

立法會
Legislative Council

LC Paper No. CB(2)2881/01-02
(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 11th meeting
held on Thursday, 27 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 LEE Cheuk-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Eric LI Ka-cheung, JP
Hon CHAN Kam-lam
Hon Ambrose LAU Hon-chuen, GBS, 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. Motions by Hon LEE Cheuk-yan and Hon Cyd HO Sau-lan
(LC Paper Nos. CB(2)2424/01-02(01) and CB(2)2429/01-02(01))

The Hon LEE Cheuk-yan withdrew his motion.

2. The Bills Committee passed, without objection, a motion proposed by Hon Cyd Ho, the wording of which was as follows -

"That this Bills Committee expresses deep regret that the Executive has given notice to resume the Second Reading debate on the United Nations (Anti-Terrorism Measures) Bill on 10 July 2002 before scrutiny of the Bill has been completed, which is at variance with the established practice of the Legislative Council."

II. Meeting with the Administration

(LC Paper Nos. CB(2)2424/01-02(02) to (04))

3. The Bills Committee deliberated (Index of proceedings at the **Annex**).
4. The Administration agreed to consider the following -
 - (a) To further amend new clause 2(5) which specified that nothing in this Ordinance shall require a legal practitioner to disclose any privileged communications or restrict the privilege against self-discrimination, taking into account views expressed by deputations.
 - (b) To consider revising clause 13 which provided for forfeiture of certain terrorist property, in particular, sub-clauses 13 (1) and (4).
 - (c) To move the new clause 10(4) relating to the obtaining of evidence and information to clause 2 since its application was not restricted to clause 10.

III. Date of next meeting

5. Members noted that the next meeting was scheduled for Thursday, 27 June 2002 at 2:30 pm.
6. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
7 October 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Thursday, 27 June 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000053	Chairman	Way forward	
000053 - 000136	Mr LEE Cheuk-yan	Withdrawal of motion tabled on 25 June 2002	
000136 - 000341	Ms Cyd HO	Moved a motion to express deep regret that the Executive had given notice to resume Second Reading debate on the Bill before the scrutiny of the Bill was completed	
000341 - 000405	Chairman	Ditto	
000405 - 000527	Miss Margaret NG	Ditto	
000527 - 000558	Mr James TO	Ditto	
000558 - 000732	Chairman	Ditto	
000732 - 000909	Administration, Chairman	Ditto	
000909 - 001126	Ms Cyd HO	Ditto	
001126 - 001527	Administration	Reasons why the Administration had given notice to resume Second Reading debate on the Bill	
001527 - 001859	Ms Audrey EU	Ditto	
001859 - 002201	Miss Margaret NG	Ditto	
002201 - 002306	Mr James TO	Ditto	
002306 - 002503	Mr Albert HO	Ditto	
002503 - 002810	Ms Emily LAU	Ditto	
002810 - 003134	Mr Howard Young	Ditto	
003134 - 003139	Chairman	Ditto	
003139 - 003151	Administration, Chairman	Ditto	
003151 - 003225	ALA	Rule 54 of the Rules of Procedure of the Legislative Council	
003225 - 003323	Clerk, Chairman	Ditto	
003323 - 003421	Administration	Ditto	
003421 - 003657	Mr Yeung sum	Ditto	
003657 - 003907	Chairman	Ditto	
003907 - 004009	Ms Emily LAU	Ditto	
004009 - 004158	Administration	Ditto	
004158 - 004247	Ms Emily LAU	Ditto	
004247 - 004321	Administration	Ditto	
004321 - 004406	Ms Emily LAU, Administration	Ditto	
004406 - 004420	Chairman	Ditto	
004420 - 004548	Mr Andrew WONG	Ditto	
004548 - 004600	Chairman	Ditto	
004600 - 005137	Ms Cyd HO	Ditto	
005137 - 005149	Chairman	Ditto	
005149 - 005437	Mr Jasper Tsang	Ditto	
005437 - 005446	Chairman	Ditto	

005446 - 005728	Administration	Ditto	
005710 - 005728	Chairman, Miss Margaret Ng	Ditto	
005728 - 005744	Miss Margaret NG	Ditto	
005744 - 005745	Chairman	Ditto	
005745 - 011110	Break	Ditto	
011110 - 011125	Chairman	Ditto	
011125 - 011152	Miss Margaret NG	Ditto	
011152 - 011225	Administration	Ditto	
011225 - 011236	Chairman	Voting on the motion	
011236 - 011245	Ms Emily LAU	Ditto	
011245 - 011254	Mr Andrew WONG	Ditto	
011254 - 011259	Chairman	Ditto	
011259 - 011309	Chairman, Mr Albert HO	Ditto	
011309 - 011420	Chairman	Motion passed without objection Resumed scrutiny of CSAs to the Bill tabled on 24 June 2002	
011420 - 011444	Ms Emily LAU	Ditto	
011444 - 011450	Chairman	Ditto	
011450 - 011508	Ms Audrey EU	Ditto	
011508 - 011514	Administration	Ditto	
011514 - 011624	Administration	Addition of a new paragraph (3A) to clause 11	
011624 - 011800	Ms Audrey EU	Protection of legal privilege under clause 11 and new clause 14A	
011800 - 011906	Administration	Ditto	
011906 - 012001	Ms Audrey EU	Ditto	
012001 - 012109	Administration	Ditto	
012109 - 012203	Mr LEE Cheuk-yan	Ditto	
012203 - 012311	Administration	Ditto	
012311 - 012322	Mr LEE Cheuk-yan	Ditto	
012322 - 012344	Administration	Ditto	
012344 - 012402	Administration	Ditto	
012402 - 012405	Chairman	Ditto	
012405 - 012626	Miss Margaret NG	Whether new clause 2(5) & (7) in the revised CSAs had addressed the concern of JUSTICE	
012626 - 012805	Administration	Ditto	
012805 - 012858	Miss Margaret NG	Ditto	
012858 - 012910	Chairman	Ditto	
012910 - 012929	Miss Margaret NG	Ditto	
012929 - 012944	Administration	Ditto	
012944 - 013045	Chairman	Ditto	
013045 - 013054	Mr James TO	Ditto	
013054 - 013244	Mr Albert HO	Clause 13(4) - standard of proof for an application for forfeiture of certain terrorist property	
013244 - 013251	Administration	Ditto	
013251 - 013429	ALA	The standard of proof within the test of balance of probabilities may vary according to the seriousness of the offence	
013429 - 013459	Administration	Ditto	

013459 - 013546	Mr Albert HO	Ditto	
013546 - 013623	Administration	Ditto	
013623 - 013724	Mr Albert HO	Ditto	
013724 - 013825	Ms Audrey EU	Asked for clarification as regards the meaning of "directly" and "indirectly" in clause 13(1)(a)(i)	
013825 - 013938	Administration	Ditto	
013938 - 014029	Ms Audrey EU	Ditto	
014029 - 014132	Administration	Ditto	
014132 - 014248	Administration	Ditto	
014248 - 014347	Ms Audrey EU	Ditto	
014347 - 014509	Administration, Ms Audrey EU	Ditto	
014509 - 014519	Ms Audrey EU, Administration	Ditto	
014519 - 014751	Miss Margaret NG, Administration	Ditto	
014751 - 014900	Ms Audrey EU	Ditto	
014900 - 014929	Miss Margaret NG	Ditto	
014929 - 015034	Mr James TO	Ditto	
015034 - 015113	Ms Cyd HO	Ditto	
015113 - 015153	Mr James TO	Ditto	
015153 - 015205	Administration	Ditto	
015205 - 015218	Ms Emily LAU	Ditto	
015218 - 015238	Administration	Ditto	
015238 - 015409	Mr James TO	Ditto	
015409 - 015451	Administration	Ditto	
015451 - 015507	Mr James TO	Ditto	
015507 - 015524	Administration	Ditto	
015524 - 015649	ALA	New clause 10(4) relating to obtaining of evidence and information should be moved to clause 2	
015649 - 015739	Administration	Ditto	
015739 - 015816	Chairman	Ditto	
015816 - 015855	Administration	Clause 14(10) was deleted in the revised CSAs as requested by Mr James TO	
015855 - 015942	ALA	Ditto	
015942 - 020129	Mr James TO	Enquired whether it was the responsibility of the person holding the funds concerned or the Government to send a copy of the notice to the person whose funds are, or for or on whose behalf the funds are held under clause 5(5)	
020129 - 020155	Administration	Ditto	
020155 - 020605	Mr James TO, Administration	Ditto	
020605 - 020648	Administration	Ditto	
020648 - 020732	Mr James TO	Ditto	
020732 - 020748	Administration	Ditto	
020748 - 020853	Mr James TO	Ditto	
020853 - 020909	Ms Emily LAU	Ditto	
020909 - 021041	Chairman	Closing remarks	

Council Business Division 2
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