

**Subcommittee on Proposed Resolution under Section 12A of
the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)**

Response to the submission of Hong Kong Human Rights Monitor

- In their submission of 23 March 2010, the Hong Kong Human Rights Monitor (HKHRM) has raised comments on –
 - (i) making telephone calls;
 - (ii) provision of language interpreter;
 - (iii) the right to be interviewed in reasonable comfort and privacy with adequate refreshment for a reasonable period;
 - (iv) interview under the age of criminal responsibility;
 - (v) responsibility and privilege of a person subject to a section 12A order;
 - (vi) record of special request made and action taken;
 - (vii) provision of the Code at time of the notice;
 - (viii) provision of a list of solicitors upon request; and
 - (ix) provision of the Code in Braille or other formats and in languages other than Chinese and English.

The Administration's responses to the above operational issues for the purpose of the Code of Practice have already been provided in our earlier submissions to the Subcommittee [Ref: LC Paper No. CB(2)1126/09-10(02) and LC Paper No. CB(2)1370/09-10(01)].

- The HKHRM has commented on the supervised access of materials produced by a person under a section 12A order. It should be noted that paragraph 24 of the Code of Practice sets out the key purposes of the material produced under a section 12A order. Paragraph 26 of the Code already provides that a person who has produced material in accordance with a section 12A order or his representative must be allowed supervised access to the material, save for the special circumstances that a supervisory officer has reasonable grounds for believing that this is likely to prejudice the investigation of a relevant offence or any criminal proceedings.
- The HKHRM has commented on the procedures for explaining to a person subject to a section 12A order of his or her privilege and responsibility. The following should be noted –

- paragraphs 3 and 4 of the Code of Practice set out clearly the comprehensive information that the authorized officer is required to be explained to such person.
- Paragraph 5 of the Code provides that the supervisory officer is responsible for the supervision of the interview and treatment of a person subject to a section 12A order, and the handling of material produced under a section 12A order.
- Paragraphs 27 to 29 of the Code set out the right of a person subject to a section 12A order to file a complaint if any provision of this Code has not been complied with, and the procedures to handle such complaints.

Security Bureau
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