L.N. 27 of 2026

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

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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"

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) 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) 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. 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) 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) 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,

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) 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;

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) 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) 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) 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) 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) 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) 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) 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. 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. 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) 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) 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) 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. 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) 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) 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) 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

"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) 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.".

(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) 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—

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；"

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—

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) 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)—

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) 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

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) 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)—

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

"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,

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—

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) 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. 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) 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) 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) 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)

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

"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—

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) 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

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) 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) 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) 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**"

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) 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) 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) 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) 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) 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) 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)

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) 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,

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)—

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

"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. 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

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.

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. 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) 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) 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) 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. 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

"**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)—

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

"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"

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

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

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

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)—

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

"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) 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)—

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;

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) 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) 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) 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) 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) 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) 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

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) 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) 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

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