

立法會
Legislative Council

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LC Paper No. CB(2)2869/03-04
(These minutes have been seen by
the Administration)

Bills Committee on Criminal Procedure (Amendment) Bill 2004

Minutes of the first meeting
held on Wednesday, 2 June 2004 at 8:30 am
in the Chamber of the Legislative Council Building

- Members present** : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
- Public Officers attending** : Mrs Jennie CHOK
Deputy Secretary for Security
- Miss Ida LEE
Assistant Secretary for Security
- Mr Michael Reid SCOTT
Senior Assistant Solicitor General
- Ms Sherman CHAN
Senior Assistant Law Draftsman

Ms Diana LAM
Senior Government Counsel

Mr Michael LAM
Senior Government Counsel

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

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2)5

I. Election of Chairman

Miss Margaret NG was elected Chairman of the Bills Committee.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Bills Committee requested the Administration -
 - (a) to consider amending the proposed section 67C(1) of the Criminal Procedure Ordinance (CPO) to the effect that the Secretary for Justice should, as soon as practicable but not exceeding six months after the commencement of the section, in respect of each prescribed prisoner, apply to the court for a determination by a judge under the section;
 - (b) to provide the membership list of the Long Term Prison Sentences Review Board (LTPSRB);
 - (c) to provide a response to the suggestion that LTPSRB should lay down clear guidelines on the release of a prisoner after serving his minimum sentence;
 - (d) to provide the alternative drafting for the proposed section 67C(4) of CPO and to consider improving the drafting of the proposed section;

- (e) to consider amending the term "may" in the proposed section 67C(5) of CPO as "shall";
- (f) to consider amending the proposed section 67C(5) of CPO along the lines that previous recommendation and previous determination were irrelevant to a determination under the proposed section 67C;
- (g) to consider allowing a prescribed prisoner to apply for an extension under the proposed section 67D(1);
- (h) to explain the policy intent of the proposed section 67D(3)(a) of CPO, to provide the relevant section in CPO on which the drafting of the proposed section was modelled, and to consider improving the drafting of the proposed section; and
- (i) to consider allowing a prescribed prisoner to request the provision of the documents referred to in the proposed section 67D(3) to the prescribed prisoner and the court.

III. Any other business

4. The Chairman asked members to forward submissions received, if any, to the Clerk for issue to other members and the Administration.

5. The Bills Committee agreed that the following meetings would be scheduled to continue discussion with the Administration -

- (a) Thursday, 10 June 2004 at 8:30 am; and
- (b) Monday, 14 June 2004 at 2:30 pm.

6. The meeting ended at 10:35 am.

**Proceedings of the meeting of the
Bills Committee on Criminal Procedure (Amendment) Bill 2004
on Wednesday, 2 June 2004 at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000254	Hon Martin LEE Hon Margaret NG Hon Michael MAK Hon James TO Hon WONG Yung-kan	Election of Chairman	
000255 - 000624	Chairman Hon Martin LEE Hon James TO Hon Audrey EU	Dates of subsequent meetings	
000625 - 000839	Chairman	Commencement of clause-by clause examination of the Bill	
000840 - 001206	Admin	Briefing on the Bill	
001207 - 001323	Chairman	Background brief prepared by the Legislative Council Secretariat	
001324 - 001604	Admin Chairman SALA1	Examination of the long title of the Bill	
001605 - 001712	Chairman Admin	Examination of the short title and timing for commencement of the Bill	

Time marker	Speaker	Subject(s)	Action Required
001713 - 002608	Chairman Admin Hon Michael MAK Hon Martin LEE	Examination of the proposed section 67C(1) of the Criminal Procedure Ordinance (CPO); allowing a prescribed prisoner to apply for an extension under the proposed section 67D(1)	Admin to consider amending the proposed section 67C(1) of the Criminal Procedure Ordinance (CPO) to the effect that the Secretary for Justice should, as soon as practicable but not exceeding six months after the commencement of the section, in respect of each prescribed prisoner, apply to the court for a determination by a judge under the section
002609 - 005304	Chairman Admin Hon Martin LEE	Examination of the proposed section 67C(2) and (3) of CPO; differences between a fixed term sentence and minimum term sentence and relevant statistics; mechanism for sentence review by the Long Term Prison sentences Review Board (LTPSRB)	Admin to provide a membership list of LTPSRB; to provide a response to the suggestion that LTPSRB should lay down clear guidelines on the release of a prisoner after serving his minimum sentence
005305 - 011317	Chairman Admin Hon Martin LEE SALA1	Examination of the proposed section 67C(4) of CPO; definition of the term "prescribed prisoner"; drafting of the proposed section	Admin to provide the alternative drafting for the proposed section 67C(4) of CPO and to consider improving the drafting of the proposed section

Time marker	Speaker	Subject(s)	Action Required
011318 - 012712	Chairman Admin Hon Martin LEE SALA1	Examination of the proposed section 67C(5) of CPO	Admin to consider amending the term "may" in the proposed section 67C(5) of CPO as "shall"; to consider amending the proposed section 67C(5) of CPO along the lines that previous recommendation and previous determination were irrelevant to a determination under the proposed section 67C
012713 - 012734	Chairman Admin SALA1	Examination of the proposed section 67C(6) of CPO	
012735 - 013249	Chairman Admin SALA1 Hon Michael MAK	Examination of the proposed section 67C(7) of CPO	
013250 - 013349	Admin Chairman SALA1	Examination of the proposed section 67D(1) of CPO	Admin to consider allowing a prescribed prisoner to apply for an extension under the proposed section 67D(1)

Time marker	Speaker	Subject(s)	Action Required
013350 - 015914	Chairman Admin SALA1 Hon Martin LEE Hon Michael MAK	Examination of the proposed section 67D(2) and (3) of CPO	Admin to to explain the policy intent of the proposed section 67D(3)(a) of CPO, to provide the relevant section in CPO on which the drafting of the proposed section was modelled, and to consider improving the drafting of the proposed section; to consider allowing a prescribed prisoner to request the provision of the documents referred to in the proposed section 67D(3) to the prescribed prisoner and the court
015915 - 020007	Chairman	Examination of the proposed section 67D(4) of CPO; asking members to forward submissions received, if any, to the Clerk for issue to other members and the Administration	

Council Business Division 2
Legislative Council Secretariat
18 June 2004