

Opening remarks by S for S at media session on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Following is the English translation of the opening remarks by the Secretary for Security, Mr John Lee, at a media session on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 today (May 20):

Thank you for coming to the Central Government Offices. In accordance with Rule 54(5) of the Rules of Procedure of the Legislative Council (LegCo), I issued today a letter to the chairman of the House Committee of LegCo, proposing to make preparation for the resumption of the Second Reading debate of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 on June 12, 2019. In accordance with Rule 54(5) of the Rules of Procedure, the public officer in charge of the Bill may, after consultation with the chairman of the House Committee, give a written notice to the office of the Clerk of the LegCo to resume the Second Reading debate.

Since the Government has proposed the legislative amendments, we have been engaging different sectors of the community to explain, listen and collect their views, and elaborate the legislative objective to combat against crimes, the content of the proposals and human rights safeguards therein. The Security Bureau introduced the Bill into the LegCo on April 3, 2019, for First and Second Reading. The Government team, comprising the officers of the Security Bureau and the Department of Justice, has been fully prepared for the scrutiny of the Bill, and has all along been hoping to interact with members, listen to their views and answer their questions through the platform of the Bills Committee, with a view to improving the Bill. After the House Committee's decision to form a Bills Committee on April 12, 2019, the Government has actively co-operated with the Bills Committee for its work, including the presence of the team at the LegCo to prepare for attending the Bills Committee on its meeting dates and provision of detailed information to explain the Bill in response to the request of the legal adviser of the Bills Committee.

Regrettably, despite the fact that the Bills Committee has been formed more than five weeks, it has not been able to operate properly. The Government team has not had an opportunity to explain and commence normal interactive discussion with members on the Bill at the Bills Committee.

First of all, no chairman was elected after two meetings of a total of

four hours on April 17 and 30, 2019, at which Hon James To was the presiding member. This situation was unprecedented.

At its special meeting on May 4, 2019, the House Committee of the LegCo agreed to provide guidelines to the Bills Committee in accordance with the Rules of Procedure which specify that until the chairman of the Bills Committee is elected, Hon Abraham Shek, member of the Bills Committee, shall determine the date, time and place of the meeting(s) of the Bills Committee, and shall be responsible for presiding at the election of the chairman of the Bills Committee during the meeting(s).

You should have all noted from the media reports that there were serious commotions, confrontations and physical scuffles at the meeting presided by Hon Shek on May 11, 2019, in pursuance to the House Committee's guidelines. A number of members were injured with several members subsequently making reports to the Police. There were again commotions and arguments at the meeting on May 14, 2019. No chairman was elected at both meetings presided by Hon Shek. On the two above-mentioned meeting dates, Hon To convened purported Bills Committee meetings at the same venue but at an earlier time. The commotions, confrontations and arguments at the two meetings have caused grave public concern, undermined the LegCo's solemnity and its reputation of bill scrutiny, and tarnished its public image.

On May 16, 2019, eight members representing both sides met to discuss the matter. Members who had participated in the said meeting subsequently made public statements that the two sides remained at loggerheads. The side supporting to act in accordance with the House Committee's guidelines did not accept the legitimacy of the meetings convened by Hon To as Bills Committee meetings, while the other side insisted on its legitimacy. At the subsequent two-hour House Committee meeting on May 17, 2019, members had divergent views on the different options being raised, and no consensus could be reached on the way forward.

It has always been the Government's stance to assist LegCo pragmatically in scrutinising the Bill through the platform of a Bills Committee. This has been the normal procedure in scrutinising the bills. Given the aforesaid circumstances, the current scrutiny of the Bill by the Bills Committee has become ineffectual and I do not see any way out of the present predicament. As there is time consideration for the Bill and after careful consideration, I had little choice but to make this difficult decision. I wrote today to the chairman of the House Committee, in accordance with Rule 54(5) of the Rules of Procedure, for consideration in preparation for resumption of Second Reading debate on June 12, 2019. Meanwhile, we will continue to explain to various stakeholders on the Bill so as to enhance the public understanding of its content.