

Chairman

The Bar Association

MONS & CONS

Fax 28690189 (3 pages)

11/2/2003

Re: The Article 23 Concern Group

Dear Sir,

I read all the eight pamphlets written by the few outspoken barristers/professors and I note with interest that at least two have the title of QC attached in addition to another title of SC.

2 The grey pamphlet spells out what some of the legal men want for the proposed Article 23 in two specific categories *a* is overall concerns *b* specific concerns. Attached to each of the 7 pamphlets there is already a frank conclusion that the proposed Article 23 is going to harm HK and that they are making an effort to prevent it from happening. These legal men/women then went a step further by asking people to oppose Article 23.

3 Indeed what a big trap for people on the street. This is a big trap because people are given something very serious to read, with/without understanding them; then they are advised not to judge for themselves and in effect their freedom of choice is skillfully denied. I happen to know that in any court of law in the common law system, no leading question is allowed. How then people practising law can lead people to oppose Article 23 and people who allege to fight for freedom and human rights.

can openly deny people's freedom of choice?

4 The HK SAR now comes out with another little pamphlet in "Way forward" to show the results of the 3-month consultation and the various ways with <sup>which</sup> the original proposals are compromised to take on board meaningful comments from various sectors of the community, including proposals for the BARR associations, eg. deletion - threat of force; resisting the exercise of sovereignty; misprison of treason; possession of seditious publications; protecting the press by redefining "unauthorised access" to protected information; by requiring a judicial warrant in the seizure of journalistic materials; strengthening judicial safeguards by allowing alleged persons to opt for trial by jury (in big contrast to what the legal world do in this case) and appeals to be heard by court - whether in fact a law.

5 Despite all these well-intended changes to the original proposals, a SC was heard to say this in a TV interview in

(i) the government should not embarrass the court by bringing political cases to them. (Please correct me if I am wrong)

(ii) 不管雞仔管麻鷹

6 I find these very odd. Is it not <sup>what</sup> their grey pamphlet asked for? After all it is precisely the function of the court; and the judges are supposed to be learned legal professionals for the job. I suggest that these barristers should not belittle the role of the Court/Judges, and they

might make reference to their dream-country of USA when the Americans urge George Bush to deal with their political convicts in court and not to lock them away without trial.

7 In respect of (ii), I ask if the SC is suggesting that hacking, theft or bribery is a lesser crime than 'unauthorized access' to protected information and hence, should be condoned?

8 I am not trained in law and obviously do not know much about law but honestly I find the some of the proposals in these 8 pamphlets very strange and do not stand up to logic. and in some cases they may seem to endorse double standard as they do not seem to abide by the common law system. Is it not true to say everyone is equal before the law? layman a lawyer alike?

9 I take great pride of the fact that HK, at last, has been returned to China and also being a permanent resident of HK. I respect anyone's choice of becoming a foreign national but please do not rock the boat.

cc Security Panel (attn: Lau Kong Wah)  
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Yours ever  
KK Liu