

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 Tuesday, 27 May 2003 at 2:30 pm
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)
Hon Kenneth TING Woo-shou, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
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
Hon Fred LI Wah-ming, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon CHAN Kam-lam, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong
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 LAU Wong-fat, GBS, JP

Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, 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
Hon LEUNG Fu-wah, MH, JP
Dr Hon LO Wing-lok
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Member attending : Dr Hon YEUNG Sum

Members absent : Hon CHEUNG Man-kwong
Hon Bernard CHAN, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, SBS, JP
Hon WONG Sing-chi

Public Officers attending : Mrs Regina IP, GBS, JP
Secretary for Security

Mr Timothy TONG, JP
Permanent Secretary for Security (Acting)

Mr Bob ALLCOCK, BBS, JP
Solicitor General

Mr Gilbert MO
Deputy Law Draftsman

Mr James O'NEIL
Deputy Solicitor General

Ms Winnie NG
Administrative Assistant to Secretary for Security

Miss Adeline WAN
Senior Government Counsel

Ms Francoise LAM
Senior Government Counsel

Mr Hubert LAW
Assistant Secretary for Security

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

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Ms Bernice WONG
Assistant Legal Adviser 1

Mr Raymond LAM
Senior Assistant Secretary (2)5

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration to provide a written response to the following issues raised and information sought by members -

Investigation power

- (a) to reconsider the need for the proposed entry, search and seizure powers without a judicial warrant in new section 18B of the Crimes Ordinance;

Proscription of local organizations

- (b) to consider providing a definition for the term "Central Authorities" in new section 8A(2) and (3) of the Societies Ordinance (SO) and, if not, the Administration's interpretation of the term, and a list of the Mainland authorities that would be covered by the term;
 - (c) to consider narrowing the proposed definition of "subordinate" in new section 8A(5)(h) of SO;
 - (d) to consider expanding the scope of new section 8A(2)(c) of SO to cover the proscription of a local organization where its subordinate organization in the Mainland was proscribed in the Mainland; and
 - (e) to review the drafting of new section 8C(1) of SO to reflect clearly the policy intent that the activities referred to in the section would be prohibited after the proscription of the organization concerned took effect.
3. The Bills Committee requested the Legal Adviser to advise whether Article 23 of the Basic Law imposed an obligation on the Hong Kong Special Administrative Region to enact legislation to prohibit acts which were not offences.
4. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
13 June 2003

**Proceedings of the meeting of the Bills Committee on
National Security (Legislative Provisions) Bill
on Tuesday, 27 May 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000050	Chairman	Opening remarks	
000051-001749	Hon Margaret NG Admin	Whether there was a need for the proposed investigation power under new section 18B of the Crimes Ordinance (CO); whether the proposed investigation power satisfied the test of reasonable necessity and minimum intrusion; time needed for obtaining a search warrant from a magistrate	
001750-002511	Hon Abraham SHEK Admin	Possibility of proscription of a local Catholic church subordinate to a Mainland Catholic church proscribed in the Mainland; freedom of religion	
002512-003523	Hon LAU Kong-wah Admin LA Chairman	Meaning of new section 8B(1)(a) of the Societies Ordinance (SO); examples of the situations falling within new section 8B(2) of SO; whether the expression "appear to" in new section 8B(3)(b) of SO should be replaced by a more objective expression such as "has reasonable grounds to believe that"; why the expression "later date" was used in new section 8B(4)(b) of SO instead of a specified period	
003524-005050	Hon LEE Cheuk-yan Admin	Combined effect of new sections 8A(2) and 8C(1) of SO; scope of section 8 and new section 8A of SO	

Time marker	Speaker	Subject(s)	Action Required
005051-010705	Hon Audrey EU Admin	Whether the meaning of new section 8B(1) of SO was unclear; examples of situations falling within new section 8B(2) of SO; whether new section 8A or 8A(2)(c) of SO should be deleted; whether the proposed definition of "subordinate" in new section 8A(5)(h) should be narrowed	Admin to consider narrowing the proposed definition of "subordinate" in new section 8A(5)(h) of SO
010706-012414	Hon Martin LEE Admin Chairman	Meaning of "national security" in new section 8A(1) of SO; whether new section 8A(2)(c) was unnecessary; whether the term "Central Authorities" in new section 8A(2)(c) of SO should be amended to "Central People's Government"; whether the local Association of Falun Dafa would be proscribed after the Bill was enacted	
012415-015047	Hon Albert HO Admin Chairman LA	Whether a definition should be provided for the term "Central Authorities" in new section 8A(2) and (3) of SO; scope of new section 8A of SO; whether previous acceptance of financial contributions or correspondence would fall within the meaning of "subordinate"	Admin to consider providing a definition for the term "Central Authorities" in new section 8A(2) and (3) of the Societies Ordinance (SO) and, if not, the Administration's interpretation of the term, and a list of the Mainland authorities that would be covered by the term
015048-021231	Hon James TO Admin LA	Whether new section 8A of SO was beyond the requirements in BL23; whether the scope of new section 8A(2)(c) of SO was broad; whether the term "Central Authorities" should be defined; whether BL23 imposed an obligation on the Hong Kong Special Administrative Region to enact legislation to prohibit acts which were not offences	LA to advise whether BL 23 imposed an obligation on the Hong Kong Special Administrative Region to enact legislation to prohibit acts which were not offences
[Break]			

Time marker	Speaker	Subject(s)	Action Required
022653-023552	Hon Emily LAU Admin Chairman	Whether there was a need for the proposed proscription of local organizations; views of the United Kingdom government and Canadian Chamber of Commerce on the provisions relating to proscription; timetable for presentation of the Administration's proposed amendments to the Bill	
023553-023847	Hon HUI Cheung-ching Admin	Time needed for obtaining a search warrant from a magistrate	
023848-024628	Hon Miriam LAU Admin	Whether there was a need for the proposed entry, search and seizure powers without a judicial warrant in new section 18B of the Crimes Ordinance (CO); meaning of the term "indirectly" in new section 8A(5)(h) of SO	Admin to reconsider the need for the proposed entry, search and seizure powers without a judicial warrant in new section 18B of CO
024629-025118	Dr Hon YEUNG Sum Admin	Democratic Party's position on new section 8A of SO; whether new section 8A(2)(c) of SO would result in the introduction of Mainland's legal system into Hong Kong; whether new section 8A(2)(c) of SO should be narrowed	
025119-030027	Hon CHAN Kam-lam Admin	Whether new section 8A(2)(c) of SO should be amended to cover the proscription of a local organization where its subordinate organization in the Mainland was proscribed in the Mainland	Admin to consider expanding the scope of new section 8A(2)(c) of SO to cover the proscription of a local organization where its subordinate organization in the Mainland was proscribed in the Mainland
030028-031441	Hon Margaret NG Admin	Scope of new section 8A of SO; whether the coverage of new section 8A and section 8 of SO would be the same, if new section 8A(5)(f) of SO was deleted	

Time marker	Speaker	Subject(s)	Action Required
031442-033337	Hon LAU Kong-wah Admin Chairman	Drafting of new section 8C(1)(a) of SO	Admin to review the drafting of new section 8C(1) of SO to reflect clearly the policy intent that the activities referred to in the section would be prohibited after the proscription of the organization concerned took effect
033338-034528	Hon Jasper TSANG Hon Margaret NG Admin Chairman	Scope of new section 8A(5)(f) of SO	
034529-035539	Hon Martin LEE Admin	Whether the proposed proscription of local organizations was beyond the requirements of BL23; whether new section 8A(5)(f) of SO had any effect on the registration requirements under SO; whether there was a need for new section 8A of SO	
035540-035715	Hon Albert HO Admin	Whether there was a need for new section 8A(2)(c) of SO	
035716-040122	Hon Emily LAU Admin Chairman	Whether there was a need for the proposed investigation power in new section 18B of CO	Admin to reconsider the need for the proposed entry, search and seizure powers without a judicial warrant in new section 18B of CO