

**立法會**  
**Legislative Council**

LC Paper No. LS27/05-06

**Paper for the Meeting of Bills Committee on  
Financial Reporting Council Bill on 10 February 2006**

**Note on the statutory Informer Protection Provision  
relating to the Independent Commission Against Corruption**

At the meeting of the Bills Committee on Financial Reporting Council Bill held on 23 January 2006, a Member requested the Legal Service Division to provide the text of the statutory informer protection provision relating to the Independent Commission Against Corruption for its consideration.

2. The relevant provision is section 30A of the Prevention of Bribery Ordinance (Cap. 201), which is extracted in **Annex I**. Subsection (1) of the section prohibits the disclosure of any information that would lead to an informer being identified or discovered. Subsection (2) provides for circumstances in which a court could permit inquiry and full disclosure concerning an informer.

3. It is noted that similar informer protection provisions have been enacted. They are section 76 of Public Health and Municipal Services Ordinance (Cap. 132), section 57 of Dangerous Drugs Ordinance (Cap. 134), section 17 of Control of Chemical Ordinance (Cap. 145), section 38 of Societies Ordinance (Cap. 151), and section 148 of Chinese Medicine Ordinance (Cap. 549). A simpler version has been enacted in section 38 of Import and Export Ordinance (Cap. 60) (which is extracted in **Annex II**), section 44 of Dutiable Commodities Ordinance (Cap. 109), section 127 of Copyright Ordinance (Cap. 528), and section 36C of Prevention of Copyright Piracy Ordinance (Cap. 544). For persons who come within the definition of

“witness” in section 2 of the Witness Protection Ordinance (Cap. 564), the whole package of witness protection programme provided in that Ordinance would be applicable.

Prepared by

Legal Service Division  
Legislative Council Secretariat  
25 January 2006



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Chapter:	201	Title:	PREVENTION OF BRIBERY ORDINANCE	Gazette Number:	
Section:	<b>30A</b>	Heading:	<b>Protection of informers</b>	Version Date:	30/06/1997

(1) Save as provided in subsection (2)-

(a) no information for an offence under this Ordinance shall be admitted in evidence in any civil or criminal proceeding; and

(b) no witness in any civil or criminal proceeding shall be obliged-

(i) to disclose the name or address of any informer who has given information to the Commissioner with respect to an offence under this Ordinance or of any person who has assisted the Commissioner in any way with respect to such an offence; or

(ii) to answer any question if the answer thereto would lead, or would tend to lead, to discovery of the name or address of such informer or person, if, in either case, such informer or person is not himself a witness in such proceeding,

and, if any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding contain an entry in which any such informer or person is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer or such person from discovery.

(2) If in any proceeding before a court for an offence under this Ordinance the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding a court is of opinion that justice cannot be fully done between the parties thereto without disclosure of the name of an informer or a person who has assisted the Commissioner, the court may permit inquiry and require full disclosure concerning the informer or such person.

(Added 28 of 1980 s. 13)

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Chapter: 60 Title: IMPORT AND EXPORT Gazette Number:  
ORDINANCE  
Section: 38 Heading: **Informers** Version Date: 30/06/1997

Save where, in the opinion of the court, justice so requires, the name or identity of any informer and the information given by such informer shall not be disclosed in any civil or criminal proceedings and the court may make any order and adopt any procedure necessary to prevent any such disclosure.

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