
United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017

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A BILL

To

Amend the United Nations (Anti-Terrorism Measures) Ordinance to further implement a decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 by prohibiting travelling, providing or collecting property to finance travel, and organizing or facilitating travel, for the purpose of terrorist acts or terrorist training; to further implement the Recommendations of the Financial Action Task Force by prohibiting dealing with property relating to terrorists or terrorist associates; to create offences for contravening the prohibitions; to enable officers from certain disciplinary forces to exercise their existing statutory powers to enforce the prohibitions; and to make related amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2017.

(2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)

3. Long title amended

The long title—

Repeal

everything after “to implement certain” and before “and to provide”

Substitute

“Recommendations of the Financial Action Task Force; to further implement a decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 relating to the prevention of travel for the purpose of terrorist acts or terrorist training;”.

4. Section 3 amended (application of certain provisions outside HKSAR)

Section 3—

Repeal

“9, 10, 11B and 11F shall”

Substitute

“8A, 9, 10, 11B, 11F, 11L and 11M”.

5. Section 8A added

After section 8—

Add

“8A. Prohibition on dealing with certain property

- (1) A person must not, except under the authority of a licence granted by the Secretary, directly or indirectly, deal with any property knowing that, or being reckless as to whether, the property is—
 - (a) terrorist property specified under section 4 or 5;
 - (b) wholly or jointly owned or controlled, directly or indirectly, by a terrorist or terrorist associate specified under section 4 or 5; or
 - (c) held by a person on behalf of, or at the direction of, a terrorist or terrorist associate specified under section 4 or 5.
- (2) In this section—
deal with (處理) has the meaning given by section 6(12).”.

6. Part 3C added

After Part 3B—

Add

“Part 3C

Prohibitions Relating to Travel for Specified Purpose

11J. Interpretation of Part 3C

In this Part—

specified purpose (指明目的) means—

- (a) the perpetration, planning or preparation of, or participation in, one or more terrorist acts (even if no terrorist act actually occurs); or

- (b) the provision or receiving of training that is in connection with the perpetration, planning or preparation of, or participation in, one or more terrorist acts (even if no terrorist act actually occurs as a result of the training).

11K. Prohibition on travelling for specified purpose

- (1) A Hong Kong permanent resident must not go on board a conveyance with the intention to leave the HKSAR, or a place outside the HKSAR, for a foreign state for a specified purpose.
- (2) A Hong Kong permanent resident must not leave the HKSAR, or a place outside the HKSAR, for a foreign state for a specified purpose.

11L. Prohibition on providing or collecting property to finance travel for specified purpose

A person must not provide or collect, by any means, directly or indirectly, any property—

- (a) with the intention that the property will be used; or
- (b) knowing that the property will be used,

in whole or in part, to finance the travel of any person between states for a specified purpose (whether or not the property is actually so used).

11M. Prohibition on organizing or facilitating travel for specified purpose

- (1) A person must not organize or facilitate, directly or indirectly, the travel of any person between states—
 - (a) with the intention that the travel will be for a specified purpose; or

(b) knowing that the travel will be for a specified purpose.

(2) For the purposes of subsection (1), a person organizes or facilitates travel with the relevant intention or knowledge whether or not the travel is—

(a) actually organized or facilitated as contemplated by the person; or

(b) actually undertaken as contemplated by the person.”.

7. Section 12 amended (disclosure of knowledge or suspicion that property is terrorist property, etc.)

(1) Section 12(2)—

Repeal

everything after “that contravention”

Substitute

“if the condition specified in subsection (2B)(a) or (b) is satisfied.”.

(2) After section 12(2)—

Add

“(2A) If a person who has made a disclosure referred to in subsection (1) does any act in contravention of section 8A(1)(b) or (c) (whether before or after the disclosure), and the disclosure relates to that act, the person does not commit an offence under section 14(1A) in respect of that contravention if the condition specified in subsection (2B)(a) or (b) is satisfied.

(2B) The following conditions are specified for the purposes of subsections (2) and (2A)—

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

8. Section 14 amended (offences)

- (1) After section 14(1)—

Add

“(1A) A person who contravenes section 8A 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) After section 14(4)—

Add

“(4A) A person who contravenes section 11K, 11L or 11M 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.”.

9. Section 15 amended (supplementary provisions applicable to licences mentioned in section 6(1) or 8)

- (1) Section 15, heading—

Repeal

“or 8”

Substitute

“, 8 or 8A”.

(2) Section 15(1), after “6(1)”—

Add

“or 8A”.

10. Section 17 amended (applications to Court of First Instance)

Section 17(4)(a) and (b) and (5)(a)(ii)—

Repeal

“or 8”

Substitute

“, 8 or 8A”.

Part 3

Related Amendments

Division 1—Amendments to Rules of the High Court (Cap. 4 sub. leg. A)

11. **Order 117A, rule 24 amended (application concerning direction mentioned in section 6(10) or licence mentioned in section 6(1) or 8)**
- (1) Order 117A, rule 24, heading—
Repeal
“or 8”
Substitute
“, 8 or 8A”.
- (2) Order 117A, rule 24(1)—
Repeal
“or 8”
Substitute
“, 8 or 8A”.

Division 2—Amendments to Independent Commission Against Corruption Ordinance (Cap. 204)

12. **Section 10 amended (power of arrest)**
- (1) After section 10(5)(ea)—
Add

- “(eb) the offence under section 14(1A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of dealing with certain property in contravention of section 8A of that Ordinance;
- (ec) the offence under section 14(4A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of doing certain acts in contravention of section 11K, 11L or 11M of that Ordinance;”.
- (2) Section 10(5)(f) and (g)—

Repeal

“or (ea)”

Substitute

“, (ea), (eb) or (ec)”.

**Division 3—Amendment to Immigration Service Ordinance
(Cap. 331)**

13. Schedule 2 amended (scheduled offences)

Schedule 2, Part I, after item 3—

Add

“4. United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)

section 14(1A)

dealing with certain property in contravention of section 8A of that Ordinance

section 14(4A)

doing certain acts in
contravention of section
11K, 11L or 11M of
that Ordinance”.

Division 4—Amendment to Customs and Excise Service Ordinance (Cap. 342)

14. Schedule 2 amended (Ordinances referred to in sections 17 and 17A)

Schedule 2, after item “Chinese Medicine Ordinance (Cap. 549)” —

Add

“United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)”.

Explanatory Memorandum

The main object of this Bill is to amend the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (***Ordinance***) to further implement a decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 by prohibiting travelling, providing or collecting property to finance travel, and organizing or facilitating travel, for the purpose of terrorist acts or terrorist training, and to further implement the Recommendations of the Financial Action Task Force by prohibiting dealing with property relating to terrorists or terrorist associates.

2. The Bill is divided into 3 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Ordinance

4. Clause 3 amends the long title of the Ordinance.
5. Clause 4 amends section 3 of the Ordinance so that the prohibitions provided in the new sections 8A, 11L and 11M (as mentioned in paragraphs 6 and 7(b) and (c)) also have extra-territorial effect.
6. Clause 5 adds a new section 8A to the Ordinance. The new section 8A prohibits a person from dealing with certain property relating to a terrorist or terrorist associate.

7. Clause 6 adds a new Part 3C to the Ordinance. The new Part 3C contains the following prohibitions relating to travelling—
 - (a) the new section 11K prohibits a Hong Kong permanent resident from travelling to a foreign state for the purpose of terrorist acts or terrorist training (*specified purpose*);
 - (b) the new section 11L prohibits providing or collecting any property to finance the travel of a person between states for a specified purpose;
 - (c) the new section 11M prohibits organizing or facilitating the travel of a person between states for a specified purpose.
8. Clause 8 amends section 14 of the Ordinance to provide for offences and penalties for the newly added prohibition provisions.
9. Clauses 7, 9 and 10 amend sections 12, 15 and 17 of the Ordinance respectively to extend the application of those sections to the new section 8A.

Part 3—Related Amendments

10. Clauses 11, 12, 13 and 14 provide for related amendments to the Rules of the High Court (Cap. 4 sub. leg. A), the Independent Commission Against Corruption Ordinance (Cap. 204), the Immigration Service Ordinance (Cap. 331) and the Customs and Excise Service Ordinance (Cap. 342) respectively.