

立法會
Legislative Council

LC Paper No. CB(2)206/03-04

(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 first meeting
held on Friday, 10 October 2003 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Cyd HO Sau-lan
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 Albert HO Chun-yan

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 : 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

I. Election of Chairman

Mr James TO was elected chairman of the Bills Committee.

II. Meeting with the Administration

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

3. At the request of the Bills Committee, the Administration undertook to provide the following -

- (a) a table setting out (a) the obligations imposed on the Hong Kong Special Administrative Region (HKSAR) by the United Nations International Convention for the Suppression of Terrorist Bombings (the Bombings Convention), the United Nations Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (the Maritime Safety Convention) and the United Nations Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (the Protocol); (b) existing legislation giving effect to those obligations and (c) proposals under the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 (the Amendment Bill). If a certain obligation was covered by existing domestic legislation, the reason(s) for making new provision to implement such an obligation; and
 - (b) information on a recent court case enforcing the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575).
4. The Administration was also requested to provide a written response to the

following issues raised by members -

- (a) The legal effect of the proposed Orders, and whether the wordings of the Bombings Convention and the Maritime Safety Convention and its Protocol would create problems in interpretation;
- (b) What was the reason for proposing legislative measures prior to the application of the Maritime Safety Convention and its Protocol to the HKSAR;
- (c) What was the reason for the way the long title of the Amendment Bill was written, and whether such an arrangement would restrict amendments to the Bill, and, if so, how;
- (d) How frequent would the HKSAR need to report to the United Nations on the implementation of the United Nations Security Council Resolution 1373; and
- (e) Whether it was the policy intent for the proposed new section 11F to apply to fixed platforms in disputed territorial waters.

5. Members agreed that views on the Bill should be sought from the public by an invitation on the LegCo website. In addition, those individuals/organisations who/which had given views on the United Nations (Anti-Terrorism Measures) Bill should be invited to give their views on the Amendment Bill.

6. To facilitate discussion, the Clerk would provide members of the Bill Committee with records of past discussions on the United Nations (Anti-Terrorism Measures) Bill in respect of those issues/concerns covered by the Amendment Bill.

III. Date of next meeting

7. Members agreed to hold the next meeting on 3 November 2003 at 10:45 am to continue discussion on the Amendment Bill.

8. There being no other business, the meeting ended at 5:46 pm.

**Proceedings of the 1st meeting of the
Bills Committee on United Nations
(Anti-Terrorism Measures) (Amendment) Bill 2003
on Friday, 10 October 2003 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000000 - 000241	Ms Cyd HO, Mr LAU Kong-wah, Miss Margaret NG and Mr James TO	Election of Chairman	
000242 - 001107	Chairman and Administration	Briefing on the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 (the Amendment Bill) by the Administration	
001108 - 001745	Miss Margaret NG, ALA1 and Chairman	<p>ALA1 briefed members on issues which needed clarification from the Administration, as set out in LC Paper Nos. LS107/02-03 and 5/03-04(02)</p> <p>The Administration was requested to provide a table setting out (a) the obligations imposed on the Hong Kong Special Administrative Region (HKSAR) by the United Nations International Convention for the Suppression of Terrorist Bombings (the Bombings Convention), the United Nations Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (the Maritime Safety Convention) and the United Nations Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (the Protocol); (b) existing legislation giving effect to those obligations and (c) proposals under the Amendment Bil). If a certain obligation was covered by existing domestic legislation, the reason(s) for making new provision to implement such an obligation</p>	<p>✓ (Admin to provide the table)</p>
001746 - 002316	Miss Margaret NG, Administration and Chairman	Consultation on the Amendment Bill	
002317 - 003059	Ms Cyd HO, Administration and Chairman	The Administration was requested to provide a written response on the legal effect of the proposed Orders, and whether the wordings of the Bombings Convention and the Maritime Safety Convention and its Protocol would create problems in interpretation	<p>✓ (Admin to provide a written response)</p>
003100 - 003134	Miss Margaret NG and Chairman	View on the Amendment Bill should be sought from the public by an invitation on the LegCo website. In addition, those individuals/organisations who/which had given views on the United Nations (Anti-Terrorism Measures) Bill should be invited to give their views on the Amendment Bill	

Time Marker	Speaker	Subject(s)	Action required
003135 - 004531	Chairman, Miss Margaret NG and Administration	Appropriateness of creating offences under the Amendment Bill, such as criminalising any bombing attack against a public place, which were covered by existing domestic legislation The Administration was requested to provide a written response on the reason for proposing legislative measures prior to the application of the Maritime Safety Convention and its Protocol to the HKSAR	✓ (Admin to provide a written response)
004532 - 005230	Miss Margaret NG, Administration, Chairman and Ms Miriam LAU	The Administration was requested to provide a written response on the reason for the way the long title of the Bill was written, and whether such an arrangement would restrict amendments to the Amendment Bill, and, if so, how	✓ (Admin to provide a written response)
005231 - 005331	Ms Cyd HO, Administration and Chairman	Legislative timetable of the Amendment Bill	
005332 - 005410	Chairman and Administration	The Administration was requested to provide a written response on how frequent would the HKSAR need to report to the United Nations on the implementation of the United Nations Security Council Resolution 1373	✓ (Admin to provide a written response)
005411 - 005523	Ms Cyd HO and Administration	The Administration was requested to provide information on a recent court case enforcing the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)	✓ (Admin to provide the requested information)
005524 - 010616	Chairman, Administration Miss Margaret NG and Ms Miriam LAU	The Administration was requested to provide a written response on whether it was the policy intent for the proposed new section 11F to apply to fixed platforms in disputed territorial waters	✓ (Admin to provide a written response)
010617 - 010902	Chairman, Ms Cyd HO, Miss Margaret NG and Ms Miriam LAU	The Clerk would provide members of the Bill Committee with records of past discussions on the United Nations (Anti-Terrorism Measures) Bill in respect of those issues/concerns covered by the Amendment Bill Date of next meeting	✓ (Clerk to follow)