

Proposed Committee Stage Amendment to the Voting by Imprisoned Persons Bill

Background

At the Bills Committee meeting on 1 June 2009, during the clause-by-clause examination of the Bill, a Member asked whether the Chinese wording of “在監獄外” (“outside the prison”) in the proposed section 24(3)(b) “在監獄外沒有位於香港的家居”(“does not have a home in Hong Kong outside the prison”) of the Legislative Council Ordinance (Cap. 542) (“LCO”) in Clause 4 of the Bill might imply that the prison could be the home.

Consideration

2. We have considered the above wording carefully. Unlike other formulation such as “除監獄外” (“except the prison”) which might carry the implication that the prison could also be the home, we consider that the wording in the Bill aims to state clearly the physical location of the home and would not imply that the prison could also be the home. However, having regard to the Member’s view, we consider that even if the words “在監獄外” are removed from the provision, the meaning of the provision would not be affected. We therefore plan to move the committee stage amendment at Annex to remove the words from the above provision as well as from the proposed sections 28(1A)(b) and 28(2A)(b) of the LCO in Clause 5 of the Bill. The English version of the Bill would be amended accordingly.

Advice Sought

3. Members are invited to comment on the proposed CSA at Annex.

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.”.
4	In the proposed section 24(3)(b), by deleting “outside the prison”.
5	(a) In the proposed section 28(1A)(b), by deleting “outside the prison”. (b) In the proposed section 28(2A)(b), by deleting “outside the prison”.