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Dear Member,

As a former member of the Legco Security Panel, I hope I may be excused for sending you my reflections on the controversial Article 23 of the Basic Law. I do so out of concern for the harmony of our community, which at present seems to be divided on the issue.

1. Probably no one would doubt the need for national security in these days when most nations are concerned about the easy availability worldwide of dangerous weapons, and the rise of radical religious, political, and official as well as terrorist activities causing violence and death in unexpected places.
2. Heavy pressure has been placed upon the Secretary for Security, who appears to have done her utmost to allay the fears of those who seem to believe that Article 23 is an unnecessary piece of legislation. Apart from the fact that this Article is a requirement of the Basic Law, similar legislation has been adopted by many other countries, and is even being tightened considerably and alarmingly by the United States, as a result of recent violence from the skies in that country and elsewhere. The Secretary's proposals submitted in September 2002 appear not to have been given due consideration by her opponents. On those proposals the Secretary agreed to give consideration to all suggested amendments. I believe that the general public, especially those who have not read the text of the proposals, have been influenced against whatever the Secretary says, by critics who make it their business to oppose whatever the government may propose.
3. A paper produced by the Security Bureau in October this year indicated that laws against treason, and the other political crimes named in Article 23, are more lenient and will continue to be more lenient in Hong Kong than those in other countries, such as Singapore and the United States, both of which countries maintain the death penalty as the ultimate punishment, in contrast to life imprisonment in Hong Kong.
4. The blue paper entitled "Proposals to implement Article 23", dated November 2002, pinpoints some public misunderstandings that have no doubt been propagated by those who will never be reconciled to any proposals outside their own agenda, but whose influence may easily mislead others. Adversaries of the Chinese Government will, by nature, never be persuaded, but they may have an undue influence on others less informed on legislative procedures. Those who served on the Legislative Council prior to 1997 will recall that similar worries were raised in the same quarters by adversaries of the composition of the Court of Final Appeal, which fears were subsequently proved to be unfounded..

5. While agreeing that some minor details in the proposed Article 23 may require fine-tuning, I have sufficient knowledge of the legislative process to believe that these can be dealt with during scrutiny of the Blue Bill, while a White Bill would merely be a repetition of the original consultation paper and of adverse views already dealt with in the period that ends on 24 December this year. The world situation is too serious to risk any further delay in legislation that has waited all too long since reunification..
6. I hope Members will bear with me when I mention that China has never, to my knowledge during the past fifty years, broken any international agreements, even those agreements that were unfair and deprived China of her own territory. Moreover, other countries, some not very friendly towards China, have admitted that China has honoured the "One country two systems" concept, while the prophets of doom have been found wrong time and time again.
7. Most members will be aware that during the colonial period, as a British citizen, I sometimes took complaints from Hong Kong people to the British Government in London for redress, and reforms were eventually introduced. I would count it treasonable if I were to have taken those complaints to other countries to stir up ill-feeling against my home government. Consequently I take a dim view of those who denigrate their own country in the eyes of other governments, and seek comfort from some extreme right-wing politicians of foreign nationality. Those seeking support from the United States, should recall that the United States lost its seat on the United Nations Human Rights Committee quite recently, because of its poor record of human rights. That country is therefore not qualified to preach human rights to Hong Kong. Anti-China propaganda could result in China being wrongly relegated to "axis of evil" status by prejudiced foreign politicians.
8. Younger Members of the Council may not be aware that a decade ago the critics who now oppose Article 23 so strongly, refused to sign a petition calling for unconditional support for China's "most favoured nation" trade agreement with the United States. They knew that refusal of that status would cost Hong Kong workers tens of thousands of jobs, and that opposition was not in the interests of Hong Kong. Their motives are therefore questionable.
9. Finally, I wish to express my pleasure that the majority of Legislative Councillors, who are all elected by one method or another, have maintained a balanced view. Democracy is the art of compromise for the good of the general public. It is not a monopoly of any one political party for its own interests. Let us seek harmony and reasonable compromise, and exercise trust based upon past fulfilment of the promises made in the Basic Law..

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