Law of the PRC on Safeguarding National Security in the Hong Kong Special Administrative Region

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Chapter I — General Provisions

Article 1 — This Law is enacted, in accordance with the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the Hong Kong Special Administrative Region, for the purposes of:

(1) Ensuring the resolute, full and faithful implementation of the policy of "One Country, Two Systems";

(2) Safeguarding national security;

(3) Preventing, suppressing and imposing punishment for acts and activities endangering national security;

(4) Maintaining the prosperity and stability of the Hong Kong Special Administrative Region; and

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(5) Protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.

Article 2 — The provisions of Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions of the Basic Law. No organization, group or individual in the Hong Kong Special Administrative Region shall contravene the fundamental provisions.

Article 3 — The Central People's Government of the People's Republic of China has an overriding responsibility for national security matters relating to the Hong Kong Special Administrative Region. It is the duty of the Hong Kong Special Administrative Region to safeguard national security. The Hong Kong Special Administrative Region shall perform its duty of safeguarding national security in accordance with the law.

Article 4 — Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. The rights and freedoms which the residents of the Hong Kong Special Administrative Region enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall be protected in accordance with the law.

Chapter II — Duties and Legal System of the HKSAR

Article 5 — The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and preventing, suppressing and imposing punishment for acts and activities endangering national security. The Hong Kong Special Administrative Region shall enact laws and improve the relevant legal system for safeguarding national security at an early date.

Article 6 — A Committee for Safeguarding National Security shall be established in the Hong Kong Special Administrative Region. The Committee shall be responsible for:

(1) Analyzing and assessing the situation relating to safeguarding national security in the Hong Kong Special Administrative Region;

(2) Formulating policies for safeguarding national security in the Hong Kong Special Administrative Region;

(3) Advancing the development of the legal system and enforcement mechanisms for safeguarding national security in the Hong Kong Special Administrative Region; and

(4) Coordinating major operations and significant activities for safeguarding national security.

Article 7 — The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be chaired by the Chief Executive. The other members shall include the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Secretary for Security, the Commissioner of Police, the head of the department responsible for safeguarding national security of the Hong Kong Police Force, the Director of Immigration, the Commissioner of Customs and Excise, and the Director of the Chief Executive's Office. The Committee shall have a National Security Adviser, who shall be designated by the Central People's Government.

Article 8 — The Hong Kong Special Administrative Region shall establish a department responsible for safeguarding national security under the Hong Kong Police Force. The department shall be staffed by law enforcement personnel. The head of the department shall be appointed by the Chief Executive. The appointment of the head of the department shall be reported to the Central People's Government for record.

Article 9 — The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialized prosecution division responsible for the prosecution of offenses endangering national security. The head of the division shall be appointed by the Chief Executive after nomination by the Secretary for Justice. The appointment of the head of the division shall be reported to the Central People's Government for

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record.

Article 10 — The Hong Kong Special Administrative Region shall promote national security education in schools, universities and social organizations, and through different channels such as the internet, to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law.

Chapter III — Offenses and Penalties

Article 11 — The Hong Kong Special Administrative Region shall prohibit any acts of secession. A person who organizes, plans, commits or participates in any of the following acts, whether or not by force or threat of force, with a view to committing secession or undermining national unification, shall be guilty of an offense:

(1) Separating the Hong Kong Special Administrative Region or any other part of the People's Republic of China from the People's Republic of China;

(2) Altering by unlawful means the legal status of the Hong Kong Special Administrative Region or of any other part of the People's Republic of China; or

(3) Surrendering the Hong Kong Special Administrative Region or any other part of the People's Republic of China to a foreign country.

A person who incites, aids or abets another person to commit the offense, or provides pecuniary or other financial assistance or property for the commission of the offense, shall be guilty of an offense. A principal offender or a person who commits an offense of a grave nature shall be liable on conviction to life imprisonment or a fixed-term imprisonment of not less than ten years; a person who commits an offense of a relatively minor nature shall be liable to a fixed-term imprisonment of not less than three years but not more than ten years.

Article 12 — The Hong Kong Special Administrative Region shall prohibit any acts of subverting State power. A person who organizes, plans, commits or participates in any of the following acts, whether or not by force or threat of force, with a view to subverting State power, shall be guilty of an offense:

(1) Overthrowing or undermining the basic system of the People's Republic of China established by the Constitution;

(2) Overthrowing the body of central power or an organ of the Hong Kong Special Administrative Region;

(3) Seriously interfering with, disrupting or undermining the performance of duties and functions by the body of central power or an organ of the Hong Kong Special Administrative Region in accordance with the law; or

(4) Attacking, damaging, or rendering dysfunctional the premises or facilities used by an organ of the Hong Kong Special Administrative Region, rendering it incapable of performing its normal duties and functions.

A person who incites, aids or abets another person to commit the offense, or provides pecuniary or other financial assistance or property for the commission of the offense, shall be guilty of an offense. A principal offender or a person who commits an offense of a grave nature shall be liable on conviction to life imprisonment or a fixed-term imprisonment of not less than ten years; a person who commits an offense of a relatively minor nature shall be liable to a fixed-term imprisonment of not less than three years but not more than ten years.

Article 13 — The Hong Kong Special Administrative Region shall prohibit any terrorist activities. A person who organizes, plans, commits or participates in any of the following activities that cause or are intended to cause grave harm to the society shall be guilty of an offense:

(1) Serious violence against a person or persons;

(2) Explosion, arson, or dissemination of poisonous or radioactive substances, pathogens of infectious diseases or other substances;

(3) Sabotage of means of transport, transport facilities, electric power or gas installations or other combustible or explosible facilities;

(4) Serious interruption or sabotage of electronic control systems for providing and managing public services such as water, electric power, gas, transport, postal services and telecommunications; or

(5) Other dangerous activities that seriously jeopardize public security and public health.

A person who incites, aids or abets another person to commit the offense, or provides pecuniary or other financial assistance or property for the commission of the offense, shall be guilty of an offense. A person who commits the offense and causes serious bodily injury, death or significant loss of public or private property shall be liable on conviction to life imprisonment or a fixed-term imprisonment of not less than ten years; in other circumstances, a person who commits the offense shall be liable on conviction to a fixed-term imprisonment of not less than three years but not more than ten years.

Article 14 — The Hong Kong Special Administrative Region shall prohibit any collusion with a foreign country or with external elements to endanger national security. A person who, for the purpose of endangering national security, conspires with or accepts instructions, financial support, or other material assistance from a foreign country or external elements, or colludes with a foreign country or external elements to commit any of the following acts, shall be guilty of an offense:

(1) Waging a war against the People's Republic of China, or using or threatening to use force to seriously undermine the sovereignty, unification or territorial integrity of the People's Republic of China;

(2) Seriously disrupting the formulation and implementation of laws or government policies by the Central People's Government or the Hong Kong Special Administrative Region, which is likely to cause serious consequences;

(3) Rigging or undermining an election in the Hong Kong Special Administrative Region, which is likely to cause serious consequences;

(4) Imposing sanctions or blockade, or engaging in other hostile activities against the Hong Kong Special Administrative Region or the People's Republic of China; or

(5) Provoking by unlawful means hatred among Hong Kong residents towards the Central People's Government or the Government of the Hong Kong Special Administrative Region, which is likely to cause serious consequences.

A person who incites, aids or abets another person to commit the offense, or provides pecuniary or other financial assistance or property for the commission of the offense, shall be guilty of an offense. A principal offender or a person who commits an offense of a grave nature shall be liable on conviction to life imprisonment or a fixed-term imprisonment of not less than ten years; a person who commits an offense of a relatively minor nature shall be liable to a fixed-term imprisonment of not less than three years but not more than ten years.

Article 15 — Any organization, group, or individual may be subject to punishment for the offenses endangering national security provided for in this Law.

Article 16 — An organization or a body corporate that commits an offense under this Law shall be subject to a criminal fine. An organization or a body corporate that is punished for committing an offense under this Law shall be ordered to cease operation, and its license or business permit shall be revoked.

Article 17 — The offenses endangering national security under this Law shall apply to any acts of endangering national security committed after the entry into force of this Law.

Chapter IV — Jurisdiction, Applicable Law and Procedure

Article 18 — Except for specific cases as provided in Article 55 of this Law, the Hong Kong Special Administrative Region shall exercise jurisdiction over the offenses under this Law in accordance with the law.

Article 19 — This Law, the laws of the Hong Kong Special Administrative Region on safeguarding national security, and the relevant laws of the Hong Kong Special Administrative Region shall apply to procedural matters relating to the offenses under this Law, including criminal investigation, prosecution, trial, and execution of penalty.

Article 20 — No prosecution shall be instituted in respect of the offenses under this Law without the written consent of the Secretary for Justice. Where the Secretary for Justice issues a certificate that an offense involves national security, the certificate shall be binding on the court.

Article 21 — Any person who is arrested or detained on suspicion of having committed an offense endangering national security shall be treated in accordance with the law. No person shall be subjected to torture or cruel, inhuman or degrading treatment.

Article 22 — A person suspected of having committed an offense under this Law shall be brought before a court as soon as reasonably practicable. The trial shall be conducted in open court. Where considerations of national security or public order so require, the court may, upon application by the Secretary for Justice or on its own motion, order the whole or part of the proceedings to be held in camera.

Article 23 — A person who is charged with an offense under this Law shall be entitled to a fair trial by an impartial court without undue delay. A defendant's right to defense shall be protected in accordance with the law.

Article 24 — The court shall deliver its judgment in accordance with the law and shall state the reasons for the judgment. A judgment shall be pronounced in open court.

Article 25 — A defendant who is convicted may appeal against the conviction and sentence in accordance with the law. The prosecution may appeal against the acquittal or sentence in accordance with the law.

Chapter V — Implementation Organs

Article 26 — The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall be established. The Office shall analyze and assess the situation relating to safeguarding national security in the Hong Kong Special Administrative Region, provide advice and make proposals on major strategies and policies, and supervise, guide, coordinate with, and support the Hong Kong Special Administrative Region in performing its duty of safeguarding national security.

Article 27 — The Office for Safeguarding National Security of the Central People's Government shall perform its functions and powers in strict accordance with the law and subject to the oversight of the National People's Congress and its Standing Committee.

Article 28 — The Office for Safeguarding National Security of the Central People's Government shall strengthen work coordination with the Committee for Safeguarding National Security and the relevant government authorities of the Hong Kong Special Administrative Region.

Article 29 — The Office for Safeguarding National Security of the Central People's Government shall protect national security information in accordance with the law. The provisions of the relevant national laws shall apply.

Chapter VI — Supplementary Provisions

Article 30 — This Law shall, in accordance with the procedure set out in the Basic Law, be applied locally by way of promulgation by the Hong Kong Special Administrative Region, and be applied as a law of the Hong Kong Special Administrative Region.

Article 31 — Where there is any inconsistency between this Law and the laws of the Hong Kong Special Administrative Region, this Law shall prevail.

Article 32 — This Law shall be interpreted by the Standing Committee of the National People's Congress.

Article 33 — This Law shall take effect as of the date of its promulgation.

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