

**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 19 April 2011**

1. In respect of Clause 77 -
 - (a) to explain the rationale for this clause and the consequence of deleting it, given that it has been established in case law that the civil standard of proof should apply in circumstances other than in criminal proceedings ; and
 - (b) to consider deleting this clause to allow for more flexibility as the standard of proof should be higher than the civil standard when the legal proceedings involved may affect an individual's right substantially.
2. In respect of Clause 78 -
 - (a) to explain why sub-clause (1) only includes the offence of conspiracy to commit an offence under this Bill but not also other inchoate offences such as the offences of attempt or incitement to commit an offence under this Bill;
 - (b) to consider whether a mechanism for appointment of officers eligible to exercise the power provided under sub-clause(2) should be established.
3. In respect of section 10 of Schedule 2, to explain how financial institutions in practice may establish the source of wealth and the source of funds of a politically exposed person as required under section 10(1)(b) and 10(2)(b).