

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