

Transcript of CE's Press Conference (with photos/video)

The Chief Executive, Mrs Carrie Lam, held a press conference this afternoon (March 26) on the interim report of the Commission of Inquiry into the Construction Works at and near the Hung Hom Station Extension under the Shatin to Central Link Project, the toll adjustment proposal for traffic rationalisation among the three road harbour crossings, and the proposed amendments to the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance. Joining her were the Secretary for Security, Mr John Lee; the Secretary for Transport and Housing, Mr Frank Chan Fan; the Permanent Secretary for Transport and Housing (Transport), Mr Joseph YT Lai; and the Deputy Law Officer (Mutual Legal Assistance) of the Department of Justice, Ms Linda Lam. Following is the transcript of remarks at the press conference:

Reporter: Mr Lee has just mentioned an example that a sexual offender has committed a crime in Japan and fled back to Hong Kong, I wish to ask Mr Lee the opposite. If a Mainland offender has committed similar crimes in Hong Kong and fled back to the Mainland. As I understand, because the Mainland law is the same as the Taiwanese law they prevent extraditing their own nationals. This could not be solved under the current proposal even if there is a legislative change. This is similar limitation under the current examples that there is no guarantee of transfer of a sentenced person, let say in Mainland or Taiwan, as well as there are no visits by Hong Kong officials across the border? As you mentioned you're open to changes or are you going to take these ideas on board or could the Government guarantee in future transfer dealing with the Mainland, Hong Kong would be on an equal footing with Mainland China? Thank you.

Secretary for Security: Thank you for the question. First of all, I would like to emphasize that we should not confuse the long-term arrangement with case-by-case arrangement. And what I am proposing now is a universal standard that will be applicable to all jurisdictions around the world beyond the 20 with which Hong Kong has signed a long-term agreement. So I wish to emphasize that the long-term agreement with the Mainland, the negotiation and discussion, still continue. I have said very clearly that it is the principal surrender method for fugitives to be surrendered under a long-term agreement. And the special arrangement on a case-by-case basis is a supplementary, or in layman's term, a stopgap measure so that we can deal with what we think appropriate cases with a jurisdiction, with which we have no long-term agreement. So it's important that we don't confuse the two things – long-term agreement and case-by-case arrangement. That's the first thing.

In my discussion with my colleagues in the Mainland, I understand that they do not have to make any amendments of the law to consider a request by, say Hong Kong, for such a case-by-case arrangement with that. But I'm not emphasising that making this model – a model that is to be applicable to all

jurisdictions. It is not tailored made for any particular jurisdiction. So let me repeat that once again. The third point is that the amendment of our two laws is to amend our domestic laws so that we can do something which we cannot do now. So I'm trying to get the bill through LegCo so that the restrictions that have been put on the Hong Kong Government prohibiting us to be able to deal with this Taiwan case is lifted. This is basically to take away the chain that has put on my feet so that I can decide when there is a case which I think is appropriate to be dealt with whether I will deal with it or not.

As I have said very clearly, we have the full discretion to consider or not to consider any requests made by a particular jurisdiction. One last point I would like to make is, as I have mentioned there are two purposes – one is to deal with the Taiwan murder case, the other is to plug the loophole in our system. Hong Kong Government can only try its best to ensure justice is done. And no reason to suspect that any jurisdiction would not like to see offenders of serious crimes can escape justice. And we have indeed received requests three times from the Taiwan side. We have already started communication. I sincerely believe, with everybody trying hard, we can ensure that justice is done to the Taiwan case. So that everybody will be seeing that we are doing a right thing not just to the deceased family but to the overall international commitment.

Reporter: Regarding the removing of white-collar crimes from the proposal, does it mean that the Government didn't think it through before you planned to begin work to amend the extradition legislation? And in light of the international and widespread concerns to this controversial amendment, will you consider scrapping the entire proposal for good and concentrate on working out a proper deal with Taiwan instead, because it's been said by many legal experts that there's no loopholes in existing laws? And, on the tunnel toll proposal, this is the second time the Government withdrew the motion, and who should be responsible for the failure to lobby lawmakers into accepting this deal that you think is good for Hong Kong and finally landed the Government into this embarrassing position? And finally, the CoI (Commission of Inquiry) has concluded that Hung Hom Station is safe. Secretary, can you tell us once again, will the Government rush to open the Shatin to Central Link and what would you hope the people will take from this report? Thank you.

Chief Executive: I'll answer the second question on the tunnel tolls and invite Secretary for Security and Secretary for Transport and Housing to address the first and the third one. As I have explained, it is part of our governance style that we will confront the problems and the issues that have been causing a lot of anxiety to Hong Kong people, and traffic congestion as a result of overuse of the Cross-Harbour Tunnel as well as the Eastern Harbour Tunnel is a problem that we've faced for a while, while at the same time the Western Harbour Tunnel does have some spare capacity, especially after the opening of the Central – Wan Chai Bypass. We have worked out this package of proposals and spent quite a lot of time to convince a commercial company, the Western Harbour Tunnel company, to accept this package.

You asked who is responsible. I don't think it's a matter of responsibility. It's a matter that there are issues, whether we like it or not, that we cannot come to a full consensus to enable the Government to move forward, especially a proposal which ultimately requires voting in the Legislative Council. While tomorrow's government motion is a non-binding motion, what we need to follow up, if we were to implement this package, is to amend the subsidiary legislation, which needs to go back to Legislative Council for voting; and we need to apply for funding, rather significant funding, from the Finance Committee of the Legislative Council. We have to be very certain that we have broad-based consensus and support before we move forward. Otherwise, we'll be wasting a lot of people's time and keeping this commercial company in suspense on what is going to happen afterwards. This is exactly what we are doing.

On two occasions we have withdrawn, but they are for different reasons. The first withdrawal was because of the Central – Wan Chai Bypass launching, which in the initial days had not been as smooth as we believed because it was only partial. We don't want Legislative Council members to debate on the government motion without an accurate and comprehensive scenario in front of them. They may come to some misunderstanding about the impact of the Central – Wan Chai Bypass in this particular package. So we withdrew that first motion and allowed a bit of time for the Central – Wan Chai Bypass to come into full commissioning. And now we have the full situation in front of us, the impact of the Central – Wan Chai Bypass, so we want to put this to the Legislative Council again. And I would say this is really the first time, on a substantive basis, that we invite members of the Legislative Council to vote. Then comes a very realistic situation that we are doing extensive, intensive lobbying – as Frank Chan has mentioned, over 30 occasions of discussing with members of the Legislative Council – and we know very well from those discussions and from their comments to the media that we will not have enough votes, and that is by quite a wide margin. In order not to waste the valuable time of the Legislative Council, we have decided to withdraw this motion from tomorrow's agenda. I feel the whole process is a very conscientious process on the part of the Government to try to solve a problem, but at the same time we respect the views of individual Legislative Council members and we will accept the consequence that this package is not going to be implemented, but we will then turn our efforts and attention to other measures to address the traffic congestion issue in Hong Kong.

Secretary for Security: Thank you Chief Executive. When we make the first proposal to Legislative Council, we have cautiously made sure certain things must happen and exist. That is the foundation of our law and system regarding surrender of fugitives, which has been in operation smoothly for almost 22 years. This system and the whole laws regarding it must be preserved as much as possible. That is exactly what I have said earlier that for all long term arrangements, that the whole system and the law remain there. All the safeguards, all the principles, are there.

Then the second question is: the law as it is written, has not been practicable in allowing for case-by-case surrenders, which is proven by the Taiwan case. How should we address it? So we should consider whether we will

allow this so that we have zero surrender on case by case basis because of the limitation of the law and its incapability. I thank the Chief Executive for highlighting the consensus in our government. It is a controversial subject. I listen to views. There are of course views that I can act on. And there are also views that I think I have difficulties in acting on. But that is the process that I would thank for anybody who has provided views to me, whether it is in support or in opposition, whether there are alternative methods. And I have explained at least why I think I cannot act on what you have asked me one alternative suggestion. I will continue to explain why other suggestions in the opinions that received by me may not be the reason why I do not think that they can be acted on when we discuss it in LegCo (Legislative Council). But I make a cautious decision. I calculated all factors before I come to this decision. It is not an easy decision, but it is a cautious, careful, and serious decision, having taking account into all factors, different views and what we want to achieve and ensuring that the foundation of the present system of surrender fugitives is positively maintained. So I hope that I can make use of other opportunities to explain more about the details of the bill which will be gazette on Friday.

Secretary for Transport and Housing: As far as railway service is concerned, safety always comes first. This is the Government's clear and loud position and also public aspiration and expectation. There is no reason to speculate that the Government would rush for the opening of the Shatin to Central Link. We would make sure that everything is safe before we would allow the railway to operate, rest assured.

Secretary for Security: Can I add one more point which is your question about whether there is a loophole in the system. I would not like to debate what terminology one should use, but if there is a case which everybody agrees that we should do and we cannot act on it, to deal with it, to me that is a loophole I must address. Thank you.

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

