

**立法會**  
***Legislative Council***

Ref : CB2/BC/5/02

LC Paper No. CB(2) 2963/02-03  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Saturday, 21 June 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)  
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 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  
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 Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Henry WU King-cheong, BBS, JP

Dr Hon LO Wing-lok  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members  
absent** : Hon Eric LI Ka-cheung, JP  
Hon Fred LI Wah-ming, JP  
Dr Hon LUI Ming-wah, JP  
Hon CHEUNG Man-kwong  
Hon Bernard CHAN, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Dr Hon LAW Chi-kwong, JP  
Dr Hon TANG Siu-tong, JP  
Hon Michael MAK Kwok-fung  
Hon LEUNG Fu-wah, MH, 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 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

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## **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 -

- (a) to consider whether there was a need to provide that the liability, if any, of every director, officer and member of an organization would continue and might be enforced as if the organization had not been dissolved;
- (b) to consider amending the proposed new section 8C of the Societies Ordinance (SO) such that participating in legal proceedings, seeking, providing or receiving legal advice and making or receiving payment for such services would not constitute an offence under the proposed new section 8C(1) of SO;

- (c) to provide information on previous cases where companies were struck off the register of companies under Part XIII A of the Companies Ordinance; and
- (d) to consider prohibiting the operation of an organization after it was proscribed and providing that dissolution of the organization and winding up not to take place until an appeal against the proscription had been concluded or after the 30-day period referred to in the proposed new section 8D(1) of SO expired.

3. The meeting ended at 12:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
7 August 2003

**Proceedings of the meeting of the Bills Committee on  
National Security (Legislative Provisions) Bill  
on Saturday, 21 June 2003 at 9:00 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000-000300	Chairman	Opening remarks	
000301-000441	Admin	Administration's response to issues raised in the paper entitled "Matters following proscription of an organization under proposed new section 8A of the Societies Ordinance" (Paper No. 102) prepared by the Legal Service Division	
000442-000528	Hon Audrey EU Hon Emily LAU Chairman	Requesting Legal Adviser to brief members on Paper No. 102	
000529-002235	LA	Briefing on paragraphs 1 to 17 of Paper No. 102	
002236-003148	Hon Margaret NG Chairman LA	Legal effect of section 5D of the Societies Ordinance (SO) and section 360C of the Companies Ordinance	
003149-003927	Hon Miriam LAU Admin Chairman LA	Administration's response to issues raised in Paper No. 102 prepared by the Legal Service Division; whether there was a need to provide that the liability, if any, of every director, officer and member of an organization would continue and might be enforced as if it had not been dissolved	<b>Admin to consider whether there was a need to provide that the liability, if any, of every director, officer and member of an organization would continue and might be enforced as if it had not been dissolved</b>
003928-005901	LA Hon Audrey EU Hon Miriam LAU Admin	Whether it would be very difficult for the Companies Registrar to exercise his discretion under section 1(2) of the proposed new Schedule 2 to SO	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005902-010544	Hon Emily LAU Admin	Whether there was a need to amend the proposed new section 8C of SO such that participating in legal proceedings, seeking, providing or receiving legal advice and making or receiving payment for such services would not constitute an offence under the proposed new section 8C(1) of SO	<b>Admin to consider amending the proposed new section 8C of SO such that participating in legal proceedings, seeking, providing or receiving legal advice and making or receiving payment for such services would not constitute an offence under the proposed new section 8C(1) of SO</b>
010545-011226	Hon Martin LEE Admin	Whether the Companies Registrar should be allowed to exercise discretion under section 1(2) of the proposed new Schedule 2 to SO	
011227-012603	Hon Margaret NG Admin	Issues raised in the submission from Mr Winston POON	
012604-013329	Hon LEE Cheuk-yan Admin Chairman	Impact of the proposed winding-up arrangements on companies; whether there was a need to provide for settlement of outstanding salary payments after an organization had been proscribed	
013330-020311	Hon Albert HO Hon Cyd HO Admin Chairman LA	Problems associated with the winding up of proscribed organizations; whether the passage of proposed provisions relating to proscription of local organizations could be deferred	
020312-020825	Hon CHAN Kam-lam	Whether the Companies Registrar should be allowed to exercise discretion under section 1(2) of the proposed new Schedule 2 to SO	
[Break]			

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
022119-024758	Hon Audrey EU Admin LA Chairman	Whether it was the usual practice to strike off a registered company from the register of companies before it was wound up; previous cases where companies were struck off the register of companies under Part XIII A of the Companies Ordinance	<b>Admin to provide information on previous cases where companies were struck off the register of companies under Part XIII A of the Companies Ordinance</b>
024759-030001	Hon Margaret NG Admin	Whether the Companies Registrar should be allowed to exercise discretion under section 1(2) of the proposed new Schedule 2 to SO	
030002-030906	Hon NG Leung-sing Admin Chairman Hon Albert HO	Views of the business sector on the proposed Schedule 2 to SO	
030907-031325	Hon Albert HO	Problems arising from the proposed Schedule 2 to SO	
031326-032009	Hon Miriam LAU Admin Chairman	Whether there was a need to prohibit the operation of an organization after it was proscribed and provide that dissolution of the organization and winding up not to take place until an appeal against the proscription had been concluded or after the 30-day period referred to in the proposed new section 8D(1) of SO expired	<b>Admin to consider whether there was such a need</b>
032010-033020	Hon Emily LAU Admin Chairman	Issues raised in the letter dated 18 June 2003 from the American Chamber of Commerce in Hong Kong to Legislative Council Members	