

**Bills Committee on the
Adaptation of Laws (No 2) Bill 1998**

**The Administration's response to
issues raised by Members at the meeting on 25.11.98**

Dangerous Drugs Ordinance (Cap 134)

Members requested that the Administration should consider to set out in the Bill the standard adopted in deciding whether raw opium is for medicinal use so as to reflect the actual practice, for example, "in accordance with the Pharmacopoeia of the country of origin of the relevant drug". We are still studying the suggestion raised by Members and will revert in due course.

Crimes Ordinance (Cap 200)

2. Members requested a written response to the Hong Kong Bar Association's letter of 21.11.98.

3. We do not see any conflict between the Secretary for Justice's independent prosecution power under Article 63 of the Basic Law and the right of private prosecution. We would, however, like to study the matter further in the light of, inter alia, the Bar's and the Bills Committee's comments before reverting with a more detailed response.

Offences against the Person Ordinance (Cap 212)

4. As requested by Members, a copy of the Administration's reply to Hon Lau Chin-shek regarding Article 23 of the Basic Law is provided at the Annex.

5. Members suggested that the repeal of section 6 of Cap 212 should be dealt with when Parts I-II of the Crimes Ordinance (Cap 200) concerning treason, sedition and related offences are dealt with.

6. We have already pointed out that petit treason is a common law offence committed when one subject of the Crown killed another who was

his superior. It is separate from the offence of treason committed when a subject murders the monarch.

7. It should also be noted that the repeal of section 6 does not have any substantive effect because the offence of petit treason was abolished in 1828 in UK and therefore does not exist as part of the law of Hong Kong. Under section 23 of Cap. 1, the repeal shall not revive anything not in force or existing at the time at which the repeal takes effect.

General

8. Members asked the Administration to consider spelling out in the Explanatory Memorandum of the adaptation of laws bills to be introduced into LegCo that adaptation to some sections of the ordinances are not being dealt with in the relevant bill.

9. The function of Explanatory Memorandum is to set out the objects and reasons of a bill. The Explanatory Memorandum does not normally deal with matters not covered by the bill. Where certain matters are not dealt with in a particular bill but which the Administration has agreed to deal with later, it is usually stated in the speeches by the relevant Bureau Secretary.

Security Bureau
December 1998