

**National Security (Legislative Provisions) Bill - Comparison of proposed offences with existing offences
and with corresponding offences in other common law jurisdictions**

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|----------------|---|--|---|--|--|---|--|
| | HKSAR | UK | USA | Canada | Australia | Singapore | |
| Treason | | | | | | | |
| 1 | Kill, wound or cause bodily harm to the head of state | To be repealed | Compass or imagine the death of the King. | Kill, attempt to kill, or assault the President. | Kill, attempt to kill, or do bodily harm to Her Majesty. | Cause the death of the Sovereign or harm to the Sovereign. | Compass, imagine, invent, devise or intend the death of or hurt to the President. |
| 2 | Levy war to depose or compel the sovereign or intimidate the legislature 'Levy war' is construed in accordance with common law to include riots or insurrections | Join or be a part of foreign armed forces at war with the PRC with intent to overthrow, intimidate, or compel the CPG to change policies or measures 'War' is limited to declared war or open armed conflicts between armed forces. | Levy war against the sovereign. | Levy war against the US. | Levy war against Canada or do any act preparatory thereto. | Levy war, or do any act preparatory to levying war, against the Commonwealth. | Wage war against the Government, or attempt to wage such war, or abet the waging of such war, or collect men, arms or ammunition or otherwise prepare to wage war, with the intention of either waging or being prepared to wage war against the Government. |
| 3 | Instigate a foreigner with force to invade the PRC | Instigate foreign armed forces to invade the PRC with force | Compass, imagine, invent, devise or intend to move or stir any foreigner or stranger with force to invade the UK. | | | Instigate a person who is not an Australian citizen to make an armed invasion of the Commonwealth or a Territory of the Commonwealth. | |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|------|--|---|--|--|--|---|-----------|
| | | | HKSAR | UK | USA | Canada | Australia |
| 4 | Assist public enemy at war with the PRC 'Public enemy' includes nationals whose country is at war with the PRC. | Assist public enemy at war with the PRC by doing any act with intent to prejudice the position of the PRC in the war 'Public enemy' is limited to foreign government / foreign armed forces at war with the PRC. | Adherent to the King's enemies giving them aid and comfort. | Adhere to enemies of the US, giving them aid and comfort within the US or elsewhere. | Assist an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities, whether or not a state of war exists. | Engage in conduct that assists by any means, with intent to assist, an enemy at war with the Commonwealth, or another country or an organization that is engaged in armed hostilities against Australian Defence Force. | |
| 5 | Treasonable offences - manifest the intention to levy war or instigate invasion by an overt act. | To be repealed | Express, utter or declare intention to levy war or stir invasion by any overt act. | | Form an intention to do treasonable acts and manifest that intention by an overt act. | Form an intention to do treasonable acts and manifest that intention by an overt act. | |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|------------------------------|---|-----------------------|---|---|---|--|---|
| | HKSAR | | UK | USA | Canada | Australia | Singapore |
| Misprision of treason | | | | | | | |
| 6 | Common law offence of misprision of treason | To be repealed | Know that treason is being planned or committed and fail to report it as soon as he can to a justice of the peace or other authority. | Having knowledge of the commission of any treason, conceal or do not, as soon as may be, disclose and make known the same to the President or to some judge of the US, or to the appropriate authority. | Knowing that a person is about to commit high treason or treason do not, with all reasonable dispatch, inform a justice of peace or other peace officers or make other reasonable efforts to prevent that person from committing high treason or treason. | Receive or assist another person who, to his knowledge, has committed treason with the intention of allowing him to escape punishment or apprehension; or knowing that a person intends to commit treason, do not inform a constable of it within a reasonable time or use reasonable endeavours to prevent the commission of the offence. | Knowing or having reason to believe that any offence comparable to treason has been committed intentionally omit to give any information respecting that offence which he is legally bound to give. |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|-------------------|---|---|--|---|--|--|--|
| | HKSAR | | UK | USA | Canada | Australia | Singapore |
| Subversion | | | | | | | |
| 7 | Levy war to compel the sovereign to change measures or counsels, or to intimidate the legislature, or with the intent to depose the sovereign | Disestablish the basic system of the PRC or overthrow or intimidate the CPG by using force or serious criminal means that seriously endangers the stability of the PRC or by engaging in war | Compass, imagine, invent, etc., to depose Her Majesty from the crown of the UK or to levy war to compel Her Majesty to change measures or counsels or to intimidate parliament by overt act or deed. | Conspire to overthrow, put down, or to destroy by force the US government, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the US; or incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the US or the laws thereof, or give aid or comfort thereto. | Use force or violence for the purpose of overthrowing the government of Canada; or do an act of violence in order to intimidate Parliament. | Do any act or thing with intent to overthrow the Constitution of the Commonwealth by revolution or sabotage; or overthrow by force or violence the established government of the Commonwealth. | Compass, imagine, invent, devise or intend the deprivation or deposition of the President from the sovereignty of Singapore, or the overawing by criminal force of the Government. |
| Secession | | | | | | | |
| 8 | Levy war with the intent to depose the sovereign from any of his dominions. | Withdraw any part of the PRC from its sovereignty by using force or serious criminal means that seriously endangers the territorial integrity of the PRC or by engaging in war . | Compass, imagine, invent, devise or intend to depose Her Majesty from any of her dominions by any overt act. | Covered by levying war against the US, and offences relating to overthrowing or destroying the government of any US state, territory etc. by force or violence. | Use force or violence for the purpose of overthrowing the government of a province; or do an act of violence in order to intimidate the legislature of a province. | Do any act or thing with intent to overthrow by force or violence the established government of a State. | Covered by waging war against the Government. |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|-----------------|---|---|---|---|---|---|--|
| | HKSAR | | UK | USA | Canada | Australia | Singapore |
| Sedition | | | | | | | |
| 9 | Incite others to commit treason; do or attempt, prepare or conspire with others to do acts with a seditious intention, or utter seditious words | Incite others to commit treason, subversion or secession; or incite others to engage in violent public disorder which would seriously endanger the stability of the PRC. Inciting others to commit a criminal offence is already a common law offence. | Publish orally seditious words with a seditious intention, or publish matters contained in anything capable of being a libel with a seditious intention (with an incitement to disorder and violence) | Knowingly or willfully advocate, abet, etc., the duty, necessity, etc., of overthrowing or destroying the government of the US or of any State, Territory, etc., by force or violence, or by the assassination of any officer of any such government. | Speak seditious words, or be a party to a seditious conspiracy; and a person is presumed to have a seditious intention if he teaches or advocates, or publishes or circulates any writing that advocates the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada. | By speech or writing advocate or encourage the overthrow of the Constitution of the Commonwealth by revolution or sabotage, or the overthrow by force or violence of the established government of the Commonwealth or of a State; or engage in a seditious enterprise with the intention of causing violence, or creating public disorder or a public disturbance. | Do or attempt to do, or make any preparation to do, or conspire with any person to do, any act which has or which would, if done, have a seditious tendency; or utter any seditious words. |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|-------------------------------|---|--|--|--|--|--|---|
| | HKSAR | | UK | USA | Canada | Australia | Singapore |
| Seditious publications | | | | | | | |
| 10 | Deal with or possess any seditious publications | Publish, sell, offer to sell, distribute, etc., seditious publications with intent to incite others to commit treason, subversion or secession. Offence of the possession of seditious publications is to be repealed. | Publish orally seditious words with a seditious intention, or publish matters contained in anything capable of being a libel with a seditious intention (with an incitement to disorder and violence.) | With intent to cause the overthrow or destruction of the government of the US or of any State, Territory, etc., print, publish, sell, distribute, etc., any written or printed matter advocating, advising, etc., the duty, necessity, etc., of overthrowing or destroying any government in the US by force or violence, or attempt to do so. | Publish a seditious libel (which is a libel that expresses a seditious intention); and a person is presumed to have a seditious intention if he teaches or advocates, or publishes or circulates any writing that advocates the use, without the authority of law, of force as a means of accomplishing a governmental change within Canada. | Write, print, utter or publish any seditious words with the intention of causing violence or creating public disorder or a public disturbance. | Print, publish, sell, offer for sale, distribute or reproduce any seditious publication; or possess any seditious publication |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions | | | | |
|--------------------------------|---|---|--|--|--|--|--|
| | HKSAR | | UK | USA | Canada | Australia | Singapore |
| Unauthorized disclosure | | | | | | | |
| 11 | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure or illegal access . 'Illegal access' is defined to mean access through the criminal acts of hacking, theft, robbery, burglary or bribery. | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure. | Knowingly and wilfully communicate, furnish, etc., to an unauthorized person, or publish, or use in any manner prejudicial to the safety or interest of the US or for the benefit of any foreign government to the detriment of the US any classified information. | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure; or unlawful receipt of information. | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure; or unlawful receipt of information. | Unlawful disclosure of information obtained by virtue of official position or unauthorized disclosure; or unlawful receipt of information. |

| Item | Existing legislation | Bill | Corresponding offences in other jurisdictions |
|---|--|---|---|
| | HKSAR | | |
| Organizing or supporting a proscribed organization | | | |
| 12 | Organize or support (e.g., being an office-bearer or member of or providing financial aids to) an unlawful society | Organize or support (e.g., being an office-bearer or a member of or pay money to) a proscribed organization | <p>USA Organize or help or attempt to organize any society, group or assembly of persons who teach, advocate or encourage the overthrow or destruction of the government of the US or of any State, Territory, etc., or become a member of such society, group or assembly of persons.</p> <p>Australia Be an office-bearer of or a member of an unlawful association (e.g., advocating the overthrow of the Constitution of the Commonwealth by revolution or sabotage or the destruction of property of the Commonwealth); or give or contribute money or goods to an unlawful association.</p> <p>Singapore Manage or assist in the management of, or be a member of, or attend a meeting of, any unlawful society. (i.e., an unregistered society)</p> |