

SCHEDULE 1  
TO THE ORDER

Article 2

<i>Provision</i>	<i>Exceptions, Adaptations and Modifications</i>
Section 1	<p>In subsection (6) replace the words “a Minister of the Crown” by the words “the Governor” and the word “Minister's” by “Governor's”; and replace the words “the interests of national security” by the words “the interests of the security of Hong Kong or the national security of the United Kingdom”.</p> <p>In subsection (8) replace the words “the Minister” in both places where they occur by the words “the Governor”.</p>
Section 2	<p>In subsection (2) paragraph (b) replace the words “it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests or endangers the safety of British citizens abroad;” by the words “it endangers the interests of Hong Kong or of the United Kingdom abroad, seriously obstructs the promotion or protection by Hong Kong or the United Kingdom of those interests or endangers the safety of British nationals or Hong Kong permanent residents abroad;”.</p>
Section 3	<p>In subsection (1) paragraph (b) replace the words “a State other than the United Kingdom” by the words “a territory other than Hong Kong or a State other than the United Kingdom”.</p> <p>Replace subsection (2) paragraph (a) by a new paragraph (a) which reads:</p> <p>“(a) it endangers the interests of Hong Kong or of the United Kingdom abroad, seriously obstructs the promotion or protection by Hong Kong or the United Kingdom of those interests or endangers the safety of British nationals or Hong Kong permanent residents abroad; or”.</p> <p>Replace subsection (5) by a new subsection (5) which reads:</p> <p>“In this section “international relations” means the relations between States, between international organisations or between one or more States and one or more such organisations and includes—</p>

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	<p>(a) any matter relating to a State other than the United Kingdom or to an international organisation which is capable of affecting the relations of the United Kingdom with another State or with an international organisation;</p> <p>(b) any matter relating to the relations between the United Kingdom and Hong Kong or the external relations of Hong Kong.”</p>
Section 4	<p>In subsection (6) replace the words “State or organisation” in both places where they occur by “territory, State or organisation”.</p> <p>Delete subsection (3) and its side notes and replace it by a new subsection (3) which reads:</p> <p>“(3) This section also applies to any information obtained by reason of action taken under an order issued under section 33 of the Telecommunications Ordinance<sup>(1)</sup>, or under a warrant issued under section 13(1) of the Post Office Ordinance<sup>(2)</sup>, any information relating to the obtaining of information by reason of such action and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such action.”</p>
Section 5	<p>In subsection (4) replace the words “by a British citizen or took place in the United Kingdom, in any of the Channel Islands or in the Isle of Man or a colony.” by the words “by a British national or Hong Kong permanent resident or took place in Hong Kong.”.</p>
Section 6	<p>In subsection (1), paragraph (a), subparagraph (ii) replace the words “on behalf of the United Kingdom to another State” by the words “on behalf of the Government of Hong Kong or by or on behalf of the United Kingdom to another territory or State”.</p> <p>In subsection (1)(a) replace the words “that State or organisation” by the words “that territory, State or organisation”.</p> <p>In subsection (3) replace the words “State or organisation” by the words “territory, State or organisation”.</p>

(1) Laws of Hong Kong, Cap. 106.  
(2) Laws of Hong Kong, Cap. 98.

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	Replace the word “other” in the side notes by “territories”.
Section 7	In subsection (6) replace the words “on behalf of the State or organisation” by the words “on behalf of the territory, State or organisation concerned”.
Section 9	Replace section 9 by a new section 9 which reads: <p style="padding-left: 40px;">“9. No prosecution for an offence under this Act shall be instituted except by or with the consent of the Attorney General of Hong Kong.”</p>
Section 10	In subsection (1) paragraph (a) add “not exceeding \$500,000” after the word “fine” and before the words “or both”.  In subsection (1) paragraph (b) replace the words “the statutory maximum” by “\$50,000”.  In subsection (2) replace the words “level 5 on the standard scale” by “\$20,000”.
Section 11	Delete subsections (1) and (2) and the side notes to those subsections and renumber subsections (3), (4), (5) as subsections (1), (2), (3) respectively.  Replace renumbered subsection (1) by a new subsection (1) which reads: <p style="padding-left: 40px;">“(1) Section 9(1) of the Official Secrets Act 1911 (search warrants) shall have effect as if references to offences under that Act included references to offences under any provision of this Act other than section 8(1), (4) or (5).”</p> In new subsection (3) replace the words “in any place in the United Kingdom.” by the words “in the High Court in the exercise of its criminal jurisdiction, in the District Court or before a magistrate.”
Section 12	Replace subsection (1) paragraph (a) by a new paragraph (a) which reads: <p style="padding-left: 40px;">“(a) any person holding an office of emolument under the Crown in right of the Government of Hong Kong, whether such office be permanent or temporary;”.</p>

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	<p>Delete subsection 1 paragraph (b), the side note to paragraph (d) and paragraph (e) and its side note; and reletter paragraph (c) as (b), paragraph (d) as (c), paragraph (f) as (d) and paragraph (g) as (e).</p> <p>Replace relettered subsection (1) paragraph (c) by a new paragraph which reads:</p> <p style="padding-left: 40px;">“(b) any person employed in the civil service of the Crown in right of the United Kingdom, including Her Majesty’s Diplomatic Service and Her Majesty’s Overseas Civil Service;”.</p> <p>Replace relettered subsection (1) paragraph (c) by a new paragraph which reads:</p> <p style="padding-left: 40px;">“(c) any member of the naval, military or air forces of the Crown;”.</p> <p>In subsection (2) paragraph (a) replace the words “any Minister or person mentioned in paragraph (a) or (b) of subsection (1) above” by the words “the Crown in right of the Government of Hong Kong” and replace the words “that subsection” (in both places where they occur) by the words “in subsection (1) above”.</p> <p>In subsection (2) paragraph (b) replace the words “certified by the Secretary of State as being one to which the government of a State other than the United Kingdom” by the words “certified by the Governor as being one to which the Government of a territory other than Hong Kong or a State other than the United Kingdom”.</p> <p>In subsection (1), before the definitions of “disclose” and “disclosure” add a new definition which reads:</p> <p style="padding-left: 40px;">““British national” means a British citizen, a British Overseas citizen, a British Dependent Territories citizen, a British National (Overseas) or a British protected person;”</p> <p>In subsection (1) after the definitions of “disclose” and “disclosure” and before the definition of “international organisation” add two new definitions which read:</p>
Section 13	

<i>Provision</i>	<i>Exceptions, Adaptations and Modifications</i>
	<p>““Governor” means the Governor of Hong Kong, the acting Governor and any Deputy to the Governor, and includes any person authorised by the Governor to perform any of his functions under this Act;”</p> <p>““Hong Kong permanent resident” has the meaning assigned to that term by Section 2(1) of the Immigration Ordinance(3);”</p> <p>In subsection (1), in the definition of “prescribed”, replace the words “the Secretary of State” by the words “the Governor”.</p> <p>In the definition of “State” change the full stop to a semicolon and after the definition of “State”, add a new definition which reads: ““territory” means any territory, not being a State, outside Hong Kong.”</p> <p>In subsection (2) after the word “States” add the words “or States and territories”.</p> <p>In subsection (3) add the words “or States and territories” after the words “whether only States”.</p>
Section 14	Delete section 14 and its side note.
Section 15	Delete section 15 and replace it by a new section renumbered as section 14 which reads:  “14. Any act done by a British national or Crown servant or by a Hong Kong permanent resident shall, if it would be an offence by that person under any provision of this Act other than section 8(1), (4) or (5) when done by him in Hong Kong, be an offence under that provision.”
Section 16	Delete section 16 and replace it by a new section renumbered as section 15 which reads:  “15. The enactments mentioned in the Schedule to this Act are hereby repealed in their application to Hong Kong to the extent specified in the third column of that Schedule.”
	Insert a side heading which reads “Repeals.”.

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<i>Provision</i>	<i>Exceptions, Adaptations and Modifications</i>		
Schedule 1	Delete Schedule 1		
Schedule 2	Replace the table therein set out with the following—		
		“SCHEDULE 2	Section 15
		REPEALS	
	<b><i>Chapter</i></b>	<b><i>Short titles</i></b>	<b><i>Extent of repeal</i></b>
	1911 c. 28	The Official Secrets Act 1911	Section 2.  In section 12, in the paragraph beginning “Expressions referring”, the words “or receiving” (in both places where they occur) and “or received”.
	1920 c. 75	The Official Secrets Act 1920	Section 9(1).  In Schedule 1, the amendments of section 2 of the the Official Secrets Act 1911”