

**立法會**  
**Legislative Council**

Ref : CB2/BC/3/04

LC Paper No. CB(2) 1055/04-05  
(These minutes have been seen by  
the Administration)

**Bills Committee on Transfer of Sentenced  
Persons (Amendment) (Macau) Bill**

**Minutes of the second meeting  
held on Monday, 28 February 2005 at 10:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Margaret NG  
Hon LAU Kong-wah, JP

**Members absent** : Hon Audrey EU Yuet-mee, SC, JP  
Hon Daniel LAM Wai-keung, BBS, JP

**Public Officers attending** : Mr Charles WONG  
Principal Assistant Secretary for Security

Mr Daniel CHAN  
Assistant Secretary for Security

Mr Dicky CHAN  
Assistant Commissioner of Correctional Services

Ms Amelia LUK  
Deputy Law Officer (Mutual Legal Assistance)

Ms Francoise LAM  
Senior Government Counsel (Law Drafting Division)

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

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 4

Mr Raymond LAM  
Senior Council Secretary (2)5

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**I. Meeting with the Administration**

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

2. The Bills Committee requested the Administration -

- (a) to explain, making reference to the arrangements for bilateral agreements on arbitration, mutual legal assistance in criminal matters and surrender of fugitive offenders as well as the transfer of sentenced person (TSP) agreement with Macau, the principles adopted for a bilateral agreement to be signed with a jurisdiction before the relevant legislative proposal was introduced into the Legislative Council (LegCo) and the principles adopted for a bilateral agreement to be signed with a jurisdiction after the relevant legislative proposal was passed by LegCo, and the reasons for the different arrangements;
- (b) to advise whether the arrangement of signing a bilateral agreement with a jurisdiction only after the relevant legislative proposal was passed by LegCo would also apply to future TSP and rendition agreements with the Mainland; and
- (c) to review the drafting of the proposed new section 4(2)(b)(i) and (ii) of TSP Ordinance in relation to the word “otherwise”.

**II. Date of next meeting**

3. Members agreed that the next meeting would be scheduled, pending the availability of the information to be provided by the Administration.

4. The meeting ended at 12:45 pm.

**Proceedings of the meeting of the  
Bills Committee on Transfer of Sentenced  
Persons (Amendment) (Macau) Bill  
on Monday, 28 February 2005 at 10:45 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000232	Chairman	Opening remarks	
000233 - 000858	Admin	Briefing on the Administration's response to issues raised at the meeting on 25 January 2005	
000859 - 004526	Hon Margaret NG Admin Chairman Hon LAU Kong-wah	Why the transfer of sentenced person (TSP) agreement with the Macau Special Administrative Region (MSAR) was not signed before the Bill was introduced into the Legislative Council (LegCo) and whether there were precedents for such an arrangement; bilateral agreements on arbitration, mutual legal assistance in criminal matters and surrender of fugitive offenders as well as the TSP agreement with Macau; principles adopted for a bilateral agreement to be signed with a jurisdiction after the relevant legislative proposal was passed by LegCo, and the reasons for the different arrangements; whether the arrangement of signing a bilateral agreement with a jurisdiction only after the relevant legislative proposal was passed by LegCo would also apply to future TSP and rendition agreements with the Mainland	<b>Admin to explain, making reference to the arrangements for bilateral agreements on arbitration, mutual legal assistance in criminal matters and surrender of fugitive offenders as well as the TSP agreement with Macau, the principles adopted for a bilateral agreement to be signed with a jurisdiction before the relevant legislative proposal was introduced into LegCo and the principles adopted for a bilateral agreement to be signed with a jurisdiction after the relevant legislative proposal was passed by LegCo, and the reasons for the different arrangements; to advise whether the arrangement of signing a bilateral agreement with a jurisdiction only after the relevant legislative proposal</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
			<b>was passed by LegCo would also apply to future TSP and rendition agreements with the Mainland</b>
004527 - 013319	Hon LAU Kong-wah Admin Chairman Hon Margaret NG ALA4	Interpretation of “close ties” in the Bill; whether the meaning of “close ties” was too broad; whether “close ties” referred to the past, present or future relationship	
013320 - 013759	Hon Margaret NG Admin Chairman	Drafting of the proposed new section 4(2)(b)(i) and (ii) of TSP Ordinance in relation to the word “otherwise”	<b>Admin to review the drafting</b>
013800 - 014629	Hon LAU Kong-wah Admin Chairman Hon Margaret NG	Why the remaining sentence requirement under the TSP agreement with MSAR was six months	
014630 - 015029	Chairman Admin	Whether there were situations where a person’s close ties with both jurisdictions would be compared	
015030 - 015206	Chairman Admin Hon LAU Kong-wah Hon Margaret NG	Whether there were mechanisms for appeal	
015207 - 015235	Chairman	Date of next meeting	