

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2727/01-02  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/3/00

**Bills Committee on  
Drug Trafficking and Organized Crimes (Amendment) Bill 2000**

**Minutes of fifteenth meeting  
held on Friday, 28 June 2002 at 10:45 am  
in the Chamber of the Legislative Council Building**

- Members Present** : Hon James TO Kun-sun (Chairman)  
Hon NG Leung-sing, JP  
Hon Margaret NG  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP
- Members Absent** : Hon Martin LEE Chu-ming, SC, JP  
Hon Eric LI Ka-cheung, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon Bernard CHAN  
Hon Abraham SHEK Lai-him, JP  
Hon Henry WU King-cheong, BBS
- Public Officers Attending** : Ms Mimi LEE  
Principal Assistant Secretary for Security (Narcotics)
- Ms Marie SIU  
Senior Government Counsel, Department of Justice
- Mr Kelvin LEE  
Government Counsel, Department of Justice

Mr LEUNG Lap-fun  
Superintendent, Narcotics Bureau  
Hong Kong Police Force

Mr Eric HO Wai-man  
Acting Superintendent, Financial Investigation  
Customs and Excise Department

**Clerk in Attendance** : Miss Flora TAI  
Chief Assistant Secretary (2)2

**Staff in Attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mr Raymond LAM  
Senior Assistant Secretary (2)5

---

Action

**I. Meeting with the Administration**

The Committee deliberated on the Administration's paper tabled at the meeting and the Administration's latest Committee Stage amendments (CSAs) relating to legal privilege (index of proceedings at **Annex**).

2. The Administration informed members that at members' request and in view of the latest development in respect of the CSAs relating to legal privilege to be moved to the United Nations (Anti-Terrorism Measures) Bill, a CSA would be moved to add a general provision to section 2 of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455) along the line that "nothing in these two Ordinances shall require any disclosure of privileged communication", and to define "privileged communication" along the line of existing relevant provisions in the two Ordinances.

3. Miss Margaret NG said that the provision "nothing in this Ordinance shall authorize the search or seizure of any material which is or contained a privileged communication" would be incorporated in the United Nations (Anti-Terrorism Measures) Bill. She asked whether a CSA would be moved to incorporate a similar provision in Cap. 405 and Cap. 455. Noting that similar protection had already been provided in sections 20 and 21 of Cap. 405 and sections 3, 4 and 5 of Cap. 455, Miss NG agreed that the CSA would not be needed.

Action

4. At the suggestion of Assistant Legal Adviser 4, the Administration agreed to revise the CSA referred to in paragraph 2 above along the line that "nothing in these two Ordinances, except relevant provisions relating to legal professional privilege, shall require any disclosure of privileged communication", and to define "privileged communication" along the line of existing relevant provisions in Cap. 405 and Cap. 455. Miss Margaret NG stressed that no CSA should affect the legal privilege currently protected under the two Ordinances.

5. The Administration informed the Committee that CSAs relating to legal privilege would also be moved to amend the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525), which also contained new provisions (added also by way of CSAs) relating to restraint and charging orders.

Adm

6. The Administration undertook to provide members with the CSAs referred to in paragraphs 2 and 5 above.

**II. Any other business**

7. The Committee agreed to recommend to the House Committee that the Second Reading debate on the Bill be resumed at the Council meeting on 10 July 2002, subject to the CSAs to be moved by the Administration. It also agreed to seek the support of the House Committee to seek the President's permission to extend the deadline for giving notice to move CSAs to the midnight of 3 July 2002.

8. There being no other business, the meeting ended at 11:35 am.

Council Business Division 2  
Legislative Council Secretariat  
30 August 2002

## Annex

### Bills Committee on Drug Trafficking and Organized Crimes (Amendment) Bill 2000 Meeting on Friday, 28 June 2002 at 10:45 am in the Chamber of the Legislative Council Building

Time	Speaker	Subject(s)	Action required
000000 - 000116	Chairman	Purpose of the meeting	
000116 - 000529	Administration	Latest development in respect of the Committee Stage amendments (CSAs) relating to legal privilege	
000529 - 000625	Miss Margaret NG	Incorporation of the provision "nothing in this Ordinance shall authorize the search or seizure of any material which is or contained a privileged communication" in the United Nations (Anti-Terrorism Measures) Bill and the need for a similar provision in the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455)	
000625 - 000911	Chairman	Ditto	
000911 - 001128	ALA4	Existing protection provided under Cap. 405 and Cap. 455	
001128 - 001149	Chairman	Ditto	
001149 - 001407	ALA4	Ditto	
001407 - 001414	Miss Margaret NG	Ditto	
001414 - 001426	ALA4	Ditto	
001426 - 001441	Miss Margaret NG	Ditto	
001441 - 001534	ALA4	Ditto	
001534 - 001650	Chairman	Ditto	
001650 - 001712	ALA4	Ditto	
001712 - 001722	Chairman	Ditto	
001722 - 001850	Administration	Ditto	
001850 - 001920	Chairman	Ditto	
001920 - 001933	Miss Margaret NG, Chairman	Ditto	
001933 - 002108	ALA4	Drafting of the Administration's proposed CSA to section 2 of Cap. 405 and Cap. 455 and compatibility with other provisions on legal privilege in Cap. 405 and Cap. 455	
002108 - 002217	Chairman	Ditto	
002217 - 002431	ALA4	Ditto	
002431 - 002611	Administration	Ditto	
002611 - 002648	ALA4	Ditto	
002648 - 002656	Chairman	Ditto	

002656 - 002658	Miss Margaret NG	Ditto	
002658 - 002741	Chairman	Ditto	
002741 - 002753	Miss Margaret NG	Ditto	
002753 - 002756	Chairman	Ditto	
002756 - 002842	Administration	Ditto	The Administration undertook to revise the CSA relating to legal privilege along the line that "nothing in these two Ordinances, except relevant provisions relating to legal professional privilege, shall require any disclosure of privileged communication", and to define "privileged communication" along the line of existing relevant provisions in Cap. 405 and Cap. 455
002842 - 002916	Miss Margaret NG	Acceptance of CSAs which would not affect the legal privilege protected under Cap. 405 and Cap. 455	
002916 - 002922	Chairman	Ditto	
002922 - 002934	Miss Margaret NG	Ditto	
002934 - 002938	Chairman	Provision of CSAs on legal privilege by the Administration	
002938 - 002949	Administration	Ditto	
002949 - 003059	Chairman	Extension of the deadline for moving CSAs to midnight of 3 July 2002	
003059 - 003106	Administration	Ditto	
003106 - 003141	Chairman	CSAs relating to legal privilege to relevant provisions in the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	
003141 - 003145	Administration	Ditto	
003145 - 003200	Chairman	Ditto	
003200 - 003228	ALA4	Ditto	
003228 - 003250	Administration	Ditto	
003250 - 003255	Chairman	Ditto	
003255 - 003307	Administration	Provision of CSAs relating to provisions on legal privilege in Cap. 525	
003307 - 003413	Chairman	Report of the recommendations of the Bills Committee to the House Committee	

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
 30 August 2002