

**Extract from minutes of House Committee meeting  
of the Legislative Council held on 24 January 2003**

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**IV. Business for the Council meeting on 12 February 2003**

**(c) Government motions**

**(ii) Two proposed resolutions to be moved by the Secretary for Security under the Mutual Legal Assistance in Criminal Matters Ordinance relating to:**

- **the Mutual Legal Assistance in Criminal Matters (Ireland) Order; and**
- **the Mutual Legal Assistance in Criminal Matters (Netherlands) Order**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 306/02-03 dated 20 January 2003.)  
(*LC Paper No. LS 47/02-03*)

62. The Legal Adviser explained that the purpose of the two proposed resolutions was to seek the Council's approval for the two Orders made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance. The Legal Adviser further explained that Schedule 1 to the Ireland Order and the Netherlands Order exhibited respectively the bilateral arrangements entered into between Hong Kong and Ireland and the Kingdom of the Netherlands for mutual legal assistance in criminal matters.

63. The Legal Adviser said that the Legal Service Division was seeking clarification from the Administration on certain matters, in particular, the respective reasons for not including a provision in the Netherlands Order to cover the situation of refusal of assistance if the request related to an offence carrying death penalty in the Requesting Party, and for not adopting the saving provision in relation to requests made before the termination of the Agreement. The Division had also made some comments on the Chinese text of the two Orders and was awaiting the Administration's reply. The Legal Adviser added that a further report would be issued if necessary.

64. The Legal Adviser added that subcommittees were formed previously to examine 11 similar Orders made under the Mutual Legal Assistance in Criminal Matters Ordinance.

Action

65. The Chairman proposed that in line with past practice, a subcommittee should be formed to study the two proposed resolutions, and that the Secretary for Security should be asked to withdraw her notice. Members agreed. The following Members agreed to join : Miss Margaret NG, Mr James TO ( as advised by Mr SIN Chung-kai), Mr TSANG Yok-sing, Ms Miriam LAU and Ms Audrey EU.

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