

立法會
Legislative Council

LC Paper No. LS78/11-12

**Paper for the House Committee Meeting
on 15 June 2012**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 8 June 2012**

Date of tabling in LegCo : 13 June 2012

Amendment to be made by : 11 July 2012 (or the 1st meeting of the next session if extended by resolution)

Mutual Legal Assistance in Criminal Matters (Indonesia) Order (Cap. 525 sub. leg. Z)

Mutual Legal Assistance in Criminal Matters (Indonesia) Order (Commencement) Notice (L.N. 104)

The Mutual Legal Assistance in Criminal Matters (Indonesia) Order (Cap. 525 sub. leg. Z) (the Order) has been made by the Chief Executive in Council under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) (the Ordinance). Pursuant to section 1 of the Order and by L.N. 104, the Secretary for Security appoints 22 June 2012 as the day on which the Order comes into operation.

2. The Order specifies the scope and procedures in relation to the provision of mutual legal assistance in criminal matters applicable between Hong Kong and the Republic of Indonesia, and the modifications to the Ordinance. The Order is made in consequence of the agreement between Hong Kong and the Republic of Indonesia signed on 3 April 2008 (the Agreement). The Agreement is reproduced in Schedule 1 to the Order, and the modifications are set out in Schedule 2 to the Order.

3. According to the LegCo Brief dated 19 November 2008 issued by the Security Bureau on the Order (File Ref.: SBCR 3/5691/95 Pt.44), the commencement date would be settled after consultation with the Government of the Republic of Indonesia and would depend upon when the necessary domestic procedures of the Republic of Indonesia for the entry into force of the

Agreement were to be completed. Upon our enquiry, the Administration confirmed that they had on two occasions (i.e. in August 2010 and August 2011 respectively) sent letters to the Government of the Republic of Indonesia seeking an update on progress and had on 24 May 2012 received notification from the Government of the Republic of Indonesia that they had completed such procedures. The two Governments agreed that the Order would enter into force on 22 June 2012.

4. The Order has been scrutinized by a subcommittee and received its support. Members may wish to refer to the report of the subcommittee to the House Committee (LC Paper No. CB(2)755/08-09) for further information. The Legislative Council approved the Order by resolution under section 4 of the Ordinance on 11 March 2009.

5. The Panel on Security has not been consulted on L.N. 104.

6. No difficulties have been identified in the legal or drafting aspects of L.N. 104.

Prepared by

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