

SBCR 3/5691/95

22 December 2006

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Mrs Sharon Tong
Clerk to Subcommittee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Tong,

**Subcommittee on
Mutual Legal Assistance in Criminal Matters (Germany) Order**

At the Subcommittee meeting of 14 December 2006, Members requested the Administration to clarify the type of information that could be given under Article 5(2)8 of Schedule 1 of the Mutual Legal Assistance in Criminal Matters (Germany) Order to the Requesting Party.

Article 5(2) relates to information which the Requesting Party may need to provide to facilitate execution of its own request. It does not relate to information which a Party provides in response to a request for assistance from the other Party.

Nonetheless, generally materials that have been obtained by compulsory process for domestic purposes may not be transmitted to a foreign authority, unless there are statutory provisions to enable such transmission. We will continue to observe this in implementing agreements on mutual legal assistance in criminal matters.

We understand that the Subcommittee will submit its report to the House Committee on 5 January 2007. As such, it is the Administration's intention to move

a motion on the approval of the Order at the Legislative Council meeting on 24 January 2007.

Yours sincerely,

(Miss Jane Lee)
for Secretary for Security

c.c.

Department of Justice (Attn: Mr John Hunter
Ms Anthea Li)

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