

Paper No. CB(2)2564/03-04(01)

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	L.N. 29 of 2004
Section:	2	Heading:	Interpretation	Version Date:	27/02/2004

(1) In this Ordinance, unless the context otherwise requires-  
"authorized officer" (獲授權人員) means ~~a public officer authorized under section 3A(1); -~~

- (a) ~~a any police officer;~~
- (b) ~~a any member of the Customs and Excise Service established by section 3 of the Customs and Excise Service Ordinance (Cap. 342);~~
- (c) ~~any other person authorized in writing by the Secretary for Justice for the purposes of this Ordinance;~~
- (c) a member of the Immigration Service established by section 3 of the Immigration Service Ordinance (Cap. 331); or
- (d) an officer of the Independent Commission Against Corruption established by section 3 of the Independent Commission Against Corruption Ordinance (Cap. 204);

"Committee" (聯合國委員會) means-

- (a) the Committee of the United Nations Security Council established pursuant to the United Nations Security Council Resolution 1267 of 15 October 1999; or
- (b) any other committee-
  - (i) of the United Nations;
  - (ii) established pursuant to a United Nations Security Council Resolution made, or a United Nations Convention which has entered into force, after 15 October 1999; and
  - (iii) the function of which, in whole or in part, is to designate persons or property as terrorists, terrorist associates or terrorist property, as the case may be;

"Court" (法院) means the Court of First Instance;

"entity" (實體) means any body of persons (including individuals), whether corporate or unincorporate;

"functions" (職能) includes powers;

"funds" (資金) includes funds mentioned in Schedule 1;

"items subject to legal privilege" (享有法律特權的品目) has the same meaning as in section 2(1) of the Organized and Serious Crimes Ordinance (Cap 455);

"material" (材料) includes any book, document or other record in any form whatsoever, and any article or substance;

"possession" (管有) includes control;

"practicable" (切實可行) means reasonably practicable;

"premises" (處所) includes any place and, in particular, includes -

- (a) any vehicle, vessel, aircraft, hovercraft or offshore structure; and
- (b) any tent or removable movable structure;

"prescribed interest" (訂明權益), in relation to any property, means an interest in the property prescribed by rules of court as an interest for the purposes of this Ordinance;

~~"public body" (公共機構) means-~~

- ~~(a) any Government department; and~~
- ~~(b) any public body specified by the Chief Executive under subsection (8);~~

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"relevant offence" (有關罪行) means an offence against this Ordinance;

"Secretary" (局長) means the Secretary for Security;

"terrorist" (恐怖分子) means a person who commits, or attempts to commit, a terrorist act or who participates in or facilitates the commission of a terrorist act;

"terrorist act" (恐怖主義行為)-

(a) subject to paragraph (b), means the use or threat of action where-

(i) ~~the action (including, in the case of a threat, the action if carried out) is carried out with the intention of, or the threat is made with the intention of using action that would have the effect of -~~

(A) ~~causes causing~~ serious violence against a person;

(B) ~~causes causing~~ serious damage to property;

(C) ~~endangers endangering~~ a person's life, other than that of the person committing the action;

(D) ~~creates creating~~ a serious risk to the health or safety of the public or a section of the public;

(E) ~~is intended seriously to interfere with or seriously to disrupt seriously interfering with or seriously disrupting~~ an electronic system; or

(F) ~~is intended seriously to interfere with or seriously to disrupt seriously interfering with or seriously disrupting~~ an essential service, facility or system, whether public or private; and

(ii) the use or threat is-

(A) intended to compel the Government or to intimidate the public or a section of the public; and

(B) made for the purpose of advancing a political, religious or ideological cause;

(b) in the case of paragraph (a)(i)(D), (E) or (F), does not include the use or threat of action in the course of any advocacy, protest, dissent or industrial action;

"terrorist associate" (與恐怖分子有聯繫者) means an entity owned or controlled, directly or indirectly, by a terrorist;

"terrorist property" (恐怖分子財產) means-

(a) the property of a terrorist or terrorist associate; or

(b) any other property consisting of funds that-

(i) is intended to be used to finance or otherwise assist the commission of a terrorist act; or

(ii) was used to finance or otherwise assist the commission of a terrorist act;

"weapons" (武器) includes-

(a) chemical, biological, radiological or nuclear weapons and their precursors;

(b) any arms and related material (including ammunition, military vehicles, military equipment and paramilitary equipment); and

(c) any components of any arms and related material mentioned in paragraph (b).

(2) Any reference in the definition of "terrorist act" to-

(a) an action, person or property includes an action, person or property outside the HKSAR;

(b) the Government or public includes the government, or the public, of a place outside the HKSAR.

(3) For the purposes of this Ordinance, any proceeds of a terrorist or terrorist associate arising from a terrorist act are-

(a) any payments or other rewards received at any time by the terrorist or terrorist associate in connection with the commission of that act;

(b) any property derived or realized, directly or indirectly, by the terrorist or terrorist associate from any of the payments or other rewards; and

(c) any pecuniary advantage obtained in connection with the commission of that act.

(4) For the purposes of this Ordinance, a person who has a prescribed interest in any property shall be

deemed to be a person by, for or on behalf of whom the property is or was held.

- (5) Nothing in ~~Nothing in Part 4A, 4B or any other provision of this Ordinance shall-~~
- (a) require the disclosure of any items subject to legal privilege;
  - (b) authorize the search or seizure of any items subject to legal privilege; or
  - (c) restrict the privilege against self-incrimination.
- (6) Without prejudice to the powers of the Court of First Instance under the Rules of the High Court (Cap 4 sub. leg.), the Court of First Instance may of its own motion or on application order that any person who may be affected by an application-
- (a) under section 5 in the case of an application under section 5(1) made inter partes; or
  - (b) under section 13, 17 or 18,
- be joined as a party to the proceedings.
- (7) For the avoidance of doubt, it is hereby declared-
- (a) that section 14 of the High Court Ordinance (Cap 4) shall apply to any judgment or order of the Court of First Instance arising from proceedings-
    - (i) under section 5 in the case of an application under section 5(1) made inter partes; or
    - (ii) under section 13, 17 or 18;
  - (b) the provisions of this Ordinance shall be subject to the operation of Part XII of the Interpretation and General Clauses Ordinance (Cap 1).
- (8) ~~The Chief Executive may, by notice published in the Gazette, specify a body to be a public body for the purposes of the definition of "public body".~~

~~3A. Authorization of public officers~~

- ~~(1) The Secretary may authorize in writing any relevant public officer to be an authorized officer for the purposes of this Ordinance and subject to such conditions as the Secretary thinks fit specified in the authorization.~~
- ~~(2) In this section, "relevant public officer" (有關公職人員) means any public officer who is-~~
- ~~(a) a police officer;~~
  - ~~(b) a member of the Immigration Service;~~
  - ~~(c) a member of the Customs and Excise Service;~~
  - ~~(d) an officer of the Independent Commission Against Corruption; or~~
  - ~~(e) a legal officer, within the meaning of section 2 of the Legal Officers Ordinance (Cap. 87), of the Department of Justice."~~

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:
Section:	6	Heading:	Freezing of property	Version Date:

Remarks:  
not yet in operation

(1) Where the Secretary has reasonable grounds to suspect that any property held by any person is terrorist property, the Secretary may, by notice in writing specifying ~~the funds, direct that the funds not be made available, directly or indirectly, to any person~~ the property, direct that a person shall not, directly or indirectly, deal with the property except under the authority of a licence granted by the Secretary.

- (2) Where-
- (a) property is specified in a notice under subsection (1); and
  - (b) either-

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- (i) the Secretary ceases to have reasonable grounds to suspect that the property is terrorist property; or
- (ii) the Court of First Instance has granted an application under section 17 which relates to the property,

then the Secretary shall, as soon as is practicable, by notice in writing revoke the notice to the extent that it relates to the property.

(3) Subject to subsection (4), a notice under subsection (1) which has not been revoked under subsection (2) shall expire on the 2nd anniversary of the date on which it was signed by the Secretary.

(4) Where an application under section 13 has been made to the Court of First Instance-

- (a) in respect of property, or part thereof, specified in a notice under subsection (1); and
- (b) before the expiration of the notice under subsection (3),

then, subject to subsection (2), the notice shall not expire in relation to the property, or part thereof, as the case may be, until the date, if any, on which-

- (c) proceedings relating to the application (including proceedings relating to any appeal) are no longer pending; and
- (d) the property, or part thereof, as the case may be, has not been forfeited in consequence of those proceedings.

(5) Where a notice under subsection (1) has been revoked under subsection (2) or has expired under subsection (3) or (4), the Secretary shall not again exercise the power under subsection (1) in respect of the property specified in the notice unless there has been a material change in the grounds in respect of which the Secretary proposes to again exercise that power in respect of the property.

(6) For the avoidance of doubt, it is hereby declared that the revocation under subsection (2), or the expiry under subsection (3) or (4), of a notice under subsection (1) shall not affect the application of section 8 to the property which was specified in the notice.

(7) A notice under subsection (1) or (2) shall be given to the person holding the property concerned ("the recipient") and shall require the recipient to send a copy of the notice without delay to each person, if any, whose property it is, or for or on behalf of whom the property is held ("the owner").

(8) A recipient shall be treated as complying with subsection (7) if, without delay, he sends a copy of the notice mentioned in that subsection to the owner at his last-known address or, if he does not have an address for the owner, he makes arrangements for a copy of the notice to be supplied to the owner at the first available opportunity.

(9) Where any property the subject of a notice under subsection (1) or (2) is immovable property, the notice shall, for the purpose of the Land Registration Ordinance (Cap. 128) -

- (a) be deemed to be an instrument affecting land; and
- (b) be registrable as such in the Land Registry under that Ordinance in such manner as the Land Registrar thinks fit.

(10) The Secretary may, in a notice under subsection (1) -

- (a) give a direction that an authorized officer may, for the purpose of preventing any property the subject of the notice being removed from the HKSAR, seize the property;
- (b) give directions in accordance with which any such property so seized shall be dealt with.

(11) The Secretary may exercise the powers under subsection (10) only if he has reasonable cause to suspect that the relevant property will be removed from the HKSAR.

**(12) In subsection (1), "deal with" ( ) in relation to property means -**

- (a) to receive or acquire the property;**
- (b) to conceal or disguise the property (whether by concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it or otherwise);**
- (c) to dispose of or convert the property;**
- (d) to bring into or remove from Hong Kong the property; or**
- (e) to use the property to borrow money, or as security (whether by way of charge, mortgage or pledge or otherwise).**

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	L.N. 137 of 2002
Section:	7	Heading:	Prohibition on provision or collection of funds to commit terrorist acts	Version Date:	23/08/2002

PART 3

PROHIBITIONS RELATING TO TERRORISTS, TERRORIST  
ASSOCIATES AND TERRORIST PROPERTY

A person shall not provide or collect, by any means, directly or indirectly, funds-

- (a) with the intention that the funds be ~~directly or indirectly supplied to or otherwise used by~~ used; or
- (b) ~~knowing or having reasonable grounds to believe~~ that the funds will be ~~directly or indirectly supplied to or otherwise used by~~ used,

~~a person who the first mentioned person knows or has reasonable grounds to believe is a terrorist or terrorist associate~~ in whole or in part, to commit one or more terrorist acts (whether or not the funds are actually so used).

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	
Section:	8	Heading:	Prohibition on making funds, etc. available to terrorists and terrorist associates	Version Date:	

Remarks:  
not yet in operation

No person shall, except under the authority of a licence granted by the Secretary, make any funds or financial (or related) services available, directly or indirectly, to or for the benefit of a person ~~who the first mentioned person knows or has reasonable grounds to believe is a terrorist or terrorist associate~~ knowing that, or being reckless as to whether, such person is a terrorist or terrorist associate.

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	L.N. 137 of 2002
Section:	9	Heading:	Prohibition on supply of weapons to terrorists and terrorist associates	Version Date:	23/08/2002

~~A person shall not provide or collect, by any means, directly or indirectly, weapons—~~  
~~(a) with the intention that the weapons be directly or indirectly supplied to or otherwise used by; or~~  
~~(b) knowing or having reasonable grounds to believe that the weapons will be directly or indirectly~~  
~~supplied to or otherwise used by,~~  
~~a person who the first mentioned person knows or has reasonable grounds to believe is a terrorist or terrorist~~  
~~associate.~~

**A person shall not provide or collect, by any means, directly or indirectly, weapons —**  
**(a) with the intention that the weapons be directly or indirectly supplied to or otherwise used;**  
**(b) knowing that the weapons will be directly or indirectly supplied to or otherwise used; or**  
**(c) being reckless as to whether the weapons would be directly or indirectly supplied to or**  
**otherwise used,**  
**by a person, and knowing that, or being reckless as to whether, such person is a terrorist or terrorist**  
**associate.**

~~“10. Prohibition on recruitment,~~  
~~etc. to bodies of persons~~  
~~specified in notices under~~  
~~section 4(1) and (2) or~~  
~~orders under section 5(2)~~

~~(1) A person shall not—~~  
~~(a) recruit another person to become a member of; or~~  
~~(b) become a member of,~~

~~a body of persons (including individuals), whether corporate or unincorporate, who the first mentioned~~  
~~person knows or has reasonable grounds to believe is specified in a notice under section 4(1) or (2), or~~  
~~specified in an order under section 5(2), published in the Gazette.~~

~~(2) Where a person is a member of—~~  
~~(a) a body of persons (including individuals), whether corporate or unincorporate,~~  
~~specified in a notice under section 4(1) or (2) published in the Gazette; or~~  
~~(b) a body of persons (including individuals), whether corporate or unincorporate,~~  
~~specified in an order under section 5(2) published in the Gazette,~~

~~immediately before the date of its publication in the Gazette, then the first mentioned person shall, as soon as is~~  
~~practicable after he knows or has reasonable grounds to believe that the body of persons is specified in that notice,~~  
~~or in that order, as the case may be, take all practicable steps to cease to be such a member.”~~

**10. Prohibition on recruitment, etc. to a body**  
**specified in a section 4(1) or (2) notice or a**  
**section 5(2) order**

**(1) A person who shall not —**  
**(a) recruits another person to become a member; or**  
**(b) becomes a member,**

**of a body specified in a notice published in the Gazette under section 4(1) or (2) or an order published**

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in the Gazette under section 5(3), knowing that, or being reckless as to whether, it is a body specified in such a notice or order (as the case may be) commits an offence.

(2) Where a person is a member of a body specified in a notice published in the Gazette under section 4(1) or (2) or an order published in the Gazette under section 5(3), the person commits an offence if ~~shall, as soon as practicable after it comes to his knowledge or he~~ —

(a) ~~does not~~ has reasonable grounds to believe that the body is specified in such a notice or order (as the case may be), take all practicable steps to cease to be such a member as soon as practicable after it comes to his knowledge that the body is specified in such a notice or order (as the case may be); or

(b) does not take all practicable steps to cease to be such a member and is reckless as to whether the body is specified in such a notice or order (as the case may be).

(3) In this section, "body" ( ) means a body of persons, whether corporate or unincorporate.

#### 11B. Prohibitions against bombing of prescribed objects

(1) A person shall not unlawfully and intentionally deliver, place, discharge or detonate an explosive or other lethal device in, into or against a prescribed object with the intention to cause death or serious bodily injury to any person.

(2) A person shall not unlawfully and intentionally deliver, place, discharge or detonate an explosive or other lethal device in, into or against a prescribed object -

(a) with the intention to cause the ~~destruction of all or part~~ extensive destruction of the prescribed object; and

(b) ~~where it could be reasonably concluded that the destruction would be likely to result in major economic loss (and, if the destruction does occur, irrespective of whether it in fact results in major economic loss);~~

where such destruction results in or is likely to result in major economic loss.

#### 11D. Part not to apply to certain ships

This Part shall not apply to -

(a) a warship;

(b) a ship owned or operated by a state when being used as a naval auxiliary or for customs or police purposes; ~~or~~

(ba) a ship owned or operated by the Government when being used for customs or police purposes; or

(c) a ship that has been withdrawn from navigation or is laid up.

#### 11E. Prohibitions relating to ships

(1) A person shall not, ~~without lawful excuse~~ unlawfully and, intentionally -

(a) by force or by threat of force or by any other form of intimidation, seize or exercise control over a ship;

(b) on board a ship, commit an act of violence that is likely to endanger the safe navigation of the ship;

(c) destroy a ship;

(d) cause damage to a ship or the ship's cargo where that damage is likely to endanger the safe navigation of the ship;

(e) place or cause to be placed on a ship anything that is likely to destroy the ship;

(f) place or cause to be placed on a ship anything that is likely to cause damage to the

- ship or the ship's cargo where that damage endangers or is likely to endanger the safe navigation of the ship;
- (g) destroy, seriously damage or seriously interfere with the operation of any maritime navigational facilities, where the destruction, damage or interference, as the case may be, is likely to endanger the safe navigation of a ship; or
  - (h) endanger the safe navigation of a ship by communicating to another person information which the person communicating the information knows to be false.
- (2) A person shall not intentionally –
- (a) cause the death of any person in connection with the commission or attempted commission of any act prohibited under subsection (1)(a), (b), (c), (d), (e), (f), (g) or (h); or
  - (b) injure any person in connection with the commission or attempted commission of any act prohibited under –
    - (i) subsection (1)(a), (b), (c), (d), (e), (f), (g) or (h); or
    - (ii) paragraph (a).
- (3) A person shall not threaten to do, in relation to a ship, any act prohibited under subsection (1)(b), (c), (d) or (g) if the threat –
- (a) is in order to compel any other person to do or abstain from doing any act; and
  - (b) is likely to endanger the safe navigation of the ship.

**11F. Prohibitions relating to fixed platforms**

- (1) A person shall not, ~~without lawful excuse~~ **unlawfully and**, intentionally –
- (a) by force or by threat of force or by any other form of intimidation, seize or exercise control over a fixed platform;
  - (b) on board a fixed platform, commit an act of violence that is likely to endanger the safety of the platform;
  - (c) destroy a fixed platform;
  - (d) cause damage to a fixed platform where that damage is likely to endanger the safety of the platform; or
  - (e) place or cause to be placed on a fixed platform anything that is likely to destroy the platform or to endanger the safety of the platform.
- (2) A person shall not intentionally –
- (a) cause the death of any person in connection with the commission or attempted commission of any act prohibited under subsection (1)(a), (b), (c), (d) or (e); or
  - (b) injure any person in connection with the commission or attempted commission of any act prohibited under –
    - (i) subsection (1)(a), (b), (c), (d) or (e); or
    - (ii) paragraph (a).
- (3) A person shall not threaten to do, in relation to a fixed platform, any act prohibited under subsection (1)(b), (c) or (d) if the threat –
- (a) is in order to compel any other person to do or abstain from doing any act; and
  - (b) is likely to endanger the safety of the platform.



Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	L.N. 137 of 2002
Section:	12	Heading:	Disclosure of knowledge or suspicion that property is terrorist property, etc.	Version Date:	23/08/2002

## PART 4

DISCLOSURE OF KNOWLEDGE OR SUSPICION THAT  
PROPERTY IS TERRORIST PROPERTY

(1) Where a person knows or suspects that any property is terrorist property, then the person shall disclose to an authorized officer the information or other matter-

- (a) on which the knowledge or suspicion is based; and
- (b) as soon as is practicable after that information or other matter comes to the person's attention.

(2) If a person who has made a disclosure referred to in subsection (1) does any act in contravention of section 7 or 8 (whether before or after the disclosure), and the disclosure relates to that act, the person does not commit an offence under section 14(1) in respect of that contravention if-

- (a) that disclosure is made before the person does that act and the person does that act with the consent of an authorized officer; or
- (b) that disclosure is made-
  - (i) after the person does that act;
  - (ii) on the person's initiative; and
  - (iii) as soon as it is practicable for the person to make it.

(3) A disclosure referred to in subsection (1)-

- (a) shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract or by any enactment, rule of conduct or other provision;
- (b) shall not render the person who made it liable in damages for any loss arising out of-
  - (i) the disclosure;
  - (ii) any act done or omitted to be done in relation to the property concerned in consequence of the disclosure.

(4) In the case of a person who was in employment at the relevant time, this section shall have effect in relation to disclosures to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures as it has effect in relation to disclosures to an authorized officer.

(5) Where a person knows or suspects that a disclosure has been made under subsection (1) or (4), the person shall not disclose to another person any information or other matter which is likely to prejudice any investigation which might be conducted following that first-mentioned disclosure.

(6) Information obtained under or by virtue of a disclosure referred to in subsection (1) may be disclosed -

- (a) by any authorized officer to the Department of Justice, the Hong Kong Police Force, the Customs and Excise Department, the Immigration Department, and the Independent Commission Against Corruption, for the purpose of preventing and suppressing the financing of terrorist acts; and
- ~~(b) by any authorized officer -~~
  - ~~(i) for the purpose of promoting multi-lateral cooperation in preventing and suppressing the financing of terrorist acts; and~~
  - ~~(ii) to the authorities or persons responsible for -~~
    - ~~(A) investigating or preventing terrorist acts; or~~

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~~(B) handling the disclosure of knowledge or suspicion that property is terrorist property, of any place outside the HKSAR which the authorized officer thinks fit~~

(b) by any authorized officer to the authorities or persons responsible for investigating or preventing terrorist acts, or handling the disclosure of knowledge or suspicion that any property is terrorist property, of any place outside the HKSAR which the authorized officer thinks fit, for the purpose of preventing and suppressing the financing of terrorist acts.

(7) Subsection (6) is without prejudice to any other right to disclose information obtained under or by virtue of a disclosure referred to in subsection (1) that may exist apart from subsection (6).

#### 12A. Requirement to furnish information or produce material

(1) ~~An authorized officer~~ **The Secretary for Justice** may, for the purpose of an investigation into a relevant offence, make an ex parte application to the Court for an order under subsection (2) in relation to a particular person or to persons of a particular description.

(2) The Court may, if on such an application it is satisfied that the conditions referred to in subsection (4)(a), (b) and (d) or subsection (4)(a), (c) and (d) are fulfilled, make an order complying with subsection (3) in respect of the particular person, or persons of the particular description, to whom the application relates.

(3) An order under subsection (2) shall –

- (a) give particulars of the relevant offence under investigation;
- (b) identify the particular person, or state the particular description of persons, in respect of whom the order is made;
- (c) authorize the ~~authorized officer~~ **Secretary for Justice** to require the person or persons in respect of whom the order is made –
  - (i) to answer questions or otherwise furnish information with respect to any matter that reasonably appears to ~~the authorized officer~~ **an authorized officer** to be relevant to the investigation; or
  - (ii) ~~to produce any material that reasonably appears to the authorized officer to relate to any matter relevant to the investigation, or any material of a class that reasonably appears to him so to relate,~~  
**to produce any material, or any material of a class, that reasonably appears to the Secretary for Justice to be relevant to the investigation,**
- (d) contain such other terms (if any) as the Court considers appropriate in the public interest, but nothing in this paragraph shall be construed as authorizing the Court to order the detention of any person in custody without that person's consent.

(4) The conditions referred to in subsection (2) are –

- (a) that there are reasonable grounds for suspecting that the relevant offence under investigation has been committed;
- (b) where the application relates to a particular person, that there are reasonable grounds for suspecting that the person has information, or is in possession of material, likely to be relevant to the investigation;
- (c) where the application relates to persons of a particular description, that –
  - (i) there are reasonable grounds for suspecting that some or all persons of that description have such information or are in possession of such material; and
  - (ii) the relevant offence could not effectively be investigated if the application was required to relate to a particular person, whether because of the urgency of the investigation, the need to keep the investigation confidential or the difficulty in

- identifying a particular person who has the relevant information or material;
- (d) that there are reasonable grounds for believing that it is in the public interest, having regard –
- (i) to the seriousness of the relevant offence under investigation;
  - (ii) to whether or not the relevant offence could be effectively investigated if an order under subsection (2) is not made;
  - (iii) to the benefit likely to accrue to the investigation if the information is disclosed or the material is obtained; and
  - (iv) to the circumstances under which the person or persons may have acquired, or may hold, the information or material (including any obligation of confidentiality in respect of the information or material and any family relationship with a person to whom the information or material relates),
- that an order under subsection (2) should be made in respect of that person or those persons.

(5) Where an order under subsection (2) authorizes ~~an authorized officer~~ the Secretary for Justice to require a person to answer questions or otherwise furnish information with respect to any matter that reasonably appears to ~~the authorized officer~~ an authorized officer to be relevant to an investigation, ~~the authorized officer~~ the Secretary for Justice may by one, or more than one, notice in writing served on that person require him to attend before an authorized officer at a specified time and place, or at specified times and places, and answer questions or otherwise furnish information with respect to any matter that reasonably appears to the authorized officer to be relevant to the investigation.

~~(6) Where an order under subsection (2) authorizes an authorized officer to require a person to produce any material that reasonably appears to the authorized officer to relate to any matter relevant to an investigation, or any material of a class that reasonably appears to him so to relate to be relevant to the investigation or be of a class that is so relevant, the authorized officer may by one, or more than one, notice in writing served on that person require him to produce at a specified time and place, or at specified times and places, any specified material that reasonably appears to him so to relate or any material of a specified class that reasonably appears to him so to relate to be so relevant or any material of a specified class that reasonably appears to him to be so relevant.~~

(6) Where an order under subsection (2) authorizes the Secretary for Justice to require a person to produce any material that reasonably appears to the Secretary for Justice to be relevant to the investigation or be of a class that is so relevant, the Secretary for Justice may by one, or more than one, notice in writing served on that person require him to produce at a specified time and place, or at specified times and places, any specified material that reasonably appears to him to be so relevant or any material of a specified class that reasonably appears to him to be so relevant.

- (7) A notice in writing imposing a requirement on a person under subsection (5) or (6) shall –
- (a) state that a court order has been made under this section and include –
    - (i) the date of the order;
    - (ii) the particulars of the relevant offence under investigation;
    - (iii) where the order is made in respect of that particular person, a statement to that effect;
    - (iv) where the order is made in respect of persons of a particular description and that person is of that particular description, a statement to that effect;
    - (v) a statement of the authorization given to ~~an authorized officer~~ the Secretary for Justice by the order; and
    - (vi) a statement of any other terms of the order relevant to that person;
  - (b) have annexed to it a copy of the order under this section, but there may be excluded from such copy –
    - (i) any reference in the order to a particular person other than that person, or to persons of a particular description not including that person; and
    - (ii) any details in the order that relate only to such particular person or persons of a

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- particular description; and
- (c) be substantially in the form specified in Schedule 2 in relation to such notice and in addition shall set out or have annexed to it ~~subsections (8), (9) and (10)~~ subsection (8) and section 12E.
- (8) An authorized officer may photograph or make copies of any material produced in compliance with a requirement under this section.
- ~~(9) Without prejudice to the generality of section 2(5), a lawyer may under this section be required to furnish the name and address of his client.~~
- ~~(10) An order under subsection (2), and a notice in writing imposing a requirement under subsection (5) or (6), may be made in relation to information held by, and material in the possession of, a public body.~~
- (11) ~~A person~~ Subject to section 2(5)(a), (b) and (c), a person is not excused from furnishing information or producing any material required under this section on the ground that to do so would breach an obligation as to secrecy or another restriction upon the disclosure of information or material imposed by statute or otherwise.
- (12) A statement by a person in response to a requirement imposed by virtue of this section may not be used against him in criminal proceedings against him except in evidence in proceedings under section 14(7F) or under section 36 of the Crimes Ordinance (Cap. 200) as follows –
- (a) ~~in evidence in proceedings under section 14(7F) or under section 36 of the Crimes Ordinance (Cap. 200); or~~
- (b) ~~for the purpose of impeaching his credibility in proceedings in respect of any offence where in giving evidence he makes a statement inconsistent with it.~~
- (13) Where an order under subsection (2) has been made, the Secretary for Justice, or a person authorized in writing by the Secretary for Justice for the purpose of this subsection, may, after satisfying any conditions that may be prescribed by rules of court in this respect, obtain a copy of the order; but subject to the foregoing part of this subsection and to subsection (7)(b), no person is entitled to obtain a copy of the order or any part of the order.
- (14) Where a requirement imposed on a person under this section relates to material which consists of information recorded otherwise than in legible form –
- (a) the requirement shall have effect as a requirement to produce the material in a form in which it can be taken away; and
- (b) an authorized officer may, by notice in writing served on the person, require the person to produce at a specified time and place, or at specified times and places, the material in a form in which it is visible and legible and can be taken away, and may by like notice release the person from any obligation under the requirement to produce the material in the form in which it is recorded.
- (15) An application for the revocation or variation of an order under this section may be made by any person on whom a requirement is imposed under the order.
- (16) The Secretary shall prepare a code of practice in connection with –
- (a) the exercise of any of the powers conferred; and
- (b) the discharge of any of the duties imposed,
- by this section, and any such code shall be laid before the Legislative Council and shall not be promulgated until the code has been approved by the Legislative Council.

#### 12B. Order to make material available

- (1) ~~An authorized officer~~ The Secretary for Justice or an authorized officer may, for the purpose of an investigation into a relevant offence, make an ex parte application to the Court for an order under subsection (2) in relation to particular material or to material of a particular description, whether in the HKSAR or elsewhere, in the case of an application by the Secretary for Justice, elsewhere.
- (2) Subject to ~~subsections (6) and (7)~~ subsection (6), the Court may, if on such an application it

is satisfied that the conditions referred to in subsection (5) are fulfilled, make an order –

- (a) that the person who appears to the Court to be in possession of the material to which the application relates shall –
    - (i) produce the material to an authorized officer for him to take away; or
    - (ii) give an authorized officer access to it, within such period as the order may specify;
  - (b) that the person who appears to the Court likely to come into possession of the material to which the application relates shall, when the person comes into possession of any such material –
    - (i) produce the material to an authorized officer for him to take away; or
    - (ii) give an authorized officer access to it, within such period as the order may specify; or
  - (c) in terms both of paragraphs (a) and (b).
- (3) An order under subsection (2), in so far as it is in terms of paragraph (b) of that subsection, shall cease to have effect upon the expiration of 3 months after the day on which the order is made, or upon the expiration of such lesser period, if any, as is specified in the order for the purpose, but nothing in this subsection shall –
- (a) affect any obligation incurred under that order prior to its expiration;
  - (b) prevent, in relation to the person required to comply with that order, any further order being made under that subsection in respect of that person (including before the expiration of that first-mentioned order).
- (4) The period to be specified in an order under subsection (2) shall be 7 days unless it appears to the Court that a longer or shorter period would be appropriate in the particular circumstances of the application.
- (5) The conditions referred to in subsection (2) are –
- (a) that there are reasonable grounds for suspecting that the relevant offence has been committed;
  - (b) that there are reasonable grounds for believing that the material to which the application relates is likely to be relevant to the investigation for the purpose of which the application is made;
  - (c) that there are reasonable grounds for believing that it is in the public interest, having regard –
    - (i) to the benefit likely to accrue to the investigation if the material is obtained; and
    - (ii) to the circumstances under which the person in possession of the material holds it,
 that the material should be produced or that access to it should be given.
- (6) Where an application under subsection (1) relates to material of a particular description, an order under subsection (2) shall only be made where an application in relation to particular material is not **reasonably** practicable.
- ~~(7) An order under subsection (2) may require any officer of a public body (whether named in the order or not) who may for the time being be in possession of the material concerned to comply with it, and such an order shall be served as if the proceedings were civil proceedings against the Government.~~
- (8) Where the Court makes an order under subsection (2)(a)(ii) or (b)(ii) in relation to material on any premises it may, on the same or a subsequent application of an authorized officer, order any person who appears to it to be entitled to grant entry to the premises to allow an authorized officer to enter the premises to obtain access to the material.
- (9) An application for the revocation or variation of an order under subsection (2) or (8) may be made by any person who is subject to the order.
- (10) Where material to which an application under this section relates consists of information recorded otherwise than in legible form –

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- (a) an order under subsection (2)(a)(i) or (b)(i) shall have effect as an order to produce the material in a form in which it can be taken away; and
- (b) an order under subsection (2)(a)(ii) or (b)(ii) shall have effect as an order to give access to the material in a form in which it is visible and legible.

(11) Where an order under subsection (2)(a)(i) or (b)(i) relates to information recorded otherwise than in legible form, an authorized officer may, by notice in writing served on the person, require the person to produce the material in a form in which it is visible and legible and can be taken away, and may by like notice release the person from any obligation under the order to produce the material in the form in which it was recorded.

~~(12) An order under subsection (2) may be made in relation to material in the possession of a public body.~~

(13) ~~A person~~ Subject to section 2(5)(a), (b) and (c), a person is not excused from producing any material in relation to which an order under subsection (2) is made on the ground that to do so would breach an obligation as to secrecy or another restriction upon the disclosure of information imposed by statute or otherwise.

(14) An authorized officer may photograph or make copies of any material produced under this section.

#### 12D. Disclosure of information obtained under section 12A, 12B or 12C

(1) Where any information subject to an obligation of secrecy under the Inland Revenue Ordinance (Cap. 112) has been obtained from the Commissioner of Inland Revenue or any officer of the Inland Revenue Department under or by virtue of section 12A, 12B or 12C, that information may be disclosed by any authorized officer to the Secretary for Justice for the purposes of –

- (a) any prosecution of a relevant offence;
- (b) any application for an order under section 5 or 13(1); or
- (c) any consideration of giving a notice under section 6(1),

but, subject to subsection (4), may not otherwise be disclosed.

(2) Subject to subsection (1), information obtained by any person under or by virtue of section 12A, 12B or 12C may be disclosed by any authorized officer –

- (a) to the Department of Justice, the Hong Kong Police Force, the Customs and Excise Department, the Immigration Department, and the Independent Commission Against Corruption, for the purpose of preventing and suppressing a relevant offence;
- (b) ~~where the information appears to the Secretary for Justice to be likely to assist any corresponding person or body to discharge its functions, to that person or body, and to any corresponding person or body, where the information appears to the Secretary for Justice to be likely to assist that person or body to discharge its functions relating to preventing and suppressing offences of a similar nature to relevant offences; and~~
- (c) to the Chief Executive for the purposes of section 5 and the Secretary for the purposes of section 6.

(3) Subsection (2) is without prejudice to any other right to disclose information obtained under or by virtue of section 12A, 12B or 12C that may exist apart from subsection (2).

(4) Information mentioned in subsection (1) or (2) may, on the authority of the Chief Executive, but subject to the information being transmitted through and with the approval of the Ministry of Foreign Affairs of the People's Republic of China, be disclosed –

- (a) to any organ of the United Nations or to any person in the service of the United Nations; and
- (b) for the purpose of assisting the United Nations in securing compliance with or detecting evasion of measures in relation to a terrorist or terrorist associate decided

upon by the Security Council of the United Nations.

(5) In this section, "corresponding person or body" (相應的人員或機構) means any person who or body which, in the opinion of the Secretary for Justice, has under the law of a place outside the HKSAR, functions corresponding to any of the functions of any body mentioned in subsection (2)(a).

#### 12G. Issue of warrant

(1) ~~Where it appears to any magistrate upon the oath of any person that there is reasonable cause to suspect that in any premises there is any terrorist property, or with respect to which a relevant offence has been committed or is about to be committed, the magistrate may, by his warrant directed to any authorized officer, empower the officer, with such assistance, and by such force, as is necessary and reasonable to enter the premises named in the warrant and there to search for and seize, remove and detain any terrorist property.~~

Where it appears to the Court upon the oath of any person that there is reasonable cause to suspect that –

- (a) in any premises there is terrorist property; or
- (b) there is in any premises any thing that is, or contains, evidence of a relevant offence,

the Court may issue a warrant authorizing an authorized officer to enter the premises named in the warrant and there to search for and seize, remove and detain any terrorist property.

(1A) An authorized officer executing a warrant issued under subsection (1) may use such assistance and force as is reasonable and necessary for the purposes for which the warrant is issued.

(2) ~~Any authorized officer~~ An authorized officer who has entered any premises by virtue of a warrant issued under subsection (1) may seize, remove and detain any thing (including any material produced or required to be produced by virtue of an order under section 12A or 12B or a warrant issued under section 12C) if he has reason to suspect that such thing is terrorist property.

(3) An authorized officer who has entered any premises by virtue of a warrant issued under subsection (1) may stop and search any person found on the premises if –

- (a) in relation to the premises, any thing mentioned in subsection (2) has been seized; or
- (b) the authorized officer has reason to suspect that the person has in his actual custody any thing mentioned in subsection (2).

(4) No person shall be searched under this section except by a person of the same sex.

#### ~~12H. Seized property may be detained~~

~~An authorized officer may, in accordance with the provisions of this Part, detain any seized property.~~

Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:	L.N. 137 of 2002
Section:	14	Heading:	Offences	Version Date:	23/08/2002

(1) Any person who contravenes section 7, \*[8] or 9 commits an offence and is liable-

- (a) on conviction on indictment to a fine and to imprisonment for 14 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 2 years.

\*[(2) A person who knowingly contravenes a notice under section 6(1) commits an offence and is liable-

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 1 year.]

\*[(3) A person who, without reasonable excuse, contravenes a requirement under section 6(7) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.]

(3A) A person who commits an offence under section 10(1) or (2) is liable –

- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
- (b) on summary conviction to a fine at level 6 and to imprisonment for 1 year.

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- (4) A person who contravenes section ~~10(1) or (2)~~ 11(1) or (2) commits an offence and is liable-
- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 1 year.
- (5) A person who contravenes section 12(1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.
- (6) A person who contravenes section 12(5) commits an offence and is liable-
- (a) on conviction on indictment to a fine and to imprisonment for 3 years;
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 1 year.
- (7) In proceedings against a person for an offence under subsection (6), it is a defence to prove-
- (a) that he did not know or suspect that the disclosure concerned was likely to be prejudicial in the way referred to in section 12(5); or
  - (b) that he had lawful authority or reasonable excuse for making that disclosure.
- (7A) Any person who contravenes section 11B(1) or (2) commits an offence and is liable on conviction to imprisonment for life.
- (7B) Any person who contravenes section 11E(1), (2)(b) or (3) or 11F(1), (2)(b) or (3) commits an offence and is liable -
- (a) on conviction on indictment to a fine and to imprisonment for 14 years;
  - (b) on summary conviction to a fine at level 6 and to imprisonment for 2 years.
- (7C) Any person who contravenes section 11E(2)(a) or 11F(2)(a) commits an offence and is liable on conviction to imprisonment for life.
- (7D) Any master of a Hong Kong ship who, without reasonable excuse, contravenes section 11H(2), (3) or (4) commits an offence and is liable on conviction to a fine at level 2.
- (7E) Any person who without reasonable excuse fails to comply with a requirement imposed on him under section 12A commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 1 year.
- (7F) Any person who, in purported compliance with a requirement under section 12A -
- (a) makes a statement that he knows to be false or misleading in a material particular; or
  - (b) recklessly makes a statement that is false or misleading in a material particular,
- commits an offence and is liable -
- (c) on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years;
  - (d) on summary conviction to a fine at level 6 and to imprisonment for 1 year.
- (7G) Any person who without reasonable excuse fails to comply with an order under section 12B(2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 1 year.
- (7H) Any person who **intentionally and without reasonable excuse** hinders or obstructs an authorized officer in the execution of a warrant issued under section 12C commits an offence and is liable -
- (a) on conviction on indictment to a fine of \$250,000 and to imprisonment for 2 years;
  - (b) on summary conviction to a fine at level 5 and to imprisonment for 6 months.
- (7I) A person who contravenes section 12E(1) commits an offence and is liable -
- (a) on conviction on indictment to a fine and to imprisonment for 7 years;
  - (b) on summary conviction to a fine of \$500,000 and to imprisonment for 3 years.
- (7J) Any person who **intentionally and without reasonable excuse** obstructs any person in the exercise of his powers under a warrant issued under section 12G(1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
- (8) Summary proceedings for an offence under this Ordinance, being an offence alleged to have been committed outside the HKSAR, may be commenced at any time not later than 12 months from the date on which the person charged first enters the HKSAR after committing the offence.
- (9) No proceedings for an offence under this Ordinance shall be instituted in the HKSAR except by or with the consent of the Secretary for Justice.

**Note:**

- \* Sections 8, 10 and 14(2) and (3) have not yet come into operation.

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Chapter:	575	Title:	UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE	Gazette Number:
Section:	18	Heading:	Compensation	Version Date:

Remarks:  
not yet in operation

- (1) Subject to subsection (2), where-
- (a) a person has ceased to be specified as a terrorist or terrorist associate under section 5(2); or
  - (b) property has ceased to be-
    - (i) specified as terrorist property under section 5(2); or
    - (ii) specified in a notice under section 6(1),
- then the Court of First Instance may, on application by-
- (c) in the case of paragraph (a), the person who was so specified, or any person acting for or on behalf of the person who was so specified;
  - (d) where paragraph (b) is applicable, any person by, for or on behalf of whom the property that was so specified is held,
- order compensation to be paid by the Government to the applicant if, having regard to all the circumstances, it considers it appropriate to make such an order.
- (2) The Court of First Instance shall not order compensation to be paid under subsection (1) unless it is satisfied-
- (a) where subsection (1)(a) is applicable, that at no time when the person concerned was specified as a terrorist or terrorist associate under section 5(2) was the person either a terrorist or terrorist associate;
  - (b) where subsection (1)(b) is applicable, that at no time when the property was specified as terrorist property under section 5(2), or was specified in a notice under section 6(1), as the case may be, was the property terrorist property;
  - (c) that there has been some serious default on the part of any person concerned in obtaining the relevant specification under section 5(2) or 6(1); and
  - (d) the applicant has, in consequence of the relevant specification and the default mentioned in paragraph (c), suffered loss.
- (2A) Without prejudice to the operation of subsection (1), where -
- (a) any property is seized property within the meaning of section 12F; and
  - (b) subsequently, none of the following events occurs -
    - (i) the property is specified in a notice under section 6(1);
    - (ii) the property is forfeited under section 13;
    - (iii) proceedings are instituted (whether in the HKSAR or elsewhere) -
      - (A) against any person in relation to an offence with which the property is connected; or
      - (B) which may result in the forfeiture or other confiscation of the property,
- the Court may, on an application made by any person by, for or on behalf of whom the property was held, order compensation to be paid by the Government to the applicant if, having regard to all the circumstances, it considers it appropriate to make such an order.
- (2B) The Court shall not order compensation to be paid under subsection (2A) unless it is satisfied that -
- (a) there has been some serious default on the part of any person concerned with the seizure or detention of the property concerned; and

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- (b) the applicant has, in consequence of such seizure or detention and the default mentioned in paragraph (a), suffered loss in relation to the property.
- (3) The amount of compensation to be paid under this section shall be such as the Court of First Instance thinks just in all the circumstances of the case.

**18A. Saving of common law remedies**

- (1) Subject to subsection (2), nothing in section 18 affects any remedy available to a person at common law.
- (2) Where a court orders any compensation under section 18 or damages at common law in respect of any such default, the court shall take into account, in reduction of the amount of compensation or damages, any amount awarded as damages or ordered as compensation (as the case may be) in respect of that default.

SCHEDULE 2

[s. 12A]

FORM

**NOTICE UNDER SECTION 12A OF UNITED NATIONS (ANTI-TERRORISM MEASURES) ORDINANCE (CAP. 575) REQUIRING ATTENDANCE TO ANSWER QUESTIONS OR FURNISH INFORMATION**

To: .....  
 (name and address of person)

1. On ....., in the Court of First Instance, Hong Kong  
 (date)  
 an order was made by the Hon. Mr. Justice ..... under section 12A of the United Nations (Anti-Terrorism Measures) Ordinance for the purpose of an investigation into a relevant offence. A copy of the order as it relates to you is annexed to this Notice.

2. Particulars of the relevant offence under investigation are –
- (a) Offence : .....
  - (b) Date of offence : .....
  - (c) Place of offence : .....
  - (d) Other particulars: .....

- \*3. The order was made in respect of you. or
- \*3. The order was made in respect of .....  
 (description of persons)

and you are a person of that description.

4. The order authorizes ~~an authorized officer~~ the Secretary for Justice to require a person referred to in paragraph 3 above –

- \*(a) to answer questions or otherwise furnish information with respect to any matter that reasonably appears to an authorized officer to be relevant to the investigation;
- \*(b) to produce any material that reasonably appears to ~~an authorized officer to relate to any matter relevant to the investigation, or any material of a class that reasonably appears to him so to relate.~~ the Secretary for Justice to be relevant to the investigation or be of a class that is so relevant.

5. This Notice requires you –

- \*(a) to attend before .....  
 (name and description of authorized officer)  
 at .....  
 (place of interview)  
 on .....  
 (date and time of interview)  
 to answer questions or otherwise furnish information with respect to any matter that reasonably appears to the authorized officer to be relevant to the investigation;
- \*(b) to produce at .....  
 (time(s) and place(s))  
 the following material or class of material –  
 .....  
 .....

6. The order also requires .....  
 (other terms of the order relevant to the person)

7. NOTE:
1. This Notice has important legal consequences. It is in your interest to read the provisions of the Ordinance set out with this Notice, and to seek legal advice in relation to your rights and obligations under this Notice.
  2. You may be accompanied by a solicitor and a barrister when you attend to answer questions or furnish information in compliance with paragraph 5(a) of this Notice, or to produce material in compliance with paragraph 5(b) of this Notice.

Dated this                      day of                      20 .

.....  
 Authorized officer for and on behalf of the Secretary for Justice

\* Delete as appropriate.

Chapter:	405	Title:	<b>DRUG TRAFFICKING (RECOVERY OF PROCEEDS) ORDINANCE</b>	Gazette Number:	
Section:	25A	Heading:	<b>Disclosure of knowledge or suspicion that property represents proceeds, etc. of drug trafficking</b>	Version Date:	30/06/1997

- (1) Where a person knows or suspects that any property-
- (a) in whole or in part directly or indirectly represents any person's proceeds of;
  - (b) was used in connection with; or
  - (c) is intended to be used in connection with,
- drug trafficking, he shall as soon as it is reasonable for him to do so disclose that knowledge or suspicion, together with any matter on which that knowledge or suspicion is based, to an authorized officer.
- (2) If a person who has made a disclosure referred to in subsection (1) does any act in contravention of section 25(1) (whether before or after such disclosure), and the disclosure relates to that act, he does not commit an offence under that section if-
- (a) that disclosure is made before he does that act and he does that act with the consent of an authorized officer; or
  - (b) that disclosure is made-
    - (i) after he does that act;
    - (ii) on his initiative; and
    - (iii) as soon as it is reasonable for him to make it.
- (3) A disclosure referred to in subsection (1)-
- (a) shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract or by any enactment, rule of conduct or other provision;
  - (b) shall not render the person who made it liable in damages for any loss arising out of-
    - (i) the disclosure;
    - (ii) any act done or omitted to be done in relation to the property concerned in consequence of the disclosure.
- (4) In the case of a person who was in employment at the relevant time, this section shall have effect in relation to disclosures to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures as it has effect in relation to disclosures to an authorized officer.
- (5) A person commits an offence if, knowing or suspecting that a disclosure has been made under subsection (1) or (4), he discloses to any other person any matter which is likely to prejudice any investigation which might be conducted following that first-mentioned disclosure.
- (6) In proceedings against a person for an offence under subsection (5), it is a defence to prove-
- (a) that he did not know or suspect that the disclosure concerned was likely to be prejudicial in the way referred to in that subsection; or
  - (b) that he had lawful authority or reasonable excuse for making that disclosure.
- (7) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.
- (8) A person who commits an offence under subsection (5) is liable-
- (a) on conviction upon indictment to a fine of \$500000 and to imprisonment for 3 years; or
  - (b) on summary conviction to a fine of at level 6 and to imprisonment for 1 year.
- (9) Information obtained under or by virtue of a disclosure referred to in subsection (1) may be disclosed -
- (a) by any authorized officer to the Department of Justice, the Hong Kong Police Force, the Customs and Excise Department, the Immigration Department, and the Independent Commission Against Corruption, for the purpose of combating drug

- trafficking; and
- ~~(b) by any authorized officer—~~
- ~~(i) for the purpose of promoting multi-lateral cooperation in combating drug trafficking; and~~
- ~~(ii) to the authorities or persons responsible for—~~
- ~~(A) investigating or preventing drug trafficking; or~~
- ~~(B) handling the disclosure of knowledge or suspicion on property relating to drug trafficking,~~
- ~~of any place outside Hong Kong which the authorized officer thinks fit~~
- (b) by any authorized officer to the authorities or persons responsible for investigating or preventing drug trafficking, or handling the disclosure of knowledge or suspicion on property relating to drug trafficking, of any place outside Hong Kong which the authorized officer thinks fit, for the purpose of combating drug trafficking.**

(10) Subsection (9) is without prejudice to any other right to disclose information obtained under or by virtue of a disclosure referred to in subsection (1) that may exist apart from subsection (9).

Chapter:	455	Title:	ORGANIZED AND SERIOUS CRIMES ORDINANCE	Gazette Number:	
Section:	25A	Heading:	Disclosure of knowledge or suspicion that property represents proceeds, etc. of indictable offence	Version Date:	30/06/1997

- (1) Where a person knows or suspects that any property-
- (a) in whole or in part directly or indirectly represents any person's proceeds of;
  - (b) was used in connection with; or
  - (c) is intended to be used in connection with,
- an indictable offence, he shall as soon as it is reasonable for him to do so disclose that knowledge or suspicion, together with any matter on which that knowledge or suspicion is based, to an authorized officer.
- (2) If a person who has made a disclosure referred to in subsection (1) does any act in contravention of section 25(1) (whether before or after such disclosure), and the disclosure relates to that act, he does not commit an offence under that section if-
- (a) that disclosure is made before he does that act and he does that act with the consent of an authorized officer; or
  - (b) that disclosure is made-
    - (i) after he does that act;
    - (ii) on his initiative; and
    - (iii) as soon as it is reasonable for him to make it.
- (3) A disclosure referred to in subsection (1)-
- (a) shall not be treated as a breach of any restriction upon the disclosure of information imposed by contract or by any enactment, rule of conduct or other provision;
  - (b) shall not render the person who made it liable in damages for any loss arising out of-
    - (i) the disclosure;
    - (ii) any act done or omitted to be done in relation to the property concerned in consequence of the disclosure.
- (4) In the case of a person who was in employment at the relevant time, this section shall have effect in relation to disclosures to the appropriate person in accordance with the procedure established by his employer for

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the making of such disclosures as it has effect in relation to disclosures to an authorized officer.

(5) A person commits an offence if, knowing or suspecting that a disclosure has been made under subsection (1) or (4), he discloses to any other person any matter which is likely to prejudice any investigation which might be conducted following that first-mentioned disclosure.

(6) In proceedings against a person for an offence under subsection (5), it is a defence to prove-

(a) that he did not know or suspect that the disclosure concerned was likely to be prejudicial in the way referred to in that subsection; or

(b) that he had lawful authority or reasonable excuse for making that disclosure.

(7) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.

(8) A person who commits an offence under subsection (5) is liable-

(a) on conviction upon indictment to a fine of \$500000 and to imprisonment for 3 years; or

(b) on summary conviction to a fine at level 6 and to imprisonment for 1 year.

(9) Information obtained under or by virtue of a disclosure referred to in subsection (1) may be disclosed -

(a) by any authorized officer to the Department of Justice, the Hong Kong Police Force, the Customs and Excise Department, the Immigration Department, and the Independent Commission Against Corruption, for the purpose of combating crime; and

~~(b) by any authorized officer -~~

~~(i) for the purpose of promoting multi-lateral cooperation in combating crime; and~~

~~(ii) to the authorities or persons responsible for -~~

~~(A) investigating or preventing crime; or~~

~~(B) handling the disclosure of knowledge or suspicion on property relating to crime,~~

~~of any place outside Hong Kong which the authorized officer thinks fit.~~

(b) by any authorized officer to the authorities or persons responsible for investigating or preventing crime, or handling the disclosure of knowledge or suspicion on property relating to crime, of any place outside Hong Kong which the authorized officer thinks fit, for the purpose of combating crime.

(10) Subsection (9) is without prejudice to any other right to disclose information obtained under or by virtue of a disclosure referred to in subsection (1) that may exist apart from subsection (9).