

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

**Minutes of joint meeting held on Thursday, 28 November 2002
at 2:30 pm 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 CHEUNG Man-kwong
Hon WONG Yung-kan
Hon Howard YOUNG, JP
* Hon Ambrose LAU Hon-chuen, GBS, 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 Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
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 LAU Chin-shek, 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 Andrew WONG Wang-fat, JP

Panel on Administration of Justice and Legal Services

◆ Hon Margaret NG (Chairman)

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

Public Officers : Mr Timothy TONG
attending Permanent Secretary for Security (Acting)

Mr Bob ALLCOCK
Solicitor General

Mr Hubert LAW
Assistant Secretary for Security

Attendance by : Idea-for-Hong-Kong
invitation

Mr HUNG Kam-in
Convenor

Mr SZE Lun-hung

Hong Kong Central and Western District Woman Association

Ms CHEUNG Hui-hak
Deputy Chairman

Mr LEE Ming-sum

The Chinese University of Hong Kong Student Union

Miss PANG Kit-yi

Hong Kong University of Science and Technology Students'
Union

Mr CHAN Shun-bun, Tony
President

Mr TSE Shung-man, Louis
Current Affairs Secretary

Hong Kong Federation of Students

Mr CHUNG Yiu-kwong

Mr OR Pok-man

Lingnan University Students' Union

Miss HO Siu-man, Esther
General Secretary

Miss WONG Wai-sze
Public Relations Officer

Hong Kong Federation of Education Workers

Mr WONG Kwan-yu
First Vice-President

Hong Kong Christian Institute

Ms Rose WU
Director

Ms Kandy WONG
Project Secretary

Mr KWONG Ning-yin

Hong Kong Chinese Reform Association Limited

Mr MAN Moon-lam
Chairman of Committee on Social Issues

Mr CHUNG Shu-wing
Deputy Secretary General

The Unified Association of Kowloon West Limited

Mr YU Sau-ning
Deputy Chairman

Mr LAM Chun-wing
Deputy Chairman

Fong Chung Social Service Centre Limited (Central District)

Ms TAM Miu-fan
Supervisor

Kwai Chung South Resident Association

Mr Peter CHEUNG
Chairman

Mr YAM Kim-man, Rockie

The Foreign Correspondents' Club, Hong Kong

Mr Thomas CRAMPTON
President

Mr Francis MORIARTY
Press Freedom Committee Convener

Sham Shui Po Community Association Limited

Mr CHONG Yiu-kwong
Executive Committee Member

Hong Kong Youth & Tertiary Students Association

Mr HAU Yuen-yuk
External President

Mr YEUNG Sun-wing
Member

Member of Yau Tsim Mong District Council

Mr LAI Chi-lap, Albert

Student Christian Movement of Hong Kong

Mr YU Shing-chi, Samuel
Chairperson

Mr MAK Chung-lai
Study Secretary

Alliance of Hong Kong Youth Groups

Mr HSU Hoi-shan
General Secretary

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

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Ms Joanne MAK
Senior Assistant Secretary (2)2

Action

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 Article 23 of the Basic Law

2. The Chairman welcomed representatives of the 21 deputations to the meeting.

Meeting with representatives of Idea-for-Hong-Kong
(LC Paper No. CB(2) 271/02-03(01))

3. Mr HUNG Kam-in presented the views of Idea-for-Hong-Kong as detailed in the submission. He concluded that -

(a) legislation to implement Article 23 of the Basic Law (BL23) should be

introduced as soon as possible for the protection of the essential interests of the state; and

- (b) there was no need to issue a white bill before the introduction of a blue bill.

Meeting with representative of Hong Kong Central and Western District Woman Association

(LC Paper No. CB(2) 271/02-03(02))

4. Ms CHEUNG Hui-hak presented the views of Hong Kong Central and Western District Woman Association as detailed in the submission. She concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with Mr LEE Ming-sum

(LC Paper No. CB(2) 271/02-03(03))

5. Mr LEE Ming-sum presented the views as detailed in his submission. He expressed support for the early enactment of legislation to implement BL23.

Meeting with representative of the Chinese University of Hong Kong Student Union

(LC Paper No. CB(2) 271/02-03(04))

6. Miss PANG Kit-yi presented the views of the Chinese University of Hong Kong Student Union as detailed in the submission. She concluded that -

- (a) the Student Union opposed enacting legislation to implement BL23 at this stage;
- (b) the Administration should issue a white bill detailing the provisions of the proposed legislation on BL23 for public consultation; and
- (c) the Administration should extend the public consultation exercise to at least July 2003 in order to allow more time for the public to understand and express views on the legislative proposals.

Meeting with representatives of the Hong Kong University of Science and Technology (HKUST) Students' Union

(LC Paper No. CB(2) 271/02-03(06))

7. Mr CHAN Shun-bun presented the views of the HKUST Students' Union as detailed in the submission. He concluded that the Administration should -

- (a) revise the proposals for implementation of BL23 having regard to the concerns expressed by the public on the proposals; and
- (b) issue a white bill detailing the legislative provisions to be proposed for implementing BL23 for public consultation.

Meeting with representatives of Hong Kong Federation of Students
(LC Paper No. CB(2) 271/02-03(07))

8. Mr OR Pok-man presented the views of the Hong Kong Federation of Students as detailed in the submission. He concluded that -

- (a) the Federation strongly opposed the enactment of legislation to implement BL23; and
- (b) the Administration's stand of not issuing a white bill and allowing only three months for public consultation on the current proposals reflected its top-down iron-fist approach.

Meeting with representatives of Lingnan University Students' Union
(LC Paper No. CB(2) 271/02-03(08))

9. Miss HO Siu-man presented the views of Lingnan University Students' Union as detailed in the submission. She concluded that -

- (a) the Administration should not rush through legislation to implement BL23 when there was a lack of support from the community for the proposed legislation; and
- (b) a white bill detailing the legislative provisions to be proposed for implementing BL23 should be issued for wider public consultation and deliberations.

Meeting with representative of Hong Kong Federation of Education Workers
(LC Paper No. CB(2) 271/02-03(09))

10. Mr WONG Kwan-yu presented the views of Hong Kong Federation of Education Workers as detailed in the submission. He concluded that the Federation supported the enactment of legislation to implement BL23.

Meeting with representatives of Hong Kong Christian Institute
(LC Paper No. CB(2) 271/02-03(10) and CB(2)507/02-03(01))

11. Ms Rose WU and Ms Kandy WONG presented the views of Hong Kong Christian Institute as detailed in the submissions. They concluded that

- (a) the Institute was opposed to the Administration's proposals to implement BL23;
- (b) legislation to implement BL23 should not be enacted when there was not a democratic and representative government system in place; and
- (c) the concepts of the proposed offences were broad and vague and it was worried that the proposed legislation on BL23 would easily be abused by the Administration to suppress the freedoms of Hong Kong people.

Meeting with Mr KWONG Ning-yin
(LC Paper No. CB(2) 271/02-03(11))

12. Mr KWONG Ning-yin presented the views as detailed in his submission. He concluded that there was no need to issue a white bill before the introduction of a blue bill.

Meeting with representatives of Hong Kong Chinese Reform Association Limited
(LC Paper No. CB(2) 271/02-03(12))

13. Mr MAN Moon-lam presented the views of Hong Kong Chinese Reform Association Limited as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with representatives of the Unified Association of Kowloon West Limited
(LC Paper No. CB(2) 271/02-03(13))

14. Mr YU Sau-ning presented the views of the Unified Association of Kowloon West Limited as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with representative of Fong Chung Social Service Centre Limited (Central District)
(LC Paper No. CB(2) 271/02-03(14))

15. Ms TAM Miu-fan presented the views of Fong Chung Social Service Centre Limited (Central District) as detailed in the submission. She concluded that -

- (a) it was the right time to enact legislation to implement BL23; and
- (b) there was no need to issue a white bill before the introduction of a blue bill.

Meeting with representatives of Kwai Chung South Resident Association
(LC Paper No. CB(2) 271/02-03(15))

16. Mr Peter CHEUNG presented the views of Kwai Chung South Resident Association as detailed in the submission. He concluded that the Association supported the Administration to enact legislation to implement BL23 as soon as possible.

Meeting with Mr YAM Kim-man
(LC Paper No. CB(2) 271/02-03(16))

17. Mr YAM Kim-man presented the views as detailed in his submission. He expressed support for enactment of legislation to implement BL23.

Meeting with representatives of the Foreign Correspondents' Club, Hong Kong
(LC Paper No. CB(2) 271/02-03(17))

18. Mr Thomas CRAMPTON presented the views of the Foreign Correspondents' Club, Hong Kong (FCC) as detailed in the submission. He concluded that -

- (a) FCC strongly opposed the Administration's proposals for implementing BL23 as detailed in the Consultation Document;
- (b) FCC considered that the Administration's proposals to implement BL23 would damage Hong Kong's reputation for free flow of information and possibly spark an exodus of journalists and news organisations; and
- (c) FCC strongly urged the Administration to release the full text of the proposed changes and allow a lengthy consultation period for the public to comment on any proposed law in relation to BL23.

Meeting with representative of Sham Shui Po Community Association Limited
(LC Paper No. CB(2) 271/02-03(18))

19. Mr CHONG Yiu-kwong presented the views of Sham Shui Po Community Association Limited as detailed in the submission. He concluded that the Association opposed the enactment of legislation to implement BL23.

Meeting with representatives of Hong Kong Youth & Tertiary Students Association
(LC Paper No. CB(2) 271/02-03(19))

20. Mr HAU Yuen-yuk presented the views of Hong Kong Youth & Tertiary Students Association as detailed in the submission. He concluded that the Association supported the enactment of legislation to implement BL23.

Meeting with Mr LAI Chi-lap, Yau Tsim Mong District Council Member
(LC Paper No. CB(2) 271/02-03(20))

21. Mr LAI Chi-lap presented the views as detailed in his submission. He concluded that the consultation period for the proposals to implement BL23 should be 50 years.

Meeting with representatives of Student Christian Movement of Hong Kong
(LC Paper No. CB(2) 271/02-03(21))

22. Mr YU Shing-chi presented the views of Student Christian Movement of Hong Kong as detailed in the submission. He concluded that -

- (a) the Administration should shelve its plan to enact legislation to implement BL23 before a fully democratic Administration system was in place; and, if not,
- (b) the Administration should issue a white bill detailing the legislative provisions to be proposed to implement BL23 for public consultation

Meeting with representative of Alliance of Hong Kong Youth Groups
LC Paper No. CB(2) 271/02-03(22))

23. Mr HSU Hoi-shan presented the views of Alliance of Hong Kong Youth Groups as detailed in the submission. He concluded that -

- (a) the Administration should enact legislation to implement BL23 as soon as possible; and
- (b) the Administration should publish the legislative provisions to be proposed for implementing BL23 for public discussion and deliberations.

Issues raised by Members

24. Ms Emily LAU referred to paragraph 1 of the submission from HKUST Students' Union, which stated that a few years ago when the Administration had tried to assure the public that the Public Order Ordinance (POO) would not be abused by the Administration, the representatives of HKUST Students' Union had trusted the Administration although they had felt uneasy about it. However, the recent conviction of three persons, who had only staged a peaceful protest, of the offence of unauthorized assembly had caused the representatives to worry. Ms LAU requested the representatives of HKUST Students' Union to further explain this point.

25. Mr CHAN Shun-bun said that in December 2000, HKUST Students' Union had submitted their views on POO to the Administration, which responded not by amending POO, but by making promises as to how it would be enforced. Mr CHAN said that in the circumstances, they had reluctantly believed in the Administration. However, the recent conviction of three persons who had only staged a peaceful protest had shed light on the fact that the Administration had not honoured its words. Mr CHAN further said that given the great impact of the proposals to implement BL23, they would not easily believe in the Administration this time.

26. Ms Emily LAU asked whether the lesson learnt by the representatives of HKUST Students' Union was that they should not easily believe in the Administration when it said that it would be lenient in enforcing a law.

27. Mr CHAN Shun-bun said that since the Administration had not honoured its promise as seen from the conviction of the three persons, they would no longer believe in the assurance given by the Administration that the current proposals would not restrict the freedoms of Hong Kong people.

28. Mr Peter CHEUNG said that there was no need for the student representatives to be worried as the scopes of POO and of BL23 were different.

29. Also commenting on the recent conviction of three persons under POO, Mr CHUNG Yiu-kwong queried why the three persons' exercise of their freedom of expression, by peaceful means, had caused them to be criminalised. Mr CHUNG considered that as Hong Kong was a civilized and advanced city, the freedom of expression should be guaranteed.

30. Mr HSU Hoi-shan considered that the representatives of HKUST Students' Union should figure out what the Administration had really promised in 2000: it would not use POO or would use it infrequently, or it would leniently deal with people convicted. Mr HUNG Kam-in echoed the views of Mr HSU and expressed doubt as to whether the Administration had promised that it would never invoke POO to prosecute people even though they had breached the law.

31. Mr CHAN Kam-lam asked the representatives of HKUST Students' Union to explain what undertakings the Administration had given to them regarding the enforcement of POO. He also asked what the students understood about the Administration's proposals in respect of protection of national security.

32. Mr CHAN Shun-bun said that the Administration had promised them that its approach was to be stringent in legislation but lenient in enforcement ("立法嚴執法寬"). He further said that there was clear evidence to show that the three persons convicted had only staged a peaceful protest. Hence, if the Administration had lived up to its words, it should not have prosecuted the three persons. Mr CHAN said that he had not studied every detail of the Consultation Document. However, he had examined the arguments put forward by different people for or against the proposals. He further said that he would be more prudent than before regarding the Administration's undertaking that it would be lenient in enforcing laws enacted to implement BL23.

33. Mr CHAN Kam-lam said that the standard of leniency in enforcement should be set by enforcement agencies and not subject to personal views. He said that according to the Administration, there had been a few hundreds of public meetings or public processions where the prior notification requirement had not been complied with after the Reunification. However, the Administration had exercised discretion and decided not to prosecute the participants concerned. Mr CHAN said that the fears of students would be allayed if they examined in detail the proposals set out in the Consultation Document.

34. Mr HUNG Kam-in pointed out that the Administration was obliged to enforce a law even though it was not accepted by every member in the society. He also queried whether a person could breach a law simply because the person did not accept it.

35. Mr TAM Yiu-chung requested the Administration to clarify the undertakings it had made regarding the enforcement of POO and explain the notification requirement under POO which, in his view, was not difficult to comply with.

36. Referring to a submission made by HKUST Students' Union dated 11 December 2000 to the LegCo Panel on Security on POO, Permanent Secretary for Security (Acting) (PS for S)(Atg) pointed out that what the Students' Union had demanded was abolishing the system of notice of no objection under POO and amending POO so that failure to comply with the notification requirement would not be a criminal offence. He suggested that Members might wish to refer to the submission for details of other proposals on POO put forward by the Students' Union. He hoped that the submission could clarify whether the Students' Union had really supported the Administration over the issue of POO in December 2000.

37. PS for S(Atg) further made reference to the records of the proceedings of the Council meeting held on 21 December 2000 to clarify what the Administration had said about the enforcement of POO. He said that at the Council meeting, the

Secretary for Security (S for S) had pointed out that the Police would exercise discretion not to prosecute people participating in public meetings or public processions which had breached the POO requirement under the following circumstances -

- (a) that the meeting or procession was held in peace with a minor, technical or unplanned breach of the POO. (For example, the organiser had underestimated the number of participants and it had turned out to be more than 30 after the procession had started. Hence, the organiser had not made the notification in advance). The Police would only give a verbal warning to the organiser; or
- (b) that the meeting or procession was held in peace although the Police had reasons to believe that the organiser had deliberately breached the POO requirement. The Police would then require the organiser to make the notification. If the latter failed to do so, the Police would give a verbal warning to the organiser and inform him that the Police would reserve the right of taking prosecution action against him; or
- (c) that the meeting or procession was held in breach of peace. The Police would give a verbal warning to the organiser and, if it was ignored, direct peaceful dispersal of the crowd or arrest action as appropriate.

38. PS for S(Atg) said that the worries of Mr CHAN Shun-bun might have been caused by his misunderstanding of the explanation made by S for S. He was pleased to have the opportunity to clarify this point such that the public would not be misled. He also suggested the representatives of HKUST Students' Union to refer to the relevant records of the proceedings.

39. Mr CHONG Yiu-kwong said that in December 2000, the Administration had assured that in assessing whether prosecution would be instituted against those who failed to comply with the notification requirement for public meetings or public processions, the Police would mainly have regard to whether the meetings or processions were held peacefully. However, during the motion debate on POO on 20 and 21 December 2000, Mr CHONG noted that the Administration had added new criteria for determining whether or not prosecution should be instituted. He believed that Mr CHAN Shun-bun was referring to the assurance given by the Administration before the motion debate in his criticism of the Administration's failure to honour its promise.

40. Ms Emily LAU asked the representatives of FCC what kind of information they envisaged would no longer be freely available after the proposed legislation to implement BL23 was enacted. She also asked why FCC considered that the proposals to implement BL23 would possibly spark an exodus of journalists and news organisations.

41. Mr Thomas CRAMPTON responded that FCC feared that the proposals, as set out in the Consultation Document, endangered journalists by opening them up to prosecution for merely undertaking normal journalistic activities. He said that journalists also feared that the proposals could inspire a greater spirit of self-censorship which by itself would limit the free flow of information within Hong Kong.

42. Mr Francis MORIARTY said that he did not know exactly what kind of information would be barred because he did not know the details of the proposed legislation to implement BL23. Had the Administration issued the legislative provisions to be proposed to the public, journalists would have known specifically what kind of information might be barred and how much they should or should not be concerned. Mr MORIARTY concurred with Mr Crampton that the proposals were likely to make the problem of self-censorship even worse.

43. Mr Francis MORIARTY further said that it was rather difficult to enter the Mainland from Hong Kong and so reporters might choose to be based in Shanghai or Beijing. He said that if journalists in Hong Kong felt that their freedoms might be at risk, they would consider whether they should still stay here or they should rather move to Shanghai or Beijing for the benefits they could get there. In this way, Hong Kong would easily lose out in the competition with these cities.

44. Mr Francis MORIARTY said that journalists did not know what kind of information might end up being classified as "state secrets". Economic information was a category of information that could become "state secrets", as seen in the case of Xi Yang. Mr MORIARTY said that journalists feared that with the proposals in the Consultation Document, Mainland's notions would be considered when Hong Kong courts arrived at certain decisions, or when journalists decided what news to cover and how to cover it. Mr MORIARTY further said that since it was difficult to tell what kind of information would be defined as "unauthorized information", journalists would be worried as to what kind of information they could report and this would result in restriction of the press.

45. Ms Emily LAU asked why the representatives of FCC would consider moving their bases to Shanghai or Beijing in case they felt that their freedoms were at risk in Hong Kong.

46. Mr Francis MORIARTY responded that if Hong Kong no longer had the margin of liberty, it would lose its important competitive edge relative to Shanghai/Beijing. He explained that, in terms of ease of transportation and of obtaining visas to travel in and out of the Mainland, Mainland cities had an edge. He pointed out that there were journalists and news organisations already making the choice as to whether or not they should be based in Hong Kong.

47. Mr Howard YOUNG said that he was surprised to hear that the proposals to implement BL23 would possibly spark an exodus of journalists and that they would think of Shanghai or Beijing as their alternative bases. He requested Mr Francis

MORIARTY to further elaborate his views on this point.

48. Mr Francis MORIARTY responded that Hong Kong had long been perceived as a place where one could report and work freely and easily since it had good infrastructure and transport. However, with the economic development on the Mainland, Hong Kong did not seem to have an edge over some Mainland cities in terms of infrastructure and transport. Instead, cost had become a factor of consideration. He said that nevertheless, Hong Kong still had an edge and that was the freedom and liberty that people could enjoy here. If these were eroded, or if there was a perception that these were at risk, Hong Kong would lose its competitive edge.

49. Mr MORIARTY further said that if journalists whose jobs were to cover the Mainland began to feel that they had roughly the same chance of being punished here as they might have if they were working on the Mainland, they might prefer to work in Beijing or Shanghai. Moreover, it would be easier for one to move around in the country and to obtain multiple entry visas in the Mainland than in Hong Kong. He stressed that people whose jobs were to cover China would want to be in China and would choose a Mainland city as their base. If there was a perception that Hong Kong was losing its edge of freedom and liberty, journalists would consider moving out.

50. Referring to paragraphs 2 and 3 of the submission from Hong Kong Youth & Tertiary Students Association, Ms Cyd HO asked why the Association, while expressing support for the Johannesburg Principles on National Security, Freedom of Expression and Access to Information (Johannesburg Principles), had expressed views on the proposed offences under BL23 which were contradictory to the Johannesburg Principles. She said that for example, the views expressed by the Association on the theft of state secrets, in paragraph 3.2 of its submission, were in contradiction to principles 6 and 15 to 17.

51. Mr HAU Yuen-yuk responded that the fundamental principle was to protect the State's interests and enactment of legislation to implement BL23 was in line with this principle. As regards the Johannesburg Principles, he supported those which were applicable to Hong Kong. He said that everyone was free to express views on or make suggestions of improvements to the proposals set out in the Consultation Document. He considered that Legislative Council (LegCo) Members had the responsibility to ensure that the Administration took these views and suggestions into account and made appropriate amendments to the future legislative provisions to be proposed to implement BL23.

52. Referring to paragraph 3.3 of the submission from Hong Kong Youth & Tertiary Students Association, Ms Cyd HO commented that, in terms of protection of freedom, it would not serve any useful purpose to exempt only students from prosecution for the proposed offence of sedition, as suggested by the Association. She said that the Association should examine the overall principle of the Administration's proposals, such as whether the proposed offence of sedition should be

provided in legislation, from the perspective of the overall interests of the society.

53. Mr HAU Yuen-yuk responded that as a representative of tertiary students in Hong Kong, he was obliged to make suggestions in their interests and to express their concern. He said that it was impossible for him to speak for every one in the society, while he respected other people's right of making suggestions.

54. Mr HSU Hoi-shan said that while the spirit of the Johannesburg Principles was recognised, they might not be entirely applicable to Hong Kong. He concurred that only those parts of the Johannesburg Principles which were applicable to Hong Kong should be adopted.

55. Mr OR Pok-man concurred with Ms Cyd HO that the suggestion of exempting only students from prosecution for the proposed offence of sedition was problematic as this contravened the principle that everyone was equal under the law.

56. In response to Mr Howard YOUNG's question, Mr YU Shing-chi said that at the present stage Student Christian Movement of Hong Kong opposed the enactment of legislation to implement BL23 for various reasons and one of which was the absence of a democratically elected government. Mr YOUNG asked why Student Christian Movement of Hong Kong had in its submission demanded for the issuing of a white bill if it was opposed to legislation implementing BL23. Mr YU pointed out that as the Administration seemed to be determined to legislate for implementing BL23, it would be better to have a white bill. He said that this would at least enable the public to know the details of the legislative provisions to be proposed and make suggestions.

57. Mr Martin LEE said that when talking about protection of human rights and freedoms, one must not only think about protecting one's own rights and freedoms and disregard others, otherwise one would end up in losing one's own as well. While expressing support for protecting national security, he considered that the protection of national security needed not have to be achieved by sacrificing Hong Kong people's rights and freedoms as these should also be safeguarded.

58. Mr SZE Lun-hung said that the enactment of legislation to implement BL23 should be supported as this was important to safeguard the security of the People's Republic of China (PRC). He considered that there was adequate public consultation on the Administration's proposals and there were checks and balances in Hong Kong's government system to prevent abuses of powers. Mr Peter CHEUNG said that the majority of law-abiding people would not get involved in the proposed offences under BL23 which were about treason, sedition, secession, etc. He considered that legislation for implementing BL23 would not adversely affect Hong Kong people's rights and freedoms.

59. Mr Martin LEE said that he was opposed to the proposals detailed in the Consultation Document because they would undermine rights and freedoms of Hong Kong people. He was also opposed to the enactment of legislation to implement

BL23 because it would restrict the freedoms of Hong Kong people and this was in breach of the Joint Declaration. He said that as declared in the Joint Declaration, rights and freedoms enjoyed by Hong Kong residents would be ensured by law in the Hong Kong Special Administrative Region and the policy would remain unchanged for 50 years.

60. Mr TAM Yiu-chung called on the students to study in detail the proposals in the Consultation Document and not to easily reject them under the influence of other people. He said that the proposals were actually about the prohibition of acts in respect of seven areas which had been clearly defined in the Document. He also considered that the majority of law-abiding people would not get involved in the proposed offences, which were about, for example, levying war by joining forces with a foreigner to overturn the PRC. He pointed out that in fact, some of the BL23 offences were already dealt with under existing legislation, such as the Crimes Ordinance which dealt with treason.

61. Mr CHAN Shun-bun responded that he and his fellow students had studied both arguments for and against the proposals to implement BL23 and had thoroughly examined the grounds of the arguments put forward. He stressed that they were not opposing merely for opposition's sake.

62. Mr CHONG Yiu-kwong disagreed with Mr TAM Yiu-chung that the proposed offences were the concern of a minority of people only. He said that it was also possible for ordinary protests or public processions to result in "levying war" or to develop into a situation involving the use of "serious unlawful means". Mr CHONG further said that even if the BL23 offences were really the concern of a small minority, their interests should not be ignored when it came to legislation. He said that the principle of protection of human rights should not be to protect only the majority's rights and ignore the minority's.

63. Mr OR Pok-man reiterated that the proposals in the Consultation Document were vague and it was difficult to know whether certain acts and behaviour would constitute an offence in relation to the seven areas stipulated under BL23. He said that in fact, he had understood more about the proposals only after attending forums organised for discussion of BL23. He expressed concern that as the public did not understand the proposals very clearly, to legislate for implementing BL23 would not be in the interests of the public. Rather, he was worried that the proposed legislation would be used as a tool to suppress the freedoms of Hong Kong people.

64. Mr OR further said that he had no confidence in the present legislative process in ensuring prudent scrutiny of the legislative provisions to implement BL23 when they were introduced into LegCo. He said that problems had been created by the procedures adopted by the Council for voting on bills and motions as demonstrated in the results of voting on the recent motion debate on reducing transport fares. He pointed out that the voting system had resulted in the passage of a motion not supported by the community.

65. Mr OR also disagreed that the proposed offences under BL23 would not be easily committed by ordinary people. He said that it was not clear as to whether possession of political publications by students would be caught by the proposed offence of sedition under the current proposals. He added that he had recently purchased a compact disc titled "Country of Tibet" and he wondered whether it would be regarded as a "seditious publication". He further said that students often had contacts with foreign organisations and it was not known when and which of these organisations would be proscribed by the Mainland authorities on the grounds of engaging in secession.

66. Mr TAM Yiu-chung explained further his view that the majority of Hong Kong people would not get involved in the proposed BL23 offences which were about levying war by joining forces with a foreigner to overturn the PRCG; compelling the PRCG to change its policy or measures by force or constraint; or putting any force or constraint upon the PRCG, etc. He considered that if people had perused more thoroughly the Consultation Document, their worries would have been eased. He said that some of the students' worries were unnecessary and were caused by misunderstandings. He clarified that the motion debate referred to by Mr OR Pok-man carried no legislative effect and was not binding on the Government. He assured the representatives of the deputations that when enacting legislation on BL23, LegCo Members would make every effort to ensure that the provisions were in order.

67. The meeting ended at 5:35 pm.