

Specification of terrorists under the United Nations (Anti-Terrorism) Ordinance and the proposed proscription mechanism under the National Security (Legislative Provisions) Bill

	United Nations (Anti-Terrorism Measures) Ordinance		National Security (Legislative Provisions) Bill
	UN-listed organizations	Non UN-listed organizations	
Ground for specification / proscription	The person/entity is designated by the United Nations as a terrorist or a terrorist associate. (Section 4(1) of the Ordinance)	The person/entity is a terrorist or a terrorist associate. (Section 5(1) of the Ordinance)	Proscription of the <i>local</i> organization is necessary in the interests of national security and is proportionate for such purpose, <i>and</i> the organization satisfies one of the three pre-conditions specified in Section 8A(2) in Clause 15 of the Bill. Section 2A in Clause 14 also provides that the interpretation, application and enforcement of all the provisions must be consistent with Article 39 of the Basic Law, which enshrines international standards on rights and freedoms.
Power to proscribe	By the Chief Executive's publication of a notice in the Gazette. (Section 4(1))	By an order made by the Court of First Instance upon the Chief Executive's application. The order shall be published in the Gazette. (Sections 5(2) and (3))	By an order of Secretary for Security. The order shall be published in the Gazette. (Section 8B(3) in Clause 15)
Representation before proscription	Nil.	The application shall be made <i>inter partes</i> except where it falls within the circumstances specified in the rules of court. (Section 5(9))	The Secretary for Security must where practicable afford the organization an opportunity to be heard or to make representation in writing as to why it should not be proscribed. (Section 8B(1) and (2) in Clause 15)
Appeal avenue	Nil.	If the application is made <i>ex-parte</i> , the specified person/entity can appeal to the Court of First Instance. (Section 17) If the application is made <i>inter partes</i> , the specified person/entity can appeal to the Court of Appeal. (Section 2(7))	Appeal can be made to the Court of First Instance within 30 days after the proscription takes effect. (Section 8D in Clause 15)