

立法會
Legislative Council

Ref : CB2/BC/3/04

LC Paper No. CB(2)1414/04-05
(These minutes have been seen by
the Administration)

**Bills Committee on Transfer of Sentenced
Persons (Amendment) (Macau) Bill**

**Minutes of the third meeting
held on Monday, 18 April 2005 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 LAU Kong-wah, JP
Hon Audrey EU Yuet-mee, SC, JP

Member absent : Hon Daniel LAM Wai-keung, BBS, JP

Public Officers attending : Mr Charles WONG
Principal Assistant Secretary for Security

Mr Daniel CHAN
Assistant Secretary for Security

Mr Dicky CHAN
Assistant Commissioner of Correctional Services

Ms Amelia LUK
Deputy Law Officer (Mutual Legal Assistance)

Ms Françoise LAM
Senior Government Counsel (Law Drafting Division)

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Raymond LAM
Senior Council Secretary (2)5

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to -
 - (a) explain the details of adaptation of sentence, including the legal basis for adaptation and whether the provisions, if any, contravened the court's jurisdiction in sentencing, the mechanism for adaptation, and whether such adaptation had been made in the past;
 - (b) provide information on the number of sentenced persons transferred from Thailand to Hong Kong and how their remaining terms of sentence were dealt with;
 - (c) advise on the legal provisions for dealing with the remaining term of sentence of a sentenced person transferred to Hong Kong and the enforcement of the remaining sentence;
 - (d) explain the procedure for transfer of a sentenced person from Hong Kong to a receiving jurisdiction; and
 - (e) consider making clear to an applicant for transfer the rights and benefits in relation to serving his sentence in the transferring jurisdiction which would not be applicable in the receiving jurisdiction and vice versa.
3. The Administration agreed to arrange for the transfer of sentenced persons agreement between the Hong Kong Special Administrative Region and the Macau Special Administrative Region to be signed before the Bill was enacted by the Legislative Council. A copy of the signed agreement would be provided to the Bills Committee.

II. Date of next meeting

4. Members agreed that the next meeting would be scheduled, pending the availability of the information to be provided by the Administration.

5. The meeting ended at 9:45 am.

Council Business Division 2
Legislative Council Secretariat
29 April 2005

**Proceedings of the meeting of the
Bills Committee on Transfer of Sentenced
Persons (Amendment) (Macau) Bill
on Monday, 18 April 2005 at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000233	Chairman	Opening remarks	
000234 - 000644	Admin	Briefing on the Administration's response to issues raised at the second Bills Committee meeting (LC Paper No. CB(2) 1174/04-05(01))	
000645 - 000839	Hon Margaret NG Admin	Arranging for the transfer of sentenced persons agreement between the Hong Kong Special Administrative Region and the Macau Special Administrative Region to be signed before the Bill was enacted by the Legislative Council and providing a copy of the signed agreement to the Bills Committee	Admin to follow up
000840 – 002639	Hon Audrey EU Admin Chairman	Effect of the amendments proposed in clause 3 of the Bill; whether the amended “arrangements for the transfer of sentenced persons” covered arrangements for the transfer of sentenced persons with Taiwan	
002640 – 005814	Chairman Hon LAU Kong-wah Hon Audrey EU Hon Margaret NG Admin	Correspondences between Hon LAU Kong-wah and the Administration on the Bill; making clear to an applicant for transfer the rights and benefits in relation to serving his sentence in the transferring jurisdiction which would not be applicable in the receiving jurisdiction and vice versa; details of adaptation of sentence, including the legal basis for adaptation and whether the provisions, if any, contravened the court's jurisdiction in sentencing, the	Admin to consider making clear to an applicant for transfer the rights and benefits in relation to serving his sentence in the transferring jurisdiction which would not be applicable in the receiving jurisdiction and vice versa; to explain the details of adaptation of sentence, including the legal basis for adaptation and

Time marker	Speaker	Subject(s)	Action Required
		mechanism for adaptation, and whether such adaptation had been made in the past; information on the number of sentenced persons transferred from Thailand to Hong Kong and how their remaining terms of sentence were dealt with; procedure for the transfer of a sentenced person from Hong Kong to a receiving jurisdiction	whether the provisions, if any, contravened the court's jurisdiction in sentencing, the mechanism for adaptation, and whether such adaptation had been made in the past; to provide information on the number of sentenced persons transferred from Thailand to Hong Kong and how their remaining terms of sentence were dealt with; to explain the procedure for the transfer of a sentenced person from Hong Kong to a receiving jurisdiction
005815 – 011034	Chairman Hon Margaret NG Admin	Legal provisions dealing with the remaining term of sentence of a sentenced person transferred to Hong Kong and the enforcement of the remaining sentence; a case involving the transfer of a sentenced person with Nigeria	Admin to advise on the legal provisions for dealing with the remaining term of sentence of a sentenced person transferred to Hong Kong and the enforcement of the remaining sentence
011035 - 011127	Chairman Hon Margaret NG	Date of next meeting	