

**立法會**  
**Legislative Council**

LC Paper No. CB(2)810/03-04

(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 5<sup>th</sup> meeting  
held on Friday, 5 December 2003 at 8:30 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 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

**Member absent** : 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

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. Meeting with the Administration**

(LC Paper Nos. CB(2)846/02-03(04), CB(2)1971/02-03(01) and CB(2)1113/02-03(04))

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

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

- (a) To consider providing a compensation arrangement that is better than the common law position by amending section 18 of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) by repealing subsection (2)(c) that there had been some "serious default" on the part of any person concerned in obtaining the relevant specification and providing that no compensation would be payable if the Government could satisfy the court that the obtaining of the relevant specification under section 5(2) or 6(1) was misled by the affected person's act or conduct;
- (b) To set out the provisions for the powers of investigations under the Bill and how previous concerns raised by Members on the law enforcement powers under the United Nations (Anti-Terrorism Measures) Bill had been addressed; and
- (c) Background of section 21 of Cap. 575 - proceedings inter partes should be held in open court unless otherwise ordered by the court.

**II. Date of next meeting**

3. Members agreed to hold the next meeting on 10 January 2004 from 9 a.m. to 12 noon to meet with deputations and the Administration.
4. There being no other business, the meeting ended at 10:20 a.m.

Council Business Division 2  
Legislative Council Secretariat  
23 December 2003

**Proceedings of the 5<sup>th</sup> meeting of the  
Bills Committee on United Nations  
(Anti-Terrorism Measures) (Amendment) Bill 2003  
on Friday, 5 December 2003 at 8:30 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 - 001002	Administration	Briefing by the Administration on the review of the compensation provision under the United Nations (Anti-Terrorism Measures) Ordinance (Cap.575) (the Ordinance) (LC Paper No. CB(2)846/02-03(04))	
001003 - 003448	Miss Margaret NG Administration Chairman Ms Audrey EU	Requirement that affected persons would have to satisfy the court that there had been "serious default" on the part of the Government in order to get compensation	
003449 - 010828	ALA1 Chairman Ms Audrey EU Administration Miss Margaret NG	The application of "serious default" on the part of the Government in two court cases in the United Kingdom (LC Paper No. CB(2)590/03-04)	
010829 - 011931	Chairman ALA1 Miss Margaret NG Administration	The Administration was requested to consider providing a compensation arrangement that is better than the common law position by amending section 18 of the Ordinance by repealing subsection (2)(c) that there had been some "serious default" on the part of any person concerned in obtaining the relevant specification and providing that no compensation would be payable if the Government could satisfy the court that the obtaining of the relevant specification under section 5(2) or 6(1) was misled by the affected person's act or conduct	✓ (Admin to provide a written response)
011932 - 012156	Chairman Ms Miriam LAU Miss Margaret NG Mr Albert HO	The Administration was requested to set out the provisions for the powers of investigations under the Bill and how previous concerns raised by Members on the law enforcement powers under the United Nations (Anti-Terrorism Measures) Bill had been addressed	✓ (Admin to provide a written response)
012157 - 013229	Miss Margaret NG Mr Albert HO Chairman Miss Margaret NG Ms Miriam LAU Clerk	Invitation of deputations to give views on the Bill	
013230 - 013627	Chairman Miss Margaret NG Administration	Date of next meeting	
013628 - 013728	Chairman Miss Margaret NG	The Administration was requested to provide background of section 21 of the Ordinance - proceedings inter partes should be held in open court unless otherwise ordered by the court	✓ (Admin to provide a written response)