

立法會
Legislative Council

LC Paper No. LS49/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 7 January 2000**

**Legal Service Division Report on
Resolution under section 31 of the
Organized and Serious Crimes Ordinance (Cap. 455)**

The Secretary for Trade and Industry has given notice to move a motion at the meeting of 12 January 2000 to seek the Council's approval of the Organized and Serious Crimes Ordinance (Amendment of Schedule 1) Order 1999 (the Order). The Order was made by the Chief Executive in Council under section 31 of the Organized and Serious Crimes Ordinance (Cap. 455) (the Ordinance) on 12 October 1999.

2. The Order adds certain offences to Schedule 1 of the Ordinance. These offences include the infringement of trade mark rights and the import or export of goods bearing a forged trade mark under sections 9, 12 and 22 of the Trade Descriptions Ordinance (Cap. 362), and the making or dealing with infringing copies of copyright works under sections 118 and 120 of the Copyright Ordinance (Cap. 528).

3. By the Order, additional powers such as production order, restraint order and charging order on crime proceeds, enhanced sentencing subject to the statutory maximum penalty for the offences in question will be available to the enforcement.

4. The Administration first gave a briefing on the Order to the Trade and Industry Panel on 1 November 1999. The Panel referred the Order to the House Committee on 12 November 1999 for discussion. The House Committee decided to form a Subcommittee to study the Order. After deliberation, the Subcommittee supports the introduction of the Order. Members may refer to the Report of the Subcommittee for details (Ref: LC Paper No. CB(1)702/99-00).

5. The wordings of the Order now introduced are the same as those studied in the Subcommittee. The legal and drafting aspects of the resolution and the Order are in order.

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3 January 2000