

**立法會**  
**Legislative Council**

Ref : CB2/SS/1/09

LC Paper No. CB(2)215/09-10  
(These minutes have been seen  
by the Administration)

**Subcommittee on Rules of the High Court  
(Amendment) Rules 2009**

**Minutes of first meeting  
held on Wednesday, 28 October 2009, at 8:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Dr Hon Margaret NG (Chairman)  
Hon James TO Kun-sun  
Hon LAU Kong-wah, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan  
Hon IP Wai-ming, MH  
Hon Paul TSE Wai-chun

**Public Officers attending** : Item II

Mr David LAU Kam-kuen  
Principal Assistant Secretary for Security A

Ms Veronica WONG Hoi-ye  
Assistant Secretary for Security A2

Mr Sunny CHAN Yuen-sun  
Senior Assistant Law Draftsman  
Department of Justice

Mr John RIBEIRO  
Chief Superintendent of Police (Narcotics Bureau)  
Hong Kong Police Force

Mr Nelson CHENG Yiu-mo  
Superintendent (Financial Investigation Group)  
(Narcotics Bureau)  
Hong Kong Police Force

**Clerk in attendance** : Miss Mary SO  
Chief Council Secretary (2)5

**Staff in attendance** : Mr Timothy TSO  
Assistant Legal Adviser 2  
  
Miss Josephine SO  
Senior Council Secretary (2)1  
  
Ms Sandy HAU  
Legislative Assistant (2)5

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**I. Election of Chairman**

Dr Margaret NG was elected Chairman of the Subcommittee.

**II. Meeting with the Administration**

[L.N. 186 of 2009, LC Paper Nos. LS1/09-10, CB(2)121/09-10(02) to (06)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. At the request of the Subcommittee, the Administration undertook to provide the following information -
  - (a) the relationship between the definition of "prescribed interest" under the new Order 117A of the Rules of the High Court (Cap. 4 sub. leg. A) and the provisions of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575);
  - (b) the scope of meaning of "prescribed interest" under rule 1(4) of the new Order 117A;
  - (c) a comparison of the scope of meaning of "prescribed interest" under rule 1(4) of the new Order 117A with that of the meaning of "interests" (in property) in similar contexts in other local legislation; and
  - (d) a comparison of the scope of meaning of "prescribed interest" under rule 1(4) of the new Order 117A with that of the meaning of "interest" (in property) in similar contexts in overseas anti-terrorism legislation.

### **III. Any other business**

4. To allow more time to scrutinize the Rules of the High Court (Amendment) Rules 2009 (the Amendment Rules), members agreed that the Chairman should give notice to move a motion at the Council meeting on 4 November 2009 to extend the scrutiny period of the Amendment Rules to 2 December 2009.

5. The Chairman said that the next meeting would be scheduled pending the availability of information as referred to in paragraph 3 above to be provided by the Administration.

*(Post-meeting note: The next meeting of the Subcommittee was scheduled for 3 November 2009 at 8:30 am.)*

6. There being no other business, the meeting ended at 9:55 am.

Council Business Division 2  
Legislative Council Secretariat  
5 November 2009

**Proceedings of the meeting of the  
Subcommittee on Rules of the High Court (Amendment) Rules 2009  
on Wednesday, 28 October 2009, at 8:45 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000112	Dr Margaret NG Ms Cyd HO	Election of Chairman	
000113 - 000252	Chairman Admin	Chairman's opening remarks	
000253 - 001216	Ms Audrey EU Chairman Admin Mr LAU Kong-wah Mr James TO	Ms Audrey EU's query on why representatives from the Narcotics Bureau of the Hong Kong Police Force were attending the meeting	
001217 - 001555	Chairman Admin	Briefing by the Administration on LC Paper No. CB(2)121/09-10(02)	
001556 - 002032	Chairman Admin	<i>Scrutiny of the Rules of the High Court (Amendment) Rules (the Amendment Rules)</i>  <u>Rule 1 - Commencement</u>  <u>Rule 2 - Application</u>	
002033 - 002124	Admin	<u>Rule 3 - Order 117A added</u>  Rule 1 - Interpretation	
002125 - 002445	ALA2 Chairman Admin	Scope of meaning of "prescribed interest" under rule 1(4)	
002446 - 003339	Mr James TO Admin Chairman ALA2	Whether the scope of meaning of "prescribed interest" under rule 1(4) was the widest in local laws  The Administration advised that the definition of "prescribed interest" under new Order 117A was modelled on the definition of "interest" provided in a document entitled "Model Provisions for Common Law Legal Systems on Money Laundering, Terrorist Financing, Preventive Measures and Proceeds of Crime" published by the United Nations Office on Drugs and Crime  How the scope of meaning of "prescribed interest" under new Order 117A was compared with that of the meaning of "interest" in other local legislation empowering the authorities to make a confiscation order in respect of property	<b>Admin to advise and provide further information (paragraph 3(c) of the minutes refers)</b>  <b>Admin to advise and provide further information (paragraph 3(c) of the minutes refers)</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
003340 - 004229	Ms Audrey EU Admin Chairman	What was the relationship between the definition of "prescribed interest" under new Order 117A and the provisions of United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575), and whether the scope of "prescribed interest" covered licensees and people who were object of a discretionary trust  How the scope of meaning of "prescribed interest" under new Order 117A was compared with that of the meaning of "interest" in similar contexts in overseas anti-terrorism legislation	<b>Admin to provide further information (paragraphs 3(a) and 3(b) of the minutes refer)</b>  <b>Admin to explain further (paragraph 3(d) of the minutes refers)</b>
004230 - 004812	Mr Paul TSE Chairman Admin Ms Miriam LAU	Definition of "prescribed interest" under new Order 117A  The Chinese text of section 2(4) of Cap. 575 and rule 1(4) of new Order 117A	
004813 - 010259	Ms Cyd HO Admin Chairman Mr Paul TSE Ms Audrey EU	Policy intent and legal effect of "prescribed interest" under new Order 117A  Provisions in Cap. 575 to which the term "prescribed interest" under new Order 117A referred	<b>Admin to explain further (paragraph 3(a) of the minutes refers)</b>
010300 - 011028	Chairman Ms Cyd HO Admin Ms Miriam LAU Clerk	Commencement of the Amendment Rules  Extension of scrutiny period  Scheduling of future meetings	

Council Business Division 2  
Legislative Council Secretariat  
5 November 2009