

**Legislative Council**

**Panel on Security  
and**

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

**Summary of views expressed/suggestions made by organisations/individuals on  
the Administration's Proposals to implement Article 23 of the Basic Law  
prepared by the Legislative Council Secretariat**

**15 January 2003**

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## Part I - General Comments

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ Individual</b> </div> </div>		<b>General comments</b>
* 1.	<p>Hong Kong Bar Association</p> <p>LC Paper No. CB(2) 2640/01-02(01)</p> <p>LC Paper No. CB(2) 623/02-03(01)</p>	<p>(a) In most areas, the existing laws of the Hong Kong Special Administrative Region (HKSAR) were sufficient to prohibit the acts and activities listed in Article 23 of the Basic Law (BL23);</p> <p>(b) It did not agree with the legislative proposals set out in the Consultation Document. In particular, it considered that the proposals failed to comply with the following three fundamental principles -</p> <ul style="list-style-type: none"> <li>(i) That only those laws which were strictly necessary for compliance with the requirements of BL23 were to be enacted, namely a minimalist approach;</li> <li>(ii) That the laws enacted to implement BL23 must be consistent with the minimum standards contained in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the guarantees of fundamental rights in Chapter III of BL, and the Johannesburg Principles on National Security, Freedom of Expression and Access to Information (the Johannesburg Principles); and</li> </ul>

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		<p>(iii) That the drafting in the legislation must be unambiguous, drawn narrowly and with precision.</p> <p>(c) It deplored the Government's refusal to provide the public with draft legislative text to enable meaningful discussion to be taken of the legislative proposals. It called for the publication by the Government of such draft legislation at the earliest opportunity and in any event a reasonable time before the submission of a Bill to the Legislative Council (LegCo) for enactment;</p> <p>(d) Apart from secession and subversion which were already covered by treason, legislation should be enacted for other areas of BL23;</p> <p>(e) The offence of seriously endangering the stability of the HKSAR should not be dealt with under legislation to implement BL23, which dealt with acts endangering national security. Existing legislation was already adequate in safeguarding the stability of the HKSAR; and</p> <p>(f) If laws to be made in implementation of BL23 were not drafted with sufficient precision, clarity and certainty for them to be distinguishable from national security laws practised in the Mainland, the test of double criminality could no longer protect those in HKSAR who were or would be accused of having offended Mainland national security laws.</p>

<b>LC Paper No. of Written submission</b>	<b>Organisation/ individual</b>	<b>General comments</b>
* 2.	Kowloon Women's Organisations Federation LC Paper No. CB(2)201/02-03(03)	(a) It supported the enactment of legislation to implement BL23; and  (b) There was no need to introduce a white bill before the introduction of a blue bill.
* 3.	Kowloon City District Resident Association LC Paper No. CB(2) 201/02-03(05)	(a) It was the right time to enact legislation to implement BL23.
* 4.	Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)	(a) It was time to enact legislation to implement BL23.
* 5.	Federation of Hong Kong Guangdong Community Organisations Limited LC Paper No. CB(2) 201/02-03(07)	(a) It supported the enactment of legislation to implement BL23; and  (b) There was no need for a white bill.
* 6.	The Hong Kong Wan Chai District Association Ltd. LC Paper No. CB(2) 74/02-03(01)	(a) It supported the enactment of legislation to implement BL23.
* 7.	Hong Kong Swatow Merchants Association Limited LC Paper No. CB(2) 201/02-03(08)	(a) It supported the enactment of legislation to implement BL23 and it was the right time to enactment such legislation.

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* 8.	Hong Kong Association of International Investment LC Paper No. CB(2) 201/02-03(09)		(a) It supported the enactment of legislation to implement BL23; and  (b) There was no need for a white bill.
* 9.	The Hong Kong Island Federation LC Paper No. CB(2) 222/02-03(01)		(a) Supported the enactment of legislation to implement BL23. Such enactment should not be further delayed by the introduction of a white bill; and  (b) The enactment of legislation to implement BL23 would help improve investors' confidence and promote long-term economic growth in the HKSAR.
* 10.	The Kowloon Elderly Progressive Association LC Paper No. CB(2) 222/02-03(02)		(a) Supported the enactment of legislation to implement BL23;  (b) The enactment of legislation to implement BL23 should be made on the basis of existing legislation as far as possible and in compliance with the requirements under the two international human rights covenants as applied to Hong Kong ;  (c) Supported the introduction of a blue bill after the three-month consultation period; and  (d) The requirements in the Societies Ordinance should also be incorporated in other Ordinances relating to registration, such as the Companies Ordinance, so that organisations registered under ordinances other than the Societies Ordinance would also be regulated.

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* 11.	Sham Shui Po Residents Association LC Paper No. CB(2) 222/02-03(03)	(a) Supported the enactment of legislation to implement BL23.
* 12.	Hong Kong Youth Association LC Paper No. CB(2) 222/02-03(04)	<p>(a) Legislation to implement BL23 should be enacted as soon as possible;</p> <p>(b) Proposals in the Consultation Documents were consistent with relevant human rights covenants and would not undermine the rights and freedom enjoyed by the citizens of Hong Kong; and</p> <p>(c) Supported the introduction of a blue bill on BL23 to LegCo as soon as possible.</p>
* 13.	Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	<p>(a) Opposed the enactment of legislation to implement BL23 as proposed in the Consultation Document. The Administration should widely consult the public before deciding whether such legislation should be enacted;</p> <p>(b) Most experts had agreed that the provisions in BL23 were in breach of the provisions in the Sino-British Joint Declaration;</p> <p>(c) The Government had not set out its proposals to implement BL23 in sufficient details for in-depth discussion and deliberations in the community. Should set out the provisions of the proposed legislation for public scrutiny so that the legal profession and other interested parties would have the opportunity to examine the scope, intent and implications of the legislative proposals in a comprehensive manner;</p>

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	<p>(d) In the absence of substantive legislative provisions and supporting indicators, it considered that there was no urgency and no need to enact legislation for implementation of BL23 at this stage; and</p> <p>(e) The enactment of legislation to implement BL23 would create a considerable chilling effect on individual rights and press freedom since very few people would be willing to spend the time and monies to institute legal proceedings against the Government on the legitimacy of the legislation.</p>
<p>* 14.</p>	<p>The King Chung Association LC Paper No. CB(2) 222/02-03(06)</p> <p>(a) Supported the enactment of legislation to implement BL23 as soon as possible. Such enactment would not affect the existing rights and freedoms enjoyed by Hong Kong residents; and</p> <p>(b) There was no need to issue a white bill.</p>
<p>* 15.</p>	<p>Miss LING Yu-shih LC Paper No. CB(2) 222/02-03(07) LC Paper No. CB(2) 596/02-03(01)</p> <p>(a) Enacting legislation for the protection of essential interests of the state and national security was the obligation of the HKSAR, and the fulfilment of such obligation was not dependent on whether there was the urgency to do so;</p> <p>(b) While individual citizens enjoyed the privilege of protection provided by the state, they had a reciprocal obligation to protect the state by not committing criminal acts which would threaten the existence of the state and to support legislation which prohibited such acts; and</p> <p>(c) The introduction of a white bill would be unconstitutional.</p>



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* 16.	Mr CHEUNG Yan-hong, member of Wong Tai Sin District Council LC Paper No. CB(2) 222/02-03(08)		(a) It was necessary and the appropriate time to enact legislation to implement BL23. The introduction of a blue bill into LegCo should not be delayed;  (b) The enactment of legislation to implement BL23 should be made in compliance with the requirements of the two international human rights covenants as applied to Hong Kong, consistent with common law principles and made on the basis of existing legislation as far as possible;  (c) The early enactment of legislation to implement BL23 would promote political stability and create a more favourable environment for overseas investments; and  (d) The Administration should strengthen publicity and education of the public to explain that the enactment of legislation to implement BL23 was a necessary step; and to eliminate misunderstandings and worries of the public.
* 17.	The Hong Kong Southern District Alliance LC Paper No. CB(2) 222/02-03(09)		(a) Supported the enactment of legislation to implement BL23; and  (b) It was inappropriate to issue a white bill.
* 18.	The Hong Kong Executive, Administrative and Clerical Staff Association LC Paper No. CB(2) 222/02-03(10)		(a) Supported the enactment of legislation to implement BL23 and the introduction of a blue bill into LegCo after the three-month consultation;  (b) The enactment of legislation to implement BL23 would not be in conflict with the rights and freedoms guaranteed under BL and the two international human rights covenants as applied to Hong Kong; and

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		(c) The enactment of legislation to implement BL23 would provide investors with a clearer picture of the implications of BL23 on local business environment.
* 19.	Wah Fu Service Centre LC Paper No. CB(2) 222/02-03(11)	(a) Supported the enactment of legislation to implement BL23 and the introduction of a blue bill into LegCo after the three-month consultation; and  (b) There was no need for a white bill.
* 20.	Hong Kong Alliance in Support of Patriot Democratic Movements of China LC Paper No. CB(2) 222/02-03(12)	(a) Objected to implementing the proposals in the Consultation Document;  (b) Existing legislation was sufficient for the purpose of BL23 and the proposals in the Consultation Document were mainly aimed at restricting individual rights and press freedom which were currently lawful in the HKSAR;  (c) Expressed concern that the enactment of legislation to implement BL23 would lead to the introduction of offence provisions that criminalised expression of opinion;  (d) The prohibition of local bodies from establishing ties with foreign political bodies under BL23 was unacceptable; and  (e) If the intent of enacting legislation to implement BL23 was to suppress freedom of speech and expression, the business environment in the HKSAR would deteriorate further.

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* 21.	April Fifth Action LC Paper No. CB(2) 222/02-03(13)	<p>(a) There was no need to enact legislation for implementing BL23;</p> <p>(b) The actual purpose of implementing BL23 was to extend the applications of the national security laws in the Mainland to Hong Kong in order to suppress the rights of individuals to express dissenting views; and</p> <p>(c) The HKSAR Government should conduct a referendum to ascertain the views of the HKSAR residents on the need to enact legislation to implement BL23.</p>
* 22.	Wah Fu Estate Woman's Association LC Paper No. CB(2) 222/02-03(14)	(a) It was reasonable and necessary to enact legislation to implement BL23 as soon as possible.
* 23.	Federation of Hong Kong Kowloon New Territories Hawker Association LC Paper No. CB(2) 222/02-03(15)	(a) Supported the enactment of legislation to implement BL23 as soon as possible.
* 24.	Cultural and Recreational Services Centre LC Paper No. CB(2) 222/02-03(17)	(a) Supported the enactment of legislation to implement BL23 as soon as possible.

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* 25.	Causeway Bay Association Limited LC Paper No. CB(2) 222/02-03(18)	(a) Supported the enactment of legislation to implement BL23.
* 26.	Tai Hang Concern Association LC Paper No. CB(2) 222/02-03(19)	(a) Supported the enactment of legislation to implement BL23.
* 27.	Shan Wei City Hai Lu Feng Clansmen Assn Ltd LC Paper No. CB(2) 222/02-03(20)	(a) Supported the enactment of legislation to implement BL23 which was both mandatory and urgent; and  (b) The Administration should make reference to similar legislation in overseas jurisdictions and set heavier penalties for BL23 offences.
* 28.	Professor Albert CHEN Faculty of Law The University of Hong Kong LC Paper No. CB(2)262/02-03(02) LC Paper No. CB(2)413/02-03(01)	(a) Although there were technical problems in some of the proposals in the Consultation Document which, if not properly rectified, might cause serious implications on human rights issues, he supported the general orientation of the Consultation Document which was a concrete demonstration of the principle of “one country, two systems” at work; and  (b) It would be desirable to include a white bill as an appendix to the Consultation Document. In the absence of detailed provisions, it would be difficult to comment on the proposals. Nevertheless, the most important point was whether LegCo would hold a series of meetings to receive the views of the public on the legislative proposals in the process of scrutiny of the blue bill, so as to achieve the effect of a white bill in terms of public consultation.

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* 29.	Wan Chai Community Activities Centre LC Paper No. CB(2)262/02-03(04)	(a) Legislation should be enacted to implement BL23 and it was the time for such enactment;  (b) Offences should be set out in details in the legislation to be enacted; and  (c) Reference could be made to the relevant Mainland laws, where appropriate, in the enactment of legislation to implement BL23.	
* 30.	New Century Society Ltd LC Paper No. CB(2)262/02-03(05)	(a) Supported the enactment of legislation to implement BL23;  (b) A three-month consultation period was adequate; and  (c) Supported adopting the minimalist approach in the enactment of legislation to implement BL23.	
* 31.	The Society for the Coordination & Promotion Eastern District LC Paper No. CB(2)262/02-03(06)	(a) Supported the enactment of legislation to implement BL23.	
* 32.	Joint Committee of Hong Kong Fisherman's Organisations LC Paper No. CB(2)262/02-03(07)	(a) Supported the enactment of legislation to implement BL23; and  (b) There was no need for a white bill.	
* 33.	Yiu Tung & Hing Tung Residents' Association LC Paper No. CB(2)262/02-03(08)	(a) Supported the enactment of legislation to implement BL23.	

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* 34.	Shaukiwan and Chaiwan Residents Fraternal Association LC Paper No. CB(2)262/02-03(09)	(a) Supported the enactment of legislation to implement BL23, which should not be delayed.
* 35.	Aldrich Bay Residents Association LC Paper No. CB(2)262/02-03(10)	(a) Supported the enactment of legislation to implement BL23; and  (b) The enactment of such legislation should be made in compliance with BL and common law principles. Reference should also be made to overseas practices.
* 36.	New Territories Association of Societies LC Paper No. CB(2)262/02-03(11)	(a) Supported the enactment of legislation to implement BL23.
* 37.	The Hong Kong Association of Falun Dafa LC Paper No. CB(2)262/02-03(12)	(a) Opposed the enactment of legislation to implement BL23; and  (b) Existing legislation was sufficient for the purpose of implementing BL23. The proposals in the Consultation Document were aimed at suppressing the dissenting views and peaceful demonstration activities which were currently lawful in Hong Kong.
* 38.	The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) Opposed the enactment of legislation to implement BL23 for the following reasons -  (i) Existing legislation was already sufficient for the protection of national security;

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	<div> <div>(ii) As there had not been any major social instability in the past five years, there was no urgent need to create new offences;</div> <div>(iii) The enactment of the proposals in the Consultation Document would seriously undermine human rights and freedom, contravene international human rights covenants and the Johannesburg Principles, undermine the rule of law and the principle of "one country, two systems";</div> <div>(iv) Without adequate protection of human rights and a democratic system, the enacted legislation might be abused for restricting freedom;</div> <div>(b) The proposals in the Consultation Document failed to comply with the following principles -</div> <div>(i) The principle under BL23 that the HKSAR should enact laws on its own;</div> <div>(ii) The principles such as "one country, two systems" and protection of human rights under the Sino-British Joint Declaration and BL;</div> <div>(iii) The Siracusa Principles;</div> <div>(iv) The Johannesburg Principles;</div> <div>(v) The principle of enacting the minimum necessary legislation;</div> </div>

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			(vi) The principle that legislation must be unambiguous, drawn narrowly and with precision; and  (c) The Administration should publish a white bill for in-depth consultation on the detailed legislative provisions before the enactment of further legislation to implement BL23.
* 39.	The Association of Hong Kong Health Care Professionals LC Paper No. CB(2)262/02-03(14)		(a) Supported the enactment of legislation to implement BL23.
* 40.	Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)		(a) Strongly opposed the enactment of legislation to implement BL23 because the proposals in the Consultation Document would jeopardise the rights of students to education, literary and artistic creation, and cultural activities; and restrict the freedom of speech, of expression and of the press in the name of protecting national security;  (b) The scopes of the proposals in the Consultation Document were too wide that members of the public would easily be in breach of the law. This would restrict freedom of expression; and  (c) The concepts of State and Government were frequently mixed up in the Consultation Document. It questioned whether the enactment of legislation to implement BL23 was to protect national security, the security of the Government, or the security of the Communist Party.



<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="flex: 1;"> <b>LC Paper No. of Written submission</b> </div> <div style="flex: 1; text-align: right;"> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
* 41.	Central & Western District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(16)	(a) Supported the enactment of legislation to implement BL23.
* 42.	Wanchai District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(17)	(a) Supported the enactment of legislation to implement BL23.
* 43.	Hong Kong East District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(18)	(a) Supported the enactment of legislation to implement BL23; and  (b) The enactment of legislation to implement BL23 would create a favourable business environment and attract overseas investments.
* 44.	Kowloon East District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(19)	(a) Supported the enactment of legislation to implement BL23.
* 45.	Yaumati-Tsimshatsui-Mongkok District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(20)	(a) Supported the enactment of legislation to implement BL23.

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* 46.	Shamshui Po District Liaison Group of The Chinese General Chamber of Commerce LC Paper No. CB(2)262/02-03(21)	(a) Supported the enactment of legislation to implement BL23; and  (b) Enacting legislation to implement BL23 would remove the social and political uncertainties which might affect investors' confidence in the future development of the HKSAR.
* 47.	Dr Anthony W FERGUSON Librarian The University of Hong Kong LC Paper No. CB(2)262/02-03(22)	(a) Expressed concern about the proposed offences of dealing with and possession of seditious publications.
* 48.	Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) Legislation to implement BL23 should be introduced as soon as possible for the protection of the essential interests of the state;  (b) There was no need to issue a white bill before the introduction of a blue bill; and  (c) There was adequate public consultation on the Administration's proposals and there were checks and balances in Hong Kong's government system to prevent abuses of powers.
* 49.	Hong Kong Central and Western District Woman Association LC Paper No. CB(2)271/02-03(02)	(a) Supported the enactment of legislation to implement BL23.
* 50.	Mr LEE Ming-sum LC Paper No. CB(2)271/02-03(03)	(a) Supported the early enactment of legislation to implement BL23.

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<div> <div>* 51.</div> <div> The Chinese University of Hong Kong Student Union LC Paper No. CB(2)271/02-03(04) </div> </div>	<div> <p>(a) The Consultation Document was not consistent with international human rights standards. It provided the Government more power to restrict the freedoms of expression, association and religion as well as press freedom and academic freedom;</p> <p>(b) The human rights situation in Hong Kong had deteriorated over the past five years after Reunification. This made one difficult to believe that the enactment of legislation to implement BL23 would not undermine the foundations of rule of law, human rights and freedom;</p> <p>(c) Many expressions in the Consultation Document had definitions which were unclear and broad. The Government should issue a white bill detailing the provisions of the proposed legislation for public consultation. Expressions should be defined clearly to avoid providing room for abuse by the Government;</p> <p>(d) The Administration should extend the public consultation exercise to at least July 2003 in order to allow more time for the public to understand and express views on the legislative proposals; and</p> <p>(e) Opposed the enactment of legislation to implement BL23 at this stage.</p> </div>

<div style="text-align: right;"><b>Organisation/ individual</b></div> <div><b>LC Paper No. of Written submission</b></div>		<b>General comments</b>
* 52.	Hong Kong University of Science and Technology Students' Union LC Paper No. CB(2)271/02-03(06)	(a) Definitions for many acts endangering national security referred to in the Consultation Document were unclear;  (b) The Administration should revise the proposals for implementation of BL23 having regard to the concerns expressed by the public; and  (c) The Administration should issue a white bill for public consultation.
* 53.	Hong Kong Federation of Students LC Paper No. CB(2)271/02-03(07)	(a) Strongly opposed the enactment of legislation to implement BL23;  (b) There was already local legislation dealing with acts that endangered national security;  (c) It was inappropriate to conclude that legislation should be enacted to implement BL23 merely because similar national security laws were found in overseas countries;  (d) The definitions of many terms and expressions in the Consultation Document were so vague and broad that they might be easily abused by the Government;  (e) Expressed concern that the expression of views on political matters or views in support of democracy would be prosecuted for breach of the law; and  (f) The proposals in the Consultation Document were vague and it was difficult to know whether certain acts and behaviour would constitute an offence in relation to the seven areas stipulated under BL23.

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* 54.	Lingnan University Students Union LC Paper No. CB(2)271/02-03(08)	<p>(a) Questioned the urgency for the enactment of legislation to implement BL23;</p> <p>(b) The Administration should not rush through legislation to implement BL23 when there was a lack of support from the community for the proposed legislation;</p> <p>(c) A white bill should be issued for public consultation; and</p> <p>(d) Many offences were not clearly defined in the Consultation Document.</p>
* 55.	Hong Kong Federation of Education Workers LC Paper No. CB(2)271/02-03(09)	<p>(a) Supported the enactment of legislation to implement BL23.</p>
* 56.	Hong Kong Christian Institute LC Paper No. CB(2)271/02-03(10) LC Paper No. CB(2)507/02-03(01)	<p>(a) The concepts of the proposed offences were broad and vague and it was worried that the proposed legislation on BL23 would easily be abused by the Administration to suppress the freedoms of Hong Kong people;</p> <p>(b) Through the enactment of legislation to implement BL23, the HKSAR Government would introduce into Hong Kong the Mainland practice of using "national security" as a pretext to silent different opinions and deprive Hong Kong people of their basic human rights;</p> <p>(c) BL23 legislation would criminalise expression of opinion;</p> <p>(d) Expressed concern whether it could continue to maintain normal relationships with, for instance, the Churches in Taiwan after BL23 legislation was passed;</p>

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	<p>(e) Opposed the Administration's proposals to implement BL23;</p> <p>(f) Legislation to implement BL23 should not be enacted when there was not a democratic and representative government in place; and</p> <p>(g) The enactment of legislation to implement BL23 would threaten the freedoms of religion, believe, speech and association etc.</p>
<p>* 57.</p> <p>Mr KWONG Ning-yin LC Paper No. CB(2)271/02-03(11)</p>	<p>(a) There was no need to issue a white bill before the introduction of a blue bill.</p>
<p>* 58.</p> <p>Hong Kong Chinese Reform Association Limited LC Paper No. CB(2)271/02-03(12)</p>	<p>(a) Supported the enactment of legislation to implement BL23.</p>
<p>* 59.</p> <p>The Unified Association of Kowloon West Limited LC Paper No. CB(2)271/02-03(13)</p>	<p>(a) Supported the enactment of legislation to implement BL23;</p> <p>(b) Proposals in the Consultation Document were consistent with the requirements under ICCPR and ICESCR; and</p> <p>(c) leaflets or booklets explaining the proposed legislation in layman terms should be widely distributed, especially during the debate on the blue bill.</p>

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* 60.	Fong Chung Social Service Centre Limited (Central District) LC Paper No. CB(2)271/02-03(14)		(a) Legislation must be enacted to implement BL23 and it was the right time to do so; and  (b) There was no need to issue a white bill before the introduction of a blue bill.
* 61.	Kwai Chung South Resident Association LC Paper No. CB(2)271/02-03(15)		(a) Supported the early enactment of legislation to implement BL23 and the introduction of a blue bill.
* 62.	Mr YAM Kim-man, Rockie LC Paper No. CB(2)271/02-03(16)		(a) Legislation must be enacted to implement BL23.
* 63.	The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)		(a) Strongly opposed the Administration's proposals for implementing BL23 as detailed in the Consultation Document;  (b) Opposed the introduction of the Mainland's broad notions of "national security" and "state secrets" into Hong Kong;  (c) Opposed the many broad and vague concepts put forward in the Consultation Document, such as "national security", "incitement" and "to intimidate the Government of the People's Republic of China (PRCG)";

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	<p>(d) Instead of introducing the proposals in the Consultation Document, the Administration should update and narrow Hong Kong's current and far too broad laws concerned. Any changes should just clean up anachronistic language related to Britain's administration of the territory and reduce the scope of laws to conform with the Johannesburg Principles;</p> <p>(e) The Administration's proposals to implement BL23 would damage Hong Kong's reputation for free flow of information and possibly spark an exodus of journalists and news organisations;</p> <p>(f) Strongly urged the Administration to release the full text of the proposed changes and allow a lengthy consultation period for the public to comment on any proposed law in relation to BL23;</p> <p>(g) Expressed concern that the proposals in the Consultation Document would inspire a greater spirit of self-censorship among journalists and limit the free flow of information within Hong Kong;</p> <p>(h) All national security-related laws should be drafted to meet the requirements in the Johannesburg Principles. The term "national security" should be narrowly defined;</p> <p>(i) Any legislation should specifically include a statutory right to access government-held information and specific protection of press freedom, e.g. a public interest defence;</p>



<div style="display: flex; justify-content: space-between;"> <div>LC Paper No. of Written submission</div> <div>Organisation/ individual</div> </div>		General comments
		<p>(j) Any reference to incitement must be narrowly drawn; and</p> <p>(k) No national security legislation should be introduced before the Law Reform Commission had released its recommendations on the results of the consultation exercise regarding the Press Council and the Administration had published its response.</p>
* 64.	Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	<p>(a) Offences referred to in the Consultation Document were not clearly defined;</p> <p>(b) The proposals in the Consultation Document seriously contravened human rights and freedom; and</p> <p>(c) Opposed the enactment of legislation to implement BL23.</p>
* 65.	Hong Kong Youth and Tertiary Students Association LC Paper No. CB(2)271/02-03(19)	<p>(a) Supported the enactment of legislation to implement BL23.</p>
* 66.	Mr LAI Chi-lap, member of Yau Tsim Mong District Council LC Paper No. CB(2)271/02-03(20)	<p>(a) The consultation period on the proposals to implement BL23 should be 50 years; and</p> <p>(b) Legislation to implement BL23 would restrict freedom of expression and personal safety.</p>

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* 67.	Student Christian Movement of Hong Kong LC Paper No. CB(2)271/02-03(21)	(a) The consultation period of three months was too short;  (b) Definitions in the Consultation Document should be clearly defined; and  (c) The enact of legislation to implement BL23 should be shelved until a democratic Administration system was fully developed and, if not, a white bill should be issued for public consultation.
* 68.	Alliance of Hong Kong Youth Groups LC Paper No. CB(2)271/02-03(22)	(a) Legislation should be enacted to implement BL23 as soon as possible;  (b) The Administration should publish the legislative provisions to be proposed for implementing BL23 for public discussion and deliberations; and  (c) The Administration should step up publicity on the proposals in the Consultation Document.
* 69.	Sham Shui Po Nam Cheong District Residents & Merchants Association LC Paper No. CB(2)397/02-03(01)	(a) The HKSARG had the legal responsibility to enact legislation to implement BL23 and it was the right time for such enactment;  (b) There was no need to issue a white bill on the proposed legislation; and  (c) The Administration should step up publicity on the proposals in the Consultation Document.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
* 70.	Sham Shui Po Women's Organisations Federation LC Paper No. CB(2)397/02-03(02)	<p>(a) Legislation must be enacted to implement BL23; and</p> <p>(b) The Administration's current approach of consultation on the proposed legislation on BL23 was acceptable and there was no need to extend the consultation process.</p>
* 71.	Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	<p>(a) There was no need at the present stage for the enactment of additional legislation to implement BL23 because existing legislation for the protection of national security was very stringent already;</p> <p>(b) The consultation process was only proper if the proposals in the Consultation Document were first provided to the Law Reform Commission for deliberations before released for public consultation;</p> <p>(c) If there was a consensus in the society that the requirement under BL23 for the enactment of legislation was not necessary, the mechanism for amending the BL should be activated. Under such circumstances, existing legislation should first be reviewed to see whether they contravened human rights, by applying international human rights standards such as ICCPR or the Johannesburg Principles;</p> <p>(d) The proposals to implement BL23 went against the principles adopted by the international covenant on human rights, the will of the majority of Hong Kong residents and the economic interest of Hong Kong; and</p>

<b>LC Paper No. of Written submission</b>	<b>Organisation/ individual</b>	<b>General comments</b>
		(e) The proposed legislation for implementing BL23 would be used to consolidate the undemocratic rule of the Chinese Communist regime rather than to protect national security.
* 72.	YUA Current Affairs Society LC Paper No. CB(2)397/02-03(09) LC Paper No. CB(2)599/02-03(03)	(a) It was absolutely necessary to enact legislation to implement BL23.
* 73.	Hong Kong Senior Education Workers Association Limited LC Paper No. CB(2)397/02-03(10) LC Paper No. CB(2)599/02-03(02)	(a) It was the right time for the enactment of legislation to implement BL23 and there was no need to issue a white bill on the proposed legislation;  (b) BL23 was not in contravention of the Sino-British Joint Declaration;  (c) Proposals in the Consultation Document were consistent with human rights and freedom, and the requirements in the two international human rights covenants;  (d) A blue bill should be introduced after the consultation period;  (e) Legislation to implement BL23 should be made through the amendment of existing legislation as far as possible; and  (f) Legislative provisions should be supplemented by explanatory leaflets or booklets in layman terms.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
* 74.	Kwong Tin Estate Resident Union LC Paper No. CB(2)397/02-03(12)	(a) Supported the enactment of legislation to implement BL23;  (b) There was no need to issue a white bill for public consultation;  (c) The proposals in the Consultation Document would not restrict the freedoms and rights enjoyed by Hong Kong residents;  (d) Legislation to implement BL23 should be made through the amendment of existing legislation as far as possible; and  (e) The Administration should step up publicity to explain the proposals to implement BL23.
* 75.	Quarry Bay Resident's Association LC Paper No. CB(2)397/02-03(13)	(a) Supported the enactment of legislation to implement BL23.
* 76.	Mr LEE Hung-tak LC Paper No. CB(2)397/02-03(14)	(a) It was necessary to enact legislation to implement BL23;  (b) There was no need to issue a white bill on the proposed legislation; and  (c) The Administration should step up publicity to explain the proposals in the Consultation Document.

LC Paper No. of Written submission		Organisation/ individual	General comments
* 77.	Hong Kong Voice of Democracy LC Paper No. CB(2)397/02-03(15) LC Paper No. CB(2)599/02-03(01)	(a) Strongly opposed BL23, as it contravened the "one country, two systems" principle enshrined in BL and the Sino-British Joint Declaration;  (b) The enactment of legislation under BL23 might result in an extension of the political trial system in the Mainland into Hong Kong;  (c) Sovereignty rather than regime should be protected. However, the real objective of BL23 was to safeguard regime;  (d) Legislation on BL23 should be introduced only for prohibiting acts which posed a genuine threat to national security; and  (e) The rights and freedoms enjoyed by Hong Kong residents would be affected by the enactment of legislation to implement BL23.	
* 78.	New Youth Forum LC Paper No. CB(2)481/02-03(06)	(a) It was necessary to enact legislation to implement BL23 as soon as possible; and  (b) There was no need to issue a white bill.	
* 79.	Justice & Peace Commission of the Hong Kong Catholic Diocese LC Paper No. CB(2)481/02-03(07)	(a) There was no need to enact separate legislation to implement BL23, as the existing legislation, including the Crimes Ordinance, the Official Secrets Ordinance and the Societies Ordinance, was already sufficient to deal with the seven areas in BL23; and  (b) The refusal by the Administration to issue a white bill reflected its insincerity to consult the public.	

LC Paper No. of Written submission		Organisation/ individual	General comments
* 80.	Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)		(a) The proposals in the Consultation Document, if enacted, would unnecessarily threaten the freedoms of Hong Kong people;  (b) Members of Hong Kong's expatriate communities could be at risk of committing one of the BL23 offences, especially if their country was at war with the PRC; and  (c) A while bill should be issued.
* 81.	Civil Human Rights Front LC Paper No. CB(2)481/02-03(09)		(a) Opposed the enactment of legislation to implement BL23; and  (b) The HKSAR Government should undertake not to seek an interpretation from the Standing Committee of the National People's Congress when implementing BL23.
* 82.	Hong Kong Journalists Association LC Paper No. CB(2)481/02-03(10)		(a) There was no pressing need to legislate on the various national security offences; and  (b) A white bill should be issued.
* 83.	Ngau Tau Kok Community Affairs Association LC Paper No. CB(2)481/02-03(11)		(a) It was necessary to enact legislation to implement BL23; and  (b) The legislation to implement BL23 should comply with the requirements of the two international human rights covenants as applied to Hong Kong.

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* 84.	China Labour Bulletin LC Paper No. CB(2)481/02-03(12)	(a) Legislation to implement 23 should not be enacted before full consultation with the public had been made.
* 85.	Professor David BODOFF Department of Information and Systems Management Hong Kong University of Science and Technology LC Paper No. CB(2)481/02-03(13)	(a) Legislation to implement BL23 should have conceivable built-in protection against the abuse of the rule of law as a weapon against citizens; and  (b) The Administration should take the necessary time to draft legislation that protected the central government while maintaining the unique strength of Hong Kong system.
* 86.	Mr Colin HONG LC Paper No. CB(2)481/02-03(14)	(a) Supported the enactment of legislation to implement BL23 as soon as possible.
* 87.	Yau Tsim Mong Federation of Association LC Paper No. CB(2)481/02-03(15)	(a) It was necessary and the appropriate time to enact legislation to implement BL23.
* 88.	Mr MAK Tsing-hang, John LC Paper No. CB(2)481/02-03(16)	(a) Legislation to implement BL23 should be enacted as soon as possible.
* 89.	Mr NG Kwok-hung LC Paper No. CB(2)481/02-03(17)	(a) Opposed the enactment of legislation to implement BL23; and  (b) A white bill should be issued.



<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
* 90.	Mr HAU Kam-lam, member of North District Council LC Paper No. CB(2)481/02-03(18)	(a) It was necessary to enact legislation to implement BL23 as soon as possible.
* 91.	Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	<p>(a) The proposals in the Consultation Document were imprecisely worded and contrary to international standards on clarity and consistency in the definition of criminal offences;</p> <p>(b) The proposals were beyond the requirements of BL23; and</p> <p>(c) The public consultation period should be extended and a white bill should be issued.</p>
* 92.	Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	<p>(a) The proposals in the Consultation Document were vague, and gave no assurance to protect the rights of Hong Kong citizens; and</p> <p>(b) A white bill should be issued, otherwise legislators should opposed any proposals to implement BL23.</p>
* 93.	Kwun Tong Resident Association LC Paper No. CB(2)481/02-03(21)	<p>(a) It was necessary to enact legislation to implement BL23; and</p> <p>(b) The legislation to implement BL23 should comply with the freedom of speech and other fundamental rights of Hong Kong citizens as guaranteed by the BL.</p>



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* 98.	Mr Chris LO LC Paper No. CB(2)685/02-03(04)	(a) The enactment of legislation to implement BL23 would further undermine the fundamental rights of Hong Kong citizens and should be ceased.
* 99.	The Frontier LC Paper No. CB(2)685/02-03(05)	(a) It was not necessary to enact legislation to implement BL23; (b) The proposals to implement BL23 would further restrict the rights and freedoms of Hong Kong people and would be used to suppress dissenting voice; (c) The refusal by the Government to issue a white bill reflected its sincerity to consult the public; and (d) Some of the proposals were beyond the scope of BL23.
*100.	Choi Shek Resident Service Centre LC Paper No. CB(2)685/02-03(06)	(a) The proposals in the Consultation Document were vague; (b) Enacting legislation to implement BL23 should be ceased; and (c) A white bill should be issued before the introduction of a blue bill.
*101.	Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	(a) Supported the enactment of legislation to implement BL23; (b) The proposed legislation should, as far as possible, base on existing legislation, and provide clarity; and

<b>Organisation/ individual</b>		<b>General comments</b>
<b>LC Paper No. of Written submission</b>		
		(c) It had no strong views as to whether a white bill should be issued. A blue bill could equally provide detailed provisions for the public to comment as in the case of a white bill.
*102.	Hong Kong Confederation of Trade Unions LC Paper No. CB(2)685/02-03(08)	<p>(a) There was no practical need to enact legislation to implement BL23 at this stage;</p> <p>(b) The proposals in the Consultation Document would suppress the rights and freedoms of Hong Kong people; and</p> <p>(c ) Strongly opposed the proposals in the Consultation Document.</p>
*103.	East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	<p>(a) The enactment of legislation to implement BL23 could safeguard the interests and rights of citizens; and</p> <p>(b) It was the appropriate time to enact legislation to implement BL23.</p>
*104.	Hong Kong Professional Teachers' Union LC Paper No. CB(2)685/02-03(11)	<p>(a) Strongly opposed the enactment of legislation to implement at this stage;</p> <p>(b) The proposals in the Consultation Document violated social justice, and would suppress rights and freedoms of Hong Kong people; and</p> <p>(c) The proposals would also seriously restrict free flow of information and intervene educational and academic work.</p>

<b>LC Paper No. of Written submission</b>		<b>Organisation/ individual</b>	<b>General comments</b>
*105.	Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)	(a) Opposed the proposals in the Consultation Document to implement BL23; and  (b) The proposals would seriously undermine the rights and freedoms of Hong Kong people.	
*106.	Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) Opposed the proposals in the Consultation Document to implement BL23; and  (b) The proposals would seriously undermine the rights and freedoms of Hong Kong people.	
*107.	Personal Care Workers and Home Helpers Association LC Paper No. CB(2)685/02-03(14)	(a) Opposed the enactment of legislation to implement BL23.	
*108.	Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)	(a) Opposed the proposals in the Consultation Document to implement BL23; and  (b) The proposals would seriously undermine the rights and freedoms of Hong Kong people.	
*109.	Hong Kong School Clerks & Janitors General Union LC Paper No. CB(2)685/02-03(16)	(a) Opposed the proposals in the Consultation Document to implement BL23; and  (b) The proposals would seriously affect the rights and freedoms of Hong Kong people.	

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
*110.	Mr TSANG Kin-shing LC Paper No. CB(2)685/02-03(17)	<p>(a) Strongly opposed the enactment of legislation to implement BL23; and</p> <p>(b) The Government should first conduct a referendum to ascertain the views of Hong Kong people on the need to enact legislation to implement BL23.</p>
*111.	Miss Alice MAK, member of Kwai Tsing District Council LC Paper No. CB(2)685/02-03(18)	<p>(a) The concern about enacting legislation to implement was mainly due to the fact that the general public did not have confidence in the Government; and</p> <p>(b) There was no need to issue a white bill. It would be more practical to strengthen publicity on the proposals in the Consultation Document than to issue a white bill.</p>
*112.	Yau Tsim Mong Mutual Development Association LC Paper No. CB(2)685/02-03(19)	<p>(a) Some of the terms in the Consultation Document were vague;</p> <p>(b) Public consultation on the proposals to implement BL23 and ways of enactment of legislation should be two years; and</p> <p>(c) A white bill should be issued.</p>
*113.	Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)	<p>(a) The fundamental human rights in Hong Kong that were provided for in the BL should not be compromised nor threatened with the need to protect national security;</p> <p>(b) Legislation to implement BL23 must comply with the two international covenants guaranteed under BL39 and the Johannesburg Principles; and</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>		General comments
		(c) A white bill should be issued for a further public consultation for at least six months.
*114.	Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) Legislation to implement BL23 should not be enacted before the Governments of the HKSAR and the Mainland were elected by their people;  (b) The proposals, if enacted, would have a far-reaching impact on Hong Kong's economy and free flow of information;  (c) His suggestions on specific areas were only from a technical point of view, and should not be regarded as a support to the proposals in the Consultation Document; and  (d) A white bill should be issued.
115.	Professor Michael C DAVIES LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)	(a) Although the Consultation Document cited numerous foreign examples, they were examples of legislation in jurisdictions with a strong democratic check on official action, where the final right of interpretation and review was left to courts that were independent and final; and  (b) A white bill should be issued for further consultation.
116.	A member of the public LC Paper No. CB(2) 74/02-03(03) LC Paper No. CB(2) 153/02-03(02) LC Paper No. CB(2) 413/02-03(04)	(a) Legislation against treason was already adequate for covering the use of force to commit the offence of secession, sedition and subversion. There should not be offence provisions against sedition, subversion and secession in relation to expression of opinion.





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123.	法輪大法香港修煉者 LC Paper No. CB(2) 201/02-03(10)	(a) Existing legislation in Hong Kong was on the whole adequate for dealing with BL23 offences; and  (b) There was no need for the enactment of legislation to implement BL23.
124.	Mr CHAN Kwai-sang, member of Sai Kung District Council LC Paper No. CB(2) 201/02-03(12)	(a) Supported the enactment of legislation to implement BL23.
125.	Mr YAU Chi-wan, member of Sai Kung District Council LC Paper No. CB(2) 201/02-03(12)	(a) The Government should enact legislation to implement BL23.
126.	Mr CHAN Kwok-kai, member of Sai Kung District Council LC Paper No. CB(2) 201/02-03(12)	(a) Supported the early enactment of legislation to implement BL23.
127.	Mr FAN Kwok-wai, member of Sai Kung District Council LC Paper No. CB(2) 201/02-03(12)	(a) Opposed the enactment of legislation to implement BL23.
128.	梁錦雄 LC Paper No. CB(2) 201/02-03(13)	(a) Sufficient time should be allowed for public consultation before the enactment of legislation to implement BL23.





LC Paper No. of Written submission	Organisation/ individual	General comments
		(b) The Government should produce draft legislation in the form of a white bill for consultation and allow adequate time for full public consultation before submitting a bill to LegCo.
138.	Dominic CHAN LC Paper No. CB(2) 287/02-03(02)	(a) The Administration should explain to the public the basic and fundamental aspects of the article and educate them to distinguish between extremity and generality and that those using the extreme scenario are not reasonable.
139.	Dr Albert LI Sze-bay and Ms LEE Ming-pui, members of WONG Tai Sin District Council LC Paper No. CB(2) 222/02-03(08)	<p>(a) It was necessary and the appropriate time to enact legislation to implement BL23. The introduction of a blue bill into LegCo should not be delayed;</p> <p>(b) The enactment of legislation to implement BL23 should be made in compliance with the requirements of the two international human rights covenants as applied to Hong Kong, consistent with common law principles and made on the basis of existing legislation as far as possible;</p> <p>(c) The early enactment of legislation to implement BL23 would help remove the political uncertainties and improve investors' confidence; and</p> <p>(d) The Administration should strengthen publicity and education of the public to explain that the enactment of legislation to implement BL23 was a necessary step; and to eliminate misunderstandings and worries of the public.</p>

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
140.	Women Service Association LC Paper No. CB(2) 308/02-03(02)	(a) Supported the enactment of legislation to implement BL23;  (b) There was no need for a white bill; and  (c) The Government should strengthen publicity and education to increase the public's understanding of the enactment of legislation to implement BL23.
141.	Mr CHENG Cho-kwong, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)	(a) Supported the enactment of legislation to implement BL23 as soon as possible.
142.	Dr CHUI Hong-sheung, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)	(a) The proposals in the Consultation Document were on the whole acceptable. However, the Administration should do more to avoid the public's misunderstandings.
143.	Mr HO Sau-mo, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)	(a) Supported the enactment of legislation to implement BL23.
144.	Mr Michael LI, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)	(a) Supported the enactment of legislation to implement BL23, which was necessary.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
145.	Ms CHAN Lim-chee, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)	<p>(a) The enactment of legislation to implement BL23 was unnecessary and need not done made in a rush;</p> <p>(b) If legislation was to be enacted to implement BL23, the provisions should be set out in clear terms; and</p> <p>(c) The consultation period should be extended. Channels should be established for the gathering of public opinion.</p>
146.	Aberdeen Fisher Women Association LC Paper No. CB(2) 308/02-03(04)	(a) Supported the enactment of legislation to implement B23.
147.	許金株 LC Paper No. CB(2)413/02-03(02)	(a) Supported the enactment of legislation to implement BL23.
148.	International and Regional NGOs in Hong Kong LC Paper No. CB(2)413/02-03(03)	<p>(a) Expressed deep concern that the proposals in the Consultation Document would lead to the deterioration of human rights and the rule of law in Hong Kong;</p> <p>(b) The Consultation Document only provided an outline of proposals and the contents seemed to be ill-defined;</p> <p>(c) Opposed the proposals in the Consultation Document. There was no need to create new offences for the purposes of BL23; and</p>

<div style="display: flex; justify-content: space-between;"> <div>LC Paper No. of Written submission</div> <div>Organisation/ individual</div> </div>		General comments
		(d) The proposals in the Consultation Document should be withdrawn. However, if the proposals were to be implemented, a white bill should be issued for public consultation.
149.	Mr CHOW Ka-keung, member of Sha Tin District Council LC Paper No. CB(2)413/02-03(05)	(a) The enactment of legislation to implement BL23 was unnecessary; and  (b) If the enactment of legislation was inevitable, the expression of opinion should not be criminalised.
150.	Heung To Middle School Alumni Association Ltd LC Paper No. CB(2)413/02-03(06)	(a) Strongly supported the enactment of legislation to implement BL23.
151.	Federation of Yuen Long Youth LC Paper No. CB(2)413/02-03(07)	(a) Supported the enactment of legislation to implement BL23.
152.	Mr CHAN Wan-sang, member of Tuen Mun District Council LC Paper No. CB(2)413/02-03(08)	(a) Supported the enactment of legislation to implement BL23.
153.	Hong Kong Ching Fai Association Limited LC Paper No. CB(2)271/02-03(23)	(a) Legislation must be enacted to implement BL23 and it was the right time for such enactment.





<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
159.	Mrs Elsie TU LC Paper No. CB(2)558/02-03(02)	(a) While some minor details in the proposals to implement BL23 might require fine-tuning, they could be dealt with during scrutiny of the blue bill. A white bill would be a repetition of the original consultation process. The world situation was too serious to risk any further delay in legislation that had waited all too long since Reunification.
160.	世界華僑聯合會 LC Paper No. CB(2)597/02-03(01)	(a) It was not necessary to enact legislation to implement BL23.
161.	Mr 黃霑 LC Paper No. CB(2)597/02-03(02)	(a) Supported the enactment of legislation to implement BL23 as soon as possible;  (b) There was no need to extend the public consultation period; and  (c) There was no need to issue a white bill.
162.	Professor MA Lin LC Paper No. CB(2)597/02-03(03)	(a) It was the right time to enact legislation to implement BL23.
163.	Mr 胡恩威 LC Paper No. CB(2)597/02-03(04)	(a) The enactment of legislation to implement BL23 would have far-reaching impact on the freedoms of Hong Kong citizens.
164.	Breakthrough LC Paper No. CB(2)597/02-03(05)	(a) The Administration should provide full justifications as to why it was the right time to enact legislation to implement BL23;  (b) A white bill or detailed provisions should be issued for public consultation; and

<b>LC Paper No. of Written submission</b>		<b>Organisation/ individual</b>	<b>General comments</b>
			(c) Opposed any proposals that would criminalise speech.
165.	A member of the public LC Paper No. CB(2)597/02-03(06)		(a) Legislation to implement BL23, if enacted, would result in a disaster in Hong Kong.
166.	A member of the public LC Paper No. CB(2)653/02-03(01)		(a) Opposed the enactment of legislation to implement BL23.
167.	A member of the public LC Paper No. CB(2)653/02-03(02)		(a) The seven types of offences under BL23 were vague.
168.	韓金鳳 LC Paper No. CB(2)653/02-03(03)		(a) Opposed the enactment of legislation to implement BL23.
169.	Mr Larry YUNG LC Paper No. CB(2)653/02-03(04)		(a) The proposals in the Consultation Document were reasonable;  (b) Supported the enactment of legislation to implement BL23; and  (c) A blue bill should be introduced into LegCo after the public consultation period.
170.	Committee to Protect Journalists LC Paper No. CB(2)653/02-03(05)		(a) The proposals in the Consultation Document exceeded the requirements of BL23 and should not be enacted;  (b) The proposals posed serious risks to the freedom of expression in Hong Kong; and

LC Paper No. of Written submission	Organisation/ individual	General comments
		(c) A white bill should be issued for public consultation.
171.	吳清祥 LC Paper No. CB(2)677/02-03(01)	(a) Opposed the enactment of legislation to implement BL23.
172.	林瑞英 LC Paper No. CB(2)677/02-03(02)	(a) Opposed the enactment of legislation to implement BL23.
173.	謝進文 LC Paper No. CB(2)677/02-03(03)	(a) The legislation to implement BL23 should be shelved.
174.	Heung Yee Kuk New Territories LC Paper No. CB(2)685/02-03(10)	(a) It was an appropriate time to enact legislation to implement BL23;  (b) The proposals were in line with international standards and would not undermine the freedom of speech and of the press and the rights of Hong Kong people protected under the BL;  (c) There was no need to issue a white bill; and  (d) Publicity efforts on the proposals in the Consultation Document should be strengthened.
175.	A member of the public LC Paper No. CB(2)685/02-03(22)	(a) Opposed the enactment of legislation to implement BL23.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
176.	師道輝 LC Paper No. CB(2)685/02-03(23)	(a) The enactment of legislation to implement BL23 would have a far-reaching impact on the prospect of Hong Kong.
177.	Hao WANG LC Paper No. CB(2)708/02-03(01)	(a) Hong Kong, the "Pearl of the East" would lose its luster in the international arena of human rights and free expression if legislation to implement BL23 was enacted.
178.	香港大學學生會基督徒團契, 香港科技大學學生會基督徒團契, 香港浸會大學基督徒學生團契, 香港教育學院學生會基督徒團契, 香港理工大學學生會基督徒團契 and 香港樹仁學院基督徒團契 LC Paper No. CB(2)708/02-03(02)	(a) The public consultation period should be extended and a white bill should be issued.
179.	A member of the public LC Paper No. CB(2)708/02-03(03)	(a) Opposed the enactment of legislation to implement BL23.
180.	Mr Dave MEEK LC Paper No. CB(2)708/02-03(04)	(a) Opposed the enactment of legislation to implement BL23; and  (b) The stability of Hong Kong and the principle of "one county, two systems" would be seriously jeopardised.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
181.	Mr Jeffrey CHIANG LC Paper No. CB(2)708/02-03(05)	(a) The proposals to implement BL23 would seriously damage Hong Kong's freedoms and human rights presently enjoyed; and  (b) Strongly opposed the enactment of legislation to implement BL23.
182.	Ms Alice AI LC Paper No. CB(2)708/02-03(06)	(a) Opposed the proposals to implement BL23; and  (b) The proposals might be used by the Government as a legal weapon to deny, rather than to protect, people's rights.
183.	Mingling CHANG LC Paper No. CB(2)708/02-03(07)	(a) Opposed the proposals to implement BL23.
184.	吳昭瑩 LC Paper No. CB(2)708/02-03(08)	(a) Opposed the enactment of legislation to implement BL23.
185.	A member of the public LC Paper No. CB(2)718/02-03(01)	(a) Opposed the enactment of legislation to implement BL23.
186.	一群關心香港的海外中國人 LC Paper No. CB(2)718/02-03(02)	(a) Opposed the enactment of legislation to implement BL23.
187.	A member of the public LC Paper No. CB(2)718/02-03(03)	(a) Opposed the enactment of legislation to implement BL23.





<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
199.	莫正芳 LC Paper No. CB(2)735/02-03(04)	(a) Opposed the enactment of legislation to implement BL23.
200.	Mr Michael DONG LC Paper No. CB(2)735/02-03(05)	(a) Opposed the enactment of legislation to implement BL23.
201.	A member of the public LC Paper No. CB(2)735/02-03(06)	(a) There was no necessity to enact laws to implement BL23.
202.	Falun Buddha Society LC Paper No. CB(2)735/02-03(07)	(a) The enactment of legislation to implement BL23 would seriously threaten the freedom of expression, press freedom, freedom of association and ruin the investment environment of Hong Kong.
203.	Xinming LC Paper No. CB(2)735/02-03(08)	(a) Opposed the enactment of legislation to implement BL23.
204.	Oded PNINI LC Paper No. CB(2)745/02-03(01)	(a) Proposals to implement BL23 should be abandoned.
205.	張濤，文華，陸一林等 LC Paper No. CB(2)745/02-03(02)	(a) Strongly opposed the enactment of legislation to implement BL23.



<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
206.	Yujieo LIN LC Paper No. CB(2)745/02-03(04)	<p>(a) Opposed the enactment of legislation to implement BL23; and</p> <p>(b) The proposals in the Consultation Document contravened human rights and freedom of expression.</p>
207.	Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)	<p>(a) Legislation implementing BL23 must be drafted very precisely, and should comply with modern standards of human rights;</p> <p>(b) Legislation should not go beyond the requirement of BL23;</p> <p>(c) While no rendition agreement was currently in place between the HKSAR and the Mainland, it was important for the Government to clarify its intention as to whether BL23 offences are renditionable offences;</p> <p>(e) BL23 offences should not be made renditionable;</p> <p>(f) The Government should take this opportunity to remove obsolete laws and liberalise provisions that unnecessarily restricted basic human rights; and</p> <p>(g) It was essential that the Government issue a white paper after it had considered the comments from this consultation exercise.</p>
208.	CHOW Wing-chi LC Paper No. CB(2)755/02-03(02)	<p>(a) The enactment of legislation to implement BL23 should be shelved until 2007; and</p> <p>(b) The protection of the state and protection of regime should not be mixed up.</p>

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
209.	NG Chye-huay and CHENG Lujin LC Paper No. CB(2)755/02-03(03)	(a) Opposed the enactment of legislation to implement BL23.
210.	A member of the public LC Paper No. CB(2)755/02-03(04)	(a) An exodus of Hong Kong people would begin when legislation was enacted to implement BL23.
211.	謝碧惠 LC Paper No. CB(2)755/02-03(05)	(a) Strongly opposed the enactment of legislation to implement BL23.
212.	洪詩婷 LC Paper No. CB(2)755/02-03(06)	(a) Strongly opposed the enactment of legislation to implement BL23.
213.	Ms Ann YANG LC Paper No. CB(2)755/02-03(07)	(a) The enactment of legislation to implement BL23 should cease.
214.	洪若郎 LC Paper No. CB(2)755/02-03(08)	(a) Strongly opposed the enactment of legislation to implement BL23.
215.	A member of the public LC Paper No. CB(2)755/02-03(09)	<p>(a) The HKSAR had an obligation to enact legislation to implement BL23 for the purpose of protecting national security; and</p> <p>(b) A white bill should be issued for a further public consultation of one to two months.</p>

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
216.	A member of the public LC Paper No. CB(2)755/02-03(10)	(a) Opposed the enactment of legislation to implement BL23.
217.	Mr Joseph WENG LC Paper No. CB(2)755/02-03(11)	(a) Opposed the enactment of legislation to implement BL23.
218.	Ms Eva XU LC Paper No. CB(2)755/02-03(12)	(a) Opposed the enactment of legislation to implement BL23.
219.	Adrian STURDZA LC Paper No. CB(2)760/02-03(01)	(a) Legislation to implement BL23 should cease.
220.	A member of the public LC Paper No. CB(2)760/02-03(02)	(a) Did not support the enactment of legislation to implement BL23. However, if such legislation would be enacted, a white bill should be issued for public consultation.
221.	Phay Yiu CHUANG LC Paper No. CB(2)760/02-03(03)	(a) Strongly opposed the enactment of legislation to implement BL23.
222.	Jen ONG LC Paper No. CB(2)760/02-03(04)	(a) Strongly opposed the enactment of legislation to implement BL23.
223.	Yan LC Paper No. CB(2)760/02-03(05)	(a) The enactment of legislation to implement BL23 should cease.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
224.	A group of members of the public LC Paper No. CB(2)760/02-03(06)	(a) Strongly opposed the enactment of legislation to implement BL23.
225.	A group of members of the public LC Paper No. CB(2)760/02-03(07)	(a) Opposed the enactment of legislation to implement BL23; and  (b) The definitions proposed in the Consultation Document were unclear.
226.	Evan MANTYK LC Paper No. CB(2)760/02-03(08)	(a) The proposed legislation to implement BL23 would outlaw Falun Gong.
227.	Ms Emily ZHEN LC Paper No. CB(2)760/02-03(09)	(a) Strongly opposed the enactment of legislation to implement BL23.
228.	Suman SRINIVASAN LC Paper No. CB(2)760/02-03(10)	(a) The enactment of legislation to implement BL23 should cease.
229.	A member of the public LC Paper No. CB(2)760/02-03(11)	(a) Opposed the enactment of legislation to implement BL23.
230.	XU Jianyuan, Falun Dafa Practitioner from Singapore LC Paper No. CB(2)760/02-03(12)	(a) Opposed the enactment of legislation to implement BL23.
231.	黃啓裕 LC Paper No. CB(2)760/02-03(13)	(a) Opposed the enactment of legislation to implement BL23.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
232.	Professor Frankie LEUNG LC Paper No. CB(2)760/02-03(14)	(a) The enactment of the proposals to implement BL23 would have an overall chilling effect on freedom of expression and other civil rights.
233.	The Association of Architectural Practices Ltd LC Paper No. CB(2)760/02-03(15)	(a) The Administration should publish its proposals to implement BL23 in the form of a white paper.
234.	Louise STEVANOVIC LC Paper No. CB(2)760/02-03(16)	(a) The freedoms of residents would be dramatically reduced with the enactment of legislation to implement BL23.
235.	Mr John ANDRESS LC Paper No. CB(2)760/02-03(17)	(a) A white paper giving details of the proposed legislation should be published.
236.	JUSTICE LC Paper No. CB(2)760/02-03(18)	<p>(a) Legislation implementing BL23 should be compatible with the rights enshrined in BL27 to BL35, ICCPR, ICESCR and the international labour conventions applicable to Hong Kong;</p> <p>(b) Legislation should not exceed the requirements of BL23;</p> <p>(c) The Johannesburg Principles should be adopted; and</p> <p>(d) The Government should issue a draft bill and allow a reasonable time for the consultation on the draft bill.</p>
237.	Mr Roy NLTZBERG LC Paper No. CB(2)760/02-03(19)	(a) Opposed the enactment of legislation to implement BL23.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
238.	Mr Andrew CASEY LC Paper No. CB(2)760/02-03(20)	(a) The proposed legislation was not to the benefit of the economy and the people of Hong Kong.
239.	Odilon COUZIN LC Paper No. CB(2)760/02-03(21)	(a) The enactment of legislation to implement BL23 without proper consultation or transparency would sacrifice the legal foundations and undermine the civil rights enjoyed by Hong Kong citizens.
240.	Mr Robert A SENSER LC Paper No. CB(2)760/02-03(22)	(a) The sooner the Administration withdrew its proposals to implement BL23, the sooner it would save the HKSAR from disgrace.
241.	Global Labour Institute LC Paper No. CB(2)760/02-03(23)	(a) The enactment of the proposals represented a serious threat to democracy and independent labour organisations. The proposals should be withdrawn.
242.	A member of the public LC Paper No. CB(2)760/02-03(24)	(a) Government officials and civil servants would be victims of legislation enacted to implement BL23.
243.	中國民運海外聯席會議澳洲分部 LC Paper No. CB(2)760/02-03(25)	(a) Opposed the enactment of legislation to implement BL23.
244.	Rhondda May LC Paper No. CB(2)760/02-03(26)	(a) Opposed the enactment of legislation to implement BL23.
245.	The BASICK family LC Paper No. CB(2)760/02-03(27)	(a) Should legislation be enacted to implement BL23, the freedoms of the Hong Kong people and residents of other nationalities would be seriously undermined.







<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
256.	Erkanda BUJARI LC Paper No. CB(2)777/02-03(04)	(a) The enactment of legislation to implement BL23 should cease.
257.	A member of the public LC Paper No. CB(2)777/02-03(05)	(a) Legislators might be victims of legislation to implement BL23.
258.	A member of the public LC Paper No. CB(2)777/02-03(06)	(a) While not objecting to the enactment of national security laws, opposed criminalising expression of opinion; and  (b) Strongly requested the issuing of a white bill.
259.	A member of the public LC Paper No. CB(2)777/02-03(07)	(a) Opposed the enactment of legislation to implement BL23.
260.	Mr Richard GRAVES LC Paper No. CB(2)777/02-03(08)	(a) The interests of China and Hong Kong would be better served if the Administration proposed legislation that fulfil the requirements of BL23 but went no further; and conducted wide public consultation on the specific text before introducing it to LegCo.
261.	A member of the public LC Paper No. CB(2)777/02-03(09)	(a) Opposed the enactment of legislation to implement BL23.
262.	A member of the public LC Paper No. CB(2)777/02-03(10)	(a) Legislation should not be enacted to implement BL23.

<div> <div> <b>LC Paper No. of Written submission</b> </div> <div> <b>Organisation/ individual</b> </div> </div>		<b>General comments</b>
263.	A member of the public LC Paper No. CB(2)777/02-03(11)	(a) Legislation to implement BL23 was too stringent.
264.	Sander GRIFFIOEN LC Paper No. CB(2)777/02-03(12)	(a) Expressed concern that legislation to implement BL23 would endanger the very values which Chinese civilisation was built.
265.	Mr David JOHNSON LC Paper No. CB(2)797/02-03(01)	(a) Legislation should not be enacted to implement BL23.
266.	Mr Leon LEMMONS, Ms Julie LEMMONS and Zhu LEMMONS LC Paper No. CB(2)797/02-03(02)	(a) Opposed the proposals to implement BL23, which would lead to the deterioration of human rights and rule of law in Hong Kong.
267.	Mr Andy YAU LC Paper No. CB(2)841/02-03(01)	(a) The Government should consult the public in democratic ways before enacting legislation to implement BL23 and a white draft of the proposed legislation might be useful in this case.
268.	A member of the public LC Paper No. CB(2)841/02-03(01)	(a) It would be a mistake to enact legislation to implement BL23.
269.	Mr Bernard WIJEDORU LC Paper No. CB(2)841/02-03(01)	(a) BL imposed a mandatory requirement to enact legislation to implement BL23.

**Part II - Views/suggestions on specific areas in the Consultation Document**

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>		Views/suggestions
<b>A. Treason</b>		
* 1.	<p>Hong Kong Bar Association</p> <p>LC Paper No. CB(2) 2640/01-02(01)</p> <p>LC Paper No. CB(2) 623/02-03(01)</p>	<p>(a) The legislative proposals in the Consultation Document regarding treason were based upon feudal notions of treason and were couched in archaic and unclear language. They were not clearly and tightly defined to avoid uncertainty and the infringement of constitutional guarantees of fundamental rights and freedoms;</p> <p>(b) The offence of treason should be narrowly defined to prohibit specified acts of assisting the enemy where war had been declared by or on the PRC with the intent of assisting the enemy. Those specific acts should be confined to acts involving the use of violence such as joining a military force of the foreign enemy state, or provision of weapons to that foreign state, knowing that the PRC was at war with that foreign state and with intent of assisting that foreign state;</p> <p>(c) “War” in this connection should be confined to publicly declared war or state of hostilities. Assistance to nationals of an enemy state should not constitute an offence;</p> <p>(d) No other offences were necessary to prohibit treasonous acts;</p> <p>(e) The common law offences of misprision of treason and compounding treason should be abolished; and</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	(f) Some of the proposed treasonable offences, such as "intimate or overawe the PRCG" and "constraint upon the PRCG", were outdated.
* 2.	<div> <div>Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)</div> <div> <p>(a) While reference was made in the Consultation Document to the Canadian Law Reform Commission Working Paper No. 49, it should be noted that both the Working Paper and the United Kingdom Law Reform Commission Working Paper No. 72 recommended narrowing the law of treason;</p> <p>(b) The scope of "the PRC Government" as defined at Note 18 on page 10 of the Consultation Document was wider than that of "the Central People's Government (CPG)" referred to in BL23;</p> <p>(c) It appeared from the proposed definition of PRC Government that anyone who joined with a foreigner to constrain any organ of the State at any level would commit the offence of treason. This would seem to cover anyone who launched an international appeal for the release of a person detained by the local procuratorate anywhere in the Mainland;</p> </div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	<p>(d) If the proposal in paragraph 2.10 of the Consultation Document became law, any businessmen who traded with Taiwan would be at the risk of prosecution, if his products ended up being used by the armed forces or other bodies in Taiwan for defence purpose;</p> <p>(e) The proposal to retain and modernise the offence of misprision of treason would open the door to a society where it would be every citizen's duty to spy on every other citizen;</p> <p>(f) It did not object in principle to Hong Kong permanent residents being subject to law of treason. However, it was wrong in principle for law of treason to be applied to persons who owed Hong Kong no loyalty, such as non-permanent residents or visitors; and</p> <p>(g) If the terms "levying war and "other competent authorities" in the definition of treason were broadly defined, demonstrations against the Liaison Office of the CPG and the offices of Hong Kong Deputies to the National People's Congress which incited a riot or insurrection involving a certain number of people could be interpreted as "levying war" against the "competent authorities" of the PRC.</p>

<b>LC Paper No. of Written submission</b>		<b>Organisation/ individual</b>	<b>Views/suggestions</b>
<b>A. Treason</b>			
*	3.	April Fifth Action LC Paper No. CB(2) 222/02-03(13)	(a) The scope of the proposed revision of paragraph (c) of section 2(1) of the Crimes Ordinance in paragraph 2.8 of the Consultation Document was too broad. Any Police intervention with a public procession or demonstration against a "competent authority" might trigger off some form of riots or violence which might then be caught by the offence of treason.
*	4.	Professor Albert CHEN Faculty of Law The University of Hong Kong LC Paper No. CB(2)262/02-03(02) LC Paper No. CB(2)413/02-03(01)	(a) There should be an express provision to the effect that for the purpose of the offence of treason, “war” should not include a riot or disturbance of a local nature that did not amount to an armed rebellion. Such a riot or disturbance was already adequately covered by the existing criminal laws other than the law of treason.
*	5.	The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) The definition of treason should be substantially narrowed;  (b) The proposals in paragraph 2.8(b), (c) and (d) should be deleted, as they were not clearly defined and inconsistent with the minimalist principle;  (c) The offence of assisting public enemy at war should be deleted;  (d) There was no need for the proposed offence of instigation of foreigner to invade the country; and  (e) Opposed the proposed offence of misprision of treason.



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
* 10. Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	(a) The definitions of "put any force or constraint upon the PRCG" and "overawe the PRCG" were unclear and should be deleted; and  (b) The offence of treason should be limited to joining forces with foreign military forces and in a manner internationally considered as levying war to overthrow by force a democratic Chinese Government that was legal and constitutional.
* 11. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) The meaning of "war" was too broad;  (b) The proposed offence of instigation of foreigners to invade the country without requiring the element of "intended and likely to incite imminent violence" contravened the Johannesburg Principles and would undermine freedom of expression;  (c) The meaning of "public enemy" was too broad; and  (d) The offence of misprision of treason was an outdated common law offence.
* 12. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) The scope of the proposed offence was too broad and was contrary to the guiding principle under human right laws that definition of crimes must be certain and clear;



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	<p>(b) The concepts of "levying war", "constraint" and "public enemy" and "intimidate or overawe" were vague and opened to abuse, such as the criminalisation of those exercising peacefully their right to freedom of expression and association;</p> <p>(c) The proposed offences for inchoate and accomplice acts were too broad and were contrary to the Johannesburg Principles; and</p> <p>(d) The proposed offence of misprision of treason was beyond the requirement of BL23 and could be opened to abuse.</p>
* 13.	<div>Mr TSANG Wing</div> <div>LC Paper No. CB(2)481/02-03(20)</div> <p>(a) Attempting, conspiring, aiding and abetting, counselling and procuring the commission of the treason offences should be narrowly defined.</p>
* 14.	<div>The Frontier</div> <div>LC Paper No. CB(2)685/02-03(05)</div> <p>(a) Non-violent attack (e.g. electronic sabotage) should not be caught by the proposed treason offences; and</p> <p>(b) The proposal to make misprision of treason a statutory offence would have a far-reaching impact on Hong Kong.</p>

LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
<b>A. Treason</b>		
* 15.	Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	<p>(a) Agreed to the proposal in paragraph 2.8 of the Consultation Document to limit treason to "levying war by joining forces with a foreigner" to overthrow or intimidate the PRCG and the proposal in paragraph 2.9 to retain section 2(1)(d) of the Crimes Ordinance;</p> <p>(b) "War" should be narrowly defined, such as military action;</p> <p>(c) The definition of "public enemy" was too wide. The provision in section 2(1) of the Crimes Ordinance "以任何方式協助中華人民共和國交戰的公敵" should be amended as "<u>直接協助及確實知道該等協助將直接加強公敵入侵、推翻或威迫中華人民共和國政府的能力</u>";</p> <p>(d) The proposal to cover failure to inform the Police of the fact that another person had committed treason by the offence of misprision of treason was questionable, as the general public could not judge whether other people had committed treason; and</p> <p>(e) Agree to the proposal to provide for the offences for inchoate and accomplice acts.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
* 16. Hong Kong Confederation of Trade Unions LC Paper No. CB(2)685/02-03(08)	(a) The definition of "war" was too wide; and  (b) The offence of misprision of treason was vague and unreasonable. The offence, if enacted, would lead to a situation similar to that of the Cultural Revolution where people reported to the authorities of acts of others.
* 17. East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) Agreed to the proposed treason offence.
* 18. Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)	(a) The definition of "war" was so wide that any activities of labour union where foreigners participated would be caught by the offence; and  (b) The offence of misprision of treason was ridiculous and would lead to the tragedy as in the case of the Cultural Revolution.
* 19. Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) The definition of "war" was so wide that any activities of labour union where foreigners participated would be caught by the offence; and  (b) The offence of misprision of treason was ridiculous and would lead to the tragedy as in the case of the Cultural Revolution.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
* 20. Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)	(a) The definition of "war" was so wide that any activities of labour union where foreigners participated would be caught by the offence; and  (b) The offence of misprision of treason was ridiculous and would lead to the tragedy as in the case of the Cultural Revolution.
* 21. Hong Kong School Clerks & Janitors General Union LC Paper No. CB(2)685/02-03(16)	(a) The definition of "war" was so wide that any activities of labour union where foreigners participated would be caught by the offence; and  (b) The offence of misprision of treason was ridiculous and would lead to the tragedy as in the case of the Cultural Revolution.
* 22. Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)	(a) Humanitarian work should be excluded from being covered by "assisting public enemy at war".
* 23. Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) Treason offence was proposed as follows -  "任何中華人民共和國公民，若在宣布戰爭狀態後，或在兩國陷於公開武力敵對狀態下，向敵對國家的政府、武裝部隊、敵對國家同盟的政府或敵對國家同盟的武裝部隊，提供任何軍事上的協助，使令中華人民共和國政府的軍隊、政府人員或公民傷亡，或意圖使之傷亡，乃屬叛國罪。"; and

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	(b) The offence of misprision of treason was vague.
24.	<div>Mr Kevin L H KWONG, member of Tsuen Wan District Council LC Paper No. CB(2) 201/02-03(16)</div> <div>(a) Although a person had a responsibility to report treason offences of others, it should not cover the reporting of attempting, conspiring, aiding and abetting, counselling and procuring the commission of the substantive treason offences;</div> <div>(b) The meaning of "reasonable steps" and "reasonable time" should be set out clearly in legislation; and</div> <div>(c) A defence of "reasonable excuse" should be provided.</div>
25.	<div>Mr LEE Chi-wing, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)</div> <div>(a) The meaning of "misprision of treason" should be explained in further details.</div>
26.	<div>Heung Yee Kuk New Territories LC Paper No. CB(2)685/02-03(10)</div> <div>(a) The proposed offence of misprision of treason should be carefully considered as it was difficult to define "reasonable steps" and "within a reasonable time".</div>
27.	<div>The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)</div> <div>(a) The common law definition of levying war cited in paragraph 2.7 of the Consultation Document ought not to be adopted;</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	<p>(b) War should be defined in the sense in which it was generally understood. One such definition was: "When difference between states reach a point at which both parties resort to force, or one of them does an act of violence, which the other choose to look upon as a breach of the peace, the relation of war is set up, in which the combatants may use regulated violence against each other, until one of the two has been brought to accept such terms as his enemy is willing to grant";</p> <p>(c) The offence of misprison of treason should be repealed; and</p> <p>(d) The concept of inchoate or accomplice acts could greatly extend the range of activities which could become unlawful or criminal under the proposed offence.</p>
28.	<p>Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)</p> <p>(a) The proposed definition of treason was still too broad and should be amended;</p> <p>(b) "War" should be expressly defined in the legislation and should be limited to international or internal armed conflicts. The legislation should also expressly provide that local disturbances would not constitute "levying war" unless they amounted to an armed rebellion;</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
	<p>(c) The intent to "compel the PRCG, by force or constraint to change its policies or measures" was overly broad, extremely vague and should be eliminated. The term "constraint" was particularly vague and required a definition;</p> <p>(d) The intent to "put any force or constraint" on the central government should be deleted from the proposed definition of treason;</p> <p>(e) The intent to "intimidate or overawe the central government" should be deleted from the proposed definition of treason according to the fundamental principle of the rule of law that individuals must be able to determine what conduct was prohibited by the law;</p> <p>(f) Strongly urged the Government to delete the proposal to codify the common law concept of "misprison of treason". Any acts which constituted actual assistance of treason would already be caught under the accomplice offences. Thus, there was no need to codify an offence of misprison of treason; and</p> <p>(h) If the Government was unwilling to abolish the offence, it should provide an explicit exemption for legal privilege and other privileged relationships.</p>
29.	<p>A member of the public LC Paper No. CB(2)755/02-03(09)</p> <p>(a) "Levying war" should be narrowly defined.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
<div>30.</div> <div>JUSTICE LC Paper No. CB(2)760/02-03(18)</div>	<div>(a) The proposal to make the common law offence of misprison of treason into a statutory offence was beyond the requirements of BL23;</div> <div>(b) Definition of "levying war" was too broad;</div> <div>(c) Opposed to the proposals to include the legitimate aim of compelling the PRCG to change its policies or measures, the vague and subjective purpose of intimidating or overawing the PRCG as a "criminal" intent;</div> <div>(d) Opposed to the proposal to include non-violent attacks as criminal acts;</div> <div>(e) There was no need for a separate offence of instigating a foreigner to invade the country since this would be covered by the other offences including the inchoate offences;</div> <div>(f) Offence of assisting public enemy at war was too vague; and</div> <div>(g) There was no justification for enacting the offence of misprison of treason when the common law offence of compounding treason was to be abolished.</div>
<div>31.</div> <div>MF YAN LC Paper No. CB(2)769/02-03(05)</div>	<div>(a) A narrow definition should be adopted for "public enemy"; and</div> <div>(b) The proposal regarding misprison of treason was unacceptable.</div>



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>A. Treason</b>	
<div>32.</div> <div>Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)</div>	<div>(a) The Government should modernize the crime of treason in Hong Kong by expunging all antiquated terms from the law, and by creating a law of treason that covers only attempts to levy war against the Government with the intent to overthrow it; and</div> <div>(b) The Government should bring its proposals more in line with the Johannesburg Principles by eliminating ambiguity and duplication in the law.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
<div>* 1.</div> <div> <div>Hong Kong Bar Association</div> <div>LC Paper No. CB(2) 2640/01-02(01)</div> <div>LC Paper No. CB(2) 623/02-03(01)</div> </div>	<div>(a) The Consultation Document was deficient in its reasoning regarding the prohibition of secession since it failed to recognise the possibility of a secessionist cause being a legitimate political demand in the form of an exercise by a people of the right to self-determination, which was guaranteed under both the ICCPR and the ICESCR;</div> <div>(b) The legislative proposals in the Consultation Document regarding secession were overbroad, vague, imprecise and would result in the stifling of legitimate dissent. They focussed not on the prohibition of violent activities meant to effect a political cause but the political cause itself;</div> <div>(c) The following changes should be effected, at the time of drafting, with respect to the definition of the offence of secession in paragraph 3.6 of the Consultation Document -</div> <div> <div>(i) the expression “levying war” should be defined to refer only to a state of war or armed hostilities between states;</div> <div>(ii) the expression “threat of force” should be defined to be consistent with Principle 6 of the Johannesburg Principles so that it applied only to situations where the claimed use of force was the direct and immediate result of the threat and also was, or was likely, to be imminent;</div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
	<div> <div>(iii) the reference to “serious unlawful means” should be deleted or alternatively defined so that only specific acts of violence or force posing a clear and present danger to the stability and security of the State not already constituting an offence under existing criminal law would qualify;</div> <div>(iv) the expression “sovereignty” should be replaced by more suitable language;</div> <div>(v) the clause “resisting the [Central People’s Government] in its exercise of sovereignty over a part of China” should be deleted;</div> <div>(vi) there should be a definition for the expression “China”;</div> <div>(d) There was no need to enact in legislation the specific inchoate and accomplice offences;</div> <div>(e) Any offence of secession should deal with the violent activities used to achieve a secessionist cause and not the cause itself;</div> <div>(f) The Government should not impose measures to prohibit an organisation merely because it had supported certain secessionist activities;</div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
	<p>(g) It had reservations about the need to enact legislation against secession. However, if the enactment of legislation against secession was inevitable, legislative proposals regarding secession should only contain the element of treason;</p> <p>(h) The scopes of the proposed secession offences were much wider than that of treasonable offences;</p> <p>(i) The proposed offence of secession was unnecessary. The meaning of "threat of force" should be clarified; and</p> <p>(j) The proposed definition of "serious unlawful means" was unacceptable.</p>
* 2.	<p>Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)</p> <p>(a) The inclusion of serious interference with an electronic system or disruption of an essential service in "serious unlawful means" appeared to go beyond existing criminal law and criminalise as a very serious offence actions which were either not an offence presently or were only very minor offences; and</p> <p>(b) Questioned whether it was necessary to enact legislation to prohibit acts of secession.</p>

LC Paper No. of Written submission		Organisation/ individual	Views/suggestions
<b>B. Secession</b>			
* 3.	Professor Albert CHEN Faculty of Law The University of Hong Kong LC Paper No. CB(2)262/02-03(02) LC Paper No. CB(2)413/02-03(01)		(a) The proposed definition of secession was much narrower than the corresponding definition in the Chinese Criminal Code, which did not require acts of violence as an essential element in the offence of secession;  (b) There should be an express provision to the effect that for the purpose of the offence of secession, "war" should not include a riot or disturbance of a local nature that did not amount to an armed rebellion. Such a riot or disturbance was already adequately covered by the existing criminal laws other than the law of treason;  (c) The direction in defining the offence of secession was appropriate. However, the language used in the Consultation Document for the proposed offence was not the technical language used in legal drafting and it was not clear as to what actus reus was required for the offence;  (d) There should be a close link between the actual act, e.g. levying war, use of force or other serious unlawful means, and the purposes of "withdraw a part of PRC from its sovereignty", "resist CPG in its exercise of sovereignty over a part of China" and "overthrow CPG" in the offence of secession. The concept of "attempt" should be used in the definition of the offence. The incorporation of the word "attempts" in the definition would bring into play the common law "doctrine of proximity" in the criminal law of attempt;

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
	<p>(e) The use of the terms "withdraw" and "resist" in the offence provisions on secession was acceptable;</p> <p>(f) Proposed that the offence of secession was committed if the accused attempted to -</p> <p>(i) Withdraw a part of China from its sovereignty; or</p> <p>(ii) Resist the Chinese Government in its exercise of sovereignty over a part of China by levying war, or by force, threat of force, or other serious unlawful means”.</p> <p>(g) One of the safeguards referred to in paragraph 3.7 of the Consultation Document should be an express provision to the effect that displaying or shouting slogans carrying a threat of force in a peaceful demonstration would not constitute an offence of secession; and</p> <p>(h) The inclusion of the two concepts "use of force or threat of force" and “serious unlawful means” as alternative bases (in addition to “levying war”) for secession meant that the scope of the acts covered by the new offences was broader than the existing scope under the law of treason, not to mention the broadening of the objectives which the acts were aimed at. The reference to “threat of force” would seem to cast the net very wide.</p>

LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
<b>B. Secession</b>		
* 4.	The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) There was no need to create the new offence of secession.
* 5.	Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)	(a) The definition of "serious unlawful means" was too wide.
* 6.	Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) Supported the enactment of legislation against secession. However, reference should be made to the relevant legislation and case laws in other common law jurisdictions in the enactment of such legislation.
* 7.	Hong Kong Federation of Students LC Paper No. CB(2)271/02-03(07)	(a) Legislative proposal that discussion of the Taiwan issue or communications with the public of Taiwan would amount to secession would undermine civil rights.
* 8.	The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)	(a) Opposed the creation of a new law against secession.
* 9.	Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	(a) The definition of "resisting the CPG in the exercise of sovereignty over a part of China" was too broad and the provision should be deleted;  (b) The meaning of serious unlawful means was too broad; and

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
	(c) As existing legislation had already prohibited secession by the use of force, there was no need to create new offences on secession.
* 10.	<div> <div>Hong Kong Youth and Tertiary Students Association LC Paper No. CB(2)271/02-03(19)</div> <div>(a) Supported the proposal in paragraph 3.6 of the Consultation Document.</div> </div>
* 11.	<div> <div>Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)</div> <div>                     (a) The meaning of "serious unlawful means" was unclear and broad; and                      (b) The definition of "resisting the CPG in its exercise of sovereignty" was unclear.                 </div> </div>
* 12.	<div> <div>Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)</div> <div>                     (a) Effective safeguards should be in place to protect the freedoms of demonstration and assembly, including peaceful assembly or advocacy; and                      (b) The meaning of "serious unlawful means" was broad.                 </div> </div>
* 13.	<div> <div>Professor David BODOFF Department of Information and Systems Management Hong Kong University of Science and Technology LC Paper No. CB(2)481/02-03(13)</div> <div>(a) The proposed secession offence was ambiguous. The proposed legislation should set out clearly the criteria for the offence.</div> </div>



LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
<b>B. Secession</b>		
* 14.	Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) The proposed offence was too vague and contrary to international law and standards of clarity on criminal law, and should therefore be revised or deleted;  (b) The proposed offence placed serious restrictions on the freedoms presently enjoyed by people in the HKSAR; and  (c) The extra-territorial application was extremely wide.
* 15.	Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) Attempting, conspiring, aiding and abetting, and counselling and procuring the commission of secession offences should be narrowly defined.
* 16.	Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	(a) "抗拒中央政府行使主權" in paragraph 3.6 of the Consultation Document should be amended to read "令中央政府無法行使主權"; and  (b) Agreed that the related inchoate or accomplice acts should also be covered by secession offences.
* 17.	East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) Agreed to the offence of secession proposed.

LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
<b>B. Secession</b>		
* 18.	Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) Reference should be made to the "Clear and Present Danger" test adopted in the United States in defining secession offence.
19.	Professor Michael C DAVIS LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)	(a) Expressed concern whether supporters of Taiwan's independence and reporters or academics covering such events would be caught by the provisions on secession.
20.	Committee to Protect Journalists LC Paper No. CB(2)653/02-03(05)	(a) The proposed offence of secession was unnecessary, as the law on treason was sufficiently broad to deal with such acts.
21.	The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)	(a) Any legislation against secession must take into account the complex and delicate situation between the Mainland and Taiwan;  (b) Any legislation on secession should only become activation when and only for so long as there was a declared state of secession in respect of a specified territory, evidenced by a certificate of the Chief Executive; and  (c) The concept of inchoate or accomplice acts could greatly extend the range of activities which could become unlawful or criminal under the proposed offence.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
<div>22.</div> <div>Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong</div> <div>LC Paper No. CB(2)755/02-03(01)</div>	<div>(a) The definition of secession proposed in the Consultation Document was vague and overly broad;</div> <div>(b) The definition of "levying war" should not include "a riot or insurrection or disturbance of a local nature" and this should be explicitly stated in the legislation;</div> <div>(c) If a crime of secession must be defined, its base should be limited to "levying war";</div> <div>(d) The term "threat of force" was broad and could unjustifiably restrict the freedom of expression in Hong Kong; and</div> <div>(e) The reference to "exercise of sovereignty" in paragraph 3.6(b) of the Consultation Document was overly broad and should be reworded as "exercise of territorial sovereignty".</div>
<div>23.</div> <div>A member of the public</div> <div>LC Paper No. CB(2)755/02-03(09)</div>	<div>(a) The terms "levying war" and "threat of force" should be narrowly defined.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>B. Secession</b>	
24. JUSTICE LC Paper No. CB(2)760/02-03(18)	(a) "Withdrawing a part of the PRC from its sovereignty", "resisting the CPG in its exercise of sovereignty over a part of China" were too vague;  (b) Definition of "levying war" was too broad;  (c) "Threat of force" should not be included as an element of the offence; and  (d) "Serious unlawful means" as an element of the offence was too vague.
25. MF YAN LC Paper No. CB(2)769/02-03(05)	(a) "Force, threat of force or other serious unlawful means" should be deleted from the proposed definition for the offence of secession.
26. Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)	(a) The Government should withdraw its proposal to create a separate offence of secession.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>* 1.</div> <div> <div>Hong Kong Bar Association</div> <div>LC Paper No. CB(2) 2640/01-02(01)</div> <div>LC Paper No. CB(2) 623/02-03(01)</div> </div>	<div>(a) There was no useful purpose in creating a separate statutory offence of inciting another to commit treason, secession or subversion and calling that offence sedition. The position had been adequately dealt with under the common law and section 89 of the Criminal Procedure Ordinance. Even if there was a good reason for creating such a separate offence, such an offence must conform to Principle 6 of the Johannesburg Principles;</div> <div>(b) There was no good reason to create a new statutory offence of causing violence or public disorder that seriously endangered the stability of the HKSAR. The expression “seriously endangers the stability of the state or the HKSAR” was so ambiguous and imprecise that they had no place in any implementing legislation;</div> <div>(c) The Government should remove from the statute book all offences relating to seditious publication and not enact any new and similar offences;</div> <div>(d) The Government should remove all references to “reasonable suspicion” in the offences relating to seditious publication. Seditious intention must be specifically attributed to a person. To reduce it to reasonable suspicion was a departure from requirements of existing laws;</div> <div>(e) Provisions to be proposed on sedition should not restrict the freedom of expression. They should be consistent with the Johannesburg Principles; and</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	(f) An intention to incite violence or public disorder for the purpose of disturbing "constituted authority" and an actual likelihood of such response to the incitement should be present for an act to constitute sedition.
* 2.	<div>Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)</div> <div>           (a) The definition of sedition should be narrowed by applying the Johannesburg Principles;             (b) The meaning of "publications", "dealing with seditious publications" and "possession of seditious publications" should be set out clearly; and             (c) Offences on seditious publications should only cover "策劃", "印刷" and "散發", but not "接觸" and "收藏".         </div>
* 3.	<div>The Hong Kong Island Federation LC Paper No. CB(2) 222/02-03(01)</div> <div>(a) The proposals in Chapter 4 of the Consultation Document would not affect press freedom.</div>
* 4.	<div>Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)</div> <div>(a) While reference was made in the Consultation Document to the Canadian Law Reform Commission Working Paper No. 49, there was no mention in the Consultation Document of the conclusion in the Working Paper and the United Kingdom Law Reform Commission Working Paper No. 72 that the offence of sedition should be entirely abolished as being incompatible with modern concepts of freedom of speech;</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	<p>(b) The proposed offence of sedition was broadly similar to the existing common law offence. It was totally unnecessary;</p> <p>(c) While the law reform bodies of the United Kingdom and Canada had recommended abolishing the offence of sedition, the HKSAR Government had proposed not only to retain and modernise the offence, but also the offence of publishing a seditious publication;</p> <p>(d) Expressed concern that the proposed defence of "reasonable excuse" was not defined; and</p> <p>(e) It would be apparent from paragraph 4.18 of the Consultation Document that anyone in possession of a book likely to incite others to commit treason or subversion would commit an offence of sedition.</p>
* 5.	<p>Hong Kong Alliance in Support of Patriot Democratic Movements of China LC Paper No. CB(2) 222/02-03(12)</p> <p>(a) The proposed offence of sedition would undermine the freedom of the press and freedom of speech, as the media would exercise self-censorship.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>* 6.</div> <div> Professor Albert CHEN  Faculty of Law  The University of Hong Kong  LC Paper No. CB(2)262/02-03(02)  LC Paper No. CB(2)413/02-03(01) </div>	<div>(a) There should be the safeguard of an express provision that in a peaceful demonstration the mere display or shouting of slogans the content of which involved the threat of force would not amount to the offence of sedition;</div> <div>(b) The proposed definition of sedition in the Consultation Document relied heavily on the concept of “incitement,” which was well-known to the common law. However, there was a significant gap between the common law understanding of incitement and the Johannesburg Principles as mentioned above, as the former did not take into account the likelihood of the acts being incited actually occurring;</div> <div>(c) The concept of "incitement" under common law did not incorporate an element of "the likelihood of the acts being incited actually occurring" as provided under the Johannesburg Principles. It was appropriate to incorporate the concept in the provisions for the offence of sedition proposed in the Consultation Document. It was unnecessary to incorporate the requirement under the Johannesburg Principle that there should be a direct and immediate connection between the expression and the likelihood or occurrence of an imminent violence for an offence of sedition to be justified;</div>



<b>LC Paper No. of Written submission</b>	<b>Organisation/ individual</b>	<b>Views/suggestions</b>
<b>C. Sedition</b>		
		<p>(d) In view of the importance of freedom of expression and freedom of thought, particularly in the context of the circulation of publications, dealing with seditious publications should only be prohibited where the publications were likely to cause others to commit the relevant crimes;</p> <p>(e) By incorporating the element of "the likelihood of the acts being incited actually occurring" into the concept of "incitement", it was unlikely that there would be many prosecutions for the offence of sedition;</p> <p>(f) The proposed offence of possession of seditious publications should be withdrawn since the possession and reading of a seditious publication was a private act, and it should not be criminalised;</p> <p>(g) In view of the breadth of the concept of incitement, particularly when combined with the breadth of proposed offences like secession in the context of "threat of force", the proposal in the Consultation Document regarding offences of dealing with and possession of seditious publications was worrying;</p> <p>(h) Given the broad scope of "incitement", the phrase "likely to incite others to commit" the relevant offences (unlike "likely to cause others to commit such offences) casts the net very wide. In particular, why should mere possession of such publications without "reasonable excuse" be made a crime punishable;</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	<p>(i) The offence of possession of seditious publications should be abolished. The possession and reading of a “seditious publication” was a private act not harmful to others and hence the criminal law should not interfere with it; and</p> <p>(j) Seditious publications should be defined as publications that were likely to cause others to commit the offence of treason, secession or subversion or to commit acts of violence or public disorder that seriously endangered the stability of the state or the HKSAR.</p>
* 7.	<p>The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)</p> <p>(a) There was no need to create the offence of sedition; and</p> <p>(b) Opposed the proposed offences of dealing with and possession of seditious publications.</p>
* 8.	<p>Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)</p> <p>(a) The proposals regarding dealing with or possession of seditious publications without reasonable excuse would seriously threaten various freedom, such as freedom of thought, freedom of belief and freedom of the press; and</p> <p>(b) The enactment of the proposal on seditious publications would lead to the self-censorship of most newspapers, magazines and publishers.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>* 9.</div> <div>Dr Anthony W FERGUSON Librarian The University of Hong Kong LC Paper No. CB(2)262/02-03(22)</div>	<div>(a) All libraries, particularly academic libraries, should be exempted from the proposed offences of dealing with and possession of seditious publications. Even the addition of a defence of "reasonable excuse" would have a chilling effect;</div> <div>(b) The elements of knowledge or reasonable suspicion were insufficient for the purpose of protecting an innocent owner of seditious publications;</div> <div>(c) As a librarian, he had grave concerns about the effects of the proposed offences of dealing with and possession of seditious publications on the operation of a library and the rights of students and other users to access information. Withdrawing the proposal on the offence of possession of seditious publications would address most of his concerns as a librarian; and</div> <div>(d) Libraries funded by public monies should have the right to hold seditious publications for public access. One of the missions of university libraries was to make available to users all sources of information and views on all topics.</div>
<div>* 10.</div> <div>Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)</div>	<div>(a) Provisions relating to "seditious intention" in section 9 of the Crimes Ordinance and offence provisions relating to the crime of sedition in the same Ordinance should be maintained; and</div>



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 14. Hong Kong Youth and Tertiary Students Association LC Paper No. CB(2)271/02-03(19)	(a) Supported the proposal in the Consultation Document of narrowing the definition of sedition; and  (b) The scope of seditious publication should be set out clearly. Students should be exempted from the offence of using or possessing a seditious publication.
* 15. Sham Shui Po Women's Organisations Federation LC Paper No. CB(2)397/02-03(02)	(a) Whether publications included only printed matters or also other media like CD-ROMs or cassette tapes should be set out clearly in the legislative provisions;  (b) The expressions "dealing with" and "possession of" should be defined in clear terms; and  (c) Offences relating to seditious publications should only be confined to "策劃,印刷,散發" but not "接觸,收藏" for personal use or academic purpose.
* 16. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) There was no need to enact laws against sedition;  (b) The lack of the requirement in the sedition offence for an intention to incite violence and an actual likelihood of such response to the incitement was in contravention of the Johannesburg Principles and would undermine freedom of expression;

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	<p>(c) The meaning of "the stability of the state or the HKSAR" was unclear and broad that it could be abused for pressurising opposing voices;</p> <p>(d) The proposal of dealing with the offence of seriously endangering the stability of the HKSAR was beyond the scope of BL23; and</p> <p>(e) The meaning of "seditious publications" was unclear and there was no need for the enactment of legislation on "seditious publications".</p>
* 17.	<p>Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)</p> <p>(a) The proposed sedition offences would, in certain circumstances, allow the HKSAR Government to prosecute individuals solely for the expression of opinions. They would also have a significant chilling effect on the media;</p> <p>(b) The proposed defence of "reasonable excuse" for the offence of dealing with seditious publications was not sufficient, given that the mere act of taking a publication to court would have a chilling effect and could deter sources from supplying information;</p> <p>(c) The Johannesburg Principles should be adopted; and</p> <p>(d) The proposals on sedition, in particular seditious publications, should be deleted.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 18. Yau Tsim Mong Federation of Association LC Paper No. CB(2)481/02-03(15)	(a) Supported the proposed offence of dealing with seditious publications and the provision of a defence of "reasonable excuse";  (b) The definition of "possession" in the proposed offence of possession of seditious publications was unclear;  (c) A seditious publication should be clearly defined; and  (d) The proposed offences should targeted at those who planned, wrote, printed and distributed seditious publications, but not those who came into contact with or possessed such publications without knowledge.
* 19. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) The proposed seditious offences could severely limit the right to expression of opinion. Introduction of such offences would be a retrograde step, as they had been abolished in most countries;  (b) The proposed offences did not comply with the Johannesburg Principles; and  (c) The definition of a seditious publication was extremely vague.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 20. Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) A "Clear and Present Test" should be adopted for offences relating to sedition; and  (b) A defence should be provided for sedition offences, e.g. academic research, news reporting and merely criticising the Government.
* 21. The University Librarians of the Eight Universities of Hong Kong LC Paper No. CB(2)481/02-03(22)	(a) Libraries and information services there should be exempted from the offences of sedition.
* 22. The Frontier LC Paper No. CB(2)685/02-03(05)	(a) Sedition offence should include elements of purpose, act and effect. It appeared that the present proposal would criminalise speech;  (b) As the Government refused to adopt the Johannesburg Principles, the proposed sedition offence would greatly restrict the freedoms of speech and opinion; and  (c) The proposed offences of dealing with and possession of seditious publications were more draconian than those in the existing law. Besides, the proposed defence of "reasonable excuse" would shift the burden of proof to the defence. The proposals would adversely affect the free flow of information.



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 23.	<div>Choi Shek Resident Service Centre LC Paper No. CB(2)685/02-03(06)</div> <div> <p>(a) Sedition offence proposed in paragraph 4.13 of the Consultation Document was already covered by existing legislation; and</p> <p>(b) People would be easily caught by the offences of dealing with and possession of seditious publications.</p> </div>
* 24.	<div>Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)</div> <div> <p>(a) Agreed to the proposal in paragraph 4.13 of the Consultation Document;</p> <p>(b) Agreed to the proposal in paragraph 4.16 of the Consultation Document to restrict the scope of offence to publications that would incite the crime of treason, secession or subversion only;</p> <p>(c) Agreed to the proposal in paragraph 4.17 of the Consultation Document to include an element of knowledge in the offence of dealing with sedition publications;</p> <p>(d) The proposed defence of "reasonable excuse" would unnecessarily increase the burden of proof on citizens; and</p> <p>(e) The offence of possession of seditious publications should limit to "其管有的目的是為了進行或協助叛國、分裂國家或顛覆等罪行".</p> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 25. Hong Kong Confederation of Trade Unions LC Paper No. CB(2)685/02-03(08)	(a) It was proposed that inciting other to cause violence or public disorder which seriously endangered the stability of the State or the HKSAR amounted to sedition. Activities of labour unions would easily be caught by the offence; and  (b) The proposed sedition offence would suppress the freedoms of the press and speech.
* 26. East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) Agreed to the sedition offence proposed. However, the circumstances covered by "reasonable excuse" should be clearly spelt out to ensure that the freedoms of the press, speech and publication would not be affected.
* 27. Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)	(a) Activities of labour unions would easily be caught by the sedition offence proposed; and  (b) The proposed offence of dealing with seditious publications would seriously affect the freedom of the press and free flow of information.
* 28. Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) Activities of labour unions would easily be caught by the sedition offence proposed; and  (b) The proposed offence of dealing with seditious publications would seriously affect the freedom of the press and free flow of information.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
* 29.	<div> <div>Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)</div> <div> (a) Activities of labour unions would easily be caught by the sedition offence proposed; and   (b) The proposed offence of dealing with seditious publications would seriously affect the freedom of the press and free flow of information. </div> </div>
* 30.	<div> <div>Hong Kong School Clerks &amp; Janitors General Union LC Paper No. CB(2)685/02-03(16)</div> <div> (a) Activities of labour unions would easily be caught by the sedition offence proposed; and   (b) The proposed offence of dealing with seditious publications would seriously affect the freedom of the press and free flow of information. </div> </div>
* 31.	<div> <div>Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)</div> <div> (a) The concept of incitement should be clearly and narrowly defined according to the Johannesburg Principles; and   (b) The concept of "seditious publications" should be concisely and narrowly defined. </div> </div>
* 32.	<div> <div>Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)</div> <div> (a) The element of inciting others to commit the immediate use of force should be used in the definition of sedition offence; and </div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	(b) Mere possession of seditious publications should not be an offence. Only the distribution of seditious publications giving rise to immediate use of force would be an offence.
* 33.	Professor Michael C DAVIS LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)
34.	Mr Kevin L H KWONG, member of Tsuen Wan District Council LC Paper No. CB(2) 201/02-03(16)
35.	The Society of Publishers in Asia LC Paper No. CB(2) 287/02-03(01)
	(a) While there was an emphasis on the element of "incitement" in the proposals on sedition, it should be noted that the United States Supreme Court had held that incitement contained an intention to cause imminent unlawful action and such imminent unlawful action must be likely to occur.  (a) The meaning of "reasonable excuse" referred to in paragraph 4.17 of the Consultation Document should be set out clearly; and  (b) The offence of dealing with seditious publications should be set out clearly.  (a) The proposed offence of possession of seditious materials was unreasonably broad. It was unreasonable to make it a crime for an individual, who had no intent to incite violence, merely to possess such information;  (b) The crime of sedition as outlined in the Consultation Document was flawed and unnecessary; and  (c) Provisions on sedition should be eliminated from the Crimes Ordinance and should not be included in BL23 legislation.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>36.</div> <div>Committee to Protect Journalists LC Paper No. CB(2)653/02-03(05)</div>	<div>(a) In order to be consistent with international standards, incitement should be defined as a call to action that is imminent and directly related to incitement;</div> <div>(b) The proposed offences concerning seditious publications were not narrowly defined, and what constituted reasonable grounds to suspect that a publication was seditious should be provided; and</div> <div>(c) The proposals would have a chilling effect on the freedom of speech.</div>
<div>37.</div> <div>The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)</div>	<div>(a) The proposed offence of sedition should replace all existing sedition offences;</div> <div>(b) There should be a high threshold of proof to establish the offence of sedition, namely, the incitement - <div> <div>(i) was intended to incite imminent violence;</div> <div>(ii) was likely to incite such violence; and</div> <div>(iii) there was a direct and immediate connection between the expression and the likelihood or occurrence of such violence;</div> </div> </div> <div>(c) There should be no separate offence relating to seditious publications and the current law dealing with seditious publications should be repealed.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>38.</div> <div>Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong</div> <div>LC Paper No. CB(2)755/02-03(01)</div>	<div>(a) The offence of sedition should be defined as narrowly as possible and there should be adequate safeguards for the protection of freedom of expression;</div> <div>(b) Given the sensitive nature of BL23 and the importance of ensuring press freedom, any legislation against sedition should err on the side of protecting freedom of expression when attempting to strike such a balance;</div> <div>(c) The Government should, at the very least, apply a restrictive and progressive approach by ensuring that the legislation conformed to the Johannesburg Principles;</div> <div>(d) The legislation should explicitly indicated that "incitement" must include an intention to cause imminent unlawful action and that such imminent unlawful action must be likely to occur; and</div> <div>(e) The proposed offences of dealing with and possession of seditious publications were overly broad, unnecessary and should be deleted.</div>
<div>39.</div> <div>A member of the public</div> <div>LC Paper No. CB(2)755/02-03(09)</div>	<div>(a) The legislation should clearly specify that mere expression of opinion and reporting the opinion of others would not fall under the scope of sedition offence. A defence of "reasonable excuse" should be provided.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
<div>40.</div> <div>JUSTICE LC Paper No. CB(2)760/02-03(18)</div>	<div>(a) Incitement of others to commit the offences of treason, secession or subversion was already in substance covered by the inchoate offences in relation to these acts. There was no justification for creating a separate offence;</div> <div>(b) The words "which seriously endangers the stability of the State or the HKSAR" in the proposed offence were too vague, imprecise and subjective;</div> <div>(c) The offence as proposed violated the Johannesburg Principles; and</div> <div>(d) The offences relating to seditious publications could be committed without the necessary seditious intent and through misjudgment of the likely effect of the contents.</div>
<div>41.</div> <div>Hong Kong Library Association LC Paper No. CB(2)769/02-03(02)</div>	<div>(a) The enactment of the proposals in the Consultation Document would place tremendous pressure on librarians who would be required to exercise personal judgment as to whether an item was seditious or not when they acquire, process or circulate the material;</div> <div>(b) Library activities in specific and education and learning in general should become reasonable excuses for defense against prosecution in dealing with seditious publications;</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>C. Sedition</b>	
	<p>(c) Librarians should be exempted from prosecution for collecting, organising and disseminating materials, whether seditious or not, in their regular work;</p> <p>(d) A clear and restrictive definition of seditious materials should be provided; and</p> <p>(e) Under no circumstances should the book circulation records maintained by libraries be provided to the authorities.</p>
42.	<p>MF YAN LC Paper No. CB(2)769/02-03(05)</p> <p>(a) The proposals in paragraph 4.17 of the Consultation Document should be withdrawn.</p>
43.	<p>Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)</p> <p>(a) The language of the existing statute on sedition could easily be stretched to cover legitimate political activity; and</p> <p>(b) The Government should abandon its proposals on seditious publication in order to preserve aggressive reporting and critical debate in Hong Kong.</p>



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
<div>* 1.</div> <div> <div>Hong Kong Bar Association</div> <div>LC Paper No. CB(2) 2640/01-02(01)</div> <div>LC Paper No. CB(2) 623/02-03(01)</div> </div>	<div>(a) The notion of “intimidating the PRC Government” should be abandoned, and the act of “disestablishing the basic system of the state” should be confined to those acts the commission of which posed a clear and present danger to the stability and security of “the PRC Government” and which were committed with intent to overthrow “the PRC Government”;</div> <div>(b) The concept of “other serious unlawful means” was too vague. It should either be deleted or defined so that only specific acts of violence or force posing a clear and present danger to the stability and security of “the state” not already constituting an offence under existing criminal law would qualify. In the latter case, it should be expressly stated what the “adequate and effective safeguards of guaranteed rights” were and how the guaranteed rights were safeguarded;</div> <div>(c) The expression “levying war” should be defined to include only a state of war;</div> <div>(d) It should be expressly provided that a threat of force had to be real and imminent for the purpose of subversion offence;</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	<p>(e) There should be clear causal connection between the prohibited acts and the consequences. No one should be guilty of the offence of subversion unless what he did would cause a clear and present danger to the stability and security of the Government. It should be a requirement that the prosecution proved the existence of such clear and present danger;</p> <p>(f) Any method of advocating change in the PRC Government or the HKSAR that did not involve the use or threat of force as described above should not be considered subversion;</p> <p>(g) No one should be convicted of an offence of subversion or related inchoate offences solely by reason of affiliation with a Mainland organisation that had been proscribed by the CPG on ground of national security;</p> <p>(h) It had reservations about the need to enact legislation against subversion. However, if the enactment of legislation against subversion was inevitable, legislative proposals regarding subversion should only contain the element of treason;</p> <p>(i) The scopes of the proposed subversion offences were much wider than that of treasonable offences;</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	<p>(j) BL23 required the enactment of legislation to prohibit subversion against the CPG, but not against the PRCG as proposed in the Consultation Document; and</p> <p>(k) The proposed definition of "serious unlawful means" was unacceptable.</p>
* 2.	<p>Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)</p> <p>(a) The inclusion of serious interference with an electronic system or disruption of an essential service in "serious unlawful means" appeared to go beyond existing criminal law and criminalise as a very serious offence actions which were either not an offence presently or were only very minor offences;</p> <p>(b) The scope of "the PRC Government" as defined at Note 18 on page 10 of the Consultation Document was wider than that of "the CPG" referred to in BL23; and</p> <p>(c) Questioned whether it was necessary to enact legislation to prohibit acts of subversion.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
<div> <div>* 3.</div> <div> Professor Albert CHEN  Faculty of Law  The University of Hong Kong  LC Paper No. CB(2)262/02-03(02)  LC Paper No. CB(2)413/02-03(01) </div> </div>	<div> <div>(a) The proposed definition of subversion was much narrower than the corresponding definition in the Chinese Criminal Code, which did not require acts of violence as an essential element in the offence of subversion;</div> <div>(b) There should be an express provision to the effect that for the purpose of the offence of subversion, “war” should not include a riot or disturbance of a local nature that did not amount to an armed rebellion. Such a riot or disturbance was already adequately covered by the existing criminal laws other than the law of treason;</div> <div>(c) The direction in defining the offence of subversion was appropriate. However, the language used in the Consultation Document for the proposed offence was not the technical language used in legal drafting and it was not clear as to what actus reus was required for the offence;</div> <div>(d) There should be a close link between the actual act, e.g. levying war, use of force or other serious unlawful means, and the purposes of "withdraw a part of PRC from its sovereignty", "resist CPG in its exercise of sovereignty over a part of China" and "overthrow CPG" in the offence of subversion. The concept of "attempt" should be used in the definition of the offence. The incorporation of the word "attempts" in the definition would bring into play the common law "doctrine of proximity" in the criminal law of attempt;</div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	<p>(e) The inclusion of the two concepts "use of force or threat of force" and "serious unlawful means" as alternative bases (in addition to "levying war") for subversion meant that the scope of the acts covered by the new offences was broader than the existing scope under the law of treason, not to mention the broadening of the objectives which the acts were aimed at. The reference to "threat of force" would seem to cast the net very wide;</p> <p>(f) Propose that the offence of subversion was committed if the accused intimidated or attempted to intimidate the Chinese Government, or attempted to overthrow the Chinese Government or to disestablish the basic system of the state by levying war, or by force, threat of force, or by other serious unlawful means; and</p> <p>(g) One of the safeguards referred to in Note 47 of the Consultation Document should be an express provision that in a peaceful demonstration the mere display or shouting of slogans the content of which involved the threat of force would not amount to the offence of subversion.</p>
* 4.	<p>The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)</p> <p>(a) The proposed elements of "to cause violence or public disorder which seriously endangered the stability of the state of the HKSAR", "to intimidate the PRCG" and "to disestablish the basic system of the state" should be removed from the proposed offence of subversion; and</p> <p>(b) There was no need to create the offence of subversion.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
* 5. Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)	(a) Legislation prohibiting subversion against CPG might be abused to pressurise persons who opposed the Communist Party but not PRCG ; and  (b) Queried whether calling for overthrowing the Communist Party would amount to calling for overthrowing the PRC and whether this would amount to treason.
* 6. Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) The proposed definition of subversion was consistent with common law principles; and  (b) Supported the enactment of legislation against subversion. However, reference should be made to the relevant legislation and case laws in other common law jurisdictions in the enactment of such legislation.
* 7. Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	(a) As the use of force to overthrow the Government with the use of force was already prohibited under existing legislation, there was no need to create the new offence of subversion; and  (b) The meaning of "the basic system of the state" was unclear.
* 8. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) The meaning of "other serious unlawful means" was unclear and broad; and  (b) The definition of "intimidate" was unclear.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
* 9. Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)	(a) The proposal appeared to widen the scope of BL23, as it only referred to subversion against the CPG; and  (b) The proposed offence is vague.
* 10. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) Strongly urged the deletion of the proposed subversion offence as it might be used as a tool for suppressing the rights of expression and belief.
* 11. Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) Attempting, conspiring, aiding and abetting, and counselling and procuring the commission of the subversion offence should be narrowly defined.
* 12. The Frontier LC Paper No. CB(2)685/02-03(05)	(a) The proposed subversion offence was beyond the scope of BL23, as BL23 only referred to CPG, but not PRCG which included NPG, CPG and other state organs.
* 13. Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	(a) The proposed offence of subversion in paragraph 5.5 of the Consultation Document was lenient;  (b) Agreed that inchoate or accomplice acts should be covered by the proposed offence; and

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	(c) There should be a difference in penalty between the use of force and non-use of force in subversion offences.
* 14.	East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)
* 15.	Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)
16.	Professor Michael C DAVIES LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)
17.	Committee to Protect Journalists LC Paper No. CB(2)653/02-03(05)
	(a) There was no such need to create subversion offence. The existing laws in Hong Kong were sufficient to criminalise subversive activities to the extent that such prohibitions were justified; and  (b) The scope of the proposed offence was so broad that it could easily be used to punish journalists engaged in criticism of the Government.



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
<div>18.</div> <div>The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)</div>	<div>(a) "Intimidating" the PRCG should not be part of the offence of subversion because this would make the offence unnecessarily far-reaching, particularly if the ambit of inchoate or accomplice acts was taken into account; and</div> <div>(b) The concept of inchoate or accomplice acts could greatly extend the range of activities which could become unlawful or criminal under the proposed offence.</div>
<div>19.</div> <div>Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)</div>	<div>(a) The offence of subversion must be defined very precisely and narrowly to ensure that it would not be used as a means to suppress peaceful assembly, the right to criticise the national government, or the right to advocate for a change of government in the Mainland;</div> <div>(b) The definition of subversion proposed in the Consultation Document was extremely vague and potentially quite broad. It should be confined to "overthrowing the PRC Government by levying war", and "war" should be limited to international or internal armed conflicts;</div> <div>(c) The reference to the "use of force, threat of force, or other serious unlawful means" should be removed from the offence of subversion. If the Government was unwilling to remove the reference, it should, at the very least, add a clarification that the "threat of force" must be real and imminent in order to constitute the offence;</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	<p>(d) If the Government was unwilling to remove the reference to "serious unlawful means", "serious unlawful means" should be confined to acts that would present a clear and present danger to the security of the state;</p> <p>(e) "Intimidating the PRCG " was vague and meaningless, and should be deleted from the definition of subversion. Similarly, the concept of "disestablishing the basic system of state" was also extremely vague; and</p> <p>(f) The proposed offence of subversion did not meet the basic requirements of the rule of law. Even if the statutory definition is clarified, there was a real danger that the offence could be used to suppress peaceful demonstrations against policies or actions of the PRCG.</p>
20.	<p>A member of the public LC Paper No. CB(2)755/02-03(09)</p> <p>(a) The terms "levying war" and "threat of force" should be narrowly defined.</p>
21.	<p>JUSTICE LC Paper No. CB(2)760/02-03(18)</p> <p>(a) The proposal relating to subversion to protect "the basic system of the state" was beyond the scope of BL23;</p> <p>(b) The acts of subversion to be prohibited under BL23 were those against the State Council, but not PRCG as defined in the proposals;</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>D. Subversion</b>	
	<p>(c) The criminal intent or purpose of intimidating the PRCG and disestablishing the basic system of the state as established by the Constitution was vague;</p> <p>(d) Definition of "levying war" was too broad;</p> <p>(e) "Threat of force" should not be included as an element of the offence; and</p> <p>(f) "Serious unlawful means" as an element of the offence was too vague.</p>
22.	<div>MF YAN LC Paper No. CB(2)769/02-03(05)</div> <p>(a) "Use of force" and "other serious unlawful means" should be deleted from the proposed definition of the offence of subversion.</p>
23.	<div>Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)</div> <p>(a) The Government should withdraw its proposal to create a separate offence of subversion.</p>

	Organisation/ individual	Views/suggestions
<b>E. Theft of state secrets</b>		
* 1.	Hong Kong Bar Association LC Paper No. CB(2) 2640/01-02(01) LC Paper No. CB(2) 623/02-03(01)	(a) Unless the Government could show that the proposals in the Consultation Document were necessary for the purpose of protecting state secrets under BL23, all it needed to do to meet the requirement to legislate in this regard was to undertake an extensive review of the Official Secrets Ordinance to bring provisions in line with particularly Principles 2, 6, 12, 15, 16 and 17 of the Johannesburg Principles;  (b) It did not support changes the Government was proposing by the Consultation Document to effect to the Official Secrets Ordinance;  (c) The Government should either drop the proposal to protect information relating to relations between the Central Authorities of the PRC and HKSAR or clearly define such protected information as covering only information the disclosure of which would lead to immediate threat to national security;  (d) Any definition of “protected information” should exclude information that was already freely available in the public domain;  (e) The Government should drop the proposed new offence of making an unauthorised and damaging disclosure of protected information that was obtained by unauthorised access to it;

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	<p>(f) The Government should drop the so-called technical amendment aimed at past public servants and government contractors and reconsider the legal basis for obliging unpaid agents and informants to observe duty of confidentiality;</p> <p>(g) The Government should provide safeguards that would protect press reporting and, in particular, say whether it thought a public interest defence was necessary or desirable;</p> <p>(h) The proposed offence of making an unauthorised and damaging disclosure of information protected under Part III of the Official Secrets Ordinance was based on how information was obtained rather than the nature of information itself; and</p> <p>(i) The meaning of "information relating to relations between the Central Authorities of the PRC and the HKSAR" was unclear.</p>
* 2.	<p>Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)</p> <p>(a) There should be exemptions for the disclosure, with reasonable believe that such disclosure was in public interests and would not endanger national security, of information already in the public domain, unlawful or unconstitutional acts of the Government, or information obtained by lawful means; and</p> <p>(b) The meaning of "security and intelligence information" should be set out clearly.</p>

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* 3.	Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	<p>(a) Opposed the blanket criminalisation of all disclosure of information relating to relations between the Central Authorities of the PRC and the HKSAR;</p> <p>(b) Communications between the CPG and the HKSAR Government should be in the public domain. Such communications should only be confidential where they fell within the three existing confidential areas of security and intelligence, defence information, or information relating to international relations;</p> <p>(c) The proposal of creating a new offence of making an unauthorised and damaging disclosure of information protected under Part III of the Official Secrets Ordinance that was obtained directly or indirectly by unauthorised access to it would criminalise many newspaper scoops about Government policy. It would also have a chilling effect on newspaper reporting and publishing generally; and</p> <p>(d) There was an urgent need for the introduction of a "public interests" or "whistler blower" defence into the Official Secrets Ordinance.</p>

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* 4.	Professor Albert CHEN Faculty of Law The University of Hong Kong LC Paper No. CB(2)262/02-03(02) LC Paper No. CB(2)413/02-03(01)	(a) The proposal to extend the categories of "protected information" under the Official Secrets Ordinance (OSO) to include "information relating to relations between the Central Authorities of the PRC and the HKSAR" fundamentally altered the existing structure and operation of Part III of the OSO, and created a new concept of "unauthorised access" without attempting to provide a brief definition of it. Unless the term "unauthorised access" was clearly defined to limit it to computer hacking or other prescribed criminal behaviour, the proposal in this regard would be a severe threat to press freedom and freedom of information in Hong Kong.
* 5.	The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) The offence of spying should be defined clearly and narrowly;  (b) Opposed classifying "information relating to relations between the Central Authorities of the PRC and the HKSAR" as protected information; and  (c) There was no need for the offence of unauthorised disclosure of protected information.
* 6.	Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)	(a) Queried whether the quoting of "據消息人士透露" in newspapers would amount to "unauthorised access to, transmission of or dealing with protected information" and the offence of theft of state secret.

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* 7. Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) Agreed that information relating to relations between the Central Authorities of the PRC and the HKSAR should be protected. However, the scope of protected information should be set out in detail. Apart from this, existing provisions in the OSO relating to theft of state secrets should be maintained.
* 8. The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)	(a) Opposed the increase in the Government's power to restrict the flow of information without a corresponding statutory right to access information;  (b) Opposed placing the onus on reporters to determine whether information obtained had been legally disseminated or not;  (c) Opposed the possible prosecution of journalists under the newly created offence of "unauthorised disclosure" if materials were published without prior government permission;  (d) Opposed prohibiting publication of "information relating to the commission of offences and criminal investigations";  (e) Impropropriety, abuse of office, malfeasance or other acts of illegality by officials should be specifically exempted from "state secrets" protection;



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	<p>(f) Information already in the public domain must be allowed to be reported;</p> <p>(g) There was no need for creating new offences on the protection of materials pertaining to Hong Kong-Mainland relations and extra-territoriality; and</p> <p>(h) Since it was difficult to tell what kind of information would be defined as "unauthorized information", journalists would be worried as to what kind of information they could report. This would result in restriction of the press.</p>
* 9.	<p>Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)</p> <p>(a) The scope of the expressions "purpose prejudicial to the safety or interests of the state or the HKSAR", "approaches" and "is in the neighbourhood of" were too broad. This would restrict the freedom of demonstration.</p>
* 10.	<p>Hong Kong Youth and Tertiary Students Association LC Paper No. CB(2)271/02-03(19)</p> <p>(a) Supported the proposals in the Consultation Document in respect of theft of state secret.</p>
* 11.	<p>Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)</p> <p>(a) The meaning of protected information was so broad that press freedom would be threatened; and</p> <p>(b) The proposal of making it an offence to disclose information would be in contravention of the common law principle on theft.</p>

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* 12.	New Youth Forum LC Paper No. CB(2)481/02-03(06)	(a) Information related to the commission of offences and criminal investigations referred to in paragraph 6.15 of the Consultation Document should be removed from the categories of protected information, as it was not directly related to national security; and  (b) Hong Kong courts should be empowered to determine whether certain information fell under the proposed protected information.
* 13.	Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)	(a) The proposal to widen the provisions on unlawful disclosure of information might inhibit the freedom of information and of the press, and should be deleted;  (b) Reference from Principles 13 and 15 of the Johannesburg Principles should be made;  (c) A defence that the information was already in the public domain should be provided; and  (d) The proposal to protect information relating to relations between the Central Authorities of the PRC and the HKSAR should be deleted.
* 14.	Civil Human Rights Front LC Paper No. CB(2)481/02-03(09)	(a) The meaning of "information relating to relations between the control Authorities of the PRC and the HKSAR" was unclear. The proposal would seriously affect the media and the information technology sector.

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* 15.	Hong Kong Journalists Association LC Paper No. CB(2)481/02-03(10)	(a) Financial or economic information should not be covered by the Official Secrets Ordinance; and  (b) The media should not be prosecuted for publishing any financial or economic information which were clearly in the public interest to disclose.
* 16.	Yau Tsim Mong Federation of Association LC Paper No. CB(2)481/02-03(15)	(a) The scope of information relating to relations between the Central Authorities of the PRC and the HKSAR should be clearly set out in the proposed legislation;  (b) Expressed support for the proposed offence of making an unauthorised and damaging disclosure of information protected under Part III of the Official Secrets Ordinance that was obtained (directly or indirectly) by unauthorised to it. However, the meaning of "unauthorised" should be clear; and  (c) Information concerning unconstitutional or unlawful act of the Government, and abuse of power of Government officials should be excluded from protected information.

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* 17.	Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) The proposed protected information relating to relations between the Central Authorities of the PRC and the HKSAR was too vague and could encompassed information which should be made public. The proposal could have negative effects on the HKSAR's reputation as an international centre for business, trade and the media; and  (b) The proposed offence of unauthorised and damaging disclosure would seriously affect the freedom of the press and lead to further self-censorship.
* 18.	Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) The proposal to create a new offence for authorised and damaging disclosure of information referred to in paragraph 6.22 of the Consultation Document should be deleted; and  (b) Reference to Principle 15 of the Johannesburg Principles should be made.
* 19.	The Frontier LC Paper No. CB(2)685/02-03(05)	(a) Unauthorised disclose of protected information was not directly related to "theft of state secrets", and therefore it should not be dealt with under BL23 legislation.

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* 20.	Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	(a) Agreed that public servants or government contractors should be prohibited to disclose protected information;  (b) Agreed that information relating to relations between the Central Authorities of the PRC and HKSAR should be protected; and  (c) The meaning of "unauthorised" was not clear. The authorities which could authorise the disclosure, e.g. the HKSAR Government or the CPG, should be clearly spelt out in legislation.
* 21.	Hong Kong Confederation of Trade Unions LC Paper No. CB(2)685/02-03(08)	(a) The proposed offences would seriously undermine the freedoms of the press and speech.
* 22.	East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) To protect the freedom of the press and right of citizen to knowledge, any reports on the unlawful and unconstitutional acts, wrong-doings of the Governments should not be covered by the proposed offences.
* 23.	Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)	(a) The proposed offences would seriously affect the freedoms of the press and speech.

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* 24. Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) The proposed offences would seriously affect the freedoms of the press and speech.
* 25. Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)	(a) The proposed offences would seriously affect the freedoms of the press and speech.
* 26. Hong Kong School Clerks & Janitors General Union LC Paper No. CB(2)685/02-03(16)	(a) The proposed offences would seriously affect the freedoms of the press and speech.
* 27. Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)	(a) The categories of "information related to international relations" and "relations between the PRC and the HKSAR" should be narrowly defined in accordance with the Johannesburg Principles.
* 28. Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) The four categories of protected information in the Official Secrets Ordinance were already sufficient;  (b) Information relating to relations between the Central Authorities of the PRC and the HKSAR should not be protected information; and

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	<p>(c) The definition of damaging disclosure of information was vague and would endanger the freedom of the press. It should be defined as follows -</p> <p>"公務人員及政府承辦商在沒有合法權限下，蓄意對外洩露與保安、情報、防務或國際關係有關資料，導致任何人在性命、健康或財物損失。而該人之洩露，乃以導致任何人的性命或財產損失為目標，即屬犯罪。".</p>
29.	<p>Professor Michael C DAVIES LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)</p> <p>(a) While the existing local legislation placed emphasis on official "disclosure" of information that was to be kept secret, the Government's proposal tended to expand the net to the recipients of such information.</p>
30.	<p>Mr Kevin L H KWONG, member of Tsuen Wan District Council LC Paper No. CB(2) 201/02-03(16)</p> <p>(a) The meaning of information relating to international relations should be set out clearly.</p>
31.	<p>Mr YEUNG Wai-sing, member of Eastern District Council LC Paper No. CB(2) 201/02-03(17)</p> <p>(a) The legislative provisions to be introduced on theft of state secrets should be set out clearly to avoid any grey areas.</p>

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<div>32.</div> <div>The Society of Publishers in Asia LC Paper No. CB(2) 287/02-03(01)</div>	<div>(a) Additional safeguards should be provided for individuals who are acting in public interest;</div> <div>(b) Documents exposing unlawful or unconstitutional acts of the Government should not be protected as state secrets. Information already in the public domain should not be protected;</div> <div>(c) Vague definitions, such as that for "damaging", should be narrowed;</div> <div>(d) The proposed protection of information relating to relations between the Central Authorities of the PRC and the HKSAR was unnecessary. Such information should be protected only if it falls into one of the other categories of state secrets; and</div> <div>(e) The proposal of making it an offence for the unauthorised and damaging disclosure of information protected under Part III of the Official Secrets Ordinance that was obtained (directly or indirectly) by unauthorised access to it should be deleted.</div>
<div>33.</div> <div>International and Regional NGOs in Hong Kong LC Paper No. CB(2)413/02-03(03)</div>	<div>(a) The proposals to widen the provisions on unlawful disclosure of information might inhibit freedom of information and the press.</div>



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34. Committee to Protect Journalists LC Paper No. CB(2)653/02-03(05)	(a) The proposal to protect information relating to relations between the Central Authorities of the PRC and the HKSAR might restrict journalists' ability to report freely on relations between the two Governments, and should be deleted; and  (b) All the offences concerning theft of state secrets should be strictly defined.
35. Ms Alice AI LC Paper No. CB(2)708/02-03(06)	(a) The proposal to widen the provisions on unlawful disclosure of information would inhibit the free flow of information and freedom of the press.
36. The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)	(a) The concepts of "damaging disclosure" and "interests of the state" should be considerably narrowed down and more precisely defined.
37. Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)	(a) Any current and new offences under "theft of state secrets" should be clearly and narrowly defined;  (b) The Government should take this opportunity to review, amend or delete ambiguous, broad provisions in the Officials Secrets Ordinance and ensure that offences covered by the Ordinance and new offences created complied with the freedom of expression provided in BL, Bills of Rights Ordinance, ICCPR and the Johannesburg Principles;

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	<p>(c) The category of protect information relating to international relations was too wide and loosely defined;</p> <p>(d) Legislation allowing greater access to official information should be introduced in conjunction with BL23 legislation;</p> <p>(e) The proposal to create a new class of protected information relating to relations between the Central Authorities of the PRC and HKSAR exceeded the requirements of BL23. It was also unclear because -</p> <ul style="list-style-type: none"> <li>(i) the meaning of "Central Authorities" was not defined and could be subject to broad interpretation;</li> <li>(ii) there was no mention as to what sort of information would be protected;</li> <li>(iii) there was no indication whether such protected information would be defined by content or source;</li> </ul> <p>(f) The proposed new offence of "making an unauthorised and damaging disclosure of information that was obtained directly or indirectly by unauthorised access to such information" widened the scope of the existing offence of unlawful disclosure;</p>

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	<p>(g) The proposals referred to in paragraphs (e) and (f) above should be deleted. Otherwise, defences of public interest and prior publications should be provided to protect press freedom; and</p> <p>(h) Damaging disclosure should require proof of a strong likelihood of specified harm or clear and present danger of harm.</p>
38.	<div> <div>JUSTICE</div> <div>LC Paper No. CB(2)760/02-03(18)</div> </div> <p>(a) Information relating to the commission of offences and criminal investigations fell outside the ambit of theft of state secrets, and therefore was not required by BL23;</p> <p>(b) There was no justification for extending protection to information relating to relations between the Central Authorities of the PRC and HKSAR;</p> <p>(c) The existing and proposed offences violated the Johannesburg Principles, in particular Principles 11, 12, 15, 17 and 18;</p> <p>(d) The proposed offence in paragraph 6.22 of the Consultation Document potentially criminalised those who made a disclosure without knowing the source of information; and</p> <p>(e) There was no defence of disclosures in the public interests.</p>

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<div>39.</div> <div>MF YAN LC Paper No. CB(2)769/02-03(05)</div>	<div>(a) The Administration should define "state secret" narrowly; and</div> <div>(b) Whether certain information was state secret should be determined according to its nature, not the source of information.</div>
<div>40.</div> <div>Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)</div>	<div>(a) Proposals to protect categories of information other than state secrets were not required under BL23 and should therefore be postponed until there had been full debate and resolution of important issues regarding the scope of BL23 legislation.</div>

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* 1. Hong Kong Bar Association LC Paper No. CB(2) 2640/01-02(01) LC Paper No. CB(2)623/02-03(01)	(a) The regime under the Societies Ordinance was sufficient to comply with BL23 insofar as it required HKSAR to enact laws to prohibit foreign political organisations or bodies from conducting political activities in HKSAR. The Government should drop completely the proposals contained in the Consultation Document for proscription of organisations, which were clearly outside the ambit of BL23.
* 2. Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)	(a) The meaning of "affiliation" should be set out clearly.
* 3. The Hong Kong Island Federation LC Paper No. CB(2) 222/02-03(01)	(a) The proscription mechanism proposed in (II)(a) of Chapter 7 was reasonable and necessary.
* 4. Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	(a) The proposed proscription of local organisations affiliated to Mainland organisations proscribed in the Mainland on national security grounds was not required in BL23. The proposal had the potential of allowing the HKSAR Government to proscribe an organisation which the Mainland Government disapproved of;

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	<p>(b) The proposal in paragraph 7.15(c) of the Consultation Document and the proposal that "formal notification by the CPG that a Mainland organisation had been proscribed on national security grounds should be conclusive of the fact that the organisation had been so proscribed" would give the Government the power to proscribe any organisation which had a weak connection with a Mainland organisation; and</p> <p>(c) The proposal in paragraph 7.17 of the Consultation Document would mean that a Hong Kong organisation which had contributed financial support of any kind to a Mainland organisation would fall to be banned. It would also mean that a contribution of a Hong Kong group to a Mainland group that was lawful in the Mainland at the time of contribution but banned years later might lead to the banning of the Hong Kong group.</p>
* 5.	<p>Hong Kong Alliance in Support of Patriot Democratic Movements of China LC Paper No. CB(2) 222/02-03(12)</p> <p>(a) It was worried that as a result of the Administration's proposals, the national security laws in the Mainland would be extended to the HKSAR for interpretation of the provisions under the offences of treason arising from an affiliation or connection with a proscribed organisation in the Mainland.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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<div>* 6.</div> <div>           Professor Albert CHEN            Faculty of Law            The University of Hong Kong            LC Paper No. CB(2)262/02-03(02)            LC Paper No. CB(2)413/02-03(01)         </div>	<div>           (a) The term "affiliation" should be defined by adopting a narrow and focused approach. The term “affiliation” must be defined to mean a degree of “connection” which was considerably higher than the meaning of “connection” under the existing Societies Ordinance. One of the essential conditions for the establishment of an affiliation between a local and a Mainland organisation should require that many aspects of their operation were under the control and direction of the same person or persons;         </div> <div>           (b) Apart from points of law, the court should also deal with points of fact which consisted mainly those related to the determination of whether an affiliation had been established between the local organisation and the proscribed Mainland organisation;         </div> <div>           (c) Under the existing Societies Ordinance, in relation to a local society that was a political body, "connection" was defined to include affiliation with a foreign political organisation or a political organisation of Taiwan. It followed that the establishment of an affiliation between a local organisation and a Mainland organisation was not a new concept;         </div>

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	<p>(d) Affiliation should not be established merely because the name of a local organisation was the same or similar to a proscribed organisation in the Mainland, or simply because either one of them contributed financially to the other, or because a local organisation was affiliated to or had a connection with an overseas organisation which was affiliated to or had a connection with a proscribed organisation in the Mainland;</p> <p>(e) An open and transparent procedure should be established for the proclamation of a Mainland organisation which had been proscribed in the Mainland by the Central Authorities;</p> <p>(f) It was not clear whether for the purposes of the offence of “supporting” proscribed organisations and rendering unlawful local societies that had “connections” with proscribed organisations, “proscribed organisations” refers only to those proscribed in Hong Kong by the Secretary of Security and not to mainland organisations. The Solicitor General was apparently of the view that only Hong Kong proscribed organisations were relevant. It was hoped that this approach would be confirmed in the implementing bill;</p> <p>(g) The term “affiliation” should be defined both from a negative point of view and from a positive point of view as follows -</p>



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	<div> <div> <div>(i)</div> <div> <p>From the negative point of view, it should be provided that “affiliation” was not to be established</p> <ul style="list-style-type: none"> <li>- merely because a local organisation bears the same name or a similar name as a proscribed organisation in the mainland;</li> <li>- merely because one of the organisations contributed financially to the other;</li> <li>- merely because a local organisation was affiliated to or had a connection with an overseas organisation which was affiliated to or had a connection with a mainland proscribed organisation; or</li> <li>- merely because one organisation had a connection with the other; and</li> </ul> </div> </div> <div> <div> <div>(ii)</div> <div> <p>From the positive point of view, it should be provided that two organisations (one in the Mainland and the other in Hong Kong) would be regarded as being affiliated with each other only if there was an extremely high degree of connection between them, having regard, inter alia, to the following:</p> <ul style="list-style-type: none"> <li>- whether membership of one organisation automatically entailed membership of the other;</li> </ul> </div> </div> </div> </div>

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	<ul style="list-style-type: none"> <li>- whether there was regular and frequent communication between the two organisations;</li> <li>- whether many aspects of their operation were under the control and direction of the same person or persons;</li> <li>- whether one organisation made a substantial financial contribution to the operation of the other.</li> </ul>
* 7.	<div> <div>The Democratic Party</div> <div>LC Paper No. CB(2)262/02-03(13)</div> <div>LC Paper No. CB(2)756/02-03(01)</div> </div> <div> <p>(a) Opposed the proposed proscription of a local organisation affiliated to a Mainland organisation proscribed in the Mainland on national security grounds, which would seriously undermine the freedom of association. The proposal would leave the defining of "endangering national security" to the CPG; and</p> <p>(b) The proposals on proscription of organisations and the establishment of a tribunal would undermine the power of the court. Offences relating to national security should be subject to trial by jury.</p> </div>
* 8.	<div> <div>Idea for Hong Kong</div> <div>LC Paper No. CB(2)271/02-03(01)</div> </div> <div> <p>(a) The provision in the Societies Ordinance that the registration (or exemption from registration) requirement in the Societies Ordinance did not apply to organisations registered under the Companies Ordinance, Co-operative Societies Ordinance and the Trade Unions Ordinance created a loophole which should be plugged as soon as possible;</p> </div>

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	<p>(b) The definition of "connection" should be the same as that in the Societies Ordinance; and</p> <p>(c) S for S should be empowered to proscribe an organisation that endangered national security. However, there was no need for appeal procedures relating to the proscription of a local organisation to be divided into two levels. All appeals should be dealt with by the court.</p>
* 9.	<p>Hong Kong Federation of Students LC Paper No. CB(2)271/02-03(07)</p> <p>(a) The proposal that S for S could proscribe a local organisation if she reasonably believed that the organisation endangered national security or public order was inconsistent with the common law principle of presumption of innocence.</p>
* 10.	<p>Hong Kong Christian Institute LC Paper No. CB(2)271/02-03(10) LC Paper No. CB(2)507/02-03(01)</p> <p>(a) Expressed concern that the proposed proscription of a local organisation affiliated to a Mainland organisation proscribed in the Mainland on national security grounds would absolve the HKSAR Government from having either any responsibility or authority over such matters because the definition of national security would be determined in Beijing.</p>
* 11.	<p>The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)</p> <p>(a) The proposed banning of organisations proscribed in the Mainland was a dangerous proposal. It would have the risk of exerting pressures on Hong Kong's economy, opening Hong Kong laws to Mainland influence and threatening the free exercise of religion. The proposed legislation was unnecessary as sufficient power was already provided under the Societies Ordinance.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>F. Proscription of local organisations</b>	
* 12. Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	(a) The proposed definition of organisation was too broad.
* 13. Hong Kong Youth and Tertiary Students Association LC Paper No. CB(2)271/02-03(19)	(a) Supported the proposal in the Consultation Document that an organisation proscribed by S for S could lodge an appeal to the court.
* 14. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) The proposed proscription of an organisation affiliated to a Mainland organisation proscribed in the Mainland would introduce into Hong Kong the Mainland concept of national security and seriously restrict freedom of association and contacts with the outside; and  (b) Questioned the impartiality of the proposed tribunal, of which the members would be appointed by the Chief Executive of the HKSAR.
* 15. Hong Kong Voice of Democracy LC Paper No. CB(2)397/02-03(15) LC Paper No. CB(2)599/02-03(01)	(a) As a result of the proposal to make it an offence to organise or support the activities of proscribed organisations, even ridiculous verdicts given by the Mainland courts at their trials would be forced upon HKSAR courts;  (b) Expressed concern how the term "connection" would be defined and whether it would include financial support, donations and even courtesy visits or contacts;

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	<p>(c) Expressed concern whether contacts between the Hong Kong Voice of Democracy and those organisations or pro-democracy activists in the Mainland would be regarded as "a connection with a proscribed organisation in the Mainland" under the proposed legislation; and</p> <p>(d) The proposals in paragraph 7.17 of the Consultation Document should be dropped.</p>
* 16.	<p>New Youth Forum LC Paper No. CB(2)481/02-03(06)</p> <p>(a) The proposal referred to in paragraph 7.15 of the Consultation Document should be revised so that proscription could also apply to local organisation affiliated with a proscribed Mainland organisation or vice versa;</p> <p>(b) Expressed concern about the composition of the tribunal referred to in paragraph 7.18 of the Consultation Document; and</p> <p>(c) The operation of the tribunal should be transparent.</p>
* 17.	<p>Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)</p> <p>(a) Under the proposed proscription, the definition of national security in Hong Kong would be determined in Beijing, and local organisations would become unlawful without any oversight and protection by the courts in Hong Kong, thereby eroding the "two systems" model.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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* 18. Professor David BODOFF Department of Information and Systems Management Hong Kong University of Science and Technology LC Paper No. CB(2)481/02-03(13)	(a) A clause that introduced an automatic "trigger" on ground of proscription by the Mainland was totally superfluous, and could only lead to misunderstanding and abuse regarding the HKSAR's autonomy to pursue its own investigation in accordance with its own criteria for determining whether a group is actually plotting a violent overthrow of the Mainland; and  (b) The Hong Kong courts should be empowered to determine whether a local group was threatening national security.
* 19. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) The proposed proscription of local organisation affiliated with a Mainland organisation proscribed in the Mainland on national security grounds was beyond the requirements of BL23; and  (b) The power given to S for S to proscribe a local organisation should be removed unless clear criteria for a "reasonable belief" were set out and a proper appeal system was implemented.
* 20. Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) The power to proscribe local organisations should rest with Hong Kong courts, or the court's authorisation should be sought before such power was exercised.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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* 21.	<div> <div>The Frontier LC Paper No. CB(2)685/02-03(05)</div> <div> <p>(a) The proposed proscription would unnecessarily widen the power of Government to proscribe any local organisations on ground of national security;</p> <p>(b) The proposal was beyond the scope of BL23, as local organisations and Taiwan political organisations were not foreign political organisations;</p> <p>(c) The proposed proscription mechanism would extend the Mainland standards into Hong Kong, and thus affecting the rule of law and freedom of association in Hong Kong; and</p> <p>(d) It was unclear as to the composition of the tribunal proposed to deal with points of facts.</p> </div> </div>
* 22.	<div> <div>Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)</div> <div> <p>(a) Agreed to the proposal in paragraph 7.15(a) and (b) of the Consultation Document;</p> <p>(b) Agreed to the appeal mechanism on proscription proposed in paragraph 7.18 of the Consultation Document; and</p> <p>(c) The meaning of "connection" was too wide. Financial support should limit to main source of finance.</p> </div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>F. Proscription of local organisations</b>	
* 23. East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) Reference should be made to the Societies Ordinance when defining "connection".
* 24. Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)	(a) The proposed proscription of local organisation affiliated with a Mainland organisation proscribed in the Mainland on ground of national security would seriously affect the freedom of association.
* 25. Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) The proposed proscription of local organisation affiliated with a Mainland organisation proscribed in the Mainland on ground of national security would seriously affect the freedom of association.
* 26. Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)	(a) The proposed proscription of local organisation affiliated with a Mainland organisation proscribed in the Mainland on ground of national security would seriously affect the freedom of association.
* 27. Hong Kong School Clerks & Janitors General Union LC Paper No. CB(2)685/02-03(16)	(a) The proposed proscription of local organisation affiliated with a Mainland organisation proscribed in the Mainland on ground of national security would seriously affect the freedom of association.



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* 28.	<div> <div>Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)</div> <div>(a) It suggested the disconnection of proscribed organisations in the Mainland with organisations in Hong Kong. The HKSAR Government could judge whether or not organisations in Hong Kong should be proscribed on the basis whether they had committed unlawful acts.</div> </div>
* 29.	<div> <div>Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)</div> <div>(a) The proposed proscription of local organisation affiliated with a proscribed Mainland organisation should be deleted as BL23 only referred to foreign political organisations.</div> </div>
30.	<div> <div>Professor Michael C DAVIS LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)</div> <div> <div>(a) If the Chinese Government issued an order banning a Mainland group on national security grounds, queried whether S for S would have a degree of discretion unacceptable in a free democratic society in the proscription of a local organisation affiliated to the Mainland group;</div> <div>(b) Queried whether the court would be able to determine whether an organisation proscribed by S for S represented a threat to national security, whether S for S's reasonable believe of a threat was an objective one reviewable by court and whether the Government could withhold evidence of such threat and claimed that the disclosure of such information represented a threat to national security;</div> </div> </div>

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	<p>(c) If full judicial review was to prevail, the language of the statute must state that all facts in respect of the reasonable belief in a threat to national security must be presented to the court on review and that it would be for the court alone to judge whether such a threat objectively existed; and</p> <p>(d) It should be noted that the Government could request a BL158 referral to the Standing Committee of the National People's Congress for review of any court action that arose from an appeal.</p>
31.	<p>Mr Kevin L H KWONG, member of Tsuen Wan District Council LC Paper No. CB(2) 201/02-03(16)</p> <p>(a) Supported the proposals in the Consultation Document. However, he queried why the proposed proscription of local organisations would include those affiliated with Mainland organisations, but not foreign organisations. This proposal was not relating to BL23 and should be dealt with in other context; and</p> <p>(b) The term "support" referred to in paragraph 7.17 of the Consultation Document should not cover the provision of legal advice by a lawyer.</p>
32.	<p>The Society of Publishers in Asia LC Paper No. CB(2) 287/02-03(01)</p> <p>(a) Any decision to proscribe an organisation in Hong Kong should involve the courts, and should be based solely on the determination of the Hong Kong security officials and the Hong Kong judiciary. It should not be related to decisions made by the Central Government; and</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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	(b) The scope of the proposed definition for the term "connection" in paragraph 7.17 of the Consultation Document was too wide. The proposal of prohibiting the operation of an organisation that had a connection with a proscribed organisation should be deleted.
33.	<div>International and Regional NGOs in Hong Kong</div> <div>LC Paper No. CB(2)413/02-03(03)</div> <div>(a) The proposed proscription of a local organisation affiliated to the Mainland organisation proscribed in the Mainland absolved the Hong Kong Government from having any responsibility or authority over such matters.</div>
34.	<div>Heung Yee Kuk New Territories</div> <div>LC Paper No. CB(2)685/02-03(10)</div> <div>(a) Agreed to the proposed proscription mechanism and appeal channels. The tribunal should comprise members from local organisations, legal sector and the media.</div>
35.	<div>The Law Society of Hong Kong</div> <div>LC Paper No. CB(2)735/02-03(01)</div> <div>(a) There should be no additional power to proscribe an organisation on the ground of national security. The necessary safeguards were already provided in the existing power to prohibit a society and in the proposed law on treason, secession, sedition, subversion and theft of state secrets; and</div> <div>(b) The power to proscribe an organisation on the ground of national security effectively created new offences which would follow from the power to proscribe. This was unnecessary and beyond the scope of BL23.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>F. Proscription of local organisations</b>	
<div>36.</div> <div>Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong</div> <div>LC Paper No. CB(2)755/02-03(01)</div>	<div>(a) The Government already had the power to prohibit a local society if it reasonably believed that it was necessary in the interests of national security, public safety, public, or the rights and freedom of others. It did not appear that the additional power of proscription was necessary to implement BL23;</div> <div>(b) The proposal in paragraph 7.15(c) of the Consultation Document could open a "connecting door" between the Mainland and Hong Kong concepts of national security, and was potentially much wider than that required by BL23;</div> <div>(c) It seemed likely that S for S would at least take into account the views of the central government when deciding whether she had a "reasonable belief" that the affiliated local organisation threatened national security. Thus, it would be hard to imagine S for S would defy the central government by taking the opposite view regarding a Hong Kong affiliate of a Mainland organisation proscribed in the Mainland on national security grounds;</div> <div>(d) It would be exceedingly difficult for a local organisation to establish, in an action for judicial review, that the S for S's belief that it was necessary to ban a Hong Kong organisation in the interests of national security was "unreasonable". There would also be a danger that the Government would take the position that the matter was an "act of state" and not subject to judicial review; and</div>

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	(e) The proposal in paragraph 7.15 of the Consultation Document should be deleted.
37.	<div> <div>A member of the public LC Paper No. CB(2)755/02-03(09)</div> <div> <p>(a) BL23 only referred to foreign political organisations, the proposals in paragraphs 7.15 and 7.16 of the Consultation Document exceeded the scope of BL23. Nevertheless, the Government should have the power to proscribe organisations which threatened national security or security of Hong Kong; and</p> <p>(b) There should be a requirement for S for S to inform the public of the reasons for her decision to proscribe a local organisation.</p> </div> </div>
38.	<div> <div>JUSTICE LC Paper No. CB(2)760/02-03(18)</div> <div> <p>(a) The proposal to empower S for S to proscribe organisations was beyond the requirements of BL23;</p> <p>(b) There were already extensive powers of proscription under the Societies Ordinance and the Anti-terrorism legislation; and</p> <p>(c) The proposed independent tribunal was an insufficient safeguard against the infringement of the right to freedom of association and other fundamental rights.</p> </div> </div>

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<div>39.</div> <div>MF YAN LC Paper No. CB(2)769/02-03(05)</div>	<div>(a) The proposals in paragraph 7.15, 7.16 and 7.17 of the Consultation Document were unnecessary; and</div> <div>(b) Appeals on points of fact should also be left to the court.</div>
<div>40.</div> <div>Human Rights in China Ltd LC Paper No. CB(2)777/02-03(03)</div>	<div>(a) There was a lack of clear definition of the kinds of organisations that would be proscribed under BL23 legislation; and</div> <div>(b) Given that the Beijing Government had banned several groups engaged in peaceful political and social activity, the HKSAR Government should not enact legislation that would outlaw groups for having a “connection” with proscribed Mainland groups.</div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>G. Emergency investigation powers</b>	
* 1. Hong Kong Bar Association LC Paper No. CB(2) 2640/01-02(01) LC Paper No. CB(2) 623/02-03(01)	(a) The Government should drop all proposals for adding to the sufficient investigation powers that law enforcement agencies already enjoyed.
* 2. Kowloon City District Resident Association LC Paper No. CB(2) 201/02-03(05)	(a) The proposed emergency investigation powers should be exercised by a Police officer more senior than a Police superintendent.
* 3. Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)	(a) The Police should be given the emergency entry search and seizure power as proposed.
* 4. The Kowloon Elderly Progressive Association LC Paper No. CB(2) 222/02-03(02)	(a) Supported empowering Police officers to conduct searching inside private premises without the need for a judicial warrant; and  (b) The proposed emergency powers should be exercised by a Police officer at the rank of Chief Superintendent of Police or Assistant Commissioner of Police.
* 5. Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	(a) The proposed emergency powers, which did not exist in relation to murder, terrorism or any other offences, would appear to enable the Government to terrorise political opponents by entering their homes without warning to carry out searches for seditious publications.

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<b>G. Emergency investigation powers</b>		
* 6.	Joint Committee of Hong Kong Fisherman's Organisations LC Paper No. CB(2)262/02-03(07)	(a) The proposed emergency investigation powers were acceptable. However, the proposed powers should be exercised by a Police officer at the rank of Senior Superintendent of Police or above.
* 7.	The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) Opposed providing the Police with the proposed emergency investigation powers would be in conflict with human rights and privacy. It would arouse the Police to abuse the provision for convenience.
* 8.	Hong Kong Alliance Youth Group LC Paper No. CB(2)262/02-03(15)	(a) The proposed powers were excessive. The Police should be politically neutral. It should not be involved in the judgment of political matters.
* 9.	Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) If the proposed emergency investigation powers were to be exercised by a Police officer at the rank of Superintendent, written authorisation from a Police officer of a higher rank should be required. Such written authorisation should not be required if the emergency powers were exercised by a Police officer of a higher rank than a Superintendent.
* 10.	Lingnan University Students Union LC Paper No. CB(2)271/02-03(08)	(a) Questioned the need for the proposed emergency power of search for the Police; and  (b) The Administration should review whether existing legislation had already provided the Police with sufficient emergency investigation powers.



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* 11. Hong Kong Christian Institute LC Paper No. CB(2)271/02-03(10) LC Paper No. CB(2)507/02-03(01)	(a) The proposed emergency investigation powers could be easily abused by the Police.
* 12. The Unified Association of Kowloon West Limited LC Paper No. CB(2)271/02-03(13)	(a) Supported the proposed emergency investigation power in principle. However, the proposed emergency investigation power should be authorised by the Secretary for Security, Commissioner of Police or Assistant Commissioner of Police.
* 13. The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)	(a) Opposed the proposed granting of expanded police rights of search and seizure.
* 14. Sham Shui Po Community Association Limited LC Paper No. CB(2)271/02-03(18)	(a) Opposed the proposed emergency investigation powers.
* 15. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) The proposed emergency investigation powers would unnecessarily increase the powers of the Police.

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* 16.	Hong Kong Senior Education Workers Association Limited LC Paper No. CB(2)397/02-03(10) LC Paper No. CB(2)599/02-03(02)	(a) While appropriate Police power was necessary for maintaining the rule of law and public security, it should be monitored to prevent abuse.
* 17.	New Youth Forum LC Paper No. CB(2)481/02-03(06)	(a) The proposed emergency investigation power was reasonable.
* 18.	Justice & Peace Commission of the Hong Kong Catholic Diocese LC Paper No. CB(2)481/02-03(07)	(a) The proposed emergency investigation power had widened the powers of the Police; and  (b) An effective monitoring mechanism was not in place to prevent the abuse of powers.
* 19.	Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)	(a) The proposed emergency enter, search and seizure power gave too much discretionary to the Police, regardless of the rank of Police officer to authorise the exercise of such power. A judiciary warrant was necessary; and  (b) The proposed emergency investigation power would have far-reaching chilling effect on the media. There should be provisions stating that search and seizure procedures incorporated in the Interpretation and General Clauses Ordinance (Cap. 1) applied to all journalistic material.

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* 20. China Labour Bulletin LC Paper No. CB(2)481/02-03(12)	(a) Providing the Police with the emergency entry search and seizure power for investigating BL23 offence was a retrograde step in the development of a democratic society.
* 21. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) No sufficient justifications had been given for providing the Police to enter, search and seize for investigation BL23 offences without a judicial warrant; and  (b) The proposed emergency investigation power of the Police could be abused.
* 22. Mr TSANG Wing LC Paper No. CB(2)481/02-03(20)	(a) The court's authorisation should be obtained for exercising the emergency investigation power.
* 23. The University Librarians of the Eight Universities of Hong Kong LC Paper No. CB(2)481/02-03(22)	(a) The emergency entry, search and seizure power should only be exercised by Police officers in accordance with a warrant issued by a Magistrate.
* 24. The Joint Committee for Amendment of Public Order Ordinance LC Paper No. CB(2)685/02-03(01)	(a) The proposals unnecessarily widened the powers of the Police.
* 25. Mr Chris LO LC Paper No. CB(2)685/02-03(04)	(a) The proposal to widen the powers of the Police would turn Hong Kong into a police city.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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* 26.	<div> <div>The Frontier LC Paper No. CB(2)685/02-03(05)</div> <div>(a) The proposal to empower the Police to enter and search a premise, e.g. libraries, without a judicial warrant would infringe upon academic freedom, free flow of information and personal privacy.</div> </div>
* 27.	<div> <div>Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)</div> <div>           (a) The proposal in paragraph 8.6 of the Consultation Document should be deleted. The court's authorisation should be obtained for investigation of financial information; and             (b) Agreed to the proposed emergency entry, search and seizure power to the Police. However, an independent tribunal should be set up to deal with complaints of unreasonable exercise of the emergency investigation powers by the Police.         </div> </div>
* 28.	<div> <div>Hong Kong Confederation of Trade Unions LC Paper No. CB(2)685/02-03(08)</div> <div>(a) The proposal unnecessarily widened the powers of the Police and adversely affect the daily operations of local businesses and organisations.</div> </div>
* 29.	<div> <div>East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)</div> <div>(a) The proposed emergency investigation powers of the Police were reasonable.</div> </div>
* 30.	<div> <div>Hong Kong Buildings Management and Security Workers General Union LC Paper No. CB(2)685/02-03(12)</div> <div>(a) The proposal would unnecessarily widen the powers of the Police and adversely affect the daily operations of local businesses and organisations.</div> </div>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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* 31. Social Welfare Organizations Employees Union LC Paper No. CB(2)685/02-03(13)	(a) The proposal would unnecessarily widen the powers of the Police and adversely affect the daily operations of local businesses and organisations.
* 32. Personal Care Workers and Home Helpers Association LC Paper No. CB(2)685/02-03(14)	(a) The proposal would unnecessarily widen the powers of the Police and affect the protection to citizens.
* 33. Hong Kong Domestic Workers General Union LC Paper No. CB(2)685/02-03(15)	(a) The proposal would unnecessarily widen the powers of the Police and adversely affect the daily operations of local businesses and organisations.
* 34. Hong Kong School Clerks & Janitors General Union LC Paper No. CB(2)685/02-03(16)	(a) The proposal would unnecessarily widen the powers of the Police and adversely affect the daily operations of local businesses and organisations.
* 35. Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) A judicial warrant should be obtained before the Police could enter and search a premise; and  (b) A judicial warrant should be obtained before requiring banks and deposit taking companies to disclose financial information.

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36.	Professor Michael C DAVIS LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)	(a) Queried about the kind of investigative activities that would be covered by the emergency investigation powers to be provided to the Police.
37.	Zhongshan University Law Faculty Hong Kong Students Association LC Paper No. CB(2) 201/02-03(14) LC Paper No. CB(2) 308/02-03(01)	(a) Supported the proposal of empowering a senior Police officer (such as a Police superintendent) to exercise an emergency entry, search and seizure power.
38.	Mr Kevin L H KWONG, member of Tsuen Wan District Council LC Paper No. CB(2) 201/02-03(16)	(a) The emergency powers proposed in paragraphs 8.5 and 8.6 of the Consultation Document were unnecessary and could easily be abused; and  (b) A mechanism should be established for the Police to obtain a search warrant from the court within the shortest time.
39.	Mr YEUNG Wai-sing, member of Eastern District Council LC Paper No. CB(2) 201/02-03(17)	(a) The meaning of cases of emergency should be set out clearly.
40.	The Society of Publishers in Asia LC Paper No. CB(2) 287/02-03(01)	(a) The proposal of providing the Police with emergency entry, search and seizure powers should be deleted because it was unnecessary and could easily be abused; and

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
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	(b) All acts infringing a person's basic rights, such as search and entry, should require approval by the court.
41.	<div> <div>Women Service Association LC Paper No. CB(2) 308/02-03(02)</div> <div> (a) Supported the proposed emergency investigation powers. However, such a power should be exercised by a senior Police officer at the rank of Chief Superintendent of Police or above; and   (b) The mechanism and procedure for the lodging of complaints and the submission of a report after the proposed emergency power was exercised should be set out in legislation. </div> </div>
42.	<div> <div>Mr CHENG Cho-kwong, member of Shatin District Council LC Paper No. CB(2) 308/02-03(03)</div> <div>(a) The proposed emergency investigation powers should be exercised by a Police officer more senior than a Superintendent of Police.</div> </div>
43.	<div> <div>Aberdeen Fisher Women Association LC Paper No. CB(2) 308/02-03(04)</div> <div>(a) Supported the proposed emergency investigation powers. However, such a power should be exercised by a senior Police officer at the rank of Senior Superintendent of Police or above.</div> </div>
44.	<div> <div>International and Regional NGOs in Hong Kong LC Paper No. CB(2)413/02-03(03)</div> <div>(a) The proposals in respect of emergency investigation powers granted too much discretionary power to the Police.</div> </div>

LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
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45.	Kowloon West Branch of Democratic Party, 關心香港前途小組, 九龍南婦女會, 土瓜灣社區發展協會 and 何文田社區發展協會 LC Paper No. CB(2)558/02-03(01)	(a) The proposal in the Consultation Document would result in excessive power of the Police.
46.	Breakthrough LC Paper No. CB(2)597/02-03(05)	(a) The Police had already given adequate investigation powers under the existing laws. It opposed the proposal to empower the Police to enter and search premises without the need to obtain a judicial warrant.
47.	Heung Yee Kuk New Territories LC Paper No. CB(2)685/02-03(10)	(a) More senior Police officers, e.g. Assistant Commissioner of Police or above, should be empowered to exercise the emergency investigation powers.
48.	Ms Alice AI LC Paper No. CB(2)708/02-03(06)	(a) The proposed emergency enter, search and seizure power would give too much discretionary power to the Police.
49.	The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)	(a) The police already had substantial and adequate investigation powers. It was unnecessary and undesirable to give an additional power and discretion to a senior Police officer.



<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>G. Emergency investigation powers</b>	
50. Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)	(a) Emergency search powers were already available when calamitous consequences occurred or appeared imminent. Any expansion of powers to search premises without a warrant was an interference with the right to privacy and security in one's home;  (b) Warrants were easily obtainable in Hong Kong; and  (c) The proposal to create special investigation powers for BL23 offences should be deleted.
51. A member of the public LC Paper No. CB(2)755/02-03(09)	(a) The Police had to produce proof to the court that its exercise of emergency powers met with the conditions in paragraph 8.5 of the Consultation Document; and  (b) A mechanism should be in place to prevent the abuse of emergency powers by the Police.
52. Adrian STURDZA LC Paper No. CB(2)760/02-03(01)	(a) The proposals granted too much power to the Police.
53. JUSTICE LC Paper No. CB(2)760/02-03(18)	(a) No justification had been put forward by the Government to establish the necessity for the investigation powers.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>G. Emergency investigation powers</b>	
54. Hong Kong Library Association LC Paper No. CB(2)769/02-03(02)	(a) The power of search of the Police should be limited. Unless there was an immediate risk of violence, a search warrant must be applied through the magistracy.
55. MF YAN LC Paper No. CB(2)769/02-03(05)	(a) The proposal in paragraph 8.5 of the Consultation Document should be withdrawn; and  (b) Opposed the proposed increase in power of the Secretary for Justice.
56. 張大山 LC Paper No. CB(2)777/02-03(02)	(a) The proposed emergency powers would provide the Police with excessive powers.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>H. Procedural and miscellaneous matters</b>	
* 1. Hong Kong Bar Association LC Paper No. CB(2) 2640/01-02(01) LC Paper No. CB(2) 623/02-03(01)	(a) All offences under BL23 should be prosecuted within 6 months;  (b) It believed that persons accused of offences enacted to implement BL23 should have the right to a trial by jury;  (c) The Government should make clear that the punishments referred to in paragraphs 9.8 and 9.9 of the Consultation Document, when read with Annex 2 of the Consultation Document, were maxima and not mandatory sentences; and  (d) The proposed penalties for BL23 offences were heavier than those for similar offences under existing legislation and Mainland laws.
* 2. Kowloon Federation of Associations LC Paper No. CB(2) 201/02-03(06)	(a) The existing time limits for bringing prosecutions against treason or sedition should be maintained; and  (b) A defence of "reasonable excuse" should be provided for all BL23 offences.
* 3. Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	(a) The proposed penalties for the proposed BL23 offences were draconian.

	Organisation/ individual	Views/suggestions
<b>H. Procedural and miscellaneous matters</b>		
* 4.	Professor Albert CHEN Faculty of Law The University of Hong Kong LC Paper No. CB(2)262/02-03(02) LC Paper No. CB(2)413/02-03(01)	(a) The proposed maximum penalties for secession, subversion and the related inchoate and accomplice offences meant that in some cases the same act against national security would be punishable in a more severe manner in the HKSAR than in the Mainland itself. The proposed provisions for punishment should be reconsidered;  (b) The procedural safeguard in section 11 of the Crimes Ordinance, which stipulated that prosecution for the offence of sedition must be brought within six months of the commission of the offence and with the written consent of the Secretary for Justice, was appropriate and should be retained; and  (c) The proposals to increase the maximum penalties for sedition offences were apparently harsher than the Mainland law on incitement to secession and subversion. These proposals should be reconsidered.
* 5.	The Hong Kong Association of Falun Dafa LC Paper No. CB(2)262/02-03(12)	(a) The penalties for an "unlawful society" and its office-bearers and members under the Societies Ordinance were less severe when compared to the proposed life imprisonment for the offence of treason.

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<b>H. Procedural and miscellaneous matters</b>	
* 6. The Democratic Party LC Paper No. CB(2)262/02-03(13) LC Paper No. CB(2)756/02-03(01)	(a) Opposed the proposed removal of time limits for bringing prosecution against treason and sedition; and  (b) Opposed raising the level of penalties of offences relating to BL23. The proposed penalties should be the maximum penalties.
* 7. Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) Reference should be made to the penalty levels in other common law jurisdictions on offences endangering national security. It was unnecessary for the penalty levels to be heavier or lighter than those in other common law jurisdictions.
* 8. Hong Kong Human Rights Commission LC Paper No. CB(2)397/02-03(08)	(a) The proposed removal of time limit for bringing prosecutions against treason or sedition might be abused for prosecution of opposing voices after a political change; and  (b) The proposed punishments for BL23 offences were heavier than those for criminal offences under existing legislation.
* 9. New Youth Forum LC Paper No. CB(2)481/02-03(06)	(a) Supported the proposal to remove the current time limits for bringing prosecutions against treason or sedition.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>H. Procedural and miscellaneous matters</b>	
* 10. Justice & Peace Commission of the Hong Kong Catholic Diocese LC Paper No. CB(2)481/02-03(07)	(a) The proposed penalties for BL23 offences were too severe.
* 11. Asian Human Rights Commission LC Paper No. CB(2)481/02-03(08)	(a) The proposal to remove the time limits for bringing prosecutions against sedition would have a severe chilling effect on the media, and should be deleted; and  (b) The Administration should reconsider the proposals to increase the penalties for BL23 offences.
* 12. Amnesty International Hong Kong Section Limited LC Paper No. CB(2)481/02-03(19)	(a) Expressed concern about the proposed increase in the penalties.
* 13. The Frontier LC Paper No. CB(2)685/02-03(05)	(a) Independent decision of the Secretary for Justice (S for J) to prosecute BL23 offences might be questionable, as S for J was only responsible to the Chief Executive; and  (b) The proposal to remove the current time limits for bringing prosecutions against treason or sedition might affect the defence as he might not be able to recall all the details.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>H. Procedural and miscellaneous matters</b>	
* 14. East Kowloon District Residents' Committee LC Paper No. CB(2)685/02-03(09)	(a) Agreed to the proposal to remove the current time limits for bringing prosecutions against treason and sedition.
* 15. Oxfam Hong Kong LC Paper No. CB(2)685/02-03(20)	(a) The current time limits of bringing prosecutions should be retained.
16. Zhongshan University Law Faculty Hong Kong Students Association LC Paper No. CB(2) 201/02-03(14) LC Paper No. CB(2) 308/02-03(01)	(a) The proposed penalties for BL23 offences were lighter than those in other countries, such as the United Kingdom, the United States and Canada.
17. The Society of Publishers in Asia LC Paper No. CB(2) 287/02-03(01)	(a) There should be a time limit for prosecution against sedition offences.
18. The Law Society of Hong Kong LC Paper No. CB(2)735/02-03(01)	(a) An accused under any BL23 offences should have a right to elect for a trial by jury.

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>H. Procedural and miscellaneous matters</b>	
19. Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong LC Paper No. CB(2)755/02-03(01)	(a) The proposed maximum penalties for secession offence were severe than the counterpart of this offence in the Mainland;  (b) The proposed penalties for subversion offence were extremely harsh and more severe than those for similar offences in the Mainland; and  (c) The time limit for bringing prosecutions for sedition offence should be six months.
20. A member of the public LC Paper No. CB(2)755/02-03(09)	(a) The current time limit for bringing prosecutions against treason or sedition should be retained. A provision could be added so that S for J could prosecute after the time limit only when the threat to national security still existed after such time limit. The prosecution had to prove that the aforesaid condition was met; and  (b) An accused under any BL23 offences should have a right to elect for a trial by jury.
21. JUSTICE LC Paper No. CB(2)760/02-03(18)	(a) No justification had been put forward by the Government to abolish the time limits for bringing prosecutions against treason or sedition.
22. MF YAN LC Paper No. CB(2)769/02-03(05)	(a) All BL23 offences should not have an extra-territorial effect.



LC Paper No. of Written submission	Organisation/ individual	Views/suggestions
<b>I. Extra-territorial application</b>		
* 1.	Hong Kong Bar Association LC Paper No. CB(2) 2640/01-02(01) LC Paper No. CB(2) 623/02-03(01)	<p>(a) It called on the Government to explain the constitutional basis for seeking to enact legislation with extraterritorial effect when it proposed to implement BL23. There was considerable doubt as to the constitutional competence of the LegCo to enact laws with extra-territorial effect;</p> <p>(b) It called on the Government to examine the state practice of the PRC in making extra-territorial laws in respect of matters listed in BL23, as contained in Article 8 of the Criminal Code of the PRC, and to justify the constitutional basis of proposing in the Consultation Document to impose extra-territorial criminal liability over non-Chinese nationals more onerous than that prescribed under the Criminal Code of the PRC; and</p> <p>(c) The proposals in the Consultation Document seeking to apply the proposed offences of treason, secession, sedition and subversion to all HKSAR permanent residents wherever they were failed to take into account the unique circumstances of Hong Kong, particularly the fact that many permanent residents of the HKSAR were not PRC nationals or had dual nationality. No account was taken of the notion that some of the proposed offences, such as treason, might only be committed by nationals. The Government should also justify why it sought to enact laws to implement BL23 that were more extensive in terms of personal application than the corresponding provisions of the Criminal Code of the PRC.</p>

<div> <div>Organisation/ individual</div> <div>LC Paper No. of Written submission</div> </div>	Views/suggestions
<b>I. Extra-territorial application</b>	
* 2. Hong Kong Human Rights Monitor LC Paper No. CB(2) 222/02-03(05) LC Paper No. CB(2) 400/02-03(01)	(a) The proposed extra-territorial effect for secession, sedition and subversion offences would widen considerably the number of people who either would not be admitted to Hong Kong or who would not regard it safe to enter Hong Kong.
* 3. Idea for Hong Kong LC Paper No. CB(2)271/02-03(01)	(a) Supported the proposed extra-territorial application of treason offences.
* 4. The Foreign Correspondents' Club, Hong Kong LC Paper No. CB(2)271/02-03(17)	(a) Opposed the extra-territorial application of the proposed legislation on HKSAR permanent residents.
* 5. New Youth Forum LC Paper No. CB(2)481/02-03(06)	(a) The proposed extra-territorial applications of the offences relating to secession, sedition, subversion and theft of state secrets were reasonable; and  (b) A mechanism should be put in place to allow HKSAR permanent residents who possessed foreign nationality to relinquish their Chinese nationality, and thus not subject to BL23 legislation.
* 6. The Frontier LC Paper No. CB(2)685/02-03(05)	(a) The proposals to apply treason, secession and subversion offences to all persons who were voluntarily in the HKSAR, and that these offences had an extra-territorial effect on HKSAR permanent residents in respect of their actions outside the HKSAR would have a far-reaching impact on the relation between Hong Kong and other countries.

LC Paper No. of Written submission		Organisation/ individual	Views/suggestions
I. Extra-territorial application			
* 7.	Hong Kong Federation of Women LC Paper No. CB(2)685/02-03(07)	(a) The proposals to apply treason offence to all persons who were voluntarily in the HKSAR was not appropriate; and  (b) Agreed that secession, sedition and subversion offences should apply to all persons who were voluntarily in the HKSAR and had an extra-territorial effect.	
* 8.	Mr WONG Sai-chak LC Paper No. CB(2)685/02-03(21)	(a) The proposals to apply treason, succession and sedition offences to all persons who were voluntarily in Hong Kong and their extra-territorial effect would infringe upon the jurisdictions of other countries. The proposals were not acceptable from a diplomatic point of view.	
9.	Professor Michael C DAVIES LC Paper No. CB(2) 74/02-03(02) LC Paper No. CB(2) 201/02-03(11)	(a) With the proposed extra-territorial effect of legislation to be enacted on treason and others, many Hong Kong residents who were foreign nationals might be in breach of such legislation in the event of a future war or conflict between their country and China.	
10.	A member of the public LC Paper No. CB(2)755/02-03(09)	(a) Offences of treason, theft of state secrets and secession should also have an extra-territorial effect on residents who had the right to enter Hong Kong. Amendments to the Immigration Ordinance to allow residents with foreign nationality to renounce their right of abode in or right to enter Hong Kong.	

<b>Organisation/ individual</b>		<b>Views/suggestions</b>
<b>LC Paper No. of Written submission</b>		
<b>I. Extra-territorial application</b>		
11.	JUSTICE LC Paper No. CB(2)760/02-03(18)	(a) The extension of the law to non-Chinese nationals who are HKSAR permanent residents when they were outside Hong Kong seemed to go beyond the requirements of even the PRC Constitution which imposed duties on its citizens, i.e. persons holding PRC nationality; and  (b) Extra-territorial application and application to non-nationals were beyond the legislative competence of the HKSAR and in part beyond the PRC laws.

\* Organisations/individuals who have given oral representations to the Panels

Council Business Division 2  
Legislative Council Secretariat  
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