

L.N. 77 of 2025

Safeguarding National Security (Office for Safeguarding
National Security of the Central People’s Government in
the Hong Kong Special Administrative Region)
Regulation

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Safeguarding National Security (Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region) Regulation

(Made by the Chief Executive in Council under section 110 of the
Safeguarding National Security Ordinance (6 of 2024))

Part 1

Preliminary

1. Interpretation

In this Regulation—

conveyance (運輸工具) includes a vehicle, vessel, aircraft and
hovercraft;

information (資料) includes—

- (a) information stored by electronic means; and
- (b) message or intelligence that is not stored on any
medium;

legal instrument (法律文書) means a legal document issued by
the OSNS under Article 57 of the HK National Security
Law;

OSNS (公署) means the Office for Safeguarding National
Security of the Central People's Government in the Hong
Kong Special Administrative Region.

Part 2

General Provisions in respect of OSNS's Overseeing and Guiding HKSAR in Performance of HKSAR's Duties for Safeguarding National Security

2. National Security Committee to give effect to opinion provided by OSNS on overseeing or guiding HKSAR in performance of HKSAR's duties for safeguarding national security

- (1) The HKSAR is subject to the OSNS's oversight and guidance under Article 49 of the HK National Security Law in the performance of the HKSAR's duties for safeguarding national security.
- (2) Under Article 53 of the HK National Security Law, the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (*National Security Committee*) is to establish a mechanism of coordination with the OSNS to study and deliberate on matters relating to the HKSAR's performance of the HKSAR's duties for safeguarding national security.
- (3) The National Security Committee is to make an overall plan for, and coordinate, the implementation of an opinion provided by the OSNS on overseeing or guiding the HKSAR in the performance of the HKSAR's duties for safeguarding national security, and is to settle the manner in which such an opinion is to be given effect as the particular circumstances require.

- (4) The secretariat of the National Security Committee is to convey, and assist in the follow-up of and the giving of effect to, a decision made by the National Security Committee, or any other measure taken by the National Security Committee, on giving effect to an opinion of the OSNS.
 - (5) If the National Security Committee makes a decision on giving effect to an opinion of the OSNS, a person in the HKSAR who has a duty for safeguarding national security must respect, and implement in accordance with the law, the decision.
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Part 3

Matters in respect of OSNS's Handling Cases concerning Offences Endangering National Security

3. Government to provide assistance etc. for OSNS to ascertain whether circumstances mentioned in Article 55 of HK National Security Law exist

If the Director or any Deputy Director of the OSNS approves the OSNS to take certain measures for ascertaining whether a circumstance mentioned in Article 55 of the HK National Security Law exists, any department or agency of the Government or any public servant must, on request of the OSNS, provide, for the OSNS's taking the measures, all necessary and reasonable assistance, facilitation, support, backing and protection in accordance with the law and in a timely manner.

4. Government to provide assistance etc. for OSNS to exercise jurisdiction pursuant to Article 55 of HK National Security Law

If the OSNS, in exercising jurisdiction pursuant to Article 55 of the HK National Security Law—

- (a) decides to take certain measures in accordance with the law; or
- (b) executes a legal instrument,

any department or agency of the Government or any public servant must, on request of the OSNS, provide, for the OSNS's taking the measures or the OSNS's executing the instrument, all necessary and reasonable assistance, facilitation, support, backing and protection in accordance with the law and in a timely manner.

5. Offence of failing to comply with legal instrument

- (1) A person who fails to comply with a legal instrument served on the person commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.
- (2) It is a defence for a person charged with an offence under subsection (1) to establish that, at the time of the alleged offence, the person had a reasonable excuse for failing to comply with the legal instrument.
- (3) A person is taken to have established a matter that needs to be established for a defence under subsection (2) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

6. Immunity from civil liability

- (1) A person is not civilly liable for an act done or omitted to be done by the person in good faith in complying with, or purportedly complying with, a legal instrument.
- (2) A public servant is not civilly liable for an act done or omitted to be done by the public servant in good faith in acting, or purportedly acting, under section 3 or 4.
- (3) Subsections (1) and (2) do not affect any liability of the Government for the act or omission of a public servant.

7. Offence of providing false or misleading information or document etc.

- (1) If a person, in purported compliance with a legal instrument, gives any testimony, or makes any statement, or provides or produces any information or document, and the person—

- (a) knows that the testimony, statement, information or document is false or misleading in a material particular; or
- (b) is reckless as to whether the testimony, statement, information or document 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 7 years.

- (2) If a person does any act outside the HKSAR, and the act would have constituted an offence under subsection (1) had it been done in the HKSAR, the person commits the offence.

8. Offence of disclosing measures being taken, or investigation being conducted, by OSNS

- (1) If a person—

- (a) knows or suspects that the OSNS—
 - (i) is taking certain measures for ascertaining whether a circumstance mentioned in Article 55 of the HK National Security Law exists; or
 - (ii) is exercising jurisdiction pursuant to Article 55 of the HK National Security Law and conducting an investigation; and
- (b) without reasonable excuse or lawful authority, discloses to any other person any information relating to the measures or investigation,

the person commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

- (2) However, if, at the time of the disclosure, the OSNS has made public the information, subsection (1) does not apply to the information.

9. Evidentiary provisions relating to legal instruments

- (1) If a document purports to be a legal instrument or purports to be a copy of a legal instrument certified by the OSNS or a staff member of the OSNS, then, in any proceedings, the document is admissible in evidence without further proof on its production.
- (2) Unless the contrary is proved, the document—
- (a) is presumed to be a legal instrument or a copy of a legal instrument certified by the OSNS or a staff member of the OSNS; and
 - (b) is evidence of any of the following facts (if applicable)—
 - (i) the date of issue or certification of the document;
 - (ii) the date of service of the document on the person concerned.
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Part 4

Protections in respect of OSNS's Performance of its Mandate

10. Government to provide assistance etc. for OSNS's performance of its mandate

Subject to Part 3, in the course of the OSNS's performance of its mandate in accordance with the HK National Security Law, any department or agency of the Government or any public servant must, on request of the OSNS, provide, in accordance with the law and in a timely manner, all necessary and reasonable assistance, facilitation, support, backing and protection, including—

- (a) according to the staff and conveyances of the OSNS priority in respect of entry into and departure from the HKSAR;
- (b) allowing the staff and conveyances of the OSNS to enter any place of which the department, agency or public servant is in charge or any other place the entry to which requires a relevant permit or pass under the law or any other requirement; and
- (c) allowing the staff and conveyances of the OSNS to use any premises of which the department, agency or public servant is in charge.

11. Evidentiary provisions relating to identification documents etc. created or issued by OSNS

- (1) If a document (*the document*) purports to be an identification document or a document of certification created or issued by the OSNS in respect of any of the following matters, then, in any proceedings, the document is admissible in evidence without further proof on its production—
 - (a) the identity of a staff member of the OSNS;
 - (b) the fact that the OSNS owns or possesses a conveyance;
 - (c) the fact that the OSNS or a staff member of the OSNS does an act for performing a duty in accordance with the HK National Security Law.
- (2) Unless the contrary is proved, the document—
 - (a) is presumed to be created or issued by the OSNS; and
 - (b) is evidence of a matter mentioned in subsection (1)(a), (b) or (c) (as applicable).

12. Offence of resisting or obstructing OSNS or staff member of OSNS in performance of duty etc.

If a person (*the person*)—

- (a) wilfully resists or obstructs the OSNS or a staff member of the OSNS in the performance of a duty in accordance with the HK National Security Law, or wilfully assaults a staff member of the OSNS who is so performing a duty; or

- (b) wilfully resists or obstructs any other person in assisting the OSNS or a staff member of the OSNS in so performing a duty, or wilfully assaults a person who is providing such assistance,

the person commits an offence and is liable on conviction on indictment to a fine of \$200,000 and to imprisonment for 3 years.

13. Offence of falsely pretending to be or be able to influence staff member of OSNS

- (1) If a person, by an act or omission and whether or not with intent to procure any valuable thing, falsely pretends that the person is a staff member of the OSNS or is able to procure a staff member of the OSNS to do or refrain from doing an act relating to a duty of the staff member, the person commits an offence and is liable on conviction on indictment to a fine of \$200,000 and to imprisonment for 3 years.
- (2) In any proceedings for an offence under subsection (1), it is presumed, unless the contrary is proved, that the defendant was not a staff member of the OSNS at the material time.

14. Offence of forging document etc. of OSNS

- (1) A person who—
 - (a) forges or falsifies a document or any other thing specified in subsection (2);
 - (b) knowingly uses a document or any other thing specified in subsection (2) that is forged or falsified; or
 - (c) knowingly possesses a document or any other thing specified in subsection (2) that is forged or falsified,

commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

- (2) The documents and other things specified for the purposes of subsection (1) are—
 - (a) a seal, or signature, of the OSNS or a staff member of the OSNS;
 - (b) a legal instrument;
 - (c) an identification document or a document of certification created or issued by the OSNS in respect of a matter mentioned in section 11(1)(a), (b) or (c);
 - (d) any other document or thing that is certified, created or issued in the name of the OSNS; and
 - (e) a copy or reproduction of a document or thing mentioned in paragraph (a), (b), (c) or (d).
- (3) It is a defence for a person charged with an offence under subsection (1)(c) to establish that, at the time of the alleged offence, the person had a reasonable excuse for possessing the document or other thing mentioned in that subsection.
- (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

15. Obligation of confidentiality

- (1) A person who knows of or receives any work-related information in connection with the OSNS is obliged to ensure that the information is kept confidential.

- (2) A person must not obtain, possess or disclose the information unless the OSNS has made public the information or given lawful authority to the person.

Carmen KONG
Clerk to the Executive Council

COUNCIL CHAMBER

13 May 2025

Explanatory Note

The main object of this Regulation is to provide for—

- (a) matters in respect of the oversight of and guidance to the HKSAR, by the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region (*OSNS*), in the performance of the HKSAR's duties for safeguarding national security;
- (b) matters in respect of the OSNS's handling cases concerning offences endangering national security; and
- (c) protections in respect of the OSNS's performance of its mandate.

2. The Regulation is divided into 4 parts.

Part 1—Preliminary

3. Section 1 contains definitions for the interpretation of the Regulation.

Part 2—General Provisions in respect of OSNS's Overseeing and Guiding HKSAR in Performance of HKSAR's Duties for Safeguarding National Security

4. Section 2 provides for the mechanism for the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region to give effect to an opinion provided by the OSNS on overseeing or guiding the HKSAR in the performance of the HKSAR's duties for safeguarding national security.

Part 3—Matters in respect of OSNS's Handling Cases concerning Offences Endangering National Security

5. Article 55 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (a translation of “《中華人民共和國香港特別行政區維護國家安全法》”), as applied in the HKSAR under the Promulgation of National Law 2020 (L.N. 136 of 2020) (*HK National Security Law*), provides that the OSNS is to, upon approval by the Central People's Government of a request made by the HKSAR Government or by the OSNS itself, exercise jurisdiction over a case concerning offence endangering national security under the HK National Security Law if a circumstance mentioned in that Article exists.
6. Sections 3 and 4 require any department or agency of the HKSAR Government or any public servant to provide all necessary and reasonable assistance etc. for the OSNS to ascertain whether a circumstance mentioned in Article 55 of the HK National Security Law exists and for the OSNS to exercise jurisdiction pursuant to Article 55 of the HK National Security Law.
7. Section 5 provides for the offence of failing to comply with a legal document issued by the OSNS under Article 57 of the HK National Security Law (*legal instrument*).
8. Section 6 provides that a person is not civilly liable for an act done or omitted to be done by the person in good faith in complying with a legal instrument, and a public servant is not civilly liable for an act done or omitted to be done by the public servant in good faith in acting under section 3 or 4.

9. Section 7 provides that a person commits an offence if the person, in purported compliance with a legal instrument, provides any information or document etc. that is false or misleading.
10. Section 8 provides for the offence of disclosing the measures being taken, or an investigation being conducted, by the OSNS.
11. Section 9 provides for evidentiary provisions relating to legal instruments.

Part 4—Protections in respect of OSNS's Performance of its Mandate

12. Section 10 requires any department or agency of the HKSAR Government or any public servant to provide all necessary and reasonable assistance etc. for the OSNS's performance of its mandate.
13. Section 11 provides for evidentiary provisions relating to the identification documents or documents of certification created or issued by the OSNS.
14. Section 12 provides for the offence of resisting or obstructing the OSNS or a staff member of the OSNS in the performance of a duty etc.
15. Section 13 provides for the offence of falsely pretending to be or be able to influence a staff member of the OSNS.
16. Section 14 provides for the offence of forging a document etc. of the OSNS.

17. Section 15 provides that a person who knows of or receives any work-related information in connection with the OSNS is obliged to ensure that the information is kept confidential.