

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

**Bills Committee on
National Security (Legislative Provisions) Bill**

**Minutes of meeting
held on Saturday, 26 April 2003 at 9:00 am
in the Chamber of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Ambrose LAU Hon-chuen, GBS, JP (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon CHAN Kam-lam, JP
Hon WONG Yung-kan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung, BBS
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP

Hon TAM Yiu-chung, GBS, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

**Members :
absent**

Hon Kenneth TING Woo-shou, JP
Hon Cyd HO Sau-lan
Hon Fred LI Wah-ming, JP
Hon Bernard CHAN, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Dr Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon WONG Sing-chi
Hon LAU Ping-cheung

**Public Officers :
attending**

Mrs Regina IP, GBS, JP
Secretary for Security

Mr Timothy TONG
Permanent Secretary for Security (Acting)

Mr Bob ALLCOCK, BBS
Solicitor General

Mr Gilbert MO
Deputy Law Draftsman

Ms Winnie NG
Administrative Assistant to Secretary for Security

Mr Johann WONG
Principal Assistant Secretary for Security

Miss Adeline WAN
Senior Government Counsel

Attendance by : Sham Shui Po Community Association Limited
invitation

Mr CHONG Yiu-kwong
Member of Executive Committee

Kowloon Federation of Associations

Mr LAI Wing-ho, Joe

Hong Kong Federation of Trade Unions Social Policy Committee

Mr LO Siu-wah
Member

Mr LOK Kung-nam, Peter

Hong Kong Chinese Reform Association Ltd

Mr MAN Moon-lam
Vice-Chairman

The Hong Kong Wan Chai District Association Ltd

Ms HA Taue-van
Vice-Chairman

China Universities Alumni (Hong Kong) Association

Miss CHAN Yin-shan
Deputy Secretary

Miss Alice MAK, Kwai Tsing District Council Member

The Chinese Manufacturers' Association of Hong Kong

Mr LO Yuk-lam

Hong Kong Political, Economic and Cultural Society

Mr TSE Wai-mo
Chairman

Shaoguan Friendship Liaison Association Ltd

Mr SHUM Wan-sum

Zhongshan University Law Faculty Hong Kong Students
Association Limited

Mr LIU King-tong
Chairman

New Territories Association of Societies

Mr YEH Pak-chung

Miss PANG Melissa Kaye

The Unified Association of Kowloon West Limited

Mr YU Sau-ning
Vice-President

Hong Kong Senior Education Workers Association Limited

Mr HO King-on
Vice-President

Fukien Chamber of Commerce

Mr YU Man-chung
Executive Committee Member

Hong Kong New Generation Pulse

Miss Yolanda NG
Vice President

Titron Industries Limited

Mr Ron LYE
Managing Director

Hong Kong Journalists Association

Ms MAK Yin-ting
Chairperson

Mr WONG Chat-chor, Samuel

Ms Sylvia SIU

Mr Michael C. BLANCHFLOWER

The Hong Kong Buddhist Association

Mr AU Kit-ming
Hon Secretary & Managing Director

Hong Kong Culture Association Limited

Mrs Janice W K CHOI

Hong Kong Christian Institute

Ms Rose WU
Director

The Association for the Advancement of Feminism

Ms LAM Wai-ha
Organiser

Hong Kong Confederation of Trade Unions

Mr TAM Chun-yin
Organizing Secretary

Mr WONG Man-cheung

Hong Kong Alliance in Support of Patriotic Democratic
Movements of China

Mr MAK Hoi-wah
Committee Member

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Mary SO
Senior Assistant Secretary (2)8

I. Meeting with deputations/individuals

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee received the views of the following deputations/individuals on the Bill -

- (a) Sham Shui Po Community Association Limited;
- (b) Kowloon Federation of Associations;
- (c) Hong Kong Federation of Trade Unions Social Policy Committee;
- (d) Mr LOK Kung-nam, Peter;
- (e) Hong Kong Chinese Reform Association Ltd;
- (f) The Hong Kong Wan Chai District Association Ltd;
- (g) China Universities Alumni (Hong Kong) Association;
- (h) Miss Alice MAK, Kwai Tsing District Board member;
- (i) The Chinese Manufacturers' Association of Hong Kong;
- (j) Hong Kong Political, Economic and Cultural Society;
- (k) Shaoguan Friendship Liaison Association Limited;
- (l) Zhongshan University Law Faculty Hong Kong Students Association Limited;
- (m) New Territories Association of Societies;

- (n) Miss Melissa Kaye PANG;
- (o) The Unified Association of Kowloon West Limited;
- (p) Hong Kong Senior Education Workers Association Limited;
- (q) Fukien Chamber of Commerce;
- (r) Hong Kong New Generation Pulse;
- (s) Titron Industries Limited;
- (t) Hong Kong Journalists Association;
- (u) Mr WONG Chat-chor, Samuel;
- (v) Ms Sylvia SIU;
- (w) Mr Michael C. BLANCHFLOWER, SC;
- (x) The Hong Kong Buddhist Association;
- (y) Hong Kong Culture Association Limited;
- (z) Hong Kong Christian Institute;
- (aa) The Association for the Advancement of Feminism;
- (bb) Hong Kong Confederation of Trade Unions;
- (cc) Mr WONG Man-cheung; and
- (dd) Hong Kong Alliance in Support of Patriotic Democratic Movements of China.

3. In response to the concern expressed by some deputations/individuals that the Bill, if enacted, would aggravate the existing situation of journalists avoiding to report matters sensitive to the Mainland authorities or information classified by the Mainland authorities, such as the spread of atypical pneumonia in the Mainland, the Solicitor General clarified that the Bill would not restrict in any way the reporting on the outbreak of atypical pneumonia. He said that even if health statistics in the Mainland were classified as official secrets, these statistics would not be considered protected information under the Official Secrets Ordinance. After the Bill was enacted in its current form, there would only be five categories of protected information which would not include health information.

4. The Solicitor General further clarified that an offence would only be committed if protected information was published after either an unauthorised disclosure by a Hong Kong public servant or after it was obtained by illegal access by an offence under Hong Kong law. It would not apply to information obtained in the Mainland, except in extraordinary circumstances. Moreover, one would commit an offence only if the disclosure was damaging in the way defined in the Ordinance, and none of the definitions of damaging would include anything relating to public health.

5. At the request of Miss Margaret NG, the Bills Committee agreed that the Legal Adviser would provide a legal opinion in writing on whether a LegCo Member opposing the enactment of the Bill was in breach of his/her Legislative Council Oath to uphold the Basic Law of the Hong Kong Special Administrative Region.

II. Date of next meeting

6. The Bills Committee would next meet on 29 April 2003 at 2:30 pm.

7. There being no other business, the meeting ended at 1:10 pm.

Council Business Division 2
Legislative Council Secretariat
13 May 2003

**Proceedings of the meeting of the Bills Committee on
National Security (Legislative Provisions) Bill
on Saturday, 26 April 2003 at 9:00 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000618	Chairman and Miss Margaret NG	Opening remarks Whether a LegCo Member opposing the enactment of the Bill was in breach of his/her Legislative Council Oath to uphold the Basic Law of the Hong Kong Special Administrative Region (BL)	
000619-001359	Sham Shui Po Community Association Limited, Chairman	Presentation of views (submission no. 62)	
001400-001950	Kowloon Federation of Associations	Presentation of views (submission no. 63)	
001951-002154	Hong Kong Federation of Trade Unions Social Policy Committee	Presentation of views (submission no. 64)	
002155-002849	Mr LOK Kung-nam, Peter	Presentation of views (submission no. 65)	
002850-003135	Hong Kong Chinese Reform Association Ltd	Presentation of views (submission no. 54)	
003136-003716	The Hong Kong Wan Chai District Association Ltd	Presentation of views (submission no. 66)	
003717-004152	China Universities Alumni (Hong Kong) Association	Presentation of views (submission no. 67)	
004153-004338	Miss Alice MAK	Presentation of views (submission no. 68)	
004339-004558	The Chinese Manufacturers' Association of Hong Kong	Presentation of views (submission no. 69)	
004559-005656	Hong Kong Political, Economic and Cultural Society	Presentation of views (submission no. 70)	

Time marker	Speaker	Subject(s)	Action Required
005657-010115	Shaoguan Friendship Liaison Association Ltd	Presentation of views (submission no. 71)	
010116-010233	Zhongshan University Law Faculty Hong Kong Students Association Limited	Presentation of views (submission no. 72)	
010234-010438	New Territories Association of Societies	Presentation of views (submission no. 55)	
010439-010909	Miss PANG Melissa Kaye	Presentation of views (submission no. 73)	
010910-011355	The Unified Association of Kowloon West Limited	Presentation of views (submission no. 74)	
011356-012122	Hong Kong Senior Education Workers Association Limited	Presentation of views (submission no. 75)	
012123-012457	Fukien Chamber of Commerce	Presentation of views (submission no. 76)	
012458-013301	Hong Kong New Generation Pulse	Presentation of views (submission no. 77)	
013302-013526	Titron Industries Limited	Presentation of views (submission no. 78)	
013527-014401	Hong Kong Journalists Association	Presentation of views (submission no. 56)	
014402-015100	Mr WONG Chat-chor, Samuel	Presentation of views (submission no. 79)	
015101-015829	Ms Sylvia SIU	Presentation of views (submission no. 80)	
015830-020752	Mr Michael C. BLANCHFLOWER	Presentation of views (submission no. 81)	
020753-011015	The Hong Kong Buddhist Association	Presentation of views (submission no. 82)	
021016-022155	Hong Kong Culture Association Limited	Presentation of views (submission no. 83)	
022156-022842	Hong Kong Christian Institute	Presentation of views (submission no. 84)	

Time marker	Speaker	Subject(s)	Action Required
022843-023552	The Association for the Advancement of Feminism	Presentation of views (submission no. 85)	
023553-023939	Hong Kong Confederation of Trade Unions	Presentation of views (submission no. 86)	
023940-024354	Mr WONG Man-cheung	Presentation of views (submission no. 87)	
024355-025116	Hong Kong Alliance in Support of Patriotic Democratic Movements of China	Presentation of views (submission no. 88)	
025117-025306	Chairman and Mr Albert HO	Welcoming remarks to the Administration and way forward	
025307-025612	Mr CHEUNG Man-kwong and Mr LOK Kung-nam, Peter	Rationale for adopting the principle of "the benefit of the doubt belongs to the State" in the Bill	
025613-030005	Miss Margaret NG and Chairman	<p>LegCo Members' opposition to the enactment of the Bill did not mean they were in breach of their Legislative Council Oath to uphold BL</p> <p>No basis for alleging that the Bill must be enacted to implement BL23, as there were existing laws</p> <p>More time was needed to consult the public on the provisions of the Bill</p>	
030006-030727	Miss Margaret NG, Ms Sylvia SIU, Chairman, Mr Howard YOUNG and Mr LEE Cheuk-yan	<p>Necessity of enacting the Bill to avoid the possibility of the Mainland authorities exercising their powers under BL 18 and 158 to adopt the Mainland laws to implement BL23 in Hong Kong</p> <p>Need to enact the Bill before the end of the current legislative session</p> <p>Adaptation of certain provisions of the Bill to bring them into conformity with BL and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China</p>	
030728-031220	Mr Martin LEE and Mr Michael C BLANCHFLOWER	Appointment of legal representative for the appellant under new section 8E of the Societies Ordinance (Cap. 151)	

Time marker	Speaker	Subject(s)	Action Required
031221-031513	Mr Howard YOUNG and Mr LOK Kung-nam, Peter	Applicability of the principle of "the benefit of the doubt belongs to the State" in area(s) other than safeguarding national security	
031514-032413	Mr NG Leung-sing, Chairman, Miss Margaret NG and the Association for the Advancement of Feminism	<p>Whether more hearings on the Bill should be held to ensure the views of the public were fully consulted</p> <p>Expression of "instigates foreign armed forces to invade the PRC with force" in new section 2 of the Crimes Ordinance (Cap.200)</p> <p>Interests of individuals versus that of their obligation to uphold BL</p> <p>No need to dwell on whether LegCo Members' opposition to the enactment of the Bill was in breach of their Legislative Council Oath to uphold BL</p>	
032414-033253	Mr TAM Yiu-chung and Hong Kong Journalists Association	<p>The Bill having a chilling effect on journalists to report issues sensitive to the Mainland authorities or information classified by the Mainland authorities</p> <p>Whether reporting on a proscribed organization or an activity organised by a proscribed organization would constitute an offence under the Bill</p> <p>Why the scrutiny of the Bill should be held in abeyance until there was no atypical pneumonia in Hong Kong</p>	
033254-034106	Mr LAU Kong-wah and Ms Sylvia SIU	<p>Proposed definition of treason</p> <p>Expression of "intimidates the Central People's Government" in new section 2A(1)(c) of the Crimes Ordinance</p> <p>Whether the concept of Mainland laws had been adopted in the Bill</p>	
034107-034757	Mr YEUNG Yiu-chung and Hong Kong Political, Economic and Cultural Society	Legal basis for enacting the Bill	
034758-035406	Mr CHAN Kam-lam and the Association for the Advancement of Feminism	Time limit for pressing charges against a person for committing an offence under the Bill	

Time marker	Speaker	Subject(s)	Action Required
035407-040016	Mr Albert HO and Mr LOK Kung-nam, Peter	Rationale for adopting the principle of "the benefit of the doubt belongs to the State" in the Bill	
040017-040231	Mr SZETO Wah and Mr LOK Kung-nam, Peter	Rationale for adopting the principle of "the benefit of the doubt belongs to the State" in the Bill	
040232-040510	Chairman and Miss Margaret NG	Provision of a written legal opinion by the Legal Adviser on whether a LegCo Member opposing the enactment of the Bill was in breach of his/her Legislative Council Oath to uphold BL	✓ (LA to provide a written legal opinion)
040511-040628	Miss Margaret NG, Chairman and Mr Martin LEE	Extension of the meeting	
040629-040750	Administration	Clarification that reporting health statistics obtained in the Mainland would not be an offence at present or after the enactment of the Bill	
040751-040802	Chairman	Closing remarks	

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