

立法會
Legislative Council

LC Paper No. CB(2)770/17-18
(These minutes have been seen
by the Administration)

Ref : CB2/BC/9/16

**Bills Committee on United Nations (Anti-Terrorism Measures)
(Amendment) Bill 2017**

**Minutes of meeting
held on Monday, 8 January 2018, at 2:30 pm
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon James TO Kun-sun
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon Kenneth LEUNG
Dr Hon Elizabeth QUAT, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon YUNG Hoi-yan
Hon CHAN Chun-ying

Member absent : Hon Paul TSE Wai-chun, JP

Public Officers attending : Item I
Ms Mimi LEE Mei-mei, JP
Deputy Secretary for Security 1

Ms Iris LEE Ho-ki
Principal Assistant Secretary for Security A

Mr Percy LEUNG Siu-to
Assistant Secretary for Security A2

Ms Anthea LI Suk-kwan
Deputy Principal Government Counsel
(Mutual Legal Assistance) 1
Department of Justice

Ms Carmen CHAN Ka-man
Senior Government Counsel
Department of Justice

Mr Gary LI Ming-fung
Government Counsel
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration to consider amending the proposed section 11K(1) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) along the line of deleting the phrase "with the intention" before "to leave".

II. Any other business

3. The Chairman said that pending the Administration's provision of its written response to the outstanding issue referred to in paragraph 2 above, the Bills Committee had completed scrutiny of the Bill. A further meeting with the Administration might be scheduled, if necessary, after the Administration's provision of its response to the outstanding issue.

4. The Chairman said that upon being advised by the Administration on its intended date of resumption of Second Reading debate on the Bill, members would be informed of the relevant legislative timetable and the date of submitting a report on the deliberations of the Bills Committee to the House Committee.

5. There being no other business, the meeting ended at 3:36 pm.

Council Business Division 2
Legislative Council Secretariat
25 January 2018

**Proceedings of meeting of the Bills Committee on
United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017
held on Monday, 8 January 2018, at 2:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s) / Discussion	Action Required
000000 - 000659	Chairman	Opening remarks	
<i>Administration's response to issues raised at the meeting on 20 December 2017</i>			
000700 - 001437	Admin	Briefing by the Administration on its response to issues raised at the meeting on 20 December 2017 (LC Paper No. CB(2)635/17-18(02)).	
001438 - 002108	Chairman Mr James TO Admin	<p>Mr James TO's question and the Administration's response regarding whether the words "with the intention" should be deleted from the proposed section 11K(1) of the United Nations (Anti-Terrorism Measures) Ordinance ("UNATMO") (Cap. 575) by drawing reference to the proposed section 11K(2), in which the words "must not leave.....for a specified purpose" were sufficient to connote the meaning that the relevant departure was done with the intention to achieve a specified purpose. Mr. James TO further expressed concern that the proposed section 11K(1) and (2), as drafted, might render the prohibition under the proposed section 11K(2) to have a lower threshold than the proposed section 11K(1) in respect of the intention requirement.</p> <p>The Administration was requested to consider amending the proposed section 11K(1) of UNATMO along the line of deleting the phrase "with the intention" before "to leave".</p>	Admin
<i>Continuation of clause-by-clause examination of the Bill</i>			
002109 - 010057	Chairman Admin Mr James TO Dr Junius HO Ir Dr LO Wai-kwok Mr CHAN Chi-chuen	<p>Examination of clause 12 of the Bill.</p> <p>Mr James TO's view that:</p> <p>(a) the Independent Commission Against Corruption ("ICAC") should not be given additional power under the Independent Commission Against Corruption Ordinance (Cap. 204) to carry out anti-terrorism work;</p>	

Time marker	Speaker	Subject(s) / Discussion	Action Required
		<p>(b) overlapping of anti-terrorism work between law enforcement agencies ("LEAs") should be avoided; and</p> <p>(c) anti-terrorism work should be carried out by the Police, which possessed the relevant expertise, had undergone relevant training and formed a dedicated anti-terrorism unit.</p> <p>Dr Junius HO's remarks that:</p> <p>(a) he had no objection to providing ICAC with the power to carry out anti-terrorism work; and</p> <p>(b) more could be done in the coordination of anti-terrorism work among relevant LEAs.</p> <p>Ir Dr LO Wai-kwok's remarks that:</p> <p>(a) he had no objection to empowering ICAC to carry out anti-terrorism work; and</p> <p>(b) providing ICAC with such power and the coordination of anti-terrorism work among relevant LEAs were different issues.</p> <p>Mr CHAN Chi-chuen's concern regarding how the anti-terrorism work of different LEAs were coordinated.</p> <p>The Administration's response that:</p> <p>(a) ICAC was one of the authorized officers under the existing UNATMO to carry out anti-terrorism work. It would be necessary to enable ICAC to use the power under Cap. 204 to deal with the new offences proposed by the Bill;</p> <p>(b) although anti-terrorism work would continue to be led by the Police, there was a need for ICAC to take prompt actions against terrorist activities identified in the course of its investigation of corruption;</p> <p>(c) as far, there had not been any prosecution under UNATMO since its enactment; and</p>	

Time marker	Speaker	Subject(s) / Discussion	Action Required
		<p>(d) the Administration would convey members' views and concerns regarding the coordination of anti-terrorism work among relevant LEAs to the Inter-departmental Counter-terrorism Unit to be established in 2018-2019. The Unit would be led by the Police and composed of members from different LEAs. It would serve as the counter-terrorism platform of LEAs to monitor the global terrorism trend and formulate measures as well as action plans in collaboration with relevant departments.</p>	
010058 - 010150	Chairman Admin	Examination of clause 13 of the Bill.	
010151 - 010521	Chairman Admin Dr Junius HO	<p>Examination of clause 14 of the Bill.</p> <p>Dr Junius HO's question regarding why the proposed amendment in clause 14 of the Bill differed from those in clauses 12 and 13 in that UNATMO was quoted in clause 14 whereas relevant sections of UNATMO were quoted in clauses 12 and 13.</p> <p>The Administration's response that the proposed amendments in clause 14 of the Bill had been drawn up having regard to the drafting of Schedule 2 to the Customs and Excise Service Ordinance (Cap. 342).</p>	
010522 - 011039	Chairman Admin Mr CHAN Chi-chuen	<p>The Chairman's remarks that:</p> <p>(a) pending the Administration's provision of its written response to the outstanding issue raised at the meeting, the Bills Committee had completed scrutiny of the Bill;</p> <p>(b) individual members who wished to propose amendments to the Bill should forward their amendments to the Clerk for consideration by the Bills Committee; and</p> <p>(c) a further meeting with the Administration might be scheduled, if necessary, after the Administration's provision of its response to the outstanding issue.</p>	

Time marker	Speaker	Subject(s) / Discussion	Action Required
		<p>The Chairman's question regarding the Administration's intended date of resumption of Second Reading debate on the Bill.</p> <p>The Administration's response that it intended to resume Second Reading debate on the Bill as soon as possible within the first quarter of 2018.</p> <p>The Chairman's remark that upon being advised by the Administration on its intended date of resumption of Second Reading debate on the Bill, members would be informed of the relevant legislative timetable and the date of submitting a report on the deliberations of the Bills Committee to the House Committee.</p>	

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25 January 2018