

**Bills Committee on Anti-Money Laundering and
Counter-Terrorist Financing (Financial Institutions) Bill**

**Information/response to be provided by the Administration in response to
Members' requests made at the meeting on 31 March 2011**

1. To consider providing for an offence for breach of the Regulations (or parts of the Regulations) to be made under Clause 50.
2. In relation to Clause 46, to-
 - (a) consider adding a provision enabling the authorized officer to retrieve the relevant record or document from a computer system under Clause 46, as the computer system may be protected by passwords and the authorized officer would not be able to gain access to the record or document;
 - (b) consider limiting the persons who may be detained under sub-clause (2)(d) to those who appear to the authorized officer to be, or likely to be, relevant to the investigation of the suspected offence.
3. To consider extending the application of Clause 47(5), which as drafted only applies to an arrest, to allow the authorized officer using force reasonably necessary to effect a detention if a person forcibly resists or attempts to evade detention.
4. In relation to Clause 60, to clarify-
 - (a) whether the oral evidence or written statements received and considered by the Tribunal under sub-clause (1)(a) would enjoy absolute privilege or qualified privilege (such as privilege from defamation);
 - (b) whether under sub-clause 60(2)(e), an employer deducting wages of an employee due to his/her absence from work to appear before the Tribunal would be seen as "causes any loss to be suffered by any person who has attended before the Tribunal, on account of that attendance" and hence may commit an offence under the sub-clause.

5. To review whether Clause 63 would create an inequitable situation between the party seeking a review and the relevant authority, as it appears that the latter is not subject to the same restriction in its exercise of powers leading to the decision which is the subject of the review .
6. To explain whether there is any channel to lodge a complaint against the Tribunal if a person considered that the Tribunal fails to properly discharge its duties under the Bill.
7. To explain the rationale for clause 66(2) and provide examples of similar provisions in other legislation.

Council Business Division 1
Legislative Council Secretariat
15 April 2011