

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, 17 June 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-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kwok-keung
Hon Bernard CHAN, JP
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 Chin-shek, JP

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
Hon Timothy FOK Tsun-ting, SBS, 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 WONG Sing-chi
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 HUI Cheung-ching, JP
Hon Andrew WONG Wang-fat, JP
Dr Hon LAW Chi-kwong, JP

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 Johann WONG
Principal Assistant Secretary for Security

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. Mr James TO moved that the motion carried at the meeting on 14 June 2003 at 2:00 pm (i.e. that "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。") be rescinded.

3. Members debated and voted on the motion moved by Mr TO. 14 members voted in favour of the motion, while 19 members voted against.

4. Dr YEUNG Sum said that there had always been opportunities for the expression of minority views at Bills Committee meetings. He considered that members should not be prohibited from expressing views. The Chairman said that

members were given the opportunity to express views in the course of dealing with the business on the agenda of the meeting. There was no question of prohibiting members from expressing views.

5. The Bills Committee requested the Administration to provide a written response to the issues raised in the submission from Mr Winston POON (Submission No. 179).

6. Solicitor General said that the Administration would propose a Committee Stage amendment deleting the expression ", as officially proclaimed by means of an open decree," in the proposed new section 8A(3)(b) of the Societies Ordinance (SO) and substituting "(as officially announced by means of an open proclamation)".

7. Secretary for Security stressed that the proposed mechanism for proscription of local organizations was not directed at the Association of Falun Dafa. She said that the Association of Falun Dafa in the Mainland was proscribed in 1999 in accordance with provisions in the Criminal Law of the People's Republic of China concerning evil cults and unlawful societies, but not on national security grounds.

8. Mr Martin LEE moved a motion on vote of no confidence in the Chairman.

9. In view of the motion moved by Mr Martin LEE, the Deputy Chairman took the chair of the meeting.

10. Members debated and voted on the motion moved by Mr Martin LEE. 10 members voted in favour of the motion, while 21 members voted against.

11. The Chairman then took the chair of the meeting. Mr LAU Kong-wah moved the motion that the Bills Committee supported the Administration's proposal to resume Second Reading debate on the Bill at the Council meeting on 9 July 2003 and that a verbal report be made to the House Committee on 20 June 2003.

12. Members debated and voted on the motion moved by Mr LAU Kong-wah. 21 members voted in favour of the motion, while 10 members voted against.

13. The Bills Committee requested the Legal Adviser to provide an analysis of new Schedule 2 to SO in the Committee Stage amendments proposed by the Administration (2nd draft of 16 June 2003) (Paper No. 100) relating to matters following proscription of an organization under the proposed new section 8A of SO.

14. The meeting ended at 7:35 pm.

**Proceedings of the meeting of the Bills Committee on
National Security (Legislative Provisions) Bill
on Tuesday, 17 June 2003 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000301	Chairman	Opening remarks and papers tabled	
000302-002937	Hon James TO Chairman Hon Martin LEE Hon Emily LAU Dr Hon Philip WONG Hon Jasper TSANG Hon Mrs Selina CHOW Hon CHEUNG Man-kwong LA Hon LEE Cheuk-yan Hon Margaret NG	Debate and voting on motion moved by Hon James TO	
002938-004253	Chairman Hon James TO Hon Jasper TSANG Hon CHEUNG Man-kwong Hon LEE Cheuk-yan Hon Margaret NG Hon Emily LAU Hon Mrs Selina CHOW Hon TAM Yiu-chung Dr Hon YEUNG Sum	Expression of views by members in the course of dealing with the business on the agenda of the meeting	
[Meeting adjourned]			
005008-005141	Chairman	Expression of views by members in the course of dealing with the business on the agenda of the meeting	

Time marker	Speaker	Subject(s)	Action Required
005142-011009	Admin Hon James TO Chairman	Briefing on the Committee Stage amendments (CSAs) to the Bill (2 nd draft dated 16 June 2003) proposed by the Administration	
011010-012240	Hon LEE Cheuk-yan Admin Chairman Hon Margaret NG Hon James TO	Effect of the proposed CSA to the proposed new section 8A(2)(c) of the Societies Ordinance (SO); Mainland laws relevant to the prohibition of operation of Mainland organizations	
012241-013456	Hon Martin LEE Admin Chairman	Whether the proposed proscription of a local organization on national security grounds was beyond the requirements in Article 23 of the Basic Law; whether the operation of any organization had been prohibited in the Mainland on national security grounds by means of an open proclamation	
013457-020757	Hon Albert HO Chairman LA Hon James TO Admin	Mainland laws relevant to the prohibition of operation of Mainland organizations on national security grounds; meaning of the term "Central Authorities"; meaning of "open proclamation"	
[Break]			
021943-022540	Hon Miriam LAU Admin	Factors to be considered by the Secretary for Security (S for S) before the proscription of a local organization under the proposed new section 8A of SO	
022541-022732	Dr Hon TANG Siu-tong Admin	Whether S for S would proscribe an organization under the proposed new section 8A(2)(c) of SO only when there was a certificate referred to in the proposed new section 8A(3) of SO	
022733-023241	Hon LAU Kong-wah Admin Chairman	Effect of the proposed CSAs to the proposed new section 8C(1) and 8D(3)(a)(ii) of SO	
023242-023524	Hon SIN Chung-kai Admin LA	Whether the terms "import" and "export" in the proposed new section 9C(2)(c) of CO were to be interpreted in accordance with their definition in the Interpretation and General Clauses Ordinance	

Time marker	Speaker	Subject(s)	Action Required
023525-024745	Hon Emily LAU Admin Chairman Hon Jasper TSANG LA Hon Audrey EU	Whether the proposed new section 8A(2)(c) of SO would lead to the introduction of Mainland laws into Hong Kong; effect of the proposed CSAs to the proposed new section 9A(1A)(b) of the Crimes (CO)	
024746-030037	Hon Audrey EU Admin	Whether the term "national security" in the proposed new section 8A(1) of SO covered national stability; Mainland laws relevant to the prohibition of operation of Mainland organizations on national security grounds; whether the proposed new section 8A(2)(c) of SO covered local organizations subordinate to a Mainland organization proscribed by a provincial government in the Mainland; whether consultation had been made with the Central People's Government regarding the proposed proscription mechanism	
030038-031338	Hon Margaret NG Admin	Whether the proposed new section 8A(2)(c) of SO should be deleted; whether the expression ", as officially proclaimed by means of an open decree," in the proposed new section 8A(3)(b) of the Societies Ordinance (SO) would be amended along the lines of "(as officially announced by means of an open proclamation)"; provisions in Mainland laws relevant to the prohibition of operation of Mainland organizations on national security grounds	
031339-031450	Hon Jasper TSANG Admin	Whether there was a need for the Bill to amend section 31(1)(a) of the Education Ordinance	

Time marker	Speaker	Subject(s)	Action Required
031451-033358	Hon LEE Cheuk-yan Hon Albert HO Admin Chairman	Whether the proposed new section 8A(2)(c) of SO would lead to the introduction of Mainland laws into Hong Kong; whether there was a need to provide for settlement of outstanding salary payments after an organization had been proscribed or legal expenses arising from an appeal against proscription; timing for winding up a proscribed organization	
033359-034025	Hon Audrey EU LA Chairman Hon Margaret NG Admin	Paper entitled "Power to make rules and regulations for appeals under the new sections 8E and 8F of the Societies Ordinance" prepared by the Legal Service Division	
034026-035909	Hon Margaret NG Admin Chairman Hon Audrey EU LA	Interpretation of the term "open proclamation"; Administration's response to the issues raised in the submission from Mr Winston POON (Submission No. 179); analysis of new Schedule 2 to SO in the Committee Stage amendments proposed by the Administration (2 nd draft of 16 June 2003) (Paper No. 100) relating to matters following proscription of an organization under the proposed new section 8A of SO	Admin to provide a written response to the issues raised in the submission from Mr Winston POON; LA to provide an analysis of new Schedule 2 to SO in the Committee Stage amendments proposed by the Administration (2nd draft of 16 June 2003) (Paper No. 100) relating to matters following proscription of an organization under the proposed new section 8A of SO
035910-040027	Chairman Hon CHEUNG Man-kwong	CSAs to the Bill to be proposed by Members	
040028-040315	Chairman Hon Margaret NG	Briefing on the CSAs proposed by Hon Margaret NG and Hon Audrey EU	

Time marker	Speaker	Subject(s)	Action Required
040316-041919	Chairman Hon Margaret NG Hon Emily LAU Hon LEE Cheuk-yan Hon CHEUNG Man-kwong Dr Hon YEUNG Sum Hon LAU Kong-wah Hon Albert HO Hon Martin LEE Hon TAM Yiu-chung	Whether the Bills Committee should support the Administration's proposal to resume the Second Reading debate on the Bill at the Council meeting on 9 July 2003	
041920-045849	Hon Martin LEE Hon CHEUNG Man-kwong Deputy Chairman Hon NG Leung-sing LA Hon Martin LEE Hon Emily LAU Deputy Chairman Hon Margaret NG Hon CHOY So-yuk Hon CHEUNG Man-kwong Hon Cyd HO Hon YEUNG Yiu-chung Hon Jasper TSANG Hon LEE Cheuk-yan Hon Albert HO Chairman	Debate and voting on motion moved by Hon Martin LEE	
045850-050241	Chairman Hon LAU Kong-wah Hon Margaret NG Dr Hon YEUNG Sum LA Hon NG Leung-sing Hon Martin LEE	Debate and voting on motion moved by Hon LAU Kong-wah	