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May 26, 2003

The Hon Ip Kwok-him,  
Chairman,  
Bills Committee on National Security  
(Legislative Provisions) Bill,  
Legislative Council Secretariat,  
3/F Citibank Tower,  
3 Garden Road,  
Central, Hong Kong.  
Fax 2509 0775

Dear Mr. Ip,

**Subject : National Security (Legislative Provisions) Bill**

On behalf of the Working Group on Basic Law 23 of the Divisional Committee of the Information Technology Division (ITD) of the Hong Kong Institution of Engineers, we would like to submit our views on the subject.

At the ITD Committee meeting in March, we agreed to form a working group to comment on the National Security (Legislative Provisions) Bill, and submit our view to the Bills Committee of the Legco. We opined that as a group of professionals involved in the collection and dissemination of information, the ITD Committee should show our interest and concern on this subject.

The views of the Working Group are :

“Ir” 乃香港工程師學會法定會員的專稱。讀音為 “engineer”  
“Ir” pronounced as “engineer” is the abbreviation for the prefix of Corporate Member of the HKIE

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- (1) We support the definition of 'Treason' in the Bill, which is substantially narrowed.
- (2) We support the abolishment of the offence of 'Misprision of Treason' to ease public concerns.
- (3) We support that the relevant offences of 'Subversion' or 'Secession' are committed only when the 'force' or 'serious criminal means' used is so serious that it would seriously endanger the stability or territorial integrity of the State.
- (4) We support the abolishment of the offence of 'Possession of seditious publication'.
- (5) We are concerned that companies or individuals involved in the processing of information through electronic media especially the internet may unintentionally commit an offence of 'Handling seditious publication', as in the case of an internet service provider who helps users to store and disseminate information and if any piece of the information processed turns out to be a seditious publication, for example. We would also like to point out that it is not practical to require these companies or individuals to assume the responsibility of information screening.
- (6) We have concerns similar to (5) in the case of 'information resulting from unauthorized disclosures or illegal access or information entrusted in confidence'

Thank you for your kind attention.

Yours faithfully,

Ir Dr W.K. Lo,  
Convenor,  
Working Group on Basic Law 23,  
Divisional Committee,  
Information Technology Division,  
Hong Kong Institution of Engineers.

Ir John Sze,  
Chairman,  
Divisional Committee,  
Information Technology Division,  
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