

立法會
Legislative Council

Ref : CB2/BC/9/01

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

Issues/questions raised by members at the meeting on 19 June 2002

Clause 2 - Interpretation

- (a) What types of property are intended to be covered by "economic resources" in the definition of "property", and to clarify the distinction between "funds" and "property" having regard to the word "includes" in both definitions;
- (b) In the definition of "terrorist act", paragraph (a)(i)(D) should be amended to make clear that such a provision is targeted at attacks such as biochemical and anthrax attacks which would create a serious risk to the health or safety of the public or a section of the public, and that it would not cover those actions which in the eyes of the general public are endangering a person's life but are believed to be otherwise by the persons committing the actions;
- (c) In the definition of "terrorist act", the word "involves" in paragraph (a)(i)(A) and (B) should be replaced with "causes", and the words "influence the Government" in paragraph (a)(ii)(A) should be replaced with the words "compel the Government" or "unduly compel or force the Government";
- (d) In relation to the definition of "weapons", what are the criteria adopted by the Customs and Excise Department in identifying which goods, that could be used for both military and non-military purposes, are to be confiscated;

Clause 3 - Application of certain provisions outside HKSAR

- (e) To clarify how the Administration would enforce sections 6, 7, 8 and 9 on a body outside the HKSAR but is incorporated or constituted under the law of the HKSAR, and to consider adding the words "liable to be proceeded against as" before "a body incorporated" in clause 3(b)(ii);

Proposed new Clause 4 - Specification by Chief Executive of persons and property as terrorists, terrorist associates or terrorist property

- (f) What would be the impact on the specification by the Chief Executive (CE) of person or property as terrorist, terrorist associate or terrorist property if the "Committee" mentioned in the clause has ceased to exist;
- (g) Specification of terrorist, terrorist associate and terrorist property by CE should automatically expire once a United Nations Security Council Committee has ceased to designate the person or property concerned as terrorist, terrorist associate or terrorist property. The notice published by CE in the Gazette in this regard should therefore be a formality rather than to revoke the specification;
- (h) Whether it should be declared that the notice under subclause (6) is not subsidiary legislation;
- (i) Provision should be made that there should be a material change in circumstances before CE could re-specify a person or property as terrorist, terrorist associate or terrorist property under subclause (7);

Proposed new clause 4A - Specification by Court of First Instance of persons and property as terrorists, terrorist associates or terrorist property

- (j) To clarify under the proposed new clause 4A, whether the application for an order to specify a person or property as terrorist, terrorist associate or terrorist property would be made ex parte. If so, to consider whether the specification should take effect for a period shorter than two years;
- (k) To clarify whether a person who ceased to be designated by the Committee as terrorist or terrorist associate could be specified under the proposed new clause 4A;
- (l) The words "The Secretary for Justice, may, on behalf of the Chief Executive", in subclause (5), should be amended to the effect that CE "shall" direct the Secretary for Justice;
- (m) Whether the notices published in the Gazette under the proposed new clause 4A are subsidiary legislation; and
- (n) Provision should be made in subclause (9) that there should be a material change in circumstances before the Court of First Instance may re-specify a person or property as terrorist, terrorist associate or terrorist property.