

立法會
Legislative Council

Ref : CB2/SS/4/04

LC Paper No. CB(2)2362/04-05
(These minutes have been cleared
with the Chairman)

**Subcommittee on Mutual Legal Assistance in Criminal Matters
(Belgium) Order and Mutual Legal Assistance
in Criminal Matters (Denmark) Order**

**Minutes of the meeting
held on Monday, 13 June 2005 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon LAU Kong-wah, JP

Public Officers attending : Mr John HUNTER
Deputy Principal Government Counsel (Treaties and Law)
Department of Justice

Ms Jane LEE
Assistant Secretary for Security

Ms Anthea LI
Senior Government Counsel
Department of Justice

Ms Frances HUI
Senior Government Counsel
Department of Justice

Mr Vidy CHEUNG
Senior Government Counsel
Department of Justice

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in : Ms Connie FUNG

attendance Assistant Legal Adviser 3

Mrs Eleanor CHOW
Senior Council Secretary (2)4

I. Meeting with the Administration

(LC Paper Nos. CB(2)1574/04-05(02) and (03))

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. Regarding the handling of urgent cases in Article 2(3) of the Mutual Legal Assistance in Criminal Matters (Denmark) Order (the Denmark Order), the Chairman suggested that the Hong Kong Police Force's internal guidelines should cater for the Police's notification to the Department of Justice of requests for mutual legal assistance received through Interpol.

II. Any other business

3. As the Subcommittee completed scrutiny of the Mutual Legal Assistance in Criminal Matters (Belgium) Order (the Belgium Order) and the Denmark Order, no further meeting would be held. The Subcommittee agreed that a verbal report would be made to the House Committee on 17 June 2005, to be followed by a written report to the House Committee on 24 June 2005. The Chairman said that if the Administration intended to move the two resolutions at the Council meeting on 6 July 2005, the deadline for giving notice of moving the resolutions was 20 June 2005.

4. The meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
22 July 2005

**Proceedings of the meeting of the
Subcommittee on
Mutual Legal Assistance in Criminal Matters (Belgium) Order and
Mutual Legal Assistance in Criminal Matters (Denmark) Order
on Monday, 13 June 2005 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000245	Chairman	Opening remarks	
000246 - 000312	Hon Margaret NG Chairman	Article-by-article comparison between the Belgium Order and the Model Agreement	
000313 - 000451	Admin	Title and Preamble Article I	
000452 - 001424	Chairman Admin ALA3	Type of assistance covered by Article I(2)(k), e.g. exchange of DNA sample between the Requesting Party and the Requested Party	
001425 - 002803	Admin Chairman	Article I – Article IV	
002804 - 003304	Hon Margaret NG Admin Chairman	Explanation on Article IV(1)(j)	
003305 - 004700	Admin Chairman	Article IV – Article X	
004701 – 005120	Chairman Admin Hon Margaret NG	Reason for singling out video conferencing as a means of taking testimony in Article X(6)	
005121 - 010156	Chairman Admin	Article XI - Article XIX	
010157 - 011310	Chairman Admin Hon Margaret NG	Circumstances under which information was passed to the other party without prior request in Article XX Article XX I- Article XXII	

Time marker	Speaker	Subject(s)	Action Required
011311 – 011754	Chairman Admin	Article-by-article comparison between the Denmark Order and the Model Agreement Title and Preamble Article 1	
011755 – 012106	Chairman Admin Hon Margaret NG	The need for the Hong Kong Police Force’s internal guidelines to cater for Article 2(3)	The Admin to relay the suggestion to the Hong Kong Police Force
012107 – 013029	Chairman Admin	Article 3 Reason for not including sex as one of the factors for refusal of assistance by the Requested Party in Article 4(1)(d) Article 4 - Article 5	
013030 - 013409	Chairman Admin Hon Margaret NG	Article 6 - Article 8	
013410 - 014424	Hon Margaret NG Admin Chairman	Clarification on Article 8(5)	
014425 - 020015	Admin Chairman Hon Margaret NG	Article 9 - Article 22	
020016 - 020050	Chairman ALA3	The Administration’s reply to ALA3’s letter of 22 April 2005	
020051 - 020240	Chairman Hon Margaret NG	Way forward	