

## 附件 C

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#### 1. 主要政府文件

中華人民共和國香港特別行政區維護國家安全法：

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

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

中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則，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>

關於進行截取及秘密監察的授權申請的運作原則及指引——依據《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》附表 6 第 20 條而發出：

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

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

中華人民共和國香港特別行政區基本法：

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

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

[終審法院首席法官聲明](#)（關於《香港國安法》第 44 條），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>

終審法院首席法官馬道立指出：「根據《國家安全法》第 44 條，行政長官應當在各級法院指定法官，負責處理與《國家安全法》有關的案件和上訴……指定法官及相關的法庭運作必須符合《基本法》的規定，這一點至為重要……按照

《基本法》第 88 條而任命的法官，都是根據由終審法院首席法官擔任主席的司法人員推薦委員會的推薦，由行政長官作出任命。這個安排在香港一直沿用已久。」

## 2. 香港大律師公會聲明

[香港大律師公會關於香港政府決定推遲立法會選舉的聲明](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>

香港大律師公會對香港政府以公眾健康風險為由推遲立法會選舉這一決定的有關法理及證據基礎提出了嚴重質疑，因為該決定將立法會選舉推遲一年而不是更短的時期，並且未諮詢民間社會。聲明強調：「國際人權專家多次警告各國政府不得以新冠肺炎為藉口壓制人權。」

[香港大律師公會就《中華人民共和國香港特別行政區維護國家安全法》的聲明](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>

香港大律師公會對《國家安全法》表示深切關注：與《基本法》不符的規定；在頒佈前缺乏有意義的公眾諮詢；以及沒有具法律權威的英文版。香港大律師公會指出，這些以及其他《國安法》條文的「施行將損害《基本法》及《中英聯合聲明》承諾給予香港特別行政區的高度自治，亦削弱維繫一國兩制的基石」。

## 3. 國際人權專家的聲明

7 位聯合國專家向中國發出函件，敦促審查並重新審議《香港國安法》以符合國際法，2020 年 9 月 1 日

英文：

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

7 位聯合國特別程序任務負責人強調了《香港國安法》的規定模糊不清和過於寬泛，以及其安全實體部門缺乏透明度和問責制。他們敦促中國政府審查並重新考慮《香港國安法》，以確保中國遵守《世界人權宣言》、《公民權利和政治權利國際公約》、1984 年的《中英聯合聲明》和《基本法》規定的香港國際人權義務。

聯合國人權事務高級專員發言人關於《香港國安法》的聲明，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>

發言人指出：「令我們感到震驚的是，在其中所述罪行的範圍沒有得到充分瞭解和認識的情況下，馬上就出現了根據該法的逮捕行動。」所表達的關切包括對罪行的模糊不清且過於寬泛的定義「有可能導致歧視或任意釋法和執法」，以及「勾結」罪的條文「可能限制公民空間，並可能會扼殺民間社會活動者行使參與公共事務權利的可能性」。

#### 4. Explainers and timelines（說明和時間表）

[“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 (書籍和書籍章節)

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 (網站和博客)

[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.