

今天是《香港國安法》實施後第三個「全民國家安全教育日」，香港特區政府舉辦一系列活動，提升全港市民國家安全方面的意識，讓市民了解國家安全對香港長期繁榮穩定的重要性，並盡公民義務合力維護國家安全。

在這個別具意義的日子，今集「國安·家安」問答篇，簡介有關《香港國安法》的立法背景，釋除誤解，開卷有益，讓大家對國安法實施帶來的效果和重要意義，有更全面和準確的認識。

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# 國家安全 護港繁榮

## 國安法會否影響港人的日常活動？

絕大部分港人遵守法紀，不會參與危害國家安全的行為或活動，根本不會受影響。市民可繼續依法享有及行使言論、新聞、集會、示威、遊行等自由，也可如常進行國際交流、學術交流和自由營商。

## Will the daily activities of Hong Kong residents be affected by the national security law?

The vast majority of Hong Kong people who abide by the law and do not participate in acts or activities that undermine national security will not be affected. Life will go on as normal. The public will continue to enjoy the legitimate freedoms of speech, of the press, of assembly, of protest and procession, etc. They can continue to freely engage as usual in international exchanges, academic exchanges and businesses.

## 其他國家有實施國安法嗎？

西方國家如美國、英國、法國、德國、加拿大和澳洲等都制定了自身維護國家安全的法律，建立了相關決策和執行機構。如果有人認為對香港擁有主權的中國無權在香港特區立法保障國家安全，顯然是虛偽及持雙重標準。

## Do other countries have national security laws?

Western countries such as the United States, the United Kingdom, France, Germany, Canada and Australia have all enacted laws to safeguard national security and formed relevant decision-making and enforcement bodies. To suggest that our sovereign, China, does not have the right to legislate to protect national security in the HKSAR is not just wrong but also smacks of hypocrisy and double standards.

## 國安法會否違反《基本法》？

完全合憲、合法。《中華人民共和國憲法》（《憲法》）及《基本法》共同構成香港特區的憲制基礎。香港特區是根據《憲法》第三十一條及六十二條的規定而成立，而《憲法》第六十二條第二項亦列明全國人民代表大會（全國人大）有監督《憲法》實施的職權。

作為國家最高的權力機關，全國人大於2020年5月28日通過《決定》授權全國人大常委會制定香港特區維護國家安全的法律制度和執行機制的法律，正正是行使《憲法》賦予全國人大的職責，其合憲、合法的基礎是不容置疑。

《決定》沒有違反《基本法》第23條的規定，因為第23條的規定是義務條款，並不改變國家安全立法屬於中央事權的基本屬性。香港特區仍有盡早完成《基本法》第23條規定的立法責任。

## Will the national security law in Hong Kong violate the Basic Law?

Certainly not. The Constitution of the People's Republic of China (the Constitution) and the Basic Law together form the constitutional basis of the HKSAR. The HKSAR was established in accordance with Article 31 and Article 62 of the Constitution. Article 62 (2) of the Constitution stipulates that the NPC can exercise the power to supervise the enforcement of the Constitution. The Decision adopted by the NPC, the highest organ of state power, on May 28, 2020, which authorises the Standing Committee of the National People's Congress (NPCSC) to formulate relevant laws on establishing the legal system and enforcement mechanisms for the HKSAR to safeguard national security, is an example of the NPC exercising the power conferred on it by the Constitution – a lawful and constitutional basis beyond dispute.

The Decision does not breach Article 23 of the Basic Law as the latter is an obligation and does not change the fundamental nature that legislating for national security is a matter within the purview of the Central Authorities. The HKSAR is still required to implement Article 23 as soon as possible.

## 國安法會否損害「一國兩制」？

絕對不會。反之，香港國安法旨在防範、制止和懲治極少數危害國家安全的違法分子，從而維護香港的繁榮穩定。「一國兩制」方針不會變，香港實行的資本主義制度不會變，高度自治不會變，香港特區法律制度不會變，特區行政管理權、立法權、獨立的司法權和終審權也不會受到影響。

## Will the national security law in Hong Kong undermine "one country, two systems"?

No. It will preserve the security and stability needed for society to prosper through preventing, ceasing and punishing an extremely small minority of criminals who endanger national security. The "one country, two systems" policy, the capitalist system practised in Hong Kong, the high degree of autonomy, as well as the legal system of the HKSAR will not be affected. The executive, legislative, independent judicial power, including that of final adjudication, will also remain unaffected.

## 國家安全案件由哪些法官處理？

香港特區行政長官應當指定若干名法官，負責處理危害國家安全犯罪案件，任期一年。行政長官在指定法官前可徵詢香港特區國安委和終審法院首席法官的意見。（《香港國安法》第四十四條）

## Who are the judges handling the national security cases?

The Chief Executive of the HKSAR shall designate a number of judges to handle cases concerning offence endangering national security. Their term of office shall be one year. Before making such designation, the Chief Executive may consult the HKSAR Committee on National Security and the Chief Justice of the Court of Final Appeal. (Article 44 of the Hong Kong National Security Law)

國安·家安 ⑤

考考你

國安知識知多少

## 《香港國安法》成效

資產及財富管理業務總值  
↑21%

(2020年年底與2019年年底比較)

資產管理公司數目

↑11%

(2022年3月底與2019年年底比較)

證券市場平均每日成交金額

↑60%

(《香港國安法》實施至2022年4月與實施前12個月比較)

新股集資額

↑30%

(《香港國安法》實施至2022年4月與實施前同一時期比較)

資金淨流入

420億元美金

(2020年7月到2021年5月)

最受歡迎仲裁地點第三位

(倫敦大學瑪麗皇后學院2021年國際仲裁調查報告)

初創企業數目

↑18%

(2021年對比2019年)

在港風險投資

↑3倍

(2021年年底對比2019年年底)



《香港國安法》問與答