立法會 Legislative Council

Ref : CB2/PL/AJLS+SE

LC Paper No. CB(2) 1518/02-03 (These minutes have been seen by the Administration)

Panel on Security and Panel on Administration of Justice and Legal Services

Minutes of joint meeting held on Thursday, 19 December 2002 at 9:30 am in the Chamber of the Legislative Council Building

Members present

Panel on Security

Hon LAU Kong-wah (Chairman)

* Hon James TO Kun-sun (Deputy Chairman)

* Hon Albert HO Chun-yan Hon CHEUNG Man-kwong

* Hon Ambrose LAU Hon-chuen, GBS, JP Hon Michael MAK Kwok-fung

Panel on Administration of Justice and Legal Services

◆ Hon Margaret NG (Chairman)
 Hon Martin LEE Chu-ming, SC, JP
 Hon CHAN Kam-lam, JP
 Hon Miriam LAU Kin-yee, JP

Members absent

Panel on Security

Dr Hon LUI Ming-wah, JP

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP

Hon Andrew WONG Wang-fat, JP

Hon WONG Yung-kan Hon Howard YOUNG, JP Hon IP Kwok-him, JP

* Hon Audrey EU Yuet-mee, SC, JP

Panel on Administration of Justice and Legal Services

Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman) Hon Emily LAU Wai-hing, JP Hon TAM Yiu-chung, GBS, JP

- * Also a member of Panel on Administration of Justice and Legal Services
- ♦ Also a member of Panel on Security

Public Officers: Mr Timothy TONG, JP

attending Permanent Secretary for Security (Acting)

Mr James O'NEIL

Deputy Solicitor General

Mr Hubert LAW

Assistant Secretary for Security

Attendance by : invitation

The Joint Committee for Amendment of Public Order Ordinance

Ms Jackie HUNG Secretariat Member

Mr Sunny LEUNG Secretariat Member

Mr Christopher FUNG

Mr Chris LO

The Frontier

Mr TO Kwan-hang, Andrew Executive Committee Member

Choi Shek Resident Service Centre

Mr LAM Sam-shing Vice-Chairman

- 3 -

Hong Kong Federation of Women

Ms KWAN Wing-kum, Janice Executive Committee Member

Hong Kong Confederation of Trade Unions

Ms TANG Yin-ngro General Executive

Mr TAM Chun-yin Social Affairs Committee Spokesmen

East Kowloon District Residents' Committee

Mr LEE Tat-yan Chairman

Hong Kong Professional Teachers' Union

Mr CHAN Kwok-kuen Executive Committee Member

Hong Kong Buildings Management and Security Workers General Union

Mr LAM Wing-chor, Alan Assistant Executive Secretary

Social Welfare Organizations Employees Union

Mr TAM Leung-ying Committee Member

Personal Care Workers and Home Helpers Association

Mr CHENG Ching-fat Chairman

Hong Kong Domestic Workers General Union

Miss CHUNG Yuen-yi

Miss CHAN Wun-man

Hong Kong School Clerks & Janitors General Union

Ms NG Wai-ling Committee Member

Mr CHAN Siu-hung Committee Member

Mr TSANG Kin-shing

Miss Alice MAK

Member, Kwai Tsing District Council

Yau Tsim Mong Mutual Development Association

Mr LUNG Wai-man, James

Centre Supervisor

Ms LAU Wan-yee

Member

Oxfam Hong Kong

Mr CHONG Chan-yau Executive Director

Mr WONG Sai-chak

Clerk in : Mrs Sharon TONG

attendance Chief Assistant Secretary (2)1

Staff in : Ms Bernice WONG

attendance Assistant Legal Adviser 1

Miss Betty MA

Senior Assistant Secretary (2)1

I. Election of Chairman

Mr LAU Kong-wah was elected Chairman of the joint meeting.

II. To receive public views on the Consultation Document on Proposals to implement Article 23 of the Basic Law

Meeting with representatives of the Joint Committee for Amendment of Public Order Ordinance

(LC Paper No. CB(2) 685/02-03(01))

- 2. <u>Ms Jackie HUNG</u> presented the views as detailed in the submission from the Joint Committee for Amendment of Public Order Ordinance. She concluded that the enactment of legislation to implement Article 23 of the Basic Law (BL23) should cease.
- 3. <u>Mr Sunny LEUNG</u> supplemented that -
 - (a) as illustrated by the recent ruling handed down by the Chief Magistrate in November 2002 on a case involving public order offence, the court must apply any law enacted, even when it considered that the prosecution was brought about by political consideration;
 - (b) there was no assurance from the Government that it would not seek interpretation by the Standing Committee of the National People's Congress (NPC) if there were any challenges to BL23 offences; and
 - (c) any legislation to implement BL23 should be enacted only when the Chief Executive and the Government of the People's Republic of China (PRCG) were returned by universal suffrage.

Meeting with Mr Christopher FUNG (LC Paper No. CB(2) 685/02-03(03))

- 4. <u>Mr Christopher FUNG</u> presented his views as detailed in his submission. <u>Mr</u> FUNG added that -
 - (a) the concept of protection of the state as proposed in paragraph 1.4 of the Consultation Document should be implemented by laws only when the PRCG was constitutionally established by the people of the country; and
 - (b) even though the principal officials and senior government officials had repeatedly given verbal assurance that the proposed legislation to implement BL23 would be clearly and tightly defined as appropriate, there were reservations about the trustfulness of the assurance as the

officials concerned were not elected by public elections, and the public could not monitor their performance.

He concluded that the enactment of legislation to implement BL23 should be ceased.

Meeting with Mr Chris LO

(LC Paper Nos. CB(2) 685/02-03(04) and CB(2) 743/02-03(02))

5. Mr Chris LO presented his views as detailed in his speaking note which was tabled at the meeting. He pointed out that as proposed in the Consultation Document, individual citizens had an obligation to protect the state by not committing criminal acts which threatened the existence of the state. In the absence of specific provisions on how to protect national security, individual citizens might commit crimes unknowingly. He concluded that it was not the right time to enact legislation to implement BL23.

(*Post-meeting note*: The speaking note was subsequently forwarded to members on 20 December 2002 vide LC Paper No. CB(2) 743/02-03(02)).

Meeting with representatives of The Frontier (LC Paper No. CB(2) 685/02-03(05))

- 6. Mr TO Kwan-hang presented the views as detailed in the submission from the Frontier. He highlighted the following views -
 - (a) Endangering national security and association with an organisation which had been proscribed on national security grounds could be used as a reason to control freedom of association and religion, in particular if the protection of "national security" was referring to the ruling party, but not the people of the country; and
 - (b) The offences of theft of state secrets and sedition would restrict press freedom and freedom of exchanging information and of speech.

Mr TO concluded that the Government should carry out a genuine consultation on the proposed enactment of legislation to implement BL23 and be open-minded to listen to public views, including dissenting views.

Meeting with representative of the Choi Shek Resident Service Centre (LC Paper No. CB(2) 685/02-03(06))

7. Mr LAM Sam-shing presented the views as detailed in the submission from Choi Shek Resident Service Centre. He concluded that the enactment of legislation to implement BL23 should cease; and a white bill should be issued before the introduction of a blue bill.

Meeting with representative of the Hong Kong Federation of Women (LC Paper Nos. CB(2) 685/02-03(07) and CB(2) 743/02-03(01))

- 8. <u>Ms KWAN Wing-kum</u> presented the views as detailed in the submission from the Hong Kong Federation of Women and her speaking note which was tabled at the meeting. She concluded that -
 - (a) the Hong Kong Federation of Women supported the guiding principles for the legislation to implement BL23 set out in the Consultation Document;
 - (b) some revisions and clarifications, as detailed in the submission from the Hong Kong Federation of Women, could be made to certain proposals in the Consultation Document; and
 - (c) the Hong Kong Federation of Women had no strong views as to whether a white bill should be issued before the introduction of a blue bill, as the Federation considered it more appropriate to focus discussion on the details of the legislation to implement BL23.

(*Post-meeting note*: The speaking note was subsequently forwarded to members on 20 December 2002 vide LC Paper No. CB(2) 743/02-03(01)).

Meeting with representatives of the Confederation of Trade Unions (LC Paper No. CB(2) 685/02-03(08))

9. <u>Ms TANG Yin-ngro and Mr TAM Chun-yin</u> presented the views as detailed in the submission from the Confederation of Trade Unions. They expressed concern that the proposals would bring into Hong Kong the Mainland's concept of national security and that participation in trade union activities would easily be caught by the offences of subversion and sedition proposed in the Consultation Document. They concluded that the Confederation of Trade Unions strongly opposed the enactment of legislation to implement BL23 as proposed in the Consultation Document.

Meeting with representative with the East Kowloon District Residents' Committee (LC Paper No. CB(2) 685/02-03(09))

- 10. <u>Mr LEE Tat-yan</u> presented the views as detailed in the submission from the East Kowloon District Residents' Committee. He concluded that -
 - (a) the enactment of legislation to implement BL23 could safeguard the interests and rights of individual citizens;
 - (b) it was the appropriate time to enact legislation to implement BL23; and
 - (c) the East Kowloon District Residents' Committee supported the proposals

in the Consultation Document, though some revisions could be made to fine tune and clarify the proposals. As a matter of principle, legislation had to be stringent as far as possible whereas the enforcement could be lenient ("立法嚴、執法寬"). Provisions in legislation had to be clear and penalties had to be appropriate.

Meeting with representative of the Hong Kong Professional Teachers' Union (LC Paper No. CB(2) 685/02-03(11))

11. <u>Mr CHAN Kwok-kuen</u> presented the views as detailed in the submission from the Hong Kong Professional Teachers' Union. He concluded that the Hong Kong Professional Teachers' Union strongly opposed the enactment of legislation to implement BL23 as proposed in the Consultation Document.

Meeting with representative of the Hong Kong Building Management and Security Workers General Union (LC Paper No. CB(2) 685/02-03(12))

12. <u>Mr LAM Wing-chor</u> presented the views as detailed in the submission from the Hong Kong Building Management and Security Workers General Union. He concluded that the Hong Kong Building Management and Security Workers General Union opposed the enactment of legislation to implement BL23.

Meeting with representative of the Social Welfare Organizations Employees Union (LC Paper No. CB(2) 685/02-03(13))

13. Mr TAM Leung-ying presented the views of the Social Welfare Organizations Employees Union as detailed in the submission. He stressed that the Social Welfare Organizations Employees Union objected to implementing the proposals in the Consultation Document. He added that enacting legislation to implement BL23 offences would stifle the development of trade union activities.

Meeting with representative of the Personal Care Workers and Home Helpers Association

(LC Paper No. CB(2) 685/02-03(14))

- 14. <u>Mr CHENG Ching-fat</u> presented the views as detailed in the submission from the Personal Care Workers and Home Helpers Association. He stressed that the Personal Care Workers and Home Helpers Association objected to implementing the proposals in the Consultation Document. He added that
 - (a) the Government should conduct a genuine consultation, rather than taking a stance on the matter before putting forward the proposals in the Consultation Document:
 - (b) detailed provisions on the BL23 offences should be provided for public

consultation, instead of relying on the verbal assurance and elucidation made by senior government officials on the details of the proposals. The current approach was bringing in the rule of man. This would undermine the "one country, two systems"; and

(c) reference should be made to the Johannesburg Principles in drawing up the legislative proposals for the purpose of BL23.

Meeting with representative of the Hong Kong Domestic Workers General Union (LC Paper No. CB(2) 685/02-03(15))

15. <u>Miss CHUNG Yuen-yi</u> presented the views as detailed in the submission from the Hong Kong Domestic Workers General Union. She concluded that the Hong Kong Domestic Workers General Union objected to implementing the proposals made in the Consultation Document.

Meeting with representative of the Hong Kong School Clerks & Janitors General Union

(LC Paper No. CB(2) 685/02-03(16))

- 16. <u>Ms NG Wai-ling</u> presented the views as detailed in the submission from the Hong Kong School Clerks & Janitors General Union. She stressed that the Hong Kong School Clerks & Janitors General Union opposed implementing proposals in the Consultation Document. She added that
 - (a) tens of thousands Hong Kong people took part in the recent demonstration against enactment of legislation to implement BL23 had fully reflected the concerns and worries of the general public on the proposals in the Consultation Document; and
 - (b) given that BL23 offences could be used to restricting ideas and freedom of speech, it would have adverse impact on the next generation, as it would be very likely that in future no one would dare to speak against the Government.

Meeting with Mr TSANG Kin-shing (LC Paper No. CB(2) 685/02-03(17))

17. Mr TSANG Kin-shing presented his views as detailed in his submission. He concluded that there was no need to enact legislation for implementing BL23. He was concerned that rights of individuals to express dissenting views would be suppressed after enacting legislation to implement BL23. He suggested that the Government should first conduct a referendum to ascertain the views of Hong Kong people on the need to enact legislation to implement BL23.

Action

Meeting with Miss Alice MAK, Member of Kwai Tsing District Council (LC Paper No. CB(2) 685/02-03(18))

18. <u>Miss Alice MAK</u> presented her views as detailed in her submission. She concluded that the enactment of legislation to implement BL23 was a matter of time, and therefore there was no need to issue a white bill before the introduction of a blue bill.

Meeting with representatives of the Yau Tsim Mong Mutual Development Association (LC Paper No. CB(2) 685/02-03(19))

- 19. <u>Mr LUNG Wai-man</u> presented the views as detailed in the submission from the Yau Tsim Mong Mutual Development Association. He concluded that the Association objected to enacting legislation to implement BL23. He suggested that the Government should shelve the legislative process for the time being and conduct a two-year consultation on the proposals. In addition, the Government should -
 - (a) assure that it would not seek an interpretation of BL23 related legislation from the NPC;
 - (b) explain why the enactment of legislation to implement BL23 was necessary at the moment; and
 - (c) issue a white bill before the introduction of a blue bill.

Ms LAU Wan-yee added that as a Catholic, she was concerned that freedom of belief would be suppressed after the enactment of BL23 offences. It was not the right time to enact legislation to implement BL23.

Meeting with representative of the Oxfam Hong Kong (LC Paper No. CB(2) 685/02-03(20))

20. Mr CHONG Chan-yau presented the views as detailed in the submission from the Oxfam of Hong Kong. He concluded that the Oxfam urged the Government to conduct further public consultation of the proposed legislation after the issue of a white bill or detailed provisions on the BL23 offences.

Meeting with Mr WONG Sai-chak (LC Paper No. CB(2) 685/02-03(21))

- 21. Mr WONG Sai-chak presented his views as detailed in his submission. He added that -
 - (a) the proposed legislation to implement BL23 had already touched Hong Kong people's baseline on freedom;

Action

- (b) the global trend was to liberalise restriction on freedom of speech so as to promote local business environment, e.g. Singapore was reviewing to narrow the application of its national security laws;
- (c) the Government should make reference to the "clear and present danger" test adopted by the United States (US) Government in drawing up the legislation to implement BL23; and
- (d) the senior government officials, when explaining the proposals in the Consultation Documents, should be prudent not to make the society more divided.

<u>Issues raised by Members</u>

- 22. Mr Albert HO noted that Miss Alice MAK held the view that issuing a white bill for public consultation was not necessary because it was technical in nature, the public might not be able to understand the provisions. Mr HO pointed out that it was a fallacy as this would still exist in the case of a blue bill. In his view, issue of a white bill would provide the public with the detailed provisions relating to the legislation which would facilitate in-depth discussion on the legislative proposals and help remove uncertainties about the scope of BL23 offences concerned. If technical provisions were involved, he believed that academics and legal professions would help explain to the general public to facilitate their better understanding of the meaning and application of the legislative proposals. Mr HO further pointed out that the Bar Association was not opposing the enactment of legislation to implement BL23, but it was urging for the issue of a white bill before a blue bill was introduced. He considered that the Consultation Document could not inspire more in-depth debate on the legislative proposals.
- 23. <u>Miss Alice MAK</u> responded that while she agreed that the issue of a white bill could facilitate more discussion on the legislative proposals, the uncertainties about BL23 offences remained there because the underlying problem was a lack of confidence and trust in the Government. She considered that a blue bill could still provide a forum for discussion, but helped save time and resources. Any views on the blue bill could be taken into account by the Government. She stressed that she did not consider a white bill necessary simply from the efficiency consideration.
- 24. Mr Albert HO pointed out that the major difference between a blue bill and a white bill was that the Administration did not take a stand on a white bill. Any provision in a white bill could be amended after the consultation process. Whereas once the legislative process on a blue bill had commenced, the Administration would adhere to its own stand and try to explain its policy intent and solicit Members' support for the legislative proposals. Mr HO stressed that it was a reasonable request for the issue of a white bill. He added that existing legislation was adequate for the protection of national security.

- 25. Mr Martin LEE said that most of the concerns over the proposals in the Consultation Document could be addressed if detailed provisions had been attached to the Consultation Document or a white bill would be issued for public consultation.
- 26. Mr Martin LEE further said that some deputations had pointed out that the legislation relating to BL23 offences had to be stringent whereas the enforcement could be lenient ("立法嚴、執法寬"). He considered that legislating only when a need arose would be consistent with the provisions of the International Covenant on Civil and Political Rights. After enactment, the law should be enforced in every case of breach. Mr LEE invited representatives of deputations to elaborate their views in this respect.
- 27. <u>Ms KWAN Wing-kum</u> expressed agreement with Mr Martin LEE's view. <u>Ms KWAN</u> said that the Government should confine the scope of all offences to what were strictly required for the purpose of BL23, and the offences should be narrowly and clearly defined in the legislation.
- 28. Mr Christopher FUNG expressed support for Mr LEE. Mr FUNG said that if the enforcement of BL23 offences was at the discretion of the Police, it would possibly give rise to different treatments adopted by the Police. He was concerned that the Police would be more harsh to those who opined dissenting views. He pointed out that the Police had already adopted different enforcement policies lately towards the supporting and dissenting groups on the legislative proposals. For instance, written warnings had been issued to the organisers of a demonstration against the legislative proposals. He believed that the general public would be refrained from making dissenting views after the enactment of legislation on BL23 offences.
- 29. Mr WONG Sai-chak said that all provisions in the legislation should be clearly and narrowly defined and law enforcement should be subject to the same standard. In his view, the issue of a white bill would let the public learn more about the "tests" or elements taken into account by Government in determining whether individual citizens had committed a BL23 offence. As regards a blue bill, Mr WONG said that since the gazettal of a blue bill had already commenced the legislative process, any amendment to the provisions in the bill would have to be agreed by the Administration. Any amendment proposed by individual Legislative Council (LegCo) Members to the bill would require a majority vote of each of the two groups of Members returned by functional constituencies, and Members returned by geographical constituencies and by the Election Committee. Under the present voting arrangement, it would be rather difficult for amendments to a bill proposed by an individual Member to be passed.
- 30. Mr WONG further said that as the provisions of the legislative proposals on BL23 were not set out in detail, he could not propose specific amendments. Moreover, making suggestions to the drafting of legislation was in fact beyond the capabilities of non-legal profession. Hence, he strongly urged that a white bill should be issued before the introduction of a blue bill.

- 31. Referring to the submission from the Hong Kong Professional Teachers' Union, Mr CHAN Kam-lam noted that the Union was concerned that the enactment of legislation to implement BL23 would endanger the "one country, two systems" and the rule of law, as the human rights and freedom of individual citizens would be infringed. Mr CHAN said that the Union had conducted two surveys on the issue. As he was not sure whether the respondents were asked if they had read the Consultation Document, he doubted about how much the respondents actually knew about the legislative proposals when responding to the surveys. Mr CHAN asked whether the Administration had taken any active steps to approach individual interested parties to explain the intent of the legislative proposals if it had come to its notice of any grave concerns arising from the Consultation Document.
- 32. Mr MAK Kwok-fung said that the need for enactment of legislation to implement BL23 should be justified in the light of the social and political environment in Hong Kong. Hence, the effect of implementing BL23 on the community should be carefully considered. In his view, the immediate effect of the proposals had already divided the community into two groups, i.e. those supported and opposed the legislative proposals. Mr MAK then invited the respective views from Ms NG Wailing and Mr WONG Sai-chak on the effects of the proposals on the next generation and the brain drain problem.
- 33. <u>Ms NG Wai-ling</u> responded that she was concerned that BL23 offences would be used to restrict freedom of speech. If the next generation was brought up under such a social and political environment, she believed that there would be no dissenting views from the next generation, but only views in the favour of the ruling party. <u>Ms NG</u> envisaged that most of the Hong Kong residents would choose to migrate to overseas places, whenever they could do so.
- 34. Responding to Mr Michael MAK, Mr WONG Sai-chak believed that the brain drain problem would emerge immediately after the legislation to implement BL23 came into effect, in particular the financial and information technology sectors which were very sensitive to freedom of information exchange. He pointed out as far as he was aware, quite a number of talented young professionals were planning to leave Although some of these emigrants would return to Hong Kong years after emigration, these people would unlikely to settle in Hong Kong, but to seek employment or investment opportunities for a short period of time. Such phenomenon would be disadvantageous to Hong Kong's long term development. WONG said that the proposals would further weaken its competitiveness with nearby countries in attracting investors. Mr WONG further said that the major competitive edge of Hong Kong over other areas in the Mainland was the rights and freedoms enjoyed by the Hong Kong Special Administration Region residents. Hong Kong would be out competed by other areas in the Mainland after the enactment of BL23 offences.

- 35. <u>Miss Margaret NG</u> said that based on her experience in scrutinising bills, she was given an impression that the Administration would usually define a criminal offence wider than necessary so as to facilitate enforcement. Members had to be careful to ensure that legislative proposals should be no wider than necessary. <u>Miss NG</u> further said that she learnt from a recent survey finding that over 70% of the respondents urged that a white bill should be issued for public consultation. She invited views from Ms KWAN Wing-kum and Mr WONG Sai-chai on the survey finding.
- 36. Ms KWAN Wing-kum responded that to her knowledge, the general public, including intellectuals, was not quite aware of the difference between a white bill and a blue bill. She had reservations whether the 70% of the respondents urging for the issue of a white bill really understood what a white bill was. She disagreed that the supporting or opposing parties should state their respective stances simply using slogan type statements, but not putting forward detailed arguments. She concluded that it was illogical for some individuals to urge for the issue of a white bill when they in fact objected to the enactment of legislation to implement BL23 at anytime. Ms KWAN said that there were ample opportunities for the general public to give views and suggestions to the proposals made in a blue bill. It was not uncommon that the Administration would propose amendments to the bill after taking into account all the views expressed on the bill.
- 37. Mr WONG Sai-chai said that he could not entirely agree with Ms KWAN's remarks. He pointed out that to his knowledge, the general public was aware of the difference between a white bill and a blue bill, and those urged for the issue of a white bill was based on one of the following considerations -
 - (a) setting out in details for public scrutiny of the legislative proposals;
 - (b) making use of the request for a white bill as a delaying tactic for the enactment of legislation to implement BL23; and
 - (c) refusing to give a blanket support for the legislative proposals without knowing what the specific provisions were.

He hoped that the Administration would understand that those who supported the issue of a white bill for public consultation did not necessarily imply that they would oppose the enactment of legislation to implement BL23. They might support the legislative proposals after they had considered the detailed provisions.

38. On the difference between a white bill and a blue bill, <u>Miss Margaret NG</u> said that in response to calls from the community for the issue of a white bill, the Administration had explained on many occasions why public consultation in the form of a white bill was not necessary. She believed that the general public should now have a basic understanding on what exactly a white bill was. It was against this background that 70% of the survey respondents urged for the issue of a white bill for

public consultation. She stressed that a white bill differed from a blue bill in that the legislative process had not yet commenced when a white bill was issued.

39. <u>Miss NG</u> further said that it was Government's responsibility to fully consult the public and solicit their views before putting forward a legislative proposal, and it should not rely on LegCo to carry out consultation. LegCo would consult the public only if the Administration had not carried out consultation properly. It was in fact an established practice for the Administration to brief the relevant LegCo Panels on legislative proposals before introducing bills. Very often, draft provisions of the legislation had been attached to consultation papers.

Administration's response to issues raised at the meeting

- 40. <u>Deputy Solicitor General</u> said that some deputations had stated in their submissions that the terms cited in the Consultation Document were unclear, vague and ill defined. He, however, pointed out that the terms concerned, in particular the statutory offences of treason and sedition, were taken out from the existing laws.
- 41. <u>Permanent Secretary for Security (Acting)</u> made the following points in response to the views expressed by the deputations and Members -
 - (a) Representatives of the Administration had attended over 200 briefing sessions/seminars to explain to different interested parties on the details of the legislative proposals;
 - (b) The Administration welcomed views from the public on the Consultation Document, irrespective of supporting or dissenting views;
 - (c) On the proposal to adopt the "clear and present danger test", the concept had been adopted in the US sedition law since the last century. However, this could not help prevent the occurrence of persecutions in the US history. Moreover, the "clear and present danger test" had been subject to different interpretations by the US courts in different eras;
 - (d) The Administration had stated explicitly the guiding principles for making the proposals in the Consultation Document. The Administration had never made any remarks that legislation on BL23 should be stringent but enforcement could be lenient ("立法嚴、執法寬");
 - (e) The ruling handed down by the Chief Magistrate was only partly cited by Mr Sunny LEUNG. Reference should be made to the full text of the court ruling; and
 - (f) The Administration was considering the recommendations made in the submissions from the Hong Kong Federation of Women and Oxfam Hong Kong as well as views made in other submissions.

Other submissions received

42. <u>Members</u> noted that apart from the deputaions attending the meeting, another 21 organisations and individuals had submitted written submissions but not requested making oral representations to the Panels.

III. Any other business

- 43. <u>The Chairman</u> reminded members that another meeting would be held in the afternoon of the same day, i.e. 4:30 pm on 19 December 2002.
- 44. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
<u>Legislative Council Secretariat</u>
18 March 2003