



16 March 2023

Mr C.M. Chan  
President  
The Law Society of Hong Kong  
3/F, Wing On House  
71 Des Voeux Road Central  
Hong Kong

Dear *Mr Chan*,

**Re: Listing of cases involving  
offences endangering national security  
in the District Court and Magistrates' Courts**

To ensure that cases involving offences endangering national security are handled in an orderly and expeditious manner, parties to the proceedings shall comply with the following practice:

- (1) Where a case does not involve offences created under the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL") but the Department of Justice takes the view that Article 44 of the NSL nonetheless applies, the Department shall, as soon as practicable before any hearing, send a written request to the court and serve a copy on the defence for the case to be listed for hearing before a designated judge;
- (2) The written request shall:
  - (i) set out the offence(s) involved with particulars;
  - (ii) outline the facts and allegations upon which the charge(s) is/are premised; and

- (iii) indicate the basis on which Article 44 of the NSL is engaged.
- (3) The defence shall notify the court in writing of its stance together with any reasons or observations as soon as practicable before the hearing.
- (4) All parties are under a continuous duty to inform the court of any material change in the nature of the case, including but not limited to any amendment of the charge(s) or the facts in support of the charge(s) which may have an impact on the applicability of Article 44 of the NSL. The court may revisit the listing arrangement at any stage of the proceedings either on its own motion or upon written application by any party.

Yours sincerely,



( KO King-sau, Justin )  
Chief District Judge



( SO Wai-tak, Victor )  
Chief Magistrate

c.c. Judiciary Administrator