

LEGISLATIVE COUNCIL BRIEF

United Nations (Anti-Terrorism Measures) Ordinance
(Ordinance No. 27 of 2002)

UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE (27 OF 2002) (COMMENCEMENT) NOTICE 2002

INTRODUCTION

This brief provides information on the United Nations (Anti-Terrorism Measures) Ordinance (27 of 2002) (Commencement) Notice 2002 (the Notice) to be published in the Gazette on 23 August 2002, at **Annex**. The Notice appoints 23 August 2002 as the day on which certain provisions of the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) shall come into operation.

GENERAL BACKGROUND AND ARGUMENT

General Background

2. The United Nations Security Council passed Resolution 1373 (UNSCR 1373) on 28 September 2001, which aims at combatting international terrorism on various fronts, including introducing measures against terrorism financing. By virtue of Chapter VII of the Charter of the United Nations, UNSCR 1373 is binding on all Member States. In accordance with Articles 13(1) and 48(8) of the Basic Law, the Central People's Government gave instructions to the Hong Kong Special Administrative Region (HKSAR) in October 2001 to implement the Resolution.

3. Hong Kong has been an active member of the Financial Action Task Force on Money Laundering (FATF), a pre-eminent international body specializing in recommending standards and best practices in countering money laundering. Following the 11 September 2001 attacks in the United States, the FATF expanded its mission to cover terrorism financing and made eight Special Recommendations on 31 October 2001 to tackle the issue. FATF members are expected to implement the Special Recommendations by mid-2002.

Urgency of Enactment and Commencement of the Ordinance

4. The Ordinance seeks to implement the mandatory elements of UNSCR 1373 and the most pressing elements of the Special Recommendations of the FATF. It was passed by the Legislative Council (LegCo) on 12 July 2002 and published in the Gazette on 19 July 2002.

5. In the process of LegCo's scrutiny of the Ordinance before its passage, the Administration had emphasized the urgency of the enactment of the Ordinance to enable the HKSAR to fulfil its international obligations and to keep up with the international community in combatting the financing of terrorism in an effective and timely manner. The Administration also explained why it intended to commence certain provisions of the Ordinance, in respect of which no subsidiary legislation would need to be enacted, as soon as the Ordinance has been passed. The purpose is to put into operation the statutory provisions for preventing and suppressing terrorism financing.

THE NOTICE

6. The Notice brings the following sections of the Ordinance into operation on 23 August 2002 -

- (a) section 1 on short title and commencement;
- (b) section 2 on interpretation;
- (c) section 3 on application of certain provisions of the Ordinance outside the HKSAR, in so far as it relates to sections 7 and 9;
- (d) section 4 on specification by the Chief Executive of terrorists, terrorist associates or terrorist property designated by the United Nations;
- (e) section 7 on prohibition on supply of funds to terrorists and terrorist associates;
- (f) section 9 on prohibition on supply of weapons to terrorists and terrorist associates;
- (g) section 11 on prohibition against false threats of terrorist acts;

- (h) section 12 on disclosure of knowledge or suspicion that property is terrorist property;
- (i) section 14 on offences, in so far as it relates to sections 7, 9, 11 and 12;
- (j) section 16 on delegations of the functions of the Chief Executive or the Secretary for Security to public officers;
- (k) section 19 on regulations;
- (l) section 20 on rules of court that may be made;
- (m) section 21 on proceedings inter partes; and
- (n) Schedule on definition of funds.

7. A further Commencement Notice will be published for the remaining provisions after the relevant subsidiary legislation has been drawn up by the Administration and approved by LegCo.

ENQUIRIES

8. Enquiries on this brief could be referred to Mr Johann Wong, Principal Assistant Secretary for Security, at telephone number 2810 2448.

Security Bureau
21 August 2002

**UNITED NATIONS (ANTI-TERRORISM MEASURES)
ORDINANCE (27 OF 2002) (COMMENCEMENT)
NOTICE 2002**

Under section 1(2) of the United Nations (Anti-Terrorism Measures) Ordinance, I appoint 23 August 2002 as the day on which the Ordinance shall come into operation except –

- (a) sections 5, 6, 8, 10, 13, 14(2) and (3), 15, 17 and 18 of the Ordinance;
- (b) section 3 of the Ordinance in so far as it relates to sections 8 and 10 of the Ordinance;
- (c) section 14(1) of the Ordinance in so far as it relates to section 8 of the Ordinance; and
- (d) section 14(4) of the Ordinance in so far as it relates to section 10 of the Ordinance.

Secretary for Security

August 2002