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Mr David LAU
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10/F, East Wing
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2 Tim Mei Avenue
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20 February 2012

Dear Mr LAU,

United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012

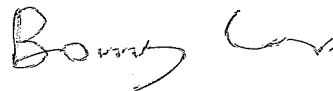
To assist our scrutiny of the Bill, we should be grateful for your clarifications on the legal and drafting issues set out below.

- (a) Is it necessary to define in the Bill the term "international organization" which is proposed to be added to paragraph (a)(ii)(A) of the definition of "terrorist act" in section 2(1) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (the Ordinance)? Which types of "international organizations" are intended to be included? Apart from the United Nations and the Red Cross, please provide further examples of such organizations.
- (b) To address the criticism of the Financial Action Task Force on Money Laundering (FATF) that section 7 of the Ordinance does not at present extend to "assets of every kind, whether tangible or intangible, movable or immovable", has the Administration considered amending the definition of "funds" set out in section 2(1) of and Schedule 1 to the Ordinance along the lines of Article 1.1 of the United Nations *International Convention for the Suppression of the Financing of Terrorism*, rather than repealing that definition altogether and changing all references to "funds" to "property"?

- (c) According to paragraph 8 of the LegCo Brief (File Ref.: SBCR 9/16/1476/74), FATF recommended that the "collection" of funds for terrorists or terrorist organizations be made an offence and incorporated into section 8 of the Ordinance. An amendment adding a new offence of collecting funds would suffice to address that recommendation. Why is it also necessary to prohibit the collection of "property" and to include a new offence of soliciting financial (or related) services under the proposed section 8(b)?
- (d) It is noted that the proposed section 8 of the Ordinance, as drafted, only contemplates the grant of a licence for making property or financial (or related) services available as provided in paragraph (a), but not for collecting property or soliciting services as provided in paragraph (b). As such, in relation to the consequential amendment to rule 24 of Order 117A of the Rules of the High Court (Cap. 4 sub. leg. A), is it necessary to change all references to "section 6(1) or 8" under that rule (including the heading) to "section 6(1) or 8(a)" instead? Likewise, should the reference to "section 6(1) or 8" in the heading of section 15 of the Ordinance be similarly amended to "section 6(1) or 8(a)"?
- (e) Has the public been consulted on the proposed amendments to the Ordinance and, if so, what is the outcome of the consultation?

Since the Bill will be considered by the House Committee at its meeting on 24 February 2012, we should be grateful for your early reply in both languages before that meeting. Please also send an electronic copy of your reply to ftse@legco.gov.hk.

Yours sincerely,



(Bonny LOO)
Assistant Legal Adviser

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