

立法會
Legislative Council

Ref : CB2/BC/4/05

LC Paper No. CB(2)25/06-07
(These minutes have been seen
by the Administration)

Bills Committee on Safety of United Nations and Associated Personnel Bill

Minutes of the third meeting
held on Monday, 31 July 2006 at 4:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon Margaret NG (Chairman)
Hon James TO Kun-sun
Hon Jasper TSANG Yok-sing, GBS, JP

Public Officers attending : Item II

Ms Manda CHAN
Principal Assistant Secretary for Security

Ms Leonora IP
Senior Government Counsel
Department of Justice

Mr James DING
Senior Government Counsel
Department of Justice

Ms Jane LEE
Assistant Secretary for Security

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Action

I. Confirmation of minutes of meeting

(LC Paper No. CB(2)2696/05-06 – Minutes of meeting on 1 June 2006)

The minutes of the meeting held on 1 June 2006 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(2)2695/05-06(01) – Paper provided by the Administration in response to issues raised at the meeting on 1 June 2006)

LC Paper No. CB(3)532/05-06 – The Bill)

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Administration was requested to consider introducing amendments to the Bill as follows –
 - (a) clause 2 – members pointed out that the term “specified person” was defined in clause 2 and repeated in the relevant provisions in the Bill. For the sake of simplicity, the Administration was requested to consider deleting the definition from clause 2, and replacing the definition in the relevant provisions of the Bill with words “Chinese national and a Hong Kong permanent resident” taking into account the proposed extension of extra-territoriality to cover stateless persons who were Hong Kong permanent residents; and
 - (b) clauses 4 and 5 – given the higher penalty prescribed for the offence of threat under the Bill, members considered that the “intent” to commit crimes against a United Nations and associated personnel, or the “knowledge” that the crime was targeted at a United Nations and associated personnel should be included as an element of the offence of threat. The Administration was requested to consider amending clause 4 or 5 to such an effect, and introducing related consequential amendments.
4. The Administration advised that Committee Stage amendments (CSAs) would be proposed to extend extra-territoriality to cover stateless persons who were Hong Kong permanent residents. As a result of this CSA, consequential amendments to relevant provisions and the long title of the Bill would be required.
5. The Bills Committee completed clause-by-clause examination of the Bill and would scrutinize draft CSAs proposed by the Administration, the draft International Organizations (Privileges and Immunities) (United Nations and Associated Personnel)

Action

Order, and the draft Fugitive Offenders (Safety of United Nations and Associated Personnel) Order at the next meeting.

6. The Clerk would liaise with the Administration on the date of the next meeting, pending the information to be provided by the Administration to the Bills Committee.

7. The meeting ended at 5:10 pm.

Council Business Division 2
Legislative Council Secretariat
12 October 2006

**Proceedings of the third meeting of the
Bills Committee on Safety of United Nations and Associated Personnel Bill
on Monday, 31 July 2006 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 000219	Chairman	Confirmation of minutes of meeting	
000220 - 000554	Admin Chairman	Coverage of "specified person" (paragraphs 2-6 of LC Paper No. CB(2)2695/05-06(01)) The Administration was requested to review the need for having the definition "specified person" in the Bill and consider deleting the definition from clause 2 and replacing the definition with words "a Chinese national and a Hong Kong permanent resident" in the relevant provisions of the Bill	Admin to follow up
000555 - 000749	Admin Chairman ALA5 Mr Jasper TSANG	Extension of extra-territoriality to cover stateless persons who were Hong Kong permanent residents (paragraphs 7 and 8 of LC Paper No. CB(2)2695/05-06(01)) The Administration undertook to propose Committee Stage amendments (CSA) to extend extra-territoriality to cover stateless persons who were Hong Kong permanent residents	Admin to follow up
000750 - 001336	Admin Chairman	Examples of existing criminal offences with extra-territorial effect (paragraph 9 of and Annex A to LC Paper No. CB(2)2695/05-06(01))	
001337 - 001531	Admin Chairman	Concurrent extra-territorial jurisdiction over Chinese nationals who were Hong Kong permanent residents (paragraphs 10 and 11 of LC Paper No. CB(2)2695/05-06(01))	
001532 - 001924	Chairman Admin Mr Jasper TSANG Mr James TO	A comparison of the level of penalties for the offence of threat imposed by some overseas jurisdictions when the offence was committed against United Nations and associated personnel as opposed to other threat offences (paragraphs 12 and 13 of and Annex B to LC Paper No. CB(2)2695/05-06(01))	

Time Marker	Speaker(s)	Subject(s)	Action required
001925 - 002117	Chairman Admin	Commencement of clause-by-clause examination of the Bill <u>Long title</u> The Administration undertook to amend the long title of the Bill in order to include implementation of paragraph 2(a) of Article 10 of the Convention on the Safety of United Nations and Associated Personnel regarding stateless person <u>Clause 1</u>	Admin to follow up
002118 - 003219	Chairman Mr James TO Admin Mr Jasper TSANG ALA5	<u>Clause 2</u> Definition of “associated personnel” <u>Clauses 2-6</u> The Administration was requested to consider amending clause 4 or 5 to incorporate the “intent” to commit crimes against a United Nations and associated personnel, or the “knowledge” that the crime was targeted at a United Nations and associated personnel as an element of the offence of threat under the Bill	Admin to follow up
003220 - 003931	Chairman Admin Mr Jasper TSANG Mr James TO	<u>Clause 7</u> The Administration was requested to propose a consequential amendment to clause 7 in the event that a CSA would be moved to clause 4 or 5 concerning the offence of threat	Admin to follow up
003932 - 004219	Chairman Mr James TO Admin	Completion of clause-by-clause examination of the Bill in both Chinese and English texts Issues to be discussed at the next meeting	