

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
ORDINANCE

RESOLUTION

(Under section 4 of the Mutual Legal Assistance in
Criminal Matters Ordinance (Cap. 525))

RESOLVED that the Mutual Legal Assistance in Criminal Matters
(Canada) Order, made by the Chief Executive in Council on
18 September 2001, be approved.

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS
ORDINANCE

RESOLUTION

(Under section 4 of the Mutual Legal Assistance in
Criminal Matters Ordinance (Cap. 525))

RESOLVED that the Mutual Legal Assistance in Criminal Matters
(Philippines) Order, made by the Chief Executive in Council on
18 September 2001, be approved.

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ORDINANCE

RESOLUTION

(Under section 4 of the Mutual Legal Assistance in
Criminal Matters Ordinance (Cap. 525))

RESOLVED that the Mutual Legal Assistance in Criminal Matters
(Portugal) Order, made by the Chief Executive in Council on
18 September 2001, be approved.

Mutual Legal Assistance in Criminal Matters (Canada) Order

Speech by the Secretary for Security for the resolution on 19 December 2001

Madam President,

I move that the resolution to make the Mutual Legal Assistance in Criminal Matters (Canada) Order be passed by this Council.

2. The Hong Kong Special Administrative Region is fully committed to international cooperation in combating serious crimes. In this connection, we have embarked on a programme to establish a network of bilateral agreements with other jurisdictions on mutual legal assistance in criminal matters. These agreements ensure reciprocity between the contracting parties and enhance international cooperation in the fight against transnational crime. We have so far signed eleven agreements with other jurisdictions on mutual legal assistance in criminal matters. These include Australia, France, New Zealand, the United Kingdom, the United States of America, Italy, South Korea, Switzerland, Canada, Philippines and Portugal.

3. The Mutual Legal Assistance in Criminal Matters Ordinance provides the necessary statutory framework for implementing the mutual legal assistance arrangements and enables provision of assistance in the investigation and prosecution of criminal offences, which includes the

taking of evidence, search and seizure, production of material, transfer of persons to give evidence and confiscation of the proceeds of crime.

4. Pursuant to Section 4(2) of the Ordinance, the Chief Executive in Council has made three Mutual Legal Assistance in Criminal Matters Orders to implement the bilateral arrangements for mutual legal assistance in criminal matters with Canada, Philippines and Portugal.

5. These three Orders specify the scope and procedures in relation to the provision of assistance. They also provide for safeguards of the rights of persons involved in criminal proceedings. These Orders are substantially in conformity with the provisions in the Ordinance. However, as mutual legal assistance practices vary from jurisdictions to jurisdictions, it is necessary to modify some of the provisions of the Ordinance to reflect the practice of the particular negotiating partner. These are necessary to enable Hong Kong to comply with its obligations in the particular agreement. The modifications have been summarised in the Schedule to each of the Orders.

6. A subcommittee was set up to scrutinize the 3 Orders in October this year. The Subcommittee met twice. At the meetings, the Subcommittee examined specific articles under individual Orders. I would like to thank the Chairman, the Honourable James To, and other Members of the Subcommittee for their careful examination of these Orders.

7. To strengthen our cooperation with other jurisdictions in criminal justice and international law enforcement, it is very important that these

three Mutual Legal Assistance in Criminal Matters Orders are made to enable the relevant bilateral agreements to be brought into force.

8. I now invite Members to approve the making of the Mutual Legal Assistance in Criminal Matters (Canada) Order. I shall in a moment move the resolutions to make the other two Orders.

9. Thank you, Madam President.

Security Bureau
December 2001

Mutual Legal Assistance in Criminal Matters (Philippines) Order

Speech by the Secretary for Security for the resolution on 19 December 2001

Madam President,

I move that the resolution to make the Mutual Legal Assistance in Criminal Matters (Philippines) Order be passed by this Council.

2. I have explained earlier, in relation to moving the resolution to make the Mutual Legal Assistance in Criminal Matters (Canada) Order, the importance of making the Orders on mutual legal assistance in criminal matters. I would not repeat myself here and would invite Members to approve the making of the Mutual Legal Assistance in Criminal Matters (Philippines) Order.

3. Thank you, Madam President.

**Security Bureau
December 2001**

Mutual Legal Assistance in Criminal Matters (Portugal) Order

Speech by the Secretary for Security for the resolution on 19 December 2001

Madam President,

I move that the resolution to make the Mutual Legal Assistance in Criminal Matters (Portugal) Order be passed by this Council.

2. I would invite Members to approve the making of this Order.
3. Thank you, Madam President.

**Security Bureau
December 2001**