

Doing Justice to Public Opinion in Public Consultations: What to Do and What NOT to Do

**A Case Study of the Government's Consultation Exercise
on its Proposals to Implement Article 23 of the Basic Law**

A Report

by

The Research Team on the Compendium of Submissions
on Article 23 of the Basic Law

(Enhanced Version)

10 June 2003

This enhanced version is slightly different from the one released to the press at the press conference held on 26 May 2003 in the following aspects:

The summary section, now in bilingual format, is put at the front of the report for easy reference. This section was also slight revised.

Some new appendices have been compiled, to include the powerpoint slides presented at the press conference, and newspaper clippings of the occasion. The order of the appendices was also changed.

Stylistic changes of the original report here and there.

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Last but not least, all those who were concerned enough to take the time and energy to make their opinions on Article 23 legislation known to the Hong Kong Special Administrative Region Government in this consultation exercise, whereby providing our team the substance and drive to undertake this study.

PREFACE

The idea of re-analyzing all of the more than 100,000 public submissions on Article 23 of the Basic Law was first brought up at an Expert Meeting hosted by the Concern Group on Article 23 of the Basic Law on 14 February 2003. The experts attending that meeting were Drs Boris Choy, Clement So and Robert Chung, all of whom became subsequently involved in this project.

Although the three experts had already in other occasions expressed their views on the government's *Compendium of Submissions on Consultation Document on "Proposals to Implement Article 23 of the Basic Law"*, they had never thought that a comprehensive and thorough re-analysis of the submissions was possible, until that date.

Academics are not well organized, and very few scholars can afford the time to take on such no-pay jobs. Had they been paid however, their impartiality could have been questioned. Moreover, if the government could not do the job well with its huge team of officers, how could a few scholars with little resources do it better?

However, three had gathered, and three times three would be nine. That was roughly what has happened, and by 25 February 2003, the Research Team was officially formed. In another week's time, the Project Manager was also recruited. Thanks to the hard work of all the team members and the manager, mission impossible was accomplished in three months' time. Using academic scales, this was rocket fast, and bearing in mind that there was an outbreak of SARS in mid-March.

Now that the original plan has been achieved, team members are thinking of "what's more?" A series of newspaper articles are going to be written in the coming weeks, and some academic articles are already in the pipeline.

Looking backward, we should have thanked the government for not having done the job properly, otherwise there would not be a chance for us to demonstrate our skills. Looking forward, however, we would hope that such dirty and tricky works would never have to be done again, by anybody else.

Robert Chung
Honourary Secretary of the Research Team
June 2003

SUMMARY OF FINDINGS

(Please also see Appendix 12)

The Research Team on the Compendium of Submissions on Article 23 of the Basic Law (the Team) considers Article 23 a very complex issue that it is inappropriate to simply divide the public opinions into three camps of “yes”, “no” and “uncertain” as the way the Hong Kong Special Administrative Region (HKSAR) Government did. Careful study of the submissions reveals that a considerable number of people agreed in principle the implementation of Article 23, as it is duly stipulated in the Basic Law, but found most proposals listed in the consultation document unacceptable. This is particularly true in cases that argued for “minimal legislation” of the article. In view of this, our report differentiates the opinions towards Article 23 into two dimensions: the principle (Stand1) and the proposed legislation content in the consultation document (Stand2). Since it is stipulated in the Basic Law that the HKSAR shall enact security laws in accordance with Article 23, the principle is expected to be less controversial. But opinions toward the consultation document, including the content and the timing of enactment, could be severely divided. *Our report advises that we should pay more attention to the opinions expressed towards the specific proposals of the consultation document.*

Public Positions on Article 23 Legislation

1. The Team’s study showed that in the about 8,000 independent submissions, 56.7% supported Article 23 legislation in principle (Stand1), 35.5% were against. If only the about 7,000 submissions from individuals were counted, then 52% supported Article 23 legislation in principle, and 39.3% opposed. The group submissions had 82% supported Article 23 legislation in principle, with 14.9% against.
2. For the content of the Article 23 Legislation, if the 8,000 independent submissions were counted, 52.7% supported the proposed legislation content (Stand2), while 44.6% opposed. In the 7,000 independent submissions from individuals, 48.0% were in support while 48.9% were opposed. Seventy-eight percent of the groups supported the proposed legislation content, and 20.3% against.
3. In all the independent submissions, 52.7% supported both the legislation principle and the proposed legislation content (Stand1 and Stand2). 35.5% opposed both in principle and the proposed legislation content. There were 3.5% that supported Article 23 legislation in principle, but opposed its content. Another 5.6% supported in principle but did not express a clear position about the proposed legislation content.
4. If all expression of opinion from all individuals (i.e. including all submissions) was counted, then a total of 369,374 individuals have expressed their opinion. Of these only 34.6% supported the proposed legislation content, while 62.6% opposed.
5. Of the 8,000 independent submissions, 1,694 or about 21% expressed a clear position on whether or not a white bill is needed. Of these 1,016 supported or asked for a white bill

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(12.7% of total independent submissions), while 678 opposed (8.5%). For those who have expressed their opinions, the ratio of proponent to opponent of a while bill was roughly 60% to 40%.

Specific Concerns of Citizens

1. For those who supported the proposed legislation content, the most oft-cited reason was that “it can protect national security and interests” (67.7% out of the 4,221 submissions which favored Stand2), followed by “helping stability and prosperity of HK” (39.3%), and “it is stipulated in the Basic Law” (29.6%). Other major reasons given included “to actualize the policy of One Country, Two Systems” (19.9%), “common international practice” (14.0%) and “to better protect human rights” (5.5%).
2. For those who opposed Article 23, the most oft-cited reason was that it would hurt human rights and freedom (66.4% out of the 3,570 submissions which opposed Stand2). The second most cited reason was “it will hurt the policy of One Country, Two Systems” (28.5%). It is followed by that “the [consultation] document is vague and lacks details” (24.3%), “hurting investors’ confidence and the economy” (14.0%), “not enough time for consultation” (10.9%), “timing is not right” (10.0%), “the consultation lacks sincerity” (8.4%), and “no need to legislate because the current laws have covered the crimes concerned”. (6.2%).
3. Most of the submissions did not mention concerns about the specific provisions in the consultation documents (the proposed legislation content or the so-called “seven crimes”). Only about 10% of the submissions expressed concerns about the specific “crimes”. Among them the section on sedition received most concerns (52.8% out of the 864 submissions which showed concerns), followed by police investigation power (47.5%), ties with foreign political organizations (43.1%), theft of state secrets (42.6%), subversion (37.2%), treason (36.6%), and secession (23.6%).

Differences between Our Results and the Government’s Report

1. Firstly, the Team distinguished between the legislation principle and the proposed legislation content (Stand1 and Stand2) for Article 23 legislation. This allows us to better look into the details of the true opinions of the public. The Team discovered that about 9% of the submissions agreed or were uncertain to the principle of Article 23 legislation, but opposed the proposed legislation content in the consultation document.
2. The percentages of the public that were in support and opposed Article 23, as reported by the government, was slightly different from the Team’s Stand1 or Stand2 figures. A major reason was that the government put some 15% of the cases into Category C (uncertain), whilst the Team found that a lot of these Category C submissions could be categorized into positions of “support” or “oppose.” In the 1,068 Category C cases, our classification showed that in fact 796 (74.5%) were opposed to the proposed legislation content (Stand2) while 100 supported (9.4%). Only 16.1% of these cases were classified as “uncertain.”

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3. The Team think there is no reason to treat “standard letters” and “signature forms” differently. Both were simple expression of opinion by signing a name on some pre-designed forms. If they are treated the same and the opinions of all individuals were counted the same, then the Team found that 62.6% opposed the proposed legislation content, in comparison to the 34.6% supported.
4. The government’s report did not include analysis of the detailed content of the submissions, including reasons for supporting and opposing, and the major concerns of the citizens. The Team’s analysis on the reasons for supporting and opposing the consultation document, and the views on specific provisions, can help to address the exact concerns and is more useful in improving the policy document.

Other Analyses

1. Group submissions had 78% supporting versus 20.3% against the proposed legislation content (Stand2). Among the groups the business groups, labor groups, community groups had a very high percentage of supporting (87%, 86% and 95% respectively). The political groups (26% support and 65% against) and religious groups (9% support and 91% against) were generally against legislation.
2. The submissions from a lot of community groups were almost identical in content and even format, similar to “standard letters.” These community groups spanned a wide range of nature, but many of their submissions had similar content.
3. Submissions in English had an overwhelming ratio of opposing the proposed legislation content (81.7% opposed vs 12.2% supported, 1,370 submissions in total). The 6,601 submissions in Chinese had 36.6% opposed and 61.4% supported.
4. The submissions that are longer in length had a higher percentage of opposing the proposed legislation content. For example, the 1-page submissions had 55.0% supported but 42% opposed the legislation, while for the submissions that were 5-page long or above, 72% were opposed and 23% supported the proposed legislation content. If the length of the submission was used as a measure of quality of opinion, then more of the better-thought-out submissions were opposed to the legislation.
5. Public opinion on Article 23 had a definite time trend. From 16 September 2002 to the end of October, about 70% of the submissions were in favor of the proposed legislation content. The submissions in November saw an overwhelming support (88.4% support). But among the submissions after 16 December 2003 which constituted 42% of all the submissions, 70% of were against the legislation.
6. The overseas submissions were overwhelmingly opposed to the proposed legislation content (97.6% opposed and 1.4% supported). If only the local submissions in the 8,000 independent submissions were counted, then 63.2% supported the proposed legislation content, and 33.7% opposed.

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7. For the standard letters, 86% of the letters were in support of the proposed legislation content, with 13.6% opposed. In terms of the number of people represented by the letters, 65% (54,001) supported the legislation, and 34.7% (28,677) opposed to the legislation among those who submitted standard letters. For signature forms, about 71.7% (196,745) opposed legislation, with 24.7% supported (67,633).

Comments and Suggestions on Government's Consultation Exercises

1. The major problem of the government's consultation this time is the failure to use an appropriate method to collect quality opinions. The consultation document did not provide options nor discussion points concerning the specific legislation proposals for public discussion, resulting in citizens' oversimplified expression of their stands and emotionalizing the discussion process and further enhancing social polarization. Our study shows that only 10% of the submissions mentioned the specific provisions in the consultation document. And the government Compendium just focused on whether citizens supported legislation or not., without analysis of citizens specific concerns. If what the government wants is just simply the answer to the question "Whether support legislation or not?", a scientific public opinion survey could serve the purpose. The conduction of a three-month long territory-wide public opinion collection just to get a "Yes/No" answer is undoubtedly a waste of social resources.
2. During consultation, the government did not clarify how the opinions would be analyzed. The Team's analyses showed that different ways of counting can result in different interpretation. In fact the Team also see that 1) the government is unclear of the definition of "support" (Does it mean to support legislation in principle or to support the proposed legislation content?); 2) its ways of counting are also not convincing (Why were standard letters and signature forms treated differently?). This would just give the public an impression that the government cheated in the consultation process, damaging the credibility of consultations alike in future.
3. Specifically speaking, we have the following suggestions for similar large-scale consultations of the government in the future:
 - (1) **The government needs to clearly define the key points for collecting public opinion, as well as providing options;**
 - (2) **Be fair in treating all opinions expressed, preferably state the analysis strategy before the consultation; and**
 - (3) **Appoint an independent organization to collect public opinion and carry out analyses to enhance credibility.**

研究結果摘要

(請參閱附錄十二)

基本法第二十三條公眾意見匯編研究組（研究組）認為二十三條立法是一個十分複雜的題目，香港特別行政區政府把公眾意見簡單地分成「支持」、「反對」和「沒有明確立場」的做法並不恰當。深入研究遞交的意見書，會發現不少人士原則上支持如基本法上所規定根據第二十三條立法，但認為諮詢文件內的大部分建議難以接受，尤其是在要求最低限度立法的情況中。有鑑於此，研究組的報告把對二十三條的意見分成兩個層面：原則（Stand1）和諮詢文件內有關立法的建議（Stand2）。由於基本法規定了香港特別行政區須根據第二十三條落實保安條例，其原則會有較少爭議，但對於諮詢文件的意見，包括其內容及立法時間，則可有很大的分歧。*研究組的報告建議應多留意與諮詢文件內具體建議有關的意見。*

公眾對廿三條立法的立場

1. 若計算所有共約 8,000 份獨立意見書（包括團體和個人），有 56.7%原則上支持廿三條立法(Stand1)，35.5%反對。如果只計算約 7,000 份個人意見書，則有約 52 %原則上支持廿三條立法，39.3%反對。團體意見書中有 82%原則上支持立法，而有 14.9%反對立法。
2. 針對廿三條立法的具體內容(Stand2)，在 8,000 份獨立意見書中，有 52.7%支持建議立法內容，44.6%反對。如果只分析約 7,000 份個人意見書，則有 48.0% 支持立法內容，49.1%反對。78%的團體支持立法內容，而 20.3%反對。
3. 在所有獨立意見書中，52.7%同時原則上支持立法及支持立法內容，而有 35.5%則從原則或內容上都反對立法（Stand1 and Stand2）。有 3.5% 原則上贊成立法但反對立法內容，而有 5.6%原則上贊成立法但對內容沒有明確立場。
4. 若不論表達形式和深度，只計算曾表達意見之個人（包括所有意見書），共有 369,374 人次曾表達意見。其中只有 34.6%支持建議立法內容，而 62.6%反對。
5. 在 8,000 份完整意見書內，有 1,694 份(約 21%)清楚表達對白紙草案的立場，其中 1,016 份支持以白紙草案或法例初稿形式再行諮詢(佔意見書的 12.7%)，而 678 人反對（8.5%）。單就針對白紙草案表態的人士分析，贊成與反對約為六與四之比。

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市民的具體憂慮

1. 支持立法內容(Stand2)者中，最常提及的理由是「維護國家安全」(在 4,221 份支持立法內容的意見書中，67.7%提及這理由)，其次為「有利香港安定繁榮」(39.3%)，及「落實基本法規定」或「基本法中已有規定」(29.6%)。其他主要理由包括「落實一國兩制」(19.9%)、「其他國家也有類似法例」(7.3%)和「更有效地保障人權自由」(5.5%)等。
2. 反對立法內容者中，最多人提及的理由為「損害人權自由」(在 3,570 份反對立法內容的意見書中，66.4%提及這理由)，其次為「損害一國兩制」或「將大陸一套帶來香港」(28.5%)。其餘理由包括「諮詢文件內容含糊／不夠清晰」(24.3%)、「損害投資者信心及經濟」(14.0%)、「諮詢時間不足」(8.4%)和「現行法例已足夠／毋須另立新法」(6.2%)等。
3. 大部份的意見書都只簡單地提出對廿三條立法的贊成或反對意見，而沒有就諮詢文件中的具體條文(有關立法的建議或所謂「七宗罪」)提出意見。只有約一成的意見書就具體條文表達憂慮。其中最多人憂慮的是煽動罪部份(在 864 份就具體條文表達憂慮的意見書中，52.8%提及這憂慮)，其次順序為警察調查權力(47.5%)，與外國政治組織聯繫(43.1%)，竊取國家機密(42.6%)、顛覆(37.2%)、叛國(36.6%)和分裂國家(23.6%)。

研究結果與政府結果的分別

1. 研究組界分了原則上支持(Stand1)和支持立法內容(Stand2)，可更細緻地了解公眾對廿三條立法的態度。研究組亦發現有約 9%的意見書，雖然原則上贊成廿三條立法或態度不明確，但卻反對建議的立法內容。
2. 研究組分析後所得的贊成和反對比例，與政府的略有出入。其中一個原因相信是政府分類中將多達 15%的意見書列為「不能分類」，但當研究組將之進行分析時，卻發覺不少都可以界定為贊成或反對的立場。
3. 研究組認為沒有理由要將「一人一信」和「簽名表格」用不同的原則處理；因為兩者其實都是表達意見者，在其他人為他而寫的意見書上簽個名以表示支持。若將它們一視同仁，便會發現在所有表達意見的個人中，62.6% 反對立法內容，只有 34.6% 贊成。
4. 政府的民意匯編報告沒有分析贊成和反對的原因，也沒有分析市民表達的憂慮。研究組的分析包括表達意見者支持和反對的理由，以及對具體條文的意見，對制訂政策有指導作用。

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其他分析結果

1. 團體意見書中，78.0%支持立法內容而 20.3%反對立法內容。其中以商界團體(87%支持)、勞工團體(86%支持)，和社區團體(95%支持)的支持比例最高。政治團體則只有 26%贊成，但有 65%反對立法內容，而宗教團體則有 9%贊成而 91%反對。
2. 團體意見書中，有大量社區團體的意見書無論在內容或格式上都非常接近，和「標準信件」實際上差不多。這些團體的性質和地域都大有不同，但內容則差不多一樣。
3. 英語意見書反對立法內容的比例甚高(81.7%反對,12.2%贊成；總數 1,370 份)，而在 6,601 份中文意見書中，有 36.6%反對立法內容，61.4%贊成。
4. 較長之意見書較為反對立法內容。所有長不超過一頁的意見書中，55.0%支持立法，42.5%反對立法，但在五頁或以上的意見書中，72.0%反對而只有 23.2%贊成。若以意見書長度作為意見認真程度或「質素」的量度標準的話，則較有質素的意見傾向較反對立法內容。
5. 在諮詢期內不同時段，支持和反對的比例有明顯不同趨勢。從九月十六日至十月底，大約 71.5%意見書是支持立法的，而十一月更有 88.4%支持立法內容，但在諮詢期愈後期，反對立法的比例愈高；在十二月十六日後遞交的意見書（佔總意見書 42%），則有 70.3%是反對立法內容的。
6. 海外意見書絕大部份反對立法(1,363 份的 97.6%反對，只有 1.4%贊成)。如果單計本地意見書，在 6,645 份獨立意見書中，有 63.2%是贊成立法內容，而 33.7%反對。
7. 一人一信中，有 86%的意見書是支持立法內容的；如果以代表的人數計，則在標準信件中有 54,001 人(65.3%)是支持立法內容，而有 28,677 人(34.7%)是反對。但在各簽名表格中，反對的則佔 71.7%(196,745 人)，只有 24.7%(67,633 人)贊成。

對政府諮詢工作的意見及建議

1. 政府是次諮詢的主要問題是沒有適當的方法去蒐集有質素的意見。諮詢文件沒有提供選擇，也沒有簡單的提出立法具體建議的討論要點以供公眾討論，結果令市民的意見流於簡單表態，也令討論過程變得情緒化，加深了社會的分化。此研究顯示只有 10%的意見書真正提及諮詢文件的具體內容，而政府的報告也只集中市民是否支持立法，而沒有分析市民的具體憂慮。如果政府要的只是簡單的「是否支持立法」的答案，只需進行科學的民意調查便可以，進行一個全港性歷時三個月的大型民意蒐集，來得出一個「是」「否」的答案，無疑浪費社會資源。

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2. 政府在諮詢時，沒有申明意見會如何分析。研究組的分析顯示：不同的計算分法可以對民意產生很不同的詮釋。事實上我們也看到：1) 政府對何謂贊成的界定不清楚（是原則上贊成立法還是贊成立法內容？）；2) 計算的方法也缺乏說服力（為甚麼一人一信和簽名表格的處理方法不一樣？）。這樣只會令人覺得政府在諮詢過程中作弊，損害以後同類諮詢的公信力。
3. 具體而言，研究組就以後同類的大型諮詢，有以下建議：
 - (1) 政府需要清楚界定蒐集民意的要點，並且提供選擇；
 - (2) 要能公平地對待各項表達意見，最好能在諮詢前列明意見的分析方法；
 - (3) 委任獨立機構蒐集民意及進行分析，以增強公信力。

FOREWORD

As social researchers, we believe that responsive governance is good governance – government decisions and policies should respond to public views and demands. Our government itself has always claimed that it attaches “great importance to comments from the public” (See “We welcome your views” section, in *Consultation Document on “Proposals to Implement Article 23 of the Basic Law”*). But mere acknowledgment of the notion is not adequate; it is important that we strive to ***do justice to public opinion***, failing which there is no point in talking about government responsiveness. By “doing justice to public opinion”, we mean that ***the right instrument has to be used, and the instrument has to be used right, in a genuine effort to gauge what the public really think and want.***

The Research Team on the Compendium of Submissions on Articles 23 of the Basic Law (the Team) conducted this project in order to assess how well the Hong Kong Special Administrative Region (HKSAR) government fared in this respect. We drew on a case study of the government’s high-profiled public consultation exercise on its proposals to implement Article 23 of the Basic Law, which is one of the most controversial issues in post-handover Hong Kong.

The legislation of Article 23 is indeed contentious. The government reported that during a mere 3-month consultation period spanning from 24 September to 24 December 2002, a total of 100,909 submissions (of which 97,097 were local), representing views of 369,612 individuals (340,513 from Hong Kong) and over 1,000 organizations, were received which were compiled in the Compendium of Submissions on Article 23 of the Basic Law (the Compendium). The supporting camp and the opposing camp alike had staged extensive mobilization campaigns. Tens of thousands of people took to the streets. On this subject matter where public views have shown to be quite polarized, it is ever more important that justice has to be done and be seen to be done to public opinion. If we talk about single issue saliency, this case would rank high up on the list.

Specifically, we are interested in finding answers to the following questions:

- ✧ How the government went about soliciting and collecting public views;
- ✧ What it has collected;
- ✧ How the wealth of information received during the consultation exercise was handled and analyzed; and
- ✧ What conclusions were being drawn.

Answers to these questions would be pivotal in deciphering whether the instrument of public consultation has been used right on this occasion and whether it was the right instrument, or in other words, whether justice has been done to the public opinion. The Team hope that by scrutinizing the consultation process and reanalyzing the submissions more scientifically and thoroughly, we would be able to set the record straight as to what the true concerns of Hong Kong citizens are, and set a benchmark for future solicitation, collection and analyses of public opinion. The Team have a keen interest in seeing that justice is done to public opinion.

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On a final note, the Team cannot emphasize enough that the focus of this project is not on scores keeping or finger pointing. Rather the Team are motivated by a sense of civic duty to take stock of this public consultation exercise on Article 23 legislation to develop a list of dos and don'ts for future public consultations.

METHODOLOGY

What the Government Did

The government published on 24 September 2002 a consultation document on “Proposals to Implement Article 23 of the Basic Law” and asked the people to send in their views and comments by 24 December 2002.

There was not a structured questionnaire because the government “[considered] it important to give free rein to the public to express their views” (See “Foreword”, in *Compendium of Submissions on Consultation Document on “Proposals to Implement Article 23 of the Basic Law”*, vol. 1, page 1). Therefore, by design, the submissions received and listed in the voluminous Compendium vary considerably in both the format and the content. The hefty and imminent task was then to sift through the submissions, classify them and organize them so that they can be meaningfully considered in the policy formulation process.

The government did not explain how the 100,000+ submissions had been coded, but as judged from the figures published in the Compendium, the following 9 variables formed the obvious list:

- ✧ Serial number;
- ✧ Number of volume in the Compendium where the submission can be found;
- ✧ Where the submission came from: local or overseas;
- ✧ Type of submission: from organization (type 1; serial number starts with A), from individual (type 2; B), in the form of standard letter (type 3; C), or in the form of signature form (type 4; D);
- ✧ Name of organization or individual (for type 1 and 2 submissions only);
- ✧ Number of forms involved (for both standard letters and signature forms);
- ✧ Number of signatures involved (for signature forms only);
- ✧ Inclination toward legislation: support, oppose or uncertain; and
- ✧ Inclination toward a white bill as opposed to a blue bill: support a blue bill, request a white bill or preference not indicated.

What the Research Team Did

The Team admit that working with qualitative information is a tricky business. On the one hand

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you would like to achieve maximum degree of comparability among the cases, but are afraid of leaving out a wealth of information on the other. If you try to be exhaustive, you are heavily strained by the resources in hand, primarily time. After you have settled on the variables to include, you need to consider the classification scheme under each variable. The categories need to represent meaningful and real differences, and they have to be mutually exclusive. Another fine line to tread is: if the categories are too broad, you lose information; but if the differences among categories are minute, the risk of inconsistency in coding escalates.

Striking the balance is not easy. That was why the Team spent a lot of time hovering over the coding scheme and the coding sheet, during which 2 rounds of pilot coding of sample submissions were performed. The coding scheme had been refined many times until the team finally settled on 45 variables (Please refer to Appendices 7 and 8 for more details), grouped under the following 25 items:

- i. Coder: name of coder responsible for coding the particular submission;
- ii. ser_let: letter part of the government assigned serial number that reflects the government's somewhat dubious typology of submissions (from organizations, individuals, standard forms, and signature forms);
- iii. serial#: serial number of each submission;
- iv. vol: number of volume in the Compendium where the submission can be found;
- v. gc: government categorization of the submission's inclination toward legislation (support, oppose or uncertain);
- vi. name: name of organization or individual;
- vii. origin: local or overseas;
- viii. date: date of submission;
- ix. ind_v_gp: submission by individuals, groups, or a combination of both;
- x. type: type of submission(unique letter, standard letter/form, or signature form);
- xi. no_gps: number of groups involved;
- xii. type of groups: community, business, education, political, religious, professional, news related group, and labour union;
- xiii. no_inds: number of individuals involved;
- xiv. no_forms: number of forms involved;
- xv. no_sigs: number of signatures involved;
- xvi. no_pages: reflect the sophistication level of the submission to a certain extent;
- xvii. language;
- xviii. stand1: support vs oppose legislation in principle;
- xix. stand2: support vs oppose government's proposals;
- xx. view1 to view14: 14 separate variables recording whether specific rationales were mentioned;
- xxi. concern: whether specific concerns or worries about the proposals were mentioned;
- xxii. 8 separate variables recording respondents' concerns or worries;
- xxiii. w_bill: support or oppose introduction of a white bill or preference not indicated;
- xxiv. check: whether the case warrants re-examination; and
- xxv. study: whether the case warrants further in-depth study.

The expansion of 9 variables used by the government into 45 variables used by the Team

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indicated that a lot more useful information can be extracted from these public submissions than what was reported in the Compendium. As shown in this report, they were crucial to the analysis and understanding of public opinion in its many facets.

In particular, it is conceivable, and indeed factual, that some people would support legislation in principle but find the specific proposals unacceptable. This could be one of the reasons why the government found it difficult to classify some of the submissions regarding their inclination toward legislation. Since the Team found that a considerable number of submissions were supportive in principle of legislation to implement Article 23 but opposed the content of the consultation document, the submissions were reclassified according to ‘support’, ‘oppose’ or ‘uncertain’ to the following two variables:

- ✧ Stand1: Stand on the legislation principle to implement Article 23; and
- ✧ Stand2: Stand on the legislation to implement Article 23 in accordance with the proposed legislation content in the consultation document.

For submissions that strongly supported the principle of legislation but did not mention any content of the consultation document, they were classified as supportive to the proposed legislation content in the consultation document. Similarly, submissions that strongly opposed the principle of legislation but did not mention any content of the consultation document were classified as opposed to the proposed legislation content in the consultation document. *Since the aim of the consultation as stated in the Compendium is to solicit views from the public on the government’s proposals, public views on the proposed legislation content of the consultation document (Stand2) rather than the principle of legislation (Stand1) is more important.*

In addition to describing the people’s stands toward the legislation proposals, it is equally important, if not more important, to unravel the rationale(s) behind these stands. During the 2 rounds of pilot coding, we have identified 14 most often cited rationales and include them in our coding scheme.

As a considerable number of the submissions discussed during the two rounds of pilot coding raised concerns about specific sections of the consultation document, the Team decided to collect information from all submissions in this respect as well. We not only asked whether concerns or worries were expressed, but also had those areas of concerns or worries identified.

DATA AND ANALYSES

The Compendium

In the Compendium, the government-classified “unique letters” were printed in volumes 2 to 18, of which the first 4 volumes were devoted to submissions from organizations. It was reported that there were a total of 1,127 organization submissions (Type 1, serial numbers go from A000001 to A001127), of which 1,067 were local submissions. Since one local organization explicitly requested anonymity, its submission was not included in the Compendium (there was no A000010), making 1,126 the total number of organization unique letters, local and overseas inclusive, under the government scheme.

Type 2 under the scheme meant “unique letters” from individuals. They constituted 13 volumes of the entire 19-volume Compendium (serial numbers from B000001 to B006436, with some skipped numbers in between). The government listed 6,396 submissions, of which 5,157 were local, and the rest from overseas. However, it was also reported that 11 overseas individuals requested anonymity and were thus not printed. It should be noted that, in the government tabulation of views expressed in the submissions, all the 12 omitted cases, from organizations or individuals, were included.

The remaining volume 19 of the Compendium was a parade of standard letters/forms (Type 3, C1 to C434) and signature forms (Type 4, D1 to D94). It must be emphatically stated that these represented only samples. The government identified 82,282 submissions as belonging to Type 3 (standard letters/forms), involving 87,658 signatures, and from which a sample of 434 submissions were selected and included in the Compendium (please check!). As for the signature forms, the Compendium listed 94 versions, but they were samples of a pool of 11,104 submissions, which involved 271,747 signatures (Appendix 10 presents an overview of the structure of the Compendium).

Limitations of the Compendium and the Government’s Classification Scheme

(1) Sample forms in volume 19:

It is entirely understandable and within reason for the government to print only samples of the standard letters and signature forms. After all, they were supposed to be identical.

Identical forms they might be, the arrangement posed great difficulties to the Team’s effort to construct a dataset out of the Compendium and hampered our analyses nevertheless:

- ✧ Some standard forms allowed the senders of the submissions to choose from options provided to indicate whether they supported or were in opposition to the proposed legislation (e.g. C177, C179, C181, C339, C412). Can we assume the box(es) checked in the published sample were identical to the remaining standard forms which were not published?

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- ✧ Other submissions had clear indication of whether the senders supported the legislation, but they could differ on the views toward the need to introduce a white bill (e.g. C167, C219, C313, C345, C356, C368, C372, C374-6, C385, C388);
- ✧ Some people made additional comments on the forms (e.g. C177, C179, C266, C342). Conceptually these comments should be coded too, but did the unlisted submissions share the same comments?
- ✧ Some people altered the content of standard forms (e.g. C222, C228, C362, C387) to present an opposite view to the original content. Again conceptually, we should adjust the coding of the submissions according to the perceived intent of the senders. But can we generalize to the other cases represented by this sample with altered content?

To be fair to the government, we have to admit that even if all the standard letters and signature forms were to be made available to the Team, the sheer volume of such would be beyond the Team's capability to handle. But this did impose tremendous problems on our analytical work. The first question is of course: to weight or not to weight. This will be further discussed in the Unit of Analysis section.

(2) Types of submission:

The government's categorization of 4 types of submissions was strange: from organization as opposed to submissions from individuals; and submissions in the form of standard letters/forms as opposed to signature forms.

Conceptually, the categorization carried 2 different dimensions: the first being organization versus individual submission, and the second being the format of the submission. Lumped together, four categories were created but they were not mutually exclusive; instead, they had a vast degree of overlapping. What do we do about standard letters from organizations and individuals? As judged from the scheme, the first 2 categories only meant to include unique letters. Then what do you do when you would like to say something about all the organizations that sent in their submissions, whichever format they chose to use?

In the meantime, some possibilities were not covered. For example, there were unique letters that were endorsed by both organizations and individuals, how should they be classified? Also, while the government took great pain to list the number of signatures represented in the standard letters and signature forms, what about the multiple signatories to submissions classified under Type 1 or 2? They were not counted.

In our coding scheme, we separated the two dimensions into two variables and added in the variables of `no_gps` and `no_inds`. (Please see Appendix 8 for details.) Consequently we managed to obtain a lot more clear information about the submissions although the problem arising from the sample submissions has yet to be circumvented.

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(3) Problematic classifications:

- ✧ Unique letters vs standard letters vs signature forms: Some letters displayed only slight non-substantial differences to others, should they be considered standard letters? Some standard forms bore additional comments from the senders, should they be viewed as unique letters? As to standard or unique letters endorsed by a large number of people or groups, should they be listed under signature forms?
- ✧ Local vs overseas: For signature forms in particular, there were often a mixture of local and overseas signatories. However, to maintain comparability with the government's analyses, and in cases which no clues were available in the submission to indicate whether it was local or otherwise, or cases that were difficult (if not impossible) to ascertain the number of local as opposed to overseas signatories, we had to follow the government's somewhat dubious path.
- ✧ Support vs oppose legislation: As discussed in the previous section, it was indeed factual that a certain person could support legislation in principle but find the proposals tabled unacceptable. The government's classification scheme did not allow for such situations, thus forcing some submissions to be classified as "stand toward legislation unidentifiable".

(4) Cancelling and salvaging submissions:

- ✧ The government stated in the Foreword of the Compendium that duplicate submissions were not to be counted. However, with not so much concerted effort on the part of our coders, we were able to identify some 18 duplicate submissions. In addition to 12 submissions that were not relevant to the subject matter of the consultation, we have cancelled a total of 30 cases. (Please see Appendix 11 for the list.)
- ✧ In the meantime, we were able to salvage some cases from "between the cracks". There were submissions with no serial numbers printed in the Compendium. The extreme case we found was that 4 independent submissions between B006041 and B006042 were missed. We managed to salvage 12 such cases (The list is also available in Appendix 11).
- ✧ 14 submissions were written in languages other than Chinese and English. They were all classified by the government as in opposition to the proposed legislation. However, since we were not able to conduct independent coding of such, we let these cases carry codes of missing values for most of the variables.

(5) Limitations acknowledged by the government:

- ✧ In the Foreword to the Compendium, the government acknowledged that "[there] may be some degree of duplication in submissions among the four categories since a person may make more than one submission through different channels. There may be duplication in submissions since it is difficult to verify whether the same person has made more than one submission by using different names." Indeed, in consultation

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exercises like this one, there is no way to dodge this problem, if this should be called a problem at all, because, by design, consultations are not referenda. There is no requirement that everyone only speaks once. As a matter of fact, the government accepted multiple submissions from the same group or individual, provided that the content was different. Besides, it is difficult, if not impossible, to authenticate the identity of the submitters, with the exception of perhaps those who claimed to represent the whole nation or the universe.

- ✧ The government also described “some irregularities among the submissions obtained through the signature forms. These include duplication copies; submissions which contain different names obviously signed by the same person; identical signatures on different pages of the forms, etc.... Among the submissions under Type 2, there is a computer list containing 8102 names which may have been drawn from a certain database, such as a telephone list, to which the organization can access, and the list carries no signature.” True, if we could rid these irregularities so that we could get a good head count, it would be nice. But then you would not choose the instrument of consultation exercise. Once again, these are built-in features of public consultation. If the government were that concerned about the numbers and the legitimacy of each head count, it should have conducted a referendum. By the way, it should be general knowledge that online petitions won’t carry real signatures.
- ✧ The government correctly maintained that “[submissions] from the four categories do not constitute a random sample/representative sample. The results of the submissions therefore represent only the views of the individual/organization concerned. They cannot be generalized to represent the views of the whole population.” This makes it all the more important that we do not only tally the expressed stands, but also find out the rationales behind them. Frankly the government’s scheme of classification ignored much information in the submissions.
- ✧ Finally, it should be noted that some submitters have complained after the release of the Compendium about missing their submissions. The government has promised to collect them all and rectify the problem by publishing an addendum to the Compendium. However, it was only not long ago that the government loaded all the submissions onto the website dedicated to the legislation of Article 23 (www.basiclaw23.gov.hk). There was a section on “Submissions to Legco” as opposed to “Submissions to the Security Bureau”. A cursory scan was able to identify some overlapping cases. And there was no description as to whether they constitute the entirety of the omitted cases. At any rate, because the new submissions were not available soon enough, they were not included in the Team’s current study.

Unit of Analysis

Because of the problems associated with the sample forms, a dilemma faced the Team. Should the sample forms be weighted by the number of forms they supposedly represent?

If we do, the Team’s data would comprise consistent unit of analysis, i.e. submission. But by

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doing so, we have no choice but to accept the assumption that the sample forms are indeed representative which is apparently questionable.

But if not weighting them, the Team would not be able to compare our figures with those of the government's on its Type 3 and 4. Furthermore, our unit of analysis would not be consistent. Some "lucky" standard letters or forms would find their ways to our analyses, leaving many "unlucky" ones behind. One may of course argue that, with dubious assumption in place, the comparison, even if done, may not mean much.

Convinced that the 8,000+ submissions the Team have in hand contained a wealth of information that it would be such a loss if we gave up on them, and that the figures from the analyses were in any case deprived of generalizability, the Team decided to go ahead with our expedition to excavate the treasures hidden in all those pages of submissions. We took a middle road. At the descriptive level where we tried to spot general trends, we focused on the 8000+ cases in hand. When we needed to compare our findings more directly with what the government had reported, we added in the weighting.

Univariate Frequency Distributions (Reference: Table Set 1 in Appendix 12)

The following data analysis was based on the 8,021 submissions. Regardless of their origin, type of submission and number of persons/organizations represented, each submission was treated as one case. No weighting according to the number of forms or signatures was done.

In terms of simple frequency counts, detailed figures can be found in Table Set 1. Highlights of the frequency distributions are as follows:

- ✧ **Origin of submission:** The majority (82.8%) of the submissions were local.
- ✧ **Date of submission:** Most of the submissions were sent to or reached the government near the end of the consultation period. In particular, over 40% of the submissions were sent to or received by the government in the last nine days.
- ✧ **Individual vs. group submissions:** Individual submissions (83.6%) far outnumbered group submissions (15.1%). A limited number of submissions contained both individual signatures and organizational affiliations.
- ✧ **Type of organization:** Among those organizational submissions as classified by the government, more were from community groups (44.2%), labour unions (24.4%) and business organizations (13.3%). There were also submissions from education bodies, political groups, religious organizations, news organizations and professional groups.
- ✧ **Type of submission:** Complete unique letters constituted the bulk of the submissions (89.2%). Standard letters/forms consisted of about 10% and there were only 101 (1.3%) signature forms. However, the number of persons as represented by these two types was huge (356,501 altogether).
- ✧ **Number of pages in a submission:** Most of the submissions were of one (87.5%) to two

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pages (7.6%) in length. This variable can be treated as a measurement of how serious or sophisticated a submission is. The longer submissions may be seen as more serious or sophisticated.

- ✧ **Language used in the submissions:** Most submissions (82.3%) were written in Chinese. Only 12 were written in languages other than Chinese and English. The rest were written in English.
- ✧ **Number of groups, individuals, forms, and signatures:** Among the 920 group submissions, 96.1% of them consisted of only one group. Among the 6,260 individual submissions, 92.9% of them consisted of only one individual. Among the 866 submitted forms, 40.1% consisted of only one form. Among the 101 signature submissions, several of them consisted of large numbers of signatures which included 151,883; 33,119; 19,199; and 13,144 signatures.
- ✧ **Reasons for supporting the proposed legislation content:** Among the 4,221 submissions that were in support of the proposed legislation content, the main reason cited was to “protect national security and interests” (67.6%). Other major reasons included “safeguard HK’s prosperity and stability” (39.3%) and “required by the Basic Law” (29.6%).
- ✧ **Reasons for opposing the proposed legislation content:** Among the 3,570 submissions that were opposed to the proposed legislation content, the main reason cited by them for opposing the content was that “the proposed legislation would hurt Hong Kong’s human rights and freedom” (66.4%). Two other prominent reasons given were: “hurt the ‘One Country Two Systems’ policy and import the Chinese model to Hong Kong” (28.5%) and “the [consultation] document lacks clarity and details” (24.3%).
- ✧ **Concerns about the proposed legislation content:** About 10% of the submissions expressed concerns about the specific “crimes” as listed in the government’s consultation document. Among them, concerns were more concentrated on sedition (52.8% among the submissions which have expressed concern), police investigative power (47.5%), ties with foreign political organizations (43.1%), and theft of state secrets (42.6%).
- ✧ **Call for a white bill:** About 12.7% of the submissions explicitly asked for a white bill, while a slightly smaller proportion (8.5%) of submissions disagreed. The majority did not bring up this issue since it was not formally requested by the government.

Cross-tabulation Analyses (Reference: Table Set 2 in Appendix 12)

The stand towards legislation in principle (Stand1) and the stand towards government’s proposed legislation content (Stand2) were cross-tabulated. The result shows that Stand1 and Stand2 were extremely highly correlated (Gamma = .993, $p < .001$). A total of 90.4% of the submissions were consistent in terms of the two stands. The reason is that many submissions were simple declaration of their support or disapproval of the government’s proposed legislation content.

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They themselves did not distinguish clearly the principle versus the content. In these cases the Team decided to code them (Stand1 and Stand2) the same. Hence they were almost identical in terms of data distribution. However, conceptually they should be separated and treated differently. There were 9.1% of the submissions in which they favored the principle of legislation (Stand1) but opposed the proposed legislation content (Stand2). *It would be too simplistic to assume that if one agrees to the principle, then automatically he/she would agree to the content.*

As shown in Table Set 2, we could cross-tabulate Stand1 and Stand2 and as a result nine categories were produced. The distributions of the submissions could be compared using different variables. It is clear that for individual submissions, there was a larger proportion of “Stand1 neutral, Stand2 oppose.” Among the independently submitted letters, the proportions of “Stand1 favor, Stand2 oppose” and “Stand1 neutral, Stand2 oppose” were also larger. The same situation also appeared in the longer submissions (page number = 5 or above), for those submitted in the last days of the consultation period, and among the organizational submissions. The religious organizations were particularly different in terms of their views towards the legislation principle and the proposed legislation content. *To conclude, it is conceptually necessary to distinguish between Stand1 and Stand2 although they are very closely related for many submissions.*

For further analysis, only Stand2 was used to correlate with other relevant variables, including date, organization type, origin of submission, individual vs. group submission, number of pages, language used, expression of concerns, and call for a white bill. The reason is that the Team regard Stand2 as a more meaningful variable as the goal of the consultation was to understand the citizens’ concrete views. Many citizens did not oppose the legislation in principle but they might have different views and concerns about government’s proposed legislation content. Some noteworthy results were found when we cross-tabulated Stand2 with other variables:

- ✧ **Date of submission:** Later submissions tended to show opposing views towards the government’s proposed legislation content (40% of the submissions from 1/12 to 15/12; 70% from 16/12-24/12).
- ✧ **Origin of submission:** Local submissions (63.2%) tended to favor the document. Almost all overseas submissions were against the proposed legislation content.
- ✧ **Group vs. individual submission:** Group submissions (78.0%) tended to favor the proposed legislation content. For individual submissions, the opinions split quite evenly.
- ✧ **Type of organization:** Community (95.2%), business (87.2%) and labor organizations (85.8%) tended to favor the proposed legislation content, while religious (90.9%) and political organizations (64.9%) tended to oppose.
- ✧ **Type of submission:** Standard letters or forms (86.0%) tended to favor the proposed legislation content. Among the other types of submissions (independent letters and signature forms) the proportions of those in favor and those in opposition were quite even.

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- ✧ **Number of pages:** Submissions with more pages (72% for 5+ pages) tended to oppose the proposed legislation content. In other words, the more serious or sophisticated submissions often had reservations about the government's proposed legislation content.
- ✧ **Language used:** English submissions (81.7%) tended to oppose the document. It was even more so for those submissions written in both English and Chinese (91.7%). Among the submissions written primarily in Chinese, the proportion of supporting the government's proposed legislation content was larger (61.4%).
- ✧ **Expression of concern:** Those who had concerns about the content tended to oppose the proposed legislation content (93.1%).
- ✧ **Call for a white bill:** Those who called for a white bill also happened to oppose the proposed legislation content (85.0%). But among those in favor of the proposed legislation content, most (98.8%) of them said a white bill was not necessary.

Analysis of Submissions from Some Prominent Organizations (Reference: Table 3 in Appendix 12)

More than a thousand organizations submitted their views to the government concerning the proposed legislation content to enact Article 23. These organizations were from all walks of life and it would be interesting to know the stands of some of the more prominent ones. The stands of 57 selected organizations are shown in Table 3. The selection of these organizations was based on an organization's representativeness, importance, or social recognition.

From Table 3, it can be seen that for those organizations in support of the government's consultation document, they tended to do so both in terms of the principle and the proposed legislation content. For those in opposition to the content, they might have different stands towards the principle.

If the Team compared the classification done by the Team and by the government, there were a number of discrepancies. Many of those classified by the Team as "oppose" were originally classified by the government as "uncertain". Also, we used two dimensions (the legislation principle and the proposed legislation content) to do the classification while the government used only one dimension.

Comparing to the Government's Results (Reference: Tables 4A, 4B and 5 in Appendix 12)

To facilitate comparison with the results reported in the Compendium, the Team followed the government's classification scheme with regard to the origin and type of submissions: 1. organizations, 2. individual independent unique letters, 3. standard letters, 4. signature forms. Browsing over the Compendium, the Team observed that the first category (submissions from organizations) included both independent letters and standard letters, but not so for the second category.

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The government reported in the Compendium counts and percentages on the inclinations expressed in the submissions regarding Article 23 legislation based on the following categorization:

- A. The content of the submission enables it to be identified as supportive of legislation to implement Article 23,
- B. The content of the submission enables it to be identified as opposed to introducing legislation to implement Article 23
- C. The content of the submission does not enable it to be identified as either supportive or opposed to legislation to implement Article 23

As reported in the earlier section, the Team found that some classifications of the government were problematic. For example, some submissions from organizations were classified as individual independent letters and some local submissions were classified as overseas submissions. As a result, the Team revised these classifications and this explained why some total counts did not agree with those reported in the Compendium.

Comparisons were made between the views reported in Compendium and those found by the Team, on the views regarding legislation in principle (Stand1) and views about the content of consultation document (Stand2) for both local and overseas submissions. Since the government's classification of inclinations expressed in the submissions were available only for submissions from organizations and individual independent letters, comparison would only be made between the government's findings and the Team's for these two types.

Generally we found that the percentages of support (category A in the Compendium) reported in the Compendium were close to the percentages of support to the proposed legislation content of the consultation document (Stand2). The percentages of support to the principle of legislation were even higher than that reported (category A) in the Compendium. *This is because a considerable number of submissions classified as having uncertain views (category C) by the government were in fact supportive to the principle of legislation even though many of them opposed to the content of the consultation document.*

On the other hand, the percentages of opposing to the principle of legislation (Stand1) or the proposed legislation content of the consultation document (Stand2) were higher than that reported (category B) in the Compendium (particularly so for Stand2). *This is because most of the remaining submissions that were classified as having uncertain views (category C) opposed, in fact, to the principle of legislation as well as the proposed legislation content of the consultation document leaving a much smaller number of submissions classified as having uncertain views than those in the Compendium.*

Amongst the 1,068 submissions classified to category C (uncertain view towards legislation) by the government (14.3% of the 7,512 submissions with government categories of A, B or C), the Team found that 377 (35.3%) of them actually opposed to both the principle of legislation as well as the proposed legislation content of the consultation document while only 100 (9.4%) of them supported both the principle of legislation as well as the proposed legislation content. Furthermore 796 submissions (74.5%) opposed the proposed legislation content. In fact, 419 submissions of them (39.2%) were uncertain or supportive to the principle of legislation but

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opposed the proposed legislation content of the consultation document.

In conclusion, the Team found a higher percentage of opposing views to both the principle of legislation (Stand1) and the proposed legislation content of the consultation document (Stand2) than that reported in the Compendium and had less uncertain views to both stands too. Hence our method of classification revealed the level of diversity of public opinion and enriched the content of the information.

These results could be shown using “Stand1+2”, a combination of Stand1 and Stand2 with the criteria that when both Stand1 and Stand2 are in favor, then for “Stand1+2” it is counted as in favor. When both Stand1 and Stand2 are in opposition, then Stand1+2 would be counted as in opposition. Otherwise “Stand1+2” is counted as uncertain. In other words, Stand1+2 is a combined variable which may closely capture the government’s thinking in its categorization. Hence this newly created variable “Stand1+2” should be in congruence with the variable “government’s categorization.”

In fact, as shown in Table 5, Stand1+2 was very close to the government’s categorization in terms of distribution. Moreover, Stand1+2 is almost a mirror image of Stand1. *That is, the government’s original categorization seems to have been done according to the submissions’ stands towards the legislation principle rather than the content, especially in category B (opposing view), a considerable number of which were originally in the government-defined category C before the Team’s reclassification.*

Looking at different views, the majority of the submissions or individuals as counted by their signatures were supportive to the principle of legislation as well as the proposed legislation content of the consultation document except for submissions in signature forms. The percentage of support was the highest among submissions from organizations (85%, Stand 2) but was the lowest among submissions by independent letters (57%, Stand 2). However the majority of individuals (as defined by their signatures in the signature forms) opposed to both the principle of legislation (72%) as well as the proposed legislation content of the consultation document (72.5%).

The Team doubts the necessity of distinguishing between standard letters and signature forms because we cannot see any real difference between them in terms of the nature and content of submissions. On combining the two types of submissions, individuals (as defined by their signatures in the signature forms) would dominate and the conclusion would be the same as that based on signatures in signature forms alone, namely the majority of individuals were opposed to both the principle of legislation (58%) as well as the proposed legislation content (63%).

For overseas submissions, the overwhelming majority was opposed to both the principle of legislation as well as the proposed legislation content.

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Stands, Views and Areas of Concerns (Reference: Tables 6A and 6B in Appendix 12)

Further analyses were done to study the following:

- ✧ Reasons for supporting or opposing the proposed legislation content;
- ✧ Areas of concerns in the proposed legislation content in the consultation document; and
- ✧ Variables that affected the views on the proposed legislation content in the consultation document.

“Basic law designated”, “[the policy of] One Country Two Systems actualized”, “national security” and “help prosperity and stability of Hong Kong” were often expressed in those submissions that supported the proposed legislation content. On the other hand, *“hurt human right and freedom”* and *“[the consultation] document is unclear and lacks details”* were often the worries expressed in the submissions that opposed the proposed legislation content. About 10% of the local submissions stated the concerns of the proposed legislation content. Common areas of concerns included ‘*sedition*’ and ‘*theft of state secrets*’.

As mentioned in the previous section, some variables were associated with people’s view of supporting or opposing the proposed legislation content and they revealed some interesting characteristics for each type of submissions. Submissions that were written in English, consisting of more pages, sent during the later period of the consultation, expressed concerns for the proposed legislation content and requested for a white bill, had a larger proportion of opposing the proposed legislation content. Some submissions that expressed specific concerns to different sections of the proposed legislation content in the consultation document and made suggestions for improvement worth further qualitative analysis.

The majority of the overseas submissions opposed to both the principle of legislation as well as the proposed legislation content. Common reasons for objection included *“hurt human right and freedom”* and *“hurt [the policy of] Two Systems, impose the Chinese model to Hong Kong”*. About 15% of the overseas submissions stated concerns to the proposed legislation content in the consultation document. Some stated specific areas of concerns and they were *“tie with foreign political organization”, “subversion”* and *“theft of state secrets”*.

Because of the overwhelming majority of the overseas submissions or individuals that opposed to both the principle of legislation and the content of consultation document, it is difficult to identify factors that associated with views to the proposed legislation content except that submissions sent during the earlier period of the consultation had a smaller proportion of opposing the content of the consultation document.

COMMENTS AND SUGGESTIONS ON CONSULTATION EXERCISES

Major Problems with the Consultation Exercise

The major problem of the consultation exercise lies in the government's lack of appropriate method and manner in soliciting quality opinions. In particular, there are three shortfalls:

- (1) *Lack of options* - the consultation document did not provide any options along detailed discussion points focused upon specific proposals. As a result, the public response could not focus on specific proposals in the document, and tended to be emotional and simplistic, therefore aggravating societal tension. Only about 10% or so talked about the detailed proposed legislation content in the consultation document. The "analysis" on the results also focused on a simple "yes" and "no" question, and neglected all the concerns of the citizens. A simple "yes" or "no" answer can be easily obtained by an opinion poll; conducting a 3-month territory-wide consultation just on one "yes" or "no" question is a waste of public resources.
- (2) *Lack of fairness* - the government had not stated before the consultation started how the submissions would be counted. As shown from the results by the Team, different ways of counting will give different interpretations of public opinion. As it turned out, the government had an ambiguous definition of the position (the principle or the content?), and used questionable methods of counting (why were standard letters treated differently from signature forms?). This would hurt the government's credibility in all future consultation exercises.
- (3) *Lack of methodological clarity* – the government failed to state the methodology used in the analysis of the submissions before and after the consultation period. The government did not report the coding guidelines of how the positions of the submission were judged. There was also no report of procedures in quality control of the analysis.

In sum, the methodology and manner of how the consultation was conducted contributed to the lack of sophistication and the polarization of opinions in most submissions.

Suggestions for Public Consultations in the Future

If specific policy-making relies on a simple "yes" or "no" answer from the public, the government can either conduct an opinion poll or launch a referendum, provided that it is constitutionally permitted.

Consultation in a form of public submissions should provide information other than a poll could collect as long as it is conducted properly. Through public submissions, the government is able to understand more about the intensive/organized/mobilized opinions in society. It also helps unravel detailed reasons behind certain stands and useful suggestions from the public. In order to

achieve these, the government must conduct the exercise in a professional and fair manner.

Specifically, we suggest the following points for future public consultations (like the coming political review):

- (1) Carefully define the specific areas for consultation with options provided;
- (2) Treat each submission fairly by stating out the methodology beforehand; and
- (3) Commission an independent party to collect and analyze the submissions.

As long as the government is committed to an open and fair consultation, public submissions can also become a convenient means for the government to manipulate public opinion during the decision-making process. *The government's present practice is deemed to be too rudimentary and biased that deserves public attention.*

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Membership of the Research Team on the Compendium of Submissions on Article 23 of the Basic Law

According to Paragraph 3.3 of the Research Team's Terms of Reference, all Team members, and the Honorary Secretary, serve in their personal capacity, and do not represent any organization, including the universities they are working in.

Chairman

Dr Jennifer CHAN 陳素娟, Department of Statistics and Actuarial Science, HKU

Deputy Chairman

Dr Boris CHOY 蔡世增, HKU SPACE Community College

Members

Dr CHAN Kin-Man 陳健民, Department of Sociology, CUHK

Dr Sammy CHIU 趙維生, Department of Social Work, HKBU

Dr MA Ngok 馬嶽, Division of Social Science, UST

Honorary Secretary

Dr Robert CHUNG 鍾庭耀, Public Opinion Programme, HKU

Honorary Advisor

Dr Clement SO 蘇鑰機, School of Journalism and Communication, CUHK

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Terms of Reference

1. Title

- 1.1. The title of the research team herewith constituted shall be “Research Team on the Compendium of Submissions on Article 23 of the Basic Law” or “基本法第二十三條公眾意見匯編研究組” in Chinese. The research team is hereinafter referred to as “the Team” in this document.

2. Objectives

- 2.1. The Team was set up on 25 February 2003 by a group of independent academics on a voluntary basis to study the public’s submissions in response to HKSARG’s consultative document “Proposals to Implement Article 23 of the Basic Law” issued on 24 September 2002.
- 2.2. The Team was aware that HKSARG has already published a “Compendium of Submissions” on 28 January 2003, but was of the opinion that such submissions should be re-analyzed in an objective and scientific way, in order to bring out public opinion more comprehensively.
- 2.3. In conducting such a study, the Team hoped to demonstrate a scientific method to analyze public submissions in response to government consultative documents, should such consultative exercises be conducted again by the government in future.

3. Membership

- 3.1. The Team comprises five members who have volunteered themselves to form the Team, and are taken as self-appointed members of the team:
- Dr Jennifer CHAN, Department of Statistics and Actuarial Science, HKU
 - Dr CHAN Kin-Man, Department of Sociology, CUHK
 - Dr Sammy CHIU, Department of Social Work, HKBU
 - Dr Boris Sai-Tsang CHOY, HKU SPACE Community College
 - Dr MA Ngok, Division of Social Science, UST

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- 3.2. Dr Jennifer Chan was elected as Chairman of the Team, and Dr Boris Choy the Deputy Chairman. Dr Robert Chung was appointed by the Team as its Honourary Secretary.
- 3.3. All Team members, and the Honourary Secretary, serve in their personal capacity. They do not represent any organization, including the universities they are working in. They may or may not share a common stand on specific issues related to Article 23 of the Basic Law. The only material fact is that all of them are committed to analyze the public's submissions objectively and scientifically.
- 3.4. The Team shall appoint as it thinks fit any number of research assistants, coders, technicians, administrators, and so on, who shall be paid directly by the "Article 23 Concern Group", in order to accomplish the study. The Concern Group shall also pay for all the running costs of the study.
- 3.5. Notwithstanding the provision mentioned in Para 3.4, the Team acts independently of the Concern Group, and is not affected by the Concern Group's position on Article 23 of the Basic Law.
- 3.6. The Team shall appoint as they think fit any number of Honourary Advisors to comment on the Team's operation and the methodology of the study.

Confirmed on 4 March 2003

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

For immediate release
20 March 2003

Press Release

A research team has been formed to re-examine the Compendium of Submissions on Proposals to Implement Article 23 of the Basic Law released by the SAR government.

The research team members feel that the government has not done justice to the public opinion reflected during the consultation about Article 23, and share an academic interest as well as a sense of civic duty in re-analysing the submissions more scientifically and thoroughly. In doing so, the team hopes to set the record straight as to what the true concerns of Hong Kong citizens are and set a benchmark for future analyses of public opinion.

Members of the research team include (1) Dr. Jennifer CHAN, Department of Statistics and Actuarial Science, HKU (who also chairs the team); (2) Dr. CHAN Kin-Man, Department of Sociology, CUHK; (3) Dr. Sammy CHIU, Department of Social Work, HKBU; (3) Dr. Boris Sai-Tsang CHOY, HKU SPACE Community College (Deputy Chair of the team); Dr. MA Ngok, Division of Social Science, UST.

Members of the team contribute their time voluntarily in personal capacity. They do not represent any organization, including the academic institutions in which they are employed. They work independently and take full responsibility for their own work. The project is considered service to the community for which the members will not receive rewards in monetary terms or in kind. There was no agreed stand among team members on issues about Article 23 of the Basic Law prior to the formation of the team.

The research team may contact other members of the academic community, in solicitation of their professional advice on the coding scheme and the conduct of research, whenever they see fit.

This research is partially funded by the Concern Group on Article 23 of the Basic Law. However, the research team places great emphasis on academic integrity and has complete autonomy in every aspect of the research. Neither the Concern Group nor any other donors would have any say on how the research is to be conducted or on the findings of the research.

A coding scheme has been developed. A project manager is training and supervising a group of research assistants, mostly university students, to perform coding work, data entry and data checking. The coding results will be scrutinized by members of the research team. An interim report is expected in May.

For further information about the research team and its work, please contact Dr. Jennifer Chan at 2857-8316 or Dr. Boris Choy at 2809-9850.

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

2003 年 3 月 20 日即時公佈

新聞公佈

一支專事重新審核由特區政府編製的《基本法第二十三條公眾意見匯編》的研究隊伍經已正式成立，名為「基本法第二十三條公眾意見匯編研究組」。

研究組的使命，是要把市民就基本法第二十三條立法建議所遞交的意見書重新整理，以科學和更加全面的方法把民意重新顯現，一則還歷史一個公道，二則為未來類似的諮詢工作定下標準。研究組認為，特區政府沒有公正處理市民就基本法第二十三條立法所表達的意見。研究組願意義務承擔再次分析有關民意的工作，一盡公民責任，二為學術興趣。

「基本法第二十三條公眾意見匯編研究組」的成員包括：(1) 香港大學統計及精算系陳素娟博士（主席）；(2) 香港中文大學社會學系陳健民博士；(3) 香港浸會大學社會工作系趙維生博士；(4) 香港大學專業進修學院附屬學院蔡世增博士（副主席）；(5) 香港科技大學社會科學部馬嶽博士。

所有研究組的成員都是以個人名義參與是項工作，既屬義務性質，亦不代表任何團體，包括所屬院校。研究組全面獨立運作，並會為自己的工作負起全部責任。研究組的成員把是項工作視為一項無償的社會服務，分文不取。成員間亦沒有預先討論各人對基本法第二十三條立法建議的立場。

研究組可能隨時就重新整理市民意見的方法，及有關的編碼系統，諮詢其他學術界的人士，集思廣益。

研究組的部份運作經費由「基本法第二十三條關注組」提供，但所有研究及運作一概不受關注組或其他人士影響。研究組極度強調學者誠信及研究自主。

研究組業制定一個整理有關民意的編碼系統，並由一位專事統籌員負責訓練及督導一群以大學生骨幹的研究助理，負責編碼及其他數據處理工作。研究組的成員將會詳細分析編碼的結果，並計劃在五月份提交中期報告。

查詢：陳素娟博士，2857-8316；蔡世增博士，2809-9850。

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

基本法第二十三條公眾意見匯編研究組
Research Team on the Compendium of
Submissions on
Article 23 of the Basic Law

Press Conference

May 26, 2003

匯編研究組成員

- 陳素娟(主席)(港大統計及精算系)
- 蔡世增(副主席)(港大專業進修學院)
- 陳健民(中大社會系)
- 趙維生(浸會社工系)
- 馬嶽(科大社會科學部)
- 郭婉鳳(研究統籌)
- 鍾庭耀(義務秘書)
- 蘇鑰機(顧問)

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

聲明

- 研究組的成員都是以個人名義參與是項工作，既屬義務性質，亦不代表任何團體，包括所屬院校。
- 研究組全面獨立運作，並會為自己的工作負起全部責任。
- 研究組的成員把是項工作視為一項無償的社會服務，分文不取。
- 成員間亦沒有預先討論各人對基本法第二十三條立法建議的立場。

研究目的

- 研究組會把研究結果與政府編製的數字作出比較，並會深入討論政府諮詢工作的問題和局限。
- 研究組會就政府日後的民意諮詢工作提出建議，公正處理民意。

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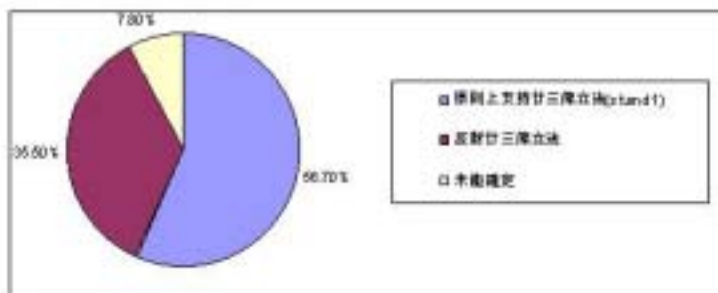
研究結果摘要

1. 公眾對廿三條立法的立場

立法的原則(stand1)

- 在約8,000份獨立意見書（包括團體和個人），有56.7%原則上支持廿三條立法，35.5%反對。

8,000份獨立意見書



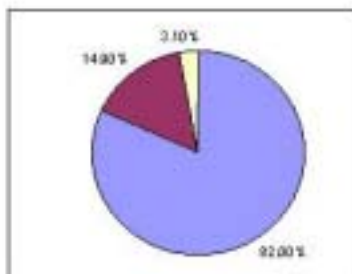
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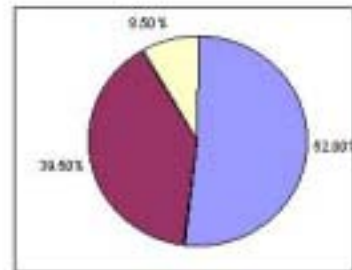
立法的原則

- 在約1,000份團體意見書中，約82%原則上支持立法，而有14.9%反對立法。
- 在約7,000份個人意見書中，約52%原則上支持立法，39.5%反對。

1,000份團體意見書



7,000份個人意見書



建議書的內容(stand2)

- 針對廿三條立法的具體內容，在8,000份獨立意見書中，有50.9%支持建議立法內容，38.8%反對。

8,000份獨立意見書



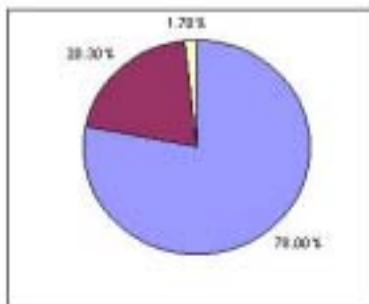
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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

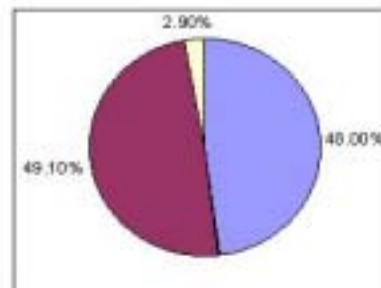
對建議書內容的意見：個人意見書

- 在約1,000份團體意見書中，78%的團體支持立法內容，而20.3%反對。
- 在約7,000份個人意見書中，49.2%支持立法內容，47.9%反對。

• 1,000份團體意見書



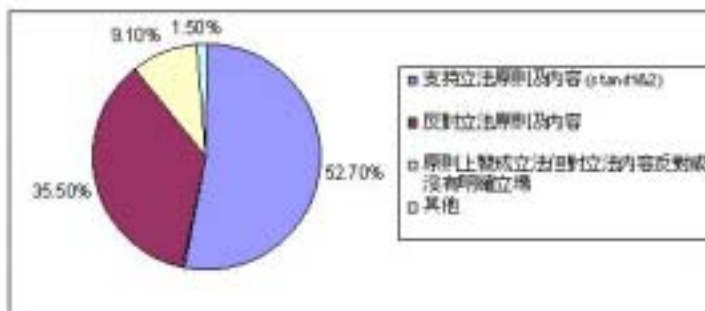
• 7,000份個人意見書



對立法及建議書內容的意見

在所有獨立意見書中：

- 52.7%同時原則上支持立法及支持立法內容
- 35.5%則從原則或內容上都反對立法。
- 3.5%原則上贊成立法但反對立法內容
- 5.6%原則上贊成立法但對內容沒有明確立場。

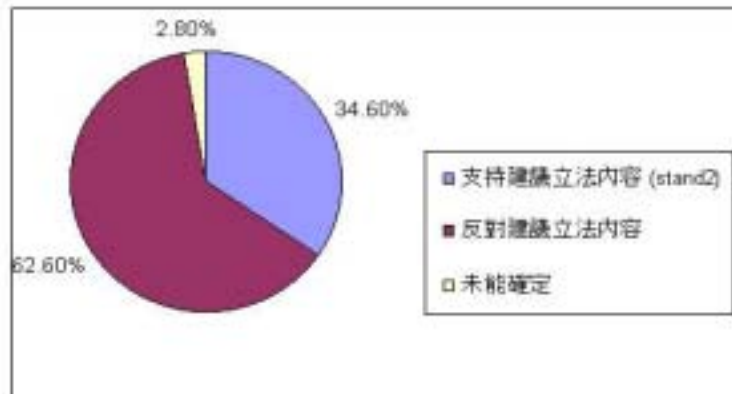


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有關個人的意見

- 不論表達形式和深度，只計算曾表達意見之個人（包括所有簽名運動及遞交一人一信之個人），共有369,374人次曾表達意見。其中只有34.6%支持建議立法內容，而62.6%反對。



有關藍白紙的意見

在8,000份完整意見書內：

- 1,694份(約20%)清楚表達對白紙草案的立場，其中1,016份支持以白紙草案或法例初稿形式再行諮詢(佔意見書的12.7%)，而678人反對(8.5%)。
- 單就針對白紙草案表態的人士分析，贊成與反對約為六與四之比。

基本法第二十三條公眾意見匯編研究組

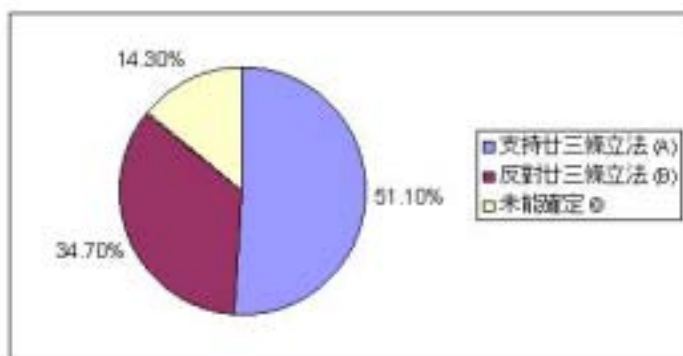
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

研究結果摘要

2. 研究結果與政府結果的分別

政府分類

- 在7512份政府把歸類公報的獨立意見書中，51.1%支持廿三條立法(A)，34.7%反對立法(B)，14.3%則為未能不能分類(C)。



基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

研究結果與政府結果的分別

- 我們界分了原則上支持(stand1)和支持立法內容(stand2)，令我們可更細緻地了解公眾對廿三條立法的態度。
- 我們亦發現有約9%的意見書，雖然原則上贊成廿三條立法，但卻反對或不明確支持現時建議的立法內容。

研究結果與政府結果的分別

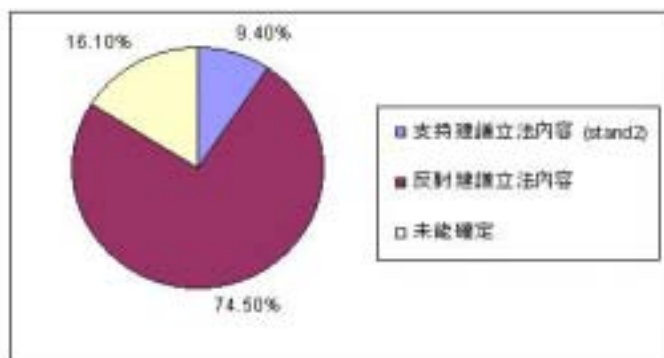
- 我們分析後所得的贊成和反對比例，與政府的略有出入。其中一個原因是政府分類中將多達15%的意見書列為「不能分類」，但當我們將之進行分析時，卻發覺不少都可以界定為贊成或反對的立場的。

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

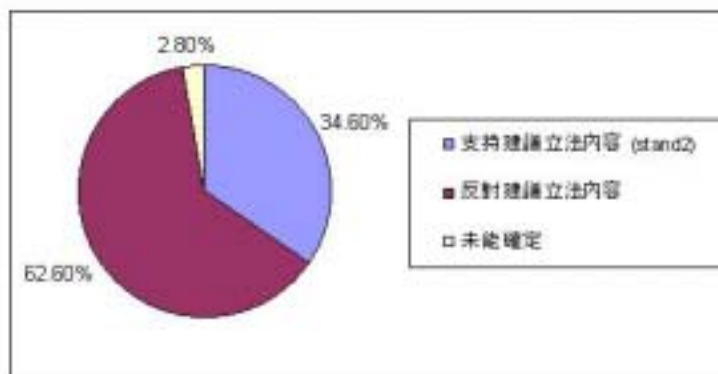
研究結果與政府結果的分別

- 在政府界定為「難以確定」的1,068份意見書中，我們的分析顯示有多達796份(74.5%)是反對立法內容的，而贊成的則有100份(9.4%)，真正難以斷定立場的只佔其中的16.1%。



研究結果與政府結果的分別

- 我們認為沒有理由要將「一人一信」和「簽名表格」用不同的原則處理；因為兩者其實都是表達意見。如果我們將它們一視同仁，涉及約36萬簽名，62.6% 反對立法內容，只有34.6% 贊成。



基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

研究結果與政府結果的分別

- 政府的民意匯編報告沒有分析贊成和反對的原因，也沒有分析市民表達的憂慮。
- 我們分析了包括表達意見者支持和反對的理由，以及對具體條文的憂慮及意見，對制訂政策有指導作用。

研究結果摘要

3. 市民取態的理據及憂慮

基本法第二十三條公眾意見匯編研究組

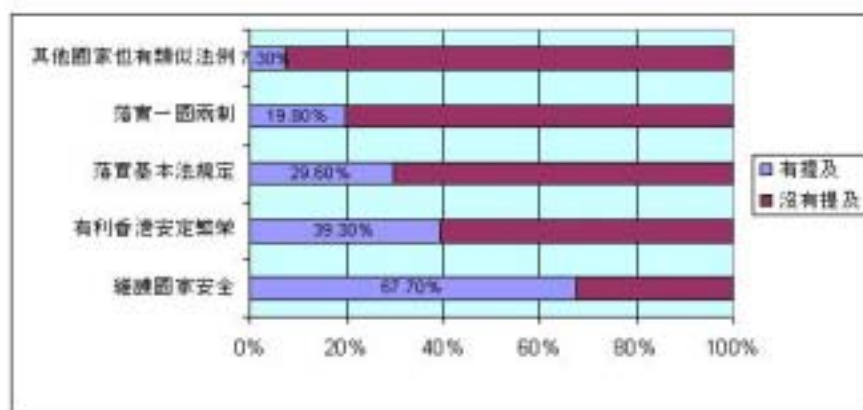
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

支持的理由

支持立法內容者中，最常提及的理由是

- 「維護國家安全」(67.7%支持)
- 「有利香港安定繁榮」(39.3%)
- 「落實基本法規定」或「基本法中已有規定」(29.6%)
- 「落實一國兩制」(19.8%)
- 「其他國家也有類似法例」(7.3%)
- 「更有效地保障人權自由」(5.4%)

支持廿三條立法內容 (stand2) 的理由



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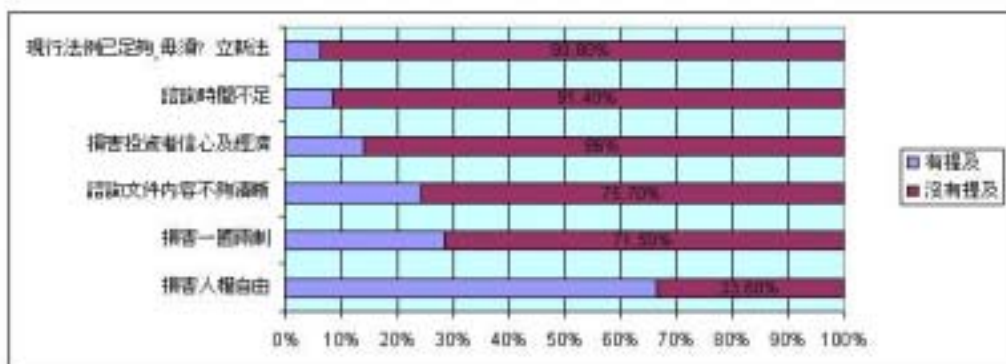
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反對的理由

反對立法內容者中，最常提及的理由是

- 「損害人權自由」(66.4%)
- 「損害一國兩制」或「將大陸一套帶來香港」(28.5%)
- 「諮詢文件內容含糊／不夠清晰」(24.3%)
- 「損害投資者信心及經濟」(14.0%)
- 「諮詢時間不足」(8.4%)
- 「現行法例已足夠／毋須另立新法」(6.2%)

反對廿三條立法內容 (stand2) 的理由



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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

「七宗罪」

- 大部份的意見書都只簡單地提出對廿三條立法的贊成或反對意見，而沒有就諮詢文件中的具體條文（或所謂「七宗罪」）提出意見。
- 只有約一成的意見書就具體條文表達憂慮。其中最多人憂慮的是煽動罪部份(455份或5.7%)，其次順序為警察調查權力(5.1%)，與外國政治組織聯繫(4.6%)，竊取國家機密(4.6%)、顛覆(4.0%)、叛國(3.9%)和分裂國家(2.5%)。

研究結果摘要

4. 其他分析結果

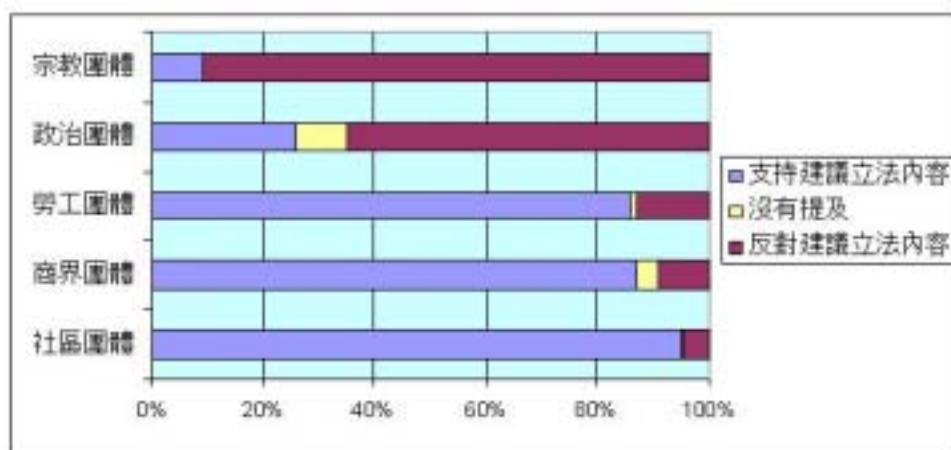
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團體意見書

- 團體意見書中，78%支持立法內容而20.3%反對立法內容。
- 其中以商界團體(87%支持)、勞工團體(86%支持)，和社區團體(95%支持)的支持比例最高。
- 政治團體則只有26%贊成，但有65%反對立法內容，而宗教團體則有9%贊成而91%反對。

團體意見書



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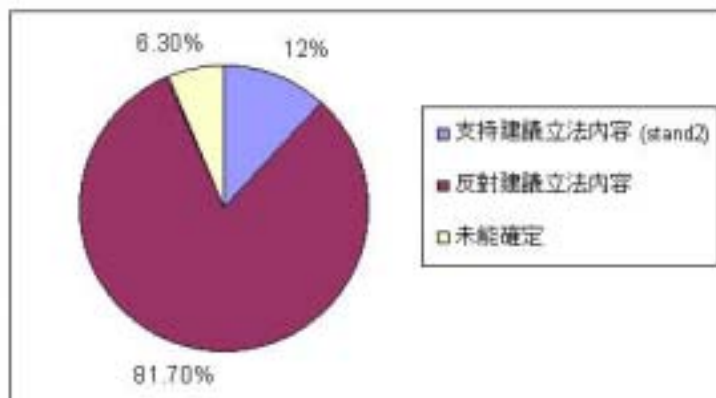
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社區團體的意見書

- 團體意見書中，有大量社區團體的意見書無論在內容或格式上都非常接近，和「標準信件」實際上差不多。這些團體的性質和地域都大有不同，但內容則差不多一樣。

英語意見書

- 在1,370份英語意見書中，反對立法內容的比例甚高(81.7%反對, 12%贊成)。



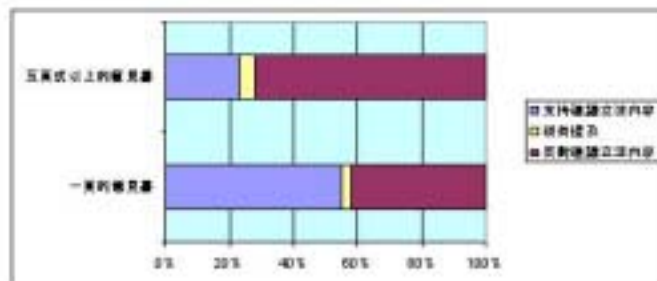
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意見書之長短

較長之意見書較為反對立法內容。

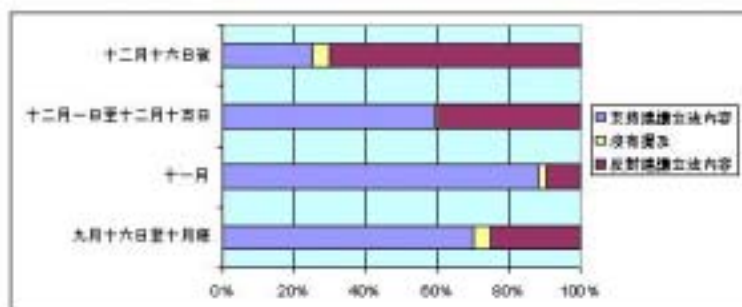
- 長不超過一頁的意見書中，55%贊成，42%反對
- 在五頁或以上的意見書中，23%贊成，72%反對
- 如果我們以意見書長度作為意見認真程度或「質素」的量度標準的話，則較有質素的意見傾向較反對立法內容。



意見書遞交時間

在諮詢期內不同時段支持和反對的比例有不同趨勢。

- 從九月十六日至十月底，70%意見書支持立法內容
- 而十一月，有88.4%支持立法內容。
- 在十二月十六日後遞交的意見書（佔總意見書42%），則有70%是反對立法內容的。

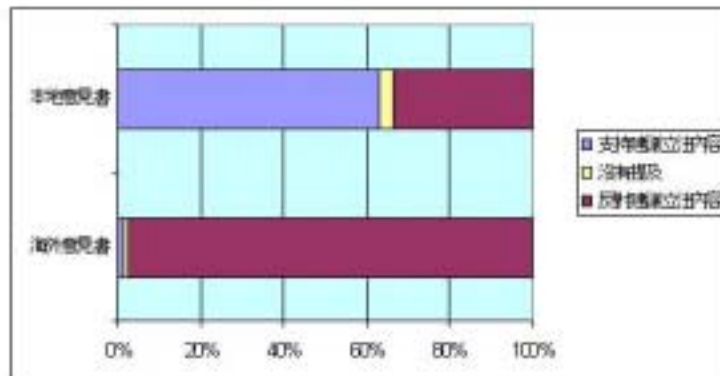


基本法第二十三條公眾意見匯編研究組

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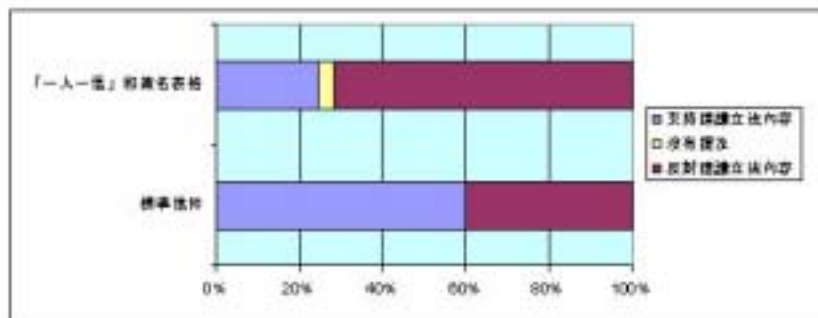
意見書區域

- 海外意見書絕大部份是反對立法的(97.6%反對，只有1.4%贊成)。如果單計本地意見書，在8,000份獨立意見書中，有63.2%是贊成立法內容，而33.7%反對。



意見書格式 (以人數計)

- 在標準信件中有約54,000人(65.3%)是支持立法內容的，而有28,677人(34.7%)是反對。
- 但在各簽名表格所包括的超過270,000人的意見中，反對的則佔71.7%(196,745人)，只有24.7%(67,633人)贊成。



基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

總結 研究結果摘要

5. 對政府諮詢工作的意見及建議

對政府諮詢工作的意見及建議

- 政府是次諮詢的主要問題是沒有適當的方法以蒐集有質素的意見。
- 諮詢文件沒有提供選擇，也沒有提出立法具體建議的討論要點以供公眾聚焦地討論，結果令市民的意見流於簡單表態，也令討論過程變得情緒化，加深了社會的分化。

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

對政府諮詢工作的意見及建議

- 我們的研究顯示只有 10% 的意見書真正提及諮詢文件的具體內容，而政府的報告也只集中市民是否支持立法，而沒有分析市民的具體憂慮。
- 如果政府要的只是簡單的「是否支持立法」的答案，只需進行科學的民意調查便可以，進行一個全港性歷時三個月的大型民意蒐集，來得出一個「是」「否」的答案，無疑浪費社會資源。

對政府諮詢工作的意見及建議

- 政府在諮詢時，沒有申明意見會如何分析。我們的分析顯示：不同的計算分法可以對民意產生很不同的詮釋。
- 事實上我們也看到：政府對何謂贊成的界定不清楚（是原則上贊成立法還是贊成立法內容？）。
- 政府的計算方法也缺乏說服力（為甚麼一人一信和簽名表格的處理方法不一樣？）這樣只會令人覺得政府在諮詢過程中作弊，損害以後同類諮詢的公信力。

基本法第二十三條公眾意見匯編研究組

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對政府諮詢工作的意見及建議

具體而言，我們就以後同類的大型諮詢，有以下建議：

- 政府需要清楚界定蒐集民意的要點，並且提供選擇
- 政府要能公平地對待各項表達意見，最好能在諮詢前列明意見的分析方法
- 政府要委任獨立機構蒐集民意及進行分析，以增強公信力。

謝謝

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香港經濟日報

HK Economic Times 2003-05-27

學者指23條匯編 63%反對立法內容



由《基本法》23條關注組委託，多間大學學者組成的「基本法23條公眾意見匯編研究組」，在重新分析《基本法》23條意見書匯編後，發現在所有表達意見的個人中，有63%反對立法內容。

他們又批評，政府有關的公眾諮詢工作「非常粗疏和偏頗」，「對市民不公平」。

研究組成員、中大社會學系陳健民博士指，政府由此至終，沒有清楚把「原則上支持立法」和「支持立法內容」兩者分開。事實上，有9%的意見書，雖然原則上支持立法，但卻反對或不明確支持立法內容的。

15%列「不能分類」 七成應反對

他續稱，所有表達意見的個人中，反對立法內容的高達63%，與政府多數人支持立法的結論有所出入。這是由於政府疏粗地把多達15%的意見書列為「不能分類」，但事實上，當中超過七成，應被歸為反對立法的。加上政府不予計算的簽名表格，亦以反對立法居多。

陳健民指，「一人一信」與「簽名表格」性質相似，應獲同等對待。若政府不重視以反對立法居多的簽名表格，只會令人覺得政府作弊。

研究組另一成員、港大統計及精算系陳素娟博士則指出，原則上支持立法的市民，仍較原則上反對立法的市民為多，與政府的版本相若。團體意見書中，則多達82%原則上支持立法，78%支持立法內容。



《基本法》23條公眾意見匯編研究組批評，政府就《基本法》23條立法的公眾諮詢工作，非常粗疏和偏頗，對市民不公平。圖為（由左起）科大社會科學部馬嶽博士、中大科學系陳健民博士、港大統計及精算系陳素娟博士、港大民意研究計劃主任鍾庭耀博士，及浸大社會工作系趙維生博士。

（陳靜儀攝）

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

明報

Ming Pao

2003-05-27

六成「未分類意見」屬反對 學者組織轟23條諮詢作弊



科大馬嶽（左起）、中大陳健民、港大陳素娟及鍾庭耀、及浸大趙維生等學者，組成《基本法》23條意見匯編研究組，他們批評23條意見匯編組織疏傾，最後出爐的藍紙草案未能全面吸納民意。（蔡家緯攝）

【明報專訊】《基本法》23條公眾意見匯編研究組批評，政府較早前為23條立法的諮詢「作弊」，只偏重支持政府立法建議的意見，每周六於立法會舉行的公聽會，則淪為政治立場的表態會。研究組要求，日後政府諮詢民意，應為市民提供不同選擇，並要在諮詢前列明分析意見方法，及委任獨立機構分析民意。

諮詢後期七成意見屬反對

由多間大學學者組成的研究組，較早前重新檢視8000份關於23條的意見書。成員之一、科大社會科學部助理教授馬嶽指出，諮詢期初遞交的意見書，多達七成以上都是支持立法，但隨著諮詢過程過去，反對立法意見書的比例不

斷增加，到最後一個星期提交的意見書（佔總意見書的42%），更有七成反對立法。

小組發現，原本被政府定為不能歸類的意見書，大部分的立場其實都可界定，這1000多份意見書中，超過六成是反對立法。

重量不重質 埋沒具體意見

小組指出，23條立法諮詢文件沒有提供選擇給市民，結果令市民表達意見流於情緒化，最後只是找出多少人支持、多少人反對，卻埋沒一些有素質的具體建議，既浪費市民寫意見書的時間，也浪費政府資源。

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

明報

Ming Pao 2003-05-27

23條當功課？

由學者組成的「基本法23條意見研究組」發現，《國家安全條例草案》審議委員會主席葉國謙曾任教的漢華中學，有多達67名學生向保安局提意見。研究組成員馬嶽質疑，這些意見書是否學生的「功課」？

令明記者「意外」的是，原來左派學校的「反動分子」倒有不少！按研究組的分析，67名學生中，除了31人贊成23條立法外，有多達26人反對保安局23條的立法建議，甚至有3人連立23條的法例也反對，又要求政府聆聽民意及延長諮詢期等。

不過，葉國謙否認漢華有討論23條的功課，又強調這些意見是學生自發關心23條，校方絕無要求學生提交挺23條立法的意見。

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

成報

Sing Pao 2003-05-27

23條諮詢被指流於形式

政府去年九月發表《基本法》第廿三條立法諮詢文件，多位學者批評政府的諮詢文件不完善，令社會出現非理性和情緒化的爭論，事後歸納市民意見方面也出現粗疏、偏頗之處，浪費市民時間，令整項諮詢流於表態式，指政府根本不想聽取民意。

轟意見匯編有偏頗

政府本年初發表意見匯編，總結去年諮詢期間所收集的意見，在近十萬份意見書中，政府認為支持立法者多於反對，但匯編沒有詳細分析市民對諮詢細節的意見。由多位學者組成的基本法第廿三條公眾意見匯編研究組，在過去數月研究匯編的意見書，所得的結果與政府有所出入。

研究組發現，連同個人簽名及一人一信所遞交的意見書，共有近37萬人次曾發表意見，其中只有34.6%支持建議立法內容，62.6%反對，在八千份意見書中，

52.7%人士原則上支持立法和立法內容，35.7%則在原則和內容上均反對立法。政府將多達15%的意見書列為「不能分類」，但研究組翻查過意見書後，發現當中近八成可歸入贊成或反對類別。

研究組成員兼中大社會學系副教授陳健民指出，政府的諮詢有粗疏、偏頗之處，例如諮詢文件沒有提供建議的選擇，或提出討論焦點；剔除簽名意見；支持和反對的定義不清；事前沒有交代如何分析，結果令市民的意見流於簡單表態，也令討論過程變得情緒化，加深社會分化，若政府只希望得出一個「是或否」的答案，只需進行民意調查或全民公決。

他批評政府沒有深入研究市民的意見，令市民的憂慮全部被埋沒，他說：「民意不能隨便把弄。」政府所進行的只是「表態的諮詢工作」。

記者鄧紹基

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

星島日報

Sing Tao Daily 2003-05-27

學者批23條匯編結論

七名學術界人士組成研究組，對政府發表的《基本法廿三條公眾意見匯編》的內容再作分析，結論剛好與政府相反。研究組指出，若包括所有意見類型，反對立法的市民多於贊成者。研究組認為政府應於諮詢前列明意見的分析方法，避免漠視一般市民簽名反對立法。

反對立法者意見被忽視

研究組成員之一的中文大學社會學系助理教授陳健民指出，政府沒有在諮詢前說明處理不同意見的方式，以致輕視簽名表格，但重視標準信簽名的情況。他指出標準信只須列印下來，簽一個名便可，與簽名運動沒有分別。

陳健民指出，若不論表達形式和深度，包括簽名運動及一人一信，當中便有百分之六十三反對，只有三十四點六支持建議。政府忽視了簽名運動的意見，所以得出大部分人贊成立法的結論，但簽名運



圖《基本法23條公眾意見匯編》研究組發表研究結果。左起馬嶽、陳建民、陳素娟、鍾庭耀及趙維生。黃偉強攝

動中發表意見的人數最多。他認為政府這樣做不公平。

另一方面，他們亦發現政府在諮詢前沒有針對要點，提供選擇給市民表達意見，以致只有一成的意見書就具體條文表達憂慮。科大社會科學系助理教授馬嶽認為，結果會令市民只流於簡單表態，討論過程亦變得情緒化，間接加深了社會

分化。

總括來說，研究組以「粗鬆」和「偏頗」來形容政府今次處理市民意見的手法。

成員們認為政府日後的諮詢，應公平地對待各項表達意見，清楚界定蒐集民意的要點，及委任獨立機構分析，以增強公信力。

記者 梁紫紋

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

文匯報

Wen Wei Pao 2003-05-27

團體指23條諮詢宜增選擇

【本報訊】(本報實習記者 唐樂)基本法第二十三條公眾意見匯編研究組認為，政府在二十三條的諮詢過程中，十分粗疏。他們建議日後政府進行同類型的諮詢工作時，應該清楚界定蒐集民意的要點，以免民意未能聚焦，流於表面化。

政府於去年進行的基本法第二十三條公眾意見諮詢工作蒐集到約十萬份意見書。研究小組對這些數據進行進一步分析後，提出數項具體建議：政府在今後同類的諮詢工作中，應該為公眾提出更多的選擇，以避免公眾意見的表達流於表面化和情緒化。

該研究小組由本港多位學者組成，香港大學統計及精算系教授陳素娟博士擔任主席，由基本法第二十三條關注組提供資金和資源支持，歷時三個月完成。研究小組對約八千份獨立意見書(包括團體和個人)進行分析後發現，原則上支持二十三條立法的有大約五成七，而超過三成半反對立法，結果和政府公佈的近似。



「基本法第二十三條公眾意見匯編研究組」學者
義務埋首三個月，揭穿政府不負責任的做法。

特稿

學者：還民意公道

雖然外界一直批評政府對《基本法》第二十三條意見匯編分析粗糙，歪曲民意，但政府仍拒絕重新分析。「基本法第二十三條公眾意見匯編研究組」學者寧願犧牲公餘時間，在數以萬計意見書中，找出遭政府「埋葬」了的珍貴數據，正如他們所說，研究組只是想還民意一個公道。

「基本法第二十三條公眾意見匯編研究組」成員包括香港大學統計及精算系講師陳素娟、香港中文大學社會學系副教授陳健民、香港浸會大學社會工作系副教授趙維生、香港大學專業進修學院附屬學院講師蔡世增、香港科技大學社會科學部助理教授馬嶽、港大民意研究計劃主任鍾庭耀則擔任義務秘書。

歷時三月重現真相

研究組除了在財政上得到基本法第二十三條關注組少量支持外，其他就靠學者自掏腰包及貢獻寶貴時間。他們請了十多名學生，由今年二月開始，歷時三個月埋首於十九冊意見匯編中，希望重新「發掘」遭政府忽視、甚至埋葬的數據。

研究組發現，原來商界、勞工、社區團體意見書最多支持立法，但宗教團體支持立法意見不足一成，反對意見有九成一。若果以意見書長度代表是否有質素，不超過一頁的意見書有五成五支持立法，反對只有四成二，但若果意見書有五頁以上，反對意見竟高達七成三。他們又發現，原來海外英文意見書，有九成七反對立法。而隨著諮詢期愈後，政府收到的反對意見就愈多。

陳健民形容自己有時看到一些意見書，「真係『戔』啲市民肉緊，寫成十幾二十張紙意見，最後竟然變成一係贊成、一係反對！」鍾庭耀也認為，現在看來，政府對諮詢分析十分粗糙，若果再詳盡研究，「政府可能今日先可以公布報告，再詳細啲考慮，先提出立法建議，咁樣可能較為適當。」

本報記者

對「七宗罪」
憂慮排行榜

	百分比
煽動叛亂罪	5.7%
警察調查權力過大	5.1%
與外國政治組織聯繫	4.6%
竊取國家機密	4.6%
顛覆	4.0%
叛國	3.9%
分裂國家	2.5%

註：約3000多份反對意見書，當中一成有提及「七宗罪」

資料來源：基本法第二十三條公眾意見匯編研究組

反對《基本法》23條
立法原因

	百分比
損害人權、自由	66.4%
損害一國兩制／	28.5%
將大陸一套帶進香港	
內容含糊／不夠清晰	24.3%
損害投資信心及經濟	14.0%
諮詢時間不足	8.4%
現行法例已足夠／	6.2%
毋須另立新法	

註：約3000多份反對意見書，每份意見書可表達多於一個意見

資料來源：基本法第二十三條公眾意見匯編研究組



支持立法意見書被揭發造馬

23條匯編學生作文充意見



玩弄民意

繼凍肉商會、兒童合唱團後，支持特區政府為《基本法》第二十三條立法的團體，竟然連學生的作文也充當聲援道具。傳統左派學校漢華中學，將六十七份學生作文，當作對二十三條立法意見書提交保安局。負責研究的學者陳健民批評，政府一方面以不能核實為理由，拒絕將反對二十三條的簽名計算在內，另一方面又將團體標準書件、學生作文一併計算，只會令人覺得政府在玩弄民意。

記者：莫劍強、倪清江

【本報訊】政府一直聲稱在《基本法》第二十三條的立法諮詢期內，接獲過半數意見支持立法，不過，一群獨立學者花了數月時間，分析數以萬計意見書及簽名，發現所謂支持立法的意見書，不少存在「造馬」成份，當中包括愛國學校漢華中學將六十七份預科生作文，當作支持立法意見書遞交政府，而保安局在毫無懷疑的情況下，照單全收。

校長坦然承認事件

漢華中學校長馮敏威昨晚接受本報查詢時，坦然承認在《基本法》第二十三條諮詢期間，預科班的中國語文及文化科教師，曾要求學生以此條為題，撰寫一篇意見書，讓他們透過時事，學習寫作：「現個係實用文練習機會。」他說，學生應知道習作會被當作意見書提交政府。他認為此舉並無問題，因為「學生都可以表達意見」。至於交政府時有否挑選過或教師有否指示學生的意見取態，他表示需向有關教師了解。

由一群獨立學者組成的「基本法第二十三條公眾意見匯編研究組」昨日召開記者會，公布他們對政府二十三條諮詢收集到的民意分析。香港中文大學社會學系副教授陳健民批評，政府一方面質疑數十萬個反對立法簽名的可信性，另一方面就將支持立法團體的標準信件，甚至學生作文也計算在內。他批評政府若果要用「數人頭」方式去分析，就要「將簽名都計埋入去」，他提醒政府不要隨便玩弄民意。

市民最擔心煽動罪

研究組主席香港大學統計及精算系講師陳素娟表示，若根據政府界定為意見書的八千多份民意作分析，的確有五六成人支持立法，反對的只佔三成五，但若果將數十萬個簽名計算在內，反對立法的意見便高達百分之六十二點六。

其中最多反對二十三條立法的理由是損害人權自由，而「七宗罪」中，最多人擔心是煽動叛亂罪（見表）。

最令研究組關注的，是意見書中出現不少一式一樣的「標準信件」，例如一千份團體意見書中，不少根本就是預設標準信件。另一位研究組成員、香港科技大學社會科學部助理教授馬嶽指有關信件內容，「除咗發信團體唔同，內容、字眼都一模一樣之外，甚至連個蓋章，簽名都好相似。」

至於漢華中學的學生意見書被「識破」，是因為研究組發現有關「意見書」全部用學校原稿紙寫成，無論從用字或內容分析，都令人相信該批「意見書」應該是學生作文，而非正式意見。馬嶽透露，大部份學生在作文中表示支持立法，其他的也沒有反對立法字眼，主要是不斷建議政府如何向公眾推銷二十三條。

教協會長張文光認為，老師要將學生作文當作意見書提交保安局，事前一定要先向同學說清楚，分析正反意見。張文光認為若六十七份作文大部份都是支持立法，校方又說未經事前挑選，他會十分驚訝，「因為全部同社會嘅家民意表達好唔同。」

學者狠批二十三条匯編迫人表態

政府一直指公眾支持《基本法》二十三條立法，但由多位學者組成的「基本法第二十三條公眾意見匯編研究組」，花了近四個月整理政府發表的意見匯編，發現反對立法的意見佔多，真正提及諮詢文件具體內容只有一成，研究組批評政府諮詢方法粗糙兼偏頗，迫社會表態而造成分化。

漢華意見書疑是學生功課

另外，漢華中學有六十七份意見書，其中五十五份支持立法，但研究組發現，這些意見書極可能是屬於高中學生功課。

漢華中學校長助理、民建聯副主席兼立法會議員葉國謙接受查詢說，從沒有聽說有這樣的學生功課，不排除有學生表達個人意見，這亦屬正常，完全不奇怪，但他會向學校了解詳情，但質疑研究組說：「如何界定是功課，很使人疑惑。」

對於政府意見匯編不著重「一人一信」和「簽名表格」，研究組義務秘書、港大民意研究計劃主任鍾庭耀指出，團體意見也是透過標準形式表達，不能因此說「一人一信」和「簽名表格」素質不夠，他認為

「若政府今天發表意見匯編，立法工作將會健康些。」研究組昨天公布結果時強調，個人立場不影響研究工作，他們沒有預設立場或討論，結果發現，政府意見匯編數字頗多「假像」。

公眾對二十三條立場		
8,000份獨立意見書		
原則上對立法的立場	支持	反對
	整體 56.7%	35.5%
	個人* 52%	39.3%
對立法的具體內容	支持	反對
	整體 50.9%	38.6%
	個人* 48%	49.1%
原則與立法內容	支持	反對
	整體 52.7%	35.5%
	個人* 48%	49.1%
簽名和一人一信		
支持	支持	反對
	整體 52.7%	35.5%
	個人* 48%	49.1%

研究組主席兼港大統計及精算系講師陳素嫻說，大部分意見書簡單地提出贊成或反對，沒有就諮詢文件的「七宗罪」表示意見，只約一成表達對條文的憂慮，依次是煽動、警察調查權力、與外國政治組織聯繫、竊取國家機密、顛覆、叛國和分裂國家。

中大社會學系副教授陳健民說，諮詢文件有「三缺」，首先，沒有提供選擇給市民，結果意見流於情緒化，浪費政府資源和市民時間；第二，沒有事先交代如何分析意見，市民可能原則上同意立法，但不同意具體內容；第三，沒有交代如何處理市民意見，市民或透過不同方式表達意見。

陳健民批評，政府諮詢方法粗糙兼偏頗，隨意處理市民意見，如「一人一信」和「簽名表格」，政府並不看重，他說：「政府應加上一套計算才公道，分開看，不對實際差異，政府若要數人頭，最好方式是做民意調查。」

政制檢討要汲取教訓

科大社會科學部助理教授馬繼說，市民只能贊成或反對立法，反映立法過程做壞了，帶來社會分化，沒有引導公眾集思廣益。他說，鑑於政府未來可能展開政制檢討的諮詢，研究組建議，政府需清楚界定蒐集民意的要點，並提供選擇，公平對待各項表達意見，事先列明分析方法；委任獨立機構蒐集民意及進行分析，增強公信力。



左起馬繼、陳健民、陳素嫻、鍾庭耀



Analysis of Article 23 consultations 'flawed'

Academics claim the submissions were mishandled

Jimmy Cheung

The controversy over the Article 23 legislation took a new twist yesterday after academics released a study backing claims that the government had mishandled public submissions during last year's consultations.

A group of top academics analysed the 97,000 submissions and concluded that the views were sharply divided – contrary to the government's claim of overwhelming support for its position but similar to claims made by opponents of the legislation.

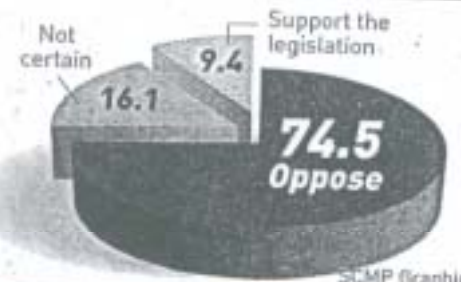
Releasing the 68-page report, associate professor Chan Kin-man, of Chinese University, criticised the government for not analysing the views properly.

"The government apparently wanted the consultation to conclude there is one-sided support for enacting legislation," he said.

The report by the academics, entitled "Doing justice to public opinion in public consultations:

DIVIDED OPINION

The research team surveyed the 1,068 people who told the government they were uncertain about the Article 23 proposals and found that ...



What to do and what not to do", was funded by the Article 23 Concern Group. But the academics said their research was independent.

The Security Bureau had claimed majority support for the proposed Article 23 legislations, based on the submissions – including standard letters – from organisations and individuals.

There were also about 340,000 signatures from the public, most of which were opposed to the law. But the government said these were not as important as the submissions.

Professor Chan said the govern-

ment had failed to note that some people supported legislation in principle but did not endorse the details in the proposal.

Of the submissions that agreed in principle with the Article 23 legislation, about 9 per cent were opposed to or uncertain about the contents, according to the group.

"It is true to say that the majority support enacting legislation in principle. But when taking into account the detailed views in the submissions, public opinion is indeed very divided," Professor Chan said.

Co-researcher Jennifer Chan

So-kuen, of the University of Hong Kong's department of statistics and actuarial science, said some of those previously classified by the government as uncertain were opposed to the proposals.

Of the 1,068 so-called uncertain cases, 74.5 per cent were opposed to the content, the group said. Only 16 per cent were uncertain while 9.4 per cent backed the proposals.

She criticised the government for not respecting the thousands of signatures opposing the law.

Professor Chan Kin-man criticised the government for not adequately explaining to the people how the views would be analysed.

"People expressed their views with sincerity but they had been buried in the government analysis. Public opinion is not something to play with," he said.

But the Security Bureau yesterday stressed it attached equal importance to all views received.

"No matter whether the submissions are for or against the legislation, their views have been fully considered during the course of drafting the legislation," a spokeswoman for the bureau said.

A new study shows people were sharply divided over Article 23, contrary to official claims. Photo: Antony Dickson

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Project Schedule

24 September 2002	✧ The government published a consultation document on “Proposals to implement Article 23 of the Basic Law” to solicit views from the public; and ✧ Beginning of the 3-month public consultation.
24 December 2002	✧ End of the 3-month public consultation.
28 January 2003	✧ The government published the “Compendium of Submissions on Proposals to Implement Article 23 of the Basic Law”.
14 February 2003	✧ The idea to form a Research Team to study the compendium of submissions more thoroughly and scientifically was conceived.
25 February 2003	✧ The Research Team was formed and first team meeting held to discuss terms of reference, operation of research and schedule.
26 February 2003	✧ The National Security (Legislative Provisions) Bill introduced into the Legco.
7 March 2003	✧ Project manager recruited; and ✧ Second team meeting held to discuss research operation and schedule.
17 March 2003	✧ Third team meeting held to discuss results of the first batch of pilot codings and the coding scheme.
19 March 2003	✧ Fourth team meeting held to refine the coding scheme and discuss the coding sheet.

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

20 March 2003	✧ Press release on the Research Team and its mission was issued.
25 March 2003	✧ Fifth team meeting held to study results of the second batch of pilot codings, further refine the coding scheme and coding sheet.
28 March 2003	✧ Briefing of the coders about the project and the coding scheme.
31 March 2003	✧ Second meeting with the coders to do a 3-hour on site test coding, and discuss questions they encounter in the process; ✧ Coders collected some submissions for home coding; and ✧ Discussion continued via e-mail.
4 April 2003	✧ Third meeting with the coders to further discuss their coding experience and to fine tune the coding scheme; and ✧ Coders collected more submissions for home coding.
11 April 2003	✧ Fourth meeting with the coders to do final troubleshooting; ✧ Coders collected last batch of submissions for home coding.
16 & 17 April 2003	✧ Briefing and training of assistants for data entry.
28 April 2003	✧ Coding of all submissions and data entry completed; ✧ Sixth team meeting held to discuss the quality as well as limitations of the dataset, and their ramifications; and ✧ Division of labour on data checking and cleaning.
6 May 2003	✧ Data checking and cleaning completed; and ✧ Seventh team meeting held to discuss preliminary data analyses.

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

12 May 2003	✧ Eighth team meeting held to discuss additional data analyses and division of labour on the compilation of report.
20 May 2003	✧ Ninth team meeting held to discuss the draft of the report and to decide on the schedule leading to finalization of the report.
26 May 2003	✧ Tenth team meeting scheduled for contingency; and ✧ Press conference to release the report.

基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

意見書序號：_____ 提交日期：_____月_____日
 意見書提交人類別： ☐ 1.團體 ☐ 2.個人 ☐ 3.混合
 意見書種類： ☐ 1.完整意見書、獨立信件；代表團體數目_____；代表個人數目_____
 ☐ 2.內容劃一的信件或意見表格；涉及信件或表格數目_____；涉及簽名總數_____
 ☐ 3.簽名表格；涉及表格數目_____；涉及簽名總數_____

意見書總頁數： ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ ≥5
 所用文字： ☐ 1.中文為主 ☐ 2.英文為主 ☐ 3.中英混合 ☐ 4.其他
 意見分類：

甲、就基本法第 23 條進行本地立法的立場

	1. 贊同	2. 傾向贊 同	3. 傾向反 對	4. 反對	7. 無法確 定	9. 沒有提 及
1. 原則上支持進行本地立法	☐	☐	☐	☐	☐	☐
2. 對諮詢文件所提的具體建議內容	☐	☐	☐	☐	☐	☐

乙 1、支持者提出的觀點：
 (甲 2 = 1 或 2)
☐ 1.有關法例維護國家安全、國家利益
☐ 2.基本法已作規定，必須落實
☐ 3.進行本地立法體現一國兩制、港人當家作主的精神
☐ 4.立法有助保障香港繁榮／安定
☐ 5.有關法例可以對人權提供更佳保障
☐ 6.世界各國都有類似法規

乙 2、反對者提出的觀點：
 (甲 2 = 3 或 4)
☐ 7.損害一國兩制中的兩制，將大陸模式搬到香港
☐ 8.侵犯香港人權、自由
☐ 9.減低國內、外投資者信心，影響香港經濟
☐ 10.現行法例已有足夠規管，沒有立法必要
☐ 11.現時並非立法時機
☐ 12.諮詢時間不足
☐ 13.諮詢文件內容不清晰、細節不足
☐ 14.政府諮詢態度欠誠意、官員態度欠佳

其他觀點：

丙 1、對諮詢文件具體內容特別表達憂慮 ☐ 1.有 ☐ 2.沒有 ☐ 7.無法確定

丙 2、(如丙 1 = 1) 意見書對諮詢文件具體內容特別表達憂慮時提到的所有範疇

- ☐ 1.叛國 Treason
☐ 2.分裂國家 Secession
☐ 3.煽動叛亂 Sedition
☐ 4.顛覆 Subversion

☐ 建議覆檢 ☐ 個案研究

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- ☐ 5.竊取國家機密 Theft of State Secrets
- ☐ 6.與外國政治組織聯繫 Ties with Foreign Political Organizations
- ☐ 7.調查權力 Investigation Power

丁、對白紙草案的立場

- ☐ 1.要求／支持出白紙草案 ☐ 2.不需要／不應出白紙草案 ☐ 7.無法確定 ☐ 9.沒有提及

備註：

分析員姓名：_____ 進行分析日期：_____ 需時：____
分鐘

☐ 建議覆檢 ☐ 個案研究

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Variables and Coding Ledger

This document describes the variables included in the research on the Compendium of submissions on Article 23 of the Basic Law, what they were trying to measure and how they were being coded.

CODER

- ✧ Name of the coder responsible for coding the particular submission.
- ✧ This variable allows for detection of systematic error in a coder if needed.

SER_LET

- ✧ Letter prefix of the serial number, as appeared on the upper right hand corner of the first page of a submission in the compendium.
- ✧ According to the government scheme, “A” denotes submissions from organizations, “B” submissions from individuals, “C” standard letters or pre-printed opinion forms, and “D” signature forms.
- ✧ However, in our careful perusal of the submissions, some cases of misclassification are identified (e.g. submission by an organization mistaken as submission by an individual, standard letters not taken out from “A” or “B” sections). But it also has to be noted that though the coders tried their best in reclassifying correctly, given the vast number of submissions and our limited resources and time, it has proven humanly impossible to pick out ALL standard letters from “A” or “B”.
- ✧ In the cases of misclassification, we do not alter the ***SER_LET***; instead we update the coding on the variables ***IND_V_GP*** and ***TYPE***. Thus, ***SER_LET*** can no longer be used as a perfect identifier for the types of the submissions.

SERIAL#

- ✧ The number part of the serial numbers used by the government, omitting the zeroes immediately after the letter prefix.
- ✧ ***SER_LET*** together with ***SERIAL#*** serve as unique identifier of any submission printed in the compendium.

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- ✧ Generally, the submissions are numbered in consecutive sequence. However, the following numbers do not have corresponding submissions in the compendium:
 - A10, B1283 to B1299, B2572 to B2599, B3895 to B3899, B5199
- ✧ In addition, some submissions are “cancelled”, for being irrelevant (e.g. talk about flag burning with no bearing whatsoever on BL23), or being an exact duplicate of another submission (exactly the same text, submitted under the same name). (cross-reference: Appendix 11)
- ✧ If a certain individual or group has tendered more than one submission, as long as they are not exact duplicates, we follow the government’s convention in counting them as separate submissions.
- ✧ In the meantime, there are also cases printed in the compendium that are obviously independent submissions, but do not carry a serial number. For these cases, we give the midpoint value of the serial numbers immediately preceding and following the non-numbered submission. For example, if it is located between A1 and A2, then it will be numbered A1.5. (cross-reference: Appendix 11)

VOL

- ✧ Number of the volume in the Compendium where the submission is located.

GC

- ✧ Government categorization of the submission’s inclination toward Article 23 legislation:
 - 1=favor
 - 2=oppose
 - 7=uncertain

NAME

- ✧ Name of the organization or individual

ORG_TYPE

- ✧ Type of group (for ***SER_LET***=A only)
 - 1=education group

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- 2=political or focus group
- 3=business organization
- 4=labor union
- 5=professional group
- 6=community group
- 7=religious group
- 9=organization related to publication or news

ORIGIN

✧ Where the submission was originated from:

- 1=local
- 2=overseas
- 3=mixed
- 7=uncertain

✧ We follow primarily the government's classification unless we see signs to the contrary.

DATE

✧ The stated date of submission, or the date stamp of email or fax transmission.

✧ In the absence of such, and if the "received" chop with date is visible, we use the date on the "received" chop as a surrogate. However, if the chop date is beyond December 24, the last day of the consultation period (some overseas submissions were received in January), we use December 24 as the date of submission. Otherwise, the field is left blank.

IND_V_GP

✧ The government's classification of the submissions into 4 categories is far from ideal. Conceptually it carries two different dimensions: organization vs. individual submissions, and unique vs. standard letters / forms. By construct, the resulting categories are not mutually exclusive.

✧ In our coding scheme, *IND_V_GP* and *TYPE* are used to represent the 2 separate dimensions.

✧ *IND_V_GP*:

- 1=submission by group(s)
- 2=submission by individual(s)

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- 3=submission by group(s) and individual(s)
- ✧ Organizations are groups. There are, however, some less obvious cases. If a submission is signed by “a group of individuals”, with no individual signatures, we may consider it a group submission. The exception would be incredible ones such as “the entire populace of Hong Kong”, which will be considered submission by an individual.**TYPE**
- ✧ Type of submission:
 - 1=unique submission
 - 2=standard letter, pre-printed opinion form
 - 3=signature form
- ✧ In a sense, this is an indicator of the level of initiative, those using signature forms having the lowest level and those preparing unique submissions the highest.
- ✧ If a standard letter has been modified substantively, it will be considered a unique submission.

NO_GPS

- ✧ When **TYPE**=1 and **IND_V_GP**=1 or 3, then we count the number of groups represented in the submission. Otherwise, the variable is left blank.

NO_IND

- ✧ When **TYPE**=1 and **IND_V_GP**=2 or 3, then we count the number of individuals represented in the submission. Otherwise, the variable is left blank.

NO_FORMS

- ✧ When **TYPE**=2 or 3, then we input the number of forms represented by the sample submission printed in volume 19 of the compendium. Otherwise, the variable is left blank.

NO_SIGS

- ✧ When **TYPE**=3, then we input the number of signatures represented by the sample submission printed in volume 19 of the compendium. Otherwise, the variable is left blank.

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NO_PAGES

- ✧ Number of pages:
 - 1=1 page
 - 2=2 pages
 - 3=3 pages
 - 4=4 pages
 - 5=5 or more pages
- ✧ This variable could be seen as indicator of the degree of sophistication.
- ✧ The counting of the number of pages in a submission includes all appendices, news clippings, etc.

LANGUAGE

- ✧ Language used in the submission:
 - 1=mainly Chinese (defined as $\geq 80\%$ of the content in Chinese)
 - 2=mainly English (defined as $\geq 80\%$ of the content in English)
 - 3=a mixture of Chinese and English
 - 4=other languages

STAND1 and *STAND2*

- ✧ The government categorized the submissions into:
 - A: The content of the submission enables it to be identified as supportive of the legislation to implement Article 23;
 - B: The content of the submission enables it to be identified as opposed to introducing legislation to implement Article 23 (if the writer supports in principle legislation to implement Article 23 but objects to the proposals in the consultation document, the submission will be categorized as B also); and
 - C: The content of the submission does not enable it to be identified as either A or B.
- ✧ We have decided to separate clearly the stand in principle from the stand regarding the current government proposal, and correlate them with viewpoints or rationales behind the stands (the VIEW variables).
- ✧ The STAND variables are expressed stands in the submission regarding the local enactment of BL23: *STAND1* on principle, *STAND2* on the government's proposal:
 - 1=support
 - 2=inclined to support

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- 3=inclined to object
 - 4=object
 - 7=uncertain
 - 9=not mentioned
- ✧ If the submission contains only simple statement, both **STAND1** and **STAND2** will be given the same code. For example, if the submission in concern stated support for BL23 legislation with little or no qualifications, then both **STAND1** and **STAND2** will be given the code of “1”.
- ✧ Sometimes the stands are not as clearly stated and we understand that the line between interpretation and over-interpretation is a very fine one. We have instructed the coders to decipher the general tone of the submission as positive or negative toward local enactment of BL23, and code “7” only when it is clearly not determinable, and “9” only when the submission does not give any clues as to the general inclination of the writer. We have also cautioned the coders against over-interpreting.
- ✧ This same principle of interpretation applies when a certain submission is written in an ironic tone. For example, there are a few submissions that say one thing in literal sense, but mean the opposite if read between the lines. These submissions tend to push things to the extreme in a tone of sarcasm. If we do not allow a certain degree of interpretation, we would have miscoded the stands of these submissions. Other similar situations include poems or prose written poetically.

VIEW1 to VIEW14

- ✧ Viewpoints or rationales behind the expressed stands:
- 1=mentioned
 - 0=not mentioned
- ✧ They can be divided into 3 groups:
- Group 1: **VIEW1** to **VIEW6**: viewpoints that are often cited in support of legislation, to be coded only when **STAND2**=1 or 2; otherwise they are skipped.
 - ◆ **VIEW1**: protect national security, national interest
 - ◆ **VIEW2**: required by the Basic Law and is our obligation to fulfill
 - ◆ **VIEW3**: embody “One Country, Two Systems”
 - ◆ **VIEW4**: safeguard Hong Kong’s prosperity and stability
 - ◆ **VIEW5**: provide better protection of human rights
 - ◆ **VIEW6**: such legislation is common international practice
 - Group 2: **VIEW7** to **VIEW11**: viewpoints that are often cited in opposition of legislation, to be coded only when **STAND2**=3 or 4; otherwise they are skipped.

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- ◆ **VIEW7:** hurt “One Country, Two Systems”, cause mainlandization of HK
- ◆ **VIEW8:** violate human rights and liberties
 - Mention of either human rights or liberties will do
 - Mention of academic freedom or the example of Li Shaomin will mean that this viewpoint is mentioned
 - Falun Gong’s standard argument
- ◆ **VIEW9:** dampen investors’ confidence, and thereby Hong Kong’s economic prospect
- ◆ **VIEW10:** no need for legislation as existing laws provide adequate safeguard
 - The argument that the legislation proposal is trying to do too much – much more than what is required by the BL (i.e. overdoing) – could be classified under **VIEW10**
- ◆ **VIEW11:** timing of legislation is not right
- Group 3: **VIEW12** to **VIEW14:** queries about aspects of the consultation exercise, often cited in opposition of legislation as government proposed, to be coded only when **STAND2**=3 or 4; otherwise they are skipped
 - ◆ **VIEW12:** consultation period too short
 - Include complaints about both length and breadth of the consultation
 - ◆ **VIEW13:** consultation document lacks clarity and details
 - ◆ **VIEW14:** consultation lacks sincerity
- ✧ There are some submissions that focus on rebutting the arguments of the opposite camp, or in other words, instead of stating the reasons in support of their stands, they take the approach of negating the rationales and thereby the stands of the opposite camp. Our current coding scheme does not accommodate this approach. Therefore, while their stands can be readily identified, they would be deemed to have expressed no viewpoints to support their own stands.

CONCERN

- ✧ Whether concerns or worries about specific content of the consultation document are expressed:
 - 1=yes
 - 2=no
 - 3=uncertain

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- ✧ Obviously people in the supporting camp will not see the government proposals as worrying. But for people in the opposing camp, this variable allows us to distinguish submissions that were primarily position stating for head counting purpose as opposed to submissions that tried to respond to the government proposals.

TREASON to **INVPOWER**

- ✧ Only when **CONCERN**=1, then we proceed to code **TREASON**, **SECESSION**, **SEDITION**, **SUBVERSION**, **THEFTSEC**, **TIE_FPO**, and **INVPOWER**, corresponding to the headings of Chapters 2-8 of the consultation document:
 - 1=mentioned
 - 0=not mentioned
- ✧ For details about each of the 7 concepts, the coders were asked to consult the consultation document as well as the 7 booklets published by the BL23 Concern Group.

EX_TER_J

- ✧ In the course of coding, a couple of coders noticed that “extra-territorial jurisdiction” has been mentioned in a couple dozen cases. We have decided post-hoc to include a dummy variable **EX_TER_J** to indicate whether it is mentioned. Similar to the **TREASON** to **INVPOWER** variables, it is being coded only when **CONCERN**=1:
 - 1=mentioned
 - 0=not mentioned

W_BILL

- ✧ Whether the submission is in support of the introduction of a white bill:
 - 1=support
 - 2=oppose
 - 7=uncertain
 - 9=not mentioned
- ✧ There is a clear agenda-setting effect as the idea of putting forth a white bill carries much momentum in the community discourse after Anson Chan suggested it in the media. We do not expect white bill to be mentioned much in submissions tendered before that.
- ✧ There are in fact quite some submissions that do not give stands or viewpoints but only call for the introduction of a white bill.

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- ✧ Submissions that call for a longer consultation period, or the proposal to be spelled out more clearly and in greater details would **not** automatically be assumed that they are in support of a white bill.
- ✧ It is only when the submission clearly states to the effect that a longer **public** consultation period, and/or the proposal to be spelled out more clearly and in greater details are desirable **before the legislating process formally begins** then it can be construed as in support of a white bill.
- ✧ If a submission calls for legislation as soon as possible, it will be construed as opposing the introduction of a white bill, and be given the code of “2”.

CHECK

- ✧ Whether the coder recommends reexamination:
 - 1=yes, 0=no

STUDY

- ✧ Whether the coder recommends further perusal of the case:
 - 1=yes, 0=no

Other observations:

- ✧ Qualification as a submission: If a submission contains nothing but only news clipping, there is neither stated stands nor clues to help decipher the stands, then it should not be counted as a submission.
- ✧ Appendices that are consistent with the stated stands of the submission should be reviewed as part of the submission in the determination of codes for the variables in the coding sheet.
- ✧ In some English language submissions, the term “anti-subversion laws” is used to represent the entire concept of local BL23 enactment. But the coders are cautioned to make the distinction whether the submission concerns itself with subversion alone or the entire BL23 legislation.
- ✧ Some other views expressed:
 - Legislation causes shame on HK, makes HK a laughing stock
 - Johannesburg principle
 - Put forth suggestions that may help make the government proposal more acceptable
 - It is of the right timing to legislate, already 5 years after handover
 - It is the obligation of HKer

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- Affect future of HK (did not say whether positively or negatively)
 - Increase polarization of community
 - Decrease in judicial independence
 - There is a severe lack of confidence in government (so should not introduce such controversial law, so does not matter what the government does, so the people will not trust the officials' words alone. . .)
 - Confuse the concept of patriotism with support of the bill
- ✧ Problem: in volume 19 of the compendium, the sample standard letters and opinion forms ("C") are printed. However, some of the forms allow expression of either positive or negative views toward BL23 legislation. Some provide a list of views to check. Therefore, it would be wrong to assume that the codes for the samples can be simply generalized to the rest.
- ✧ Technical note: It is very important to note that when a certain variable is left blank (e.g. in a "skip" situation), "." will be generated when imported into SPSS format, denoting missing values. This is very different from "0" conceptually.

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Training of Coders and Inter-Coder Reliability**Development of Coding Scheme and Coding Sheet**

Members of the research team spent 4 meetings on the development and refinement of the coding scheme as well as the coding sheet (Appendix 7). During the period, 2 rounds of pilot coding were conducted.

Recruitment and Training of Coders

To allow for close supervision of coding work and to achieve greater coding consistencies, we have made the following explicit decisions:

- ✧ The number of coders should be limited to 10 or below, depending on the commitment of the recruited coders, or it will be hard to monitor the progress and strain the inter-coder reliability level. Eventually 8 phenomenal students were recruited on board. Five of them Law/BA background, 3 with Sociology background. All are either third year or fourth year college students.
- ✧ Vigorous briefing and training sessions were given by Prof. Kin Man Chan (member of the research team), Prof. Clement So (Honorary Adviser with expertise in content analysis) and Ms. Winnie Kwok (project manager). The first briefing session lasted a little over 2 hours, followed by a 3-hour on site test coding. In addition to answering questions about coding, there was a comprehensive debriefing session afterwards.
- ✧ Because of SARS, the students collected volumes of submissions for home coding. However, they were encouraged to continue exchange over email.
- ✧ Additional debriefing session when they were almost done with the first batch of submissions.
- ✧ The coding scheme was further refined and became the Variables and Coding Ledger (Appendix 8) which describes the variables and the guiding principles to use in the coding process.

Quality Control

The project manager put in place 2 measures of quality control and found that the quality of coding was impressive:

- ✧ Coded submissions were randomly picked for full coding by the project manager.
- ✧ Some diagnostic checks based on logical relationship among variables were performed.

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Inter-Coder Reliability

- ✧ A sample of 144 submissions was randomly picked from the Compendium. Each of the sampled submissions was coded by at least two of the eight student coders who were responsible for coding more than 95% of the entire Compendium of 8000+ submissions.
- ✧ We took measures to ensure that each coder's coding can be compared to every other coder's. The percentage of consistent codings among coders ranges from the lowest of 85% to 100%, the average across variables being 92%.
- ✧ The scholar members of the team did not participate in the inter-coder reliability test, as they were only responsible for coding a few dozens of organizational submissions and often times the codings were being discussed before finalization.

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Local Submissions

			support legislation	oppose legislation	uncertain	Total	blue	white	NA	Total
Organizational submissions	N		925	65	77	1067	115	60	892	1067
	%		86.7%	6.1%	7.2%	100.0%	10.8%	5.6%	83.6%	100.0%
Individuals										
submissions	N		2890	1426	841	5157	352	778	4027	5157
	%		56.0%	27.7%	16.3%	100.0%	6.8%	15.1%	78.1%	100.0%
signatures	N		4741	1926	1727	8394				
	%		56.5%	22.9%	20.6%	100.0%				
Standard Letters or Pre-printed Opinion Forms (>400 versions)										
submissions	N		61788	16229	3010	81027	5593	5055	70379	81027
	%		76.3%	20.0%	3.7%	100.0%	6.9%	6.2%	86.9%	100.0%
signatures	N		66609	16332	3046	85987				
	%		77.5%	19.0%	3.5%	100.0%				
Signature Forms (94 versions)										
submissions	N		2512	7112	222	9846	45	280	9521	9846
	%		25.5%	72.2%	2.3%	100.0%	0.5%	2.8%	96.7%	100.0%
signatures	N		65185	175823	5124	246132				
	%		26.5%	71.4%	2.1%	100.0%				
Local Total										
submissions	N		68115	24832	4150	97097	6105	6173	84819	97097
	%		70.2%	25.6%	4.3%	100.0%	6.3%	6.4%	87.4%	100.0%
signatures (exclude organizations)	N		136535	194081	9897	340513				
	%		40.1%	57.0%	2.9%	100.0%				

Overseas Submissions

			support legislation	oppose legislation	uncertain	Total	blue	white	NA	Total
Organizational submissions	N		1	44	15	60	0	10	50	60
	%		1.7%	73.3%	25.0%	100.0%	0.0%	16.7%	83.3%	100.0%
Individuals										
submissions	N		19	1068	152	1239	0	54	1185	1239
	%		1.5%	86.2%	12.3%	100.0%	0.0%	4.4%	95.6%	100.0%
signatures	N		22	1611	180	1813				
	%		1.2%	88.9%	9.9%	100.0%				
Standard Letters or Pre-printed Opinion Forms (>30 versions)										
submissions	N		0	1255	0	1255	0	44	1211	1255
	%		0.0%	100.0%	0.0%	100.0%	0.0%	3.5%	96.5%	100.0%
signatures	N		0	1671	0	1671				
	%		0.0%	100.0%	0.0%	100.0%				
Signature Forms (~20 versions)										
submissions	N		0	1241	17	1258	0	17	1241	1258
	%		0.0%	98.6%	1.4%	100.0%	0.0%	1.4%	98.6%	100.0%
signatures	N		0	25327	288	25615				
	%		0.0%	98.9%	1.1%	100.0%				
Overseas Total										
submissions	N		20	3608	184	3812	0	125	3687	3812
	%		0.5%	94.6%	4.8%	100.0%	0.0%	3.3%	96.7%	100.0%
signatures (exclude organizations)	N		22	28609	468	29099				
	%		0.1%	98.3%	1.6%	100.0%				

Local + Overseas Submissions

			support legislation	oppose legislation	uncertain	Total	blue	white	NA	Total
submissions	N		68135	28440	4334	100909	6105	6298	88506	100909
	%		67.5%	28.2%	4.3%	100.0%	6.1%	6.2%	87.7%	100.0%
signatures (exclude organizations)	N		136557	222690	10365	369612				
	%		36.9%	60.2%	2.8%	100.0%				
organizational submissions	N		926	109	92	1127	115	70	942	1127
	%		82.2%	9.7%	8.2%	100.0%	10.2%	6.2%	83.6%	100.0%

Note: compiled based on information extracted from the Compendium

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Research Team on the Compendium of Submissions on Article 23 of the Basic Law**Cancelled Cases**

ser_num	vol	gc	reason for cancellation
A000026	2	2	cancelled, duplicate of A000397
A000253	3	7	cancelled, duplicate of B002101
A000750	4	1	cancelled, duplicate of A000006
A000783	5	7	cancelled, irrelevant
B000400	6	2	cancelled, irrelevant
B000486	7	2	cancelled, duplicate of B000485
B000854	7	2	cancelled, duplicate of B000853
B000892	7	1	cancelled, duplicate of B000891
B000910	7	2	cancelled, duplicate of B000909
B001305	8	2	cancelled, duplicate of B001304
B001352	8	7	cancelled, irrelevant
B001369	8	7	cancelled, irrelevant
B001434	8	2	cancelled, duplicate of B001433
B001440	8	7	cancelled, irrelevant
B001488	9	2	cancelled, duplicate of B001487
B001581	9	2	cancelled, duplicate of B001580
B001621	9	1	cancelled, irrelevant
B001689	9	2	cancelled, irrelevant
B001910	9	1	cancelled, irrelevant
B002885	11	1	cancelled, irrelevant
B002886	11	1	cancelled, duplicate of B002885.5
B005016	15	2	cancelled, duplicate of B005015
B006173	18	2	cancelled, duplicate of B006172
B006178	18	2	cancelled, duplicate of B006177
B006180	18	2	cancelled, duplicate of B006179
B006262	18	2	cancelled, irrelevant
B006285	18	7	cancelled, irrelevant
B006325	18	2	cancelled, duplicate of B006289
B006327	18	2	cancelled, duplicate of B006326
B006435	18	7	cancelled, irrelevant

Salvaged Cases

serial#	vol	gc	name
B2872.5	11		
B2885.5	11		李思泌
B3624.5	13		凌友詩
B3906.5	13		張石慶
B5449.5	16		Ping Lee
B6041.2	17		鎮江
B6041.4	17		顏東旭等
B6041.6	17		顏偉強
B6041.8	17		顏尊廉
B6214.5	18		嚴傑雄
B6280.5	18		沒有署名9
C346.5	19		

基本法第二十三條公眾意見匯編研究組**RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW****Tables and Charts****Table Set 1: Frequency Distributions****Table 1A: Origin of Submission**

	N	%
Local	6,645	82.8
Overseas	1,376	17.2
Total	8,021	100.0

Table 1B: Date of Submission

	N	%
On or before September 30	43	0.6
October 1-15	96	1.3
October 16-31	240	3.3
November 1-15	839	11.4
November 16-30	1,101	15.0
December 1-15	1,923	26.2
December 16-24	3,103	42.2
Total	7,345	100.0

Table 1C: Individual versus Group Submission

	N	%
Group	1,209	15.1
Individual	6,705	83.6
Mixed	107	1.3
Total	8,021	100.0

基本法第二十三條公眾意見匯編研究組**RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW****Table 1D: Type of Organization**

	N	%
Community groups	497	44.2
Labor unions	275	24.4
Business organizations	150	13.3
Education bodies	64	5.7
Political parties or groups	57	5.1
Religious organizations	33	2.9
News-related organizations	27	2.4
Professional groups	22	2.0
Total	1,125	100.0

Table 1E: Type of Submission

	N	%
Unique letters	7,154	89.2
Standard letters or forms	766	9.5
Signature forms	101	1.3
Total	8,021	100.0

Table 1F: Number of Pages in a Submission

	N	%
1 page	7,021	87.5
2 pages	613	7.6
3 pages	192	2.4
4 pages	70	0.9
5 pages or more	125	1.6
Total	8,021	100.0

Table 1G: Language Used in the Submission

	N	%
Mainly Chinese	6,601	82.3
Mainly English	1,370	17.1
Both Chinese and English	36	0.4
Others	14	0.2
Total	8,021	100.0

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 1H: Reasons Cited for Supporting the Government Proposals

	N	%
Protect national security and interests	2,856	67.7
Safeguard HK's prosperity and stability	1,660	39.3
Required by the Basic Law, and therefore our obligation to legislate	1,249	29.6
Embody the spirit of "One Country, Two Systems"	838	19.9
Common international practice	589	14.0
Provide better protection of human rights	231	5.5

Note: The coders were asked to determine and code if any or all of the reasons above were cited. In other words, for any given submission, depending on its content, 0 to 6 of the above reasons could have been cited.

Table 1I: Reasons Cited for Opposing the Government Proposals

	N	%
Violate human rights and liberties	2,369	66.4
Hurt the "HK System", "mainlandization of HK"	1,017	28.5
Consultation document lacks clarity and details	869	24.3
Dampen investors' confidence and thereby economic prospect of HK	499	14.0
Not enough time for consultation	390	10.9
Timing for legislation not right	347	10.0
Consultation lacks sincerity, officials display bad attitude	300	8.4
Existing laws are adequate, no need to legislate	223	6.2

Note: The coders were asked to determine and code if any or all of the reasons above were cited. In other words, for any given submission, depending on its content, 0 to 8 of the above reasons could have been cited.

Table 1J: Expressed Concern about Specific Content of Legislation

	N	%
Expressed concern	864	10.8
Did not express concern	7,086	88.5
Cannot be ascertained	58	0.7
Total	8,008	100.0

基本法第二十三條公眾意見匯編研究組**RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW****Table 1K: Specific Areas of Concern in the Proposals**

	N	%
Sedition	455	52.8
Police investigative power	409	47.5
Ties with foreign political organizations	371	43.1
Theft of state secrets	367	42.6
Subversion	320	37.2
Treason	315	36.6
Secession	203	23.6

Note: Of the submissions that indicated concern over specific contents of the legislation, the coders were asked to determine and code if any or all of the areas above (corresponding to the chapters in the consultation document) were cited.

Table 1L: Call for a White Bill

	N	%
Called for a White Bill	1,016	12.7
No need for a White Bill	678	8.5
Cannot be ascertained	116	1.4
Did not mention	6,198	77.4
Total	8,008	100.0

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table Set 2: Cross-tabulations

Table 2A: Stand1 by Stand2

Stand2 (Contents)	Stand1 (Principle)			
	Favor	Neutral	Oppose	Total
Favor	4,219 (52.7%)	2 (0.0%)	0 (0.0%)	4,221 (52.7%)
Neutral	38 (0.5%)	177 (2.2%)	2 (0.0%)	217 (2.7%)
Oppose	282 (3.5%)	449 (5.6%)	2,839 (35.5%)	3,570 (44.6%)
Total	4,539 (56.7%)	628 (7.8%)	2,841 (35.5%)	8,008 (100.0%)

Table 2B: Stands by Ind_v_gp and Stands by Type of Submission

Stands	Ind_v_gp		Type of Submission		
	Individual %	Group %	Independent Letter %	Standard Form %	Signature Form %
Stand1 favor, Stand2 favor	48.0	78.0	49.1	86.0	50.5
Stand1 favor, Stand2 uncertain	0.4	0.9	0.5	0.1	0.0
Stand1 favor, Stand2 oppose	3.7	3.1	3.9	0.8	1.0
Stand1 neutral, Stand2 favor	0.0	0.0	0.0	0.0	0.0
Stand1 neutral, Stand2 uncertain	2.5	0.7	2.4	0.3	2.0
Stand1 neutral, Stand2 oppose	6.2	2.4	5.9	3.0	4.0
Stand1 oppose, Stand2 favor	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 uncertain	0.0	0.0	0.0	0.0	1.0
Stand1 oppose, Stand2 oppose	39.3	14.9	38.1	9.8	41.6
%	100.1	100.0	99.9	100.0	100.1
(N)	(6,692)	(1,209)	(7,141)	(766)	(101)
Cramer's V =	.729	.668	.723	.696	.755

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 2C: Stands by Number of Pages

Stands	Number of Pages				
	1 %	2 %	3 %	4 %	5+ %
Stand1 favor, Stand2 favor	54.9	40.7	35.1	34.3	23.2
Stand1 favor, Stand2 uncertain	0.3	1.1	3.1	2.9	0.8
Stand1 favor, Stand2 oppose	2.2	10.5	16.2	14.3	18.4
Stand1 neutral, Stand2 favor	0.0	0.0	0.0	0.0	0.0
Stand1 neutral, Stand2 uncertain	2.3	1.5	2.1	1.4	4.0
Stand1 neutral, Stand2 oppose	4.9	9.0	9.9	11.4	17.6
Stand1 oppose, Stand2 favor	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 uncertain	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 oppose	35.3	37.3	33.5	35.7	36.0
%	99.9	100.1	99.9	100.0	100.0
(N)	(7,010)	(612)	(191)	(70)	(125)
Cramer's V =	.755	.590	.514	.525	.507

Table 2D: Stands by Date of Submission

Stands	Date of Submission						
	Sept 24-30 %	Oct 1-15 %	Oct 16-31 %	Nov 1-15 %	Nov 16-30 %	Dec 1-15 %	Dec 16-24 %
Stand1 favor, Stand2 favor	74.4	62.5	74.6	86.3	90.0	59.2	25.3
Stand1 favor, Stand2 uncertain	0.0	0.0	0.4	0.7	0.5	0.1	0.6
Stand1 favor, Stand2 oppose	4.7	2.1	2.1	2.3	1.9	1.3	6.0
Stand1 neutral, Stand2 favor	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Stand1 neutral, Stand2 uncertain	0.0	6.3	2.5	1.3	1.2	0.8	3.7
Stand1 neutral, Stand2 oppose	4.7	6.3	4.2	2.0	1.2	2.9	10.3
Stand1 oppose, Stand2 favor	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 uncertain	0.0	0.0	0.0	0.0	0.0	0.0	0.1
Stand1 oppose, Stand2 oppose	16.3	22.9	16.3	7.4	5.1	35.8	54.0
%	100.1	100.1	100.1	100.0	100.0	100.1	100.0
(N)	(43)	(96)	(240)	(839)	(1,101)	(1,921)	(3,094)
Cramer's V =	.878	.807	.752	.695	.707	.752	.673

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 2E: Stands by Type of Organization

Stands	Type of Organization							
	Edu- cation %	Politi- cal %	Bus- siness %	Labour Union %	Profes- sional %	Com- munity %	Reli- gion %	News %
Stand1 favor, Stand2 favor	65.6	26.3	87.2	85.8	54.5	95.2	9.1	51.9
Stand1 favor, Stand2 uncertain	3.1	5.3	0.7	0.7	9.1	0.2	0.0	0.0
Stand1 favor, Stand2 oppose	6.3	7.0	3.4	0.7	18.2	1.0	33.3	0.0
Stand1 neutral, Stand2 favor	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stand1 neutral, Stand2 uncertain	4.7	3.5	1.3	0.4	0.0	0.0	0.0	0.0
Stand1 neutral, Stand2 oppose	7.8	8.8	1.3	1.1	13.6	0.2	3.0	11.1
Stand1 oppose, Stand2 favor	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 uncertain	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stand1 oppose, Stand2 oppose	12.5	49.1	6.0	11.3	4.5	3.4	54.5	37.0
%	100.0	100.0	99.9	100.0	99.9	100.0	99.9	100.0
(N)	(64)	(57)	(149)	(275)	(22)	(496)	(33)	(27)
Cramer's V =	.629	.613	.681	.706	.441	.622	.368	1.000

Table 2F: Stand2 by Date of Submission

Stand2	Date of Submission						
	Sept 24-30 %	Oct 1-15 %	Oct 16-31 %	Nov 1-15 %	Nov 16-30 %	Dec 1-15 %	Dec 16-24 %
Favor	74.4	62.5	74.6	86.3	90.0	59.2	25.3
Uncertain	0.0	6.3	2.9	2.0	1.7	0.8	4.3
Oppose	25.6	31.3	22.5	11.7	8.2	40.0	70.3
%	100.0	100.1	100.0	100.0	100.0	100.0	99.9
(N)	(43)	(96)	(240)	(839)	(1,101)	(1,921)	(3,094)
Gamma = .683 (p < .001)							

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 2G: Stand2 by Origin of Submission

Stand2	Origin of Submission	
	Local %	Overseas %
Favor	63.2	1.4
Uncertain	3.1	1.0
Oppose	33.7	97.6
Total	100.0	100.0
N	6,645	1,363
Cramer's V = .484 (p < .001)		

Table 2H: Stand2 by Ind_v_gp

Stand2	Individual vs. Group Submission		
	Group %	Individual %	Mixed %
Favor	78.0	48.0	61.7
Uncertain	1.7	2.9	1.9
Oppose	20.3	49.1	36.4
Total	100.0	100.0	100.0
N	1,209	6,692	107
Cramer's V = .153 (p < .001)			

Table 2I: Stand2 by Type of Organization

	Type of Organization							
	Edu cation %	Poli tical %	Bus siness %	Labour Union %	Profes sional %	Com munity %	Reli gion %	News %
Favor	65.6	26.3	87.2	85.8	54.5	95.2	9.1	51.9
Uncertain	7.8	8.8	2.0	1.1	9.1	0.2	0.0	0.0
Oppose	26.6	64.9	10.7	13.1	36.4	4.6	90.9	48.1
%	100.0	100.0	99.9	100.0	99.9	100.0	99.9	100.0
(N)	(64)	(57)	(149)	(275)	(22)	(496)	(33)	(27)
Cramer's V = .411 (p < .001)								

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Table 2J: Stand2 by Type of Submission

Stand2	Type of Submission		
	Independent Letter %	Standard Letter/Form %	Signature Form %
Favor	49.2	86.0	50.5
Uncertain	3.0	0.4	3.0
Oppose	47.9	13.6	46.5
Total	100.1	100.0	100.0
N	7,141	766	101
Cramer's V = .154 (p < .001)			

Table 2K: Stand2 by Number of Pages

Stand2	Number of Pages				
	1 %	2 %	3 %	4 %	5 %
Favor	55.0	40.7	35.1	34.3	23.2
Uncertain	2.6	2.6	5.2	4.3	4.8
Oppose	42.5	56.7	59.7	61.4	72.0
Total	100.1	100.0	100.0	100.0	100.0
N	7,010	612	191	70	125
Cramer's V = .154 (p < .001)					

Table 2L: Stand2 by Language

Stand2	Language Used		
	Mainly Chinese %	Mainly English %	Both Chinese and English %
Favor	61.4	12.2	5.6
Uncertain	2.0	6.1	2.8
Oppose	36.6	81.7	91.7
Total	100.0	100.0	100.1
N	6,601	1370	36
Cramer's V = .267 (p < .001)			

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Table 2M: Stand2 by Concern

Stand2	Show Concern	
	Yes %	No %
Favor	5.2	58.7
Uncertain	1.7	2.8
Oppose	93.1	38.5
Total	100.0	100.0
N	863	7,086
Cramer's V = .246 (p < .001)		

Table 2N: Stand2 by Call for White Bill

Stand2	Call for White Bill		
	Yes %	No Need %	Uncertain %
Favor	2.6	98.8	37.1
Uncertain	12.4	0.7	12.1
Oppose	85.0	0.4	50.9
Total	100.0	99.9	100.1
N	1,016	678	116
Cramer's V = .154 (p < .001)			

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 3: 57 selected organizations' positions towards the government's BL23 document:

Stand2: Contents

Stand 1: Principle

	Favor	Uncertain	Oppose
Favor	The Chinese Manufacturers' Association of HK (1) 自由黨 (1) 政府人員協會 (1) 香港工會聯合會 (1) 香港工業總會 (1) 香港中華總商會 (1) 香港青年大專學生協會 (1) 香港教育工作者聯會 (1) 新世紀論壇 (1) 新界鄉議局 (1) 學友社 (1) 離島區議會 (1)		
Uncertain	民主建港聯盟 (1) 教育評議會 (7)	Canadian Consulate General (7) Dept. of Politics & Socio, Lingnan University (7) European Parliament (7) European Union (7)	
Oppose	Article 23 Concern Group (7) Austcham Hong Kong (1) British Chamber of Commerce in HK (7) HK Bar Association (7) HK General Chamber of Commerce (1) The Law Society of HK (2) 民主黨 (7) 突破機構 (7)	City U of HK, Dept of Politics & Social Administration (7) HK Political Science Association (7) Journalism & Media Studies Centre, HKU (7) School of Communication, HKBU (7) The American Chamber of Commerce (2) HK News Executives' Association (7) 香港中文大學新聞與傳播學院 (7)	HK Human Rights Monitor (2) HK Journalists Association (2,7) Int'l Federation of Journalist (7) The Foreign Correspondents' Club, HK (7) World Association of Newspapers (7) 天主教正義和平委員會 (2) 民主黨 (2)

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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Table 3: 57 selected organizations' positions towards the government's BL23 document:

Stand2: Contents

Stand 1: Principle

	Favor	Uncertain	Oppose
	v 香港民王民生協進會 (7) 香港社會工作人員協會 (7) 香港社會服務聯會 (1)		民間人權陣線 (2) 民權黨 (2) 前線 (2) 政府第一標準薪級員工總會 (2) 香港人權聯委會 (2) 香港中文大學學生會 (7) 香港公務員工會聯合會 (7) 香港天主教大專聯會 (7) 香港市民支援愛國民主運動聯合會(2) 香港法輪佛學會 (2) 香港社會工作者總工會 (2) 香港教育專業人員協會 (2) 香港電台節目製作 人員工會 (7) 香港圖書館協會 (7) 基督徒關懷香港學會 (7)

Note: Some organizations had two submissions which were classified differently by the government, such as the Democratic Party and the Hong Kong Journalists Association. The number in bracket shown after each organization is the original classification by the government, where 1 = favor, 2 = oppose, 7 = uncertain.

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Table 4A: Comparison of views reported in compendium, views to the principle of legislation (stand 1) and views to the content of consultation document (stand 2) for local submissions:

	Organization		Independent letter			Standard letter		Signature form		
	Submission	%	Submission	%	Signature	%	Signature	%		
Support reported	940	84.6	2857	56.7	5173	57.2	66609*	77.5*	65185*	26.5*
Oppose reported	83	7.5	1374	27.3	1859	20.6	16332*	19.0*	175823*	71.4*
Uncertain reported	87	7.8	804	15.9	2006	22.2	3046*	3.5*	5124*	2.1*
Total	1110		5035		9038		85987*		246132*	
Support principle	989	89.0	3117	61.8	5454	60.3	53490	65.9	67693	26.6
Oppose principle	93	8.4	1407	27.9	2388	26.4	12034	14.8	182789	71.8
Uncertain principle	29	2.6	518	10.3	1204	13.3	15649	19.3	4031	1.6
Support content	942	84.8	2864	56.8	5169	57.1	53461	65.9	67633	26.3
Oppose content	151	13.6	1998	39.6	3672	40.6	27679	34.1	183962	72.5
Uncertain content	18	1.6	180	3.6	205	2.3	33	0.0	2918	1.1
Total	1111		5042		9046		81173		254513	

* Based on counts and percentages reported in the compendium.

Table 4B: Comparison of views reported in compendium, views to the principle of legislation (stand 1) and views to the content of consultation document (stand 2) for overseas submissions:

	Organization		Independent letter			Standard letter		Signature form		
	Submission	%	Submission	%	Signature	%	Signature	%	Signature	%
Support reported	1	1.0	20	1.6	50	2.9	0*	0.0*	0*	0.0*
Oppose reported	78	79.6	1041	85.3	1420	81.8	1671*	100.0*	25327*	98.6*
Uncertain reported	19	19.4	157	12.9	263	15.2	0*	0.0*	288*	1.4*
Total	98		1218		1733		1671*		25615*	
Support principle	2	2.0	26	2.1	53	3.1	4	0.4	91	0.5
Oppose principle	87	88.8	1140	93.7	1626	93.7	951	95.3	19726	99.5
Uncertain principle	9	9.2	51	4.2	52	3.0	43	4.3	0	0.0
Support content	1	1.0	17	1.4	44	2.50	4	0.4	0	0.0
Oppose content	95	96.9	1179	96.6	1666	96.00	994	99.6	19817	100.0
Uncertain content	2	2.0	11	0.9	11	0.60	0	0.0	0	0.0
Total	98		1217		1731		998		19817	

*Based on counts and percentages reported in the compendium.

基本法第二十三條公眾意見匯編研究組**RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW****Table 5: Stand1+2 and Government categorization for all submissions****Counting submissions:**

	Stand1 %	Stand2 %	Stand1+2 %	Government's Categorization %
Favor	56.7	52.7	52.7	51.1
Uncertain	7.8	2.7	11.9	14.3
Oppose	35.5	44.6	35.5	34.7
Total	100.0	100.0	100.1	100.1
N	8,008	8,008	8,008	7,512

Counting signatures:

	Stand1 %	Stand2 %	Stand1+2 %	Government's Categorization %
Favor	34.7	34.6	34.6	52.6
Uncertain	5.7	2.8	7.8	18.6
Oppose	59.5	62.6	57.6	28.8
Total	99.9	100.0	100.0	100.0
N	369,389	369,374	369,374	13,106

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Table 6A: Reasons for views, area of concerns and variables that affect the views to the content of consultation document for local submissions:

Type	Organization		Independent letter				Standard letter/ signature form	
Unit of analysis	1111 submissions		5042 submissions		9046 signatures		335686 signatures	
	Count	%	Count	%	Count	%	Count	%
Support content	942	84.8%	2864	56.8%	5169	57.1%	121094	36.1%
Reasons	basic law designated 68%		basic law designated 66%		basic law designated 74%		national security 86%	
	act 1 country 2 systems 42%		help prosperity 37%		Help prosperity 49%			
Oppose content	151	13.6%	1998	39.6%	3672	40.6%	211641	63.0%
Reasons	hurt human right 80%		hurt human right 57%		hurt human right 49%		hurt human right 93%	
	Document unclear 50%		document unclear 32%		document unclear 49%			
Show concern	121	10.9%	495	9.80%	1733	19.2%	22428	6.7%
Major concern	sedition 79%		sedition 54%		sedition 84%		theft of state secrets 87%	
% that support content								
Chinese / English sub.	89.2%	18.6%	64.5%	18.2%	61.30%	18.60%	NA*	NA*
1-page / 5-page sub.	91.2%	20.5%	59.3%	26.3%	65.30%	25.80%	NA**	NA**
Time 16-30/11 / 16-24/12	93.7%	58.9%	90.0%	27.0%	93.80%	26.80%	97.5%	62.1%
No concern / concern	94.1%	8.3%	62.3%	6.1%	70.10%	2.40%	39.0%	0.2%
No white bill / white bill	99.1%	1.1%	98.5%	3.0%	99.10%	1.20%	NA#	NA#

*Only 152 signatures (0.05%) of signatures come from English submissions.

**Majority of signatures (100.0%) come from submissions of 1 or 2 pages.

#Only 2.3% (2.8%) of signatures come from submissions that express the need (no need) for white bill.

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Table 6B: Reasons for views, area of concerns and variables that affect the views to the content of consultation document for overseas submissions:

Type	Organization		Independent letter				Standard letter/ signature form	
Unit of analysis	98 submissions		1220 submissions		1735 signatures		20815 signatures	
	Count	%	Count	%	Count	%	Count	%
Support content	1	1.0%	17	1.4%	52	3.0%	4	0.0%
Reasons	NA*		NA*		basic law designated 93% act 1 country 2 systems 64%		NA*	
Oppose content	95	96.9%	1179	96.6%	994	99.6%	20811	100.0%
Reasons	hurt human right 88% hurt two systems 54%		hurt human right 78% hurt two systems 39%		hurt human right 79% hurt two systems 47%		hurt human right 64% hurt two systems 19%	
Show concern	40	40.8%	161	13.2%	221	12.7%	1996	9.6%
Major concern	tie with FPO 65%		tie with FPO 52%		subversion 57%		theft of state secrets 45%	
% that oppose content								
Chinese / English sub.	98.2%	95.0%	97.4%	98.1%	99.3%	100.0%	100.00%	100.00%
1-page / 5-page sub.	96.9%	100.0%	97.8%	66.7%	97.3%	23.5%	NA**	NA**
Time 16-30/11 / 16-24/12	83.3%	96.7%	44.4%	98.7%	36.4%	98.1%	NA#	NA#
No concern / concern	94.8%	100.0%	97.5%	98.8%	96.5%	99.1%	100.00%	100.00%
No white bill / white bill	0.0%	93.8%	0.0%	96.5%	0.0%	96.5%	NA##	NA##

*Too few submissions or signatures that are supportive to the content of the consultation document.

**Majority of signatures (99.1%) come from submissions of 1 pages.

#There are no submissions before November, 2002.

#Only 0.9% of signatures come from submissions that express the need for white bill.

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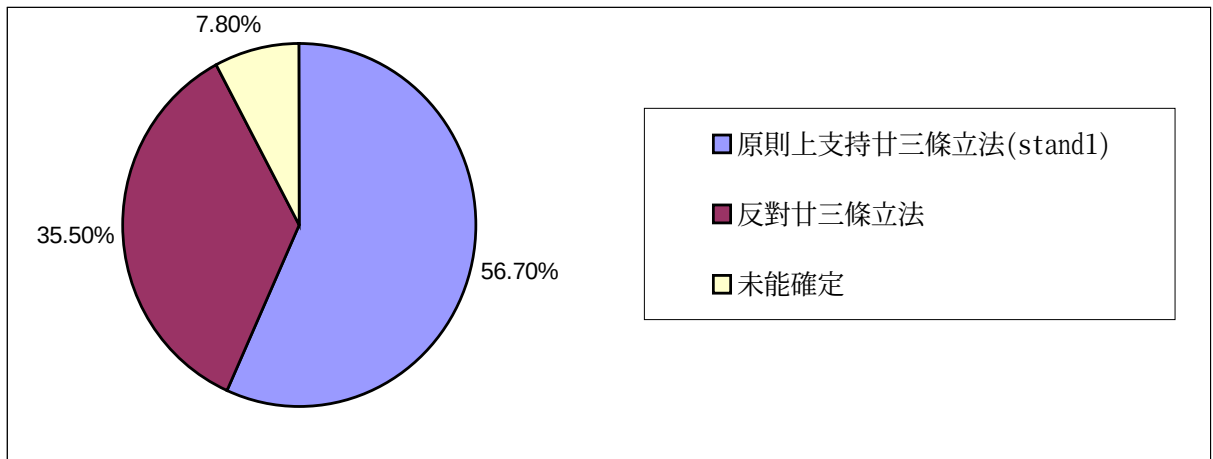
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

Charts in Chinese

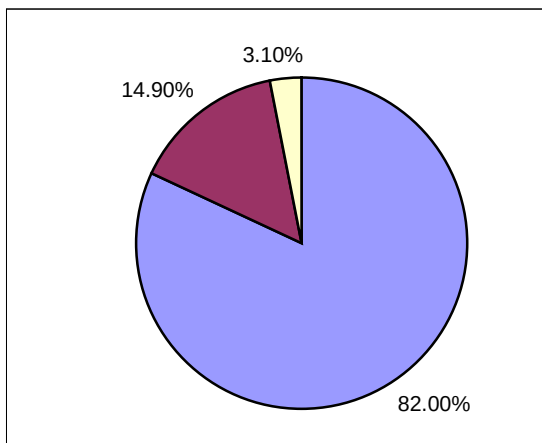
公眾對廿三條立法的立場

1. 廿三條立法原則 (stand 1)

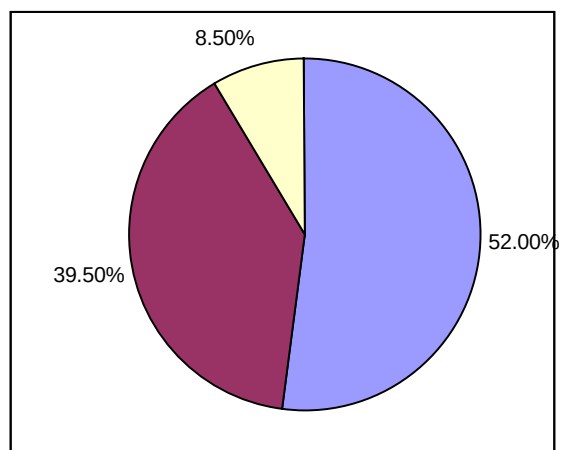
8,000 份獨立意見書



1,000 份團體意見書



7,000 份個人意見書

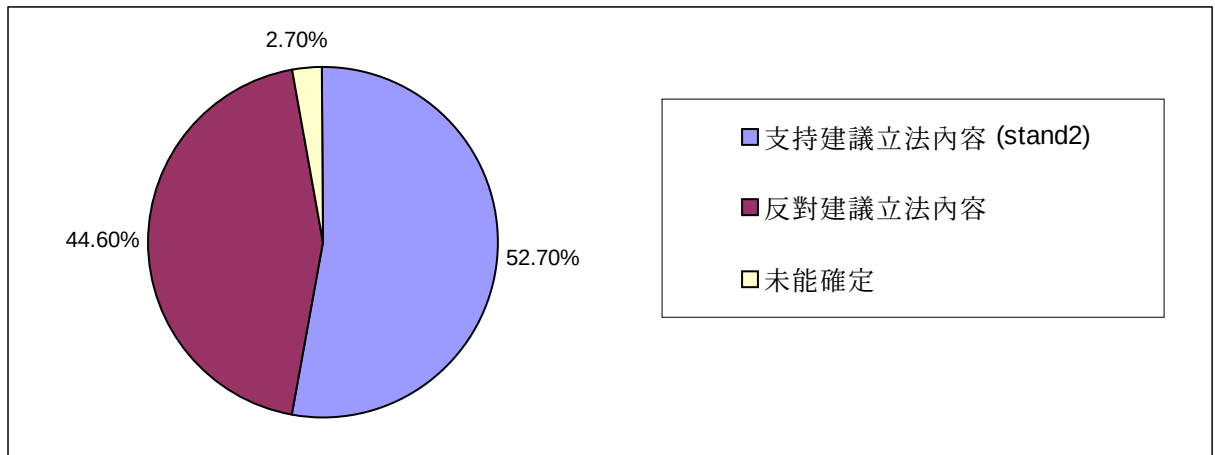


基本法第二十三條公眾意見匯編研究組

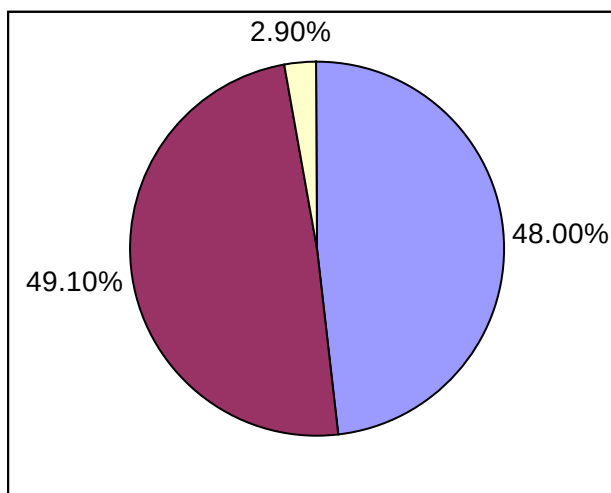
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

2. 廿三條立法內容 (stand2)

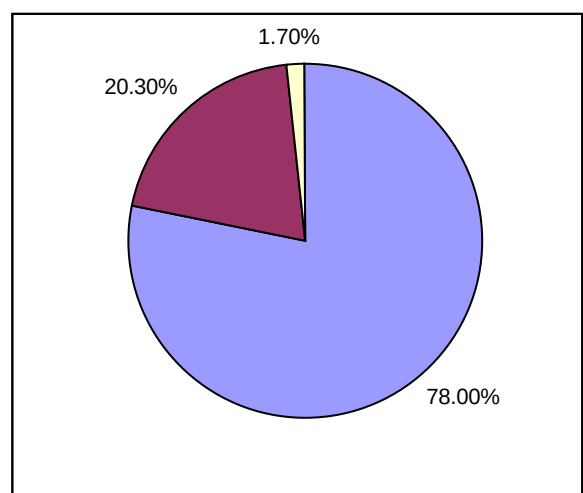
8,000 份獨立意見書



1,000 份團體意見書



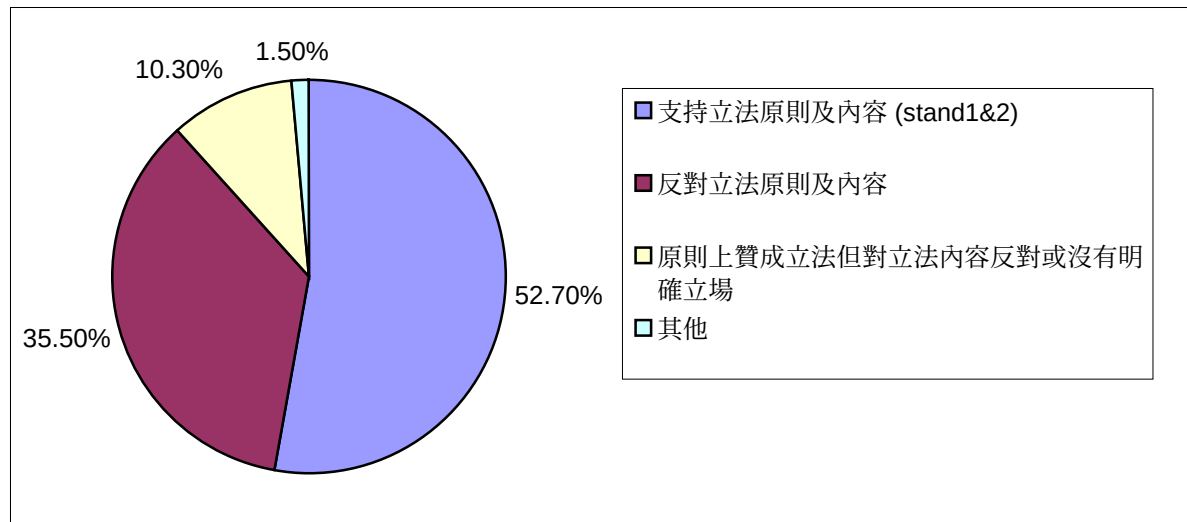
7,000 份個人意見書



基本法第二十三條公眾意見匯編研究組

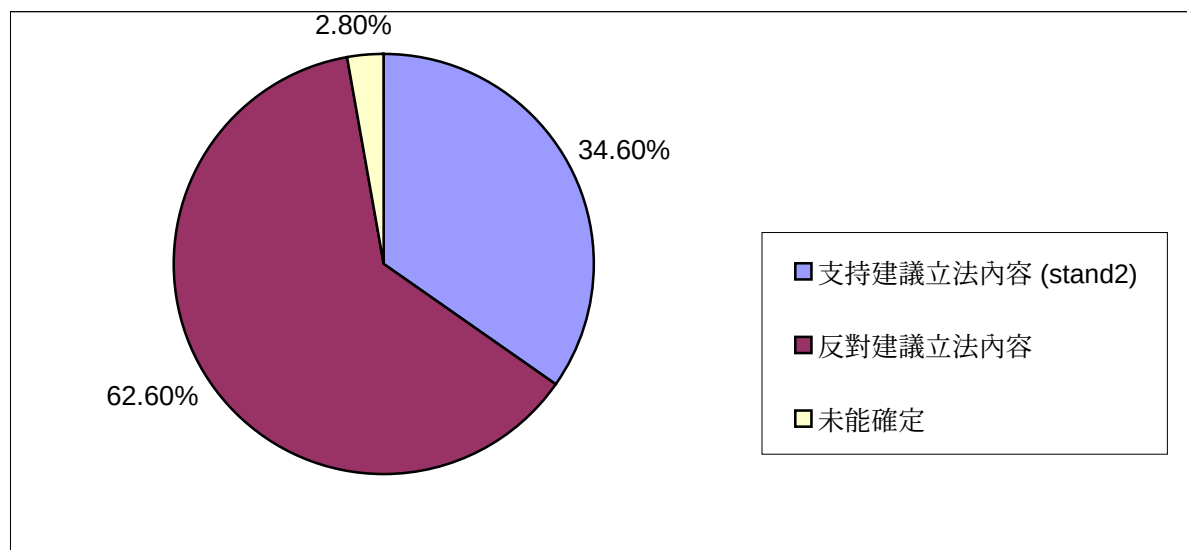
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

3 廿三條立法原則 (stand 1) 及廿三條立法內容 (stand2)



4 廿三條立法內容 (stand2)

369,374 個人

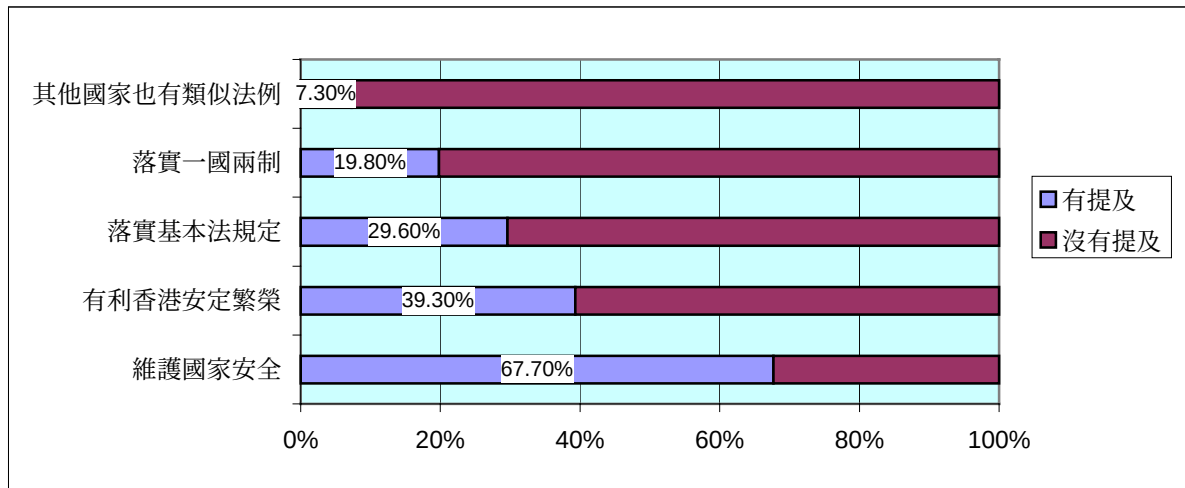


基本法第二十三條公眾意見匯編研究組

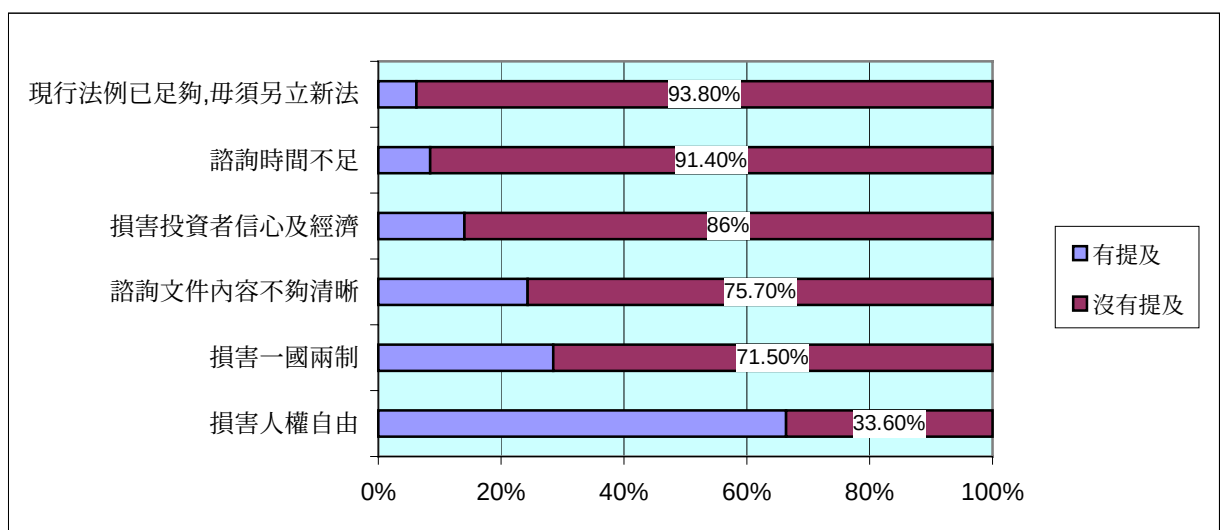
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

市民的具體憂慮

1 支持廿三條立法內容 (stand2) 常提及的理由



2 反對廿三條立法內容 (stand2) 常提及的理由

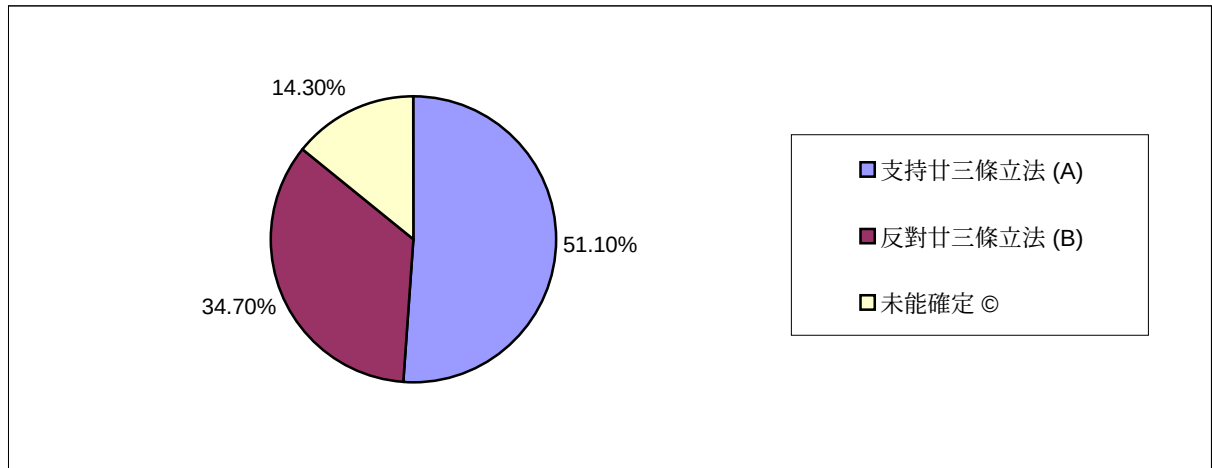


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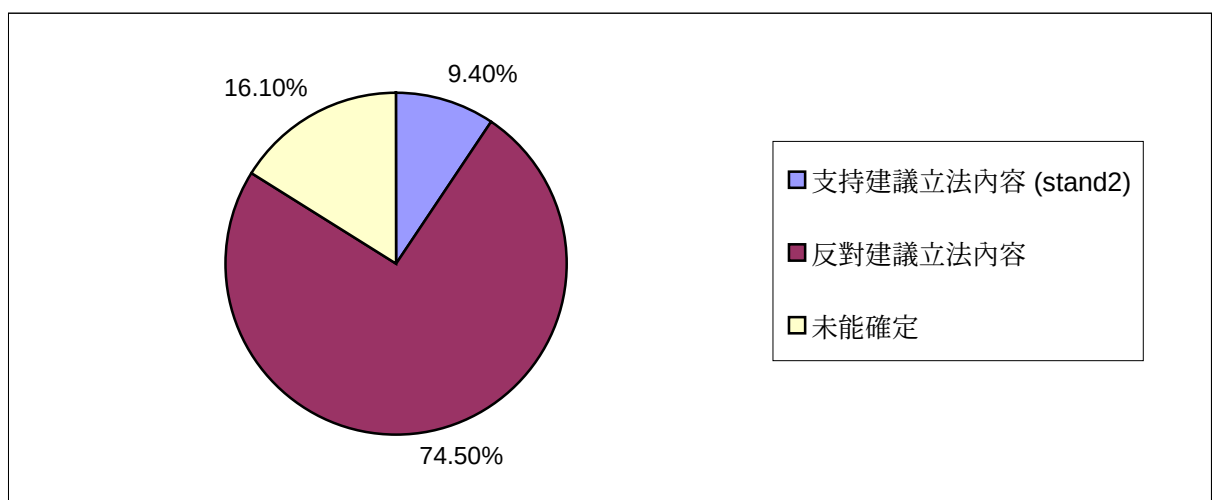
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

研究結果與政府結果的分別

1 政府分類



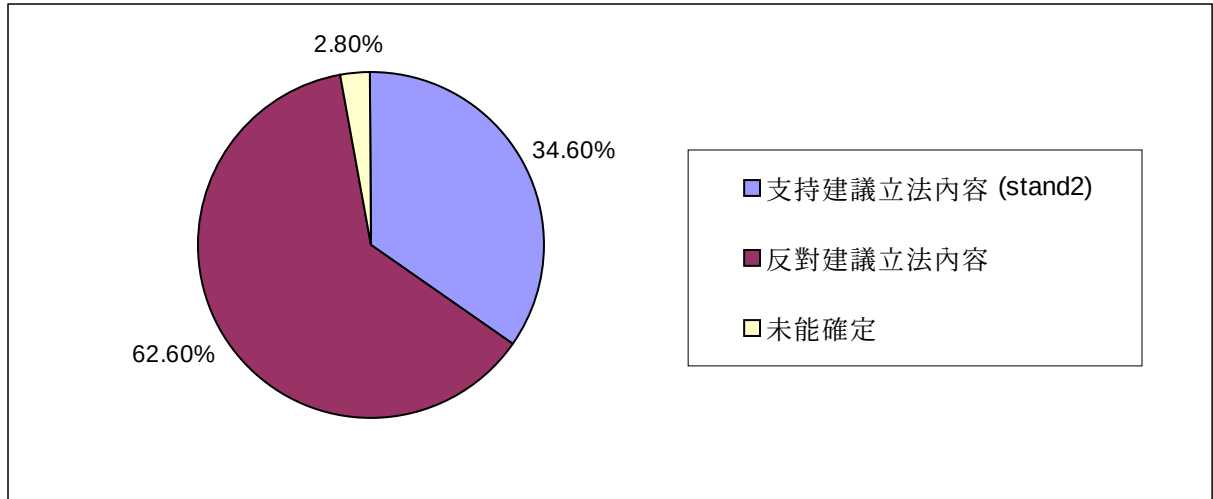
2 1068 份 (14.3%) 未能確定意見書



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RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

3 「一人一信」和「簽名表格」一同處理 (涉及約 36 萬簽名)

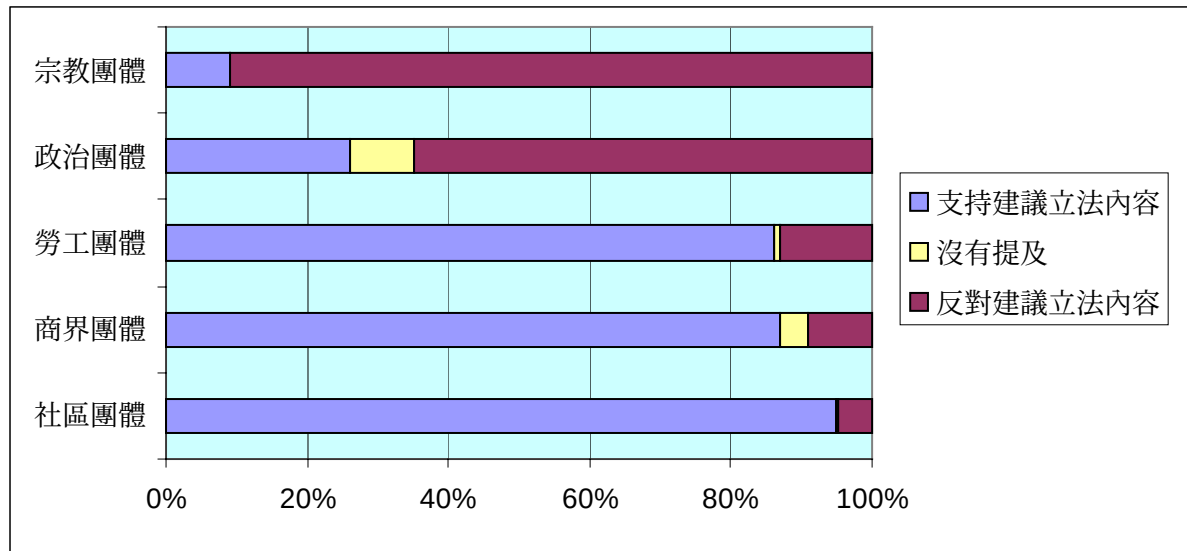


基本法第二十三條公眾意見匯編研究組

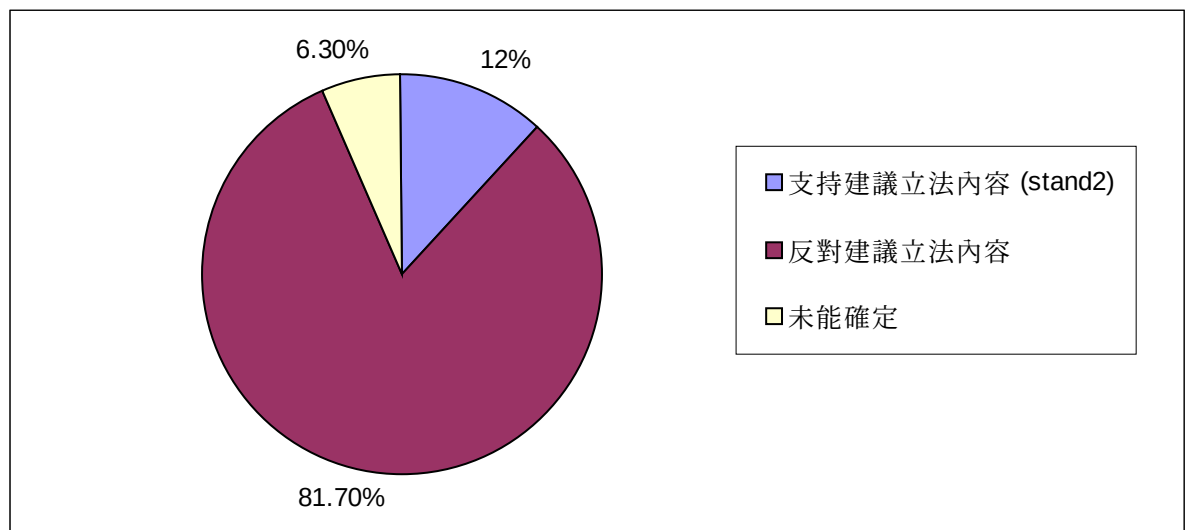
RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

其他分析結果

1 團體意見書



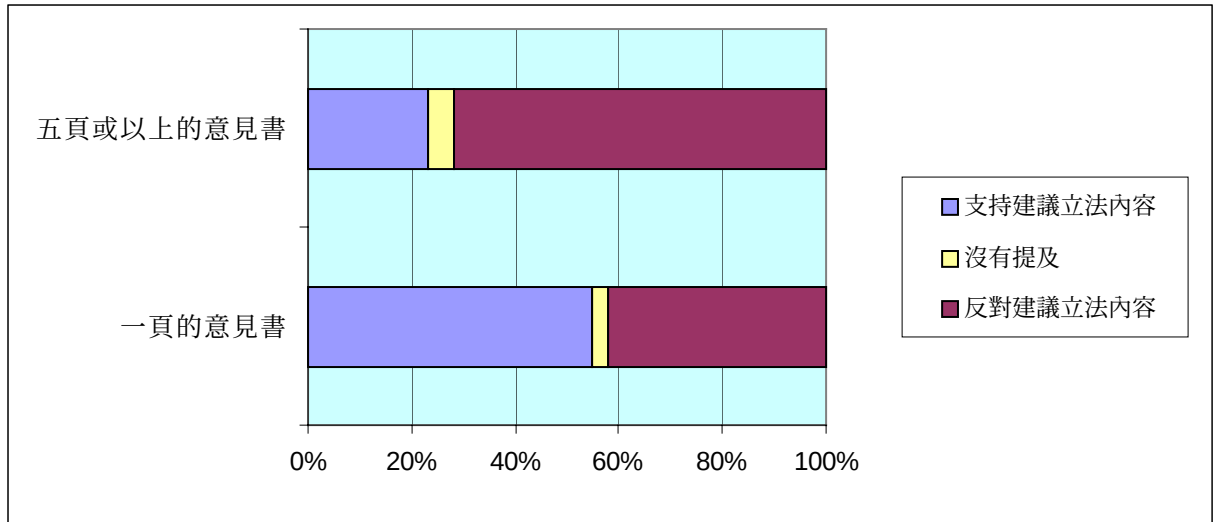
2 英語意見書



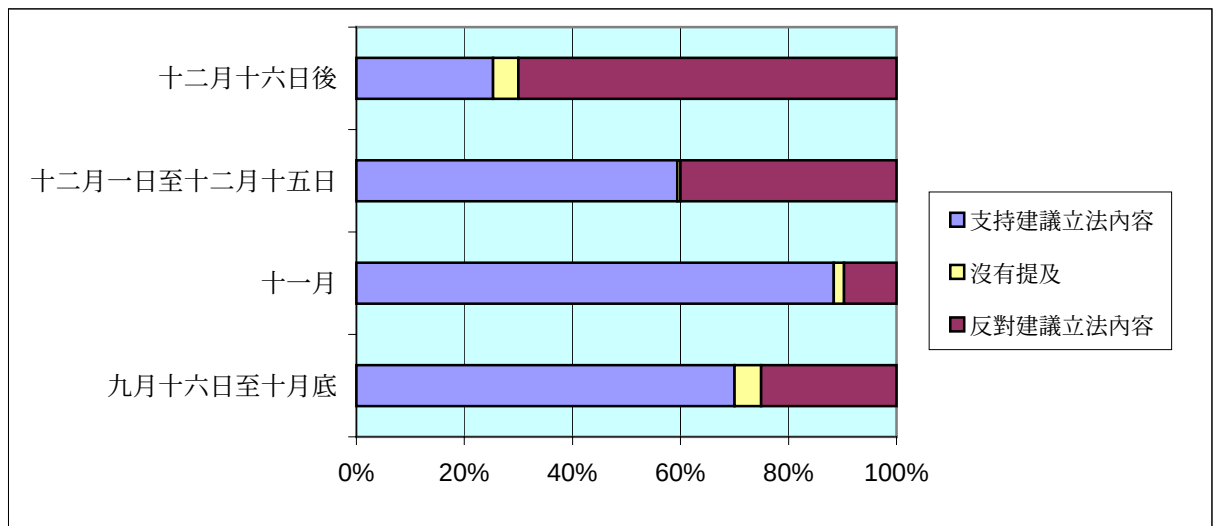
基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

3 意見書頁數



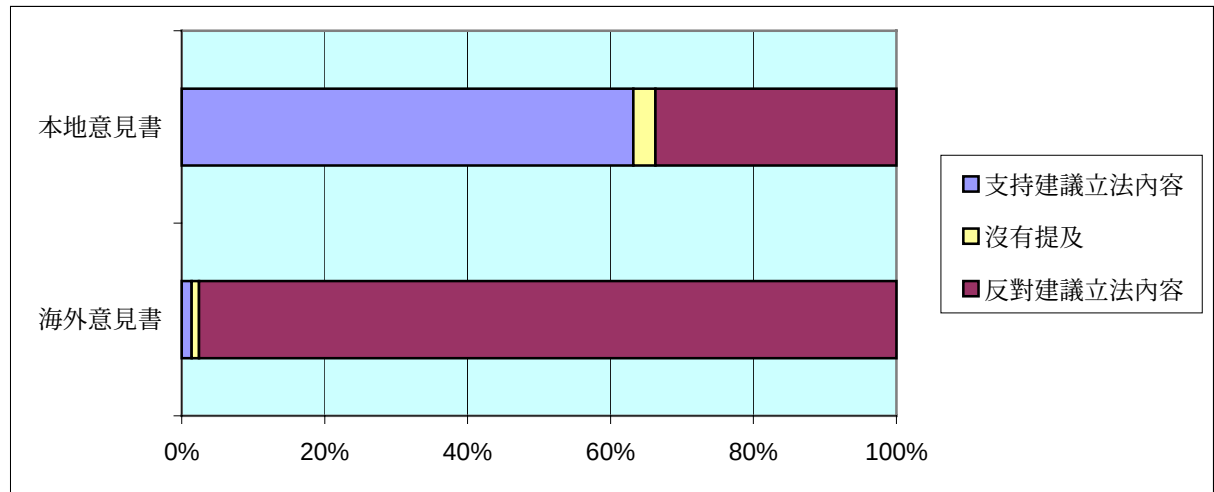
4 意見書遞交時間



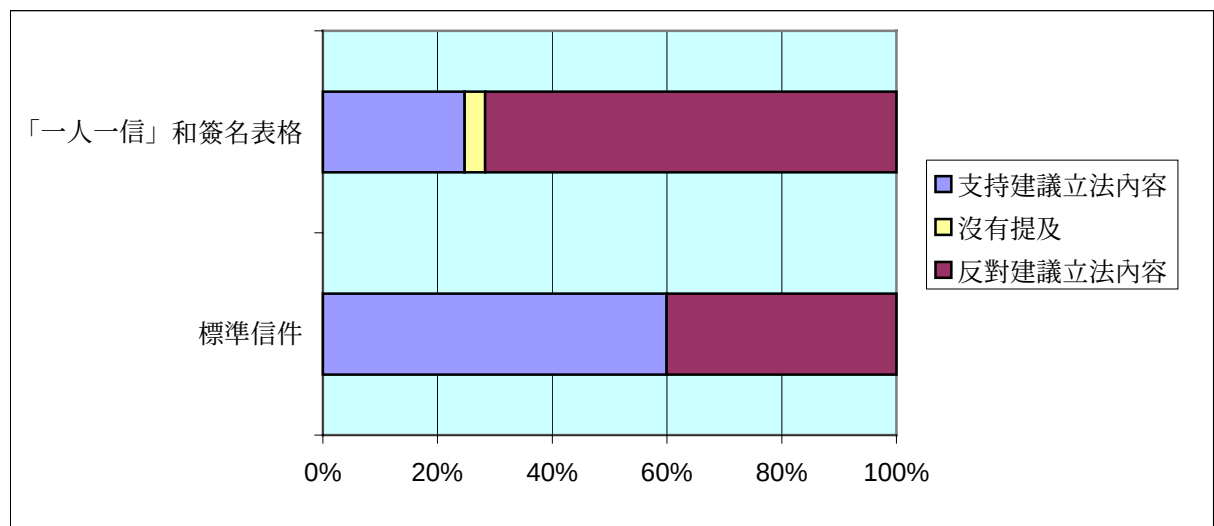
基本法第二十三條公眾意見匯編研究組

RESEARCH TEAM ON THE COMPENDIUM OF SUBMISSIONS ON ARTICLE 23 OF THE BASIC LAW

5 意見書區域



6 意見書格式 (以人數計)



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Selected Case Studies

A. *Homogeneity within District Level Resident Groups*

1. While it has been found that 44.2% of all group submissions came from community groups, more than half of the total number (266) of community groups were district based resident associations or resident unions (居民聯會), district level community associations (各界聯會), district level people association or inhabitants association (居民協會), district level resident committees (居民委員會), district level community affairs associations (社區協進會), district service offices of the Hong Kong Federation of Trade Unions (FTU, 工聯會地區服務處), the resident groups under the FTU service offices (工聯會地區服務處住區小組), Kai-fong welfare advancement associations (街坊福利會) and a number of clans associations (同鄉會) which are not district based.
2. Regardless of different names of these district based organisations, all invariably support the implementation of Article 23. The majority of the community group submissions (433, 87%), with only a few exceptions were brief in content (consisted of only 1 short page), and most did not give any comment nor suggestion to any part of the consultative document. The content of these submissions supporting the implementation of Article 23 usually include:
 - ✧ Unanimously supported the implementation of Article 23 (96% and 95% to the principle of legislation and the content of the consultation document respectively);
 - ✧ It was timely to do so and it is welcome by people in the district;
 - ✧ The central government had given the power to the SAR to make laws for itself – this was already very lenient. It showed the respect and trust to Hong Kong people;
 - ✧ It was necessary to protect national security by means of Article 23;
 - ✧ The proposed laws had not reduced the civil rights and liberties enjoyed by Hong Kong people; and
 - ✧ The opposers were only those who have misunderstood or are being misled, or those who fundamentally oppose and mistrust the “One Country, Two Systems” policy. The former needed clarifications and civic education; while the presence of the latter proved the importance of making laws to prevent the disruption of national security.
3. Only eleven submissions of this type have touched on certain specific content of the consultation document. One of the most typical examples is the East Kowloon District Resident Committee (東九龍居民委員會, A382) whose submission contained 3 pages.

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It touched on the content of subversion, secession, sedition, theft of state secrets and investigation power. But all supported the proposals in the consultation document.

4. Forty-two district based organisations in the New Territories used a standard letter prepared by the New Territories Association of Societies (新界社團聯會). These standard letters were printed on the letter paper with a logo and the letter head of the New Territories Association of Societies (新界社團聯會). The content of the letters included a standardized statement and a caption which showed full support to the HKSAR Government to implement Article 23 of the Basic Law. Seven resident associations adopted the same standard letters, but have made slightly more efforts in doing away the logo and the letter head so as to make it look better like an independent submission.
5. In sum, despite different names used for the resident organisations in various districts, *there appears a rather obvious homogeneity within a great number of submissions from these community groups, in terms of both the format and the content. There may not be sufficient evidence to show political mobilization behind these group submissions, but the high degree of convergence between groups from different districts reasonably suggests that the opinions submitted appear to be more or less organised rather than independent.* However, more indepth studies are warranted in order to establish this observation.

B. Submissions in Different Districts

1. If we divide Hong Kong into three main regions: Hong Kong Island, Kowloon and the New Territories (N.T.) which include the outlying islands, we can find that the greatest number of group submissions (including community, labour and business) with district or regional affiliation came from the New Territories, and the total number of these groups is 270. If we discount the groups which have no district-wide or region-wide affiliation, the N.T. have taken up more than half of the district based submission. Great majority of these group submissions from the N.T. invariably supported the government proposal, where many of them (42 in total) adopted the same standard letter of the New Territories Association of Societies (新界社團聯會). Some others (12) used the letter head prepared by the New Territories Youth Council (新界青年聯會).
2. One of the distinctive features in the N.T. is that there are a number of co-operatives or mutual-aid societies (合作社或互助會), all belong to the fishermen. Another feature is the rural affairs committee (鄉事會). The views expressed in different rural affairs committees and the co-operatives are highly homogeneous, *to the extent that almost all submissions from the fisherman's co-operatives, mutual aid societies and other fisherman's groups have used the same standard letter prepared by the Joint Committee of Hong Kong Fisherman's Organisation (香港漁民團體聯席會議). This standard letter, ironically, is almost identical with the one prepared by the New Territories Association of Societies (新界社團聯會), with only slight difference of wordings in the caption.* One

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fisherman's group called "Hong Kong Fisherman's Mutual Aid Society Cheung Chau Office" (香港漁民互助社長洲辦事處) even used the standard letter prepared by the New Territories Association of Societies (新界社團聯會) for its submission. *There are obvious evidence showing that submissions from many groups in the N.T., despite using different names, are highly homogeneous if not identical.*

3. If we break down the N.T. region into different local districts, Tsuen Wan and Kwai Ching is the largest single district where the greatest number of group submissions have been produced. The total number of submissions exceeded 30. Taipo is the second largest source of production of group submissions (26), followed by Sai Kung (19) and Shatin (13). These four districts have taken up one third (33%) of all submissions from the N.T.
4. In almost every district regardless of the number of district-based submissions, *there appears a similar pattern: submission(s) from one or more resident association(s) (irrespective of names); together with one or more women's group(s) or one or more youth/student group(s).* This pattern is almost standard in every district, while different districts would then add on their own features: for example, some would have athletic associations, plus labour union service offices; some other would have rural affairs committee plus fisherman's group, etc. *This pattern, though not very concrete, draws attention to the possibility that some groups were organised, to various extent, to provide uniform views in this public consultation exercise.*

C. The FTU

1. The FTU can be regarded, in some sense, as the most powerful single organisation which has encouraged the greatest number of opinion submissions from local district associations. The total number of FTU affiliated district organisational submissions is 57, that is 11.5% of total community submissions. Within FTU affiliated district group submissions, the greatest number (29) came from the N.T. South District Service Office (新界南地區服務處). *Most of these submissions bear the name of different resident groups in the district (住區小組), but all use the same standard letter.* The content of the standard letter include:
 - ✧ Iteration of position – support implementation of Article 23;
 - ✧ Reason for support – protect national security; would not hurt those who are innocent; and
 - ✧ Would not tolerate a small minority of wrong doers (敗類) who make use of the power of foreign countries to disturb the prosperity and stability of Hong Kong and China.
2. FTU Kowloon Central District Service Office can be regarded as the second most effective producer: 12 submissions have been produced from various resident groups (住

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區小組) and district executive committees (地區幹事會). Not all of these letters are identical, but their contents are very similar. Most submissions contains only one paragraph with 3 to 5 lines, simply stating the support for implementing Article 23.

3. With the exception of the submission from FTU Kowloon East District Service Office (A000169), *none* of the submissions from FTU affiliated district groups has touched on the proposed laws. Almost all only iterate a straight-forward political position. From the high degree of homogeneity between submissions from FTU affiliated district groups, it is reasonable to suggest that FTU affiliated groups are expressing an organised and uniform political stance rather than discussing the consultative document independently. *If this suggestion is true, it then casts doubts on the value of this type of public consultation, where groups and associations are organised, and perhaps to a lesser extent polarized, towards simple expression of political position rather than attempting to give thoughtful comments on the actual laws being proposed in the consultation document.*

D. Homogeneity in Women and Youth Groups

1. There are 61 submissions bearing the name of women's groups or women associations, of which 51 are district based. Interestingly, **all** invariably supported the implementation of Article 23. Out of these district based submissions, 20 (39%) are submitted in 2 different sets of standard letter, one of which is prepared by the New Territories Association of Societies (新界社團聯會), while the source of another set could not be identified. Some associations submitted both a standard letter prepared by the New Territories Association of Societies plus a separate letter. Although the contents are very similar, they have served to increase the number of submissions.
2. Besides the standard letter submissions, there are 6 district based submissions which contains only one statement of support. This statement is very much similar to the captioned statement provided by the New Territories Association of Societies. If we add these with the standard letters, *we can find that slightly more than half (51%) of the submissions from district-based women's group are homogeneous to a very high degree.* Among the homogeneous submissions, 17 (65%) are from the N.T. (including outlying islands), while the others are all from southern district on Hong Kong island.
3. Similar situations can be found in submissions by youth groups where 38 submissions from 26 youth organisations were received (several organisations submitted more than 1 submission). There are two sets of standard letters being used: one prepared by the New Territories Association of Societies (新界社團聯會), while another prepared by the Federation of New Territories Youth (新界青年聯會). However, in actual fact, these two sets of standard letters are completely the same, with the exception of the name of the organisation and the letter head. *Added together, 12 submissions out of 26 youth organisations in N.T. (46%) used a uniform letter in their submissions.*

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4. Not only that submissions are found standardized and uniform in a significant number of the N.T. youth organisations, similar situation has been found in other districts in Kowloon and Hong Kong. For example, *the submission from the Kowloon City Youths Association (九龍城青年協進會), which is not in standard letter form, is found exactly identical with that of the Kowloon City District Women Association (九龍城區婦女協進會) and the Kowloon City Resident Association (九龍城區居民聯會).*

E. Other Social and Cultural Groups in the Community

1. *There are 20 submissions from various social or cultural groups, whose nature spans from Chinese opera to literature; from dancing to book reviews; from photography to poetry; and from calligraphy to cultural interchange, all adopted one identical uniform letter in their submissions.* Unlike the standard letter prepared by the New Territories Association of Societies (新界社團聯會), this uniform letter bore no letter head, but had exactly the same format and content. The only difference is the name of the association which was written on the right hand bottom corner of the letter. For easy reference, the names of these associations are listed below:

香港硬筆書法協會	香港紫荊藝術團
香港華夏文化傳播聯會	香港雅樂藝術團
海峽兩岸科技交流促進會	海燕普通話宣教學會
動感文學藝術原創發展協會	新暉藝術團
福建旅港中醫藥學會	聯慧義務工作協會
香港創藝攝影學會	香港散文詩學會
八和京劇雅集	香港文學促進協會
香港木蘭歌舞團	香港民族藝術團
香港書評家協會	香港朗讀學會
香港特區越劇院	香港健社雅集

2. Among these uniformed submissions, 9 (45%) were submitted on 28 November 02, and 7 (35%) on 1 December 02. Another 2 were submitted on 5 December 02, and two others respectively submitted on 17 December and 18 December 02. *From the proximity of submission dates and the high degree of homogeneity of the standard letters, it is hard to explain why so broadly diverse social and cultural groups have exactly the same submissions, and it is also reasonable to doubt whether it is a result of organisation. If this is true, it would be amazing to see how penetrating it is for public opinions to be organised within and across districts, unions, associations and even social and cultural groups.*

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F. The Hon Wah Middle School

1. The team identified 67 submissions by students of Hon Wah Middle School (漢華中學). Judging from the contents of these submissions, we have reason to believe that they were written to fulfill an assignment given to students of the Sixth and Seventh Forms who had attended a seminar on the implementation of Article 23 of the Basic Law. This was probably part of the civic education program of the school.
2. Amongst these submissions, most (55, 82.1%) were in favor of legislating Article 23 in principle. Only 3 (4.5%) expressed opposite opinion. When it came to the stands on the government proposals, slightly fewer than half (31, 46.3%) of them were in favor whereas 26 (38.8%) were not.
3. The government categorized 28 (41.8%) of these submissions as being supportive of Article 23 legislation. Majority of these cases (36, 53.7%), however, were considered unclassifiable as either supportive or opposing.
4. Despite the closeness in the percentages of support in the government's categorization scheme as opposed to the team's based on the expressed opinions on the government proposals (Stand2, 41.8% vs. 46.3%), a crosstabulation revealed that the classifications were not very consistent on a case by case basis – only about half of these cases were coded similarly. This could very well be a result of the government's failure to distinguish between stand on legislation in principle and stand on the specific government proposals.
5. A careful perusal of the Hon Wah submissions showed that they were mostly suggestions on how the government could improve the public opinion collection work. This was probably a result of specific instructions given by the civic education teacher for the written assignment.
6. Some of the more frequently proposed options included:
 - ✧ carry out a public opinion survey;
 - ✧ organize more talks and seminars to explain the details of the proposal;
 - ✧ promote the proposal using media, e.g. TV, newspapers, etc.;
 - ✧ publish pamphlets to promote the proposal;
 - ✧ define clearly on some controversial items, e.g. sedition;
 - ✧ consider similar laws applied in the western countries;
 - ✧ invite legal experts to express their views;
 - ✧ listen to public opinion; and
 - ✧ provide for a longer consultation period.
7. Provided that the students were not given (or suggested) the positions to take, and that the submissions were tendered voluntarily, the team does not see much of a problem for schools to encourage students to voice their opinions on public issues in consultation

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exercises like this. As a matter of fact, given the saliency of the issue, it is perhaps one of the best opportunities to engage the students in public affairs discussion. *We are just curious: why weren't more schools doing that?*

G. *The Legal Profession*

- ✧ There are a number of submissions from the legal profession, including The Hong Kong Bar Association (香港大律師公會), The Law Society of Hong Kong (香港律師會) and other individuals. Most of these submissions were strongly against the enactment of the laws for Treason, Secession, Sedition, Subversion, Theft of State Secrets and Foreign Political Organisations and request for a white bill. Some submissions provide constructive suggestions and some rephased the wordings in the proposal for the Security Bureau to consider. Some emphasized that we have already had laws for Treason, Sedition and Thief of State Secret and could introduce laws for Secession and Subversion after seeking public opinion.
- ✧ There are some special cases in this category:
 - The Hong Kong Bar Association listed 236 items for the Security Bureau to consider (A035);
 - The Law Alumni (Hong Kong) Association, Zhong Shan University (中山大學法律系香港同學會) carried out a survey and collected opinions from 104 individuals. It reveals that 79% of respondents supported the legislation of the Article 23. However, 56 (53%) respondents age between 1 and 15 years old and 33 (32%) between 16 and 26. In addition, 36 (35%) respondents whose highest education level was primary school and 56 (54%) secondary school. The questionnaire also seemed to be a bit misleading (A196); and
 - A submission containing 63 pages is probably part of a thesis/dissertation (B139).

H. *Other Special Cases*

- ✧ A submission attached a number of newspaper cuttings about Article 23 (B864).
- ✧ A submission was made by 44 professors from well-known overseas universities (B005).