

政府總部
香港下亞厘畢道



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29 October 2005

Clerk to Subcommittee
Subcommittee on Application of Certain
Provisions of POBO to the CE
Legislative Council Building
No. 8, Jackson Road, Central
(Attn: Mrs Eleanor Chow)

Dear Mrs Chow,

**Subcommittee on Application of Certain Provisions of
the Prevention of Bribery Ordinance to the Chief Executive**

Thank you for your letter of 24 October 2005, inviting us to provide a response to the submission from the Law Society of Hong Kong.

The Law Society has raised questions and suggestions on how corruption related complaints against the CE should be handled given the relevant provisions of the Basic Law. The Administration would like to reassure the Law Society that the CE is not above the Law. In his Policy Address delivered on 12 October 2005, the CE has indicated that he accepts the need for his office be subject to anti-corruption regulation. To that end, the Government will introduce legislation into LegCo as soon as possible to put in place the necessary regulatory procedures within the framework of the Basic Law.

The Law Society has highlighted some of the difficulties in pursuing the legislative approach. As the Administration has previously explained to the Subcommittee and the Constitutional Affairs Panel, it is a complicated issue involving legal and constitutional complexities. We have endeavoured to address them as far as appropriate through our

proposal set out in the paper for the Subcommittee. We have also set out the provisions of the POBO that should apply to the CE and how the application may make reference to the Basic Law. We would explain our proposal in detail at the meeting on 1 November 2005.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Chan', with a stylized flourish extending to the left.

(Sidney Chan)
for Director of Administration