

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1936/03-04

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/11/02

**Bills Committee on United Nations  
(Anti-Terrorism Measures) (Amendment) Bill 2003**

**Minutes of the 8<sup>th</sup> meeting  
held on Thursday, 25 March 2004 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present :** Hon James TO Kun-sun (Chairman)  
Hon Margaret NG  
Hon Miriam LAU Kin-yee, JP

**Members absent :** Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Hon LAU Kong-wah, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Public Officers attending :** Mrs Margaret CHAN  
Principal Assistant Secretary for Security

Mr James O'Neil  
Deputy Solicitor General (Constitutional)

Mr John Hunter  
Deputy Principal Government Counsel

Ms Nilmini Dissanayake  
Senior Assistant Law Draftsman

Miss Selina LAU  
Government Counsel

Mr L W TING

Assistant Secretary for Security (Narcotics)

Ms Manda CHAN  
Assistant Secretary for Security

**Clerk in attendance** : Miss Mary SO  
Chief Council Secretary (2) 4

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1  
  
Ms Joanne MAK  
Senior Council Secretary (2) 2

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**I. Meeting with the Administration**

(LC Paper No. CB(2)1195/03-04(06) and 1832/03-04(01))

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

2. The Administration was requested to provide the following before the next meeting -

- (a) draft Committee Stage amendments to the Bill, outlines of which were set out in LC Paper No. CB(2)1832/03-04(01); and
- (b) comparison of how overseas jurisdictions, including one or two continental countries, had implemented paragraph 1(b) and (d) of the United Nations Security Council Resolution (UNSCR) 1373.

3. The Administration was also requested to consider repealing the mens rea "having reasonable grounds to believe" in sections 7, 8 and 9 of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (the Ordinance) and the proposed new section 10 of the Bill.

4. Miss Margaret NG was of the view paragraph 1(d) of UNSCR 1373 did not require criminalising every ordinary citizen for making funds available to terrorists and terrorist associates. The coverage of section 8 of the Ordinance was too wide. Firstly, section 7 of the Ordinance as revised already criminalised supplying funds for carrying out terrorist acts. Secondly, the individuals to whom paragraph 1(d) of UNSCR 1373 sought to prohibit from making funds available to terrorists and terrorist associates should be restricted to those working in the financial sector.

## **II. Date of next meeting**

5. Members agreed to re-schedule the next meeting from 13 April 2004 to 15 April 2004 at 8:30 am.

*(Post-meeting note : The next meeting was subsequently changed to 15 April 2004 at 2:30 pm.)*

6. The meeting ended at 12:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 April 2004

**Proceedings of the 8<sup>th</sup> meeting of the  
Bills Committee on United Nations  
(Anti-Terrorism Measures) (Amendment) Bill 2003  
on Thursday, 25 March 2004 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000553	Chairman, Administration, Miss Margaret NG and Ms Miriam LAU	The Administration's proposed amendments to the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) and the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 (the Bill) [LC Paper No. CB(2)1832/03-04(01)]	
000554 - 001040	Administration and Chairman	Proposed amendment to the definition of "terrorist act" [Paragraph 6 of LC Paper No. CB(2)1832/03-04(01)]	
001041 - 002619	Miss Margaret NG, Chairman, Ms Miriam LAU and Administration	The Administration was requested to provide draft Committee Stage amendments (CSAs) to the Bill, the outlines of which were set out in LC Paper No. CB(2)1832/03-04(01)	✓ (Admin to provide the draft CSAs)
002620 - 013259	Administration, Chairman Ms Miriam LAU, Miss Margaret NG and ALA1	Formulation of offences [Paragraphs 7 and 8 of LC Paper No. CB(2)1832/03-04(01)]  The Administration was requested -  (a) to consider repealing the mens rea "having reasonable grounds to believe" in sections 7, 8 and 9 of the Ordinance and the proposed new section 10 of the Bill; and  (b) to provide a comparison of how overseas jurisdictions, including one or two continental countries, had implemented paragraph 1 (b) and (d) of the United Nations Security Control Resolution 1373 before the next meeting	✓ (Admin to provide a written response)
013300 - 014110	Administration, Chairman, Miss Margaret NG and Ms Miriam LAU	Proposed amendment to section 10 of the Ordinance - prohibition of recruitment for terrorist groups [Paragraph 9 of LC Paper No. CB(2)1832/03-04(01)]	
014111 - 014340	Chairman and members	Date of next meeting	