

S2-1  
文件 A303

附表 2  
第 1 條

Schedule 2  
Section 1

S2-2  
Instrument A303

## 附表 2

[ 第 2 條 ]

### 關於限制受調查的人離開香港的細則

#### 1. 釋義

在本附表中——

**旅行證件** (travel document) 指護照或確定持有人身分或國籍的其他文件。

#### 2. 旅行證件的交出

- (1) 裁判官可應警務人員提出的單方面申請，以通知書要求因合理地被懷疑已干犯危害國家安全罪行而受調查的人，向該警務人員交出所管有的任何旅行證件。
- (2) 根據第 (1) 款發出的通知書，須面交送達收件人。
- (3) 獲送達根據第 (1) 款所發通知書的人，須立即遵照通知書辦理。
- (4) 在不抵觸第 (8) 款的條文下，除非——
  - (a) 根據本附表第 3(1) 條提出的要求發還旅行證件的申請獲得批准；或
  - (b) 根據本附表第 4(1) 條提出的要求准許離開香港的申請獲得批准，

否則根據第 (1) 款發出的通知書的收件人（不論該通知書是否已根據第 (2) 款送達該人），不得在自該通知書日期起計的 6 個月期間屆滿前離開香港。

## Schedule 2

[r. 2]

### Rules Relating to Restriction on Persons under Investigation from Leaving Hong Kong

#### 1. Interpretation

In this Schedule—

**travel document** (旅行證件) means a passport or other document establishing the identity or nationality of a holder.

#### 2. Surrender of travel documents

- (1) A magistrate may, on the application ex parte of a police officer, by written notice require a person who is the subject of an investigation in respect of an offence endangering national security reasonably suspected to have been committed by the person to surrender to the police officer any travel document in the person's possession.
- (2) A notice under subsection (1) must be served personally on the person to whom it is addressed.
- (3) A person on whom a notice under subsection (1) is served must comply with the notice immediately.
- (4) Subject to subsection (8), a person to whom a notice under subsection (1) is addressed must not leave Hong Kong, whether or not the notice has been served on the person under subsection (2), before the expiry of a period of 6 months from the date of the notice unless—

S2-3  
文件 A303

附表 2  
第 2 條

- (5) 已獲送達根據第 (1) 款所發通知書的人，如不立即遵照通知書辦理，可被警務人員逮捕並送交裁判官。
- (6) 凡根據第 (5) 款將任何人送交裁判官，則除非該人隨即遵照根據第 (1) 款所發通知書辦理，或使裁判官信納該人並無管有旅行證件，否則裁判官須發出手令，將該人押交監獄妥為扣留——
- (a) 直至由該人被押交監獄之日起計 28 日期滿為止；或
- (b) 直至該人遵照根據第 (1) 款所發通知書辦理，及裁判官作出命令，命令及指示懲教署署長釋放該人出獄為止（該命令足以作為懲教署署長釋放該人的手令），以上兩種情況以較先發生者為準。
- (7) 在不抵觸第 (8) 款的條文下，除非根據本附表第 3(1) 條提出的要求發還旅行證件的申請獲得批准，否則遵照根據第 (1) 款發出的通知書向警務人員交出的旅行證件，可在自該通知書日期起計的 6 個月期間內予以扣留。
- (8) 第 (4) 及 (7) 款所提述的 6 個月期間在以下情況下可延展一段為期 3 個月的額外期間：裁判官應警務人員的申請而信納調查按理不能在該項申請日期前完成，並授權該項延展；但在警務人員就該項申請給予有關通知書的收件人合理的通知之前，裁判官不得聆訊根據本款提出的申請。
- (9) 根據本條在裁判官席前進行的一切法律程序，須在內庭進行。
- (10) 根據第 (1) 款發出並已按照第 (2) 款送達收件人的通知書，在收件人已遵照通知書辦理後，不得予以撤銷或撤回。

Schedule 2  
Section 2

S2-4  
Instrument A303

- (a) an application made under section 3(1) of this Schedule for the return of a travel document is granted; or
- (b) an application made under section 4(1) of this Schedule for permission to leave Hong Kong is granted.
- (5) If a person on whom a notice under subsection (1) has been served fails to comply with the notice immediately, the person may be arrested and taken before a magistrate by a police officer.
- (6) Where a person is taken before a magistrate under subsection (5), the magistrate must, unless the person immediately complies with the notice under subsection (1) or satisfies the magistrate that the person does not possess a travel document, by warrant commit the person to prison there to be safely kept—
- (a) until the expiry of the period of 28 days from the date of the person's committal to prison; or
- (b) until the person complies with the notice under subsection (1) and a magistrate, by order, orders and directs the Commissioner of Correctional Services to discharge the person from prison (which order is sufficient warrant for the Commissioner of Correctional Services so to do),  
whichever occurs first.
- (7) Subject to subsection (8), a travel document surrendered to a police officer in compliance with a notice under subsection (1) may be detained for a period of 6 months from the date of the notice unless an application made under section 3(1) of this Schedule for the return of the travel document is granted.
- (8) The period of 6 months referred to in subsections (4) and (7) may be extended for a further period of 3 months if a

S2-5  
文件 A303

附表 2  
第 3 條

Schedule 2  
Section 3

S2-6  
Instrument A303

### 3. 旅行證件的發還

- (1) 已根據本附表第 2 條交出旅行證件的人，可隨時以書面向警務處處長或裁判官或兼向兩者申請發還該旅行證件，每次申請均須在申請書內陳述申請理由。
- (2) 除非裁判官信納申請人已給予警務處處長合理的書面通知，否則裁判官不得考慮根據第 (1) 款提出的申請。
- (3) 只有在警務處處長或裁判官經顧及整體情況（包括顧及本附表第 2(1) 條所提述的調查的利益）後，信納拒絕批准根據第 (1) 款提出的申請會對申請人造成不合理困苦的情況下，警務處處長或裁判官（視屬何情況而定）方可批准該項申請。
- (4) 在根據本條批准申請前——
  - (a) 申請人可被要求——
    - (i) 向指明的人繳存一筆指明的合理款額的款項；
    - (ii) 聯同指明的擔保人（如有的話）作出指明的擔保；或

magistrate, on application by the police officer, is satisfied that the investigation could not reasonably have been completed before the date of such application and authorizes such extension. However, a magistrate must not hear an application under this subsection unless reasonable notice of the application has been given by the police officer to the person to whom the relevant notice is addressed.

- (9) All proceedings before a magistrate under this section must be conducted in chambers.
- (10) A notice under subsection (1) which has been served in accordance with subsection (2) and complied with must not be revoked or withdrawn.

### 3. Return of travel documents

- (1) A person who has surrendered a travel document under section 2 of this Schedule may at any time make application in writing, either to the Commissioner of Police or to a magistrate or both for its return, and every such application must contain a statement of the grounds on which it is made.
- (2) A magistrate must not consider an application made under subsection (1) unless the magistrate is satisfied that reasonable notice in writing of it has been given to the Commissioner of Police.
- (3) The Commissioner of Police or a magistrate may only grant an application made under subsection (1) if the Commissioner of Police or the magistrate, as the case may be, is satisfied that having regard to all the circumstances, including the interests of the investigation referred to in section 2(1) of this Schedule, a refusal to grant the application would cause unreasonable hardship to the applicant.
- (4) Before an application is granted under this section—

S2-7  
文件 A303

附表 2  
第 3 條

- (iii) 繳存該筆指明的款項並作出該項指明的擔保；
  - (b) 申請人或擔保人可被要求向指明的人(該人)繳存指明的財產或財產所有權文件，以交由該人保留，直至再無需作出本款所指的擔保或該擔保已被沒收。
- (5) 第(4)款提述的擔保須受以下條件所規限——
- (a) 申請人須在指明的時間再次向警務人員交出申請人的旅行證件；及
  - (b) 申請人須在指明的時間及指明的在香港的地點報到，並須在其後進一步指明的其他時間及進一步指明的在香港的地點報到。
- (6) 根據本條提出的申請，可在無條件下獲得批准，亦可在以下條件的規限下獲得批准——
- (a) 申請人須在指明的時間再次向警務人員交出申請人的旅行證件；及
  - (b) 申請人須在指明的時間及指明的在香港的地點報到，並須在其後進一步指明的其他時間及進一步指明的在香港的地點報到。
- (7) 凡旅行證件根據本條在根據第(5)(a)或(6)(a)款施加的條件規限下發還予申請人，則在根據該款指明的時間之後，本附表第2(4)條的條文即繼續就該申請人而適用，而本附表第2(7)條的條文即繼續就該申請人依據有關條件交出的旅行證件而適用，猶如該申請人不曾根據本條獲發還該旅行證件一樣。
- (8) 根據本條在裁判官席前進行的法律程序——
- (a) 須在內庭進行；及
  - (b) 須當作為《裁判官條例》(第227章)第105及113(3)條所指裁判官有權循簡易程序裁決的法律程序，而該條例第VII部(即關於上訴的條文)經必要的變通

Schedule 2  
Section 3

S2-8  
Instrument A303

- (a) the applicant may be required to—
    - (i) deposit such reasonable sum of money with such person as may be specified;
    - (ii) enter into such recognizance with such sureties, if any, as may be specified; or
    - (iii) deposit such a sum of money and enter into such a recognizance as may be specified;
  - (b) the applicant or surety may be required to deposit such property or document of title with such person as may be specified for retention by that person until such time as any recognizance entered into under this subsection is no longer required or is forfeited.
- (5) A recognizance referred to in subsection (4) is to be subject to the conditions that—
- (a) the applicant must further surrender the applicant's travel document to a police officer at such time as may be specified; and
  - (b) the applicant must appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong as may subsequently be further specified.
- (6) An application under this section may be granted either without conditions or subject to the conditions that—
- (a) the applicant must further surrender the applicant's travel document to a police officer at such time as may be specified; and
  - (b) the applicant must appear at such time and place in Hong Kong as may be specified and at such other time

S2-9  
文件 A303

附表 2  
第 4 條

後，亦須據此適用於就裁判官根據本條所作命令而提出的上訴。

- (9) 根據本條須就申請人指明的任何事項，須以面交送達申請人的書面通知而予以指明。

#### 4. 離開香港的准許

- (1) 在不損害本附表第 3 條的原則下，獲送達根據本附表第 2(1) 條發出的通知書的人可隨時以書面向警務處處長或裁判官或兼向兩者申請離開香港的准許，每次申請均須在申請書內陳述申請理由。

Schedule 2  
Section 4

S2-10  
Instrument A303

and place in Hong Kong as may subsequently be further specified.

- (7) Where a travel document is returned to the applicant under this section subject to a condition imposed under subsection (5)(a) or (6)(a), then after the time specified under that subsection, the provisions of section 2(4) of this Schedule continue to apply in respect of the applicant and the provisions of section 2(7) of this Schedule continue to apply in respect of the travel document surrendered by the applicant pursuant to the condition as if no return had been made to the applicant under this section.
- (8) Proceedings before a magistrate under this section—
- (a) must be conducted in chambers; and
- (b) are deemed to be proceedings which a magistrate has power to determine in a summary way within the meaning of sections 105 and 113(3) of the Magistrates Ordinance (Cap. 227) and, accordingly, Part VII of that Ordinance (which relates to appeals) applies, with the necessary modifications, to appeals against an order of a magistrate under this section.
- (9) Anything to be specified in respect of an applicant under this section must be specified by notice in writing served personally on the applicant.

#### 4. Permission to leave Hong Kong

- (1) Without prejudice to section 3 of this Schedule, a person on whom a notice under section 2(1) of this Schedule is served may at any time make application in writing to the Commissioner of Police or to a magistrate or both for permission to leave Hong Kong, and every such application must contain a statement of the grounds on which it is made.

S2-11  
文件 A303

附表 2  
第 4 條

- (2) 除非裁判官信納申請人已給予警務處處長合理的書面通知，否則裁判官不得考慮根據第 (1) 款提出的申請。
- (3) 只有在警務處處長或裁判官經顧及整體情況（包括顧及本附表第 2(1) 條所提述的調查的利益）後，信納拒絕批准根據第 (1) 款提出的申請會對申請人造成不合理困苦的情況下，警務處處長或裁判官（視屬何情況而定）方可批准該項申請。
- (4) 在根據本條批准申請前——
  - (a) 申請人可被要求——
    - (i) 向指明的人繳存一筆指明的合理款額的款項；
    - (ii) 聯同指明的擔保人（如有的話）作出指明的擔保；或
    - (iii) 繳存該筆指明的款項並作出該項指明的擔保；
  - (b) 申請人或擔保人可被要求向指明的人（該人）繳存指明的財產或財產所有權文件，以交由該人保留，直至再無需作出本款所指的擔保或該擔保已被沒收。
- (5) 第 (4) 款所指的擔保須受以下條件所規限：申請人須在指明的時間及指明的在香港的地點報到，並須在其後進一步指明的其他時間及進一步指明的在香港的地點報到。
- (6) 根據本條提出的申請，可在無條件下獲得批准，亦可在以下條件的規限下獲得批准：申請人須在指明的時間及指明的在香港的地點報到，並須在其後進一步指明的其他時間及進一步指明的在香港的地點報到。
- (7) 凡某人根據本條在根據第 (5) 或 (6) 款施加的條件規限下獲批准離開香港，則在根據該款指明的時間之後，或（如適用的話）在最後一個如此指明的時間之後，本附表第 2(4) 條的條文即繼續就該人而適用，猶如該人不曾根據本條獲批准離開香港一樣。
- (8) 根據本條在裁判官席前進行的法律程序——

Schedule 2  
Section 4

S2-12  
Instrument A303

- (2) A magistrate must not consider an application made under subsection (1) unless the magistrate is satisfied that reasonable notice in writing of it has been given to the Commissioner of Police.
- (3) The Commissioner of Police or a magistrate may only grant an application made under subsection (1) if the Commissioner of Police or the magistrate, as the case may be, is satisfied that having regard to all the circumstances, including the interests of the investigation referred to in section 2(1) of this Schedule, a refusal to grant the application would cause unreasonable hardship to the applicant.
- (4) Before an application is granted under this section—
  - (a) the applicant may be required to—
    - (i) deposit such reasonable sum of money with such person as may be specified;
    - (ii) enter into such recognizance with such sureties, if any, as may be specified; or
    - (iii) deposit such a sum of money and enter into such a recognizance as may be specified;
  - (b) the applicant or surety may be required to deposit such property or document of title with such person as may be specified for retention by that person until such time as any recognizance entered into under this subsection is no longer required or is forfeited.
- (5) A recognizance referred to in subsection (4) is to be subject to a condition that the applicant must appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong as may subsequently be further specified.

S2-13  
文件 A303

附表 2  
第 5 條

- (a) 須在內庭進行；及
- (b) 須當作為《裁判官條例》(第 227 章)第 105 及 113(3) 條所指裁判官有權循簡易程序裁決的法律程序，而該條例第 VII 部 (即關於上訴的條文) 經必要的變通後，亦須據此適用於就裁判官根據本條所作命令而提出的上訴。
- (9) 根據本條須就申請人指明的任何事項，須以面交送達申請人的書面通知而予以指明。

#### 5. 有關擔保、報到等事項的進一步條文

- (1) 凡任何根據本附表第 3 條提出申請並獲批准的人沒有遵從該條所施加的任何條件的規定 ——

Schedule 2  
Section 5

S2-14  
Instrument A303

- (6) An application under this section may be granted either without condition or subject to a condition that the applicant must appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong as may subsequently be further specified.
- (7) Where a person is permitted to leave Hong Kong under this section subject to a condition imposed under subsection (5) or (6), then after the time specified under that subsection or (if applicable) after the last of the times so specified, the provisions of section 2(4) of this Schedule continue to apply in respect of the person as if the person had not been permitted to leave Hong Kong under this section.
- (8) Proceedings before a magistrate under this section—
  - (a) must be conducted in chambers; and
  - (b) are deemed to be proceedings which a magistrate has power to determine in a summary way within the meaning of sections 105 and 113(3) of the Magistrates Ordinance (Cap. 227) and, accordingly, Part VII of that Ordinance (which relates to appeals) applies, with the necessary modifications, to appeals against an order of a magistrate under this section.
- (9) Anything to be specified in respect of an applicant under this section must be specified by notice in writing served personally on the applicant.

#### 5. Further provisions relating to security, appearance, etc.

- (1) Where a person granted an application under section 3 of this Schedule fails to comply with the requirement of any condition imposed under that section—

S2-15  
文件 A303

附表 2  
第 5 條

- (a) 可遭逮捕及處理，其方式與根據本附表第 2(5) 及 (6) 條逮捕及處理不遵照根據本附表第 2(1) 條所發通知書辦理的人所用方式一樣；及
  - (b) 裁判官可應警務人員的申請或根據《裁判官條例》(第 227 章) 第 65 條 (即關於強制執行擔保的條文)，沒收根據本附表第 3 條繳存的款項或作出的擔保。
- (2) 凡任何根據本附表第 4 條提出申請並獲批准的人沒有遵從根據該條施加的任何條件的規定，裁判官可應警務人員的申請或根據《裁判官條例》(第 227 章) 第 65 條，沒收根據本附表第 4 條繳存的款項或作出的擔保。
- (3) 在不損害《裁判官條例》(第 227 章) 第 65 條的原則下，凡裁判官根據本條宣告或命令沒收某項擔保，則如警務處處長提出申請，該項宣告或命令可在原訟法庭登記，而《刑事訴訟程序條例》(第 221 章) 第 110、111、112、113 及 114 條 (即關於強制執行擔保的條文) 隨即對該項擔保及其有關情況適用。

Schedule 2  
Section 5

S2-16  
Instrument A303

- (a) the person may be arrested and dealt with in the same way that a person who fails to comply with a notice under section 2(1) of this Schedule may be arrested and dealt with under section 2(5) and (6) of this Schedule; and
  - (b) any deposit made or recognizance entered into under section 3 of this Schedule may be forfeited by a magistrate on application by a police officer or under section 65 (which relates to the enforcement of recognizances) of the Magistrates Ordinance (Cap. 227).
- (2) If a person granted an application under section 4 of this Schedule fails to comply with the requirement of any condition imposed under that section, any deposit made or recognizance entered into under that section may be forfeited by a magistrate on application by a police officer or under section 65 of the Magistrates Ordinance (Cap. 227).
- (3) Without prejudice to section 65 of the Magistrates Ordinance (Cap. 227), if a magistrate declares or orders the forfeiture of a recognizance under this section, the declaration or order may, on the application of the Commissioner of Police, be registered in the Court of First Instance, and on the registration, the provisions of sections 110, 111, 112, 113 and 114 (which relate to the enforcement of recognizances) of the Criminal Procedure Ordinance (Cap. 221) apply to and in relation to the recognizance.