

立法會
Legislative Council

LC Paper No. CB(2)2630/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/01

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

Minutes of the 4th meeting
held on Monday, 10 June 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon LAU Kong-wah (Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon Andrew WONG Wang-fat, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Mr Timothy TONG
Deputy Secretary for Security

Ms Mimi LEE
Principal Assistant Secretary for Security (Narcotics)

Mr Johann WONG
Principal Assistant Secretary for Security

Ms Judy Maguire
Consultant (Narcotics)

Mrs Wendy CHOI
Assistant Secretary for Security

Mr Geoffrey Fox
Senior Assistant Law Draftsman

Mr John Hunter
Deputy Principal Government Counsel
Treaties and Law Unit
International Law Division

Mr Lawrence PENG
Senior Government Counsel
Law Drafting Division

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Mary SO
Senior Assistant Secretary (2) 8

Ms Janet SHUM
Senior Assistant Secretary (2) 9

I. Meeting with the Administration

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

2. In light of the views expressed by members at the meeting, the Administration agreed to consider the following -

- (a) the definition of "terrorist act" in clause 2 be amended by extending the application of paragraph (b) to paragraph 2(a)(i)(E) and (F);
- (b) the feasibility of the Chief Executive (CE) first obtaining a court order

before publishing by notice (the notice) in the Gazette to specify that a person or property was a terrorist, terrorist associate or terrorist property;

- (c) if paragraph 2(b) above was not feasible, the notice should cease to have effect after a specified period unless a court order was obtained. The application for a court order should contain information as to the reasons for specification such that the person being specified therein as a terrorist, terrorist associate or owning terrorist property could raise objection; and
- (d) clause 16 be amended to the effect that the provision of affidavit and other relevant support documents by the applicant was not compulsory, and that it was sufficient for the applicant to state in the affidavit that he was not a terrorist, terrorist associate or owning terrorist property.

3. At the request of the Bills Committee, the Administration undertook to provide information on the charges made against a man who sent out letters threatening to kill and referred to himself as "Usama bin Laden of Hong Kong", and the maximum penalties thereto.

II. Date of next meeting

4. Members noted that the next meeting was scheduled for Thursday, 13 June 2002 at 8:30 am.

5. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
19 July 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Monday, 10 June 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000335	Chairman	Way forward Administration's response to issues raised by the Law Society of Hong Kong (the Law Society) in its submission dated 30 April 2002 (LC Paper No. CB(2)2125/01-02(04))	
000335 - 000443	Mr James TO	Administration's response to issue raised by the Law Society concerning the definition of "terrorist act"	
000443 - 000852	Administration	Ditto	
000852 - 001119	Mr James TO	Ditto	
001119 - 001420	Administration	Ditto	
001420 - 001726	Mr James TO	Ditto	
001726 - 002110	Administration	Ditto	
002110 - 002318	Miss Margaret NG	Ditto	
002318 - 002449	Administration	Ditto	
002449 - 002611	Miss Margaret NG	Ditto	
002611 - 002651	Administration	Ditto	
002651 - 002806	Miss Margaret NG	Ditto	
002806 - 002840	Administration	Ditto	
002840 - 002926	Chairman	Administration's response to issue raised by the Law Society concerning deliberate and wilful acts to disseminate false information calculated to cause	

		confusion under clause 10(1)	
002926 - 003020	Ms Cyd HO	Ditto	
003020 - 003250	Administration	Ditto	
003250 - 003450	Ms Cyd HO	Ditto	
003450 - 003548	Administration	Ditto	
003548 - 003632	Ms Cyd HO	Ditto	
003632 - 003706	Administration	Ditto	
003706 - 003752	Ms Audrey EU	What were the existing laws dealing with deliberate and wilful acts to disseminate false information calculated to cause confusion	
003752 - 003946	Administration	The Administration undertook to provide information on the charges made against a man who sent out letters threatening to kill and referred himself as the "Usama bin Laden of Hong Kong", and the maximum penalties thereto	✓ (Admin to provide a written response)
003946 - 004000	Chairman	Administration's response to issue raised by the Law Society concerning clause 16 on applications to the Court of First Instance	
004000 - 004226	Mr Albert HO	Ditto	
004226 - 004431	Administration	Ditto	
004431 - 004525	Mr Albert HO	Ditto	
004525 - 004551	Administration	Ditto	
004551 - 004620	Mr Albert HO	Ditto	
004620 - 004658	Administration	Ditto	
004658 - 004730	Mr Albert HO	Ditto	

004730 - 005104	Administration	Ditto	
005104 - 005401	Miss Margaret NG	Ditto	
005401 - 005810	Ms Audrey EU	Clause 16(2) and (3)	
005810 - 010302	Administration	Ditto	
010302 - 010520	Ms Audrey EU	Ditto	
010520 - 010638	Administration	Ditto	
010638 - 010917	Mr TSANG Yok-sing	Specification of persons and property as terrorists, terrorist associates or terrorist property by the Chief Executive (CE) without first obtaining a court order	
010917 - 011037	Mr James TO	Ditto	
011037 - 011305	Mr Albert HO	Ditto	
011305 - 011617	Mrs Selina CHOW	Ditto	
011617 - 012025	Administration	Ditto	
012025 - 012205	Mr Howard YOUNG	Ditto	
012205 - 012412	Administration	Ditto	
012412 - 012630	Ms Cyd HO	Ditto	
012630 - 012719	Mr TSANG Yok-sing	Ditto	
012719 - 013018	Administration	Ditto	
013018 - 013341	Miss Margaret NG	Clause 16 be amended to the effect that it was sufficient for the applicant to state in the affidavit that he was not a terrorist, terrorist associate or owning terrorist property	

013341 - 013619	Mr James TO	A model arrangement on exchange of information and intelligence with other countries to combat terrorism should be devised	
013619 - 013824	Ms Audrey EU	Clause 16 be amended to the effect that the provision of affidavit and other relevant support documents by the applicant was not compulsory	
013824 - 013933	Mr Albert HO	The notice published by CE in the Gazette specifying a person or property as terrorist, terrorist associate or terrorist property should cease to have effect after a specified period unless a court order was obtained. The application for a court order should contain information as to the reasons for specification such that the person being specified therein as a terrorist, terrorist associate or owning terrorist property could raise objection	
013933 - 015733	Administration	Response to views expressed by members	
015733 - 015841	Chairman	A minimalist approach should be adopted in the Bill to implement the United Nations Security Council Resolution 1373 to combat terrorism	
015841 - 015918	Ms Cyd HO	Inviting deputations from professional bodies, financial and banking sectors, and academics to give views on the Bill	
015918 - 015950	Miss Margaret NG	The Administration's papers to the Bills Committee should indicate that it was prepared by the Administration	
015950 - 020010	Chairman	Date of next meeting	