

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2168/07-08  
(These minutes have been seen by the  
Administration)

Ref : CB2/SS/6/07

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

**Minutes of meeting  
held on Monday, 19 May 2008, at 8:30 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)  
Hon Margaret NG  
Hon Miriam LAU Kin-ye, GBS, JP
- Member absent** : Hon LAU Kong-wah, JP
- Public Officers attending** : Ms Manda CHAN  
Principal Assistant Secretary for Security
- Ms Linda LAM  
Deputy Principal Government Counsel (Acting)
- Ms Phyllis POON  
Senior Government Counsel (Acting)
- Ms Jane LEE  
Assistant Secretary for Security
- Clerk in attendance** : Mrs Sharon TONG  
Chief Council Secretary (2)1
- Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Mr Raymond LAM  
Senior Council Secretary (2) 5

Miss Helen DIN  
Legislative Assistant (2) 1

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**I. Election of Chairman**

Mr James TO 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 to provide a paper explaining whether Article 21(2) of Schedule 1 to the Mutual Legal Assistance in Criminal Matters (Finland) Order (the Order) was in compliance with the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) and whether the Article was consistent with the human rights protection provided under the Hong Kong Bill of Rights Ordinance (Cap. 383).

4. The Subcommittee requested the Administration to explain its interpretation of the term "witness" in Article 15(1) of Schedule 1 to the Order when moving the resolution on the Order.

**III. Way forward**

5. The Chairman said that the Subcommittee had completed scrutiny of the Order and, pending the paper to be provided by the Administration, a written report on the deliberations of the Subcommittee would be submitted to the House Committee.

6. The meeting ended at 9:20 am.

**Proceedings of meeting of the  
Subcommittee on Mutual Legal Assistance in Criminal Matters (Finland) Order  
on Monday, 19 May 2008, at 8:30 am  
in Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000126	Hon Margaret NG Hon James TO Hon Miriam LAU	Election of Chairman	
000127 - 000312	Chairman	Opening remarks	
000313 - 000517	Admin Chairman	Examination of Article 1 of Schedule 1 to the Mutual Legal Assistance in Criminal Matters (Finland) Order (the Order); comparison between the Article and the relevant article in the Model Agreement on Mutual Legal Assistance in Criminal Matters (model agreement) (LC Paper No. CB(2)1962/07-08(01))	
000518 - 000925	Admin Chairman	Examination of Articles 2 and 3 of Schedule 1 to the Order; comparison between the Articles and the relevant articles in the model agreement; comparison between the Order and relevant provisions in the Mutual Legal Assistance in Criminal Matters (Denmark) Order	
000926 - 001059	Admin Hon Margaret NG Chairman	Examination of Article 4 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001100 - 001135	Admin	Examination of Article 5 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
001136 - 001153	Admin	Examination of Article 6 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001154 - 001213	Admin	Examination of Article 7 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001214 - 001218	Admin	Examination of Article 8 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001219 - 001231	Admin	Examination of Article 9 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001232 - 001238	Admin	Examination of Article 10 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001239 - 001245	Admin	Examination of Article 11 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
001246 - 002026	Admin Chairman Hon Miriam LAU Hon Margaret NG	Examination of Article 12 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement; effect of Article 12(2); how Articles 12(2) and 12(6) were to be implemented	
002027 - 002034	Admin	Examination of Article 13 of Schedule 1 to the Order; comparison between the Article	

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		and the relevant article in the model agreement	
002035 - 002041	Admin	Examination of Article 14 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
002042 - 002759	Admin Chairman Hon Margaret NG Hon Miriam LAU	Examination of Article 15 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement; effect of Article 15; meaning of the term "witness" in Article 15; explaining the Administration's interpretation of the term "witness" in Article 15(1) of Schedule 1 to the Order when moving the resolution on the Order	
002800 - 002838	Admin	Examination of Article 16 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
002839 - 002849	Admin	Examination of Article 17 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
002850 - 002857	Admin	Examination of Article 18 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
002858 - 002953	Admin Chairman	Examination of Article 19 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement; compliance of the Article with existing laws	

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002954 - 002958	Admin	Examination of Article 20 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
002959 - 003006	Admin	Examination of Article 21 of Schedule 1 to the Order; comparison between the Article and the relevant article in the model agreement	
003007 - 003340	Chairman Admin Hon Margaret NG	Scope of "proceeds of crime" in Article 19 of Schedule 1 to the Order	
003341 - 003857	Admin Chairman	Article 21(2) of Schedule 1 to the Order; whether Article 21(2) of Schedule 1 to the Order was in compliance with the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) and whether the Article was consistent with the human rights protection provided under the Hong Kong Bill of Rights Ordinance (Cap. 383) (BORO)	<b>Admin to provide a paper explaining whether Article 21(2) of Schedule 1 to the Order was in compliance with the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) and whether the Article was consistent with the human rights protection provided under BORO</b>
003858 - 004159	Admin Chairman	Examination of section 1 of Schedule 2 to the Order	
004200 - 004224	Admin	Examination of section 2 of Schedule 2 to the Order	
004225 - 004326	Admin	Examination of section 3 of Schedule 2 to the Order	
004327 - 004816	Chairman Admin Hon Miriam LAU Hon Margaret NG	Purpose and effect of section 2 of Schedule 2 to the Order	

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004817 - 005025	Chairman Clerk	Way forward; report to the House Committee	

Council Business Division 2  
Legislative Council Secretariat  
4 June 2008