

**立法會**  
**Legislative Council**

Ref : CB2/SS/7/06

LC Paper No. CB(2)2275/06-07  
(These minutes have been seen by the  
Administration)

**Subcommittee on  
Subsidiary Legislation to Implement the Obligations under  
the United Nations Convention Against Corruption**

**Minutes of meeting  
held on Tuesday, 12 June 2007, at 2:45 pm  
in the Chamber of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)  
Hon James TO Kun-sun  
Hon Howard YOUNG, SBS, JP  
Hon LAU Kong-wah, JP
- Public Officers attending** : Miss Shirley YUNG  
Assistant Director (Administration)  
Administration Wing  
Chief Secretary for Administration's Office
- Ms Manda CHAN  
Principal Assistant Secretary for Security
- Mr Wayne WALSH  
Deputy Principal Government Counsel (Mutual Legal Assistance Unit)
- Ms Francoise LAM  
Senior Government Counsel
- Mr Hubert LAW  
Assistant Secretary for Security
- Ms Jane LEE  
Assistant Secretary for Security
- Clerk in attendance** : Mrs Sharon TONG  
Chief Council Secretary (2) 1

**Staff in attendance** : Mr Timothy TSO  
Assistant Legal Adviser 2

Mr Raymond LAM  
Senior Council Secretary (2) 5

Miss Helen DIN  
Legislative Assistant (2) 1

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**I. Election of Chairman**

Hon Margaret NG was elected Chairman of the Subcommittee.

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

**II. Meeting with the Administration**

3. The Subcommittee requested the Administration -
  - (a) to provide a paper setting out how the obligations under the United Nations Convention Against Corruption (UNCAC) had been fulfilled through existing legislation and administrative measures in Hong Kong;
  - (b) to explain the legal effect of including UNCAC in the Schedule to the Fugitive Offenders (Corruption) Order and whether such drafting practice had been adopted for previous similar Orders; and
  - (c) to explain whether the proposed addition of the offences on soliciting or accepting bribes under sections 4(2), 5(2), 6(2) and 9(1) of the Prevention of Bribery Ordinance to Schedule 2 to the Organized and Serious Crimes Ordinance was necessary for achieving the confiscation requirements under UNCAC.

**III. Date of next meeting**

4. The Subcommittee agreed that the next meeting would be scheduled, pending the availability of the information to be provided by the Administration.
5. The Subcommittee agreed that the Chairman should move a motion at

Action

the Council meeting on 20 June 2007 to extend the scrutiny period of the Fugitive Offenders (Corruption) Order to the first Council meeting of the next session.

6. The meeting ended at 3:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 June 2007

**Proceedings of meeting of the  
Subcommittee on  
Subsidiary Legislation to Implement the Obligations under  
the United Nations Convention Against Corruption  
on Tuesday, 12 June 2007, at 2:45 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000337	Hon Margaret NG Hon James TO Hon Howard YOUNG Hon LAU Kong-wah	Election of Chairman	
000338 - 000520	Admin	Briefing on the Fugitive Offenders (Corruption) Order (the Order)	
000521 - 000800	Chairman Hon James TO Admin	Extension of scrutiny period for the Order	
000801 - 000831	Chairman Admin	Past practice in respect of the implementation of the obligations under an international convention in Hong Kong	
000832 - 001653	Hon James TO Admin	Why offences on "soliciting or accepting" bribes as defined under sections 4(2), 5(2), 6(2) and 9(1) of Prevention of Bribery Ordinance (POBO) had not been included in Schedule 2 to the Organized and Serious Crimes Ordinance (OSCO)	
001654 - 003521	Hon LAU Kong-wah Chairman Hon James TO ALA2 Admin	How the obligations under the United Nations Convention Against Corruption (UNCAC) had been fulfilled in Hong Kong, for instance, how the terms in Article 2 of UNCAC were to be interpreted	<b>Admin to provide a paper setting out how the obligations under the UNCAC had been fulfilled through existing legislation and administrative measures in Hong Kong</b>
003522 - 004701	Hon James TO Chairman Admin	Whether the proposed addition of the offences on soliciting or accepting bribes under sections 4(2), 5(2), 6(2) and 9(1) of POBO to Schedule 2 to OSCO was	<b>Admin to explain whether the proposed addition of the offences on soliciting or accepting bribes</b>

Time marker	Speaker	Subject(s)	Action Required
		necessary for achieving the confiscation requirements under UNCAC; effect of section 2 of the Order; reasons for including Articles 5 and 6 of UNCAC in the Order; legal effect of including UNCAC in the Schedule to the Order and whether such drafting practice had been adopted for previous similar Orders	<b>under sections 4(2), 5(2), 6(2) and 9(1) of POBO to Schedule 2 to OSCO was necessary for achieving the confiscation requirements under UNCAC; to explain the legal effect of including UNCAC in the Schedule to the Order and whether such drafting practice had been adopted for previous similar Orders</b>
004702 - 004742	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
26 June 2007