

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

(6) 《香港國安法》

(6) Hong Kong National Security Law

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

國家是由人民、領土（包括領陸（即陸地疆土）、領水、領空等）、主權和政權四個要素組成。《中華人民共和國國家安全法》第一章第二條清晰地列明「國家安全是指國家政權、主權、統一和領土完整、人民福祉、經濟社會可持續發展和國家其他重大利益相對處於沒有危險和不受內外威脅的狀態，以及保障持續安全狀態的能力。」以上這六大範疇的持續安全，就是國家安全。

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、總體國家安全觀 The Holistic Approach to National Security

總體國家安全觀裏有五大要素，於《中華人民共和國國家安全法》第一章〈總則〉列明：「以人民安全為宗旨、以政治安全為根本、以經濟安全為基礎、以軍事、文化、社會安全為保障、以促進國際安全為依託」，整體目標是維護國家安全。就總體國家安全觀，中央政府提出了「五個統籌」：「統籌外部安全和內部安全；統籌國土安全和國民安全；統籌傳統安全和非傳統安全；統籌自身安全和共同安全；統籌維護和塑造國家安全」。

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、二十個國家安全重點領域 Twenty Major Fields of National Security

至於二十個國家安全重點領域，涵蓋生活的各方面，並非單是指傳統的國家安全領域如政治安全、軍事安全、經濟安全等，也包括一些非傳統的國家安全領域，例如極地安全、太空安全、人工智能安全、數據安全、文化安全等。我們要兼顧到每一個領域，全盤去理解、推動和實踐，才稱得上維護總體的國家安全。傳統的國家安全領域如政治安全，指的是政權、政治制度和意識形態所組成的政治體系的安全，要處於不受威脅的狀態。只有政治安全才能達到國家長治久安，使人民可以穩定地生活。國土安全也是一個傳統的國家安全領域，國土包含領土和自然資源等，領土涵蓋了邊疆邊境、領空和海洋權益等。非傳統的國家安全領域有經濟安全等。我國的中國共產黨第十九屆中央委員會第五次全體會議就提出過「安全是發展的前提，發展是安全的保障」。只有經濟蓬勃發展，才有資源、有力量改善人民的生活。社會安全是指防範、消除和控制直接威脅社會公共秩序和人民群眾生命財產安全的治安、刑事、暴力恐怖事件，以及規模較大的群體性事件等能力不受影響。

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.

非傳統的國家安全領域方面，例如有生態安全。生態安全是指國家賴以生存和發展的生態環境處於不受或少受破壞與威脅的狀態，完善生態環境保護制度體系，保障自然環境不受威脅和破壞及促進人與自然和諧發展。

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、《香港國安法》*The Hong Kong National Security Law*

為甚麼會制訂《香港國安法》呢？制定維護國家安全的法律是國際慣例，很多西方國家都有制定維護國家安全的法例，並不時作出修訂。「2019年黑暴」不但損害法治，更危害公眾安全和公共秩序，因此有維護國家安全的逼切性和必要性。第十三屆全國人民代表大會在2020年5月28日舉行的第三次會議通過《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》，授權全國人民代表大會常務委員會就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制定相關法律。

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，全國人大常務委員會第二十次會議表決通過《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》），將《香港國安法》列入《基本法》附件三，並於同日在香港特區刊憲公布實施。《香港國安法》第一條清楚列明了制定《香港國安法》的目的，是為了「防範、制止和懲治與香港特別行政區有關的分裂國家、顛覆國家政權、組織實施恐怖活動和勾結外國或者境外勢力危害國家安全等犯罪，保持香港特別行政區的繁榮和穩定，保障香港特別行政區居民的合法權益」。2020年7月1日，警務處成立國家安全處，專職履行《國安法》下特區政府執法以及執行工作方面的責任。2020年7月3日，政府按《香港國安法》第十二條規定設立維護國家安全委員會（香港特區國安委）。2020年7月8日，政府設立中央人民政府駐香港特別行政區維護國家安全公署（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、香港特區維護國家安全的職責和機構 The Duties and the Government Bodies of the HKSAR for Safeguarding National Security

香港特區有甚麼機構專責實施《香港國安法》呢？香港特區設有由行政長官擔任主席的香港特區國安委，承擔維護國家安全的主要責任，並受中央人民政府監督和問責。香港特區國安委設有一位「國家安全事務顧問」，由中央人民政府指派，就香港特別行政區維護國家安全委員會履行職責相關事務提供意見。那香港特區國安委有甚麼職責呢？香港特區國安委的職責是分析研判香港特區維護國家安全形勢，規劃有關工作，制定香港特別行政區維護國家安全政策；推進香港特別行政區維護國家安全的法律制度和執行機制建設；協調香港特別行政區維護國家安全的重點工作和重大行動。警務處國家安全處配備執法力量，律政司設立專門的國家安全犯罪案件檢控部門，負責危害國家安全犯罪案件的檢控工作和其他相關法律事務，負責人均由行政長官任命。行政長官指定若干名法官負責處理危害國家安全犯罪案件。

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、《香港國安法》下的四類罪行 Four Types of Offences under the *Hong Kong National Security Law*

《香港國安法》中，四類危害國家安全的犯罪行為分別是分裂國家罪、顛覆國家政權罪、恐怖活動罪和勾結外國或境外勢力危害國家安全罪。

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) 分裂國家罪 Secession

任何人組織、策劃、實施或者參與實施旨在分裂國家、破壞國家統一行為，不論是否使用武力或者以武力相威脅，即屬犯罪。當中包括將香港特別行政區或者中華人民共和國其他任何部分從中華人民共和國分離出去；非法改變香港特別行政區或中華人民共和國其他任何部分的法律地位；又或將香港特別行政區或者中華人民共和國其他任何部分轉歸外國統治。

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) 顛覆國家政權罪 Subversion

任何人組織、策劃、實施或者參與實施以武力、威脅使用武力或者其他非法手段旨在顛覆國家政權的行為，即屬犯罪。當中包括推翻、破壞中華人民共和國憲法所確立的中華人民共和國根本制度；推翻中華人民共和國中央政權機關或者香港特別行政區政權機關；嚴重干擾、阻撓、破壞中華人民共和國中央政權機關或者香港特別行政區政權機關依法履行職能；攻擊、破壞香港特別行政區政權機關履職場所及其設施，致使其無法正常履行職能。

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) 恐怖活動罪 Terrorism Activities

為脅迫中央人民政府、香港特別行政區政府或者國際組織或者威嚇公眾以圖實現政治主張，組織、策劃、實施、參與實施或者威脅實施造成或者意圖造成嚴重社會危害的恐怖活動，即屬犯罪。當中包括針對人的嚴重暴力；爆炸、縱火或者投放毒害性、放射性、傳染病病原體等物質；破壞交通工具、交通設

施、電力設備、燃氣設備或者其他易燃易爆設備；嚴重干擾、破壞水、電、燃氣、交通、通訊、網絡等公共服務和管理的電子控制系統；以及以其他嚴重危險方法嚴重危害公眾健康或者安全。此外，組織、領導恐怖活動組織，以及為恐怖活動組織、恐怖活動人員、恐怖活動實施提供培訓、武器、信息、資金、物資、勞務、運輸、技術或者場所等支持、協助、便利，或者製造、非法管有爆炸性、毒害性、放射性、傳染病病原體等物質以及以其他形式準備實施恐怖活動的，即屬犯罪。

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.

勾結外國或者境外勢力危害國家安全罪 Collusion with a Foreign Country or with External Elements to Endanger National Security

為外國或者境外機構、組織、人員竊取、刺探、收買、非法提供涉及國家安全的國家秘密或者情報的；請求外國或者境外機構、組織、人員實施，與外

國或者境外機構、組織、人員串謀實施，或者直接或者間接受外國或者境外機構、組織、人員的指使、控制、資助或者其他形式的支援實施以下行為之一的，均屬犯罪。這些行為包括：一，對中華人民共和國發動戰爭，或者以武力或者武力相威脅，對中華人民共和國主權、統一和領土完整造成嚴重危害；二，對香港特別行政區政府或者中央人民政府制定和執行法律、政策進行嚴重阻撓並可能造成嚴重後果；三，對香港特別行政區選舉進行操控、破壞並可能造成嚴重後果；四，對香港特別行政區或者中華人民共和國進行制裁、封鎖或者採取其他敵對行動；五，通過各種非法方式引發香港特別行政區居民對中央人民政府或者香港特別行政區政府的憎恨並可能造成嚴重後果。

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》第二十三條立法 *Basic Law Article 23 Legislation*

為了進一步維護國家安全，香港特區政府於 2024 年為《基本法》第二十三條立法，完成了維護國家安全的憲制責任。《香港國安法》訂立的四類罪行，即分裂國家罪、顛覆國家政權罪、恐怖活動罪及勾結外國或者境外勢力危害國家安全罪，是針對 2019 年港版「顏色革命」中最为突出的危害國家安全的行為和活動，其中分裂國家罪及顛覆國家政權罪已經針對處理了《基本法》第二十三條規定應予立法禁止的七類行為其中兩類行為，香港特區有責任，也有實際需要，完成《基本法》第二十三條立法，禁止《香港國安法》規定的四類罪行以外，同樣危害國家安全的行為和活動。當中包括叛國、叛亂、與國家秘密及間諜活動相關的罪行、危害國家安全的破壞等活動和危害國家安全的境外干預及從事危害國家安全活動的組織。

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、青少年應該如何維護國家安全 *How Young People Should Safeguard National Security*

青少年是社會的未來。在青少年成長的過程中，學校、家庭及社區必須為其提供正向的環境，好讓青少年更易體會國家安全與自身的關係，讓他們由衷抱持愛國主義的價值觀，自覺維護國家安全。青少年的守法觀念還未穩固，容易被人煽動，我們必須從法治教育入手，培養青少年守法的價值觀，了解訂立《香港國安法》以及其他維護國安法律的重要性及必要性，加強守法觀念，履行守法義務，不參與違法活動，一旦遇上違法事件時，在顧及自身安全下，要立刻舉報。

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.

除加強守法意識外，青少年需要認識《憲法》和《基本法》的重要性，以及兩者所構成的憲制秩序，充份了解香港是國家不可分離的部分，建立國民身份認同感，明瞭身為中國人，有保家衛國的責任。此外，培養正確價值觀對青少年極為重要。富有責任感、具誠信和承擔精神的青少年，在判斷對錯及作出抉擇時，除考慮個人立場外，定必以國家的福祉和社會共同持守的正面價值觀作為判斷基礎，並會以正面價值觀去理解、辨析、釐清和判斷所接收的資訊的真偽或涉及的隱蔽立場，作出理性和負責任的行為。

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.