

香港特別行政區政府
保安局



The Government of the
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Security Bureau

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18 December 2017

Miss Betty MA
Clerk to Bills Committee on
United Nations (Anti-Terrorism Measures)
(Amendment) Bill 2017
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss MA,

Re: Fourth Meeting of the Bills Committee on United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017 (“the Bill”)

At the captioned meeting on 28 November 2017, members requested the Administration to provide supplementary information on some relevant issues. Our reply is set out below.

2. Some members were concerned about whether it should be specified in the new section 11J proposed in clause 6 of the Bill that a person should know the connection of his act to a “specified purpose”. Some members were also concerned about whether it should be specified in the new section 11K(2) proposed in clause 6 of the Bill that a person should have the intention to leave the HKSAR (or a place outside the HKSAR) for a foreign state for a “specified purpose”.


3. We wish to point out that section 11J is an interpretation provision which aims to set out the meaning of “specified purpose”. The purpose is to make other proposed new provisions in the Bill (i.e. sections 11K, 11L and 11M) easier to read and understand. According to section

11K(2), any Hong Kong permanent resident (HKPR) must not leave the HKSAR, or a place outside the HKSAR, for a foreign state for a “specified purpose”. We consider that when a person acts for a “specified purpose”, it has already reflected that the person knows the connection of his act to the “specified purpose”, and that the person has the intention of achieving the “specified purpose”. There is no ambiguity. Therefore, we do not see the need to amend sections 11J and 11K(2).

4. The new section 11K proposed in clause 6 of the Bill will only apply to HKPRs. Some members were concerned about whether the requirements of the United Nations Security Council Resolution (UNSCR) 2178 could be met, and whether it would create enforcement loopholes. On this, we have already explained and set out the Administration’s major considerations at the meetings of the Bills Committee on 21 July, 10 October, 17 November and 28 November 2017, as well as in our written responses to the Bills Committee dated 3 October, 1 November and 27 November 2017¹. A summary is provided at [Annex](#).

5. Some members were concerned about whether non-HKPRs could be deported. According to section 20(1) of the Immigration Ordinance (Cap. 115), a non-permanent resident may be deported if he has been found guilty of an offence punishable with imprisonment for not less than two years or the Chief Executive deems it to be conducive to the public good. That Ordinance is applicable to all non-permanent residents.

Yours sincerely,



(Ms Iris LEE)

for Secretary for Security

¹ See LC Paper CB(2)2164/16-17(02), CB(2)165/17-18(02) and CB(2)385/17-18(02).

Major considerations for the proposed new section 11K

The legislative proposals have been prepared by the HKSAR Government with reference to the objectives of UNSCR 2178 and in response to the actual circumstances of Hong Kong. The expressions “nationals” and “permanent residents” are adopted in UNSCR 2178 and refer to persons who have close relation or connection with a state. For Hong Kong, we consider that the expression “Hong Kong permanent residents” can serve such purpose, and is in line with the spirit and representation of paragraph 6(a) of UNSCR 2178 on the prohibition of “their nationals” from travelling for a specified purpose. It is also easy to understand and can facilitate enforcement.

Regarding the part targeting “other individuals” in paragraph 6(a) of UNSCR 2178 (such as non-HKPRs or visitors), the HKSAR Government will stop the entry or transit of such suspected persons as the first line of defence. According to section 4(1)(a) of the Immigration Ordinance (Cap. 115), officers of the Immigration Department (“ImmD”) may examine any visitor on his landing in Hong Kong. During the examination, ImmD officers will consider whether the visitor meets normal immigration requirements. Based on the information so obtained and the visitor’s individual circumstances and according to the law and established policies, ImmD will consider whether or not to allow his entry into Hong Kong. Suspected persons who are physically in Hong Kong and have committed criminal offences will be apprehended by the HKSAR law enforcement agencies. As for suspected persons who have not committed criminal offences but plan to leave Hong Kong, the HKSAR Government will notify the states of their destination in accordance with established international collaboration mechanisms for appropriate enforcement actions to be taken. If relevant conditions are met, the states to which such suspected persons belong may make a request to Hong Kong for surrender of fugitive offenders.