



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : LWB CR45/2041/86  
本函檔號 OUR REF : LS/S/20(01)/2022  
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Urgent by email (pw1@lwb.gov.hk)

26 May 2022

Mr Tony YIP  
Principal Assistant Secretary for Labour and Welfare (Welfare) 1  
Labour and Welfare Bureau  
11/F, West Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar  
Hong Kong

Dear Mr YIP,

**Social Workers Registration Ordinance (Amendment of Schedule 2)  
Notice 2022 (L.N. 109 of 2022)**

We are scrutinizing L.N. 109 with a view to advising Members on its legal and drafting aspects. To facilitate Members' consideration of L.N. 109, we should be grateful if you could clarify the matters set out below.

It is noted that under the existing Schedule 2 to the Social Workers Registration Ordinance (Cap. 505), specific descriptions of offences with references to various particular sections of the Affiliation Proceedings Ordinance (Cap. 183), the Crimes Ordinance (Cap. 200), the Offences against the Person Ordinance (Cap. 212), and the Protection of Children and Juveniles Ordinance (Cap. 213) are listed out. However, it is noted that by L.N. 109, an offence under the description of "an offence endangering national security" is added to Schedule 2 to Cap. 505, without specifying any particular references to the relevant sections of the Ordinances concerned.

In paragraph 6 of the Legislative Council Brief (File Ref: LWB CR45/2041/86) issued on 18 May 2022, it is stated that the offences intended to be covered by L.N. 109 shall include, but are not limited to, the offences of

“secession”, “subversion”, “terrorist activities” and “collusion with a foreign country or with external elements to endanger national security” stipulated in the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, and the offences of “treason” and “sedition” under Cap. 200. However, it is the Administration’s view that it is not feasible to list all such offences specifically in Schedule 2 to Cap. 505 because some of them may not be, on the face of their elements, offences endangering national security, but could be regarded as such in a particular case under certain circumstances.

In the light of the above, please clarify:

- (a) the offences which may not be, on the face of their elements, offences endangering national security, but could be regarded as such in a particular case under certain circumstances, for the purposes of Schedule 2 to Cap. 505; and
- (b) whether the description of “an offence endangering national security” in L.N. 109 is sufficiently clear and certain from the legal and drafting perspectives.

We would be grateful if you could let us have the Administration’s reply in both English and Chinese by 2 June 2022.

Yours sincerely,



(Wendy KAN)  
Assistant Legal Adviser

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