

立法會
Legislative Council

LC Paper No. CB(2) 762/02-03

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**Panel on Security
and
Panel on Administration of Justice and Legal Services**

**Minutes of joint meeting held on Friday, 15 November 2002
at 9:00 am in the Chamber of the Legislative Council Building**

Members present : Panel on Security

Hon LAU Kong-wah (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Howard YOUNG, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
* Hon Audrey EU Yuet-mee, SC, JP

Panel on Administration of Justice and Legal Services

◆ Hon Margaret NG (Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon CHAN Kam-lam, JP
Hon Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP

Members attending : Hon Cyd HO Sau-lan
Hon LEUNG Fu-wah, HM, JP

Members absent : Panel on Security

* Hon James TO Kun-sun (Deputy Chairman)
* Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP

Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
* Hon Ambrose LAU Hon-chuen, GBS, JP

Panel on Administration of Justice and Legal Services

Hon Martin LEE Chu-ming, SC, JP

- * Also a member of Panel on Administration of Justice and Legal Services
- ◆ Also a member of Panel on Security

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

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

Ms Winnie NG
Administrative Assistant to Secretary for Security

Mr Hubert LAW
Assistant Secretary for Security

Mr Bob ALLCOCK, BBS
Solicitor General

Mr James O'NEIL
Deputy Solicitor General

Ms Roxanna CHENG
Senior Assistant Solicitor General

Miss Adeline WAN
Senior Government Counsel

Attendance by : The Hong Kong Island Federation
invitation

Mr TSANG Heung-kwan

The Kowloon Elderly Progressive Association

Mr TSO Kwai-ban
Executive Member

Sham Shui Po Residents Association

Mr CHAN Keng-chau

Hong Kong Youth Association

Mr NIP Ngai
Chairman

Mr TONG Wai-yuen
Deputy Secretary General

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Mr Ronny TONG K W
Representative

The King Chung Association

Mr WAN Hing-sheung
Chairman

Mr TANG Shek-ching
Vice-Chairman

Miss LING Yu-shih

Mr CHEUNG Yan-hong
Member, Wong Tai Sin District Council

The Hong Kong Southern District Alliance

Mr CHAN Sze-chung
Chairman

The Hong Kong Executive, Administrative & Clerical Staff
Association

Mr KAN Kim-shing
Deputy Chairman

Ms YEUNG Lai-shan
Secretary

Wah Fu Service Centre

Mr CHENG Shing-lam
Secretary General

Hong Kong Alliance in Support of Patriotic Democratic
Movements of China

Mr MAK Hoi-wah

April Fifth Action

Mr LEUNG Kwok-hung

Wah Fu Estate Woman's Association

Ms Kit CHIU
Vice-President

Federation of Hong Kong Kowloon New Territories Hawker
Association

Mr LAM Kwei-cheong
Chairman

Mr FUNG Mun-hong
Chief Executive

Cultural and Recreational Services Centre

Mr LAU Hing-yeung
Supervisor

Causeway Bay Association Limited

Mrs LEE LING Wing-chu
Vice-Chairman

Tai Hang Concern Association

Mr HO Tai-sing
Chief Executive

Shan Wei City Hai Lu Feng Clansmen Association Limited.

Mr HUNG Kwong-ton
Secretary General

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

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Stanley MA
Senior Assistant Secretary (2)6

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I. Election of Chairman

Mr LAU Kong-wah was elected Chairman of the joint meeting.

II. To receive public views on the Consultation Document on Proposals to implement BL23

2. The Chairman welcomed representatives of the 19 deputations to the meeting.

Meeting with representative of the Hong Kong Island Federation
(LC Paper No.CB(2)222/02-03(01))

3. Mr TSANG Heung-kwan presented the views of the Hong Kong Island Federation as detailed in the submission. He stressed that members of the Federation had unanimously expressed support for the enactment of legislation to implement Article 23 of the Basic Law (BL23).

Meeting with representative of the Kowloon Elderly Progressive Association
(LC Paper No.CB(2)222/02-03(02))

4. Mr TSO Kwai-ban presented the views of the Kowloon Elderly Progressive Association as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23 and the introduction of a blue bill after the three months consultation period.

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Meeting with representative of the Sham Shui Po Residents Association
(LC Paper No.CB(2)222/02-03(03))

5. Mr CHAN Keng-chau presented the views of the Sham Shui Po Residents Association as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with representatives of the Hong Kong Youth Association
(LC Paper No.CB(2)222/02-03(04))

6. Mr NIP Ngai introduced the submission of the Hong Kong Youth Association and concluded that the Association supported introducing a blue bill on BL23 to the Legislative Council as soon as possible. He added that there were negative comments on the proposals in the Consultation Document. However, so far no one had pointed out the parts of the Consultation Document which were in conflict with the provisions of the International Covenant on Civil and Political Right (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Meeting with representatives of the Hong Kong Human Rights Monitor
(LC Paper No.CB(2)222/02-03(05) and LC Paper No. CB(2)400/02-03(01))

7. Mr Ronny TONG presented the views of the Hong Kong Human Rights Monitor as detailed in his speaking note which was tabled at the meeting. He concluded that the Human Rights Monitor opposed the enactment of legislation to implement BL23 as proposed in the Consultation Document. The Administration should widely consult the public before deciding on whether such legislation should be enacted.

(Post-meeting note : The speaking note was subsequently forwarded to members on 18 November 2002 vide LC Paper No.CB(2)400/02-03).

Meeting with representatives of the King Chung Association
(LC Paper No.CB(2)222/02-03(06))

8. Mr WAN Hing-sheung introduced the submission of the King Chung Association. He stressed that the Association supported the enactment of legislation to implement BL23 as soon as possible, and there was no need to issue a white bill.

Meeting with Miss LING Yu-shih
(LC Paper No.CB(2)222/02-03(07))

9. Miss Ling Yu-shih presented her views as detailed in her submission. She highlighted the obligations of the HKSAR Government to implement BL23 and explained the concept of protection of the state. She concluded that while individual citizens enjoyed the privilege of protection provided by the state, they had a reciprocal obligation to protect the state by not committing criminal acts which would threaten the

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existence of the state and to support legislation which prohibited such acts.

Meeting with Mr CHEUNG Yan-hong, member of the Wong Tai Sin District Council
(LC Paper No.CB(2)222/02-03(08))

10. Mr CHEUNG Yan-hong introduced his joint submission with Mr LI Sze-bay and Ms Lee Ming-pui who were also members of the Wong Tai Sin District Council. Mr CHEUNG said that they supported the enactment of legislation to implement BL23 and that the introduction of a blue bill into the Legislative Council (LegCo) should not be delayed.

Meeting with representative of the Hong Kong Southern District Alliance
(LC Paper No.CB(2)222/02-03(09))

11. Mr CHAN Sze-chung presented the views of the Hong Kong Southern District (HKSD) Alliance as detailed in the submission. He concluded that the HKSD Alliance supported the enactment of legislation to implement BL23. He added that it was not appropriate for the Administration to issue a white bill.

Meeting with representatives of the Hong Kong Executive, Administrative and Clerical Staff Association
(LC Paper No.CB(2)222/02-03(10))

12. Mr KAN Kim-shing presented the views of the Hong Kong Executive, Administrative and Clerical Staff Association as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23 and the introduction of a blue bill into LegCo after the three-month consultation.

Meeting with representative of the Wah Fu Service Centre
(LC Paper No.CB(2)222/02-03(11))

13. Mr CHENG Shing-lam presented the views of the Wah Fu Service Centre as detailed in the submission. He concluded that the Centre supported the enactment of legislation to implement BL23 and the introduction of a blue bill into LegCo after the three-month consultation.

Meeting with representative of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China
(LC Paper No.CB(2)222/02-03(12))

14. Mr MAK Hoi-wah presented the views of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) as detailed in the submission. He concluded that the Alliance objected to implementing the proposals in the Consultation Document. He stressed that the Alliance was of the view that the existing legislation was sufficient for the purpose of BL23 and the proposals in the Consultation Document were mainly aimed at restricting individual rights and press

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freedom which were currently lawful in the HKSAR.

Meeting with representative of April Fifth Action

(LC Paper No.CB(2)222/02-03(13))

15. Mr LEUNG Kwok-hung introduced the submission of April Fifth Action and said that there was no need to enact legislation for implementing BL23 in the HKSAR. He held the view that the actual purpose of implementing BL23 was to extend the applications of the national security law in the Mainland to Hong Kong in order to suppress the rights of individuals to express dissenting views. He suggested that the HKSAR Government should conduct a referendum to ascertain the views of HKSAR residents on the need to enact legislation to implement BL23.

Meeting with representative of the Wah Fu Estate Woman's Association

(LC Paper No.CB(2)222/02-03(14))

16. Ms Kit CHIU presented the views of the Wah Fu Estate Woman's Association as detailed in the submission. She concluded that the Association considered it reasonable and necessary to enact legislation to implement BL23 as soon as possible.

Meeting with representatives of the Federation of Hong Kong Kowloon New Territories Hawker Associations

(LC Paper No.CB(2)222/02-03(15))

17. Mr LAM Kwei-cheong presented the views of the Federation of Hong Kong Kowloon New Territories Hawker Associations as detailed in the submission. He concluded that the Federation supported enacting legislation to implement BL23 as soon as possible.

Meeting with representative of the Cultural and Recreational Services Centre

(LC Paper No.CB(2)222/02-03(17))

18. Mr LAU Hing-yeung presented the views of the Cultural and Recreational Services Centre as detailed in the submission. He concluded that the Centre supported the enactment of legislation to implement BL23 as soon as possible.

Meeting with representative of the Causeway Bay Association Limited

(LC Paper No.CB(2)222/02-03(18))

19. Mrs LEE LING Wing-chu presented the views of the Causeway Bay Association as detailed in the submission. She concluded that the Association was in support of the enactment of legislation to implement BL23.

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Meeting with representative of the Tai Hang Concern Association
(LC Paper No.CB(2)222/02-03(19))

20. Mr HO Tai-sing presented the views of the Tai Hang Concern Association as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with representative of the Shan Wei City Hai Lu Feng Clansmen Association Limited
(LC Paper No.CB(2)222/02-03(20))

21. Mr HUNG Kwong-ton presented the views of the Shan Wei City Hai Lu Feng Clansmen Association as detailed in the submission. He stressed that the Association supported enacting legislation to implement BL23 which was both mandatory and urgent. He added that the Administration should make reference to similar legislation in overseas jurisdictions and set more heavier penalties for BL23 offences.

Issues raised by Members

22. Ms Emily LAU noted that there were different views about the effects of enacting legislation to implement BL23 on the economic development in the HKSAR. While many business associations, professional bodies, academics and researchers had expressed negative comments, some deputations held the view that enacting legislation to implement BL23 would help remove the political uncertainties about BL23 and improve investors' confidence. She invited representatives of deputations in support of enacting legislation to implement BL23 to elaborate their views in this regard.

23. Mr CHEUNG Yan-hong said that the enactment of legislation to implement BL23 would promote political stability within the HKSAR as it would help avoid the unnecessary debates between community groups with differing political inclinations and contribute to the establishment of a more stable and harmonious society. He believed that a stable and harmonious society would mean a more favourable environment for overseas investments.

24. Mr KAN Kim-shing said that the enactment of legislation to implement BL23 would provide investors with a clearer picture of the implications of BL23 on local business environment.

25. Ms Emily LAU expressed doubt that the enactment of legislation on BL23 would end the debates on the effects of implementing BL23 on individual rights and press freedoms in the community. She asked whether there were substantive evidence for drawing the conclusion that implementing BL23 by way of legislation would help establish a better business environment to attract overseas investors.

26. Mr WAN Hing-sheung responded that the economic environment of the HKSAR would be toppled if national security in the Mainland was under a serious

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threat. He believed that economic development could hardly thrive in an unstable social and political environment.

27. Mr TSANG Heung-kwan said that the enactment of legislation to implement BL23 would set out the legal justifications as well as the acts and behaviours which would constitute an offence in relation to the seven areas stipulated under BL23. Investors would then be able to assess the effects of the implement of BL23 on the local business environment and make their investment decisions accordingly. This would help improve investors' confidence and promote long-term economic growth in the HKSAR.

28. Miss LING Yu-shih said that overseas investors would definitely consider whether there was an established system of law as well as a stable social and political environment in the HKSAR before making their investment decisions.

29. Mr CHAN Sze-chung considered that the enactment of legislation which set out the rules and criteria for organizers of public assemblies and processions to follow would help increase social stability. He pointed out that the slogans referred to in the submission of the Alliance as well as the paper-made coffin used by April Fifth Action for the purpose of demonstration might create a false impression to overseas investors that the social environment of the HKSAR was unstable.

30. Mr NIP Ngai said that similar to the negative criticism expressed by critics before the Reunification, most of the current allegations about the adverse effects of BL23 on freedom of expression, of assembly, of procession and of demonstration were based on hypothetical grounds.

31. Mr TSANG Heung-kwan said that the proposals in the Consultation Document should not be misinterpreted or distorted to mean further restriction on freedom of expression and demonstration. Rather, the Consultation Document had highlighted the importance of Articles 27 and 39 of the Basic Law in protecting the rights and freedoms enjoyed by the HKSAR residents which must be observed in the enactment of legislation on BL23.

32. Mr MAK Hoi-wah said that if the intent of enacting legislation to implement BL23 was to suppress freedom of speech and expression, this would further deteriorate the business environment in the HKSAR.

33. Mr LEUNG Kwok-hung said that April Fifth Action had used a paper-made coffin to demonstrate its dissatisfactions with the ruling party for 13 years since the 4 June movement and the economic downturn should have happened earlier if such demonstrations had adversely affected the confidence of foreign investors. He considered that public demonstration was an essential means to facilitate expression of public views and concerns on government policies and was conducive to the healthy development of a democratic society.

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34. Mr IP Kwok-him asked whether demonstrations against the Liaison Office of the Central People's Government (CPG) and the offices of Hong Kong Deputies to the National People's Congress (NPC) resulting in a riot would be caught by the offence of treason as proposed in the Consultation Document. As the holding of public assemblies and demonstrations were frequent and common in the HKSAR, he asked whether they were currently regulated under the Public Order Ordinance (POO).

35. Mr Ronny TONG said that as stated in the Consultation Document, a person would commit treason if he "levied war" against the state in order by force or constraint to compel the CPG or "other competent authorities" of the PRC to change its measures or counsels. However, the definitions of "levying war" and "other competent authorities" were not given. At common law, "levying war" had been held to include a riot or insurrection involving a considerable number of people for some general public purpose. If the two definitions were broadly defined, demonstrations against the Liaison Office of the CPG and the offices of Hong Kong Deputies to the NPC which incited a riot or insurrection involving a certain number of people could be interpreted as "levying war" against the "competent authorities" of the PRC. He added that under the existing laws, regulation of public meetings and public processions fell under the purview of the POO.

36. Mr LEUNG Kwok-hung said that the scope of the proposed revision of paragraph (c) of section 2(1) of the Crimes Ordinance in paragraph 2.8 of the Consultation Document was too broad. Any police intervention with a public procession or demonstration against a "competent authority" might trigger off some form of riots or violence which might then be caught by the offence of treason.

37. Referring to paragraph 4 of the Alliance's submission, Mr LEUNG Fu-wah asked whether the Alliance would oppose any legislation on BL23 regardless of its contents and provisions, or comply with the provisions which were acceptable to the Alliance.

38. Mr MAK Hoi-wah responded that the Alliance would maintain its five principles and slogans as highlighted in its submission notwithstanding the enactment of legislation to implement BL23. The Alliance was of the view that the existing legislation was adequate for the purpose of implementing BL23 and additional enactment of legislation to implement BL23 was aiming at imposing further restrictions on human rights. He pointed out that according to paragraph 7.15 of the Consultation Document, the Secretary for Security would be given the power to proscribe an organisation if she reasonably believed it necessary in the interests of national security or public safety or public order. However, paragraph 7.16 stated that the HKSAR might not be in a position to determine whether an organisation posed a threat to national security, especially for those entities based in Mainland with cells in the HKSAR affiliated with them. The Alliance was worried that as a result of such proposals, the national security laws in the Mainland would be extended to the HKSAR for interpretation of the provisions under the offences of treason arising from an affiliation or connection with a proscribed organisation in the Mainland.

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39. In response to Mr LEUNG Fu-wah's further enquiry, Mr LEUNG Kwok-hung said that the Alliance would continue to demonstrate in the form of civil disobedience against any government actions or policies which violated the ICESCR or ICCPR. If such demonstrations or the slogans of the Alliance were prohibited under the enacted BL23 legislation, it would be up to the Administration to decide whether prosecutions should be initiated against the Alliance.

40. Ms Cyd HO considered that there were already restrictions on individual rights and freedom of expression and demonstration under the existing laws such as the POO and the enactment of legislation to implement BL23 would only worsen the situation. She said that despite its repeated efforts, the Administration appeared to be unaware of the views and concerns of the Human Rights Monitor.

41. In response, Mr Ronny TONG said that the Administration was aware of the views and concerns of Human Rights Monitor. He shared the view of Ms Cyd HO that existing legislation already contained provisions which were restrictive to the rights of individuals and freedom of expression, etc. Mr TONG added that the conclusion of Mr David Pannick that none of the proposals in the Consultation Document offended against fundamental rights was vague. He doubted whether the powers conferred by the legislation to implement BL23 would be used in a manner which was proportionate and which complied with fundamental freedoms in the circumstances of individual cases as Mr Pannick had highlighted. Mr TONG pointed out that the enactment of legislation to implement BL23 would create a considerable chilling effect on individual rights and press freedom since very few people would be willing to spend the time and monies to institute legal proceedings against the Government on the legitimacy of the legislation.

42. Mr LAW Yuk-kai supplemented that the Government had not set out its proposals to implement BL23 in sufficient details for in-depth discussion and deliberation in the community. He cited a number of the proposed offences to illustrate the need for publishing clear legislative provisions for further consultation.

43. Miss Margaret NG noted that deputations in support of the proposals in the Consultation Document held different views on the enactment of legislation to implement BL23. She pointed out that some of these deputations considered such legislation would set the norms for demonstrators to follow and subsequently improve the investment environment, while another deputation considered that such legislation would not change the status quo of the HKSAR in respect of freedom of expression and of demonstration. She invited deputations holding the former view to cite the proposals in the Consultation Document which, if implemented, would contribute to the development of a favourable environment for foreign investment.

44. Mr CHEUNG Yan-hong clarified that enacting legislation to implement BL23 would mean the completion of the necessary legislative work in compliance with the Basic Law. This would in turn increase investors' confidence on the political as well

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as the investment environment of the HKSAR.

45. Mr CHAN Sze-chung referred to Article 16 of the Hong Kong Bill of Rights Ordinance (Cap. 383) and said that freedom of opinion and expression were not absolute. They were subject to some permissible limitations including a respect for others' rights or reputations and those necessary for the protection of national security or of public order.

46. Mr WAN Hing-sheung did not consider that there were different views among deputations in support of enacting legislation to implement BL23. He said that Chapter III of the Basic Law set out the rights and freedoms of Hong Kong residents. The enactment of legislation to implement BL23 would not affect the existing rights and freedoms enjoyed by Hong Kong residents. As provided in the Basic Law, no law enacted by the legislature should contravene the Basic Law. Mr WAN added that the exchange of views between the Mainland authorities and the HKSAR Government on the enactment of legislation to implement BL23 was reasonable.

47. Mr NIP Ngai considered that the enactment of legislation to implement BL23 would not affect the existing rights and freedoms enjoyed by Hong Kong residents. He pointed out that many businessmen from the Mainland considered the heated debates harmful to the business environment of the HKSAR, and that HKSAR residents in general responded negatively towards the views and suggestions expressed by Mainland authorities.

48. Mr Ronny TONG said that if the provisions of the legislative proposals on BL23 were not set out in details for in-depth public scrutiny, different interpretation of their meanings and scope of applications might arise after the enactment of the legislation. In case of a dispute, the interpretation of the Court would have to be sought. Mr TONG considered that settlement of these disputes by way of court judgment should be avoided. He suggested that the Administration should consider setting out the provisions of the proposed legislation for public scrutiny so that the legal profession and other interested parties would have the opportunity to examine the scope, intent and implications of the legislative proposals in a comprehensive manner.

49. Miss Margaret NG pointed out that the legal profession had raised much concerns about the scope and concepts of the legislative proposals in the Consultation Document, and their effects on the future investment environment of the HKSAR. Noting that most deputations had expressed support for a transparent legislative process to enhance investor's confidence, Miss NG suggested that deputations should consider supporting the urge for the Administration to issue a white bill after the three-month consultation.

50. Mr CHAN Keng-chau said that all LegCo Members had sworn under oath that they would support the Basic Law. Members should support the enactment of legislation to implement BL23. In his view, the purpose of a white bill was to explain the need to legislate, and the purpose of a blue bill was to explain how to legislate on

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the subject matter. Since BL23 had already stipulated that the HKSAR should enact laws on its own to prohibit the acts in respect of the seven areas, there was no need to explain the need to legislate by the introduction of a white bill.

51. Mr TSANG Heung-kwan stressed that members of the Hong Kong Island Federation had discussed the issue and unanimously agreed that there was no need to publish a white bill. The Federation held the view that enacting legislation to implement BL23 was the obligation of the HKSAR Government and should not be further delayed by the introduction of a white bill for public discussion.

52. Mr CHAN Keng-chau considered that the enactment of legislation in July 2003 was already too late, but agreed that legislation on BL23 should follow the legislative rules and procedures of the HKSAR. He added that interested parties and persons should write to express their views and suggestions on the enactment of legislation to implement BL23 during the three-month consultation period. He believed that the Administration would take into accounts of the views received and introduce a blue bill into LegCo for detailed scrutiny by LegCo Members.

53. Mr MAK Kwok-fung questioned about the urgency to enact legislation to implement BL23. He asked whether there were any objective indicators such as the presence of political crisis, terrorism or potential theft of state secrets in the HKSAR which justified the early enactment of legislation to implement BL23.

54. Mr CHAN Keng-chau said that the enactment of legislation in respect of BL23 should not wait until there was a social unrest or political crisis. Mr TSANG Heung-kwan considered that since it was already five years after the Reunification, it was the right time to enact legislation to implement BL23 to plug the loopholes in respect of the seven areas of BL23.

55. Miss LING Yu-shih said that similar to protection of freedom of expression, enacting legislation for the protection of essential interests of the state and national security was the obligation of the HKSAR, and the fulfilment of such obligation was not dependent on whether there was the urgency to do so.

56. Mr LAW Yuk-kai said that the Human Rights Monitor saw no urgent need to enact legislation to implement BL23 as those acts referred to in BL23, except acts of secession and subversion against the CPG, were already regulated under the existing legislation. He considered that some provisions of existing legislation were outdated and unnecessary, and should be narrowed down. He also questioned whether it was necessary to enact legislation to prohibit acts of secession and subversion, especially when they were merely expression of opinions and no force was used. He further said that some of the proposals in the Consultation Document were beyond the scope of BL23. For example, the proposal to empower the Secretary for Security to proscribe a local organisation affiliated to a Mainland organisation proscribed by the Authorities on national security grounds was outside the scope of BL23, as it was not a foreign organisation.

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57. Mr LAW stressed that the proposals in the Consultation Document was vague and had widened the scope of BL23. He urged the Administration to publish a white bill setting out the proposed legislative provisions for further consultation.

58. Mrs Selina CHOW said that the Liberal Party supported the enactment of legislation to implement BL23 which was an obligation of the HKSAR. She considered that enactment of legislation on BL23 would remove uncertainties in the interpretation of the provisions of BL23. She asked why the Human Rights Monitor suggested that the Administration should give up the proposals in the Consultation Document and conduct a wide consultation on BL23 before proceeding to the enactment of legislation to implement BL23.

59. Mr Ronny TONG clarified that the Human Rights Monitor was not objecting the enactment of legislation to implement BL23 per se. The Human Rights Monitor was only opposing enacting legislation to implement BL23 as proposed in the Consultation Document which contained vague statements on the concepts and principles for the proposed offences. He added that the Human Rights Monitor had repeatedly requested the Administration to publish detailed legislative provisions to be proposed for further consultation, but the Administration had all along maintained its original stance.

60. Mr LAW Yuk-kai supplemented that in the absence of substantive legislative provisions and supporting indicators, the Human Rights Monitor considered that there was no urgency and no need to enact legislation for implementation of BL23 at this stage.

III. Any other business

Starting time for the meeting on 19 December 2002

61. Members agreed that in anticipation of a large attendance of deputations, the starting time for the joint meeting scheduled for 19 December 2002 would be advanced to 9:30 am.

Summary of White Bills published in the Gazette

62. Miss Margaret NG requested the LegCo Secretariat to prepare a summary of White Bills published in the Gazette since 1986.

(Post-meeting note : A summary of White Bills published in the Gazette since 1 January 1986 was subsequently forwarded to Members on 26 November 2002 vide LC Paper No. CB(2) 467/02-03.)

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63. The meeting ended at 12:20 pm.

Council Business Division 2
Legislative Council Secretariat
24 December 2002