

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2693/01-02  
(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 6<sup>th</sup> meeting**  
**held on Friday, 14 June 2002 at 10:45 am**  
**in Conference Room A of the Legislative Council Building**

**Members Present** : Hon LAU Kong-wah (Chairman)  
Hon Eric LI Ka-cheung, JP  
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  
Dr Hon YEUNG Sum  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members Absent** : Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Andrew WONG Wang-fat, JP

**Public Officers Attending** : Mr Timothy TONG  
Deputy Secretary for Security  
  
Ms Mimi LEE  
Principal Assistant Secretary for Security (Narcotics)  
  
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

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2)2267/01-02(01), CB(2)2283/01-02(01) and (02), CB(2)2301/01-02(01) and LS46/01-02)

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

2. In light of the views expressed by members at the meeting, the Administration agreed to consider revising clause 4, 11, 16 and Schedule 2 and propose Committee Stage amendments to the Bill at the next meeting.

**II. Date of next meeting**

3. Members noted that the next meeting was scheduled for 17 June 2002 at

2:30 pm.

4. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
9 August 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill  
Meeting on Friday, 14 June 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000257	Chairman	Way Forward	
000257 - 001028	Administration	Clarification as regards differences between clause 10(1) and (2). In order to substantiate an offence under clause 10(1), the prosecution would have to prove to the court two elements as specified in the subsection	
001028 - 001151	Ms Audrey EU	Ditto	
001151 - 001236	Chairman	Ditto	
001236 - 001301	Ms Audrey EU	Ditto	
001301 - 001323	Chairman	Arrangement to meet with deputations	
001323 - 001357	Miss Margaret NG	Ditto	
001357 - 001446	Mr Howard YOUNG	Ditto	
001446 - 001458	Miss Margaret NG	Ditto	
001458 - 001602	Mrs Selina CHOW	Ditto	
001602 - 001656	Ms Emily LAU	Ditto	
001656 - 001720	Clerk	Ditto	
001720 - 001732	Ms Emily LAU	Ditto	
001732 - 001809	Chairman	Ditto	
001809 - 002009	Administration	Ditto	
002009 - 002041	Mr Howard YOUNG	Ditto	

002041 - 002102	Ms Emily LAU	Ditto	
002102 - 002214	Ms Audrey EU	Ditto	
002214 - 002229	Chairman	Ditto	
002229 - 002252	Dr YEUNG Sum	Ditto	
002252 - 002326	Chairman	Ditto	
002326 - 002425	Miss Margaret NG	Ditto	
002425 - 002446	Chairman	Ditto	
002446 - 002516	Mrs Selina CHOW	Ditto	
002516 - 002607	Ms Emily LAU	Ditto	
002607 - 002623	Clerk	Ditto	
002623 - 002655	Chairman	Meeting with the deputations to be arranged on 25 June 2002	
002655 - 002740	Ms Emily LAU	Ditto	
002740 - 002758	Miss Margaret NG	Ditto	
002758 - 002812	Ms Audrey EU	Ditto	
002812 - 002827	Ms Emily LAU	Ditto	
002827 - 002848	Chairman	Ditto	
002848 - 003010	Mr Howard YOUNG	Whether false news published by newspapers for purposes other than terrorism would be penalized under clause 10	
003010 - 003156	Administration	Ditto	
003156 - 003212	Mr Howard YOUNG	Ditto	
003212 - 003309	Administration	Ditto	
003309 - 003349	Mr Howard YOUNG	Ditto	

003349 - 003459	Administration	Ditto	
003459 - 003716	Ms Emily LAU	The prohibition against making false threats of terrorist acts in clause 10 was outside the scope of UNSCR 1373. Since the Administration had emphasised that a minimalist approach would be adopted, there was no need to include such a provision	
003716 - 003949	Administration	Ditto	
003949 - 004007	Chairman	Ditto	
004007 - 004051	Administration	Ditto	
004051 - 004148	Ms Emily LAU	Ditto	
004148 - 004457	Miss Margaret NG	Clause 10 of the Bill which specified prohibition against false threats of terrorist acts would arouse concern of the media. Furthermore, the scope of clause 10(1) was too wide and might be open to abuse of power exercised under Schedule 2	
004457 - 004718	Administration	Ditto	
004718 - 004836	Miss Margaret NG	Ditto	
004836 - 005203	Administration	Ditto	
005203 - 005330	Miss Margaret NG	Ditto	
005330 - 005749	Mr James TO	Ditto	
005749 - 005928	Administration	Ditto	
005928 - 010125	Mr James TO	Ditto	
010125 - 010224	Administration	Ditto	
010224 - 010251	Mr James TO	Ditto	
010251 - 010327	Administration	Ditto	

010327 - 010405	Dr YEUNG Sum	Ditto	
010405 - 010603	Ms Audrey EU	Sought clarification whether Section 1 (1) of Schedule 2 was to safeguard legal privilege against self-discrimination and how the subsection should be interpreted in relation to other subsections under Schedule 1 which appeared to be more specific than the general definition of section 1(1)	
010603 - 010825	Administration	Ditto	
010825 - 010943	Ms Audrey EU	Ditto	
010943 - 011143	Administration	Ditto	
011143 - 011208	Ms Emily LAU	Ditto	
011208 - 011222	Administration	Ditto	
011222 - 011303	Mr James TO	Ditto	
011303 - 011318	Administration	Ditto	
011318 - 011335	Mr James TO	Ditto	
011335 - 011346	Administration	Ditto	
011346 - 011357	Mr James TO	Ditto	
011357 - 011406	Administration	Ditto	
011406 - 011414	Mr James TO	Ditto	
011414 - 011452	Administration	Ditto	
011452 - 011515	Chairman	Ditto	
011515 - 011900	Ms Audrey EU	Clause 11 (disclosure of knowledge or suspicion that property was terrorist property) - whether it was more appropriate to bind the professional concerned by their codes of practice rather than to impose a criminal sanction for non-disclosure	

011900 - 013555	Administration	Explained that the clause 11 sought to facilitate effective action on freezing of funds and forfeiture of certain terrorist property pursuant to clauses 5 and 13 and agreed to revise the clause 11 by adding a new provision to protect staff who made disclosure to their compliance officers	
013555 - 013838	Ms Audrey EU	Ditto	
013838 - 014110	Administration	Ditto	
014110 - 014208	ALA	FATF imposed obligation on financial institutions, or other business or entities subject to anti-money laundering obligations. The UK Terrorism (United Nations Measures) Order 2001 imposed a reporting requirement on banking institution and building societies	
014208 - 014236	Ms Audrey EU	Ditto	
014236 - 014637	Miss Margaret NG	Ditto	
014637 - 015032	Administration	Ditto	
015032 - 015246	Miss Margaret NG	Ditto	
015246 - 015257	Chairman	Ditto	
015257 - 015441	Dr YEUNG Sum	Ditto	
015441 - 015625	Mrs Selina CHOW	Ditto	
015625 - 020142	Mr Eric LI	Ditto	
020142 - 020213	Ms Emily LAU	Ditto	
020213 - 020941	Administration	The Administration would consider introducing amendments to clauses 4, 11, 16 and Schedule 2	
020941 - 020950	Chairman	Ditto	
020950 - 020959	Miss Margaret NG	Ditto	



020959 - 021022	Chairman	End of meeting	
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Council Business Division 2  
Legislative Council Secretariat  
9 August 2002