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Urgent by fax : 2845 0387

3 June 2005

The Law Society of Hong Kong,
3/F Wing On House,
71 Des Voeux Road,
Central,
Hong Kong.
(Attn: Ms Christine W S Chu)

Dear Ms Chu,

**Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2005
Follow-up on issues raised at the meeting on 24 May 2005**

I refer to my letter dated 2 June 2005 to you.

I indicated that we would write separately on the issue of the Law Society's concern raised in submissions to the Bills Committee (20 May 2005) to the effect that the proposed amendments to the Prevention of Bribery Ordinance (clause 35 of the Bill) should not extend the power of arrest conferred on ICAC officers under section 10 of the Independent Commission Against Corruption Ordinance.

The Administration wishes to confirm that it is not the intention to amend section 10 of the ICAC Ordinance and the Bill does not contain any provision which would have that effect.

Under the existing section 17A(4) of the Prevention of Bribery Ordinance, a person who fails to comply with a section 17A(1) notice "may thereupon be arrested and taken before a magistrate". The power of arrest is therefore already provided for in the Prevention of Bribery Ordinance. Unfortunately, however, section 17A(4), in its present form, leaves unspecified the persons who may exercise the power of arrest for which it provides.

The purpose of the amendment to section 17A(4) is limited to making it clear that both the Police and the ICAC may exercise the power of arrest. It is sought to achieve this with the words –

“if a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he may thereupon be arrested and taken before a magistrate by a police officer or by a person appointed in that behalf by the Commissioner”.

Yours sincerely,

(Michael Scott)
Senior Assistant Solicitor General
(General Legal Policy)

c.c. Clerk to Bills Committee 2509 9055

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