

立法會
Legislative Council

Ref : CB2/SS/6/03

LC Paper No. CB(2) 1763/03-04
(These minutes have been seen by
the Administration)

**Subcommittee on
the Mutual Legal Assistance in Criminal Matters (Ukraine) Order
and the Mutual Legal Assistance in Criminal Matters (Singapore) Order**

**Minutes of meeting
held on Thursday, 19 February 2004 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-yee, JP
- Public officers attending** : Mrs Margaret CHAN
Principal Assistant Secretary for Security
- Mr John HUNTER
Deputy Principal Government Counsel
- Ms Angelina KWAN
Assistant Secretary for Security
- Miss Elizabeth LIU
Senior Government Counsel
- Mr Alan CHONG
Government Counsel
- Ms Lily TSE
Senior Government Counsel
- Miss Selina LAU
Government Counsel

Clerk in attendance : Mrs Constance LI
Chief Council Secretary (2)5

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Miss Lolita SHEK
Senior Council Secretary (2)7

Action

I Election of Chairman

Mr James TO was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper Nos. CB(2) 1294/03-04(01) to(04)]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Administration took members through the Mutual Legal Assistance in Criminal Matters (Ukraine) Order and the paper on "Article by Article Comparison with the Model Agreement" [LC Paper No. CB(2) 1294/03-04(01)].

Admin

4. Members requested the Administration to provide the following paper(s) in response to members' concerns -
 - (a) the limits in law for the Hong Kong Special Administrative Region (HKSAR) as the Requested Party to exercise statutory/administrative powers when executing requests to locate persons or property in connection with the mutual legal assistance arrangements implemented by an order made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525); and
 - (b) the reasons for, and the legal effects of, providing a definition of "proceeds from crime" in Article 19(5) of the Hong Kong/Ukraine Agreement, and the measures, as permitted by the law of HKSAR, to execute requests under Article 19 of the Agreement.

III. Any other business

5. The Chairman said that the Subcommittee would study the Mutual Legal Assistance in Criminal Matters (Singapore) Order at the next meeting. The Secretariat would inform members of the date of the next meeting in due course.
6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
18 March 2004

**Subcommittee on
the Mutual Legal Assistance in Criminal Matters (Ukraine) Order
and the Mutual Legal Assistance in Criminal Matters (Singapore) Order**

**Meeting on Thursday, 19 February 2004 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0129	Miss Margaret NG Mr James TO	Election of Chairman	
0130-1033	Chairman Administration	Scrutiny of the Mutual Legal Assistance in Criminal Matters (Ukraine) Order Article by article comparison with the model agreement Title and preamble	
1034-1142	Chairman Administration	Article 1	
1143-1349	Chairman Administration	Article 2	
1350-1359	Chairman Administration	Article 3	
1400-1737	Chairman Administration	Article 4	
1738-1949	Chairman Administration	Article 5	
1950-2004	Chairman Administration	Article 6	
2005-2058	Chairman Administration	Article 7	
2059-2106	Chairman Administration	Article 8	

2107-4016	Chairman Administration Miss Margaret NG ALA3 Ms Miriam LAU	Article 9 Decline to give evidence by witnesses	
4017-4059	Chairman Administration	Article 10	
4100-4143	Chairman Administration	Article 11	
4144-4204	Chairman Administration	Article 12	
4205-4211	Chairman Administration	Article 13	
4212-4310	Chairman Administration	Article 14	
4311-5552	Chairman Administration	Article 11 Limits in law for the Hong Kong Special Administrative Region (HKSAR) as the Requested Party to exercise statutory/administrative power when executing requests to locate persons or articles in connection with the mutual legal assistance arrangements implemented by an order made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	Admin to provide information
5553-5624	Chairman Administration	Article 14	
5625-5644	Chairman Administration	Article 15	
5645-5648	Chairman Administration	Article 16	

5649-5819	Chairman Administration	Article 17	
5820-5828	Chairman Administration	Article 18	
5829-015233	Chairman Administration Miss Margaret NG Ms Miriam LAU	Article 19 Limits in law for HKSAR as the Requested Party to exercise statutory/administrative power when executing requests to locate proceeds from crime in connection with the mutual legal assistance arrangements implemented by an order made under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance The reasons for, and the legal effects of, providing a definition of "proceeds from crime" in Article 19(5)	Admin to provide information
015234-015239	Chairman Administration	Article 20	
015240-015317	Chairman Administration	Article 21	
015318-015436	Chairman Miss Margaret NG Mr Jasper TSANG Ms Miriam LAU	Date of next meeting	