

立法會
Legislative Council

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LC Paper No. CB(2)423/07-08
(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, 6 November 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon James TO Kun-sun
Hon LAU Kong-wah, JP
- Member absent** : Hon Howard YOUNG, SBS, JP
- Public Officers attending** : Mr Arthur AU
Assistant Director of Administration
- Ms Manda CHAN
Principal Assistant Secretary for Security
- Mr Ian MCWALTERS
Deputy Director of Public Prosecutions
- Mr Wayne WALSH
Acting Deputy Law Officer (Mutual Legal Assistance)
- Miss Catherine FUNG
Senior Government Counsel (Deputy Section Head)
- 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

Ms Camy YOONG
Clerical Assistant (2)1

I. Meeting with the Administration

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

2. The Subcommittee noted that the Secretariat had, pursuant to members' request at the last meeting, searched through the records of the LegCo Ad Hoc Group to study the Organized Crime Bill 1991 (the White Bill), the LegCo Working Group to study the Legal Technicalities of the White Bill and the LegCo Ad Hoc Group to study the Organized and Serious Crimes Bill and the Criminal Procedure (Amendment) Bill 1992. It was noted that Schedule 2 to the White Bill covered any offence under Part II of the Prevention of Bribery Ordinance (POBO), whereas Schedule 2 to the Organized and Serious Crime Bill only covered sections 4(1), 5(1), 6(1) and 9(2) of POBO. The Secretariat had not been able to identify from the records the reasons for not including the offences on soliciting or accepting bribes as defined under sections 4(2), 5(2), 6(2) and 9(1) of POBO in Schedule 2 to the Organized and Serious Crimes Ordinance.

3. The Administration confirmed that the offences on soliciting or accepting bribes under sections 4(2), 5(2), 6(2) and 9(1) of POBO were the only corruption offences which needed to be added to Schedule 2 of the Organized and Serious Crimes Ordinance for better achieving the confiscation requirements under the United Nations Convention Against Corruption. At the request of the Subcommittee, the Administration would state this point when moving the motion on the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007.

4. The Chairman said that the Subcommittee had completed scrutiny of the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007 and Mutual Legal Assistance in Criminal Matters (Corruption) Order and a written report on the deliberations of the Subcommittee would be submitted to the House Committee on 16 November 2007. If the Administration intended to move the resolutions on the Orders at the Council meeting on 5 December 2007, the deadline for giving notices of moving the resolutions was 20 November 2007.
5. The meeting ended at 5:15 pm.

Council Business Division 2
Legislative Council Secretariat
22 November 2007

**Proceedings of meeting of the
Subcommittee on
Subsidiary Legislation to Implement the Obligations under
the United Nations Convention Against Corruption
on Tuesday, 6 November 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000254	Chairman	Opening remarks	
000255 - 001148	Admin	Briefing on the Administration's response to issues raised by members on the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007 at the meeting on 13 July 2007 (LC Paper No. CB(2)144/07-08(01))	
001149 - 002549	Hon James TO Admin Chairman	Whether the obligations under the United Nations Convention Against Corruption could be fulfilled without including the offences on soliciting or accepting bribes as defined under sections 4(2), 5(2), 6(2) and 9(1) of the Prevention of Bribery Ordinance in Schedule 2 to the Organized and Serious Crimes Ordinance; Administration's policy towards confiscation in cases where the principal applied for a restitution order	
002550 - 002857	Admin Chairman	Briefing on paragraphs 7 and 8 of the Administration's response to issues raised by members on the Fugitive Offenders (Corruption) Order and the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007 at the meeting on 13 July 2007 (LC Paper No. CB(2)2635/06-07(01))	

Time marker	Speaker	Subject(s)	Action Required
002858 - 003546	Hon James TO Chairman Admin	Whether the offences of soliciting or accepting bribes referred to in paragraph 7 of the Administration's paper had to be organised crime	
003547 - 004015	Chairman ALA2 Admin	Section-by-section examination of the Mutual Legal Assistance in Criminal Matters (Corruption) Order and the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007; whether there was a need for including other offences in the Prevention of Bribery Ordinance in Schedule 2 to the Organized and Serious Crimes Ordinance	
004016 - 004128	Chairman	Reporting the deliberations of the Subcommittee on the Organized and Serious Crimes Ordinance (Amendment of Schedule 2) Order 2007 and Mutual Legal Assistance in Criminal Matters (Corruption) Order to the House Committee	