

立法會
Legislative Council

Ref : CB2/BC/4/03

LC Paper No. CB(2)3054/03-04
(These minutes have been seen
by the Administration)

Bills Committee on Criminal Procedure (Amendment) Bill 2004

Minutes of the third meeting
held on Monday, 14 June 2004 at 2:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Michael MAK Kwok-fung

Member absent : Hon Audrey EU Yuet-mee, SC, JP

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

Mr Patrick CHEUNG
Senior Assistant Director of Public Prosecution

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. Meeting with the Administration

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

2. The Bills Committee requested the Administration -

- (a) to specify in the Bill that no fee or charge would be payable for any application made under the proposed section 67C(1) or (1A) of the Criminal Procedure Ordinance (CPO); and
- (b) to add a provision to require the Registrar to provide the documents referred to in the proposed section 67D(3) of CPO to the prescribed prisoner where the application was made by the prisoner.

3. Regarding the Administration's response in relation to the proposed section 67F(2) of CPO, members disagreed with the Administration's view that "If the judge decides, after the proper exercise of his discretion, to impose a determinate sentence despite the existence of a conditional release order, the amendment as suggested by Members would amount to a direct interference in the sentencing process contrary to the interests of the public. In effect, the legislature would be granting the prisoner a remission of sentence in advance despite the fact that the judge considered that, in all the circumstances, the length of sentence should extend into or beyond the duration of

the conditional release order". Nevertheless, members in general accepted that there were sufficient safeguards to protect the interest of prescribed prisoners, and agreed to the retention of the proposed section 67F(2).

4. The Chairman concluded that, subject to the revised Committee Stage amendments to be provided by the Administration, the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting on 7 July 2004.

5. The Bills Committee noted that a written report would be made to the House Committee on 18 June 2004. It also noted that the deadline for the Administration to issue consultation letter to the Chairman of the House Committee would be 15 June 2004, the deadline for giving notice of resumption of Second Reading debate would be 19 June 2004 and the deadline for giving notice of moving Committee Stage amendments would be 26 June 2004.

6. The meeting ended at 3:55 pm.

Council Business Division 2
Legislative Council Secretariat
9 July 2004

**Proceedings of the meeting of the
Bills Committee on Criminal Procedure (Amendment) Bill 2004
on Monday, 14 June 2004 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000319	Chairman	Opening remarks	
000320 - 000335	Admin	Examination of the Committee Stage amendments (CSAs) proposed by the Administration in respect of the commencement of the Bill	
000336 - 001029	Chairman Admin Hon LEUNG Yiu-chung Hon Martin LEE Hon Andrew WONG Hon CHAN Yuen-han SALA1	Examination of the CSAs proposed by the Administration to the proposed section 67C of the Criminal Procedure Ordinance (CPO)	Admin to specify in the Bill that no fee or charge would be payable for any application made under the proposed section 67C(1) or (1A) of CPO
001030 - 003740	Chairman Admin Hon Andrew WONG Hon Martin LEE Hon James TO SALA1	Examination of the CSAs proposed by the Administration to the proposed section 67D of CPO	Admin to add a provision to require the Registrar to provide the documents referred to in the proposed section 67D(3) of CPO to the prescribed prisoner where the application was made by the prisoner
003741 - 003806	Chairman Admin	Examination of the CSAs proposed by the Administration to the proposed section 67E of CPO	

Time marker	Speaker	Subject(s)	Action Required
003807 - 003931	Chairman Hon James TO Admin Hon Martin LEE	Examination of the CSAs proposed by the Administration to the proposed section 67G of CPO	
003932 - 010858	Chairman Admin Hon James TO Hon Andrew WONG Hon LEUNG Yiu-chung	Administration's response in respect of members' suggestions in relation to the proposed section 67F(2) of CPO	
010859 - 011136	Chairman Admin Hon James TO	Examination of the CSAs proposed by the Administration to the proposed Rule 2(3) and Rule 4(1)(ca) of the Legal Aid in Criminal Cases Rules	
011137 - 011700	Chairman Admin Hon Andrew WONG Hon LEUNG Yiu-chung	Administration's response to issues raised in the submission from Mr LAI Hung-wai	
011701 - 011843	Chairman Clerk	Resumption of Second Reading debate on the Bill; report of the Bills Committee to the House Committee; deadline for giving notices of resumption of Second Reading debate on the Bill and moving CSAs	