

Taiwan has no authority to send officers to Hong Kong to escort suspect

The Hong Kong Special Administrative Region (HKSAR) Government made the following statement:

Regarding Taiwan's statement on October 22 that they wished to send officers to Hong Kong to escort the Taiwan homicide case suspect Chan to Taiwan upon his prison discharge, the HKSAR Government sees it as cross-jurisdiction law enforcement, which is a disrespect for Hong Kong's jurisdictional power and is totally unacceptable.

The authority of Taiwan has no law enforcement power in Hong Kong. Chan is Taiwan's wanted person and his surrender decision is voluntary. As he will be a free man after released from jail, the HKSAR Government has no authority to impose any restrictive measures on him. He could go to Taiwan accompanied by persons of his choice. Upon arrival, the authority of Taiwan can arrest him. If the authority of Taiwan is willing to handle Chan's surrender, it should immediately cancel the landing restriction of Chan in order not to contradict the warrant of arrest in force. Now that Chan voluntarily surrenders himself, why should one still be concerned that he will abscond and destroy evidence?

The homicide case took place in Taiwan. The body of the deceased, key witnesses, exhibits and relevant evidence were all in Taiwan. Without doubt, Taiwan has jurisdiction over this offence. Now that Chan is willing to surrender, Taiwan should receive him, and initiate interrogation, evidence gathering and prosecution on him. Regarding the relevant evidence in Hong Kong, apart from those voluntarily brought with Chan, for other evidence, Hong Kong will, under the legal framework and following the procedures, provide all necessary assistance.

In response to Taiwan's claim that the Taiwan homicide case should be dealt with through legal assistance, the HKSAR Government considers it an excuse which has nothing to do with self-surrender. In fact, it is noted that Taiwan has handled similar cases with places where it has no legal assistance in the past. This time, Chan surrenders himself out of his own free will, and he is a person wanted in Taiwan. The case can be handled entirely outside any legal assistance regime. The assistance offered by Hong Kong will be based on Chan's request, and will have to be carried out on the basis of Taiwan's respect for Hong Kong's law and system.

We do not agree with Taiwan's claim that we can handle Chan's case in Hong Kong. The HKSAR Government has reiterated many times that the Department of Justice has thoroughly and comprehensively considered the Police's investigation and the evidence collected, and confirmed that there was only

enough evidence to prosecute Chan for money laundering offences, and not other offences including attempting to commit murder or the so-called "willfully plan to commit homicide". Making arbitrary demands to prosecutorial institution to commence prosecutions without sufficient evidential and legal bases is neither responsible nor does it accord with the principle of administration of justice. The HKSAR Government's stance is clear, and has been consistent.

Over the past year or so, Hong Kong has repeatedly stated that it would be pleased to provide the necessary and legally feasible assistance to Taiwan in its investigation on the homicide case. In March this year, we formally suggested sending a delegation to Taiwan for discussing co-operation arrangement on the homicide case. Yet, no positive reply was received from Taiwan. The HKSAR Government expressed disappointment over the Taiwan side's claim that Hong Kong has no intention to deal with the case. The claim does not reflect the fact.

The HKSAR Government strongly objects to the Taiwan side's irresponsible allegation that Chan's surrender decision was out of political maneuvering. The HKSAR Government has all along done its best to bring justice to the victim. It also believes that justice can be served following Chan's decision to surrender himself to Taiwan for redemption. The HKSAR Government believes that if the Taiwan side could handle the case with sincerity and uphold justice, it should be pragmatic, and stop complicating the issue. This would hopefully bring progress to the case.