

A BILL

To

Amend the Transfer of Sentenced Persons Ordinance to make the Ordinance applicable to the arrangements for the transfer of sentenced persons between Hong Kong and Macau.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Transfer of Sentenced Persons (Amendment) (Macau) Ordinance.

2. Commencement

This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

3. Interpretation

Section 2 of the Transfer of Sentenced Persons Ordinance (Cap. 513) is amended, in the definition of “arrangements for the transfer of sentenced persons”—

- (a) in paragraph (a)(i), by repealing everything after “outside” and substituting “the People’s Republic of China; or”;
- (b) in paragraph (a)(ii), by repealing everything after “outside” and substituting “the People’s Republic of China; or”;
- (c) in paragraph (a)—
 - (i) by adding—
 - “(iii) the Government of the Macau Special Administrative Region and the Government; and”;
 - (ii) by repealing “以下政府或地方的”;

- (d) in paragraph (b), by repealing everything after “purposes” and substituting—
- “of—
- (i) the transfer of a sentenced person or sentenced persons to Hong Kong from that place or from Macau; or
 - (ii) the transfer of a sentenced person or sentenced persons to that place or to Macau from Hong Kong;”.

4. Restrictions on issue of warrant

Section 4(2)(b) is repealed and the following substituted—

- “(b) (i) in the case of a transfer to a place outside the People’s Republic of China, the sentenced person is a national of that place or, in the opinion of the Chief Executive, otherwise has close ties with that place; or
- (ii) in the case of a transfer to Macau, the sentenced person is a permanent resident of Macau or, in the opinion of the Chief Executive, otherwise has close ties with Macau; ”.

5. Chief Executive to give notice to Central People’s Government in relation to relevant requests

(1) Section 9(4)(b)(iii) is amended by repealing “outside Hong Kong” wherever it appears.

(2) Section 9(6) is amended, in the definition of “relevant request”, by repealing everything after “means” and substituting—

“—

- (a) a request to issue an inward warrant for the transfer of a sentenced person to Hong Kong from a place outside Hong Kong other than Macau;
- (b) a request to issue an outward warrant for the transfer of a sentenced person from Hong Kong to a place outside Hong Kong other than Macau; or
- (c) a request to transport in custody through Hong Kong a sentenced person from a place outside Hong Kong (other than Macau) to another place outside Hong Kong (other than Macau).”.

6. Inward and outward warrants

Schedule 1 is amended—

- (a) in Part 1, by repealing “19” and substituting “.....”;
- (b) in Part 2, by repealing “19” and substituting “.....”.

Explanatory Memorandum

The Transfer of Sentenced Persons Ordinance (Cap. 513) (“the Ordinance”) applies only to arrangements for the transfer of sentenced persons between Hong Kong and a place outside the People’s Republic of China. This Bill amends certain definitions in the Ordinance and the circumstances under which an outward warrant could be issued so as to put in place the necessary provisions for the implementation of the arrangement relating to the transfer of sentenced persons between the Government of the Hong Kong Special Administrative Region and the Government of the Macau Special Administrative Region when it enters into force.