

立法會
Legislative Council

LC Paper No. CB(2) 2306/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/SS/6/01

**Subcommittee to study issues relating to the
Fugitive Offenders (Sri Lanka) Order**

**Minutes of the third meeting on
Thursday, 30 May 2002 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon Jasper TSANG Yok-sing, JP
Hon Miriam LAU Kin-yee, JP
Hon Audrey EU Yuet-mee, SC, JP

Public Officers attending : Mrs Margaret CHAN
Principal Assistant Secretary for Security

Mr David LITTLE
Law Officer (International Law)

Ms Francoise LAM
Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2) 1

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Ms Dora WAI
Senior Assistant Secretary (2) 4

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Chairman suggested that when negotiating with other jurisdictions bilateral agreements for the surrender of fugitive offenders in future, the Administration should undertake a review of the general human rights situation of the respective jurisdictions. The Administration undertook to consider the suggestion.

3. The Administration was requested to provide copies of the concluding observations made in any reports by the following UN bodies after their visit to Sri Lanka for members' reference -

- (a) Special Rapporteur on Summary and Arbitrary Executions (1997);
- (b) UN Secretary General's Special Representative on Children in Armed Conflict (1998);
- (c) UN Working Group on Disappearances (1999); and
- (d) Committee against Torture (2000).

4. The Subcommittee agreed that -

- (a) members would decide as to whether a further meeting should be convened within two weeks after receiving the information referred to in paragraph 3 above; and
- (b) if members decided that no further meeting was required, the scrutiny of the Fugitive Offenders (Sri Lanka) Order would be taken as completed. In such case, the Administration might make arrangements to re-gazette the Order.

**Proceedings of the third meeting of the
Subcommittee to study issues relating to the
Fugitive Offenders (Sri Lanka) Order
Thursday, 30 May 2002 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000244	Chairman	(a) Further submission from Hong Kong Human Rights Monitor dated 28.3.2002 (LC Paper No. CB(2)1512/01-02(01)); and (b) Admin's written response to the further submission from Hong Kong Human Rights Monitor dated 28.3.2002 (LC Paper No. CB(2)2050/01-02(01))	
000244 - 000922	Admin	General human rights situation in Sri Lanka	
000922 - 001015	Chairman	- ditto -	
001015 - 001109	Admin	- ditto -	
001109 - 001146	Chairman	Bilateral extradition agreement between Sri Lanka and USA	
001146 - 001205	Admin	- ditto -	
001205 - 001230	Chairman/ Admin	- ditto -	
001230 - 001240	Chairman	Negotiation between HKSAR Government and Sri Lankan Government on the Agreement	
001240 - 001251	Admin	- ditto -	
001251 - 001311	Chairman	- ditto -	
001311 - 001352	Admin	- ditto -	
001352 - 001412	Chairman	- ditto -	
001412 - 001529	Admin	- ditto -	
001529 - 001709	Miss Margaret NG	Role of the Legislative Council in respect of the scrutiny of the Order	
001709 - 001937	ALA6	- ditto -	
001937 - 002220	Miss Margaret NG	- ditto -	
002220 - 002233	Chairman	- ditto -	
002233 - 002243	Miss Margaret NG	- ditto -	
002243 - 002254	Chairman	Role of the Central People's Government in respect of the HKSAR Government's entering into extradition agreements with other jurisdictions	
002254 - 002257	Miss Margaret NG	- ditto -	

Time	Speaker	Subject(s)	Action required
002257 - 002442	Admin	- ditto -	
002442 - 002630	Miss Margaret NG	Power of the Legislative Council to repeal the Order on general grounds other than incompatibility with the principal Ordinance	
002630 - 002757	Admin	- ditto -	
002757 - 002843	Miss Margaret NG	- ditto -	
002843 - 002913	Chairman	- ditto -	
002913 - 003022	Admin	- ditto -	
003022 - 003044	Chairman	- ditto -	
003044 - 003048	Admin	- ditto -	
003048 - 003218	Chairman	Suggestion that when negotiating with other jurisdictions bilateral agreements for the surrender of fugitive offenders in future, Admin should undertake a review of the general human rights situation of the respective jurisdictions	
003218 - 003221	Admin	- ditto -	✓ Admin undertook to consider the suggestion
003221 - 003235	Chairman	Other issues in Admin's written response to the further submission from Hong Kong Human Rights Monitor dated 28.3.2002 (LC Paper No. CB(2)2050/01-02(01))	
003235 - 003518	Admin	(a) Offences not regarded as of political character; (b) Military offences; and (c) Right to refuse surrender of Chinese and non-Chinese permanent residents	
003518 - 003531	Chairman	Right to refuse surrender of non-Chinese permanent residents	
003531 - 003535	Admin	- ditto -	
003535 - 003541	Chairman	- ditto -	
003541 - 003551	Admin	- ditto -	
003551 - 003612	Chairman	- ditto -	
003612 - 003643	Admin	- ditto -	
003643 - 003815	Chairman	Right to refuse surrender of stateless persons or persons who had the right of abode in Hong Kong only	
003815 - 003843	Admin	- ditto -	
003843 - 003926	Chairman	- ditto -	
003926 - 004025	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
004025 - 004048	Chairman	- ditto -	
004048 - 004133	Admin	Conviction in absentia	
004133 - 004252	Miss Margaret NG	- ditto -	
004252 - 004322	Admin	- ditto -	
004322 - 004356	Miss Margaret NG	- ditto -	
004356 - 004510	Ms Audrey EU	Rationale for allowing refusal of surrender of a person only in exceptional cases where there was clear evidence of a flagrant denial of the right to fair trial in the territory of the requesting jurisdiction	
004510 - 004627	Admin	- ditto -	
004627 - 004638	Ms Audrey EU	- ditto -	
004638 - 004743	Admin	- ditto -	
004743 - 004808	Ms Audrey EU	- ditto -	
004808 - 004825	Admin	- ditto -	
004825 - 004900	Miss Margaret NG	- ditto -	
004900 - 004907	Admin	- ditto -	
004907 - 004927	Miss Margaret NG	- ditto -	
004927 - 005009	Ms Miriam LAU	- ditto -	
005009 - 005048	Chairman	Request for copies of the concluding observations made in any reports by the following UN bodies after their visit to Sri Lanka - (a) Special Rapporteur on Summary and Arbitrary Executions (1997); (b) UN Secretary General's Special Representative on Children in Armed Conflict (1998); (c) UN Working Group on Disappearances (1999); and (d) Committee against Torture (2000)	
005048 - 005059	Admin	- ditto -	
005059 - 005120	Chairman	- ditto -	
005120 - 005133	Miss Margaret NG	- ditto -	
005133 - 005157	Chairman	- ditto -	
005157 - 005406	Admin	- ditto -	
005406 - 005518	Chairman	- ditto -	
005518 - 005555	Admin	- ditto -	

Time	Speaker	Subject(s)	Action required
005555 - 005609	Chairman	- ditto -	
005609 - 005629	Admin	- ditto -	✓ Admin to provide the information
005629 - 005812	Miss Margaret NG	- ditto -	
005812 - 005858	Chairman	Need for a further meeting	
005858 - 005917	Miss Margaret NG	- ditto -	
005917 - 010315	Chairman	- ditto -	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
14 June 2002