

Statement by Chief Executive's Office on surrender of fugitive offender to other jurisdiction

The Chief Executive's Office today (May 31) issued the following statement in respect of recent media reports on a fugitive surrender request made by the US Government:

While it is inappropriate to discuss individual surrender cases in public, all requests for the surrender of fugitive offenders are processed strictly in accordance with the Fugitive Offenders Ordinance (Cap. 503) and in the context of relevant agreements concluded with the respective jurisdictions for the surrender of fugitive offenders. For requests received from the US Government for the surrender of fugitive offenders, the Agreement between the Government of Hong Kong and the Government of the United States of America for the Surrender of Fugitive Offenders is applicable.

On receipt of each and every surrender request from another jurisdiction, the Chief Executive must first issue authority to proceed before the request can be processed further. A decision on whether to issue authority to proceed on the advice of the Department of Justice rests solely and entirely with the Chief Executive under section 6(2) of the Fugitive Offenders Ordinance (Cap. 503). Such a decision is only to be made after taking into full account the relevant facts and circumstances of each case for the purpose of complying with the Fugitive Offenders Ordinance (Cap. 503) and the applicable bilateral agreement. Under the above-mentioned Agreement, situations under which a surrender request may be refused are clearly set out. These relevant provisions are reproduced in the Annex.

In a recent Hong Kong Policy Act Report submitted by the US State Department to the US Congress, it was mentioned that in respect of a fugitive surrender request made by the US Government, the Chief Executive refused the request in October 2017 "at the behest of the Central Government". The statement suggests that the Chief Executive's decision in the case concerned was made in a manner other than in accordance with the Fugitive Offenders Ordinance (Cap. 503) or the Agreement. The Hong Kong Special Administrative Region (HKSAR) Government deeply regrets to see the inclusion of this inaccurate statement in the above-mentioned Report to the US Congress.

Currently, there is no surrender of fugitive offenders arrangement between the HKSAR and the Mainland. Therefore, no surrender of a fugitive has ever been made to the Mainland. The HKSAR Government deals with any movement of persons in and out of Hong Kong in accordance with the laws of Hong Kong.