

PREVENTION OF BRIBERY (AMENDMENT) BILL 2007

COMMITTEE STAGE

Amendments to be moved by the Chief Secretary for Administration

Clause

Amendment Proposed

- 5 In the English text –
- (a) in the heading, by deleting “Section” and substituting “Sections”;
 - (b) by deleting “is added” and substituting “are added”.
- 5 In the proposed section 31AA(2), by deleting “Legislative Council for it” and substituting “Members of the Legislative Council for them”.
- 5 By adding immediately after the proposed section 31AA –
- “31AB. Disclosure of information received under section 31AA by Members of Legislative Council etc.**
- (1) Notwithstanding section 30, a Member of the Legislative Council may disclose any information received under section 31AA to the Secretary General for the purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.
 - (2) Notwithstanding section 30, the Secretary General may, with the prior approval of the President of

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the Legislative Council, disclose any information received under subsection (1) to any member of the staff employed in the Legislative Council Secretariat if the Secretary General is satisfied that the disclosure is reasonably necessary for the purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.

(3) The President of the Legislative Council shall not approve a disclosure under subsection (2) unless the President is satisfied that the disclosure is reasonably necessary for the purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.

(4) Where in relation to a matter referred to the Members of the Legislative Council under section 31AA(2), a motion has been initiated jointly by one-fourth of all the Members of the Legislative Council under Article 73(9) of the Basic Law charging the Chief Executive with serious breach of law or dereliction of duty, section 30(1) shall not apply as regards the disclosure by any person of any information relating to the matter provided by the Secretary for Justice to the Members of the Legislative Council under section 31AA(2).

(5) In this section, "Secretary General" (秘書長) has the meaning assigned to it in section 2 of The Legislative Council Commission Ordinance (Cap. 443).".

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By deleting the clause and substituting –

“6. Other specified offences

(1) Schedule 2 to the Organized and Serious Crimes Ordinance (Cap. 455) is amended, in paragraph 9, by repealing –

“section 5(1) bribery for giving assistance, etc. in regard to contracts”

and substituting –

“section 4(2A) bribery of Chief Executive

section 4(2B) soliciting or accepting bribes in the capacity of Chief Executive

section 5(1) bribery of public servant for giving assistance, etc. in regard to contracts”.

(2) Schedule 2 is amended, in paragraph 9, by adding –

“section 5(3) bribery of Chief Executive for giving assistance, etc. in regard to contracts

section 5(4) soliciting or accepting bribes in the capacity of Chief Executive for

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giving assistance, etc.
in regard to contracts”

after –

“section 5(2) soliciting or accepting
bribes in the capacity
of a public servant for
giving assistance, etc.
in regard to
contracts”.”.

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