附表 1

[第 2 條]

關於為搜證而搜查有關地方的細則

1. **釋義**

   在本附表中 ——

   地方 (place) 指任何地方，並包括 ——

   (a) 任何車輛、船隻、航空器、氣墊船或其他運輸工具；

   (b) 任何帳幕或構築物 (不論是否可移動的或是否離岸的)；及

   (c) 任何電子設備；

   指明證據 (specified evidence) 指屬或包含 (或相當可能屬或包含) 危害國家安全罪行的證據的任何物件。

2. **裁判官手令**

   (1) 為偵查危害國家安全罪行，警務人員可藉經宣誓而作的告發，向裁判官提出申請，要求裁判官就該項告發所指明的地方根據本條發出手令。

   (2) 裁判官如因經宣誓而作的告發，信納有合理理由懷疑在任何地方有任何指明證據，可發出手令，授權警務人員帶同所需的協助人員進入和搜查該地方。

   (3) 根據第 (2) 款發出的手令授權有關警務人員 ——

   (a) 進入 (並在有必要時可使用合理武力進入) 和搜查有關地方；

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[r. 2]

Rules Relating to Search of Places for Evidence

1. **Interpretation**

   In this Schedule—

   place (地方) means any place, and includes—

   (a) any vehicle, vessel, aircraft, hovercraft or other conveyance;

   (b) any tent or structure (whether or not movable or offshore); and

   (c) any electronic equipment;

   specified evidence (指明證據) means anything that is or contains, or that is likely to be or contain, evidence of an offence endangering national security.

2. **Magistrate's warrants**

   (1) A police officer may, for investigation of an offence endangering national security, apply to a magistrate by information on oath for a warrant under this section in relation to the place specified in the information.

   (2) A magistrate may issue a warrant authorizing a police officer with such assistants as may be necessary to enter and search any place if the magistrate is satisfied by information on oath that there is reasonable ground for suspecting that any specified evidence is in the place.

(b) 檢查、檢驗、搜查、檢取、移走和扣留在該地方而該人員合理地相信屬指明證據的任何物件；及

(c) 扣留在該地方發現的任何人，直至對該地方的搜查已完畢為止。

3. **無需裁判官手令的情況**

(1) 如職級不低於警務處助理處長的警務人員信納以下條件均符合，則該警務人員，或其授權的另一名警務人員，為偵查危害國家安全罪行，可在無手令的情況下，行使本附表第 2(3) 條所訂的權力 ——

(a) 有合理理由懷疑在某地方有任何指明證據；

(b) 有合理理由相信該證據是為第 (2) 款指明的任何事項而必需的；及

(c) 有任何原因，會使取得手令並非合理地切實可行。

(2) 就第 (1)(b) 款所指明的事項是 ——

(a) 偵查危害國家安全罪行；

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(3) A warrant issued under subsection (2) authorizes the police officer to—

(a) enter (and by the use of reasonable force if necessary) and search the place;

(b) inspect, examine, search, seize, remove and detain anything in the place that the officer reasonably believes to be specified evidence; and

(c) detain any person found in the place until the place has been searched.

3. **Circumstances in which magistrate's warrants are not necessary**

(1) If a police officer not below the rank of Assistant Commissioner of Police is satisfied that—

(a) there is reasonable ground for suspecting that any specified evidence is in a place;

(b) there is reasonable ground for believing that the evidence is necessary for any of the matters specified in subsection (2); and

(c) for any reason it would not be reasonably practicable to obtain a warrant,

the police officer, or another police officer authorized by the police officer, may exercise the power under section 2(3) of this Schedule for investigation of an offence endangering national security without a warrant.

(2) The matters specified for the purposes of subsection (1)(b) are—

(a) investigation of an offence endangering national security;

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(b) 獲取和保存與危害國家安全罪行有關的證據；

(c) 保護任何人的人身安全。

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(b) procurement and preservation of evidence of an offence endangering national security;

(c) protection of the safety of any persons.

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