

For discussion
5 May 2000

Bills Committee on Witness Protection Bill

Committee Stage Amendments to be moved by the Administration

Introduction

On the basis of discussion at the previous Bills Committee meetings, the Administration proposes to make amendments to the Witness Protection Bill, most of which are technical in nature. A copy of the draft Committee Stage Amendments proposed to be moved by the Administration is at Annex.

Proposed Committee Stage Amendments (CSAs)

2. As discussed at previous Bills Committee meetings, the Administration would move CSAs to -

- (a) empower the approving authority to require a participant to re-sign a memorandum of understanding (MOU) if the memorandum is signed by his guardian or other person under clause 4(2)(c)(ii) and he remains a participant when or after he has the legal capacity concerned (clause 4(4)); and
- (b) to highlight the nature of the perceived danger to the witness as a factor of consideration for the approving authority to decide whether or not to include a witness in the witness protection programme (clause 4(3)).

3. We also propose to make the following technical amendments to the Witness Protection Bill -

- (a) replacing the term “Government” with “HKSAR” where legal proceedings are concerned (clauses 2 & 19);

- (b) deleting clause 6(2)(a)(iv) as the provision is already covered by clause 6(1)(b); and
- (c) correcting a typing error in clause 8(6).

Additional CSAs

4. Additional CSAs arising from the discussion at later meetings will be submitted for members' consideration in due course.

Security Bureau
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WITNESS PROTECTION BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
2	In paragraph (a) of the definition of “witness”, by deleting “Government” and substituting “HKSAR”.
4(3)	(a) By deleting “The” and substituting “In addition to the nature of the perceived danger to the witness, the”.
	(b) In paragraph (e), by adding “and” after the semicolon.
	(c) By deleting paragraph (f).
4	By deleting subclause (4) and substituting - “(4) If - (a) a parent, guardian or other person signs a memorandum of understanding pursuant to subsection (2)(c)(i) or (ii); and

(b) the witness to which the memorandum relates is included in the witness protection programme and remains a participant on or after reaching 18 years or having legal capacity, as the case may be, the approving authority may require the participant to sign another memorandum of understanding on or after reaching 18 years or having legal capacity, as the case may be.”.

6(2)(a) By deleting subparagraph (iv).

8(6) By deleting “this Ordinance” and substituting “the Ordinance”.

19(1) By deleting “Government” and substituting “HKSAR”.