

国民教育暨「公民、经济与社会」教师培训知识增益研讨会系列

National Education Cum “Citizenship, Economics and Society” Teacher Training
Knowledge Enrichment Seminar Series

(6) 《香港国安法》

(6) Hong Kong National Security Law

一、国家安全的概念 The Concept of National Security

国家是由人民、领土（包括领陆（即陆地疆土）、领水、领空等）、主权和政权四个要素组成。《中华人民共和国国家安全法》第一章第二条清晰地列明「国家安全是指国家政权、主权、统一和领土完整、人民福祉、经济社会可持续发展与国家其他重大利益相对处于没有危险和不受内外威胁的状态，以及保障持续安全状态的能力。」以上这六大范畴的持续安全，就是国家安全。

A state has four essential elements, namely the people, territory (including territorial lands, territorial waters and territorial airspace etc.), sovereignty and regime. Article 2 of Chapter 1 of the *National Security Law of the People’s Republic of China* clearly states that “National security means a status in which the regime, sovereignty, unity, territorial integrity, welfare of the people, sustainable economic and social development, and other major interests of the state are relatively not faced with any danger and not threatened internally or externally, and the capability to maintain a sustained security status.”. The sustained security of these six major fields constitutes national security.

二、总体国家安全观 The Holistic Approach to National Security

总体国家安全观里有五大要素，于《中华人民共和国国家安全法》第一章〈总则〉列明：「以人民安全为宗旨、以政治安全为根本、以经济安全为基础、以军事、文化、社会安全为保障、以促进国际安全为依托」，整体目标是维护国家安全。就总体国家安全观，中央政府提出了「五个统筹」：「统筹外部安全和内部安全；统筹国土安全和国民安全；统筹传统安全和非传统安全；统筹自身安全和共同安全；统筹维护和塑造国家安全」。

The Holistic Approach of National Security includes Five Essential Elements, as stated in Chapter One ‘General Principles’ of the *National Security Law of the People’s*

Republic of China: “taking the people’s security as the ultimate goal, taking political security as our fundamental task, taking economic security as our foundation, taking military, science and technology, cultural and societal security as means of guarantee and taking the promotion of international security as a support” the overarching goal is to maintain national security. Regarding the overall national security concept, the central government has proposed “Five Coordination Tasks”: “coordinating external and internal security; coordinating homeland and public security; coordinating traditional security and non-traditional security; coordinating our own security and common security; coordinating the upholding national security and creation of the conditions for ensuring it”.

三、二十个国家安全重点领域 Twenty Major Fields of National Security

至于二十个国家安全重点领域，涵盖生活的各方面，并非单是指传统的国家安全领域如政治安全、军事安全、经济安全等，也包括一些非传统的国家安全领域，例如极地安全、太空安全、人工智能安全、数据安全、文化安全等。我们要兼顾到每一个领域，全盘去理解、推动和实践，才称得上维护总体的国家安全。传统的国家安全领域如政治安全，指的是政权、政治制度和意识形态所组成的政治体系的安全，要处于不受威胁的状态。只有政治安全才能达到国家长治久安，使人民可以稳定地生活。国土安全也是一个传统的国家安全领域，国土包含领土和自然资源等，领土涵盖了边疆边境、领空和海洋权益等。非传统的国家安全领域有经济安全等。我国的中国共产党第十九届中央委员会第五次全体会议就提出过「安全是发展的前提，发展是安全的保障」。只有经济蓬勃发展，才有资源、有力量改善人民的生活。社会安全是指防范、消除和控制直接威胁社会公共秩序和人民群众生命财产安全的治安、刑事、暴力恐怖事件，以及规模较大的群体性事件等能力不受影响。

Regarding the twenty major fields of national security, they encompass all aspects of life, not just traditional fields such as political security, military security and economic security, etc., but also include non-traditional fields like polar security, outer space security, artificial intelligence security, data security and cultural security, etc. We must take every field into account and understand, advance, and put them into practice in a holistic manner before we can truly be said to be safeguarding overall national security.

Traditional fields of national security, such as political security, refer to the safety of the political system composed of government, political institutions, and ideologies, which must be free from threats. Only with political security can a country achieve long-term stability, allowing people to live in stability. Homeland security is also a traditional field of national security, encompassing territory and natural resources, etc. including frontier and border, territorial airspace and maritime rights and interests. Non-traditional fields include economic security, etc. The 5th plenary session of the 19th CPC Central Committee of the Communist Party of China stated that “security is the prerequisite for development and development is the cornerstone of security”. Only with a thriving economy can there be the resources and capacity to improve people’s lives. Societal security refers to a state in which the capability of preventing, eliminating and controlling incidents of law and order, crimes, violent terrorist activities, and large-scale public events that pose a direct threat to public order and people’s lives and property.

非传统的国家安全领域方面，例如有生态安全。生态安全是指国家赖以生存和发展的生态环境处于不受或少受破坏与威胁的状态，完善生态环境保护制度体系，保障自然环境不受威胁和破坏及促进人与自然和谐发展。

In terms of non-traditional national security fields, ecological security is included. Ecological security refers to a state in which the ecological environment essential for the country’s survival and development is free from or relatively free from destruction or threats. It involves perfecting the institutional framework for ecological and environmental protection, safeguarding the natural environment from threats and damage, and to promoting harmonious development between humans and nature.

四、《香港国安法》 *The Hong Kong National Security Law*

为甚么会制订《香港国安法》呢？制定维护国家安全的法律是国际惯例，很多西方国家都有制定维护国家安全的法例，并不时作出修订。「2019 年黑暴」不但损害法治，更危害公众安全和公共秩序，因此有维护国家安全的逼切性和必要性。第十三届全国人民代表大会在 2020 年 5 月 28 日举行的第三次会议通过《全国人民代表大会关于建立健全香港特别行政区维护国家安全的法律制度和

执行机制的决定》，授权全国人民代表大会常务委员会就建立健全香港特别行政区维护国家安全的法律制度和执行机制制定相关法律。

Why was the *Hong Kong National Security Law* enacted? Enacting laws to safeguard national security is a common international practice. Many Western countries have enacted laws to protect national security and revise them from time to time. The “black clad violence” in 2019 not only damaged the rule of law but also endangered public safety and public order, making the protection of national security both urgent and necessary. At the Third Session of the Thirteenth National People’s Congress held on May 28, 2020, the *Decision of the National People’s Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security* was adopted, entrusted its Standing Committee to formulate relevant laws on establishing and improving the legal system and enforcement mechanisms for the HKSAR to safeguard national security.

2020年6月30日，全国人大常务委员会第二十次会议表决通过《中华人民共和国香港特别行政区维护国家安全法》（《香港国安法》），将《香港国安法》列入《基本法》附件三，并于同日在香港特区刊宪公布实施。《香港国安法》第一条清楚列明了制定《香港国安法》的目的，是为了「防范、制止和惩治与香港特别行政区有关的分裂国家、颠覆国家政权、组织实施恐怖活动和勾结外国或者境外势力危害国家安全等犯罪，保持香港特别行政区的繁荣和稳定，保障香港特别行政区居民的合法权益」。2020年7月1日，警务处成立国家安全处，专职履行《国安法》下特区政府执法以及执行工作方面的责任。2020年7月3日，政府按《香港国安法》第十二条规定设立维护国家安全委员会（香港特区国安委）。2020年7月8日，政府设立中央人民政府驻香港特别行政区维护国家安全公署（公署）。

On 30 June, 2020, at its 20th meeting, the Standing Committee of the National People’s Congress voted to adopt the *Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (the *Hong Kong National Security Law*), listed the *Hong Kong National Security Law* in Annex III to the *Basic Law*, and gazette for promulgation in the Hong Kong Special Administrative Region on the same day. Article 1 of the *Hong Kong National Security*

Law clearly states that the Law is enacted for the purpose of “preventing, suppressing, and imposing punishment for the offences of secession, subversion, organisation and preparation of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the Hong Kong Special Administrative Region, maintaining prosperity and stability of the Hong Kong Special Administrative Region; and protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.” On 1 July, 2020, the Police Force established the National Security Department to fulfil the HKSAR Government’s responsibility in law enforcement and implementation of the *Hong Kong National Security Law*. On July 3, 2020, in accordance with Article 12 of the *Hong Kong National Security Law*, the Government established the Committee for Safeguarding National Security of the HKSAR (the National Security Committee). On 8 July, 2020, the Government established the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region (OSNS).

五、香港特区维护国家安全的职责和机构 The Duties and the Government Bodies of the HKSAR for Safeguarding National Security

香港特区有甚么机构专责实施《香港国安法》呢？香港特区设有由行政长官担任主席的香港特区国安委，承担维护国家安全的主要责任，并受中央人民政府监督和问责。香港特区国安委设有一位「国家安全事务顾问」，由中央人民政府指派，就香港特别行政区维护国家安全委员会履行职责相关事务提供意见。那香港特区国安委有甚么职责呢？香港特区国安委的职责是分析研判香港特区维护国家安全形势，规划有关工作，制定香港特别行政区维护国家安全政策；推进香港特别行政区维护国家安全的法律制度和执行机制建设；协调香港特别行政区维护国家安全的重点工作和重大行动。警务处国家安全处配备执法力量，律政司设立专门的国家安全犯罪案件检控部门，负责危害国家安全犯罪案件的检控工作和其他相关法律事务，负责人均由行政长官任命。行政长官指定若干名法官负责处理危害国家安全犯罪案件。

Which government bodies are responsible for implementing the *Hong Kong National Security Law*? The Hong Kong SAR established the National Security Committee

chaired by the Chief Executive, which is responsible affairs relating to and assumes the primary responsibility for safeguarding national security and is under the supervision of and accountable to the Central People's Government. The National Security Committee has a National Security Advisor, designated by the Central People's Government, who provides advice on matters relating to the duties and functions of the Committee. What are the duties and functions of the National Security Committee? Its duties and functions include analysing and assessing developments in relation to safeguarding national security in the HKSAR, making work plans, and formulating policies for safeguarding national security in the Region; advancing the development of the legal system and enforcement mechanisms of the Region for safeguarding national security; and coordinating major work and significant operations for safeguarding national security in the Region. The National Security Department of Police Force is equipped with law enforcement capacity. The Department of Justice established a specialized prosecution division responsible for the prosecution of offences endangering national security and other related legal work. The heads of both are appointed by the Chief Executive. The Chief Executive designates a number of judges to handle cases concerning offence endangering national security.

六、《香港国安法》下的四类罪行 Four Types of Offences under the *Hong Kong National Security Law*

《香港国安法》中，四类危害国家安全的犯罪行为分别是分裂国家罪、颠覆国家政权罪、恐怖活动罪和勾结外国或境外势力危害国家安全罪。

In the *Hong Kong National Security Law*, the four types of offences endangering national security are: the offense of secession, the offense of subversion, the offense of terrorist activities and the offense of collusion with foreign country or with external elements to endanger national security.

(1) 分裂国家罪 Secession

任何人组织、策划、实施或者参与实施旨在分裂国家、破坏国家统一行为，不论是否使用武力或者以武力相威胁，即属犯罪。当中包括将香港特别行政区或者中华人民共和国其他任何部分从中华人民共和国分离出去；非法改变香港

特别行政区或中华人民共和国其他任何部分的法律地位；又或将香港特别行政区或者中华人民共和国其他任何部分转归外国统治。

A person who organises, plans, commits or participates in any the 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 offence. This includes 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; altering by unlawful means the legal status of the Hong Kong Special Administrative Region or any other part of the People's Republic of China; or surrendering the Hong Kong Special Administrative Region or any other part of the People's Republic of China to a foreign country.

(2) 颠覆国家政权罪 Subversion

任何人组织、策划、实施或者参与实施以武力、威胁使用武力或者其他非法手段旨在颠覆国家政权的行为，即属犯罪。当中包括推翻、破坏中华人民共和国宪法所确立的中华人民共和国根本制度；推翻中华人民共和国中央政权机关或者香港特别行政区政权机关；严重干扰、阻挠、破坏中华人民共和国中央政权机关或者香港特别行政区政权机关依法履行职能；攻击、破坏香港特别行政区政权机关履职场所及其设施，致使其无法正常履行职能。

A person who organises, plans, commits or participates in the acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence. This includes overthrowing or undermining the basic system of the People's Republic of China established by the Constitution of the People's Republic of China; overthrowing the body of central power of the People's Republic of China or the body of power of the Hong Kong Special Administrative Region; seriously interfering in, disrupting, or undermining the performance of duties and functions in accordance with the law by the body of central power of the People's Republic of China or the body of power of the Hong Kong Special Administrative Region; or attacking or damaging the premises and facilities used by the body of power of the Hong Kong Special Administrative Region to perform its duties and functions, rendering it incapable of performing its normal duties and functions.

(3) 恐怖活动罪 Terrorism Activities

为胁迫中央人民政府、香港特别行政区政府或者国际组织或者威吓公众以图实现政治主张，组织、策划、实施、参与实施或者威胁实施造成或者意图造成严重社会危害的恐怖活动，即属犯罪。当中包括针对人的严重暴力；爆炸、纵火或者投放毒害性、放射性、传染病病原体等物质；破坏交通工具、交通设施、电力设备、燃气设备或者其他易燃易爆设备；严重干扰、破坏水、电、燃气、交通、通讯、网络等公共服务和管理的电子控制系统；以及以其他严重危险方法严重危害公众健康或者安全。此外，组织、领导恐怖活动组织，以及为恐怖活动组织、恐怖活动人员、恐怖活动实施提供培训、武器、信息、资金、物资、劳务、运输、技术或者场所等支持、协助、便利，或者制造、非法管有爆炸性、毒害性、放射性、传染病病原体等物质以及以其他形式准备实施恐怖活动的，即属犯罪。

A person who organises, plans, commits, participates in or threatens to commit the terrorist activities causing or intended to cause grave harm to the society with a view to coercing the Central People's Government, the Government of Hong Kong Special Administrative Region or an international organisation of intimidating the public in order to pursue political agenda shall be guilty of an offence. This includes serious violence against a person or persons; explosion, arson or dissemination of poisonous or radioactive substances, pathogens of infectious diseases or other substances; sabotage of means of transportation, transport facilities, electric power or gas facilities, or other combustible or explosible facilities; serious interruption or sabotage of electronic control systems for providing and managing public services such as water, electric power, gas, transport, telecommunications and the internet; or other dangerous activities which seriously jeopardise public health, safety or security. Besides, a person who organises or takes charge of a terrorist organization; provides support, assistance or facility such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to a terrorist organisation or a terrorist, or for the commission of a terrorist activity; or manufactures or illegally possesses substances such as explosive, poisonous or radioactive substances and pathogens of infectious diseases or uses other means to prepare for the commission of a terrorist activity, shall be guilty of an offence.

勾结外国或者境外势力危害国家安全罪 Collusion with a Foreign Country or with External Elements to Endanger National Security

为外国或者境外机构、组织、人员窃取、刺探、收买、非法提供涉及国家安全的国家秘密或者情报的；请求外国或者境外机构、组织、人员实施，与外国或者境外机构、组织、人员串谋实施，或者直接或者间接接受外国或者境外机构、组织、人员的指使、控制、资助或者其他形式的支援实施以下行为之一的，均属犯罪。这些行为包括：一，对中华人民共和国发动战争，或者以武力或者武力相威胁，对中华人民共和国主权、统一和领土完整造成严重危害；二，对香港特别行政区政府或者中央人民政府制定和执行法律、政策进行严重阻挠并可能造成严重后果；三，对香港特别行政区选举进行操控、破坏并可能造成严重后果；四，对香港特别行政区或者中华人民共和国进行制裁、封锁或者采取其他敌对行动；五，通过各种非法方式引发香港特别行政区居民对中央人民政府或者香港特别行政区政府的憎恨并可能造成严重后果。

A person who steals, spies, obtains with payment, or unlawfully provides State secrets or intelligence concerning national security for a foreign country or an institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People's Republic of China shall be guilty of an offence; a person who requests a foreign country or an institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People's Republic of China, or conspires with a foreign country or an institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People's Republic of China, or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People's Republic of China, to commit any of the following acts shall be guilty of an offence: 1. waging a war against the People's Republic of China, or using or threatening to use force to seriously undermine the sovereignty, unification and territorial integrity of the People's Republic of China; 2. seriously disrupting the formulation and implementation of laws or policies by the Government of the Hong Kong Special Administrative Region or by the Central People's Government, 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 Region, which is likely to cause serious consequences.

七、《基本法》第二十三条立法 *Basic Law Article 23 Legislation*

为了进一步维护国家安全，香港特区政府于 2024 年为《基本法》第二十三条立法，完成了维护国家安全的宪制责任。《香港国安法》订立的四类罪行，即分裂国家罪、颠覆国家政权罪、恐怖活动罪及勾结外国或者境外势力危害国家安全罪，是针对 2019 年港版「颜色革命」中最为突出的危害国家安全的行为和活动，其中分裂国家罪及颠覆国家政权罪已经针对处理了《基本法》第二十三条规定应予立法禁止的七类行为其中两类行为，香港特区有责任，也有实际需要，完成《基本法》第二十三条立法，禁止《香港国安法》规定的四类罪行以外，同样危害国家安全的行为和活动。当中包括叛国、叛乱、与国家秘密及间谍活动相关的罪行、危害国家安全的破坏等活动和危害国家安全的境外干预及从事危害国家安全活动的组织。

To further safeguard national security, the HKSAR government enacted legislation pursuant to Article 23 of the *Basic Law* in 2024, thereby fulfilling its constitutional responsibility to safeguard national security. The four categories of offences provided for under the *Hong Kong National Security Law*, namely the offences of secession, subversion, terrorist activities and collusion with a foreign country or with external elements to endanger national security, are directed at the most prominent acts and activities endangering national security in the Hong Kong version of “colour revolution” in 2019. Among them, the offences of secession and subversion have dealt with two of the seven types of acts which the HKSAR shall enact laws to prohibit as prescribed in Article 23 of the *Basic Law*. The HKSAR has a duty, as well as a practical need, to complete legislation on Article 23 of the *Basic Law* to prohibit those acts and activities endangering national security other than the four categories of offences provided for

under the *Hong Kong National Security Law*. These include treason, insurrection, offences in connection with state secrets and espionage, sabotage endangering national security, and external interference endangering national security and organisations engaging in activities endangering national security.

八、青少年应该如何维护国家安全 How Young People Should Safeguard National Security

青少年是社会的未来。在青少年成长的过程中，学校、家庭及社区必须为其提供正向的环境，好让青少年更易体会国家安全与自身的关系，让他们由衷抱持爱国主义的价值观，自觉维护国家安全。青少年的守法观念还未稳固，容易被人煽动，我们必须从法治教育入手，培养青少年守法的价值观，了解订立《香港国安法》以及其他维护国安法律的重要性及必要性，加强守法观念，履行守法义务，不参与违法活动，一旦遇上违法事件时，在顾及自身安全下，要立刻举报。

Young people are the future of society. Throughout their growth, schools, families, and communities must provide a positive environment that helps them better understand the relationship between national security and themselves, allowing them to genuinely embrace patriotic values and consciously safeguard national security. Since young people's sense of law-abiding concept has not yet fully taken root and they are easily incited by others, we must begin with rule of law education to cultivate their respect of law-abidingness and understanding the importance and necessity of the *Hong Kong National Security Law* and other laws that safeguard national security. This will strengthen their awareness of the law-abidingness, fulfill their legal obligations, and refrain from participating in illegal activities. If they encounter unlawful acts, they should report them immediately while ensuring their own safety.

除加强守法意识外，青少年需要认识《宪法》和《基本法》的重要性，以及两者所构成的宪制秩序，充份了解香港是国家不可分离的部分，建立国民身份认同感，明了身为中国人，有保家卫国的责任。此外，培养正确价值观对青少年极为重要。富有责任感、具诚信和承担精神的青少年，在判断对错及作出

抉择时，除考虑个人立场外，定必以国家的福祉和社会共同持守的正面价值观作为判断基础，并会以正面价值观去理解、辨析、厘清和判断所接收的资讯的真伪或涉及的隐蔽立场，作出理性和负责任的行为。

In addition to enhancing their awareness of the law-abidingness, young people need to recognise the importance of the *Constitution* and the *Basic Law*, as well as the constitutional order they establish. They should fully understand that Hong Kong is an inalienable part of the country, fostering a sense of national identity and realising that, as Chinese citizens, they have the responsibility to defend their homeland. Furthermore, cultivating correct values is extremely important for young people. Responsible, trustworthy, and accountable youth should not only consider their personal stances, when judging right from wrong and making choices, but also base their judgments on the common good of the country and the positive values uphold and shared by society. They will use these positive values to understand, analyse, clarify, and judge the authenticity of the information they receive, and any underlying positions involved, leading to rational and responsible behaviour.