

Government responds to today's procession

In response to media enquiries on the procession today (April 28), a government spokesman made the following statement:

Since the return to the Motherland, the Hong Kong Special Administrative Region (HKSAR) has been exercising "Hong Kong people administering Hong Kong" and a high degree of autonomy in strict accordance with the Basic Law. The "one country, two systems" principle has been fully and successfully implemented.

Human rights and freedom in Hong Kong including freedom of speech and freedom of assembly, etc. are fully protected by the Basic Law, the Hong Kong Bill of Rights Ordinance and other legislation. The rule of law and judicial independence are the core values of the HKSAR. The HKSAR Government attaches utmost importance to them and is determined to fully safeguard them. In addition, the Department of Justice has all along upheld its constitutional responsibility in handling its prosecution work in strict accordance with the law in an impartial, professional and apolitical manner.

The Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (the Bill) aims to deal with a murder case which happened in Taiwan in early 2018 involving Hong Kong residents. At the same time, it seeks to plug the loopholes in Hong Kong's overall co-operation mechanism in criminal and juridical assistance matters, including the geographical restrictions and impractical operational requirements under the existing laws. The Government's proposed amendments, which have been thoroughly and prudently considered, can achieve these two objectives.

The proposed amendments do not pinpoint any particular jurisdiction. After the legislative amendments, Hong Kong can, where necessary, using the same set of standards and under the principle of mutual respect, handle serious criminal cases by case-based surrender arrangements with a jurisdiction that does not have any long-term surrender of fugitive offenders arrangement with Hong Kong. The proposed legislative amendments will not affect any long-term agreements in force.

All existing human rights and procedural safeguards provided for in the current legislations will be maintained under the case-based arrangements. These include the double criminality principle, protection against death penalty, restriction against re-surrender, rule against double jeopardy, application for habeas corpus and right to appeal and judicial review, etc. The Government will thoroughly and carefully consider each case. The executive authority and the court will perform their respective gate-keeping roles in handling all surrender requests. The Government will reject any surrender request if it could not meet the legal requirements.

The Taiwan murder case has clearly shown that serious crimes can happen

in any place and at any time. It is just a question who the unfortunate victim may be. Hence, we have to plug the loopholes in the current mechanisms as quickly as possible. After the Bill is passed, the Government will have the legal basis to deal with the requests on juridical assistance in criminal matters and surrender of fugitive from Taiwan as soon as possible.

The Government understands that there are different views in the community on the proposed legislative amendments. The Legislative Council has established a Bills Committee and will soon commence scrutinising the Bill. The Government hopes that the Bills Committee can start its work as soon as possible during which we will continue to explain the legislative proposals in detail to the Legislative Council and the public and exchange views.