

立法會
Legislative Council

LC Paper No. CB(2)2885/01-02

(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 15th meeting
held on Wednesday, 3 July 2002 at 10:45 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 Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHAN Kam-lam, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP

Members Absent : Hon Eric LI Ka-cheung, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Mr Timothy TONG, JP
Permanent Secretary for Security (Acting)

Ms Mimi LEE
Principal Assistant Secretary for Security (Narcotics)

Mr Johann WONG
Principal Assistant Secretary for Security

Mr Geoffrey Fox
Senior Assistant Law Draftsman

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. Meeting with the Administration
(LC Paper Nos. CB(2)2459/01-02(01) and (02))

The Bills Committee deliberated (Index of proceedings at the **Annex**).

2. The Administration briefed members on the draft Committee Stage amendments (CSAs) to be moved by the Administration as at 28 June 2002 (LC Paper No. CB(2)2459/01-02(01)).

3. In summing up, the Administration agreed to -

- (a) give priority consideration to introducing an amendment bill within six months to deal with the outstanding items relating to procedures to be provided by rules of court and power to make regulations for freezing of property (other than funds) consequent to the deletion of clauses 12, 17, 18 and 19, and Schedules 2 and 3;

- (b) conduct a review regarding the Bills Committee's view that the requirement for "serious default" should be removed from the compensation provision in new clause 16A of the Bill, and to include improvements, if any, in the amendment bill mentioned in paragraph (a) above; and
- (c) review the anti-terrorism measures set out in the Bill periodically in the light of the international trend and report to the Panel on Security at regular intervals.

4. The Chairman invited members to vote whether they would support resumption of the Second Reading debate on the Bill on 10 July 2002. Six members present at the meeting voted in support of the resumption while three voted against it.

5. There being no other business, the meeting ended at 12:15 pm.

Council Business Division 2
Legislative Council Secretariat
7 October 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Wednesday, 3 July 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000419	Chairman	To consider the Administration's Committee Stage amendments (CSAs) as at 28 June 2002. Members to indicate CSAs they intended to move, if any	
000419 - 000425	Mrs Selina CHOW	Ditto	
000425 - 000531	Administration	Ditto	
000531 - 000545	Mrs Selina CHOW	Ditto	
000545 - 000555	Chairman	Ditto	
000555 - 000722	Administration	Ditto	
000722 - 000727	Chairman	Ditto	
000727 - 000758	Administration	Ditto	
000758 - 001009	Chairman	Ditto	
001009 - 001014	Ms Cyd HO	Ditto	
001014 - 001017	Chairman	Ditto	
001017 - 001022	Mrs Selina CHOW	Ditto	
001022 - 001030	Chairman	Ditto	
001030 - 001040	Mrs Selina CHOW	Ditto	
001040 - 001045	Chairman	Ditto	
001045 - 001050	Mrs Selina CHOW	Ditto	
001050 - 001054	Chairman	Ditto	
001054 - 001130	Administration	Ditto	
001130 - 001500	Administration	Additional amendments to be included in the further revision of the CSAs	
001500 - 001510	Mrs Selina CHOW	Ditto	
001510 - 001521	Administration	Ditto	
001521 - 001530	Ms Emily LAU	Ditto	
001530 - 001628	Administration	Ditto	
001628 - 001630	Mrs Selina CHOW	Ditto	
001630 - 001750	Administration	Ditto	
001750 - 001804	Ms Cyd HO	Ditto	
001804 - 002109	Administration	Ditto	
002109 - 002110	Ms Cyd HO, ALA	Enquired on the changes made to clause 13(4) as regards "the civil standard of proof"	
002110 - 002124	Ms Cyd HO	Ditto	
002124 - 002136	ALA	Ditto	
002136 - 002146	Ms Cyd HO	Ditto	
002146 - 002209	ALA	Ditto	
002209 - 002214	Ms Cyd HO	Ditto	
002214 - 002218	ALA	Ditto	
002218 - 002225	Ms Cyd HO	Ditto	
002225 - 002234	ALA	Ditto	

002234 - 002249	Ms Emily LAU	Ditto	
002249 - 002253	Administration	No amendments proposed to clause 10 of the Bill	
002253 - 002303	Ms Cyd HO	Ditto	
002303 - 002316	Mrs Selina CHOW	Ditto	
002316 - 002330	Ms Emily LAU	Ditto	
002330 - 002347	Mrs Selina CHOW	The Liberal Party would consider moving a CSA to clause 10(1) to provide that the communication or making available of any information must be with the intention to cause alarm to the public or a section of the public before an offence will be committed	
002347 - 002354	Chairman	Ditto	
002354 - 002358	Ms Cyd HO	Ditto	
002358 - 002434	Mrs Selina CHOW	Ditto	
002434 - 002442	Mr Albert HO	Ditto	
002442 - 002444	Chairman, Administration, Ms Emily LAU	Amendments to clauses 14 to 19 in the CSAs	
002444 - 002452	Chairman	Ditto	
002452 - 003215	Administration	Ditto	
003215 - 003228	Ms Emily LAU	Enquiry on clause 19(2)(b) which specified the condition which the proceedings inter partes should be held in chambers or in camera	
003228 - 003245	Administration	Ditto	
003245 - 003253	Ms Emily LAU	Ditto	
003253 - 003301	Administration	Ditto	
003301 - 003306	Ms Emily LAU	Ditto	
003306 - 003335	ALA	Ditto	
003335 - 003340	Chairman, Ms Emily LAU	Ditto	
003340 - 003429	ALA	Ditto	
003429 - 003453	Administration	Ditto	
003453 - 003510	Ms Cyd HO	Ditto	
003510 - 003517	ALA	Ditto	
003517 - 003536	Ms Cyd HO	Ditto	
003536 - 003601	ALA	Ditto	
003601 - 003611	Ms Cyd HO	Ditto	
003611 - 003617	ALA	Ditto	
003617 - 003624	Chairman, Administration	Ditto	
003624 - 004412	Administration	The Administration would give priority consideration to introducing an amendment bill to deal with the outstanding items. The Security Bureau would further discuss with the Department of Justice and the relevant policy bureau to review clause 16A.	
004412 - 004418	Chairman	Ditto	
004418 - 004437	Administration	The amendment bill would be submitted in the last quarter of 2002	
004437 - 004656	Ms Cyd HO	Requested the Administration to review the anti-terrorism measures set out in the Bill periodically to ensure that they were in line with the international trend	
004656 - 004739	Administration	Suggested that the anti-terrorism measures be	

		brought up regularly by the Panel on Security as an item for discussion	
004739 - 004821	Chairman	The Administration should forward the final CSAs for members' information by 3 pm of that day	
004821 - 004939	Dr YEUNG Sum	Urged the Administration to revise the years of imprisonment under clause 17(6) in future amendment	
004939 - 004946	Chairman	Ditto	
004946 - 005000	Administration	Ditto	
005000 - 005005	Mr Albert HO	Compensation clauses of other Ordinances should also be reviewed to ensure consistency	
005005 - 005256	Mr Albert HO	Ditto	
005256 - 005514	Administration	Ditto	
005514 - 005620	Administration	Ditto	
005620 - 005723	ALA	Ditto	
005723 - 005738	Ms Emily LAU	Ditto	
005738 - 005802	Administration	Ditto	
005802 - 005816	Chairman	To alert other members that a vote was about to be taken	
005816 - 005823	Ms Cyd HO	Ditto	
005823 - 005914	Ms Emily LAU	Commencement of the various provisions of the Bill	
005914 - 010152	ALA	The Administration had indicated that clauses 4A, 5, 7, 14A, 16 and 16A would not come into operation until the rules of court had been made under clause 18	
010152 - 010224	Ms Emily LAU	Ditto	
010224 - 010406	Administration	Significance of passing clauses 4, 8 and 9 of the Bill	
010406 - 010412	Chairman	Ditto	
010412 - 010433	Mr Jasper TSANG	Ditto	
010433 - 010534	Ms Emily LAU	Sufficient time should be given for the deliberation of the future amendment bill	
010534 - 010614	Administration	Ditto	
010614 - 010709	Ms Emily LAU	Ditto	
010709 - 010715	Chairman	Members to vote and express their views on the resumption of the Second Reading debate	
010715 - 010947	Dr YEUNG Sum	Supported resumption and Miss Margaret NG's CSAs to clauses 10 and 16A	
010947 - 011450	Ms Cyd HO	Would not support resumption	
011450 - 011729	Mr Howard YOUNG	Supported resumption	
011729 - 012155	Ms Emily LAU	Would not support resumption	
012155 - 012357	Mr CHAN Kam-lam	Supported resumption	
012357 - 012410	Chairman	Six members voted in support of resumption and three voted against it	
012410 - 012419	Dr YEUNG Sum	Ditto	
012419 - 012432	Ms Cyd HO	Ditto	
012432 - 012524	Chairman	End of meeting	

Legislative Council Secretariat
7 October 2002