

立法會
Legislative Council

LC Paper No. CB(2)2879/01-02

(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 9th meeting
held on Monday, 24 June 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon LAU Kong-wah (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-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 Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon LEE Cheuk-yan
Hon Andrew WONG Wang-fat, JP

Public Officers Attending : Mrs Regina IP, JP
Secretary for Security

Mr Timothy TONG, JP
Deputy Secretary for Security

Ms Mimi LEE
Principal Assistant Secretary for Security (Narcotics)

Mr Johann WONG
Principal Assistant Secretary for Security

Ms Judy Maguire
Consultant (Narcotics)

Mrs Wendy CHOI
Assistant Secretary for Security

Mr Geoffrey Fox
Senior Assistant Law Draftsman

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

I. Confirmation of minutes of meetings held on 17 May and 3 June 2002
(LC Paper Nos. CB(2)2322/01-02 and CB(2)2323/01-02)

The minutes were confirmed.

II. Meeting with the Administration

2. The Bills Committee deliberated (Index of proceedings at the **Annex**).
3. The Bills Committee continued clause-by-clause examination of the Bill, taking into account the updated draft Committee Stage amendments (CSAs) to be moved by the Administration tabled at the meeting (LC Paper No. CB(2)2389/01-02(01)).
4. In light of the views expressed by members on the proposed CSAs, the Administration agreed to provide/consider the following -
 - (a) To provide a written explanation of "precursors" and the criteria adopted by the Customs and Excise Department in identifying which goods, that could be used for both military and non-military purposes, were to be confiscated;
 - (b) To re-draft clause 4A(5)(b) to remove references to the Secretary for Justice or to amend the subclause to the effect that the Chief Executive "shall" direct the Secretary for Justice;
 - (c) To make technical amendment to clause 4A(7) in relation to the words "either" "or";
 - (d) To reconsider whether it was possible to further shorten the length of the expiry period for the specifications made under clause 4A(8);
 - (e) To reconsider the wording of clause 5(1) so as to clarify the circumstances under which the Secretary for Security would grant a licence;
 - (f) To address members' concerns as regards the imbalance between clause 5(1) which specified the power of the Secretary in the freezing of funds and clause 16A(2)(c) which specified that "serious default" had to be proved for claim for compensation in the revision of draft CSAs;
 - (g) To respond to the main points and suggested draft amendments in the submission by JUSTICE, in particular, those relating to clauses 6(1), 7 and 11; and
 - (h) To provide a table showing the Administration's responses to the views and suggestions made by members at previous meetings.

III. Date of next meeting

5. Members noted that the next meeting was scheduled for Tuesday, 25 June 2002 at 8:30 am.
6. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
7 October 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Monday, 24 June 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action Required
000000 - 000237	Chairman	Way Forward	
000237 - 000322	Ms Emily LAU	Ditto	
000322 - 000410	Administration	Ditto	
000410 - 000436	Chairman	Ditto	
000436 - 000443	Ms Emily LAU	Ditto	
000443 - 000454	Administration	Ditto	
000454 - 000510	Ms Emily LAU	Ditto	
000510 - 000558	Chairman	Ditto	
000558 - 000745	Miss Margaret NG	Ditto	
000745 - 000824	Chairman	Ditto	
000824 - 000845	Miss Margaret NG	Ditto	
000845 - 000929	Chairman	Ditto	
000929 - 001226	Administration	CSAs to clause 2 to delete the definition of "property" and to amend the definition of "terrorist act"	
001226 - 001926	Miss Margaret NG	Alternative draft amendment to definition of "terrorist act" proposed by JUSTICE	
001926 - 002042	Administration	Ditto	
002042 - 002118	Chairman	Ditto	
002118 - 002152	Miss Margaret NG	Ditto	
002152 - 002205	Chairman	Ditto	
002205 - 002249	Ms Emily LAU	Ditto	
002249 - 002329	Administration	The Administration would provide a table showing its responses to views and suggestions made by the deputations in their submissions	Adm to provide a written response
002329 - 002354	Ms Emily LAU	Ditto	
002354 - 002418	Chairman	Ditto	
002418 - 002512	Ms Emily LAU	Ditto	
002512 - 002520	Chairman	Ditto	
002520 - 002557	Miss Margaret NG	Ditto	
002557 - 002707	Chairman, Miss Margaret NG, Ms Emily LAU	Ditto	
002707 - 002904	Miss Margaret NG	JUSTICE's proposal to add a new clause to protect legal professional privilege	
002904 - 002953	Administration	Ditto	
002953 - 003014	Miss Margaret NG	Ditto	
003014 - 003046	Chairman	Ditto	
003046 - 003605	Administration	CSAs to clause 4(6) and new clause 4A	
003605 - 004008	Miss Margaret NG	Ditto	
004008 - 004124	Administration	Ditto	
004124 - 004155	Miss Margaret NG	Ditto	

004155 - 004207	Administration	Ditto	
004207 - 004347	Miss Margaret NG	Ditto	
004347 - 004431	Administration	Ditto	
004431 - 004602	Ms Emily LAU	Ditto	
004602 - 004746	Administration	Ditto	
004746 - 004822	Ms Emily LAU	Ditto	
004822 - 004858	Administration	Ditto	
004858 - 004934	Ms Emily LAU	Ditto	
004934 - 005034	Administration	Ditto	
005034 - 005041	Chairman	Ditto	
005041 - 005106	Ms Emily LAU	Ditto	
005106 - 005128	Administration	Ditto	
005128 - 005315	Ms Audrey EU	Whether clause 4A(6) was necessary; whether the Mainland had implemented UNSCR 1373; and clarification of the meaning of "precursors" as specified in clause 2	
005315 - 005349	Chairman	Ditto	
005349 - 005549	Administration	Ditto	
005549 - 005651	Ms Audrey EU	Ditto	
005651 - 005716	Administration	Ditto	
005716 - 005741	Ms Audrey EU	Ditto	
005741 - 005835	Administration	Ditto	
005835 - 005845	Ms Audrey EU	Ditto	
005845 - 005953	Administration	Ditto	
005953 - 010018	Ms Audrey EU	Ditto	
010018 - 010113	Administration	Ditto	
010113 - 010153	Ms Audrey EU	Ditto	
010153 - 010217	Administration	Ditto	
010217 - 010239	Ms Audrey EU	Ditto	
010239 - 010425	Administration	The Administration's proposed amendments to the definition of "weapons" in clause 2	
010425 - 010634	Ms Cyd HO	Ditto	
010634 - 010652	Chairman	Ditto	
010652 - 010822	Administration	Ditto	Adm to provide a written response
010822 - 011000	Mr James TO	Ditto	
011000 - 011043	Administration	Ditto	
011043 - 011143	Ms Emily LAU	Ditto	
011143 - 011309	Administration	Ditto	
011309 - 011406	Mr James TO	Ditto	
011406 - 011452	Administration	Ditto	
011452 - 011600	Mr James TO	Ditto	
011600 - 011619	Mr Jasper TSANG	The Administration to clarify the procedure as specified in clause 4A(5)	
011619 - 011747	Administration	Ditto	
011747 - 011808	Mr James TO	Ditto	
011808 - 011839	Administration	Ditto	

011839 - 012015	Mr Jasper TSANG	Ditto	
012015 - 012120	Administration	Ditto	
012120 - 012211	Mr James TO	Ditto	
012211 - 012346	Administration	Ditto	
012346 - 012401	Mr James TO	Ditto	
012401 - 012429	Administration	Ditto	
012429 - 012510	Mr James TO	Ditto	
012510 - 012540	Administration	Ditto	
012540 - 012821	Miss Margaret NG	Ditto	
012821 - 012909	Administration	Ditto	
012909 - 012932	Miss Margaret NG	Ditto	
012932 - 012947	Ms Emily LAU	Ditto	
012947 - 013005	Administration	Ditto	
013005 - 013106	Ms Emily LAU	Ditto	
013106 - 013357	Administration	Ditto	
013357 - 013428	Ms Emily LAU	Ditto	
013428 - 013528	Administration	Ditto	
013528 - 013601	Mr James TO	Ditto	
013601 - 013623	Ms Emily LAU	Ditto	
013623 - 013634	Mr James TO	Ditto	
013634 - 013657	Chairman	Ditto	
013657 - 013907	Mr James TO	Definition of "authorized officer" in clause 2	
013907 - 013917	Administration	Ditto	
013917 - 014024	Chairman	Ditto	
014024 - 014042	Administration	Ditto	
014042 - 014229	Miss Margaret NG	Ditto	
014229 - 014422	Administration	Amendment to clause 5(3) to provide that the notices issued by the Secretary for Security would expire after two years	
014422 - 014545	Miss Margaret NG	Ditto	
014545 - 014837	Administration	Ditto	
014837 - 015128	Miss Margaret NG	Ditto	
015128 - 015207	Administration	Ditto	
015207 - 015233	Miss Margaret NG	Ditto	
015233 - 015519	Ms Audrey EU	Provision to be made for releasing funds for legitimate uses, such as paying staff wages. Requested the Administration to consider the imbalance between clause 5(1) and clause 16A(2)(c).	
015519 - 015608	Administration	Ditto	
015608 - 015647	Chairman	Ditto	
015647 - 015657	Administration	Ditto	
015657 - 015841	Ms Audrey EU	Ditto	
015841 - 015948	Administration	Ditto	
015948 - 020037	Ms Audrey EU	Ditto	
020037 - 020321	Administration	Ditto	
020321 - 020642	Mr James TO	Ditto	
020642 - 020939	Administration	Ditto	
020939 - 021030	Mr James TO	Ditto	

021030 - 021331	Miss Margaret NG	Ditto	
021331 - 021447	Administration	Ditto	
021447 - 021704	Miss Margaret NG	Ditto	
021704 - 021717	Administration	Ditto	
021717 - 021733	Miss Margaret NG	Ditto	
021733 - 021816	Administration	Ditto	
021816 - 021823	Chairman	Ditto	
021823 - 023159	Break	Ditto	
023159 - 023333	Chairman	Deadline for giving of notice of CSAs	
023333 - 023435	Miss Margaret NG	Ditto	
023435 - 023553	Ms Cyd HO	Ditto	
023553 - 023646	Chairman	Ditto	
023646 - 024115	Administration	Clause 5 - freezing of funds	
024115 - 024432	Mr Albert HO	New clause 16A	
024432 - 024529	Administration	Ditto	
024529 - 024634	Dr YEUNG Sum	Ditto	
024634 - 024837	Ms Audrey EU	The Administration to consider amendments to clause 5 and to clarify whether the provisions for the freezing of funds contravened the Basic Law	Adm to provide a written response
024837 - 024908	Administration	Ditto	
024908 - 025053	Ms Cyd HO	Ditto	
025053 - 025520	Miss Margaret NG	Ditto	
025520 - 025628	Administration	Ditto	
025628 - 025715	Ms Emily LAU	Ditto	
025715 - 025916	Administration	Ditto	
025916 - 025940	Ms Emily LAU	Ditto	
025940 - 030046	Administration	Ditto	
030046 - 030203	Ms Emily LAU	Ditto	
030203 - 030218	Chairman	Ditto	
030218 - 030514	Miss Margaret NG	JUSTICE's proposed amendment to clause 6(1)	
030514 - 030604	Administration	Ditto	
030604 - 030633	Miss Margaret NG	Ditto	
030633 - 030642	Administration	Ditto	
030642 - 030725	Miss Margaret NG	Ditto	
030725 - 030844	Administration	Ditto	
030844 - 031056	Mr James TO	Sought clarifications as regards the granting of licence under clause 5(1)	
031056 - 031155	Administration	Ditto	
031155 - 031218	Mr James TO	Ditto	
031218 - 031334	Administration	Ditto	
031334 - 031421	Mr James TO	Ditto	
031421 - 031448	Administration	Ditto	
031448 - 031503	Mr James TO	Ditto	
031503 - 031526	Administration	Ditto	
031526 - 031727	Miss Margaret NG	Ditto	
031727 - 031811	Administration	Ditto	
031811 - 031949	Miss Margaret NG	JUSTICE's proposed draft clause 7	

031949 - 032011	Administration	Ditto	
032011 - 032050	Miss Margaret NG	Ditto	
032050 - 032152	Mr James TO	Ditto	
032152 - 032159	Administration	Ditto	
032159 - 032303	Ms Cyd HO	Ditto	
032303 - 032350	Mr James TO	Ditto	
032350 - 032355	Administration	Ditto	
032355 - 032504	Ms Emily LAU	Definition and scope of "terrorist act" under clause 2	
032504 - 032626	Administration	Ditto	
032626 - 032655	Ms Emily LAU	Ditto	
032655 - 032748	Miss Margaret NG	Ditto	
032748 - 032805	Chairman	Ditto	
032805 - 033048	Administration	CSAs to clause 9	
033048 - 033225	Ms Cyd HO	Ditto	
033225 - 033437	Administration	Ditto	
033437 - 033512	Ms Cyd HO	Ditto	
033512 - 033605	Administration	Ditto	
033605 - 033654	Ms Cyd HO	Ditto	
033654 - 033704	Chairman	Ditto	
033704 - 033729	Ms Cyd HO	Ditto	
033729 - 033759	Administration	Ditto	
033759 - 033815	Ms Cyd HO	Ditto	
033815 - 034035	Miss Margaret NG	Ditto	
034035 - 034110	Administration	Ditto	
034110 - 034120	Chairman	Ditto	
034120 - 034206	Ms Emily LAU	The Administration to reconsider deleting clause 10 as suggested by many organizations	
034206 - 034342	Administration	Ditto	
034342 - 034522	Ms Emily LAU	Ditto	
034522 - 034724	Administration	Ditto	
034724 - 034810	Ms Emily LAU	Ditto	
034810 - 034824	Miss Margaret NG	Ditto	
034824 - 034924	Mr CHAN Kam-lam	Ditto	
034924 - 034946	Administration	Ditto	
034946 - 035003	Ms Emily LAU	Ditto	
035003 - 035110	Administration	Ditto	
035110 - 035222	Ms Cyd HO	Ditto	
035222 - 035332	Administration	Ditto	
035332 - 035354	Chairman	Ditto	
035354 - 035431	Administration	CSAs to clause 11	
035431 - 035729	Mr Eric LI	Ditto	
035729 - 035847	Administration	Ditto	
035847 - 040412	Miss Margaret NG	Ditto	
040412 - 040458	Administration	Ditto	
040458 - 040723	Mr Eric LI	Ditto	
040723 - 040956	Mrs Selina CHOW	Ditto	
040956 - 041051	Administration	Ditto	

041051 - 041251	Miss Margaret NG	Ditto	
041251 - 041621	Mr Eric LI	Ditto	
041621 - 041745	Miss Margaret NG	Ditto	
041745 - 041915	Mr Albert HO	Ditto	
041915 - 041932	Administration	Ditto	
041932 - 041945	Chairman	Ditto	
041945 - 042000	Administration	Ditto	
042000 - 042011	Chairman	Deadline for giving notice of resumption of the Second Reading debate	
042011 - 042047	Ms Cyd HO	Ditto	
042047 - 042155	Ms Emily LAU	Ditto	
042155 - 042227	Miss Margaret NG	Ditto	
042227 - 042450	Chairman	Closing remarks	

Council Business Division 2
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7 October 2002