

立法會
Legislative Council

Ref : CB2/BC/5/02

LC Paper No. CB(2) 2893/02-03
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 26 June 2003 at 4:35pm
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
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
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 Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP

Dr Hon TANG Siu-tong, JP
Hon Michael MAK Kwok-fung
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

**Members
absent** : Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Bernard CHAN, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon YEUNG Yiu-chung, BBS
Hon LAU Wong-fat, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS, JP
Dr Hon LO Wing-lok
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

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

I. Meeting with the Administration

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

2. The Chairman said that as the Bills Committee had completed its work, the meetings originally scheduled for 28 June 2003 and July 2003 would be cancelled. Miss Margaret NG disagreed that the Bills Committee had completed its work.

3. The Bills Committee noted that a written report would be made to the House Committee on 27 June 2003 and the deadline for giving notice of moving Committee Stage amendments to the Bill would be 28 June 2003.

4. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
24 July 2003

**Proceedings of the meeting of the Bills Committee on
National Security (Legislative Provisions) Bill
on Thursday, 26 June 2003 at 4:35 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000224	Chairman	Opening remarks and papers tabled	
000225 – 001040	Admin	Explaining the latest Committee Stage amendments (CSAs) to the Bill proposed by the Administration (Paper No. 105); issues raised in the latest submission from Mr Winston POON tabled at the meeting	
001041 – 002230	Hon Audrey EU Admin Chairman LA	Burden of proof under the proposed new section 8C(1)(c) of the Societies Ordinance (SO); publishing of an order under the proposed new section 8B(3) of SO; whether there was a need for the proposed new section 8C(1)(c) of SO; interpretation and drafting of the proposed new section 8D(6), (7) and (8) of SO	
002231 – 002739	Hon Emily LAU Admin	CSAs proposed by Hon Miriam LAU to the proposed new Schedule 2 to SO	
002740 – 003317	Hon Miriam LAU Admin	Explaining her proposed CSAs to the proposed new Schedule 2 to SO	
003318 – 004141	Admin Hon Miriam LAU LA	Administration's views on the CSAs proposed by Hon Miriam LAU to the proposed new Schedule 2 to SO	

Time marker	Speaker	Subject(s)	Action Required
004142 - 004453	Hon Emily LAU Admin	Whether there were other alternatives to the CSAs proposed by Hon Miriam LAU to the proposed new Schedule 2 to SO	
004454 – 005041	Hon LEUNG Yiu-chung Chairman Admin	Whether an appeal could be lodged against a cancellation of registration under section 3(1)(a) of the proposed new Schedule 2 to SO; activities prohibited after an organization had been proscribed	
005042 – 005849	Hon Margaret NG Admin	Legal effect of the proposed new Schedule 2 to SO on partnerships; how a person could seek a prior written approval from the Secretary for Security, if he was not aware that the organization concerned had been proscribed	
005850 – 010302	Hon LAU Kong-wah Admin	Whether the proposed amendments to the proposed new section 8C of SO was acceptable; reasons for the proposed deletion of new section 8D(2) of SO; legal effect of section 4 of the proposed new Schedule 2 to SO	
010303 - 010353	Hon LEE Cheuk-yan Chairman	Whether provisions in the Bill relating to proscription were acceptable	
010354 – 012041	Hon Audrey EU Admin LA	Interpretation of the term "aid" in the proposed new section 8C(1)(e) of SO; issues raised in the latest submission from Mr Winston POON tabled at the meeting	

Time marker	Speaker	Subject(s)	Action Required
012042 – 012901	Hon Eric LI Admin	Whether there would be sufficient protection for innocent persons in the proposed new Schedule 2 to SO; suggestion in the latest submission from Mr Winston POON tabled at the meeting	
012902 – 013509	Hon Margaret NG Chairman Admin	Whether a mental element should be incorporated in the proposed new section 8C(1)(e) of SO	
013510 – 014144	Hon NG Leung-sing Admin	Whether the proposed new section 8C(1)(e) of SO should also cover the receipt of money from a proscribed organization; public announcement in respect of an order under the proposed new section 8B(3) of SO	
014145 – 015012	Hon Margaret NG LA Admin	Matters following proscription under the proposed new section 8A of SO of an unregistered company	
015013 - 015607	Hon Miriam LAU Admin	Whether the Administration would adopt the CSAs proposed by Hon Miriam LAU to the proposed new Schedule 2 to SO	
015608 – 020209	Chairman Hon Jasper TSANG Hon Miriam LAU Hon Cyd HO Hon Margaret NG	CSA proposed by Hon LAU Kong-wah regarding the time limit for prosecution against handling seditious publication under the proposed new section 9C(2) of the Crimes Ordinance; deadline for moving CSAs to the Bill; written report of the Bills Committee to the House Committee; cancellation of subsequent meetings	