

Drug Trafficking and Organized Crimes (Amendment) Bill 2000
Letter from the Hong Kong Society of Accountants on Amendments
to Sections 25 and 25A of the Drug Trafficking (Recovery of Proceeds)
Ordinance and the Organized and Serious Crimes Ordinance

The Hong Kong Society of Accountants wrote to the Clerk to the Bills Committee on the Drug Trafficking and Organized Crimes (Amendment) Bill 2000 on 17 November 2000. The comments mainly concerned about using the mens rea of “having reasonable grounds to suspect” for conviction under the proposed sections 25(1A) and 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455). The letter also drew reference to relevant UK legislation in connection with this subject. The Society’s letter is attached at Annex.

2. The reasons for introducing the mental element of “having reasonable grounds to suspect” in both section 25(1A) and section 25A were explained at the Bills Committee meeting on 20 November 2000 and elaborated on in two detailed papers submitted to the Bills Committee. These two papers, namely, Note on “reasonable grounds to suspect”, “reasonable grounds to believe” and reasons for introducing two money laundering offences using different mental elements, and “Drug trafficking offence” referred to under section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and “indictable offence” under section 25A of the Organized and Serious Crimes Ordinance (Cap. 455), have addressed the Hong Kong Society of Accountants’ concern on the subjective and objective elements of the proposed legislation. Members may wish to refer to these two papers when considering the comments from the Hong Kong Society of Accountants.