

立法會
Legislative Council

Ref : CB2/BC/3/04

LC Paper No. CB(2) 2012/04-05
(These minutes have been seen by
the Administration)

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

**Minutes of the fourth meeting
held on Tuesday, 31 May 2005 at 2:30 pm
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
Hon Audrey EU Yuet-mee, SC, JP

Member absent : 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 Françoise 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

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration to provide a supplementary note explaining the adaptation of sentence for the transfer of a sentenced person to Hong Kong.
3. The Chairman suggested that flexibility should be given to the sentenced person's wish for transfer even though there was no adaptation of sentence in his favour. He also suggested that the Administration should consider making a provision to specify that once a sentenced person had consented for transfer, he would be deemed to have been convicted and sentenced by a court in Hong Kong and revocation would not be allowed.
4. The Administration agreed to draw up internal guidelines for determining "close ties" with a place when more of such cases had been established, and provide a copy of the guidelines to the Panel on Security. The Administration also agreed to inform the Panel on Security of the progress of implementation of the Arrangement on the Transfer of Sentenced Persons between the Hong Kong Special Administrative Region Government and the Macau Special Administrative Region Government one year after the Arrangement had come into operation.

II. Any other business

5. The Chairman concluded that, subject to the information to be provided by the Administration, the Bills Committee had concluded its examination of the Bill.
6. The Administration indicated its intention for the Bill to resume its Second Reading debate at the Council meeting on 29 June 2005.
7. The Bills Committee noted that a written report would be made to the House Committee on 10 June 2005. If the Second Reading debate on the Bill was to resume on 29 June 2005, the deadline for giving notice of moving Committee Stage amendments would be 20 June 2005.

8. The meeting ended at 3:55 pm.

Council Business Division 2
Legislative Council Secretariat
20 June 2005

**Proceedings of the meeting of the
Bills Committee on Transfer of Sentenced
Persons (Amendment) (Macau) Bill
on Tuesday, 31 May 2005 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000139	Chairman	Opening remarks	
000140 - 001232	Admin	Briefing on the Administration's response to issues raised at the Bills Committee meeting on 18 April 2005 (LC Paper No. CB(2)1667/04-05(01))	
001233 - 005635	Hon Margaret NG Chairman Hon LAU Kong-wah Hon Audrey EU ALA4 Admin	Adaptation of sentence; suggestion that flexibility should be given to the sentenced person's wish for transfer even though there was no adaptation of sentence in his favour	Admin to provide a supplementary note explaining the adaptation of sentence for the transfer of a sentenced person to Hong Kong
005636 - 010649	Chairman Admin Hon Margaret NG Hon LAU Kong-wah	Suggestion that the Administration should consider making a provision to specify that once a sentenced person had consented for transfer, he would be deemed to have been convicted and sentenced by a court in Hong Kong and revocation would not be allowed	
010650 - 011229	Chairman Admin	Rights and benefits of sentenced persons on transfer; amnesty, pardon and commutation in the transferring jurisdiction	
Clause-by-clause examination			
011230 - 011359	Chairman	Examination of the proposed section 2 of the Transfer of Sentenced Persons Ordinance (TSPO)	

Time marker	Speaker	Subject(s)	Action Required
011400 - 011509	Chairman Hon LAU Kong-wah Admin	Examination of the proposed section 4 of TSPO	Admin to draw up internal guidelines for determining “close ties” with a place when more of such cases had been established, and provide a copy of the guidelines to the Panel on Security
011510 - 011552	Chairman	Examination of the proposed section 9 of TSPO	
011553 - 011646	Chairman	Examination of the proposed schedule 1 to TSPO	
011647 – 011831	Chairman Admin	Resumption of Second Reading debate on the Bill; report of the Bills Committee to the House Committee; deadline for giving notice of moving Committee Stage amendments	
011832 - 011940	Hon LAU Kong-wah Chairman	Progress of implementation of the Arrangement on the Transfer of Sentenced Persons between the Hong Kong Special Administrative Region (HKSAR) Government and the Macau Special Administrative Region (MSAR) Government one year after the Arrangement had come into operation	Admin to inform the Panel on Security of the progress of implementation of the Arrangement on the Transfer of Sentenced Persons between the HKSAR Government and the MSAR Government one year after the Arrangement had come into operation