

**立法會**  
***Legislative Council***

LC Paper No. CB(2)321/03-04

(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 2<sup>nd</sup> meeting  
held on Monday, 3 November 2003 at 10:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Margaret NG  
Hon Miriam LAU Kin-yee, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon Albert HO Chun-yan  
Hon LAU Kong-wah, JP

**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 Assistant Secretary (2) 4

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

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**I. Confirmation of minutes**  
(LC Paper No. CB(2)206/03-04)

The minutes of meeting held on 10 October 2003 were confirmed.

**II. Meeting with the Administration**  
(LC Paper Nos. CB(2)204/03-04(01) to (04), CB(2)210/03-04(01) to (03), CB(2)220/03-04(01) and CB(2)222/03-04(01))

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

3. The Administration was requested to provide a written response to the issues raised by some members of the Bills Committee on the United Nations (Anti-Terrorism Measures) Bill, details of which were set out in the background brief prepared by the Legislative Council Secretariat for the meeting of the Panel on Security on 13 February 2003 (LC Paper No. CB(2)1113/02-03(04)). The Legal Adviser to the Bills Committee was requested to advise which issues in LC Paper No. CB(2)1113/02-03(04) were outside the scope of the Bill.

4. The Administration was also requested to provide a written response to the following issues raised by members -

- (a) What were the reason(s) for prosecuting a person with previous records of psychiatric treatment under section 11 of the United Nations (Anti-Terrorism Measures) Ordinance;

- (b) What were the reason(s) for giving the Secretary for Security the power to freeze property other than funds on the basis that he had reasonable grounds to suspect that it was terrorist property without any court intervention;
- (c) What were the reason(s) for allowing the law enforcement agencies to apply to a magistrate for a warrant under new section 12G when it was suspected that an offence is about to be committed, whereas the law enforcement agencies had to apply to the Court of First Instance for a warrant under new section 12C when it was suspected that an offence had been committed;
- (d) How many bills introduced into the Council in recent years had adopted the way the long title of this Bill was written; if so, what were they; and
- (e) information on the attached newspaper cutting.

### **III. Date of next meeting**

- 5. Members agreed to hold the next meeting on 12 November 2003 at 10:45 am to continue discussion on the Bill.
- 6. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 November 2003

**Proceedings of the 2<sup>nd</sup> meeting of the  
Bills Committee on United Nations  
(Anti-Terrorism Measures) (Amendment) Bill 2003  
on Monday, 3 November 2003 at 10:45 am  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000203	Chairman	Confirmation of minutes of the meeting on 10 October 2003 (LC Paper No. CB(2)206/03-04)	
000204 - 001836	Administration	Briefing by the Administration on its response to issues raised by the Bills Committee at the meeting on 10 October 2003 (LC Paper No. CB(2)204/03-04(01))	
001837 - 002300	Miss Margaret NG, Chairman and ALA1	Whether the long title of the Bill would restrict amendments to the Bill	
002301 - 004353	Miss Margaret NG, Chairman, Administration and ALA1	Concerns raised in respect of the United Nations (Anti-Terrorism Measures) Ordinance before its passage	
004354 - 005251	Ms Cyd HO, Chairman, Administration and ALA1	Whether Members of the Legislative Council could move amendments to the long title of a bill	
005252 - 010610	Ms Miriam LAU, Miss Margaret NG, Chairman and ALA1	<p>The Administration was requested to provide a written response to the issues raised by some members of the Bills Committee on the United Nations (Anti-Terrorism Measures) Bill, details of which were set out in the background brief prepared by the Legislative Council Secretariat for the meeting of the Panel on Security on 13 February 2003 (LC Paper No. CB(2)1113/02-03(04)).</p> <p>The Legal Adviser to the Bills Committee was requested to advise which issues in LC Paper No. CB(2)1113/02-03(04) were outside the scope of the Bill.</p>	<p>✓ (Admin to provide a written response)</p> <p>✓ (Legal Adviser to advise)</p>
010611 - 010831	Miss Margaret NG and Administration	New parts 4A and 4B of the Bill on the law enforcement powers required for effective investigation of the offences under the United Nations (Anti-Terrorism Measures) Ordinance and the Bill.	
010832 - 011856	Miss Margaret NG, Administration, Chairman and ALA1	The Administration was requested to provide the reason(s) for prosecuting a person with previous records of psychiatric treatment under section 11 of the United Nations (Anti-Terrorism Measures) Ordinance.	✓ (Admin to provide a written response)
011857 - 012659	Chairman, Miss Margaret NG, Administration and Ms Cyd HO	The Administration was requested to provide information on the attached newspaper cutting.	✓ (Admin to provide a written response)
<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>

012700 - 012942	Chairman Administration	and	The Administration was requested to provide information on how many bills introduced into the Council in recent years had adopted the way the long title of this Bill was written; if so, what they were.	✓ (Admin to provide a written response)
012943 - 014414	Miss Margaret Administration Chairman	NG, and	<p>The Administration was requested to provide a written response on the following -</p> <p>(a) What were the reason(s) for giving the Secretary for Security the power to freeze property other than funds on the basis that he had reasonable grounds to suspect that it was terrorist property without any court intervention; and</p> <p>(b) What were the reason(s) for allowing the law enforcement agencies to apply to a magistrate for a warrant under new section 12G when it was suspected that an offence is about to be committed, whereas the law enforcement agencies had to apply to the Court of First Instance for a warrant under new section 12C when it was suspected that an offence had been committed.</p>	✓ (Admin to provide a written response)
014415 - 014600	Chairman		Date of next meeting	



# 中港日韓聯手堵核武輸朝

日本《每日新聞》引述日本官員說，包括香港在內的8個亞太地區與國際計劃攜手，早就可供應龐大數值力資源的原料出口，計劃主要針對北韓。這地區內官方的開發與國際合作增進計劃。

中國、美國、日本、南韓、香港、澳洲、新加坡、泰國，將於本月27日在日本一個研討會上達成基本協議，協議保持明年初議定。計劃內容包括有系統地交換情報。

港4月穀類製核武傳聞

今年4月，一家與日本新幹線有連繫的東京公司，曾企圖出口可用於製造導彈與核武的儀器，藉偽造的紙文標榜圖樣運往北韓。該批儀器能控制電流及用於調節軸光素，後來在香港被檢獲。

注册地

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Date & Time	14, 15, 16, 21 and 22 November 2003 9:00-12:00 & 14:00-18:00
Venue	SCOPE Adminix Learning Centre
Application Deadline	24 October 2003
Email	crowendy@cityu.edu.hk