

立法會
Legislative Council

Ref : CB2/BC/9/01

Bills Committee on United Nations (Anti-Terrorism Measures) Bill

Issues raised at the meeting on 17 June 2002

- (a) Notices made under the proposed new clause 4A which have not been revoked should expire much earlier than on the 3rd anniversary of the date of their publication in the Gazette;
- (b) Notices made under clause 5 which have not been revoked should expire much earlier than on the 3rd anniversary of the date on which they were signed by the Secretary for Security (the Secretary);
- (c) Whether the words "to serve in any capacity with" referred to in clause 9 mean that lawyers would be prohibited from providing legal advice to a person specified as a terrorist, terrorist associate or whose property is specified as terrorist property under clause 4. If this is the case, whether this is inconsistent with Article 35 of the Basic Law which stipulates that Hong Kong residents should have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies;
- (d) Clause 10 should be deleted as it is not a mandatory element of the United Nations Security Council Resolution 1373;
- (e) If it is the policy intent of clause 11 that legal privilege should be overridden to safeguard public interest, this should be stated clearly in the Bill;
- (f) Persons specified as terrorists, terrorist associates or owning terrorist properties under the proposed new clause 4A or whose funds are frozen by the Secretary under clause 5 should apply to the Court of the First Instance, instead of the proposed Court of Appeal, to revoke the specification or freezing of funds; and
- (g) Amending powers of the authorized officers under Schedule 2 along the lines of provisions in the Organized and Serious Crimes Ordinance (Cap. 455) and the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) on powers of investigation.