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Secretary for Justice
Department of Justice
Legal Policy (General) Section
1/F, High Block
Queensway Government Offices
66 Queensway
Hong Kong

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BY FAX

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(Attn : Mr Michael Scott
Senior Assistant Solicitor General)

Dear Mr Scott,

Statute Law (Miscellaneous Provisions) Bill 2001

Thank you for your letter of even date, setting out a revised amendment to section 117 of the Crimes Ordinance (Cap. 200).

I believe that the new approach generally follows the consensus reached at the internal meeting yesterday morning. The only concern that I have is the scope of amendment. It is not in line with the minimalist approach agreed between the Bills Committee and the Administration.

Have the Administration considered the effect of the proposed amendment on the interpretation of (a) "unlawful sexual intercourse" in sections 127, 132, 133, 141 and 142 and (b) "unlawful sexual act" in sections 128, 134, 135 and 140 of the Ordinance? In the absence of a detailed review of those sections, would it be prudent to restrict the amendment to sections 118, 119, 120 and 121 only? The possibility of controversy arising from the application of the *expressio unius* rule could be avoided by adding a qualification that the amendment would not affect other provisions in that Part.

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

c.c. Hon Margaret NG (Fax : 2801 7134)
D of J (Attn : Mr Gavin Shiu, SGC) (Fax : 2845 1609)
(Attn : Miss Monica Law, SALD and Mr Michael Lam, SGC)
(Fax : 2869 1302)

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