

Issues raised at the meeting of the Bills Committee on 6 June 2002

- (1) *A Comparison of Overseas Anti-Terrorism Legislation on Listing Process prepared by Legal Service Division of the Legislative Council.*

The Administration made references to overseas anti-terrorism legislation when working out the legislative measures to implement United Nations Security Council Resolution (UNSCR) 1373. Please refer to the table we submitted on 10 June 2002 to the Bills Committee.

- (2) *An analysis of how the proposals in the Bill implemented UNSCR 1373 and the Special Recommendations of the Financial Action Task Force on Money Laundering (FATF), and the relevant existing laws.*

Please see the table submitted by the Administration on 10 June 2002.

- (3) *What measure(s) had been taken to implement UNSCR 1373 by those Member States of the United Nations not having existing legislation to combat terrorism.*

By virtue of Chapter VII of the Charter of the United Nations (UN), UNSCR 1373 is binding on all Member States requiring all of them to prevent and suppress terrorism. As of 30 May, 155 reports on the progress of implementation of UNSCR 1373 had been submitted from UN Member States and other entities to the Security Council Counter-Terrorism Committee (CTC). According to the Chairman of the CTC, the Member States who have not submitted a report are almost without exception those with little experience of the subject and unsophisticated law and order systems. The Chairman indicated that he had met both the Africa Group and the Caribbean Community, and that he was scheduled to meet the Pacific Islands Forum. The majority of those who have not submitted progress reports were members of these groups.

- (4) *What were the criteria for granting compensation for being wrongly specified by the Chief Executive (CE) in the Gazette as terrorists, terrorist associates or owning terrorist property under clause 4 or for funds wrongly frozen by the Secretary for Security (S for S) under clause 5, and what would the compensation be.*

We are considering a suitable proposal and will submit it for the Bills Committee's consideration when ready.

- (5) *Which provisions of the Bill did not implement the mandatory elements of UNSCR 1373, and what were the reasons for including those provisions.*

Please see the table submitted by the Administration on 10 June 2002.

- (6) *What was the existing law that prohibited false threats similar to clause 10.*

Please see the table submitted by the Administration on 10 June 2002.

- (7) *Who and what would be the ranking of the authorized officer to whom functions of CE and S for S were to be delegated under clause 15.*

Please see the table submitted by the Administration on 10 June 2002.

- (8) *Why does the Bill provide for separate treatment for the freezing of funds (clause 5) and the freezing of property other than funds (clause 19).*

Please see the table submitted by the Administration on 10 June 2002.

- (9) *Whether clause 13 (in particular, the standard of proof under clause 13(4), Schedule 2 and 3 were consistent with the minimalist approach and justifications for such powers, what needed to be proved on an application under clause 13 and what would happen if the respondent was outside Hong Kong.*

The Administration submitted a table and orally explained the issue at the Bills Committee meeting on 10 June 2002.

Security Bureau
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