

**立法會**  
***Legislative Council***

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LC Paper No. CB(2) 2848/02-03  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Saturday, 14 June 2003 at 2:00 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  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Eric LI Ka-cheung, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
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 CHOY So-yuk  
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 LEUNG Fu-wah, MH, JP  
Hon LAU Ping-cheung  
Hon MA Fung-kwok, JP

**Members absent :** Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon Fred LI Wah-ming, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Hon Andrew WONG Wang-fat, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Dr Hon LAW Chi-kwong, JP  
Hon Michael MAK Kwok-fung  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon Audrey EU Yuet-mee, SC, JP

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

Mr Timothy TONG  
Permanent Secretary for Security (Acting)

Mr Bob ALLCOCK, BBS, JP  
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

Ms Francoise LAM  
Senior Government Counsel

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

**Staff in attendance** : Mr Jimmy MA, JP  
Legal Adviser

Mr Raymond LAM  
Senior Assistant Secretary (2)5

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**I. Meeting with the Administration - clause-by-clause examination of the Bill**

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

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

- (a) to provide information on whether the term "proscription" was found in local legislation;
- (b) to consider improving the drafting of the expression "足以令到相信" in the proposed new section 8D(3)(a)(iii) of the Societies Ordinance (SO);
- (c) to consider the need for the expression ", in particular," in the English version of the proposed new section 8E(2) of SO;
- (d) to provide the Administration's response to the issues raised in the submission from Mr Winston POON (Submission No. 179);
- (e) to explain the effect of the proposed deletion of section 32(1)(h) of the Post Office Ordinance on the power of the Postmaster General in relation to seditious publications, and to provide information on whether the Postmaster General had prohibited any article under the section in the past;
- (f) to consider whether there was a need for reference to trials for treason in section 9(3) of the Criminal Procedure Ordinance;

- (g) to reconsider whether there was a need for the proposed amendments to section 31(1)(a) of the Education Ordinance;
- (h) to consider amending the proposed amendments to paragraph 11 of the Schedule 1 to the Organized and Serious Crimes Ordinance, having regard to the inconsistency between the proposed amendments and the proposed new section 9B of the Crimes Ordinance; and
- (i) to consider the need to spell out the headings of relevant sections in all references in the Bill to other sections, such as amending "section 2" to "section 2 (treason)".

3. In view that the Bills Committee had completed clause-by-clause examination of the Bill, Mr TSANG Yok-sing moved the following motion -

"委員會同意除了在剛才審議過程當中大家明確需要下次會議跟進的事項之外，我們已完成條例草案的逐項審議。"

4. The Bills Committee discussed and voted on the motion moved by Mr TSANG Yok-sing. Mr NG Leung-sing requested that the names of members who voted be recorded.

5. The following 19 members voted in favour of the motion -

Mr Kenneth TING, Mr Eric LI, Mr NG Leung-sing, Mrs Selina CHOW, Mr HUI Cheung-ching, Mr CHAN Kwok-keung, Mr CHAN Kam-lam, Dr Philip WONG, Mr WONG Yung-kan, Mr TSANG Yok-sing, Mr YEUNG Yiu-chung, Mr LAU Kong-wah, Mr TAM Yiu-chung, Dr TANG Siu-tong, Mr Abraham SHEK, Mr Henry WU, Mr LEUNG Fu-wah, Mr LAU Ping-cheung and Mr MA Fung-kwok.

6. No member voted against the motion.

7. The Chairman concluded that the motion was carried.

8. The Bills Committee agreed to follow up issues raised by members at the meetings on 14 June 2003 and discuss CSAs to the Bill proposed by Members at the next meeting to be held on 17 June 2003 at 2:30 pm.

9. The Chairman said that as the Administration had indicated its intention to resume Second Reading debate on the Bill at the Council meeting on 9 July 2003, the Bills Committee would have to decide at the meeting on 17 June 2003 whether to support the resumption of Second Reading debate on the Bill at the Council meeting on

9 July 2003. It would have to make a verbal report to the House Committee at its meeting on 20 June 2003, followed by a written report on 27 June 2003. The Chairman of the House Committee would give her signification to the Administration on 21 June 2003. The deadline for giving notice of resumption of Second Reading debate on the Bill would be 23 June 2003 and the deadline for giving notice of moving CSAs would be 28 June 2003.

10. The meeting ended at 5:55 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 July 2003

**Proceedings of the meeting of the Bills Committee on  
National Security (Legislative Provisions) Bill  
on Saturday, 14 June 2003 at 2:00 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000-000154	Chairman	Opening remarks; continuation of clause-by-clause examination of the Bill	
000155-000243	Admin	Explaining the proposed new section 1A of the Official Secrets Ordinance (OSO)	
000244-000814	Chairman Admin	Explaining the proposed section 12(1) of OSO	
000815-001104	Hon Jasper TSANG Admin Chairman	Whether the term "international relations" covered relations between the People's Republic of China and other countries	
001105-001219	LA Admin	Consultation on the proposed deletion of section 12(1)(c) of OSO	
001220-001559	Chairman Admin LA	Explaining the proposed new section 16A of OSO	
001600-001842	Chairman Admin	Explaining the proposed section 18(2), (3) and (4) of OSO	
001843-002407	Hon Jasper TSANG Admin LA	Whether the proposed section 18 of OSO could adequately deal with different types of illegal access to protected information	
002408-002638	LA Admin	Meaning of paragraph 5 of Paper No. 87	
002639-003714	Hon SIN Chung-kai Admin LA	Unauthorized disclosure of protected information obtained by hacking	
003715-004204	Hon Henry WU Admin LA	Interpretation of the term "government contractor" in the proposed section 12(2) of OSO	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
004205-004847	Hon SIN Chung-kai Admin Chairman	Combined effect of provisions relating to unauthorized disclosure of protected information in the Bill and the draft Criminal Jurisdiction Ordinance (Amendment of Section 2(2)) Order 2002	
004848-004944	Chairman Admin	Explaining the proposed new section 18(5A) and proposed section 18(6) of OSO	
004945-005016	Chairman Admin	Explaining the proposed section 20(4) of OSO	
005017-005107	Chairman Admin	Explaining the proposed section 24A of OSO	
005108-005209	Chairman Admin	Explaining the proposed amendment to the long title of the Societies Ordinance (SO)	
005210-005337	Chairman Admin	Explaining the proposed section 2(1) of SO	
005338-005418	Chairman Admin	Explaining the proposed new section 2A of SO	
005419-005749	Hon NG Leung-sing Admin	Interpretation of the term "manner" in the proposed new section 2A of SO	
005750-010021	Chairman Admin	Explaining the proposed section 8(1)(a) of SO	
010022-010559	LA Hon LAU Kong-wah Admin	Whether there was a need to delete the references to "national security" in sections 5A and 5D of SO	
010600-010810	Chairman Admin	Explaining the proposed new section 8A of SO	
010811-011444	Hon Jasper TSANG Admin LA	Meaning of the term "proscribe" in the proposed new section 8A of SO; whether the term "proscription" was found in local legislation	<b>Admin to provide information on whether the term "proscription" was found in local legislation</b>
011445-011528	Chairman Admin	Explaining the proposed new section 8B of SO	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
011529-011754	Hon Henry WU Hon LAU Kong-wah Chairman Admin	Interpretation of the proposed new section 8B(1)(a) of SO	
011755-012005	Hon NG Leung-sing Admin Chairman	Whether there would be problems in the implementation of the proposed new section 8B(3)(d) of SO	
012006-012322	LA Hon Jasper TSANG Admin	Difference in the consequences between a prohibition under section 8 of SO and a proscription under the proposed new section 8A of SO	
012323-012440	Chairman Admin	Explaining the proposed new section 8C of SO	
012441-012739	Chairman Admin	Explaining the proposed new section 8D of SO	
012740-014447	Hon Jasper TSANG LA Admin	Interpretation of the proposed new section 8D(6) of SO; whether there was a need for a certificate referred to under the proposed new section 8A(3) of SO	
014448-014724	Hon CHAN Kam-lam LA Admin	Whether there was a need for the proposed new section 8D(7) and (8) of SO	
014725-015809	Hon NG Leung-sing Hon Jasper TSANG Chairman Admin	Drafting of the expression "足以令到相信" in the proposed new section 8D(3)(a)(iii) of SO	<b>Admin to consider improving the drafting of the expression "足以令到相信" in the proposed new section 8D(3)(a)(iii) of SO</b>
015810-020135	Hon Henry WU Admin	Effect of the proposed Committee Stage amendment to the proposed new section 8D(3) and (4) of SO	
020136-020314	Chairman Admin	Explaining the proposed new section 8E of SO	
020315-020756	Hon LAU Kong-wah Chairman Admin	Whether regulations made under new section 8E of SO would be subject to the approval of the Legislative Council	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
020757-020934	Hon Jasper TSANG Admin	Whether there was a need for the expression ", in particular," in the English version of the proposed new section 8E(2) of SO	<b>Admin to consider the need for the expression ", in particular," in the English version of the proposed new section 8E(2) of SO</b>
020935-021027	Chairman Admin	Explaining the proposed new section 8F of SO	
021028-021307	Chairman Admin	Explaining the proposed new section 8G and Schedule 2 to SO	
021308-021430	Chairman Admin	Whether there was a need to provide for settlement of outstanding salary payments after an organization had been proscribed	
021431-021544	Chairman Admin	Explaining the proposed section 14A of SO	
021545-021715	Chairman Admin	Explaining the proposed section 21(1) of SO	
021716-021955	Chairman Admin	Explaining the heading for the proposed Schedule 1 of SO	
[Break]			
023023-023249	Chairman LA Admin	Administration's response to the issues raised in the submission from Mr Winston POON (Submission No. 179)	<b>Admin to provide a response to the issues raised in the submission from Mr Winston POON</b>
023250-023522	Chairman Admin	Explaining the proposed amendments to the Companies Ordinance	
023523-023559	Chairman Admin	Explaining the proposed section 15(iii) of the Pensions Ordinance	
023600-023909	Hon Jasper TSANG Admin LA Hon TAM Yiu-chung	Effect of the proposed deletion of section 32(1)(h) of the Post Office Ordinance on the power of the Postmaster General in relation to seditious publications; whether the Postmaster General had prohibited any article under the section in the past	<b>Admin to provide a response</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
023910-024045	Chairman Admin	Explaining the proposed section 9(3) of the Criminal Procedure Ordinance (CPO)	
024046-024311	Hon Jasper TSANG LA Admin	Whether there was a need for reference to trials for treason in section 9(3) of CPO	<b>Admin to consider whether there was a need for reference to trials for treason in section 9(3) of CPO</b>
024312-024436	Chairman Admin	Explaining the proposed section 9G(10)(b) of CPO	
024437-025358	Hon Jasper TSANG Hon LAU Kong-wah Hon Henry WU LA Hon CHAN Kam-lam Hon Howard YOUNG Chairman Admin	Whether there was a need to spell out the headings of relevant sections in all references in the Bill to other sections, such as amending "section 2" to "section 2 (treason)"	<b>Admin to consider the need to spell out the headings of relevant sections in all references in the Bill to other sections, such as amending "section 2" to "section 2 (treason)"</b>
025359-025514	Chairman Admin	Explaining the proposed section 10A(7) of CPO	
025515-025629	Chairman Admin	Explaining the proposed new section 13C of CPO	
025630-025714	Chairman Admin	Explaining the proposed section 14A of CPO	
025715-025828	Chairman Admin	Explaining the proposed new section 65F(4A) of CPO	
025829-030004	Chairman Admin	Explaining the proposed sections 91(4) and 100 of CPO	
030005-030049	Hon Henry WU Admin	Whether section 100 of CPO covered abolition of presumption of coercion of married man by wife	
030050-030159	Chairman Admin	Explaining the proposed rule 13(1) of the Legal Aid in Criminal Cases Rules	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
030200-030305	Chairman Admin	Explaining the proposed amendments to the Second Schedule to the Magistrates Ordinance	
030306-030419	Chairman Admin	Explaining the proposed section 31(1) of the Education Ordinance	
030420-030902	Hon LAU Kong-wah Admin	Proposed amendments to section 31(1)(a) of the Education Ordinance	
030903-031059	Chairman Admin	Explaining the proposed section 5(9) of the Organized and Serious Crimes Ordinance (OSCO)	
031100-031154	Hon Jasper TSANG Admin	Drafting of the proposed section 5(9) of OSCO	
031155-031602	Chairman Admin Hon MA Fung-kwok LA	Explaining the proposed amendments to Schedule 1 to OSCO	
031603-031646	Chairman Admin	Explaining the proposed amendments to Schedule 1 to the Post-Release Supervision of Prisoners Regulation	
031647-031819	Hon Henry WU Admin	Drafting of the proposed Schedule 1 to the Post-Release Supervision of Prisoners Regulation	
031820-032121	Hon Mrs Selina CHOW Admin	Whether there was a need for the proposed Schedule 1 to the Post-Release Supervision of Prisoners Regulation to cover the proposed section 9C of the Crimes Ordinance (CO)	
032122-032447	Chairman	Amendments to the Hong Kong Arts Development Council Ordinance, Legislative Council Ordinance and District Councils Ordinance	
032448-032727	Hon LAU Kong-wah Admin	Coverage of the proposed section 21(1)(c) of the District Councils Ordinance	
032728-032748	Chairman	Amendments to the Chief Executive Election Ordinance	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
032749-032857	Chairman LA	Repeal of the Crimes (Amendment) (No.2) Ordinance 1997	
032858-033129	LA Admin	Whether there was a need to amend the proposed amendments to paragraph 11 of the Schedule 1 to OSCO, having regard to the inconsistency between the proposed amendments and the proposed new section 9B of CO	<b>Admin to consider amending the proposed amendments to paragraph 11 of the Schedule 1 to OSCO, having regard to the inconsistency between the proposed amendments and the proposed new section 9B of CO</b>
033130-033759	Admin Hon Jasper TSANG	Proposed amendments to section 31(1)(a) of the Education Ordinance	<b>Admin to reconsider whether there was a need for the proposed amendments to section 31(1)(a) of the Education Ordinance</b>
033800-035245	Chairman Hon LAU Kong-wah Hon LEUNG Fu-wah Hon Jasper TSANG Hon NG Leung-sing Hon Mrs Selina CHOW Hon Henry WU Hon TAM Yiu-chung Hon NG Leung-sing LA	Discussion and voting on a motion moved by Hon Jasper TSANG on the completion of clause-by-clause examination of the Bill; business for the next meeting; deadline for giving notices, if Second Reading debate on the Bill was to resume on 9 July 2003	