



政府總部  
香港下亞厘畢道

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GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

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4 May 2001

Clerk to the Panel on Constitutional Affairs  
Legislative Council  
3<sup>rd</sup> Floor, Citibank Tower  
3 Garden Road  
Hong Kong

(Attn: Mrs Percy Ma)

Dear Mrs Ma,

### **LegCo Panel on Constitutional Affairs Meeting on 7 May 2001**

#### **Application of Prevention of Bribery Provisions to the Chief Executive**

Thank you for your letter of 12 April 2001 enclosing the agenda for the above Panel meeting. For the purpose of agenda item (VI), I enclose a copy of an information paper for your distribution to Members.

With reference to Member's request for information on previous prosecutions taken against Government officers (paragraph 7 of the minutes of the LegCo Panel on Constitutional Affairs meeting on 20 November 2001 refers), please be advised that –

- (a) On previous prosecutions taken against Government officers for possession of unexplained property acquired before section 10 of the Prevention of Bribery Ordinance (POBO) came into force, available records indicate that there have been nine prosecutions for offences in contravention of section 10(1)(b) of the POBO in which the assets concerned were acquired before the enactment of the POBO in 1971.
- (b) Available records indicate that no prosecution has ever been taken against Government officers for the common law offence of bribery. The major reason being that Government officers would be caught by the provisions of the POBO since its enactment in 1971.

Please also be advised that the following representatives will attend the Panel meeting for discussion of this item –

Ms K Y CHANG Deputy Director of Administration

Ms Maggie WONG Assistant Director of Administration

Mr M J Bishop Assistant Director (Investigation Branch/4)  
Operations Department, ICAC

Mr I C McWalters Senior Assistant Director of Public Prosecutions,  
Department of Justice

Mr Peter WONG Senior Assistant Solicitor General,  
Department of Justice

Mr Paul TSANG Government Counsel (Basic Law Unit),  
Department of Justice

Yours sincerely,

(Ms Maggie Wong)  
for Director of Administration