

政府總部  
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GOVERNMENT SECRETARIAT  
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HONG KONG

本函檔號 OUR REF.: SBCR 20/15/5691/74  
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24 April 2008

Legislative Council Secretariat  
Legal Service Division  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong  
(Attn : Mr Timothy Tso)

Dear Mr Tso,

**Fugitive Offenders (Transnational Organized Crime) Order and  
Mutual Legal Assistance in Criminal Matters  
(Transnational Organized Crime) Order**

Thank you for your letter of 23 April 2008, in which you invited the Administration to consider if the Chinese rendition of “最高刑至少四年” in Article 2(b) of the Chinese text of the United Nations Convention Against Transnational Organized Crime (UNTOC) should be amended to “最高刑罰至少四年”.

The Schedule to the Fugitive Offenders (Transnational Organized Crime) Order and Schedule 1 to the Mutual Legal Assistance in Criminal Matters (Transnational Organized Crime) Order recite the full text of the UNTOC. Paragraph 2 of Article 41 of the UNTOC provides: “The original of this Convention of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations”. As the authentic Chinese text of the Convention is set out in the Schedules, it would be appropriate to adhere to “最高刑” in the two Orders.

We also note that the expression “最高刑” is widely used in the Mainland in the context of maximum penalty or sentence.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Linda Leung', written in a cursive style.

(Linda Leung)  
for Secretary for Security

c.c. DoJ (Attn: Mr Gilbert Mo, Ms Emma Wong, Ms S K Lee)