

S for S speaks on proposed amendments to Fugitive Offenders Ordinance and Mutual Legal Assistance in Criminal Matters Ordinance

Following is the transcript of remarks by the Secretary for Security, Mr John Lee, at a media session after visiting Islands District Council this afternoon (March 13):

Reporter: The (former) Vice Minister of Public Security told RTHK that Mainland China has 300 fugitives in Hong Kong. Do you know the number? How many fugitives from Mainland China are actually in Hong Kong? How many those from Hong Kong are in Mainland China currently? The second question is that the Taiwan Legislative Council passed the motion yesterday that they required extradition agreement to be applicable to cases only between Hong Kong and Taiwan. How do you respond to that? And previously the Bar Association suggested that for the Taiwan case.....?

Secretary for Security: Can we deal with the questions one by one. I think we need to give a fair chance to each one. Can I deal with your questions one by one? So the question is in relation to comments by a public official in the Mainland. First of all, at present, we do not have a long-term surrender of fugitive agreement with the Mainland. We are still working on it. The process of working on a long-term agreement has not stopped at all. It is something we are still working on. One thing that is important to notice as I have mentioned earlier that the long-term agreement is the principal method of surrender of fugitives. So we will work along that principal to try to get a long-term agreement with the Mainland. But that, of course, will be something that eventually to be materialised for the LegCo (Legislative Council) to debate on.

As we do not now have an agreement with the Mainland, so I do not have a figure of the number of possible fugitives who are hiding in Hong Kong, because there is no such law and therefore I do not have the figure.

What is your second question?

Reporter: The Taiwan Legislative Council passed a motion yesterday requiring that the extradition agreement should have a separate agreement with Hong Kong instead of Taiwan being handled as just one of the jurisdictions?

Secretary for Security: What I am trying to do now is to amend our Hong Kong domestic law, so that the restrictions which prohibit me to talk with Taiwan will be lifted. If that proposal is passed, then I will not be prohibited by law to go to talk with the Taiwan side. In fact the Taiwan side has already

raised their requests to Hong Kong, both for offering assistance and to handover the suspect. There has been a warrant of arrest issued in Taiwan. The case happened in February last year. Since that time, the Police and the Department of Justice (DoJ) have been aiming at trying to prosecute the suspect for possible murder, conspiracy to murder, or even planning to murder in Hong Kong, using Hong Kong law. It was in August that upon legal advice, that the evidence will not be sufficient to do such a prosecution. And thanks to the colleagues of DoJ and SB (Security Bureau), they have been working hard to look for a solution which will allow us to do it. They have looked around the laws in other jurisdictions and that is why they have found the present practice in the UK and Canada are good models for us to follow. Their method of doing this has been in practice for almost or even over 40 years and it has been implemented smoothly. So that is the proposal that we are doing. If the Security Bureau's proposal is passed, that means I am not legally forbidden to go to talk to Taiwan. Basically, it is to lift the restriction on us. In fact, we have been communicating with the Taiwan side. On the principle of mutual respect, on the principle of dealing with the case according to the case merits, I think with both sides working hard, putting politics aside, we should be able to do justice which is lacking in this case.

(Please also refer to the Chinese portion of the transcript.)