

立法會
Legislative Council

LC Paper No. CB(2)2599/03-04

(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 11th meeting
held on Thursday, 6 May 2004 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan

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

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

I. Clause-by-clause examination of the Bill
(LC Paper No. CB(2)2247/03-04(01))

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

2. The Administration was requested to provide a written response to the following issues/requests raised by members at the meeting -

- (a) To confirm whether new section 12H was still necessary as new section 12G already empowered the seizure and detention of suspected terrorist property;
- (b) To provide justification(s) for detaining seized suspected terrorist property for not more than 30 days under new section 12I(1); and
- (c) To consider amending new sections 14(7H) and 14(7J) to the effect that a person who "intentionally" and "without reasonable excuse" obstructed an authorised officer in the execution of a warrant under new section 12C or 12G would commit an offence.

3. The Administration was also requested to provide the following -

- (a) Comparison of acts proscribed by the International Convention for the Suppression of Terrorist Bombings and existing similar criminal offences;
- (b) Information on how "a ship that has been withdrawn from navigation or is laid up" referred to in new section 11D(c) should be construed; and
- (c) Case examples illustrating the interpretation of "intimidation" in new section 11E(1)(a).

4. The Chairman suggested that the Secretary for Security should point out in his speech during the resumption of Second Reading debate on the Bill that the formulation of paragraphs (a), (b) and (c) of new section 11G(1) was adopted for the purposes of the Bill and would not become a standard provision for defining "an act by any person occurs in connection with the commission or attempted commission of any of the acts" for general application in other local legislation.

5. In response to a question raised by Ms Audrey EU at the last meeting, Assistant Legal Adviser 1 (ALA1) advised that there were 11 ordinances containing different definitions of "public body". ALA1 however pointed out that for the purposes of new sections 12A and 12B, the definition of a public body in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) would apply and it was not exhaustive. ALA1 further advised that the Chief Executive had not exercised his power to specify a body to be a public body under the Organized and Serious Crimes Ordinance (Cap. 455) or the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405).

6. ALA1 advised that the operation of Part XII of Cap.1, which concerned search and seizure of journalistic material, was not applicable to new sections 12A and 12B.

II. Date of next meeting

7. Members noted that the next meeting would be held on 11 May 2004 at 2:30 pm.

8. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
1 June 2004

**Proceedings of the 11th meeting of the
Bills Committee on United Nations
(Anti-Terrorism Measures) (Amendment) Bill 2003
on Thursday, 6 May 2004 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 004433	Chairman, Administration, Miss Margaret NG and ALA1	<p><u>Clause-by-clause examination of the Bill</u> (LC Paper Nos. CB(2)906/03-04(04) and CB(2)2043/03-04(01))</p> <p><u>Clause 7 - New Parts 3A and 3B</u></p> <p>The Administration to provide -</p> <p>(a) information on how "a ship that has been withdrawn from navigation or is laid up" referred to in new section 11D(c) should be construed; and</p> <p>(b) case examples illustrating the interpretation of "intimidation" in new section 11E(1)(a).</p>	<p>✓ (Admin to provide a written response)</p>
004434 - 004835	Chairman, Administration and Miss Margaret NG	The Secretary for Security to consider stating in his speech during the resumption of Second Reading debate on the Bill that the formulation of paragraphs (a), (b) and (c) of new section 11G(1) was adopted for the purposes of the Bill and would not become a standard provision for defining "an act by any person occurs in connection with the commission or attempted commission of any of the acts" for general applications in other local legislation.	<p>✓ (Admin to provide a written response)</p>
004836 - 005255	ALA1, Administration, Chairman and Miss Margaret NG	Assistant Legal Adviser 1 (ALA1) advised that there were 11 ordinances containing different definitions of "public body". ALA1 however pointed out that for the purposes of new sections 12A and 12B, the definition of a public body in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) would apply and it was not exhaustive. ALA1 further advised that the Chief Executive had not exercised his power to specify a body to be a public body under the Organized and Serious Crimes Ordinance (Cap. 455) or the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405).	

Time Marker	Speaker	Subject(s)	Action Required
005256 - 012347	Chairman, Administration, ALA1, Mr LAU Kong-wah and Miss Margaret NG	<p><u>Clause 9 - New parts 4A AND 4B</u></p> <ul style="list-style-type: none"> - New section 12C - New section 12D - New section 12E - New section 12F - New section 12H <p>The Administration to confirm whether new section 12H was still necessary as new section 12G already empowered the seizure and detention of suspected terrorist property.</p> <ul style="list-style-type: none"> - New section 12I <p>The Administration to provide justification(s) for detaining seized suspected terrorist property for not more than 30 days under new section 12I(1).</p> <ul style="list-style-type: none"> - New section 12J - New section 12K <p>ALA1 advised that the operation of Part XII of Cap.1, which concerned search and seizure of journalistic material, was not applicable to new sections 12A and 12B.</p>	<p>✓ (Admin to provide a written response)</p> <p>✓ (Admin to provide a written response)</p>
012348 - 012615	Chairman and Administration	<u>Clause 10 - Forfeiture of certain terrorist property</u>	
012616 - 013305	Chairman, Administration and Miss Margaret NG	<p><u>Clause 11- Offences</u></p> <p>The Administration to -</p> <ul style="list-style-type: none"> (a) provide a comparison of acts proscribed by the International Convention for the Suppression of Terrorist Bombings and existing similar criminal offences; and (b) consider amending new sections 14(7H) and 14(7J) to the effect that a person who "intentionally" and "without reasonable excuse" obstructed an authorised officer in the execution of a warrant under new section 12C or 12G would commit an offence. 	<p>✓ (Admin to provide a written response)</p>
013306 - 013404	Chairman and Administration	<u>Clause 12 - Supplementary provisions applicable to licences in section 6(1) or 8</u>	
013405 - 013509	Chairman and Administration	<u>Clause 13 - Applications to Court</u>	
013510 - 013706	Chairman	Date of next meeting	