



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處 法律事務部
LEGISLATIVE COUNCIL SECRETARIAT
LEGAL SERVICE DIVISION

來函編號 YOUR REF :
本函檔號 OUR REF : LS/R/10/06-07
電話 TELEPHONE : 2869 9209
圖文傳真 FACSIMILE : 2877 5029

Secretary for Security
(Attn. : Ms Manda CHAN
Principal Assistant Secretary (Security) A)
Security Bureau
6th Floor Main and East Wing
Central Government Offices
Central
Hong Kong

21 May 2007

BY FAX
Fax No. : 2524 3762

Dear Ms CHAN,

**Mutual Legal Assistance in
Criminal Matters (Malaysia) Order ("the Order")**

I am scrutinising the legal and drafting aspects of the Order. I would be most grateful if you may clarify the following points-

Article 1 Scope of Assistance

Article 1(2)(b) specifies the assistance shall include "serving of judicial documents". Article 13(1) provides that the Requested Party shall use its best endeavours to effect service of "any document". The scope of assistance in Article 13(1) appears to be wider than that in article 1(2)(b). Please kindly clarify.

Article 11 Taking of Testimony by Video or Television Link

Article 11 provides that on a case by case basis, live video or television links or other means may be used in accordance with the law and procedure of the Requested Party. In Hong Kong, testifying under live television link in criminal matters is governed by Part IIIA of the Criminal Procedure Ordinance (Cap. 221). If there is a request on which there is no applicable law and procedure in Hong Kong,

please clarify how the Administration will respond to such a request. Further, please clarify whether the admissibility of such evidence in Malaysia is a consideration in complying with such a request.

I would be most grateful if you may provide your response in both languages before the House Committee meeting on 25 May 2007.

Yours faithfully,



(LEE Ka-yun, Kelvin)
Assistant Legal Adviser

Encl.

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