

**Subcommittee on Prevention of Bribery Ordinance
(Amendment of Schedules 1 and 2) Order 2012**

**Administration's Response to Issues Arising from
the Sub-committee Meeting on 30 March 2012**

Purpose

At the Sub-committee meeting on 30 March 2012, Members requested a summary in table form of the differences between non-public bodies and public bodies with reference to each of the relevant sections of the Prevention of Bribery Ordinance (Cap. 201). Members may wish to note that sections 12 and 13 of the Independent Commission Against Corruption Ordinance (Cap. 204) are also relevant. The requisite information is set out below:

Anti-corruption provisions	Non-public bodies	Public bodies
Prevention of Bribery Ordinance (Cap. 201)		
Section 4(1) and (2) Bribery	Not applicable	Applicable to public servants and any persons offering advantage to them
Section 5(1) and (2) Bribery for giving assistance, etc. in regard to contracts	Not applicable	Applicable to public servants and any persons offering advantage to them
Section 6 Bribery for procuring withdrawal of tenders	Not applicable	Applicable to anyone dealing with tenders of public bodies
Section 7 Bribery in relation to auctions	Not applicable	Applicable to anyone dealing with auctions of public bodies
Section 8 (2) Bribery of public servants by persons having dealings with public bodies	Not applicable	Applicable to anyone having dealings with public bodies
Section 9 Corrupt transactions with agents	Applicable to both non-public bodies and public bodies	
Independent Commission Against Corruption Ordinance (Cap. 204)		
Section 12(d) and (f) Duties of the Commissioner	Not applicable	The Commissioner has a statutory duty to examine the practices of public bodies to facilitate the discovery of corrupt practices, and make recommendations for corruption prevention purposes.
Section 13(2)(b) Powers of the Commissioner	Not applicable	To discharge the duties in section 12(d) or (f), the Commissioner and authorized officers are empowered to gain access to, relevant records, books and other documents of a public body.