

The Betty Letters

My Dear Grandchild,

*Every time that a new, proposed piece of legislation is passed into law, people will attempt to find a way round it. It is human nature, you know. Solicitors love new legislation because it means, at the end of the day, more money for them. People, unable to understand the exact meaning of new laws as well as the many and varied nuances of it, seek professional advice from officers of the High Court. These officers are only too happy to oblige – for a fee, of course, ranging from anywhere up to \$HK10,000 per hour. In the words of Sir Isaac Newton in his work, *Philosophiae Naturalis Principia Mathematica* (Mathematical Principles of Natural Philosophy), first published on July 5, 1687, recognised as one of the most important single works in the history of modern science, it is stated: ‘To every action, there is always an equal and opposite reaction: or the forces of two bodies on each other are always equal and are directed in opposite directions.’ So it is with the passing of new legislation, in my humble opinion. The Hongkong Government seems to delight in putting into place all kinds of new legislation, from that which is printed on the labels of tins of soup, declaring, clearly, the tin’s contents, to proscribing smoking in public places, to making it a crime to discriminate against one’s fellow man for this or that, to giving the Hongkong policeman the right to stop any motorist, with or without just cause, in order, one is assured, to determine the level of alcohol in the motorist’s blood; and, so on and so on. Every new law chips away at everybody’s personal freedoms, either directly or indirectly. When the censor states that a motion picture is deemed lascivious and/or appealing to the prurient interests of society, generally, the censor is, in fact, determining what, in its opinion, should, and what should not, be watched by what is generally considered right-minded individuals. In short, the censor takes the position of guarding the morals of society, determining, one could extrapolate, that right-minded people are incapable of choice in matters, pertaining to morality. No government has the right to make determinations as to what should, and what should not, be viewed by the adult population of a territory, it seems to me.*

I do not want you to think, My Dear Grandchild, that I am opposed to laws because every society needs them. This is terribly unfortunate. Without laws, there would cease to be peace and harmony within a community or society. First, however, the definition of the word, ‘society’: It is a collection of communities in which there is an interaction between the various communities that comprise the society. This interaction has to be regulated, but only in terms of that which society endorses. A law is not a law, per se, unless it is endorsed by the populace. It is well accepted that bad laws are the worst sort of tyranny. A good law, on the other hand, is a contract between a government and the people that it would govern. But it must, always, be remembered that every law is an infringement on liberty and, as such, it is inherently evil. Unfortunately, in free societies of today, the poor are abused by the law while rich men rule the law.

The trouble with proposed new legislation is that, as soon as it is passed into the statute books, there is, always, a group of people that go out of their way to enforce it – and with gusto. It is akin to a child, twiddling the knobs on a new television set until the child breaks something and, then, it will go, crying to its parents about the fact that the television set is broken. Put another way, it is akin to a child, taking apart a new toy in order to try to determine how the mechanics of the toy works. After the new toy is inoperable, the

child just discards it.

Today, the idea of Universal Suffrage in Hongkong is the banner that is waved high by the so-called democrats of the territory. Meanwhile, the Hongkong Government is waving the tattered banner of Article 23 of The Basic Law. Article 23 states, inter alia: 'The Hong Kong Special Administrative Region (HKSAR) shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the [Central People's Government](#), or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the HKSAR, and to prohibit political organizations or bodies of the HKSAR from establishing ties with foreign political organizations or bodies.' When the Hongkong Government first proposed the enactment of Article 23, back in 2002, more than 500,000 people marched in protest to it. It was seen, in 2002, as being an anti-subversion law, the definition of which was far too broad and, in addition, it was feared that it would chip away at too many freedoms that the populace of the territory had enjoyed for more than 156 years. In short, Article 23 did not have the approval of the populace of Hongkong, and, many of them took to the streets in order to indicate their disapprobation of it.

If the Hongkong Government of today seems determined to force through a reworked version of the 2002 Article 23 against the wishes of the vast majority of the people of the territory, it would, in fact, be a tyranny, without question. Perhaps, in some states, an Article 23-type of legislation is necessary. In Germany, for instance, between 1939 and 1945, such a law was passed and it was accepted by the vast majority of some 80 million people of that country. The killing of millions of Jews, gypsies, and anybody opposed to the regime of Adolf Hitler – Der Fuhrer – fell afoul of this law and were dealt with, without recourse to natural law – a system of right or justice held to be common to all humans and derived from nature rather than from the rules of society, or, if you like, positive law. It appears to me, My Dear Grandchild, that Hongkong does not need such a law. The only people in the territory, today, who appear to want to see an Article 23-type of law on the statute books, are those who, either want to score points in Beijing for some personal benefit, or those people with vested interests in the Hongkong Government and are keen to rise through the ranks, perhaps to become, one day, the Chief Executive. But laws are supposed to be for the benefit of all members of a society not for the vested interests of a minority, such as the moguls of industry who derive their power from their known accumulation of the medium of exchange of the day, or because some politician in a position of power determines, for some reason, probably based on the theory of political control, that to force through a certain law would enrich his powerbase.

Think about this, will you.

Chief Lady

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