

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2322/01-02  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/9/01

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill**

**Minutes of the first meeting**  
**held on Friday, 17 May 2002 at 4:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members Present** : Hon LAU Kong-wah (Chairman)  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Eric LI Ka-cheung, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon James TO Kun-sun  
Hon CHAN Kam-lam  
Hon Jasper TSANG Yok-sing, JP  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Andrew WONG Wang-fat, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP

**Public Officers Attending** : Mr Timothy TONG  
Deputy Secretary for Security  
  
Ms Mimi LEE  
Principal Assistant Secretary for Security (Narcotics)  
  
Mr Johann WONG  
Principal Assistant Secretary for Security

Mrs Wendy CHOI  
Assistant Secretary for Security

Mr Geoffrey FOX  
Senior Assistant Law Draftsman  
Law Drafting Division

Mr John HUNTER  
Deputy Principal Government Counsel  
Treaties and Law Unit  
International Law Division

Mr Lawrence PENG  
Senior Government Counsel  
Law Drafting Division

**Clerk in Attendance** : Ms Doris CHAN  
Chief Assistant Secretary (2) 4

**Staff in Attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Miss Mary SO  
Senior Assistant Secretary (2) 8

Ms Janet SHUM  
Senior Assistant Secretary (2) 9

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**I. Election of chairman**

Mr LAU Kong-wah was elected chairman of the Bills Committee.

**II. Meeting with the Administration**  
(LC Paper No. CB(2)1930/01-02(01))

2. The Bills Committee deliberated (**Annex**).

3. At the request of the Bills Committee, the Administration undertook to provide a response to the following issues raised by members at the meeting -

- (a) To specify in the Bill that a person would have the right to claim damages from the Government in the event that his application to the court under clause 16 of the Bill to revoke the notice by the Chief Executive (CE) under clause 4 or the notice made by the Secretary for Security (S for S) clause 5 of the Bill had been successful;
- (b) To consider that CE should, before publishing by notice in the Gazette to specify a person or property was a terrorist, terrorist associate or terrorist property, first apply to the court for an injunction against a person or property whom/which CE had reasonable grounds to believe was a terrorist, terrorist associate or terrorist property and allow the person to apply to the court to set aside the injunction within a specified time. If the person concerned failed to apply to the court to set aside the injunction against himself within the specified time, CE could then proceed to publish by notice in the Gazette that the person or property was a terrorist, terrorist associate or terrorist property. In the meantime, S for S could issue notice to freeze the funds and property of the person concerned; and
- (c) To ascertain whether the definition of "terrorist act" referred to in clause 2(1) of the Bill would undermine an individual's civil and political rights.

### **III. Dates of next meetings**

4. Members agreed to hold the next nine meetings on the following dates to continue discussion on the Bill -

3 June 2002 at 8:30 am  
5 June 2002 at 10:45 am  
10 June 2002 at 2:30 pm  
12 June 2002 at 8:30 am  
14 June 2002 at 8:30 am  
17 June 2002 at 2:30 pm  
20 June 2002 at 8:30 am  
25 June 2002 at 8:30 am  
27 June 2002 at 8:30 am.

Members also agreed to invite deputations to give views on the Bill on 3 June 2002.

5. There being no other business, the meeting ended at 6:50 pm.

Council Business Division 2  
Legislative Council Secretariat  
17 June 2002

**Proceedings of the first meeting of the  
Bills Committee on United Nations (Anti-Terrorism Measures) Bill  
on Friday, 17 May 2002 at 4:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000940	Mr Eric LI	Election of Chairman	
000940 - 000943	Chairman	Welcoming remarks	
000943 - 001942	Administration	Briefed members on the major proposals of the Bill	
001942 - 002103	Mr James TO	Specification of terrorist, terrorist associate or terrorist property should not be made administratively, but should be made by the court	
002103 - 002258	Administration	Ditto	
002258 - 002525	Mr James TO	Reason for specification of terrorist, terrorist associate or terrorist property to be made administratively	
002525 - 002616	Administration	Ditto	
002616 - 002624	Mr James TO	Ditto	
002624 - 002630	Administration	Ditto	
002630 - 002659	Mr James TO	Ditto	
002659 - 002758	Administration	Ditto	
002758 - 002802	Chairman	Ditto	
002802 - 003004	Administration	Ditto	
003004 - 003122	Mr James TO	Ditto	
003122 - 003132	Chairman	Ditto	
003132 - 003153	Mr James TO	Ditto	

003153 - 003532	Administration	Ditto	
003532 - 003817	Mr Albert HO	<p>The Chief Executive (CE) should, before publishing by notice in the Gazette to specify a person or property was a terrorist, terrorist associate or terrorist property, first apply to the court for an injunction against a person or property whom/which CE had reasonable grounds to believe was a terrorist, terrorist associate or terrorist property and allow the person to apply to the court to set aside the injunction within a specified time. If the person concerned failed to apply to the court to set aside the injunction against himself within the specified time, CE could then proceed to publish by notice in the Gazette that the person or property was a terrorist, terrorist associate or terrorist property. In the meantime, S for S could issue notice to freeze the funds and property of the person concerned.</p> <p>A person should have the right to claim damages from the Government in the event that his application to apply to the court under clause 16 of the Bill to revoke the notice by CE under clause 4 or the notice made by the Secretary for Security (S for S) clause 5 of the Bill had been successful.</p>	
003817 - 004133	Administration	Ditto	
004133 - 004440	Mr Albert HO	Ditto	
004440 - 004833	Administration	Ditto	
004833 - 004935	Mr Albert HO	Ditto	

004935 - 005041	Administration	The Administration agreed to consider Mr HO's views	✓ (Admin to provide a written response)
005041 - 005053	Mrs Selina CHOW	Shared Mr HO's views	
005053 - 005538	Miss Margaret NG	Specification of a person or property was a terrorist, terrorist associate or terrorist property should be made by the court	
005538 - 005836	Administration	Ditto	
005836 - 010120	Miss Margaret NG	Ditto	
010120 - 010139	Chairman	Ditto	
010139 - 010234	Miss Margaret NG	Ditto	
010234 - 010539	Administration	Ditto	
010539 - 010557	Chairman	Ditto	
010557 - 010853	Administration	Ditto	
010853 - 011621	Mrs Selina CHOW	Echoed members' view and considered the definition of "terrorist act" referred to in clause 2(1) of the Bill was too wide	
011621 - 012026	Administration	Reiterated the necessity to empower CE to specify a person or property was a terrorist, terrorist associate or terrorist property by notice in the Gazette	
012026 - 012213	ALA	A paper on comparison of overseas anti-terrorism legislation on listing process would be provided to members	
012213 - 012551	Mr Eric LI	Disclosure of knowledge or suspicion that property was terrorist property	
012551 - 013029	Administration	Ditto	
013029 - 013145	Mr Eric LI	Ditto	
013145 - 013501	Administration	Ditto	

013501 - 013908	Ms Audrey EU	Relationship between clauses 4 and 5, and the right of innocent people to take back their funds frozen by S for S under clause 5	
013908 - 013913	Chairman	Ditto	
013913 - 014704	Administration	Ditto	
014704 - 015042	Ms Audrey EU	CE should disclose the reasons for specifying that a person or property was a terrorist, terrorist associate or terrorist property	
015042 - 015749	Administration	Ditto	
015749 - 020147	Chairman, Administration	Reason for using "any person" referred to in clause 5(1) of the Bill	
020147 - 020206	ALA	Drew members' attention that CE could specify a person or property was a terrorist, terrorist associate or terrorist property if CE had reasonable grounds to believe so, whereas S for S could freeze funds held by any person if she had reasonable grounds to suspect that such funds were terrorist property	
020206 - 020253	Ms Audrey EU	What were the overseas legislation enacted to implement United Nations Security Council Resolution (UNSCR)1373	
020253 - 020310	ALA	Referred members to an analysis on overseas legislation enacted to implement UNSCR 1373 prepared by the Legal Services Division at the request of the Panels on Security and Administration of Justice and Legal Services at their joint meeting held on 30 November 2001	
020310 - 020418	Administration	Clause 5 was based on certain provisions of the United Kingdom Terrorism (United Nations Measures) Order 2001	
020418 - 020506	Miss Margaret NG, Chairman	Whether the power of S for S under clause 5 was greater than that of CE under clause 4	

020506 - 020537	Administration	Ditto	
020537 - 020730	Mr LEE Cheuk-yan	Whether the definition of "terrorist act" referred to in clause 2(1) would undermine an individual's civil and political rights	
020730 - 020834	Administration	Ditto	
020834 - 020844	Chairman	Ditto	
020844 - 021008	Administration	Ditto	
021008 - 021147	Mr LEE Cheuk-yan	Ditto	
021147 - 021153	Administration	The Administration would ascertain whether the definition of "terrorist act" referred to in clause 2(1) of the Bill would undermine an individual's civil and political rights	✓ (Admin to provide a written response)
021153 - 021310	Mr CHAN Kam-lam	What were overseas anti-terrorism legislation on listing process and the reason for stipulating that summary proceedings for an offence under this Bill, being an offence alleged to have been committed outside Hong Kong, might be commenced at any time not later than 12 months from the date on which the persons charged first entered Hong Kong after committing the offence under clause 14(11) of the Bill	
021310 - 021334	ALA	A paper on overseas anti-terrorism legislation on listing process would be provided to members	
021334 - 021410	Administration	Clause 14(11) was based on provisions in the United Nations Sanctions Ordinance	
021410 - 022002	Chairman	Dates of next meetings	