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1 June 2010

Ms. Veronica WONG
Security Bureau
6/F, Main and East Wings
Central Government Offices
Lower Albert Road
Central
Hong Kong

BY FAX
Fax No. : 2524 3762

Dear Ms. Wong,

**Subcommittee on Proposed Resolution under section 12A of the
United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)**

We refer to the revised Code of Practice prepared by the Administration in response to issues raised at the Subcommittee meeting held on 6 May 2010 (LC Paper No. CB(2)1672/09-10(02)) (the revised Code). We have the following comments on the revised Code:

Private consultation with barrister/solicitor over the telephone

- (a) Paragraph 9 of the revised Code now states that "*The interviewee may also consult the barrister and/or solicitor over the telephone in the presence, but out of the hearing, of an authorized officer.*" (emphasis added) The expression "*the barrister and/or solicitor*" may be construed as the barrister and/or solicitor referred to in the first sentence of paragraph 9, i.e. the barrister/solicitor present during the interview. However, the main reason why an interviewee needs to speak with a barrister and/or solicitor over the telephone is because the lawyer is unavailable to attend the interview. We suggest replacing "*the*" with "*his or her*" so as to make it clear that an interviewee may consult with his or her lawyer over the telephone, whether the lawyer physically attends the interview or not.

Provision of the record of complaint to the person making the complaint

- (b) The last sentence of paragraph 29 of the revised Code now states that "*A copy of the record of complaint should be provided to the person making the complaint*" without, however, specifying when such record should be provided to the complainant. Consistent with paragraph 22 of the revised Code, please consider amending the last sentence of paragraph 29 as follows:

"A copy of the record of complaint should, as soon as reasonably practicable, be provided to the person making the complaint there and then."

The Chinese text of the same sentence may be amended as follows:

"一份投訴記錄的副本應在合理的切實可行範圍內，即場提供予投訴人。"

We look forward to receiving your reply in both languages by **noon on Friday, 4 June 2010**. Please also forward an electronic copy of your reply to yfchoi@legco.gov.hk.

Yours sincerely,

(Bonny LOO)
Assistant Legal Adviser

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