

National Security (Legislative Provisions) Bill

Proposed order and areas for study

Area for study	Clause of the Bill	Relevant section of the Ordinance
I. Amendments to the Crimes Ordinance		
1. Enforcement to be consistent with the Basic Law	7	18A
2. Treason	4	2
3. Subversion	4	2A, 2C
4. Secession	4	2B, 2C
5. Sedition	4, 6	2D, 9A - 9D; repeal of sections 9 and 10
6. Existing offences, repeal and retention	paragraph 13 of the Schedule	repeal of sections 3, 5, 15, 16, 17; sections 6, 7, 18 retained
7. Investigation power	7, paragraphs 13 and 15 of the Schedule	8, 13, 18B; repeal of section 14
8. Consent of the Secretary for Justice for instituting prosecutions; removal of existing time limits for prosecution against treason or sedition-related offences	7; paragraph 13 of the Schedule	18C; repeal of sections 4 and 11
9. Trial by jury	7	18D - 18E
10. Evidence	paragraph 14 of the Schedule	12

Area for study	Clause of the Bill	Relevant section of the Ordinance
II. Amendments to the Official Secrets Ordinance		
1. Enforcement to be consistent with the Basic Law	9	12A
2. Protection of information relating to affairs concerning the Hong Kong Special Administrative Region that are within the responsibility of the Central Authorities under the Basic Law	8, 10, paragraphs 32 - 34 of the Schedule	12, 16A, 18(3) and (4), 20(4)
3. Creation of an offence of unauthorized disclosure of protected information acquired by means of illegal access	8, 11	12, 18
4. Trial by jury for unlawful disclosure offences	12	24A, 13 - 20
III. Amendments to the Societies Ordinance		
1. Enforcement to be consistent with the Basic Law	14	2A
2. Proscription of local organizations (Proscription of organizations endangering national security; procedural requirements; prohibition of participating in the activities of proscribed organization; appeal against proscription; and rules for appeals.)	13, 15, paragraphs 6 -12 of the Schedule	8A - 8E long title, 2(1), 14A, 21(1), 22(1), 23(1), and Schedule

Area for study	Clause of the Bill	Relevant section of the Ordinance
IV. Other consequential amendments		
A. <u>Consequential Amendments relevant to the Crimes Ordinance</u>		
1. Interpretation and General Clauses Ordinance (Cap. 1)	paragraph 1 of the Schedule	3
2. Pensions Ordinance (Cap. 89)	paragraph 3 of the Schedule	15(1)(a)(iii)
3. Post Office Ordinance (Cap. 98)	paragraph 4 of the Schedule	32(1)(h)
4. Pension Benefits Ordinance (Cap. 99)	paragraph 5 of the Schedule	29(1)(c)
5. Criminal Procedure Ordinance (Cap. 221)	paragraphs 16 - 24 of the Schedule	9(3), 9G(10)(b), 10A, 13C, 14A, 51(2), 65F, 91(4), and 100
6. Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg.)	paragraph 25 of the Schedule	rule 13(1)
7. Magistrates Ordinance (Cap. 227)	paragraph 26 of the Schedule	parts I and III of the Second Schedule
8. Pension Benefits (Judicial Officers) Ordinance (Cap. 401)	paragraph 28 of the Schedule	31(1)(c)
9. Organized and Serious Crimes Ordinance (Cap. 455)	paragraphs 29 and 30 of the Schedule	5 and Schedule 1

Area for study	Clause of the Bill	Relevant section of the Ordinance
<p>10. Hong Kong Arts Development Council Ordinance (Cap. 472)</p> <p>Legislative Council Ordinance (Cap. 542)</p> <p>District Councils Ordinance (Cap. 547)</p> <p>Chief Executive Election Ordinance (Cap. 569)</p>	<p>Paragraph 35 of the Schedule</p>	<p>3(6)(m)</p> <p>39(1)(c), 40(1)(b)(iii)(C)</p> <p>14(1)(c), 19(1)(c), 21(1)(c), 24(1)(c)</p> <p>14(g)</p>
<p>B. <u>Consequential Amendments relevant to the Official Secrets Ordinance</u></p>		
<p>1. Criminal Procedure Ordinance (Cap. 221)</p>	<p>paragraphs 18, 19, 22 of the Schedule</p>	<p>10A, 13C, 65F</p>
<p>2. Organized and Serious Crimes Ordinance (Cap. 455)</p>	<p>paragraph 29 of the Schedule</p>	<p>5</p>
<p>C. <u>Consequential Amendments relevant to the Societies Ordinance</u></p>		
<p>1. Companies Ordinance (Cap. 32)</p>	<p>paragraph 2 of the Schedule</p>	<p>291AAA</p>
<p>2. Education Ordinance (Cap. 279)</p>	<p>paragraph 27 of the Schedule</p>	<p>31(1)(a)</p>
<p>3. Organized and Serious Crimes Ordinance (Cap. 455)</p>	<p>paragraphs 29, 30 of the Schedule</p>	<p>5 and Schedule 1</p>

Area for study	Clause of the Bill	Relevant section of the Ordinance
4. Post-Release Supervision of Prisoners Regulation (Cap. 475 sub. leg.)	Paragraph 31 of the Schedule	Schedule 1

Council Business Division 2
Legislative Council Secretariat
26 March 2003