

## 附件 C

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#### 1. 主要政府文件

中华人民共和国香港特别行政区维护国家安全法：

英文：<https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>

中文：<https://www.elegislation.gov.hk/hk/A406>

中华人民共和国香港特别行政区维护国家安全法第四十三条实施细则，2020年7月6日

英文：<https://www.info.gov.hk/gia/general/202007/06/P2020070600784.htm>

中文：<https://www.info.gov.hk/gia/general/202007/06/P2020070600748.htm>

关于进行截取及秘密监察的授权申请的运作原则及指引——依据《中华人民共和国香港特别行政区维护国家安全法第四十三条实施细则》附表6第20条而发出：

英文：<https://www.gld.gov.hk/egazette/pdf/20202450e/egn2020245074.pdf>

中文：<https://www.gld.gov.hk/egazette/pdf/20202450e/cgn2020245074.pdf>

中华人民共和国香港特别行政区基本法：

英文：<https://www.basiclaw.gov.hk/en/basiclawtext/index.html>

中文：<https://www.basiclaw.gov.hk/tc/basiclawtext/index.html>

[终审法院首席法官声明](#)（关于《香港国安法》第44条），2020年7月2日

英文：

<https://www.info.gov.hk/gia/general/202007/02/P2020070200414.htm?fontSize=1>

中文：

<https://sc.isd.gov.hk/TuniS/www.info.gov.hk/gia/general/202007/02/P2020070200412.htm?fontSize=1>

终审法院首席法官马道立指出：“根据《国家安全法》第44条，行政长官应当在各级法院指定法官，负责处理与《国家安全法》有关的案件和上诉……指定法官及相关的法庭运作必须符合《基本法》的规定，这一点至为重要……按照

《基本法》第 88 条而任命的法官，都是根据由终审法院首席法官担任主席的司法人员推荐委员会的推荐，由行政长官作出任命。这个安排在香港一直沿用已久。”

## 2. 香港大律师公会声明

[香港大律师公会关于香港政府决定推迟立法会选举的声明](https://www.hkba.org/sites/default/files/20200802 - HK Government Decision to Postpone the Legislative Council Election %28Eng%29.pdf)，2020 年 8 月 2 日  
<https://www.hkba.org/sites/default/files/20200802 - HK Government Decision to Postpone the Legislative Council Election %28Eng%29.pdf>

香港大律师公会对香港政府以公众健康风险为由推迟立法会选举这一决定的有关法理及证据基础提出了严重质疑，因为该决定将立法会选举推迟一年而不是更短的时期，并且未咨询民间社会。声明强调：“国际人权专家多次警告各国政府不得以新冠肺炎为借口压制人权。”

[香港大律师公会就《中华人民共和国香港特别行政区维护国家安全法》的声明](https://www.hkba.org/sites/default/files/20200701%20-%20HKBA%20Statement%20on%20the%20HKSAR%20National%20Security%20Law%20%28C%29.pdf)，2020 年 7 月 1 日  
<https://www.hkba.org/sites/default/files/20200701%20-%20HKBA%20Statement%20on%20the%20HKSAR%20National%20Security%20Law%20%28C%29.pdf>

香港大律师公会对《国家安全法》表示深切关注：与《基本法》不符的规定；在颁布前缺乏有意义的公众咨询；以及没有具法律权威的英文版。香港大律师公会指出，这些以及其他《国安法》条文的“施行将损害《基本法》及《中英联合声明》承诺给予香港特别行政区的高度自治，亦削弱维系一国两制的基石”。

## 3. 国际人权专家的声明

7 位联合国专家向中国发出函件，敦促审查并重新审议《香港国安法》以符合国际法，2020 年 9 月 1 日

英文：

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25487>

7 位联合国特别程序任务负责人强调了《香港国安法》的规定模糊不清和过于宽泛，以及其安全实体部门缺乏透明度和问责制。他们敦促中国政府审查并重新考虑《香港国安法》，以确保中国遵守《世界人权宣言》、《公民权利和政治权利国际公约》、1984 年的《中英联合声明》和《基本法》规定的香港国际人权义务。

联合国人权事务高级专员发言人关于《香港国安法》的声明，2020 年 7 月 3 日

英文:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E>,

中文:

<https://www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=C>

发言人指出：“令我们感到震惊的是，在其中所述罪行的范围没有得到充分了解和认识的情况下，马上就出现了根据该法的逮捕行动。”所表达的关切包括对罪行的模糊不清且过于宽泛的定义“有可能导致歧视或任意释法和执法”，以及“勾结”罪的条文“可能限制公民空间，并可能会扼杀民间社会活动者行使参与公共事务权利的可能性”。

#### 4. Explainers and timelines（说明和时间表）

[“Transforming Hong Kong: 100 days of the National Security Law”](#)

Mercator Institute for China Studies, October 7, 2020.

<https://merics.org/en/graphic/transforming-hong-kong-100-days-national-security-law>

A brief timeline that maps the developments during July 1–October 1, highlighting the actions of governments of the People’s Republic of China and the Hong Kong SAR as well as those in the opposition movement, civil society, courts and the legal sector, diplomatic and international community, and the business and financial sector.

[“Explainer: How Beijing’s security law transformed Hong Kong – month 3”](#)

Hong Kong Free Press, September 30, 2020.

<https://hongkongfp.com/2020/09/30/explainer-how-beijings-security-law-transformed-hong-kong-month-3/>

Maps key developments including the detention of the “Hong Kong 12,” UN human rights experts’ communications expressing concerns about the NSL’s violations of international legal obligations, and the NSL’s impact on press freedom.

[“Hong Kong national security law: 26 arrests so far, resignation of a foreign judge, and suspension of a middle school pupil mark third month”](#)

South China Morning Post, September 30, 2020.

<https://www.scmp.com/news/hong-kong/politics/article/3103600/hong-kong-national-security-law-26-arrests-so-far>

In the third month of the NSL, Justice James Spigelman, a non-permanent foreign judge on the Court of Final Appeal, resigned two years before schedule due to “the content of the national security legislation”; while a middle school pupil was suspended after using a profile picture with the protest slogan “Liberate Hong Kong; revolution of our times” in an online class.

[“How Hong Kong’s national security law compares to Macau’s: different reasons, eras for legislation”](#)

South China Morning Post, July 8, 2020.

<https://www.scmp.com/news/hong-kong/politics/article/3092215/national-security-tale-two-cities-how-different-reasons-and>

Covers developments during September, including the resignation of an Australian veteran judge of the Court of Final Appeal, the arrest of activist Tam Tak-chi by the national security unit under the sedition law, and Chief Secretary Matthew Cheung Kin-chung’s defense of the NSL at the 45th Session of the UN Human Rights Council.

[Arrests and trials of Hong Kong protesters](#)

Compiled by author Kong Tsung-gan.

<https://medium.com/@KongTsungGan/arrests-and-trials-of-hong-kong-protesters-2019-9d9a601d4950>

1. Tracks the total number of protesters arrested and prosecuted since August 2019, with the names and brief information of those arrested. Updated frequently.

## 5. Books and book chapters (书籍和书籍章节)

Cora Chan and Fiona de Londras, eds., *China's National Security: Endangering Hong Kong's Rule of Law?*, Hart Publishing, March 2020.

A collection of 17 essays by legal experts including Albert Chen, Hualing Fu, Johannes Chan, Michael C. Davis, and Simon Young. In their introductory essay, “China’s National Security in Hong Kong: A Challenge for Constitutionalism, Autonomy and the Rule of Law,” Chan and de Londras articulate a vision for sustainable security in Hong Kong. They propose the construction of a new institutional architecture that is rights-based and addresses rule of law concerns aimed at achieving four key aims: effectiveness, accountability, transparency, and participation. In this new architecture, Chan and Londras urge the inclusion of features including limiting the National People’s Congress Standing Committee’s powers to interpret the Basic Law, universal suffrage for election of Chief Executive and LegCo, a human rights institution for Hong Kong, and so on.

Michael C. Davis, *Making Hong Kong China: The Rollback of Human Rights and the Rule of Law*, Association for Asian Studies, October 2020. (Read opening chapter at: <https://www.demdigest.org/making-hong-kong-china/>)

The book traces the loss of Hong Kong's autonomy from the handover forward, highlighting the root causes, evolving erosion and eventual assault on the rule of law and basic freedoms, as reflected in the 2019 crackdown on protesters and the current imposition of the National Security Law.

Hualing Fu, “National Security Law: Challenges and Prospects,” in Johannes Chan and C.L. Lim, eds., *Law of the Hong Kong Constitution*, 3rd edition, Sweet & Maxwell Asia Ltd, forthcoming in 2021.

Fu examines the status of the NSL compared with that of the Basic Law, the offenses it targets, and the new entities it created and their powers. Fu concludes: “It would be hard to overstate the constitutional significance of the NSL as regards the Basic Law for through this piece of legislation the CPG has gained bridgehead inside the Hong Kong legal system to exert a comprehensive control. . . . The NSL poses a challenge to Hong Kong with the potential to undermine the OCTS. Yet the NSL also creates the possibility of its own limitations, allowing it to operate under the constraints of the existing constitutional framework.”

Hualing Fu, “China’s Imperatives for National Security Legislation,” in Cora Chan and Fiona de Londras, eds., *China’s National Security: Endangering Hong Kong’s Rule of Law?*, Hart Publishing, March 2020

Fu discusses China’s new national security regime underpinned by legality and the creation of a new legal framework to securitize the Chinese state, including Hong Kong. Fu posits how Hong Kong is seen as a national security risk by China especially with the sudden rise of a secessionist movement and localism in recent times. Writing before the enactment of the NSL in Hong Kong, Fu highlights how the introduction of a national security legislation in Hong Kong is one of many options to address prevailing security concerns, but one that potentially has significant impact on rights and freedoms of Hong Kong.

## 6. Websites and blogs (网站和博客)

[NPC Observer](#)

<https://npcobserver.com/2020/06/30/legislation-summary-hong-kong-national-security-law/>

Covering legislative developments of the National People’s Congress and its Standing Committee with a summary of Hong Kong’s National Security Law.

[Jerome A. Cohen’s blog](#)

<http://www.jeromecohen.net/jerrys-blog?offset=1597258389940>

On recent developments on the rule of law in Asia and China, including a series of articles on Hong Kong under the National Security Law.