

Transcript of remarks by SJ and S for S on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Following is the transcript of remarks by the Secretary for Justice, Ms Teresa Cheng, SC, and the Secretary for Security, Mr John Lee, at a media session on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 today (June 2):

Reporter: Secretary, I have two questions. One is to follow up on my colleague's question that the Government refuses to write in the law the extra human rights safeguard, and many critics say it doesn't actually protect the human rights of the suspect. Are these only paying lip service to the idea and are these only empty promises? Secondly, have you found out which is the Taiwan central authorities?

Secretary for Justice: Shall I start with the first one? The importance of the protection of human rights is something, of course, we have taken care of from the views that have been expressed. Therefore the suggestion from the Government is to allow these to be included in the case-based arrangement that is going to be used. It will maintain flexibility by being not to be prescriptive in listing out in the laws but by allowing that to be in administrative arrangement of policy statement that is being adopted. So that depending on the case, depending on where is the jurisdiction requesting for the surrender of the fugitive and of course depending on the need, we can adopt the relevant provisions. So that flexibility is very important that will make the arrangement even more effective, bearing in mind that the arrangement or the undertaking will have to be signed by both the requesting place and Hong Kong. The protection would still be something that the court would be looked at because this arrangement which will be attached to the Chief Executive's Certificate will be made public in the committal court proceedings. At that stage, anyone or the particular fugitive who is the subject of the proceedings will no doubt be able to take account of that and perhaps to take the matter further to the court in Hong Kong.

Secretary for Security: In regard to our discussion with the Taiwan side, as I have explained earlier, in the same way as we deal with any ad hoc requests. Then it will be during our discussion with the requesting party that we will have to ask for the competent authority to be the representative because we will be asking the other side to make guarantee, which the Secretary for Justice has explained. It will have to be a competent authority which is going to represent the jurisdiction to give those guarantee. So that matter will be discussed when we negotiate and make the arrangement with the Taiwan side.

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