

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2061/02-03  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/5/02

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

**Minutes of meeting  
held on Tuesday, 29 April 2003 at 2:30 pm  
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 Cyd HO Sau-lan  
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  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung  
Hon CHAN Kam-lam, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
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 Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
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 LEUNG Fu-wah, MH, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members  
absent** : Hon Eric LI Ka-cheung, JP  
Hon Bernard CHAN, JP  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Michael MAK Kwok-fung  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi

**Public Officers :  
attending** Mrs Regina IP, GBS, JP  
Secretary for Security

Mr Timothy TONG, JP  
Permanent Secretary for Security (Acting)

Mr Bob ALLCOCK, BBS, JP  
Solicitor General

Mr Gilbert MO  
Deputy Law Draftsman

Mr Victor LO  
Assistant Commissioner of Police

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 written response to the following issues raised by members -

### Sedition

(a) to explain, in relation to the proposed section 9A(1)(b) of the Crimes Ordinance (CO), how to determine where incitement took place, and whether incitement by means of an electronic mail or letter would be completed -

(i) when it was sent; or

(ii) when it was read by the person to whom it was sent;

- (b) to consider providing in the proposed section 9A(1)(b) of CO the requirement for a direct and immediate connection between the incitement and the violent public disorder or a likelihood of the incitement to cause violent public disorder;
- (c) to consider deleting the expression "in Hong Kong or elsewhere" in the proposed section 9A(1)(b) and substituting "in Hong Kong or elsewhere in the People's Republic of China";
- (d) to provide the Administration's response to the issues raised in the submissions from the Hong Kong Journalists Association, the Society of Publishers in Asia and the Hong Kong News Executives' Association on sedition;
- (e) to prepare an analysis on the legal effect of the proposed sections 9A(1)(a), 9A(1)(b) and 9B of CO;

Time limits for prosecution against treason and sedition-related offences

- (f) to consider retaining or extending the existing time limit for prosecution against sedition-related offences; and
- (g) to consider the suggestion of retaining the existing time limit for prosecution against treason.

## **II. Any other business**

3. In response to Mr LEE Cheuk-yan, the Chairman said that in his contacts with the Administration, he had only requested the Administration to provide its response to issues raised by members as soon as possible. Mr James TO suggested that the Chairman should provide members with a note on the number of times and the contents of his personal meetings with the Administration. As there were divided views among members, a vote was taken on the suggestion. Eight members voted in favour of the suggestion while 17 members voted against. The Chairman reiterated that he had only requested the Administration to provide its response to issues raised by members as soon as possible.

4. The Chairman informed members that a total of 61 organizations/individuals had, by the deadline of 25 April 2003, made request for making oral representation to the Bills Committee. Among these, one organization had subsequently withdrawn its request. Five organizations/individuals who registered after the deadline of 25 April 2003 had been informed that there would be no arrangement for them to make oral

representation to the Bills Committee. However, they were welcome to submit views on the Bill in writing to the Bills Committee.

5. The meeting ended at 6:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 May 2003

**Proceedings of the meeting of the Bills Committee on  
National Security (Legislative Provisions) Bill  
on Tuesday, 29 April 2003 at 2:30 pm  
in Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 005553	Chairman Hon Albert HO Hon CHEUNG Man-kwong Hon TAM Yiu-chung Hon Margaret NG Hon YEUNG Yiu-chung Hon Howard YOUNG Hon NG Leung-sing Hon James TO Hon LEE Cheuk-yan Hon Emily LAU LA Hon CHAN Kam-lam Dr Hon Philip WONG Hon LAU Kong-wah Hon Martin LEE	Order for studying the Bill; timing for discussion of the Administration's response to issues raised by members; Chairman's contacts with the Administration; voting on whether the Chairman should provide members with a note on the number of times and the contents of his personal meetings with the Administration	
005554 - 010118	Chairman Hon LAU Kong wah Admin	Meaning of the expression "in Hong Kong or elsewhere" in the proposed section 9A(1)(b) of the Crimes Ordinance (CO)	
010119 - 010521	Hon Howard YOUNG Admin	Comparison of offences under the proposed sections 9A and 9C of CO	
010522 - 011403	Hon CHEUNG Man-kwong Chairman Admin	Adaptation of sections 6, 7 and 18 of CO	
011404 - 012232	Hon Albert HO Admin	Whether there was a need for the proposed section 9A(1)(b) to cover violent disorder in places outside the People's Republic of China (PRC)	

012233 - 013018	Hon James TO Admin LA	How to determine where incitement under the proposed section 9A(1)(b) of CO took place; whether incitement by means of an electronic mail or letter would be completed when it was sent or when it was read by the person to whom it was sent	<b>Admin to explain, in relation to the proposed section 9A(1)(b) of CO, how to determine where incitement took place, and whether incitement by means of an electronic mail or letter would be completed when it was sent or when it was read by the person to whom it was sent</b>
013019 - 013651	Hon SIN Chung-kai Admin	Whether a telecommunications company would be caught by the proposed section 9C of CO in the communication on behalf of a client a message that incited others to commit treason, subversion or secession	
013652 - 020015	Hon Margaret NG Admin Hon James TO Chairman	Whether the scope of the proposed sedition offence was too broad; comparison of the proposed sedition offence with similar offences in other jurisdictions	
[Break]			
021320 - 021706	Hon HUI Cheung-ching Admin Chairman	Objectives of the proposed sections 9A and 9B of CO	
021707 - 023211	Hon Emily LAU Chairman Admin	Concerns of the Society of Publishers in Asia, the Hong Kong Journalists Association and the Hong Kong News Executives Association regarding sedition-related offences; Administration's response to the issues raised in the submissions from the Hong Kong Journalists Association, the Society of Publishers in Asia and the Hong Kong News Executives' Association on sedition	<b>Admin to provide its response to the issues raised in the submissions from the Hong Kong Journalists Association, the Society of Publishers in Asia and the Hong Kong News Executives' Association on sedition</b>

023212 - 024731	Hon Audrey EU Admin Chairman	Whether there was a need for the proposed section 9A(1)(b) of CO to cover violent disorder in places outside the PRC; examples where violent public disorder in a place outside the PRC would endanger the stability of the PRC; providing in the proposed section 9A(1)(b) of CO the requirement for a direct and immediate connection between the incitement and the violent public disorder or a likelihood of the incitement to cause violent public disorder	<b>Admin to consider providing the requirement in the proposed section 9A(1)(b) of CO, and to consider deleting the expression "in Hong Kong or elsewhere" in the proposed section 9A(1)(b) and substituting "in Hong Kong or elsewhere in the People's Republic of China"</b>
024732 - 025511	Hon NG Leung-sing Admin	Whether the scope of the proposed section 9A(1)(b) of CO was too narrow and whether there was a need for the term "seriously" in the proposed section	
025512 - 025719	Dr Hon David CHU Admin	Whether a person would be caught by the proposed section 9A of CO, if his speech was used by another person to incite others to commit an offence	
025720 - 030208	Hon Martin LEE Admin	Examples where violent public disorder in a place outside the PRC would endanger the stability of the PRC	
030209 - 031734	Hon Cyd HO Chairman Admin	Retaining or extending the existing time limit for prosecution against sedition-related offences; retaining the existing time limit for prosecution against treason	<b>Admin to consider the suggestions</b>
031735 - 031958	Hon Howard YOUNG Chairman Admin	Adaptation of provisions in CO	
031959 - 032630	Hon CHEUNG Man-kwong Admin	Examples where violent public disorder in a place outside the PRC would endanger the stability of the PRC	



032631 - 033652	Hon Albert HO Admin	Examples where violent public disorder in a place outside the PRC would endanger the stability of the PRC; whether the scope of the proposed section 9A of CO was too broad; whether Mainland laws or local legislation would prevail in cases where an act of a Hong Kong Special Administrative Region permanent resident constituted an offence both under the Mainland laws and local legislation	
033653 - 034713	Hon James TO Admin LA	Legal effect of the proposed sections 9A(1)(a), 9A(1)(b) and 9B of CO	<b>Admin to prepare an analysis on the legal effect of the proposed sections 9A(1)(a), 9A(1)(b) and 9B of CO</b>
034714 - 040057	Chairman Hon SZETO Wah Hon Margaret NG Hon Martin LEE Hon James TO Hon CHEUNG Man-kwong Hon TAM Yiu-chung	Latest position on the requests of organizations/ individuals to make oral representations to the Bills Committee at the meetings on 3 May 2003 at 9:00 am and 2:00 pm	

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
 13 May 2003