

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1780/02-03

Ref : CB2/BC/5/02

**Bills Committee on  
National Security (Legislative Provisions) Bill**

**Minutes of meeting  
held on Tuesday, 25 March 2003 at 8:30 am  
in the Chamber of the Legislative Council Building**

**Members present** : Hon IP Kwok-him, JP (Chairman)  
Hon Ambrose LAU Hon-chuen, GBS, JP (Deputy Chairman)  
Hon Kenneth TING Woo-shou, JP  
Dr Hon David CHU Yu-lin, JP  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon Fred LI Wah-ming, JP  
Hon NG Leung-sing, JP  
Hon Margaret NG  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Dr Hon Philip WONG Yu-hong  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, JP  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Kong-wah  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo

Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Dr Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Michael MAK Kwok-fung  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members  
absent** : Hon Cyd HO Sau-lan  
Hon Eric LI Ka-cheung, JP  
Dr Hon LUI Ming-wah, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Andrew WONG Wang-fat, JP  
Hon LAU Chin-shek, JP  
Hon CHOY So-yuk  
Hon Henry WU King-cheong, BBS, JP

**Public Officers  
attending** : Mrs Regina IP, GBS, JP  
Secretary for Security  
  
Mr Bob ALLCOCK, BBS, JP  
Solicitor General  
  
Mr Gilbert MO  
Deputy Law Draftsman  
  
Mr James O'NEIL  
Deputy Solicitor General  
  
Ms Winnie NG  
Administrative Assistant to Secretary for Security  
  
Mr Johann WONG  
Principal Assistant Secretary for Security  
  
Miss Adeline WAN  
Senior Government Counsel

Ms Francoise LAM  
Senior Government Counsel

Mr Hubert LAW  
Assistant Secretary for Security

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

**Staff in attendance** : Mr Jimmy MA, JP  
Legal Adviser

Ms Bernice WONG  
Assistant Legal Adviser 1

Mr Raymond LAM  
Senior Assistant Secretary (2)5

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## **I. Meeting with the Administration**

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to provide a paper explaining the legal effect of terms such as "Her Majesty", "Her Majesty's forces", "Governor", "British National", "United Kingdom", "England", "Her Majesty's service" and "Government of the United Kingdom" in the Crimes Ordinance, Official Secrets Ordinance, Post Office Ordinance and Criminal Procedure Ordinance, if they were not adapted.

3. The Bills Committee requested the Legislative Council Secretariat to obtain information on -

- (a) whether it was the usual practice of Bills Committees to hold meetings with the Administration to discuss the bill in between meetings to receive the views of the public; and
- (b) views of Bills Committees on adaptation of laws regarding whether the scope of adaptation of laws was very narrow and any amendment exceeding such a scope should be implemented by way of an amendment bill.

4. Mr James TO suggested that discussions on the Bill should be deferred until the information referred to in paragraph 3 above was available. As there were divided views among members, a vote was taken on the suggestion. 13 members voted in favour of the suggestion while 17 members voted against.

5. Mr James TO also suggested that a three-month period should be allowed for consultation with the public and the Bills Committee would not hold meetings to discuss the Bill with the Administration during the period. As there were divided views among members, a vote was taken on the suggestion. 13 members voted in favour of the suggestion while 18 members voted against.

## **II. Dates of subsequent meetings**

6. The Bills Committee agreed that -

- (a) future meetings with the Administration would be held on every Tuesday from 2:30 pm to 6:30 pm; and
- (b) meetings to receive the views of the public on the Bill would be held on Saturday, 12 and 26 April 2003 from 9:00 am to 12:30 pm.

7. The Bills Committee noted that the next meeting had been scheduled for Thursday, 27 March 2003 at 8:30 am to continue discussion with the Administration.

8. The meeting ended at 10:55 am.

Council Business Division 2  
Legislative Council Secretariat  
15 April 2003

**Proceedings of the meeting of the Bills Committee on  
National Security (Legislative Provisions) Bill  
on Tuesday, 25 March 2003 at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000311	Chairman	Opening remarks	
000312 - 000449	Admin	Briefing on the Bill	
000450 - 000707	Chairman	Proposed order and areas for study of the Bill	
000708 - 002449	Hon Margaret NG Chairman Hon Audrey EU Clerk Admin	Administration's response to outstanding issues raised at joint meetings of the Panel on Security and Panel on Administration of Justice and Legal Services; legal effect of the terms such as "Her Majesty", "Her Majesty's forces", "Governor", "British National", "United Kingdom", "England", "Her Majesty's service" and "Government of the United Kingdom" in the Crimes Ordinance, Official Secrets Ordinance, Post Office Ordinance and Criminal Procedure Ordinance, if they were not adapted	<b>Admin to provide a paper explaining the legal effect of such terms</b>
002450 - 002911	Hon Emily LAU Chairman	Previous papers relevant to the proposed order and areas for study of the Bill; scheduling of meetings to receive the views of the public on the Bill	
002912 - 003005	Hon Emily LAU Chairman	Whether meetings to discuss the Bill with the Administration should be held after all meetings to receive the views of the public were held	
003006 - 003613	Hon CHEUNG Man-kwong Chairman Admin	Adaptation of terms	
003614 - 003732	Hon TAM Yiu-chung Chairman Admin	Proposed order and areas for study of the Bill; whether meetings to discuss the Bill with the Administration should be held in between meetings to receive the views of the public	
003733 - 005530	Hon Martin LEE Chairman Clerk Hon Andrew	Numbering of papers for the Bills Committee; whether meetings to discuss the Bill with the Administration should be held in between meetings to receive the views of the public;	

	CHENG Admin	adaptation of terms	
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005531 - 010359	Hon Howard YOUNG Hon LEUNG Fu- wah LA Hon James TO Chairman	Proposed order and areas for study of the Bill, meetings to receive the views of the public on the Bill; adaptation of terms	
010400 - 010916	Hon SIN-Chung- kai Hon James TO Chairman	Practice of Bills Committees in holding meetings with the Administration to discuss the bill in between meetings to receive the views of the public	
010917 - 011260	Hon LEE Cheuk- yan Chairman Admin	Pace of studying the Bill	
011261 - 011524	Hon Fred LI Chairman Admin	Practice of Bills Committees in holding meetings with the Administration to discuss the bill in between meetings to receive the views of the public	
011525 - 012119	Hon LEUNG Yiu-chung Chairman Admin	Whether there was an urgent need to pass the Bill within the current legislative session	
012120 - 014711	Hon Kenneth TING Hon NG Leung- sing Chairman Hon LAU Kong- wah Hon WONG Sing-chi Hon Margaret NG Hon Martin LEE Hon Emily LAU Hon LEE Cheuk- yan	Proposed order and areas for study of the Bill; whether meetings to discuss the Bill with the Administration should be held in between meetings to receive the views of the public; scope of adaptation of laws; further discussion of issues previously discussed by the Bills Committee	
014712 - 015732	Hon James TO Chairman	Allowing a three-month period for consultation with the public, during which meetings with the Administration to discuss the Bill would not be held; addition of items to the proposed order and areas for study of the Bill	
015733 - 020604	Hon CHEUNG Man-kwong Chairman Hon Albert HO Hon Emily LAU Admin	Proposed order and areas for study of the Bill, provision of the Administration's response to outstanding issues raised at joint meetings of the Panel on Security and Panel on Administration of Justice and Legal Services; whether there was an urgent need to pass the Bill	

020605 - 021021	Hon James TO Chairman Clerk Hon Emily LAU Hon LAU Kong-wah Hon CHEUNG Man-kwong Hon Margaret NG	Information on whether it was the usual practice of Bills Committees to hold meetings with the Administration to discuss the bill in between meetings to receive the views of the public, information on views of Bills Committees on adaptation of laws regarding whether the scope of adaptation was very narrow and any amendments exceeding such a scope should be implemented by way of an amendment Bill; proposed order and areas for study of the Bill	<b>Clerk to identify the requested information</b>
021022 - 021111	Chairman	Voting on whether discussions on the Bill should be deferred until information on the usual practice of Bills Committees in holding meetings to receive the views of the public and information on views of Bills Committees on the scope of adaptation of laws was available	
021112 - 021207	Chairman Hon James TO	Voting on whether a three-month period should be allowed for consultation with the public, during which meetings with the Administration to discuss the Bill would not be held	
021208 - 021233	Chairman Hon LAU Kong-wah Hon James TO	Commencement of studying the Bill and scheduling of meetings to receive the views of the public	
021234 - 021342	Hon Emily LAU Chairman	Further discussion of issues previously discussed by the Bills Committee	
021343 - 021637	Hon Margaret NG Chairman Hon James TO	Continuation of discussion of the proposed order and areas for study of the Bill at the next meeting	
021638 - 022007	Hon Martin LEE Chairman Hon CHEUNG Man-kwong Hon LEE Cheuk-yan Hon James TO Hon Emily LAU	Whether the meeting should end immediately	
022008 - 022055	Chairman	Schedule of future meetings with the Administration and meetings to receive the views of the public	