

立法會
Legislative Council

LC Paper No. CB(2) 155/00-01

(These minutes have been seen by
the Administration and cleared with
the Chairman)

Ref : CB2/BC/25/98

**Bills Committee on
Witness Protection Bill**

**Minutes of meeting
held on Tuesday, 13 June 2000 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon Andrew WONG Wang-fat, JP

Members absent : Hon David CHU Yu-lin
Hon Gary CHENG Kai-nam, JP

Public Officers attending : Miss Eliza YAU
Principal Assistant Secretary for Security E

Ms Jessie WONG
Assistant Secretary for Security E

Mr CHEUNG Siu-wah
Chief Superintendent of Police (Crime) (Acting)
Hong Kong Police Force

Mr W B MADDAFORD
Senior Assistant Law Draftsman

Miss Monica LAW
Senior Assistant Law Draftsman

Mr LAI Tung-kwok
Assistant Director of Immigration (Personal Documentation)

Mr WONG Sai-chiu
Assistant Director of Operations
Independent Commission Against Corruption

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I. Meeting with the Administration
(LC Paper No. CB(2)2294/99-00(01))

Follow-up to issues raised at the last meeting on 5 June 2000

Clause 14 - the review mechanism

Principal Assistant Secretary for Security E (PAS(S)E) said that the Administration agreed to provide in the Bill the composition and operation of the review boards which would be similar to that adopted by the existing Police Witness Protection Appeal Board. It was proposed that the Chief Executive would appoint a panel of persons consisting of public officers and persons not being public officers for the purpose of clause 14(1). For each hearing, the board would be chaired by an officer designated by the Commissioner of Police or Commissioner of the Independent Commission Against Corruption, as appropriate, who was more senior than the approving authority. Members of the board would comprise persons appointed by the Chief Executive for such purpose and at least two of them were not public officers. The relevant Committee stage amendments (CSAs) would be moved by the Administration.

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Clause 17(1)(b) - Offences

2. PAS(S)E said that the Department of Justice had no objection to the Chairman's proposal that any prosecution under clause 17(1)(b) required the consent of the Secretary for Justice (S for J). She said that the Administration would move a CSA

Adm

Action

for the purpose.

3. Mr Andrew WONG considered that, in respect of offences for which S for J's consent was required to institute proceedings, it was necessary for S for J to draw up a list of the factors that she would take into account when deciding whether or not to prosecute. Mr WONG felt that this could avoid allegations that S for J being unfair in handling different cases and ensured consistency of the prosecution policy.

II. Legislative timetable

4. As members had no further questions on the Bill, the Chairman said that a report on the Bill would be made to the House Committee on 16 June 2000. Members noted that the Administration had given notice of resumption of Second Reading debate on the Bill to take place at the Council meeting of 26 June 2000.

5. There being no other business, the meeting ended at 4:45 pm.

Legislative Council Secretariat

18 September 2000