

ORGANIZED AND SERIOUS CRIMES ORDINANCE

RESOLUTION

(Under section 31 of the Organized and Serious
Crimes Ordinance (Cap. 455))

RESOLVED that the Organized and Serious Crimes Ordinance
(Amendment of Schedule 2) Order 2007, made by the Chief
Executive in Council on 22 May 2007, be approved.

ORGANIZED AND SERIOUS CRIMES ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2007

(Made by the Chief Executive in Council under section 31
of the Organized and Serious Crimes Ordinance
(Cap. 455) subject to the approval
of the Legislative Council)

1. Other specified offences

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

- (a) by adding –
- | | |
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| “section 4(2) | soliciting or accepting bribes in the capacity of a public servant” |
| after – | |
| “section 4(1) | bribery of public servant”; |
- (b) by adding –
- | | |
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| “section 5(2) | soliciting or accepting bribes in the capacity of a public servant for giving assistance, etc. in regard to contracts” |
| after – | |
| “section 5(1) | bribery for giving assistance, etc. in regard to contracts”; |
- (c) by adding –
- | | |
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| “section 6(2) | soliciting or accepting bribes for withdrawal of tenders |
| section 9(1) | soliciting or accepting bribes in the capacity of an agent” |
| after – | |

“section 6(1) bribery for procuring withdrawal of tenders”.

Clerk to the Executive Council

COUNCIL CHAMBER

22 May 2007

Explanatory Note

The Central People’s Government of the People’s Republic of China has ratified the United Nations Convention against Corruption (“the Convention”) and the Convention entered into force for the People’s Republic of China, including Hong Kong, on 12 February 2006. Under Article 31 of the Convention, parties to the Convention are required to adopt measures to, amongst others, freeze, seize and confiscate proceeds of corruption related crimes.

2. To better fulfil the requirements under Article 31 of the Convention, this Order amends Schedule 2 to the Organized and Serious Crimes Ordinance (Cap. 455) by adding to that Schedule the offences under sections 4(2), 5(2), 6(2) and 9(1) of the Prevention of Bribery Ordinance (Cap. 201). Under the amendments, the proceeds or property derived from those offences may be subject to a restraint order, charging order or confiscation order made under the Organized and Serious Crimes Ordinance (Cap. 455).