

**The Law Society's Constitutional Affairs Committee comments on the
United Nations (Anti-Terrorist) Bill**

1. **“Interpretation Clause”
“Terrorist Act”**

Concern was expressed over the wide scope of the activities listed in the interpretation clause. The drafting should reflect the principle of minimum interference of existing rights. The clause, as drafted, is too broad as “normal political activism” can be easily targeted, e.g. the activities described in (A) and (B) could target the Falun Gong; whilst those in (F) could have a “chilling” effect on the existing rights of such activists as Greenpeace and Animal rights activists.

2. **Clause 10
Prohibition against false threat of terrorist act**

This equates to “false news” which was rejected when attempts were made to introduce similar provisions a decade ago.

3. **Section 16 Applications to Court of First Instance (“CFI”)**

Section 16(3)(b)(i) of the Bill places the onus on the person seeking leave “to prove his innocence”. This is unacceptable. The onus should be on the Government to prove at the CFI that the person whose name is placed on the list “is a terrorist”. Placing a person’s name on the List of Terrorists can be regarded as an administrative punishment and a stigma until proven.

**The Law Society of Hong Kong
Constitutional Affairs Committee
30 April 2002**