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By fax: 2509 9055
20 May 2005

Mrs Percy Ma,
Clerk to Bills Committee,
Legislative Council,
Legislative Council Building,
8 Jackson Road, Central,
Hong Kong.

via Mr Michael Scott, SASG/GLP

Dear Mrs Ma,

**Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2005
(the “Bill”)**

**Follow-up on issues raised at the meeting on 9 May 2005
for meeting on 24 May 2005**

I refer to your letter of 10 May 2005 and our recent telephone conversations regarding the issues raised by members of the LegCo in respect of the Bill. The consolidated response of the Administration (which is in the same order as that in your letter) is set out below.

**Proposed amendments to the Prevention of Bribery Ordinance (Cap. 201) (POBO) to prohibit a person who is required to surrender his travel document from leaving Hong Kong
(Clauses 35 and 36 in Division 7, Part 3 of the Bill)**

- (a) *to confirm whether the Dangerous Drugs Ordinance (DDO) is the only other Ordinance which contains provisions similar to sections 17A and 17B of POBO in relation to surrender of travel document prohibiting a suspect offender under investigation from leaving Hong Kong and application for return of travel document.*

It appears that the DDO is the only other Ordinance which contains provisions similar to section 17A and 17B of POBO prohibiting a subject of an investigation from leaving Hong Kong and application for return of travel documents.

- (b) *to consider whether the relevant provisions of DDO should be amended in the context of the current Bill, in view of the proposed amendments to POBO.*

The Administration is still considering the issue and will reply to the Bills Committee later.

- (c) *to consider members' view that additional provisions should be included in the Bill to deal with the situation under which a person, after surrendering his travel document under section 17A of POBO, seeks permission to leave Hong Kong without the need to apply for return of his travel document under section 17B. Members have pointed out that in practice, a Hong Kong resident can leave Hong Kong for Macau using only his Hong Kong Identity Card which is not a travel document.*

The Administration has noted Members' views and is considering further amendments to enable a person on whom a written notice under section 17A(1) is addressed to seek permission to leave Hong Kong. It will revert to Members as soon as possible.

- (d) *to reconsider the wording and format of the written notice issued by a magistrate to a person under section 17A(1) of POBO so that the person will know his legal liability under sections 17A and 17B.*

It is agreed in principle that the written notice issued by a magistrate to a person under sections 17A(1) of POBO could be revised and further improved by –

- (i) specifying the timeframe to surrender the travel documents;
- (ii) explaining the recipients’ legal liability under section 17A and 17B of the POBO; and
- (iii) attaching to it copies of sections 17A and 17B of POBO.

As the notice is a court document, the Administration will need to consult the Judiciary and obtain its agreement to the changes. The amendments to the notice will not inhibit this legislative amendment exercise.

- (e) *to review whether the Chinese version of section 17A(4) of POBO and section 53A(5) of DDO are consistent.*

Since the words “thereupon” and “因此” in s.17A(4) of POBO are to be deleted, it is considered that there will not be any inconsistency between the Chinese version of section 17A(4) of POBO and section 53A(5) of DDO.

**Submission of annual reports by statutory bodies
(an issue arising from the discussion of clause 29 in Division 2, Part 3 of the Bill)**

- (f) *To coordinate within the Administration a review of the time limit for submission of annual reports by statutory bodies. While members have no strong view about the proposed amendment in clause 29 of the Bill, they consider that there should not be undue delay for statutory bodies in preparing their annual reports and there should be consistency in the time limit within which the bodies should submit their annual reports.*

The Home Affairs Bureau has taken note of the request to conduct a review of the time limit for submission of annual reports by statutory bodies. The Bureau is currently conducting a review of advisory and statutory bodies, and this request will be included in the agenda of the review.

With best regards,

Yours sincerely,

(Ms Stella Chan)
Government Counsel
General Legal Policy/Legal Policy Division

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