was imposed before this section comes into operation.
- (6) In this section—

指明財產 (specified property) 就根據本條針對被定罪者作出的命令 (充公令) 而言, 指——

- (a) 如有根據本附表第 3(1) 條發出的通知指明被定罪者的財產, 而該通知當中任何關乎該等財產的部分在充公令作出當日屬有效——該通知部分所指明的財產; 或
- (b) 如有根據本附表第 6(1) 條針對被定罪者的財產發出的限制令或押記令, 在充公令作出當日屬有效——屬該限制令或押記令標的之財產。

13B. 海關人員可充公具煽動意圖的物品

- (1) 海關人員如在指明地方執行職能時, 合理地懷疑某物品屬具煽動意圖的物品, 則可為施行本條而檢取該物品, 而不論是否有人因為該物品而就危害國家安全罪行被拘捕。
- (2) 以下人士可在上述物品根據第 (1) 款被檢取當日起計的 60 日內, 向海關關長作出書面申述, 述明為何該物品不應根據本條被充公——
 - (a) 該物品的擁有人;

specified property (指明財產), in relation to an order made under this section against the convicted person (**forfeiture order**), means—

- (a) if a notice issued under section 3(1) of this Schedule specifies any property of the convicted person and any part of the notice that relates to the property is in force on the date on which the forfeiture order is made—the property specified in that part of the notice; or
- (b) if a restraint order or charging order made under section 6(1) of this Schedule against the convicted person's property is in force on the date on which the forfeiture order is made—any property that is the subject of the restraint order or charging order.

13B. Members of Customs and Excise Service may forfeit articles that have seditious intention

- (1) If a member of the Customs and Excise Service, in exercising a function in a specified place, reasonably suspects that an article is one that has a seditious intention, the member may seize the article for the purposes of this section, regardless of whether any person has been arrested for an offence endangering national security because of the article.
- (2) The following person may, within 60 days beginning on the date of seizure of the article under subsection (1), make written representations to the Commissioner of Customs and Excise stating why the article should not be forfeited under this section—
 - (a) the owner of the article;

- (b) 該擁有人的指定代理人；
 - (c) 在作出檢取時管有該物品的人；或
 - (d) 對該物品享有法律或衡平法上的權益的人。
- (3) 上述申述書須——
- (a) 載有作出有關申述的人的全名；及
 - (b) 為本條及本附表第 13C 條的施行及相關事宜，指明一香港地址。
- (4) 如在第 (2) 款所指的期限屆滿當日，仍無人按照該款作出關乎該物品的申述，該物品即須充公。
- (5) 然而，海關關長如認為上述物品是屬於易毀消的性質，可命令將該物品銷毀，而不論是否有人在第 (2) 款所指的期限內作出申述。
- (6) 在本條中——
- 指明地方** (specified place) 指——
- (a) 進入或離開香港的地點；
 - (b) 已抵達香港或即將離開香港的船舶、航空器、鐵路列車或車輛；或
 - (c) 貨物在出口前或進口後儲存的地方；
- 職能** (function) 包括權力及責任。

- (b) the authorized agent of the owner;
 - (c) a person who was in possession of the article at the time of the seizure; or
 - (d) a person who has a legal or equitable interest in the article.
- (3) The representations must—
- (a) contain the full name of the person who makes the representations; and
 - (b) specify an address in Hong Kong for the purposes of this section and section 13C of this Schedule and related matters.
- (4) The article must be forfeited immediately if, on the date of expiry of the period mentioned in subsection (2), no representations in respect of the article have been made in accordance with that subsection.
- (5) However, if the Commissioner of Customs and Excise is of the opinion that the article is of a perishable nature, the Commissioner of Customs and Excise may order that the article be destroyed, regardless of whether any representations are made within the period mentioned in subsection (2).
- (6) In this section—
- function** (職能) includes power and duty;
- specified place** (指明地方) means—
- (a) any point of entry to or exit from Hong Kong;
 - (b) any ship, aircraft, train or vehicle that has arrived in or is about to depart from Hong Kong; or
 - (c) any place where cargo is stored before being exported or after it has been imported.

13C. 向裁判官申請充公具煽動意圖的物品

- (1) 如任何人(聲請人)根據本附表第 13B(2) 條作出申述,而海關關長在考慮該項申述後,仍認為該項申述所關乎的物品應根據本條被充公,則海關關長可向裁判官申請將該物品充公。
- (2) 在上述申請提出後,裁判官須——
 - (a) 向聲請人發出傳票,規定其在該項申請聆訊時到裁判官席前;及
 - (b) 安排將該傳票的文本送達海關關長。
- (3) 如在聆訊第(1)款所指的申請時,聲請人沒有到裁判官席前出席聆訊,而裁判官信納——
 - (a) 根據第(2)款發出的傳票,已送達有關申述書根據本附表第 13B(3)(b) 條指明的地址;
 - (b) 在該地址的人曾拒絕接收該傳票;或
 - (c) 該地址不齊全,不足以達成送達該傳票,則裁判官可無需就該聲請人的下落再作查訊而就該項申請進行聆訊及裁定。

13C. Applications to magistrates for forfeiture of articles that have seditious intention

- (1) If a person (*claimant*) makes representations under section 13B(2) of this Schedule and the Commissioner of Customs and Excise, having regard to the representations, is still of the opinion that the article to which the representations relate should be forfeited under this section, the Commissioner of Customs and Excise may make an application to a magistrate for the forfeiture of the article.
- (2) After the application is made, a magistrate must—
 - (a) issue a summons to the claimant, requiring the claimant to appear before a magistrate on the hearing of the application; and
 - (b) cause a copy of the summons to be served on the Commissioner of Customs and Excise.
- (3) If, on the hearing of an application under subsection (1), the claimant does not appear before a magistrate and the magistrate is satisfied that—
 - (a) a summons issued under subsection (2) was served at the address specified in the representations under section 13B(3)(b) of this Schedule;
 - (b) a person at the address has refused to accept service of the summons; or
 - (c) the address is inadequate to effect service of the summons,the magistrate may hear and determine the application without requiring further inquiry as to the whereabouts of the claimant.

- (4) 根據第 (1) 款向裁判官提出的申請，就《裁判官條例》(第 227 章)第 8 條而言，須視為一項申訴。
- (5) 裁判官——
 - (a) 如信納上述物品屬具煽動意圖的物品——須命令將該物品充公歸特區政府所有，而不論是否有人因為該物品而就危害國家安全罪行被拘捕或定罪；或
 - (b) 如不信納該物品屬具煽動意圖的物品——可命令將該物品——
 - (i) 在符合裁判官於該命令所指明的條件下交付予聲請人；或
 - (ii) 在符合裁判官於該命令所指明的條件及方式下處置。
- (6) 如裁判官已作出將物品交付某人的命令，但無法尋獲該人或該人拒絕接收該物品，則裁判官可應海關關長提出的申請——
 - (a) 命令充公該物品；或
 - (b) 作出其認為就有關情況而言屬適當的任何其他命令。
- (7) 如——
 - (a) 裁判官根據第 (5)(b) 款作出命令；及

- (4) An application made to a magistrate under subsection (1) is regarded as a complaint for the purposes of section 8 of the Magistrates Ordinance (Cap. 227).
- (5) A magistrate—
 - (a) if satisfied that the article is one that has a seditious intention—must order that the article be forfeited to the Government, regardless of whether any person has been arrested for or convicted of an offence endangering national security because of the article; or
 - (b) if not satisfied that the article is one that has a seditious intention—may order that the article—
 - (i) be delivered to the claimant subject to any condition specified by the magistrate in the order; or
 - (ii) be disposed of in the way and subject to any condition specified by the magistrate in the order.
- (6) If a magistrate has made an order that an article be delivered to a person but the person cannot be found or refuses to accept the article, a magistrate may, on application by the Commissioner of Customs and Excise—
 - (a) order that the article be forfeited; or
 - (b) make any other order that the magistrate considers appropriate in the circumstances.
- (7) If—
 - (a) a magistrate makes an order under subsection (5)(b); and

- (b) 海關關長或律政司司長——
- (i) 提出上訴反對該項命令；或
 - (ii) 就該項命令而以案件呈述的方式提出申請，則該項命令須擱置執行，直至有關法律程序已由較高級的法庭處理完畢為止。
- (8) 儘管有第 (7) 款的規定，海關關長仍可同意交付有關物品予聲請人。
- (9) 就根據本條而提出的申請而言，舉證準則須為適用於在法庭進行的民事法律程序的舉證準則。”。
- (36) 附表 3，英文文本，第 15 條——
- 廢除**
“laws”
代以
“law”。
- (37) 附表 3，在第 15 條之後——
- 加入**

“16. 《有組織及嚴重罪行條例》其他經加以必要變通而適用的條文

《有組織及嚴重罪行條例》(第 455 章)的以下條文，經加以必要的變通後，適用於與根據本附表發出的命令相關的事宜——

- (a) 第 2(16)、(16A) 及 (16B) 條；
- (b) 第 8(7A)、(7B)、(7C)、(7D)、(8A)、(8C) 及 (8D) 條；

- (b) the Commissioner of Customs and Excise or the Secretary for Justice—
- (i) lodges an appeal against the order; or
 - (ii) lodges an application by way of case stated in respect of the order,
- the order must be stayed until the proceedings concerned are dealt with by the higher court.
- (8) The Commissioner of Customs and Excise may, despite subsection (7), consent to the delivery of the article to the claimant.
- (9) The standard of proof on an application under this section is the standard of proof applicable to civil proceedings in a court of law.”.
- (36) Schedule 3, English text, section 15—
- Repeal**
“laws”
Substitute
“law”.
- (37) Schedule 3, after section 15—
- Add**

“16. **Other provisions of Organized and Serious Crimes Ordinance that are applicable with necessary modifications**

The following provisions of the Organized and Serious Crimes Ordinance (Cap. 455) apply with the necessary modifications to any matter relating to an order made under this Schedule—

- (a) section 2(16), (16A) and (16B);
- (b) section 8(7A), (7B), (7C), (7D), (8A), (8C) and (8D);

- (c) 第 10 條；
- (d) 第 15(5)(b) 條；
- (e) 第 16(6)(b) 條；
- (f) 第 24 條；及
- (g) 第 28 條。”。

7. 修訂附表 4 (關於移除危害國家安全的訊息及要求協助的細則)

- (1) 附表 4，第 6 條，標題——
廢除
“授權指定人員行使權力”
代以
“為施行本附表第 7 條而指明電子訊息”。
- (2) 附表 4，第 6 條——
廢除
在“批准下，”之後的所有字句
代以
“為施行本附表第 7 條而指明該電子訊息。”。
- (3) 附表 4，英文文本，第 6(a) 條——
廢除
“an electronic message”
代以
“the message”。
- (4) 附表 4，第 7 條——
廢除第 (1) 款

- (c) section 10;
- (d) section 15(5)(b);
- (e) section 16(6)(b);
- (f) section 24; and
- (g) section 28.”.

7. **Schedule 4 amended (rules on removing messages endangering national security and on requiring assistance)**

- (1) Schedule 4, section 6, heading—
Repeal
“authorize designated officer to exercise powers”
Substitute
“specify electronic messages for purposes of section 7 of this Schedule”.
- (2) Schedule 4, section 6—
Repeal
“authorize a designated officer to exercise one or more of the powers specified in”
Substitute
“specify an electronic message for the purposes of”.
- (3) Schedule 4, English text, section 6(a)—
Repeal
“an electronic message”
Substitute
“the message”.
- (4) Schedule 4, section 7—
Repeal subsection (1)

代以

“(1) 如任何人(發布者)曾在任何電子平台(受影響平台)上發布某電子訊息(標的訊息),而指定人員合理地相信標的訊息是根據本附表第 6 條指明的電子訊息,則該人員可就標的訊息行使一項或多於一項第(2)、(3)、(4)及(5)款下的權力。

(1A) 為免生疑問,即使——

- (a) 發布者並非本附表第 6(a) 條提述的人;或
 - (b) 受影響平台並非本附表第 6(a) 條提述的電子平台,
- 指定人員亦可就標的訊息行使上述權力。”。

(5) 附表 4, 第 7 條——

廢除第(2)款

代以

“(2) 指定人員可要求發布者在該人員所指明的期限前,將標的訊息從受影響平台之上移除。”。

(6) 附表 4, 第 7(3) 條——

廢除

“有關電子平台”

代以

“受影響平台”。

(7) 附表 4, 第 7(3) 條——

廢除

Substitute

“(1) If a person (*publisher*) has published an electronic message (*subject message*) on any electronic platform (*affected platform*) and a designated officer reasonably believes that the subject message is an electronic message specified under section 6 of this Schedule, the officer may exercise one or more of the powers under subsections (2), (3), (4) and (5) in respect of the subject message.

(1A) To avoid doubt, the designated officer may exercise those powers in respect of the subject message even if—

- (a) the publisher is not the person referred to in section 6(a) of this Schedule; or
- (b) the affected platform is not the electronic platform referred to in section 6(a) of this Schedule.”.

(5) Schedule 4, section 7—

Repeal subsection (2)

Substitute

“(2) The designated officer may require the publisher to remove the subject message from the affected platform before the deadline specified by the officer.”.

(6) Schedule 4, section 7(3)—

Repeal

“electronic platform”

Substitute

“affected platform”.

(7) Schedule 4, section 7(3)—

Repeal

“有關電子訊息”

代以

“標的訊息”。

- (8) 附表 4，第 7(4)(a) 條——

廢除

“有關電子平台”

代以

“受影響平台”。

- (9) 附表 4，第 7(4)(b) 及 (5)(b) 條——

廢除

“有關電子訊息”

代以

“標的訊息”。

- (10) 附表 4，英文文本，第 14(4) 條，在“section 4”之後——

加入

“of this Schedule”。

8. 修訂附表 5 (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) 附表 5，標題——

廢除

“外國及台灣政治性組織及其”

代以

“境外政治性組織及境外勢力”。

- (2) 附表 5，在第 1 條之前——

“electronic message”

Substitute

“subject message”.

- (8) Schedule 4, section 7(4)(a)—

Repeal

“electronic platform”

Substitute

“affected platform”.

- (9) Schedule 4, section 7(4)(b) and (5)(b)—

Repeal

“electronic message”

Substitute

“subject message”.

- (10) Schedule 4, English text, section 14(4), after “section 4”—

Add

“of this Schedule”.

8. **Schedule 5 amended (rules on requiring foreign and Taiwan
political organizations and agents to provide information by
reason of activities concerning Hong Kong)**

- (1) Schedule 5, heading—

Repeal

“Foreign and Taiwan Political Organizations and Agents”

Substitute

“External Political Organizations and Agents of External
Forces”.

- (2) Schedule 5, before section 1—

加入

“第 1 部

導言”。

- (3) 附表 5——
廢除第 1 條
代以

“1. 釋義

- (1) 在本附表中——

代理人 (agent)——參閱第 (2) 款；

委託人 (principal)——參閱第 (2) 款；

幹事 (office-bearer) 具有《維護國家安全條例》(2024 年第 6 號) 第 58 條所給予的涵義；

境外 (external place) 指香港以外的地區或地方 (內地及澳門除外)；

境外政治性組織 (external political organization) 指——

- (a) 在境外的政黨；或
(b) 在境外的其他追求政治目的之組織；

境外勢力 (external force)——參閱本附表第 1A 條。

- (2) 就本附表而言，如——

- (a) 任何人 (**當事者**)——
(i) 曾經或正在與任何境外勢力有聯繫；或

Add

“Part 1

Preliminary”.

- (3) Schedule 5—

Repeal section 1

Substitute

“1. Interpretation

- (1) In this Schedule—

agent (代理人)—see subsection (2);

external force (境外勢力)—see section 1A of this Schedule;

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

external political organization (境外政治性組織) means—

- (a) a political party in an external place; or
(b) any other organization in an external place that pursues political ends;

office-bearer (幹事) has the meaning given by section 58 of the Safeguarding National Security Ordinance (6 of 2024);

principal (委託人)—see subsection (2).

- (2) For the purposes of this Schedule, if—

- (a) a person (**subject person**)—
(i) has had or is having a connection with any external force; or

- (ii) 曾經與他人作出一項協議或安排，據之當事者會與任何境外勢力有聯繫；及
- (b) 符合以下情況——
 - (i) 當事者曾經或正在進行某項活動，而當事者——
 - (A) 是意圖使該境外勢力達到其目的或意圖在其他情況下使其得益，而進行該項活動的；或
 - (B) 知道或理應知道，該項活動是會或相當可能會使該境外勢力達到其目的，或是會或相當可能會在其他情況下使其得益的；或
 - (ii) 當事者曾經與他人作出一項協議或安排，據之當事者會進行某項活動，而當事者——
 - (A) 是意圖使該境外勢力達到其目的或意圖在其他情況下使其得益，而作出該項協議或安排的；或
 - (B) 知道或理應知道，履行該項協議或安排或其任何部分，是會或相當可能會使該境外勢力達到其目的，或

- (ii) has made an agreement or arrangement with any other person pursuant to which the subject person would have a connection with any external force; and
- (b) the following applies—
 - (i) the subject person has carried on or is carrying on an activity, and the subject person—
 - (A) has done so or is doing so with intent to result in the external force achieving its aims or with intent to otherwise benefit the external force; or
 - (B) knows or ought to know that the activity would, or would likely, result in the external force achieving its aims or would, or would likely, otherwise benefit the external force; or
 - (ii) the subject person has made an agreement or arrangement with any other person pursuant to which the subject person would carry on an activity, and the subject person—
 - (A) has done so with intent to result in the external force achieving its aims or with intent to otherwise benefit the external force; or
 - (B) knows or ought to know that fulfilling the agreement or arrangement or any part of the agreement or arrangement would, or would likely, result in the external force achieving its aims or

是會或相當可能會在其他情況下使其得益的，

則當事者是該境外勢力的**代理人**，而該境外勢力是當事者的**委託人**。

- (3) 就第 (2)(a) 款而言，任何人如——
- (a) 受有關境外勢力指使、監督、控制、僱用、補貼或資助；或
 - (b) 收受該境外勢力金錢或非金錢報酬，即屬與該境外勢力有聯繫。
- (4) 就第 (3) 款而言——
- (a) 該款 (a) 或 (b) 段所述的作為是直接抑或間接作出的，無關重要；及
 - (b) 該款 (a) 或 (b) 段所述的作為是否在香港作出，無關重要。

1A. 境外勢力的涵義

- (1) 在本附表中——
- 境外勢力** (external force) 指——
- (a) 外國政府；
 - (b) 境外當局；
 - (c) 境外政治性組織；
 - (d) 國際組織 (《維護國家安全條例》(2024 年第 6 號) 第 3(1) 條所界定者)；

would, or would likely, otherwise benefit the external force,

then the subject person is an **agent** of the external force, and the external force is a **principal** of the subject person.

- (3) For the purposes of subsection (2)(a), a person has a connection with the external force if the person—
- (a) is directed, supervised, controlled, employed, subsidized or funded by the external force; or
 - (b) accepts monetary or non-monetary rewards from the external force.
- (4) For the purposes of subsection (3)—
- (a) it is immaterial whether the act mentioned in paragraph (a) or (b) of that subsection is done directly or indirectly; and
 - (b) it is immaterial whether the act mentioned in paragraph (a) or (b) of that subsection is done in Hong Kong.

1A. Meaning of *external force*

- (1) In this Schedule—
- external force** (境外勢力) means—
- (a) a government of a foreign country;
 - (b) the authority of an external place;
 - (c) an external political organization;
 - (d) an international organization (as defined by section 3(1) of the Safeguarding National Security Ordinance (6 of 2024));

- (e) 任何(a)、(b)、(c)或(d)段所述政府、當局或組織的關聯實體；或
 - (f) 任何(a)、(b)、(c)、(d)或(e)段所述政府、當局、組織或實體的關聯個人。
- (2) 在第(1)款中**境外勢力**的定義的(e)段中，提述某政府或當局的關聯實體，即提述——
- (a) 符合一項或兩項以下描述的公司——
 - (i) 其董事慣常或有義務(不論是正式或非正式的義務)按照該政府或當局的指示、指令或意願行事；
 - (ii) 該政府或當局能夠憑藉其他因素在相當程度上控制它；或
 - (b) 符合一項或兩項以下描述的並非公司的團體——
 - (i) 其執行委員會(不論稱謂如何)的成員慣常或有義務(不論是正式或非正式的義務)按照該政府或當局的指示、指令或意願行事；
 - (ii) 該政府或當局能夠憑藉其他因素在相當程度上控制它。

- (e) a related entity of a government, authority or organization mentioned in paragraph (a), (b), (c) or (d); or
 - (f) a related individual of a government, authority, organization or entity mentioned in paragraph (a), (b), (c), (d) or (e).
- (2) In paragraph (e) 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) 在第 (1) 款中**境外勢力**的定義的 (e) 段中，提述某境外政治性組織或國際組織 (**該組織**) 的關聯實體，即提述——
- (a) 符合一項或兩項以下描述的公司——
- (i) 其董事慣常或有義務 (不論是正式或非正式的義務) 按照該組織的指示、指令或意願行事；
- (ii) 該組織能夠憑藉其他因素在相當程度上控制它；
- (b) 符合一項或兩項以下描述的並非公司的團體——
- (i) 其執行委員會 (不論稱謂如何) 的成員慣常或有義務 (不論是正式或非正式的義務) 按照該組織的指示、指令或意願行事；
- (ii) 該組織能夠憑藉其他因素在相當程度上控制它；或
- (c) 符合以下描述的團體：其組成或運作所據的法律、章程、規則或其他規管文件，有一項或兩項以下規定——

- (3) In paragraph (e) of the definition of **external force** in subsection (1), a reference to a related entity of an external political organization or 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) 該團體的董事、高級人員或僱員，須由該組織的成員擔任；
 - (ii) 該團體的任何部分，須構成該組織的部分 (不論稱謂如何)。
- (4) 在第 (1) 款中**境外勢力**的定義的 (f) 段中，提述某政府、當局、組織或實體的關聯個人，即提述符合一項或兩項以下描述的個人——
- (a) 該人慣常或有義務 (不論是正式或非正式的義務) 按照該政府、當局、組織或實體的指示、指令或意願行事；
 - (b) 該政府、當局、組織或實體能夠憑藉其他因素在相當程度上控制該人。”。
- (4) 附表 5，在第 2 條之前——
加入

“第 2 部

提供資料或回答問題的規定”。

- (5) 附表 5，第 2 條，標題——
廢除
“外國或台灣”

- (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 (f) of the definition of *external force* in subsection (1), a reference to a related individual of a government, authority, 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, organization or entity;
 - (b) the government, authority, organization or entity is in a position to exercise, by virtue of other factors, substantial control over the individual.”.
- (4) Schedule 5, before section 2—
Add

“Part 2

Requirements to Provide Information or Answer Questions”.

- (5) Schedule 5, section 2, heading—
Repeal
“foreign or Taiwan”

代以
“境外”。

(6) 附表 5，在第 2(1) 條之前——

加入

“(1AA) 如警務處處長合理地相信——

- (a) 某組織有在香港進行任何活動(包括透過其他人在香港進行任何活動)；
 - (b) 該組織是境外政治性組織；及
 - (c) 發出有關規定是防止及偵查危害國家安全罪行所需要的，
- 則本條適用。”。

(7) 附表 5，第 2 條——

廢除第 (1) 款

代以

- “(1) 警務處處長可在保安局局長批准下，不時藉向有關組織送達書面通知，規定該組織在指定期限前，按指定方式向警務處處長提供指定的資料，或規定該組織在指定期間內，每隔一段指定時間，按指定方式向警務處處長提供指定的資料。
- (1A) 在第 (1) 款中，提述提供指定的資料，包括提供該資料的證明文件。

Substitute
“external”.

(6) Schedule 5, before section 2(1)—

Add

“(1AA) This section applies if the Commissioner of Police reasonably believes that—

- (a) an organization carries on any activity in Hong Kong (including carrying on any activity in Hong Kong through any other person);
- (b) the organization is an external political organization; and
- (c) it is necessary to issue the requirement concerned for the prevention and investigation of an offence endangering national security.”.

(7) Schedule 5, section 2—

Repeal subsection (1)

Substitute

- “(1) The Commissioner of Police may from time to time, with the approval of the Secretary for Security, by written notice served on the organization, require the organization to provide the Commissioner with the specified information in the specified way before the specified deadline or require the organization to provide the Commissioner with the specified information in the specified way at the specified intervals within the specified period.
- (1A) A reference in subsection (1) to providing the specified information includes providing the documentary proof of the information.

- (1B) 可根據第 (1) 款指定的資料包括——
- (a) 有關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)；
 - (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；及
 - (d) 是否有任何人根據本附表第 1(2) 條而屬該組織的代理人，以及 (如有的話)——
 - (i) 能令該人被識別的資料；及
 - (ii) 該人如何符合本附表第 1(2) 條的描述，以致根據該條而屬該組織的代理人，以及相關詳情。”。
- (8) 附表 5，英文文本，第 2(2) 條——
廢除
“obligations”
代以
“obligation”。
- (9) 附表 5，英文文本，第 2(2) 條——
廢除
“the notice”
代以

- (1B) The information that may be specified under subsection (1) includes—
- (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; and
 - (d) whether any person is under section 1(2) of this Schedule an agent of the organization, and (if so)—
 - (i) information that enables the person to be identified; and
 - (ii) how the person falls within the description in section 1(2) of this Schedule so as to be under that section an agent of the organization, and the relevant particulars.”.
- (8) Schedule 5, English text, section 2(2)—
Repeal
“obligations”
Substitute
“obligation”.
- (9) Schedule 5, English text, section 2(2)—
Repeal
“the notice”
Substitute

“a notice”。

(10) 附表 5，在第 2(2) 條之後——

加入

- “(2A) 在不局限第 (1) 款的前提下，警務處處長可在保安局局長批准下，不時藉按照第 (2B) 款送達書面通知，規定指定的、有關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，在指定的時間及地點，或在指定的不同時間及地點，到某警務人員席前，回答該警務人員提出的、關乎任何可根據第 (1) 款指定的資料的問題，或向該警務人員提供該等資料。
- (2B) 第 (2A) 款所指的通知須——
- (a) 向有關組織送達；及
 - (b) 向該款所述的指定的幹事或人士送達。
- (2C) 任何組織或人士不得以會有下述情況為理由，而不遵從根據第 (1) 或 (2A) 款送達的通知的規定——
- (a) 遵從該項規定，可能會導致該組織或人士入罪；或
 - (b) 遵從該項規定，會違反法規或其他規定所施加的——
 - (i) 保密責任；或

“a notice”.

(10) Schedule 5, after section 2(2)—

Add

- “(2A) Without limiting subsection (1), the Commissioner of Police may from time to time, with the approval of the Secretary for Security, by written notice served in accordance with subsection (2B), require a specified office-bearer of the organization in Hong Kong, or a specified person managing or assisting in the management of the organization in Hong Kong, to attend before a police officer at a specified time and place, or at specified times and places, and answer questions from the police officer with respect to any information that may be specified under subsection (1) or provide the police officer with such information.
- (2B) The notice under subsection (2A) must be served on—
- (a) the organization; and
 - (b) the specified office-bearer or person mentioned in that subsection.
- (2C) An organization or person is not excused from complying with a requirement in a notice served under subsection (1) or (2A) on the ground that to do so—
- (a) might tend to incriminate the organization or person; or
 - (b) would breach—
 - (i) an obligation as to secrecy; or

(ii) 其他對披露資料的限制。”。

(11) 附表 5，第 2 條——

廢除第 (3) 款

代以

“(3) 如任何組織沒有遵從根據第 (1) 款送達的通知的規定，則該組織以及每名第 (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 1 年，但如該組織或該幹事或人士證明其對沒有遵從該項規定有合理辯解，即為免責辯護。

(3A) 任何人沒有遵從根據第 (2A) 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 1 年，但如該人證明自己對沒有遵從該項規定有合理辯解，即為免責辯護。”。

(12) 附表 5，第 2 條——

廢除第 (4) 款

代以

“(4) 任何人在充作遵從根據第 (1) 或 (2A) 款送達的通知的規定時——

(ii) any other restriction on the disclosure of
information,

that is imposed by statute or otherwise.”.

(11) Schedule 5, section 2—

Repeal subsection (3)

Substitute

“(3) If an organization fails to comply with a requirement in a notice served under subsection (1), the organization and every office-bearer, and every person, who is mentioned in subsection (2) and who has been served with the notice commit an offence and are liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year, but it is a defence for the organization, office-bearer or person to prove that the organization, office-bearer or person had a reasonable excuse for failing to comply with the requirement.

(3A) If a person fails to comply with a requirement in a notice served under subsection (2A), the person commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year, but it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.”.

(12) Schedule 5, section 2—

Repeal subsection (4)

Substitute

“(4) If a person, in purported compliance with a requirement in a notice served under subsection (1) or (2A)—

- (a) 提供該人知道在要項上虛假或有誤導成分的資料，或作出該人知道在要項上虛假或有誤導成分的陳述；或
- (b) 罔顧實情地提供在要項上虛假或有誤導成分的資料，或罔顧實情地作出在要項上虛假或有誤導成分的陳述，

即屬犯罪，一經循公訴程序定罪，可處罰款 \$500,000 及監禁 3 年。”。

- (13) 附表 5，第 3 條，標題——

廢除

“外國或台灣”

代以

“境外勢力”。

- (14) 附表 5，在第 3(1) 條之前——

加入

“(1AA) 如警務處處長合理地相信——

- (a) 某人或組織 (**受規管方**) 是境外勢力的代理人 (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組織)；及
 - (b) 發出有關規定是防止及偵查危害國家安全罪行所需要的，
- 則本條適用。”。

- (a) provides any information, or makes a statement, that the person knows to be false or misleading in a material particular; or
- (b) recklessly provides any information, or recklessly makes a statement, that is false or misleading in a material particular,

the person commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years.”.

- (13) Schedule 5, section 3, heading—

Repeal

“foreign or Taiwan agents”

Substitute

“agents of external forces”.

- (14) Schedule 5, before section 3(1)—

Add

“(1AA) This section applies if the Commissioner of Police reasonably believes that—

- (a) a person or organization (**regulated party**) is an agent of an external force (other than 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 law of Hong Kong, or any other person or organization that is entitled to privileges and immunities in Hong Kong in accordance with the law of Hong Kong); and
- (b) it is necessary to issue the requirement concerned for the prevention and investigation of an offence endangering national security.”.

(15) 附表5，第3條——

廢除第(1)款

代以

“(1) 警務處處長可在保安局局長批准下，不時藉向受規管方送達書面通知，規定受規管方在指定期限前，按指定方式向警務處處長提供指定的資料，或規定受規管方在指定期間內，每隔一段指定時間，按指定方式向警務處處長提供指定的資料。

(1A) 在第(1)款中，提述提供指定的資料，包括提供該資料的證明文件。

(1B) 可根據第(1)款指定的資料包括——

(a) 受規管方如屬個人——

(i) 受規管方在香港的活動及個人資料(包括受規管方參與的本地組織的活動及職位、經營業務、職業及住址)；

(ii) 受規管方在香港的資產、收入、收入來源及開支；及

(iii) 是否有任何境外勢力根據本附表第1(2)條而屬受規管方的委託人，以及(如有的話)——

(15) Schedule 5, section 3—

Repeal subsection (1)

Substitute

“(1) The Commissioner of Police may from time to time, with the approval of the Secretary for Security, by written notice served on the regulated party, require the regulated party to provide the Commissioner with the specified information in the specified way before the specified deadline or require the regulated party to provide the Commissioner with the specified information in the specified way at the specified intervals within the specified period.

(1A) A reference in subsection (1) to providing the specified information includes providing the documentary proof of the information.

(1B) The information that may be specified under subsection (1) includes—

(a) if the regulated party is an individual—

(i) the activities of the regulated party in Hong Kong, and the personal particulars of the regulated party (including the activities of any local organization participated by the regulated party, the regulated party's post, business, occupation and residential address);

(ii) the assets, income, sources of income, and expenditure of the regulated party in Hong Kong; and

(iii) whether any external force is under section 1(2) of this Schedule a principal of the regulated party, and (if so)—

- (A) 能令該境外勢力被識別的資料；及
 - (B) 該境外勢力如何符合本附表第1(2)條的描述，以致根據該條而屬受規管方的委託人，以及相關詳情；或
- (b) 受規管方如屬一個組織——
- (i) 受規管方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) 受規管方在香港的活動；
 - (iii) 受規管方在香港的資產、收入、收入來源及開支；及
 - (iv) 是否有任何境外勢力根據本附表第1(2)條而屬受規管方的委託人，以及(如有的話)——
 - (A) 能令該境外勢力被識別的資料；及
 - (B) 該境外勢力如何符合本附表第1(2)條的描述，以致根據該條而屬受規管方的委託人，以及相關詳情。”。
- (16) 附表5，第3條——
廢除第(2)款

- (A) information that enables the external force to be identified; and
 - (B) how the external force falls within the description in section 1(2) of this Schedule so as to be under that section a principal of the regulated party, and the relevant particulars; or
- (b) if the regulated party is an organization—
- (i) the personal particulars of the staff of the regulated party in Hong Kong, and of the members of the regulated party in Hong Kong (including name, age, type and number of identification document, occupation and residential address);
 - (ii) the activities of the regulated party in Hong Kong;
 - (iii) the assets, income, sources of income, and expenditure of the regulated party in Hong Kong; and
 - (iv) whether any external force is under section 1(2) of this Schedule a principal of the regulated party, and (if so)—
 - (A) information that enables the external force to be identified; and
 - (B) how the external force falls within the description in section 1(2) of this Schedule so as to be under that section a principal of the regulated party, and the relevant particulars.”.

- (16) Schedule 5, section 3—

Repeal subsection (2)

代以

- “(2) 如受規管方屬一個組織，則第(1)款施加於受規管方的責任，對每名受規管方在香港的幹事及每名在香港管理或協助管理受規管方的人士，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。
- (2A) 在不局限第(1)款的前提下，警務處處長可在保安局局長批准下，不時藉按照第(2B)款送達書面通知，規定——
- (a) 如受規管方屬個人——受規管方；或
- (b) 如受規管方屬一個組織——指定的、受規管方在香港的幹事或在香港管理或協助管理受規管方的人士，
- 在指定的時間及地點，或在指定的不同時間及地點，到某警務人員席前，回答該警務人員提出的、關乎任何可根據第(1)款指定的資料的問題，或向該警務人員提供該等資料。
- (2B) 第(2A)款所指的通知須——
- (a) 如受規管方屬個人——向受規管方送達；或
- (b) 如受規管方屬一個組織——
- (i) 向受規管方送達；及

Substitute

- “(2) If the regulated party is an organization, the obligation imposed on the regulated party by subsection (1) is binding on every office-bearer of the regulated party in Hong Kong, and every person managing or assisting in the management of the regulated party in Hong Kong, who has been served with a notice under subsection (1).
- (2A) Without limiting subsection (1), the Commissioner of Police may from time to time, with the approval of the Secretary for Security, by written notice served in accordance with subsection (2B), require—
- (a) if the regulated party is an individual—the regulated party; or
- (b) if the regulated party is an organization—a specified office-bearer of the regulated party in Hong Kong, or a specified person managing or assisting in the management of the regulated party in Hong Kong,
- to attend before a police officer at a specified time and place, or at specified times and places, and answer questions from the police officer with respect to any information that may be specified under subsection (1) or provide the police officer with such information.
- (2B) The notice under subsection (2A)—
- (a) if the regulated party is an individual—must be served on the regulated party; or
- (b) if the regulated party is an organization—must be served on—
- (i) the regulated party; and

- (ii) 向第 (2A)(b) 款所述的指定的幹事或人士送達。
- (2C) 任何組織或人士不得以會有下述情況為理由，而不遵從根據第 (1) 或 (2A) 款送達的通知的規定——
- (a) 遵從該項規定，可能會導致該組織或人士入罪；或
 - (b) 遵從該項規定，會違反法規或其他規定所施加的——
 - (i) 保密責任；或
 - (ii) 其他對披露資料的限制。”。
- (17) 附表 5，第 3 條——
- 廢除第 (3) 款**
- 代以
- “(3) 如受規管方沒有遵從根據第 (1) 款送達的通知的規定——
- (a) 如受規管方屬個人——受規管方即屬犯罪；或
 - (b) 如受規管方屬一個組織——受規管方以及每名第 (2) 款所述並已獲送達通知的幹事及人士即屬犯罪，

- (ii) the specified office-bearer or person mentioned in subsection (2A)(b).
- (2C) An organization or person is not excused from complying with a requirement in a notice served under subsection (1) or (2A) on the ground that to do so—
- (a) might tend to incriminate the organization or person; or
 - (b) would breach—
 - (i) an obligation as to secrecy; or
 - (ii) any other restriction on the disclosure of information,
that is imposed by statute or otherwise.”.
- (17) Schedule 5, section 3—
- Repeal subsection (3)**
- Substitute**
- “(3) If the regulated party fails to comply with a requirement in a notice served under subsection (1)—
- (a) if the regulated party is an individual—the regulated party commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year; or
 - (b) if the regulated party is an organization—the regulated party and every office-bearer, and every person, who is mentioned in subsection (2) and who has been served with the notice commit an offence and are liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year,

一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年，但如受規管方或(如適用的話)該幹事或人士證明其對沒有遵從該項規定有合理辯解，即為免責辯護。

(3A) 任何人沒有遵從根據第 (2A) 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 1 年，但如該人證明自己對沒有遵從該項規定有合理辯解，即為免責辯護。”。

(18) 附表 5，第 3 條——

廢除第 (4) 款

代以

“(4) 任何人在充作遵從根據第 (1) 或 (2A) 款送達的通知的規定時——

- (a) 提供該人知道在要項上虛假或有誤導成分的資料，或作出該人知道在要項上虛假或有誤導成分的陳述；或
- (b) 罔顧實情地提供在要項上虛假或有誤導成分的資料，或罔顧實情地作出在要項上虛假或有誤導成分的陳述，

即屬犯罪，一經循公訴程序定罪，可處罰款 \$500,000 及監禁 3 年。”。

(19) 附表 5，第 4(a)(ii) 及 (iii) 條——

but it is a defence for the regulated party or (if applicable) the office-bearer or person to prove that the regulated party or office-bearer or person had a reasonable excuse for failing to comply with the requirement.

(3A) If a person fails to comply with a requirement in a notice served under subsection (2A), the person commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year, but it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.”.

(18) Schedule 5, section 3—

Repeal subsection (4)

Substitute

“(4) If a person, in purported compliance with a requirement in a notice served under subsection (1) or (2A)—

- (a) provides any information, or makes a statement, that the person knows to be false or misleading in a material particular; or
- (b) recklessly provides any information, or recklessly makes a statement, that is false or misleading in a material particular,

the person commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years.”.

(19) Schedule 5, section 4(a)(ii) and (iii)—

廢除

所有“在香港的”。

- (20) 附表 5，第 4(a)(iii) 條——

廢除

“人；或”

代以

“人；”。

- (21) 附表 5，第 4(a)(iv) 條——

廢除

所有“在香港的”。

- (22) 附表 5，第 4(a)(iv) 條——

廢除

“人；”

代以

“人；或”。

- (23) 附表 5，在第 4(a)(iv) 條之後——

加入

“(v) 已透過互聯網或相類似的電子網絡發布，以令該人知悉該通知所關乎的事宜；或”。

- (24) 附表 5，第 4(b)(i) 條——

廢除

“給予或”

代以

Repeal

“in Hong Kong” (wherever appearing).

- (20) Schedule 5, section 4(a)(iii)—

Repeal

“; or”

Substitute a semicolon.

- (21) Schedule 5, section 4(a)(iv)—

Repeal

“in Hong Kong” (wherever appearing).

- (22) Schedule 5, section 4(a)(iv)—

Repeal the semicolon

Substitute

“; or”.

- (23) Schedule 5, after section 4(a)(iv)—

Add

“(v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice concerns to the attention of the individual; or”.

- (24) Schedule 5, section 4(b)(i)—

Repeal

“given to or served”

Substitute

- “按 (a)(i)、(ii)、(iii) 或 (iv) 段所述的方式”。
- (25) 附表 5，第 4(b)(ii) 及 (iii) 條——
廢除
所有“在香港的”。
- (26) 附表 5，第 4(b)(iii) 條——
廢除
“織；或”
代以
“織；”。
- (27) 附表 5，第 4(b)(iv) 條——
廢除
所有“在香港的”。
- (28) 附表 5，第 4(b)(iv) 條——
廢除
“織。”
代以
“織；或”。
- (29) 附表 5，在第 4(b)(iv) 條之後——
加入
“(v) 已透過互聯網或相類似的電子網絡發布，以令該組織的幹事或管理或協助管理該組織的人士知悉該通知所關乎的事宜。”。
- (30) 附表 5，在第 4 條之後——
加入

- “served in the manner mentioned in paragraph (a)(i), (ii), (iii) or (iv)”.
- (25) Schedule 5, section 4(b)(ii) and (iii)—
Repeal
“in Hong Kong” (wherever appearing).
- (26) Schedule 5, section 4(b)(iii)—
Repeal
“; or”
Substitute a semicolon.
- (27) Schedule 5, section 4(b)(iv)—
Repeal
“in Hong Kong” (wherever appearing).
- (28) Schedule 5, section 4(b)(iv)—
Repeal the full stop
Substitute
“; or”.
- (29) Schedule 5, after section 4(b)(iv)—
Add
“(v) published through the Internet or a similar electronic network for the purpose of bringing the matter that the notice concerns to the attention of an office-bearer of the organization, or a person managing or assisting in the management of the organization.”.
- (30) Schedule 5, after section 4—
Add

“5. 某些資料不得在法律程序中予以披露

- (1) 如某資料是關乎警務處處長根據本附表第 2 或 3 條向保安局局長尋求批准的，則除非法院另有命令，否則該資料不得在任何民事或刑事法律程序中予以披露。
- (2) 法院在作出第 (1) 款所述的命令前，須考慮警務處處長的申述。
- (3) 法院可為防止有關資料在有關法律程序中予以披露，而作出任何所需命令和採取任何所需程序。
- (4) 在本條中——

法院 (Court) 具有《維護國家安全條例》(2024 年第 6 號) 第 3(1) 條所給予的涵義。

6. 限制在法律程序中使用導致入罪的資料等作為證據

- (1) 如警務處處長根據本附表第 2 或 3 條送達某項通知，則警務處處長須確保任何須遵從該項通知的規定的組織或人士，已事先獲告知或提醒第 (2) 款的效力。
- (2) 儘管在本實施細則中有其他條文的規定，如——
 - (a) 某組織或人士為遵從根據本附表第 2 或 3 條送達的通知的規定，向警務處處長提供任何資

“5. Certain information not to be disclosed in proceedings

- (1) If any information concerns the Commissioner of Police's seeking of approval from the Secretary for Security under section 2 or 3 of this Schedule, then unless a Court orders otherwise, the information must not be disclosed in any civil or criminal proceedings.
- (2) A Court must have regard to the representations of the Commissioner of Police before making an order mentioned in subsection (1).
- (3) A Court may make any order, and adopt any procedure, that is necessary to prevent the disclosure of the information in the proceedings.
- (4) In this section—

Court (法院) has the meaning given by section 3(1) of the Safeguarding National Security Ordinance (6 of 2024).

6. Limitations on use of incriminating information etc. as evidence in proceedings

- (1) If the Commissioner of Police serves a notice under section 2 or 3 of this Schedule, the Commissioner must ensure that any organization or person that is required to comply with a requirement in the notice has first been informed or reminded of the effect of subsection (2).
- (2) Despite any other provision of these Implementation Rules, if—
 - (a) an organization or person provides the Commissioner of Police with any information, or (if applicable) answers any question from a police officer or provides a police officer with

- 料，或(如適用的話)回答警務人員的任何問題或向警務人員提供任何資料；
- (b) 該資料或答案可能會導致該組織或人士入罪；及
 - (c) 該組織或人士在如此提供該資料或答案前，聲稱該資料或答案可能會導致該組織或人士入罪，則該項規定，以及該資料或答案，均不得在法院的刑事法律程序中，接納為不利該組織或人士的證據。
- (3) 第(2)款所述的刑事法律程序，不包括有關組織或人士被控犯以下罪行的刑事法律程序——
- (a) 本附表第 2(3)、(3A) 或 (4) 或 3(3)、(3A) 或 (4) 條所訂罪行；或
 - (b) 《刑事罪行條例》(第 200 章)第 V 部所訂罪行。
- (4) 儘管有第(2)款的規定，如有關組織或人士在任何(不論關乎何罪行的)法律程序中，作出與有關資料或答案不相符的證供，則該資料或答案在該法律程序中，可用以對該組織或人士的可信程度提出質疑。
- (5) 在第(2)款中，提述任何資料，不包括該資料的證明文件。

- any information, for compliance with a requirement in a notice served under section 2 or 3 of this Schedule;
- (b) the information or answer might tend to incriminate the organization or person; and
 - (c) the organization or person claims, before so providing the information or answer, that the information or answer might tend to incriminate the organization or person,
- the requirement and the information or answer are not admissible in evidence against the organization or person in criminal proceedings in a court of law.
- (3) The criminal proceedings mentioned in subsection (2) do not include criminal proceedings in which the organization or person is charged with—
- (a) an offence under section 2(3), (3A) or (4) or 3(3), (3A) or (4) of this Schedule; or
 - (b) an offence under Part V of the Crimes Ordinance (Cap. 200).
- (4) Despite subsection (2), if the organization or person, in any proceedings (regardless of which offence the proceedings relate to) gives evidence that is inconsistent with the information or answer, the information or answer may be used for the purpose of impeaching the credibility of the organization or of the person in those proceedings.
- (5) A reference in subsection (2) to any information does not include the documentary proof of the information.

第 3 部

申請撤銷或更改規管通知

7. 釋義 (第 3 部)

在本部中——

受通知方 (noticed party) 就某規管通知而言，指——

- (a) 如該通知是根據本附表第 2 條送達的——獲送達該通知的組織 (包括獲送達該通知的、該組織的幹事或管理或協助管理該組織的人士)；或
- (b) 如該通知是根據本附表第 3 條送達的——
 - (i) 獲送達該通知的個人；或
 - (ii) 獲送達該通知的組織 (包括獲送達該通知的、該組織的幹事或管理或協助管理該組織的人士)；

法庭 (Court) 指高等法院原訟法庭；

規管通知 (regulation notice) 指根據本附表第 2 或 3 條所送達的通知。

Part 3

Applications for Revocation or Variation of Regulation Notices

7. Interpretation (Part 3)

In this Part—

Court (法庭) means the Court of First Instance of the High Court;

noticed party (受通知方), in relation to a regulation notice, means—

- (a) if the notice is served under section 2 of this Schedule—an organization that is served with the notice (including an office-bearer of the organization, or a person managing or assisting in the management of the organization, who is served with the notice); or
- (b) if the notice is served under section 3 of this Schedule—
 - (i) an individual who is served with the notice; or
 - (ii) an organization that is served with the notice (including an office-bearer of the organization, or a person managing or assisting in the management of the organization, who is served with the notice);

regulation notice (規管通知) means a notice served under section 2 or 3 of this Schedule.

8. 提出申請

- (1) 如——
 - (a) 某人或組織，是某規管通知的受通知方；或
 - (b) 法庭信納，某人或組織雖並非該通知的受通知方，但受該通知所影響，則該人或組織可按照第(2)、(3)及(4)款向法庭提出申請，要求撤銷或更改該通知。
- (2) 該項申請須藉原訴傳票(採用《高等法院規則》(第4章，附屬法例A)附錄A表格10格式者)提出，並以誓章支持。
- (3) 該原訴傳票及誓章須述明申請人要求撤銷或更改該通知的理由。
- (4) 申請人須在該通知送達予受通知方當日後 的 14 日內——
 - (a) 將該原訴傳票及誓章送交予法庭存檔；及
 - (b) 將該原訴傳票及誓章的文本送達予警務處處長。
- (5) 警務處處長須在收到該原訴傳票及誓章的文本當日後 的 14 日內，舉出述明其反對該項申請的理據的誓章證據，並——
 - (a) 在該誓章證據牽涉保密資料的範圍內——將該誓章證據送交予法庭存檔；或

8. Making of applications

- (1) If—
 - (a) a person or organization is a noticed party of a regulation notice; or
 - (b) the Court is satisfied that a person or organization, although not a noticed party of the notice, is affected by the notice,the person or organization may, in accordance with subsections (2), (3) and (4), apply to the Court for the revocation or variation of the notice.
- (2) The application must be made by originating summons (in Form No. 10 in Appendix A to the Rules of the High Court (Cap. 4 sub. leg. A)) and be supported by affidavit.
- (3) The originating summons and affidavit must state the grounds on which the applicant seeks the revocation or variation of the notice.
- (4) The applicant must, within 14 days after the date of service of the notice on the noticed party—
 - (a) file the originating summons and affidavit with the Court; and
 - (b) serve a copy of the originating summons and affidavit on the Commissioner of Police.
- (5) The Commissioner of Police must, within 14 days after the date of receipt of the copy of the originating summons and affidavit, adduce affidavit evidence stating the Commissioner's justifications for opposing the application and—
 - (a) to the extent that the affidavit evidence involves any confidential information—file the affidavit evidence with the Court; or

- (b) 在該誓章證據並不牽涉保密資料的範圍內——
- (i) 將該誓章證據送交予法庭存檔；及
 - (ii) 將該誓章證據的文本送達予申請人。

- (6) 在本條中——

保密資料 (confidential information) 指根據本附表第 5(1) 條而不得在任何民事或刑事法律程序中予以披露的資料。

9. 申請的聆訊

除非法庭認為，本附表第 8 條所指申請的聆訊以公開形式進行，是就司法公正而言屬必需，而且不會不利於國家安全，否則該項申請的聆訊須以非公開形式進行。

10. 裁定申請

- (1) 如有本附表第 8 條所指申請提出，則本條適用。
- (2) 如有關申請，是要求撤銷某規管通知的，而法庭信納警務處處長在發出有關規定時有合理理由相信以下事宜，並在該項申請裁定時仍有合理理由相信以下事宜，則法庭不得批准該項申請——
 - (a) 受通知方——

- (b) to the extent that the affidavit evidence does not involve any confidential information—
- (i) file the affidavit evidence with the Court; and
 - (ii) serve a copy of the affidavit evidence on the applicant.

- (6) In this section—

confidential information (保密資料) means any information that is disallowed from being disclosed in any civil or criminal proceedings under section 5(1) of this Schedule.

9. Hearing of applications

Unless the Court considers that hearing an application mentioned in section 8 of this Schedule in open court is necessary in the interests of justice and would not be contrary to the interests of national security, the application must be heard in a closed court.

10. Determination of applications

- (1) This section applies if an application mentioned in section 8 of this Schedule is made.
- (2) If the application is for revocation of a regulation notice and the Court is satisfied that the Commissioner of Police had reasonable grounds to believe the following matters at the time of issue of the requirement concerned and still has reasonable grounds to believe the following matters at the time of determination of the application, then the Court must not grant the application—
 - (a) the noticed party—

- (i) 如該通知是根據本附表第 2 條送達的——
 - (A) 有在香港進行任何活動(包括透過其他人在香港進行任何活動)的;及
 - (B) 是境外政治性組織;或
 - (ii) 如該通知是根據本附表第 3 條送達的——是境外勢力的代理人(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組織);及
- (b) 發出該項規定是防止及偵查危害國家安全罪行所需要的。
- (3) 如有關申請,是要求更改某規管通知的,則法庭除非信納在有關個案的整體情況下,批准該項申請屬合理和必需,而且不會不利於國家安全,否則不得批准該項申請。
- (4) 在符合第(2)及(3)款的前提下,法庭——
- (a) 可確認、更改或撤銷有關規管通知;及

- (i) if the notice is served under section 2 of this Schedule—
 - (A) has carried on any activity in Hong Kong (including having carried on any activity in Hong Kong through any other person); and
 - (B) is an external political organization; or
 - (ii) if the notice is served under section 3 of this Schedule—is an agent of an external force (other than 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 law of Hong Kong, or any other person or organization that is entitled to privileges and immunities in Hong Kong in accordance with the law of Hong Kong); and
- (b) it is necessary to issue the requirement for the prevention and investigation of an offence endangering national security.
- (3) If the application is for variation of a regulation notice, the Court must not grant the application unless it 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.
- (4) Subject to subsections (2) and (3), the Court—
- (a) may confirm, vary or revoke the regulation notice; and

(b) 可就有關事宜作出法庭認為公正的其他命令。

11. 待決申請對規管通知的效力的影響

- (1) 除第 (2) 款另有規定外，即使某人或某組織根據本附表第 8 條提出申請 (**有關申請**)，有關申請並不影響有關規管通知的效力。
- (2) 如有關申請的申請人，是有關規管通知的受通知方，則在該項申請獲裁定之前，只要申請人——
 - (a) 如該通知是規定申請人在指定期限前提供某些資料的——在該期限前，以密封的形式將該等資料送交予法庭存檔；或
 - (b) 如該通知是規定申請人在指定期間內，每隔一段指定時間，提供某些資料的——在該期間內，每隔該段時間，以密封的形式將該等資料送交予法庭存檔，申請人即就本附表第 2 部而言視為遵從該通知。
- (3) 如法庭拒絕有關申請，則任何為了依據第 (2) 款遵從該通知而送交予法庭存檔的資料，可予開封並交予警務處處長。

(b) may, in relation to relevant matters, make any other order that the Court considers just.

11. Effect of pending applications on effect of regulation notices

- (1) Subject to subsection (2), even if a person or organization makes an application under section 8 of this Schedule (**relevant application**), the relevant application does not affect the effect of the regulation notice concerned.
- (2) If the applicant of the relevant application is a noticed party of the regulation notice concerned, the applicant is taken as having complied with the notice for the purposes of Part 2 of this Schedule as long as the applicant, before the application is determined——
 - (a) if the notice requires the applicant to provide certain information before the specified deadline—files, before the deadline, the information with the Court in a way in which the information is sealed; or
 - (b) if the notice requires the applicant to provide certain information at the specified intervals within the specified period—files, at those intervals within the period, the information with the Court in a way in which the information is sealed.
- (3) If the Court refuses the relevant application, any information filed with the Court for compliance with the notice pursuant to subsection (2) may be unsealed and be provided to the Commissioner of Police.

12. 法院規則

《高等法院規則》(第 4 章, 附屬法例 A) 在不抵觸本部的範圍內, 適用於根據本部進行的法律程序。”。

9. 修訂附表 7 (關於要求提供資料和提交物料的細則)

(1) 附表 7, 標題——

廢除

“物料”

代以

“材料”。

(2) 附表 7, 在第 1 條之前——

加入

“第 1 部

導言”。

(3) 附表 7, 英文文本, 第 1 條, *authorized officer* 的定義, (b) 段——

廢除句點

代以分號。

(4) 附表 7, 第 1 條——

按筆劃數目順序加入

“*法庭* (Court) 指高等法院原訟法庭;”。

(5) 附表 7, 在第 2 條之前——

加入

12. Rules of court

The Rules of the High Court (Cap. 4 sub. leg. A) apply to proceedings conducted under this Part to the extent that those Rules are not inconsistent with this Part.”.

9. Schedule 7 amended (rules relating to requirement to furnish information and produce materials)

(1) Schedule 7, heading—

Repeal

“**Materials**”

Substitute

“**Material**”.

(2) Schedule 7, before section 1—

Add

“Part 1

Preliminary”.

(3) Schedule 7, English text, section 1, definition of *authorized officer*, paragraph (b)—

Repeal the full stop

Substitute a semicolon.

(4) Schedule 7, section 1—

Add in alphabetical order

“*Court* (法庭) means the Court of First Instance of the High Court.”.

(5) Schedule 7, before section 2—

Add

“第 2 部

一般細則”。

- (6) 附表 7，中文文本，第 2 條，標題——
廢除
“物料”
代以
“材料”。
- (7) 附表 7，第 2(1) 及 (2) 條——
廢除
“原訟”。
- (8) 附表 7，第 2(3)(c)(i) 條——
廢除
“回答問題或提供資料”
代以
“，回答獲授權人員的問題或提供資料予獲授權人員”。
- (9) 附表 7，第 2(3)(c) 條——
廢除第 (ii) 節
代以
“(ii) 將任何律政司司長合理地覺得是與關乎偵查的事情有關的任何材料或某種類的材料，提交予獲授權人員；及”。
- (10) 附表 7，第 2(3)(d) 條——

“Part 2

General Rules”。

- (6) Schedule 7, Chinese text, section 2, heading—
Repeal
“物料”
Substitute
“材料”。
- (7) Schedule 7, section 2(1) and (2)—
Repeal
“of First Instance”。
- (8) Schedule 7, section 2(3)(c)(i)—
Repeal
“or furnish information with respect to any matter that reasonably appears to an”
Substitute
“from an authorized officer, or to furnish an authorized officer with information, with respect to any matter that reasonably appears to the”。
- (9) Schedule 7, section 2(3)(c)—
Repeal subparagraph (ii)
Substitute
“(ii) to produce to an authorized officer any material that reasonably appears to the Secretary for Justice to relate to any matter relevant to the investigation, or any material of a class that reasonably appears to the Secretary for Justice so to relate; and”。
- (10) Schedule 7, section 2(3)(d)—

廢除

“原訟”。

- (11) 附表 7，英文文本，第 2(3)(d) 條——

廢除

“the court”

代以

“the Court”。

- (12) 附表 7，中文文本，第 2(4)(b)、(c)(i) 及 (ii) 及 (d)(iii) 及 (iv) 條——

廢除

所有“物料”

代以

“材料”。

- (13) 附表 7，第 2(5) 條——

廢除

“回答問題或提供資料。”

代以

“，回答該獲授權人員的問題或提供資料予該獲授權人員。”。

- (14) 附表 7，中文文本，第 2(6) 條——

廢除

所有“物料”

代以

“材料”。

- (15) 附表 7，第 2(6) 條——

廢除

Repeal

“of First Instance”.

- (11) Schedule 7, English text, section 2(3)(d)—

Repeal

“the court”

Substitute

“the Court”.

- (12) Schedule 7, Chinese text, section 2(4)(b), (c)(i) and (ii) and (d)(iii) and (iv)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”.

- (13) Schedule 7, section 2(5)—

Repeal

“and answer questions or furnish information”

Substitute

“and answer questions from the authorized officer, or furnish the authorized officer with information.”.

- (14) Schedule 7, Chinese text, section 2(6)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”.

- (15) Schedule 7, section 2(6)—

Repeal

“提交。”

代以

“，提交予獲授權人員。”。

- (16) 附表7，英文文本，第2(7)(a)條——

廢除

“a court order has been made”

代以

“an order has been made by the Court”。

- (17) 附表7，中文文本，第2(8)條——

廢除

所有“物料”

代以

“材料”。

- (18) 附表7，第2(9)條——

廢除

“與享有法律專業保密權的品目有關的資料或物料”

代以

“享有法律專業保密權的資料或材料”。

- (19) 附表7，中文文本，第2(10)條——

廢除

“物料”

代以

“材料”。

- (20) 附表7，英文文本，第2(10)條——

廢除

“to produce at a specified time and place, or at specified times and places,”

Substitute

“to, at a specified time and place, or at specified times and places, produce to an authorized officer”.

- (16) Schedule 7, English text, section 2(7)(a)—

Repeal

“a court order has been made”

Substitute

“an order has been made by the Court”.

- (17) Schedule 7, Chinese text, section 2(8)—

Repeal

“物料”(wherever appearing)

Substitute

“材料”.

- (18) Schedule 7, section 2(9)—

Repeal

“information or produce any material relating to items”

Substitute

“information, or to produce any material, that is”.

- (19) Schedule 7, Chinese text, section 2(10)—

Repeal

“物料”

Substitute

“材料”.

- (20) Schedule 7, English text, section 2(10)—

Repeal

- “possession of any”
代以
“possession of, any”。
- (21) 附表 7，中文文本，第 2(11) 條——
廢除
“物料——”
代以
“材料——”。
- (22) 附表 7，中文文本，第 2(11)(a) 條——
廢除
“物料會傾向於使該人獲罪”
代以
“材料，可能會導致該人入罪”。
- (23) 附表 7，第 2(11)(b) 條——
廢除
在“或提交”之後的所有字句
代以
“材料，會違反法規或其他規定所施加的——
(i) 保密責任；或
(ii) 其他對披露資料或材料的限制。”。
- (24) 附表 7，第 2 條——
廢除第 (12) 款。
- (25) 附表 7，第 2(14) 條——
廢除

- “possession of any”
Substitute
“possession of, any”.
- (21) Schedule 7, Chinese text, section 2(11)—
Repeal
“物料——”
Substitute
“材料——”.
- (22) Schedule 7, Chinese text, section 2(11)(a)—
Repeal
“物料會傾向於使該人獲罪”
Substitute
“材料，可能會導致該人入罪”.
- (23) Schedule 7, section 2(11)(b)—
Repeal
everything after “would”
Substitute
“breach—
(i) an obligation as to secrecy; or
(ii) any other restriction on the disclosure of
information or material,
that is imposed by statute or otherwise.”.
- (24) Schedule 7, section 2—
Repeal subsection (12).
- (25) Schedule 7, section 2(14)—
Repeal

在“犯罪”之前的所有字句

代以

“(14) 任何人在充作遵從根據本條施加的要求時——

- (a) 提供該人知道在要項上虛假或有誤導成分的資料，或作出該人知道在要項上虛假或有誤導成分的陳述；或
- (b) 罔顧實情地提供在要項上虛假或有誤導成分的資料，或罔顧實情地作出在要項上虛假或有誤導成分的陳述，

即屬”。

(26) 附表 7，中文文本，第 2(15) 條——

廢除

“法庭”

代以

“法院”。

(27) 附表 7，中文文本，第 2(16) 條——

廢除

所有“物料”

代以

“材料”。

(28) 附表 7，在第 2 條之後——

加入

“2A. 限制在法律程序中使用導致入罪的資料等作為證據

- (1) 如律政司司長根據本附表第 2(5) 條，要求某人回答獲授權人員的任何問題，或提供任何資料予獲授權

everything before “an offence”

Substitute

“(14) If a person, in purported compliance with a requirement imposed under this section—

- (a) furnishes any information, or makes a statement, that the person knows to be false or misleading in a material particular; or
- (b) recklessly furnishes any information, or recklessly makes a statement, that is false or misleading in a material particular,

the person commits”.

(26) Schedule 7, Chinese text, section 2(15)—

Repeal

“法庭”

Substitute

“法院”.

(27) Schedule 7, Chinese text, section 2(16)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”.

(28) Schedule 7, after section 2—

Add

“2A. **Limitations on use of incriminating information etc. as evidence in proceedings**

- (1) If the Secretary for Justice, under section 2(5) of this Schedule, requires a person to answer any question from an authorized officer or furnish an authorized

人員，則該獲授權人員須確保該人已事先獲告知或提醒第 (2) 款的效力。

- (2) 儘管在本實施細則中有其他條文的規定，如——
- (a) 某人為遵從律政司司長根據本附表第 2(5) 條施加的要求，回答獲授權人員的任何問題，或提供任何資料予獲授權人員；
 - (b) 該答案或資料可能會導致該人入罪；及
 - (c) 該人在如此提供該答案或資料前，聲稱該答案或資料可能會導致自己入罪，
- 則該項要求，以及該答案或資料，均不得在法院的刑事法律程序中，接納為不利該人的證據。
- (3) 第 (2) 款所述的刑事法律程序，不包括有關人士被控犯以下罪行的刑事法律程序——
- (a) 本附表第 2(13) 或 (14) 條所訂罪行；或
 - (b) 《刑事罪行條例》(第 200 章) 第 V 部所訂罪行。
- (4) 儘管有第 (2) 款的規定，如有關人士在任何 (不論關乎何罪行的) 法律程序中，作出與有關答案或資

officer with any information, the authorized officer must ensure that the person has first been informed or reminded of the effect of subsection (2).

- (2) Despite any other provision of these Implementation Rules, if—
- (a) a person answers any question from an authorized officer or furnishes an authorized officer with any information, for compliance with a requirement imposed by the Secretary for Justice under section 2(5) of this Schedule;
 - (b) the answer or information might tend to incriminate the person; and
 - (c) the person claims, before so providing the answer or so furnishing the information, that the answer or information might tend to incriminate the person,
- the requirement and the answer or information are not admissible in evidence against the person in criminal proceedings in a court of law.
- (3) The criminal proceedings mentioned in subsection (2) do not include criminal proceedings in which the person is charged with—
- (a) an offence under section 2(13) or (14) of this Schedule; or
 - (b) an offence under Part V of the Crimes Ordinance (Cap. 200).
- (4) Despite subsection (2), if the person, in any proceedings (regardless of which offence the proceedings relate to) gives evidence that is inconsistent with the answer or information, the answer or information may be used for the purpose

料不相符的證供，則該答案或資料在該法律程序中，可用以對該人的可信程度提出質疑。”。

- (29) 附表 7，中文文本，第 3 條，標題——

廢除

“物料”

代以

“材料”。

- (30) 附表 7，中文文本，第 3(1) 條——

廢除

所有“物料”

代以

“材料”。

- (31) 附表 7，第 3(1) 條——

廢除

“原訟”。

- (32) 附表 7，第 3(1)(b) 條——

廢除

“從危害國家安全罪行”

代以

“因危害國家安全罪行而產生”。

- (33) 附表 7，中文文本，第 3(2) 條——

廢除

所有“物料”

代以

“材料”。

- (34) 附表 7，英文文本，第 3(2) 條——

of impeaching the person's credibility in those proceedings.”.

- (29) Schedule 7, Chinese text, section 3, heading—

Repeal

“物料”

Substitute

“材料”.

- (30) Schedule 7, Chinese text, section 3(1)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”.

- (31) Schedule 7, section 3(1)—

Repeal

“of First Instance”.

- (32) Schedule 7, section 3(1)(b)—

Repeal

“proceeds of”

Substitute

“proceeds arising from”.

- (33) Schedule 7, Chinese text, section 3(2)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”.

- (34) Schedule 7, English text, section 3(2)—

- 廢除
所有“court”
代以
“Court”。
- (35) 附表 7，英文文本，第 3(3) 條——
廢除
“court”
代以
“Court”。
- (36) 附表 7，第 3(4)(b) 條——
廢除
“從危害國家安全罪行的”
代以
“因危害國家安全罪行而產生的”。
- (37) 附表 7，中文文本，第 3(4)(c) 條——
廢除
“物料”
代以
“材料”。
- (38) 附表 7，第 3(4)(c)(ii) 條——
廢除
所有“品目”
代以
“材料”。
- (39) 附表 7，中文文本，第 3(4)(d)、(5) 及 (6) 條——
廢除

- Repeal**
“court” (wherever appearing)
- Substitute**
“Court”.
- (35) Schedule 7, English text, section 3(3)—
Repeal
“court”
Substitute
“Court”.
- (36) Schedule 7, section 3(4)(b)—
Repeal
“proceeds of”
Substitute
“proceeds arising from”.
- (37) Schedule 7, Chinese text, section 3(4)(c)—
Repeal
“物料”
Substitute
“材料”.
- (38) Schedule 7, section 3(4)(c)(ii)—
Repeal
“items”
Substitute
“material”.
- (39) Schedule 7, Chinese text, section 3(4)(d), (5) and (6)—
Repeal

所有“物料”

代以

“材料”。

- (40) 附表 7，英文文本，第 3(6) 條——

廢除

“a court makes an order under subsection (2)(b) in relation to material on any premises it may, on the same or a subsequent application of an authorized officer, order any person who appears to it”

代以

“the Court makes an order under subsection (2)(b) in relation to material on any premises, it may, on the same or a subsequent application of an authorized officer, order any person who appears to an authorized officer”。

- (41) 附表 7，中文文本，第 3(8) 及 (9) 條——

廢除

所有“物料”

代以

“材料”。

- (42) 附表 7，第 3(10)(a) 條——

廢除

“品目”

代以

“材料”。

- (43) 附表 7，中文文本，第 3(10)(b) 條——

廢除

“物料”

代以

“物料” (wherever appearing)

Substitute

“材料”。

- (40) Schedule 7, English text, section 3(6)—

Repeal

“a court makes an order under subsection (2)(b) in relation to material on any premises it may, on the same or a subsequent application of an authorized officer, order any person who appears to it”

Substitute

“the Court makes an order under subsection (2)(b) in relation to material on any premises, it may, on the same or a subsequent application of an authorized officer, order any person who appears to an authorized officer”。

- (41) Schedule 7, Chinese text, section 3(8) and (9)—

Repeal

“物料” (wherever appearing)

Substitute

“材料”。

- (42) Schedule 7, section 3(10)(a)—

Repeal

“items”

Substitute

“material”。

- (43) Schedule 7, Chinese text, section 3(10)(b)—

Repeal

“物料”

Substitute

- “材料”。
- (44) 附表 7，中文文本，第 3(11) 條——
廢除
“若提交物料”
代以
“若提交材料”。
- (45) 附表 7，中文文本，第 3(11) 條——
廢除
“物料——”
代以
“材料——”。
- (46) 附表 7，中文文本，第 3(11)(a) 條——
廢除
“物料會傾向於使該人獲罪”
代以
“材料，可能會導致該人入罪”。
- (47) 附表 7，第 3(11)(b) 條——
廢除
在“或提交”之後的所有字句
代以
“材料，會違反法規或其他規定所施加的——
(i) 保密責任；或
(ii) 其他對披露資料或材料的限制。”。
- (48) 附表 7，中文文本，第 3(13) 及 5(1)(b) 條——

- “材料”。
- (44) Schedule 7, Chinese text, section 3(11)—
Repeal
“若提交物料”
Substitute
“若提交材料”。
- (45) Schedule 7, Chinese text, section 3(11)—
Repeal
“物料——”
Substitute
“材料——”。
- (46) Schedule 7, Chinese text, section 3(11)(a)—
Repeal
“物料會傾向於使該人獲罪”
Substitute
“材料，可能會導致該人入罪”。
- (47) Schedule 7, section 3(11)(b)—
Repeal
everything after “would”
Substitute
“breach—
(i) an obligation as to secrecy; or
(ii) any other restriction on the disclosure of
information or material,
that is imposed by statute or otherwise.”。
- (48) Schedule 7, Chinese text, sections 3(13) and 5(1)(b)—

廢除

所有“物料”

代以

“材料”。

(49) 附表 7，第 6 條——

廢除

“本附表”

代以

“本部”。

(50) 附表 7，英文文本，第 6 條——

廢除

“laws”

代以

“law”。

(51) 附表 7，在第 6 條之後——

加入

“第 3 部

法律專業保密權聲請

7. 釋義 (第 3 部)

在本部中——

法律專業保密權聲請 (LPP claim) 指向法庭提出的、聲稱任何資料或材料 (或資料及材料) 享有法律專業保密權的聲請；

Repeal

“物料” (wherever appearing)

Substitute

“材料”。

(49) Schedule 7, section 6—

Repeal

“Schedule”

Substitute

“Part”。

(50) Schedule 7, English text, section 6—

Repeal

“laws”

Substitute

“law”。

(51) Schedule 7, after section 6—

Add

“Part 3

Claims of Legal Professional Privilege

7. Interpretation (Part 3)

In this Part—

claim information (聲請資料), in relation to an LPP claim, means any information set out under section 10(6) of this Schedule in respect of the claim;

第2條要求 (section 2 requirement) 指根據本附表第2條施加的要求；

第3條命令 (section 3 order) 指根據本附表第3條發出的命令；

答辯人 (respondent) 就某項法律專業保密權聲請而言，指——

- (a) 如該項聲請是因應任何第2條要求而作出的——律政司司長；或
- (b) 如該項聲請是因應任何第3條命令而作出的——根據本附表第3(1)條提出有關申請的人；

聲請人 (claimant) 就某項法律專業保密權聲請而言，指提出該項聲請的人；

聲請材料 (claim material) 就某項法律專業保密權聲請而言，指就該項聲請而根據本附表第10(5)(a)條指明的材料；

聲請資料 (claim information) 就某項法律專業保密權聲請而言，指就該項聲請而根據本附表第10(6)條列出的資料。

8. 本部的適用範圍等

- (1) 任何關乎以下一項或多於一項的法律專業保密權聲請，須按照本部處理——
 - (a) 為遵從任何第2條要求而須提供的資料；
 - (b) 為遵從任何第2條要求而須提交的材料；

claim material (聲請材料), in relation to an LPP claim, means any material specified under section 10(5)(a) of this Schedule in respect of the claim;

claimant (聲請人), in relation to an LPP claim, means the person who makes the claim;

LPP claim (法律專業保密權聲請) means a claim made to the Court that any information or material is (or any information and material are) subject to legal professional privilege;

respondent (答辯人), in relation to an LPP claim, means—

- (a) if the claim is made in consequence of any section 2 requirement—the Secretary for Justice; or
- (b) if the claim is made in consequence of any section 3 order—the person who makes the application concerned under section 3(1) of this Schedule;

section 2 requirement (第2條要求) means a requirement imposed under section 2 of this Schedule;

section 3 order (第3條命令) means an order made under section 3 of this Schedule.

8. Application of this Part etc.

- (1) An LPP claim in respect of one or more of the following is to be dealt with in accordance with this Part—
 - (a) any information required to be furnished for compliance with a section 2 requirement;
 - (b) any material required to be produced for compliance with a section 2 requirement;

- (c) 為遵從任何第 3 條命令而須提交或讓獲授權人員取覽的材料。
- (2) 《高等法院規則》(第 4 章, 附屬法例 A) 在不抵觸本部的範圍內, 適用於根據本部進行的法律程序。

9. 加封材料等

- (1) 如某人聲稱任何為遵從某項第 2 條要求而須提交的材料享有法律專業保密權, 則該人須在不遲於律政司司長根據本附表第 2(6) 條為該材料指明的時間, 作出第 (3) 款所述的行動。
- (2) 如某人聲稱任何為遵從某項第 3 條命令而須提交或讓獲授權人員取覽的材料享有法律專業保密權, 則該人須在該項命令根據本附表第 3(2) 條所指明的期限內, 作出第 (3) 款所述的行動。
- (3) 有關行動為——
 - (a) 在合理地切實可行的範圍內, 向獲授權人員提供有關材料的詳情, 包括——
 - (i) 日期、標題、主題、作者、接收者及目的; 及

- (c) any material required to be produced, or any material to which access is required to be given to an authorized officer, for compliance with a section 3 order.
- (2) The Rules of the High Court (Cap. 4 sub. leg. A) apply to proceedings conducted under this Part to the extent that those Rules are not inconsistent with this Part.

9. Sealing of material etc.

- (1) If a person claims that any material required to be produced for compliance with a section 2 requirement is subject to legal professional privilege, the person must take the actions mentioned in subsection (3) no later than the time specified for the material by the Secretary for Justice under section 2(6) of this Schedule.
- (2) If a person claims that any material required to be produced, or any material to which access is required to be given to an authorized officer, for compliance with a section 3 order is subject to legal professional privilege, the person must take the actions mentioned in subsection (3) within the period specified in the order under section 3(2) of this Schedule.
- (3) The actions are—
 - (a) to provide, so far as is reasonably practicable, an authorized officer with the particulars of the material, including—
 - (i) the date, title, subject, author, recipient and purpose; and

- (ii) 就任何儲存於電子設備內的材料而言——雜湊值、檔案名稱、檔案類型及檔案路徑；及
- (b) 在獲授權人員面前，將該材料加封，然後將其交予獲授權人員。

10. 法律專業保密權聲請以及相關誓章證據及書面陳詞

- (1) 有關法律專業保密權聲請，須在指明日期後的 14 日內以傳票提出。
- (2) 在第 (1) 款中，提述指明日期，即提述——
 - (a) 如上述聲請是關乎本附表第 8(1)(a) 條所述的資料的——律政司司長根據本附表第 2(5) 條為有關資料指明的時間所屬的日期；
 - (b) 如上述聲請是關乎本附表第 8(1)(b) 條所述的材料的——律政司司長根據本附表第 2(6) 條為有關材料指明的時間所屬的日期；或
 - (c) 如上述聲請是關乎本附表第 8(1)(c) 條所述的材料的——有關的第 3 條命令根據本附表第 3(2) 條所指明的期限屆滿的日期。
- (3) 聲請人須在第 (1) 款所述的期限內——
 - (a) 向法庭存檔——

- (ii) in relation to any material that is stored in electronic equipment—the hash value, file name, file type and file path; and
- (b) to seal the material in the presence of an authorized officer and give it to the authorized officer.

10. LPP claims and related affidavit evidence and written submissions

- (1) The LPP claim concerned must be made by summons within 14 days after the specified date.
- (2) The reference in subsection (1) to the specified date is a reference to—
 - (a) if the claim is in respect of the information mentioned in section 8(1)(a) of this Schedule—the date on which the time specified for the information by the Secretary for Justice under section 2(5) of this Schedule falls;
 - (b) if the claim is in respect of the material mentioned in section 8(1)(b) of this Schedule—the date on which the time specified for the material by the Secretary for Justice under section 2(6) of this Schedule falls; or
 - (c) if the claim is in respect of the material mentioned in section 8(1)(c) of this Schedule—the date of expiry of the period specified in the section 3 order concerned under section 3(2) of this Schedule.
- (3) The claimant must, within the period mentioned in subsection (1)—
 - (a) file with the Court—

- (i) 上述傳票；及
 - (ii) 支持上述聲請的誓章證據及書面陳詞；及
 - (b) 向答辯人和(如答辯人並非律政司司長)向律政司司長送達(a)段所述文件的文本。
- (4) 上述誓章證據須——
- (a) 述明聲請資料或聲請材料(視何者適用而定)的性質；
 - (b) 述明聲請人聲稱聲請資料或聲請材料(視何者適用而定)所享有的法律專業保密權，是法律意見保密權抑或訴訟保密權；及
 - (c) 述明聲請人聲稱聲請資料或聲請材料(視何者適用而定)享有法律專業保密權的原因。
- (5) 此外，如上述聲請是關乎本附表第8(1)(b)或(c)條所述的材料，上述誓章證據亦須——
- (a) 指明聲稱享有法律專業保密權的材料，具體而言是哪些；及
 - (b) 在合理地切實可行的範圍內列出該等材料的詳情，包括——
 - (i) 日期、標題、主題、作者、接收者及目的；及
 - (ii) 就任何儲存於電子設備內的材料而言——雜湊值、檔案名稱、檔案類型及檔案路徑。

- (i) the summons; and
 - (ii) affidavit evidence and written submissions in support of the claim; and
 - (b) serve on the respondent and (if the respondent is not the Secretary for Justice) the Secretary for Justice a copy of the documents mentioned in paragraph (a).
- (4) The affidavit evidence must—
- (a) state the nature of the claim information or claim material (as applicable);
 - (b) state whether the legal professional privilege that the claimant claims in respect of the claim information or claim material (as applicable) is legal advice privilege or litigation privilege; and
 - (c) state the reasons for which the claimant claims that the claim information or claim material (as applicable) is subject to legal professional privilege.
- (5) Moreover, if the claim is in respect of the material mentioned in section 8(1)(b) or (c) of this Schedule, the affidavit evidence must also—
- (a) specify which specific material is claimed to be subject to legal professional privilege; and
 - (b) set out, so far as is reasonably practicable, the particulars of such material, including—
 - (i) the date, title, subject, author, recipient and purpose; and
 - (ii) in relation to any material that is stored in electronic equipment—the hash value, file name, file type and file path.

- (6) 在不影響第 (3)、(4) 及 (5) 款的原則下，如上述聲請是關乎本附表第 8(1)(a) 條所述的資料的，聲請人須在第 (1) 款所述的期限內，將該資料以書面形式列於另一份誓章證據上，並將該誓章證據加封，然後將其向法庭存檔。
- (7) 答辯人須在有關誓章證據及書面陳詞根據第 (3) 款送達當日後 14 日內，向法庭存檔和向聲請人送達誓章證據及書面陳詞，述明其反對哪些聲請資料或聲請材料 (視何者適用而定) 享有法律專業保密權，以及有關反對理由。
- (8) 聲請人可在有關誓章證據及書面陳詞根據第 (7) 款送達當日後 7 日內，向法庭存檔和向答辯人送達進一步誓章證據及書面陳詞，回應答辯人根據該款送達的誓章證據及書面陳詞。
- (9) 法庭在其認為適合的情況下——
 - (a) 可查閱聲請材料或第 (6) 款所述的誓章證據；及
 - (b) 可指示答辯人查閱聲請材料或第 (6) 款所述的誓章證據。
- (10) 儘管有第 (1)、(3)、(6)、(7) 或 (8) 款的規定——
 - (a) 聲請人及答辯人可協議延長該款所述的期限；及

- (6) Without affecting subsections (3), (4) and (5), if the claim is in respect of the information mentioned in section 8(1)(a) of this Schedule, the claimant must, within the period mentioned in subsection (1), set out the information in writing in another set of affidavit evidence, and seal the affidavit evidence, and file it with the Court afterwards.
- (7) The respondent must, within 14 days after the date of service of the affidavit evidence and written submissions under subsection (3), file with the Court and serve on the claimant affidavit evidence and written submissions stating which claim information or claim material (as applicable) the respondent contends is not subject to legal professional privilege and the grounds of contention.
- (8) The claimant may, within 7 days after the date of service of the affidavit evidence and written submissions under subsection (7), file with the Court and serve on the respondent further affidavit evidence and written submissions in reply to the affidavit evidence and written submissions served by the respondent under that subsection.
- (9) The Court, if it considers appropriate—
 - (a) may inspect the claim material, or the affidavit evidence mentioned in subsection (6); and
 - (b) may direct the respondent to inspect the claim material, or the affidavit evidence mentioned in subsection (6).
- (10) Despite subsection (1), (3), (6), (7) or (8)—
 - (a) the claimant and the respondent may agree to extend the period mentioned in that subsection; and

- (b) 法庭可按照本附表第 11 條，應聲請人或答辯人提出的申請，延長該期限一次或多於一次。

11. 延長期限的申請

- (1) 根據本附表第 10(10)(b) 條提出的申請，須於該項申請所尋求延長的期限屆滿前，以傳票提出。
- (2) 提出上述申請的一方 (**申請方**) 須在提出該項申請時——
 - (a) 向法庭存檔——
 - (i) 上述傳票；及
 - (ii) 支持該項申請的誓章證據及書面陳詞 (如有的話)；及
 - (b) 向另一方 (**答辯方**) 送達 (a) 段所述文件的文本。
- (3) 答辯方可在有關誓章證據及書面陳詞根據第 (2) 款送達當日後 7 日內，向法庭存檔和向申請方送達誓章證據及書面陳詞 (如有的話)，述明其反對該項申請的理由。
- (4) 法庭除非認為有必要就上述申請進行口頭聆訊，否則須在不經口頭聆訊的情況下，就該項申請作出裁定。

- (b) the Court may, in accordance with section 11 of this Schedule and on application by the claimant or respondent, extend the period for one or more times.

11. Applications for extension of periods

- (1) An application made under section 10(10)(b) of this Schedule must be made by summons before the expiry of the period of which an extension is sought under the application.
- (2) The party that makes the application (**applicant**) must, at the time when the application is made—
 - (a) file with the Court—
 - (i) the summons; and
 - (ii) affidavit evidence and written submissions (if any) in support of the application; and
 - (b) serve on the other party (**responding party**) a copy of the documents mentioned in paragraph (a).
- (3) The responding party may, within 7 days after the date of service of the affidavit evidence and written submissions under subsection (2), file with the Court and serve on the applicant affidavit evidence and written submissions (if any) stating the grounds on which the responding party opposes the application.
- (4) The Court must determine the application without an oral hearing unless the Court considers it necessary to conduct an oral hearing of the application.

- (5) 法庭除非信納在有關個案的整體情況下，批准上述申請屬合理和必需，而且不會不利於國家安全，否則不得批准該項申請。

12. 法庭就爭議作出裁定

- (1) 法庭除非認為有必要就有關法律專業保密權聲請進行口頭聆訊，否則須在不經口頭聆訊的情況下，就該項聲請作出裁定。
- (2) 如法庭根據第(1)款裁定某聲請資料或聲請材料整份不享有法律專業保密權，則答辯人或其代表可——
- (a) 如屬聲請資料——取得和查閱關乎有關法律專業保密權聲請的、本附表第10(6)條所述的誓章證據；或
- (b) 如屬聲請材料——開封該材料，而不論聲請人或其代表是否在場。
- (3) 如法庭根據第(1)款裁定某聲請資料或聲請材料局部不享有法律專業保密權，則本附表第15條適用於該資料或材料。

13. 在未有遵從規定的情況下，聲請視為被撤回

- (1) 如某人聲稱任何本附表第9(1)或(2)條所述材料享有法律專業保密權，並已根據本附表第9(3)(b)條加封該材料，但該人沒有遵從本附表第10(1)條的

- (5) The Court must not grant the application unless it 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.

12. Court's determination of disputes

- (1) The Court must determine the LPP claim concerned without an oral hearing unless the Court considers it necessary to conduct an oral hearing of the claim.
- (2) If the Court determines under subsection (1) that the whole of particular claim information or claim material is not subject to legal professional privilege, the respondent or a representative of the respondent may—
- (a) for claim information—obtain and inspect the affidavit evidence mentioned in section 10(6) of this Schedule that relates to the LPP claim; or
- (b) for claim material—unseal the material, whether in the presence or absence of the claimant or a representative of the claimant.
- (3) If the Court determines under subsection (1) that any part of particular claim information or claim material is not subject to legal professional privilege, section 15 of this Schedule applies to the information or material.

13. Claims treated as withdrawn on non-compliance with requirements

- (1) If a person claims that any material mentioned in section 9(1) or (2) of this Schedule is subject to legal professional privilege and has sealed the material

規定，則答辯人或其代表可開封該材料，而不論該人或其代表是否在场。

- (2) 如聲請人沒有遵從本附表第 10(3) 條的規定——
 - (a) 有關法律專業保密權聲請，須視為被撤回；及
 - (b) 據此，答辯人或其代表可——
 - (i) 開封關乎該項聲請的、根據本附表第 9(3)(b) 條加封的材料 (如有的話)；或
 - (ii) 查閱關乎該項聲請的、本附表第 10(6) 條所述的誓章證據 (如有的話)，而不論聲請人或其代表是否在场。
- (3) 如就任何資料而言，聲請人沒有遵從本附表第 10(6) 條的規定，有關法律專業保密權聲請在關乎該資料的範圍內，須視為被撤回。
- (4) 如有關法律專業保密權聲請已根據第 (2) 或 (3) 款視為被撤回，答辯人須向聲請人發出和向法庭存檔書面通知，述明此事。

under section 9(3)(b) of this Schedule, but the person fails to comply with a requirement in section 10(1) of this Schedule, then the respondent or a representative of the respondent may unseal the material, whether in the presence or absence of the person or a representative of the person.

- (2) If the claimant fails to comply with a requirement in section 10(3) of this Schedule—
 - (a) the LPP claim concerned is to be treated as withdrawn; and
 - (b) accordingly, the respondent or a representative of the respondent may—
 - (i) unseal the material sealed under section 9(3)(b) of this Schedule that relates to the claim (if any); or
 - (ii) inspect the affidavit evidence mentioned in section 10(6) of this Schedule that relates to the claim (if any),whether in the presence or absence of the claimant or a representative of the claimant.
- (3) If the claimant fails to comply with a requirement in section 10(6) of this Schedule in respect of any information, the LPP claim concerned is to be treated as withdrawn to the extent that it relates to the information.
- (4) If the LPP claim concerned is treated as withdrawn under subsection (2) or (3), the respondent must give the claimant and file with the Court a written notice stating this fact.

- (5) 就本條而言，如第 (1)、(2) 或 (3) 款所指的規定，經本附表第 10(10) 條變更，則在該款中提述該項規定，須理解為提述經如此變更的該項規定。

14. 申請重啟視為被撤回的聲請

- (1) 如有關法律專業保密權聲請根據本附表第 13 條視為被撤回 (或在某範圍內被撤回)，聲請人可向法庭申請重新啟動該項聲請 (或在該範圍內重新啟動該項聲請) (**重啟聲請申請**)。
- (2) 重啟聲請申請須以傳票提出，並以誓章支持。
- (3) 除非法庭信納——
- (a) 聲請人已盡應盡的努力，遵從聲請人如本附表第 13 條所述般沒有遵從的規定；
- (b) 聲請人沒有遵從該項規定是由於非該人所能控制的原因所致的；及
- (c) 在有關個案的整體情況下，批准重啟聲請申請屬合理和必需，而且不會不利於國家安全，否則法庭不得批准該項申請。
- (4) 法庭如根據第 (3) 款批准重啟聲請申請，須給予指示，就上述法律專業保密權聲請而對本部的規定加以必要變通。

- (5) For the purposes of this section, if the requirement mentioned in subsection (1), (2) or (3) is modified by section 10(10) of this Schedule, the reference in that subsection to that requirement is to be understood as a reference to that requirement as so modified.

14. Applications for restoration of claims that are treated as withdrawn

- (1) If the LPP claim concerned is treated as withdrawn (or withdrawn to a certain extent) under section 13 of this Schedule, the claimant may apply to the Court for restoration of the claim (or restoration of the claim to that extent) (**restoration application**).
- (2) A restoration application must be made by summons and be supported by affidavit.
- (3) The Court must not grant a restoration application unless it is satisfied that—
- (a) the claimant has exercised due diligence to comply with the requirement that the claimant has failed to comply with as mentioned in section 13 of this Schedule;
- (b) the claimant has failed to comply with the requirement for reasons beyond the control of the claimant; and
- (c) in all the circumstances of the case, it is reasonable and necessary, and would not be contrary to the interests of national security, to grant the application.
- (4) If the Court grants a restoration application under subsection (3), it must give directions to make necessary modifications to the requirements in this Part in respect of the LPP claim.

- (5) 法庭須信納根據第 (4) 款給予的指示屬合理和必需，而且不會不利於國家安全。

15. 對局部資料或材料解除限制的程序

- (1) 為施行本附表第 12(3) 條，答辯人須向聲請人發出書面通知，為本條的施行而指明——
- (a) 一個或多於一個地方 (該地方或各地方為**指明地方**)；及
- (b) 一個或多於一個日期 (該日期或各日期為**指明日期**) 以及一個或多於一個時段 (該時段或各時段為**指明時段**)。
- (2) 除非聲請人與答辯人之間另有協議，否則上述通知須在指明日期前不少於 3 日發出。
- (3) 答辯人或其代表可於指明日期、指明時段及指明地方——
- (a) 如屬聲請資料的情況——查閱關乎有關法律專業保密權聲請的、本附表第 10(6) 條所述的誓章證據，以從中摘錄或複製有關資料當中如本附表第 12(3) 條所述般被裁定不享有法律專業保密權的部分；或
- (b) 如屬聲請材料的情況——開封有關聲請材料，以從中摘錄或複製該材料當中如本附表第

- (5) The Court must be satisfied that a direction given under subsection (4) is reasonable and necessary and would not be contrary to the interests of national security.

15. Procedures for lifting restrictions on part of information or of material

- (1) For the purposes of section 12(3) of this Schedule, the respondent must give the claimant a written notice specifying for the purposes of this section—
- (a) one or more places (that place or each of those places being a *specified place*); and
- (b) one or more dates (that date or each of those dates being a *specified date*) and one or more periods (that period or each of those periods being a *specified period*).
- (2) Unless the claimant and the respondent agree otherwise, the notice must be given not less than 3 days before a specified date.
- (3) The respondent or a representative of the respondent may, at a specified place and during a specified period on a specified date—
- (a) for claim information—inspect the affidavit evidence mentioned in section 10(6) of this Schedule that relates to the LPP claim concerned to extract from it or to copy the part of the information concerned that is, as mentioned in section 12(3) of this Schedule, determined to be not subject to legal professional privilege; or
- (b) for claim material—unseal the claim material concerned to extract from it or to copy the part

12(3) 條所述般被裁定不享有法律專業保密權的部分，
而不論聲請人或其代表是否在场。”。

10. 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。

行政長官
李家超

2026 年 3 月 20 日

of it that is, as mentioned in section 12(3) of
this Schedule, determined to be not subject to
legal professional privilege,
whether in the presence or absence of the claimant
or a representative of the claimant.”.

10. 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.

[SIGNED ON THE CHINESE
TEXT]
Chief Executive

20 March 2026