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Tel: 2810 2433  
Fax: 2810 7702

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By Fax (2877 8024) & By Post

Mrs Sharon TONG  
Clerk to Bills Committee  
3<sup>rd</sup> Floor, Citibank Tower  
3 Garden Road  
Central

Dear Mrs TONG,

**21st Bills Committee on  
Dangerous Drugs, Independent Commission  
Against Corruption and Police Force (Amendment) Bill 1999**

Further to today's Bills Committee meeting, I attach the relevant draft CSAs on the following for Member's consideration at its meeting on 16 June 2000 –

- (a) specifying that samples may only be taken from persons who are suspected to have committed a serious arrestable offence; and
- (b) providing that information in the DNA database can be used for purposes under the Coroners Ordinance (Cap 504).

Yours sincerely,

(Miss Angela LEE)  
for Secretary for Security

1 <sup>st</sup> working draft:	14.2.2000
2 <sup>nd</sup> working draft:	23.5.2000
3 <sup>rd</sup> working draft:	31.5.2000
1 <sup>st</sup> draft:	1.6.2000
1 <sup>st</sup> (revised) draft:	1.6.2000
2 <sup>nd</sup> draft:	5.6.2000
3 <sup>rd</sup> draft:	7.6.2000
4 <sup>th</sup> draft:	12.6.2000
5 <sup>th</sup> draft:	14.6.2000
6 <sup>th</sup> draft:	15.6.2000

DANGEROUS DRUGS, INDEPENDENT COMMISSION  
AGAINST CORRUPTION AND POLICE FORCE  
(AMENDMENT) BILL 1999

**COMMITTEE STAGE**

**Amendments to be moved by the Secretary for Security**

**Clause**

**Amendment Proposed**

- 2 (a) In the proposed section 54AA -
- (i) in subsection (2) -
- (A) by deleting paragraph (a) and substituting -
- “(a) for suspecting that the person from whom the urine sample is to be taken has committed a serious arrestable offence; and”;
- (B) in paragraph (b), by deleting “involvement of” and substituting

“commission of the offence by”

(ii) by deleting subsection (3) and substituting -

“(3) An authorizing officer must give an authorization pursuant to subsection (2) in writing.”;

(iii) by deleting subsection (4)(f) and substituting -

“(f) that he may make a request to a police officer or a member of the Customs and Excise Service for access to the information derived from the sample.”;

(iv) by adding -

“(4A) The person from whom a urine sample was taken pursuant to subsection (1) is entitled to access to the information derived from the sample.”;

(v) in subsection (8), in the definition of “serious arrestable offence”, by deleting “5” and substituting “7”.

(b) In the proposed section 54AB -

(i) in subsection (1), by deleting “No person shall” and substituting “Without prejudice to subsection (3A), no person shall have access to, dispose of or”;

and

- (ii) which renders  
the retention  
of the sample  
necessary

then the Commissioner of Police or the  
Commissioner of Customs and Excise, as the case  
may be, shall take reasonable steps to ensure that the  
sample which may be retained by him or on his  
behalf is destroyed as soon as practicable after the  
conclusion of all proceedings (including any appeal)  
arising out of the conviction.”.

- (c) In the proposed section 54AC, by adding “but any order to amend  
that Schedule shall be subject to the approval of the Legislative  
Council” after “Schedule”.

3

In the proposed Seventh Schedule -

- (a) in section 3(a)(ii) -

- (i) by deleting subparagraph (A) and substituting -

“(A) for suspecting that the person from whom  
the

urine sample is to be taken has committed  
a serious arrestable offence; and”;

(ii) in subparagraph (B), by deleting “involvement of”  
and substituting “commission of the offence by”;

(b) in section 4, by deleting “3 days” and substituting “a period as  
may be directed by the magistrate”.

(c) in section 6(a)(ii) -

(i) by deleting subparagraph (A) and substituting -  
“(A) for suspecting that the person from whom the  
urine sample is to be taken has committed a  
serious arrestable offence; and”;

(ii) in subparagraph (B), by deleting “involvement of”  
and substituting “commission of the offence by”;

(d) in Form 1, in paragraph (a) -

(i) in paragraph (i), by deleting “the involvement of the  
said person in” and substituting “that the said person  
has committed”;

(ii) in paragraph (ii), by deleting “involvement or” and  
substituting “commission of the offence by”;

(e) in Form 2, in paragraph (b) -

(i) in subparagraph (i), by deleting “the involvement of the said person in” and substituting “that the said person has committed”;

(ii) in subparagraph (ii), by deleting “involvement of” and substituting “commission of the offence by”.

4

(a) In the proposed section 10E -

(i) in subsection (2) -

(A) by deleting paragraph (a) and substituting -

“(a)for suspecting that the person from whom the non-intimate sample is to be taken has committed a serious arrestable offence; and”;

(B) in paragraph (b), by deleting “involvement of” and substituting “commission of the offence by”;

(ii) by deleting subsection (3) and substituting -

“(3) An authorizing officer -

(a) subject to paragraph

a person's body other than -

- (i) an impression of a private part;
- (ii) an impression of the face; or
- (iii) the identifying particulars described in section 59(6);”.

(c) By deleting the proposed definition of “serious arrestable offence” and substituting -

““serious arrestable offence”(嚴重的可逮捕罪行) means

-

- (a) an offence for which a person may under or by virtue of any law be sentenced to imprisonment for a term not less than 7 years; or
- (b) any other offence specified in Schedule 1A.”.

New

By adding -

**“5A. Declaration of office**

Section 26 is amended by repealing “the Schedule” and substituting “Schedule 1”.”.

6

(a) In the proposed section 59A -

(i) in subsection (2) -

(A) by deleting paragraph (a) and

substituting -

“(a) for suspecting that the person from whom the intimate sample is to be taken has committed a serious arrestable offence; and”;

(B) in paragraph (b), by deleting “involvement of” and substituting “commission of the offence by”;

(ii) by deleting subsection (3) and substituting -

“(3) An authorizing officer must give an authorization pursuant to subsection (2) in writing.”;

(iii) in subsection (4) (e), by adding “或任何其他罪行” after “罪行” ；

(iv) by deleting subsection (4) (f) and substituting -

“(f) that he may make a request to a police officer for access to the information derived from the analysis of the sample; and”;

(v) by adding -

“(4A) The person from whom an intimate sample was taken pursuant to subsection (1) is entitled to



access to the information derived from the analysis of the sample.”.

(b) In the proposed section 59C -

(i) in subsection (2) -

(A) by deleting paragraph (a) and substituting -

“(a) for suspecting that the person from whom the non-intimate sample is to be taken has committed a serious arrestable offence; and”;

(B) in paragraph (b, by deleting “involvement of” and substituting “commission of the offence by”;

(ii) in subsection (1) (a), by deleting “magistrate or”;

(iii) by deleting subsection (3) and substituting -

“(3) An authorizing officer -

(a) subject to paragraph (b), must give an authorization pursuant to subsection (2) in writing;

(b) where it is impracticable to comply with paragraph (a), may give such authorization

the purposes specified in subsection  
(2) of that section;

(b) that he may make a request to a police  
officer for access to the information;  
and

(c) that he may at any time withdraw his  
authorization given for the purposes  
referred to in subsection (1)(b) and  
(c).”.

(f) In the proposed section 59G(2) -

(i) in paragraph (iii), by deleting “or”;

(ii) by deleting paragraph (iv) and substituting -

“(iv)administering the DNA database for the  
purposes of or connected with any of the  
following -

(A) paragraph (i), (ii) or (iii) or subsection  
(1);

(B) section 59H; or

(v) holding any inquest into the death of a  
person under the Coroners Ordinance  
(Cap. 504).”.

(g) In the proposed section 59H -

(i) in subsection (1)(i)(A), by adding “or” at the end;

section 124 intercourse with girl under 16

section 132 procurement of girl under 21

\*Note: The short description of offences in this Schedule is for ease of reference only.”.”.

8 In the proposed Schedule 2 -

(a) in section 3(a) (ii) -

(i) by deleting subparagraph (A) and substituting -

“(A)for suspecting that the person from whom the intimate sample is to be taken has committed a serious arrestable offence; and”;

(ii) in subparagraph (B), by deleting “involvement of” and substituting “commission of the offence by”;

(b) in section 4, by deleting “3 days” and substituting “a period as may be directed by the magistrate”.

(c) in section 6(a) (ii) -

(i) by deleting subparagraph (A) and substituting -

“(A)for suspecting that the person from whom the intimate sample is to be taken has

- (ii) in subparagraph (B), by deleting “involvement of” and substituting “commission of the offence by”.
- (d) in Form 1, in paragraph (a) -
  - (i) in subparagraph (i), by deleting “the involvement of the said person in” and substituting “that the said person has committed”;
  - (ii) in subparagraph (ii), by deleting “involvement of” and substituting “commission of the offence by”.
- (e) in Form 2, in paragraph (b) -
  - (i) in subparagraph (i), by deleting “the involvement of the said person in” and substituting “that the said person has committed”;
  - (ii) in subparagraph (ii), by deleting “involvement of” and substituting “commission of the offence by”.