

立法會
Legislative Council

LC Paper No. CB(2)2883/01-02

(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 13th meeting
held on Friday, 28 June 2002 at 8:30 am
in the Chamber 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 Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP

Members Absent : Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Mrs Regina IP, JP
Secretary for Security

Mr Timothy TONG, JP
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

Ms Manda CHAN
Assistant Secretary for Security

Mr L C IP
Chief Superintendent
Narcotics Bureau
Hong Kong Police Force

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
(LC Paper Nos. CB(2)2267/01-02(01) and CB(2)2424/01-02(02) to (04))

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

2. The Bills Committee continued clause-by-clause examination of the Bill and the draft Committee Stage amendments (CSAs) tabled by the Administration at the meeting on 27 June 2002 (LC Paper No. CB(2)2424/01-02(01)).
3. In the light of the views expressed by members, the Administration agreed to -
 - (a) delete clause 12, and Schedules 2 and 3;
 - (b) add a new clause to empower the Secretary for Security to make regulations to deal with the freezing of property (other than funds), and to provide for matters such as any necessary investigation, seizure and detention powers that might be required in the future. The regulations to be made under the new clause would be subject to the approval of the Legislative Council (LegCo);
 - (c) work on the outstanding provisions with a view to consulting the Panel on Security as early as possible in the new legislative session;
 - (d) revise its CSA to clause 2 by adding a new subclause (2)(c) and amending clause 2(5) and (6) by adopting a wider definition of "items subject to legal privilege" as provided in section 22 of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405); and
 - (e) provide in clause 13 that the civil standard of proof would be adopted in forfeiture proceedings.

II. Date of next meeting

4. Members noted that the next meeting was scheduled for Tuesday, 2 July, 2002 at 2:30 pm.
5. There being no other business, the meeting ended at 10:41 am.

Council Business Division 2
Legislative Council Secretariat
7 October 2002

**Bills Committee on United Nations (Anti-Terrorism Measures) Bill
Meeting on Friday, 28 June 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000113	Chairman	Way forward. Miss Margaret NG's CSAs tabled and the Administration's proposed deletion of clause 18.	
000113 - 000127	Mr Howard YOUNG	Enquired why "serious default" was not mentioned in clause 19	
000127 - 000208	Administration	Ditto	
000208 - 000226	Chairman	Ditto	
000226 - 000307	Administration	Ditto	
000307 - 000354	Mr Howard YOUNG	Ditto	
000354 - 000431	Administration	Ditto	
000431 - 000627	Miss Margaret NG	Clarification as to the meaning of clause 19(1) and (2A)	
000627 - 000804	Administration	Ditto	
000804 - 000922	Miss Margaret NG	Ditto	
000922 - 000945	Administration	Ditto	
000945 - 001119	Miss Margaret NG	Ditto	
001119 - 001131	Administration	Ditto	
001131 - 001237	Miss Margaret NG	Clause 19 - the Secretary of Security (S for S) to make regulations for freezing of property other their funds	
001237 - 001246	Administration	Ditto	
001246 - 001347	Chairman	Ditto	
001347 - 001425	Mr Albert HO	Clarification on section 1 of Schedule 1	
001425 - 001447	Mr Howard YOUNG	Enquiry on section 6 of Schedule 1	
001447 - 001509	Administration	Ditto	
001509 - 001527	Mr Howard YOUNG	Ditto	
001527 - 001536	Ms Emily LAU	Ditto	
001536 - 001544	Administration	Ditto	
001544 - 001554	Chairman	Ditto	
001554 - 001640	Ms Cyd HO	Ditto	
001640 - 001712	Administration	Ditto	
001712 - 001730	Ms Cyd HO	Ditto	
001730 - 001811	Administration	Ditto	
001811 - 001826	Chairman	Ditto	
001826 - 002024	Administration	Consequential amendments to section 1 of Schedule 2	
002024 - 002226	Miss Margaret NG	The power of a magistrate or court under section 2(3) of Schedule 2	
002226 - 002307	Administration	Ditto	
002307 - 002430	ALA	Ditto	
002430 - 002537	Miss Margaret NG	Ditto	

002537 - 002550	ALA	Ditto	
002550 - 002621	Mr Albert HO	Ditto	
002621 - 002628	Administration	Ditto	
002628 - 002733	Miss Margaret NG	Ditto	
002733 - 002923	ALA	Ditto	
002923 - 002945	Administration	Ditto	
002945 - 003000	ALA	Ditto	
003000 - 003048	Administration	Ditto	
003048 - 003341	Miss Margaret NG	Ditto	
003341 - 003421	Administration	Ditto	
003421 - 003433	Miss Margaret NG	Powers of investigation under section 3 of the Organised and Serious Crimes Ordinance (Cap. 455)	
003433 - 003514	Administration	Ditto	
003514 - 003536	Miss Margaret NG	Ditto	
003536 - 003617	Administration	Ditto	
003617 - 003652	Mr Albert HO	Ditto	
003652 - 003805	Administration	Proposed deletion of Schedules 2 and 3	
003805 - 003905	Miss Margaret NG	Ditto	
003905 - 003955	Mr Albert HO, Administration	Ditto	
003955 - 004017	ALA	Ditto	
004017 - 004125	Administration	A new clause to be added to empower S for S to make regulations to deal with the freezing of property (other than funds), and to provide for matters such as any necessary investigation, seizure and detention powers that might be required in the future	
004125 - 004151	Mr Albert HO	Ditto	
004151 - 004222	Administration	Ditto	
004222 - 004253	ALA	Ditto	
004253 - 004353	Ms Emily LAU	Ditto	
004353 - 004546	Miss Margaret NG	Ditto	
004546 - 004603	Dr YEUNG Sum	Ditto	
004603 - 004707	Mr James TO, Administration	Regulations relating to powers of investigation, seizure and detention should be put in the principal legislation and be introduced in the form of an amendment bill	
004707 - 004849	Ms Cyd HO, Ms Emily LAU, Administration	Ditto	
004849 - 004910	Chairman	Ditto	
004910 - 005058	Mr James TO, Administration, Miss Margaret NG	Specification of public officers under Schedule 4	
005058 - 005203	Mr James TO, Administration	Ditto	
005203 - 005644	ALA, Miss Margaret NG, Administration	Ditto	
005644 - 005657	Mr James TO	Ditto	
005657 - 005738	Administration	S for S undertook that she would only delegate power under clause 15(3) to senior officers of the Security Bureau	
005738 - 005929	Miss Margaret NG	Ditto	
005929 - 005952	Administration	Ditto	

005952 - 010011	Chairman	Ditto	
010011 - 010030	Miss Margaret NG	Referred to her proposed CSAs tabled	
010030 - 011044	Break	Ditto	
011044 - 011151	Chairman	Ditto	
011151 - 011235	Miss Margaret NG	Definition of "terrorist act" in clause 2	
011235 - 011241	Ms Emily LAU	Ditto	
011241 - 011304	Miss Margaret NG	Ditto	
011304 - 011449	Ms Emily LAU	Ditto	
011449 - 011532	Administration	Agreed to revise its CSA to clause 2 by adding a new subclause (5)(c)	
011532 - 011550	ALA	Ditto	
011550 - 011611	Ms Emily LAU	Ditto	
011611 - 011720	Miss Margaret NG	Ditto	
011720 - 011740	Administration	Ditto	
011740 - 012103	ALA	Comparing clause 2(5) and (6) with the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405)	
012103 - 012130	Administration	Ditto	
012130 - 012146	ALA	Ditto	
012146 - 012214	Miss Margaret NG	Ditto	
012214 - 012217	Administration	Agreed to move amendment to clause 2(5) and (6)	
012217 - 012232	Miss Margaret NG	Ditto	
012232 - 012258	Administration	Ditto	
012258 - 012320	Miss Margaret NG	Ditto	
012320 - 012331	Administration	Ditto	
012331 - 012403	Mr James TO	Ditto	
012403 - 012431	Administration	Ditto	
012431 - 012522	Miss Margaret NG	Ditto	
012522 - 012541	Chairman	Ditto	
012541 - 012650	Ms Emily LAU	Enquired about the effect of presumption "in the absence of evidence to the contrary" in clause 4(5) and 4A(4) and the procedures for rebuttal	
012650 - 012742	Administration	Ditto	
012742 - 012801	Ms Emily LAU	Ditto	
012801 - 012830	ALA	Ditto	
012830 - 012916	Ms Emily LAU	Ditto	
012916 - 013049	Mr James TO	Ditto	
013049 - 013103	Ms Emily LAU	Ditto	
013103 - 013111	Mr James TO	Ditto	
013111 - 013147	Ms Emily LAU	Ditto	
013147 - 013155	Mr James TO	Ditto	
013155 - 013206	Ms Emily LAU	Ditto	
013206 - 013233	Administration	Ditto	
013233 - 013240	Ms Emily LAU	Ditto	
013240 - 013251	Administration	Ditto	
013251 - 013357	Miss Margaret NG	Proposed amendments to clause 2(5) and clause 2(6) should follow section 22 of Cap. 405	

013357 - 013421	Administration	Ditto	
013421 - 013522	Administration	Not agreed to amend new clause 4A(8) to shorten the period of specifications of persons and property as terrorists	
013522 - 013528	Miss Margaret NG	Ditto	
013528 - 013544	Mr James TO	Ditto	
013544 - 013701	Administration	Ditto	
013701 - 013717	Miss Margaret NG	Ditto	
013717 - 013834	ALA	Ditto	
013834 - 013918	Miss Margaret NG	Ditto	
013918 - 013940	Administration	Ditto	
013940 - 014005	Miss Margaret NG	Ditto	
014005 - 014008	Mr Albert HO	Ditto	
014008 - 014021	Administration	Ditto	
014021 - 014100	Administration	Disagreed with Miss NG's amendment to clause 6 on prohibition on supply of funds to terrorists and terrorist associates	
014100 - 014113	Miss Margaret NG	Ditto	
014113 - 014122	Administration	Disagreed with Miss NG's proposed amendment to clause 7 on prohibition on making funds, etc. available to terrorists and terrorist associates	
014122 - 014153	Miss Margaret NG	Ditto	
014153 - 014219	Administration	Disagreed with Miss NG's proposed amendment to clause 8 to change the wordings to "believing on reasonable grounds"	
014219 - 014244	Miss Margaret NG	Ditto	
014244 - 014335	Mr Albert HO	Ditto	
014335 - 014349	Administration	Unable to accept Miss NG's proposed amendment to clause 9	
014349 - 014500	Miss Margaret NG	Ditto	
014500 - 014532	Miss Margaret NG	Proposed to delete clause 10	
014532 - 014613	Administration	Did not agree to the proposal	
014613 - 014651	Mr James TO	Ditto	
014651 - 014703	Administration	Ditto	
014703 - 014848	Miss Margaret NG	Proposed amendment to clause 11	
014848 - 014904	Administration	Did not agree to the proposed amendment	
014904 - 015037	Mr James TO	Ditto	
015037 - 015124	Miss Margaret NG	Ditto	
015124 - 015206	Administration	Ditto	
015206 - 015217	Miss Margaret NG	Ditto	
015217 - 015247	Administration	Agreed to delete clause 12	
015247 - 015316	Miss Margaret NG	Proposed amendment to clause 13	
015316 - 015449	Administration	Reasons that clause 13(1)(a)(ii) and (iii) could not be deleted	
015449 - 015644	Miss Margaret NG	Ditto	
015644 - 015813	Administration	Ditto	
015813 - 015840	Miss Margaret NG	Ditto	
015840 - 015925	Administration	Ditto	
015925 - 015946	Miss Margaret NG	Ditto	

015946 - 015953	Administration	Ditto	
015953 - 020010	Miss Margaret NG	Ditto	
020010 - 020048	Ms Cyd HO	Ditto	
020048 - 020109	Administration	Ditto	
020109 - 020152	Miss Margaret NG	Ditto	
020152 - 020255	Mr Albert HO	Proposed to provide in clause 13 that the civil standard of proof would be adopted in forfeiture proceedings	
020255 - 020302	Administration	Accepted Mr HO's proposal	
020302 - 020317	Ms Emily LAU	Ditto	
020317 - 020348	Miss Margaret NG	Ditto	
020348 - 020420	Ms Cyd HO	Ditto	
020420 - 020500	Chairman	Way forward	
020500 - 020530	Ms Emily LAU	Ditto	
020530 - 020547	Dr YEUNG Sum	Ditto	
020547 - 020601	Administration	Ditto	
020601 - 020610	Ms Emily LAU	Ditto	
020610 - 020639	Miss Margaret NG	Ditto	
020639 - 020806	Mr James TO, Mr Albert HO, Mr James TO, Chairman	Ditto	
020806 - 020825	Mrs Selina CHOW	Ditto	
020825 - 020935	Chairman	Date of next meeting	
020935 - 021041	Mr James TO Kun-sun	Ditto	
021041 - 021057	Chairman	End of meeting	

Council Business Division 2
Legislative Council Secretariat
 7 October 2002