

Proposed Committee Stage Amendment to the Voting by Imprisoned Persons Bill

This paper sets out a committee stage amendment (“CSA”) as proposed by the Administration to the Bill.

Background

2. The Voting by Imprisoned Persons Bill was introduced into the Legislative Council on 6 May 2009. It aims to remove the existing disqualification of prisoners and persons convicted of election-related or bribery offences, etc., from being registered as electors and from voting under the relevant electoral legislation.

3. The Administration will also be introducing amendments to the relevant subsidiary legislation under the Electoral Affairs Commission Ordinance (Cap. 541) to provide for the practical voting arrangements for prisoners and persons held in custody.

Proposed Inclusion of a Commencement Clause

4. The Bill currently does not contain a commencement clause. If enacted, the enacted Ordinance will come into operation on the day on which it is published in the Gazette after its enactment.

5. The Administration sees merits for the Bill and the amendments to the relevant electoral regulations to commence operation on the same date so that there will be a consistent and integral legal framework to facilitate prisoners and persons held in custody to exercise their voting right.

6. In this connection, we propose to add a commencement clause to the Bill to the effect that the enacted Ordinance shall come into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs by notice published in the Gazette.

Advice Sought

7. Members are advised to comment on the proposed CSA set out at the **Annex**.

Constitutional and Mainland Affairs Bureau
June 2009

VOTING BY IMPRISONED PERSONS BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Constitutional and Mainland
Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
Part 1	In the heading, by deleting “SHORT TITLE” and substituting “PRELIMINARY”.
New	By adding immediately after clause 1 – “1A. Commencement This Ordinance comes into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs by notice published in the Gazette.”.