

SBCR 1/2716/89
LS/S/2(a)/01-02
2869 9467
2877 5029

Secretary for Security
Security Bureau
(Attn: Mrs Margaret CHAN
PAS (S)A)
6th Floor, Main Wing
Central Government Offices
Hong Kong

By Fax (2524 3762) and By Post

22 October 2001

Dear Mrs CHAN

Fugitive Offenders (Sri Lanka) Order

I refer to the several telephone conversations with your Miss Angelina Kwan last week. During those telephone conversations, I informed Miss Kwan of my concern in respect of the discrepancies between the Chinese version of Article 2 of the Fugitive Offenders (Sri Lanka) Order and the Chinese version of the Schedule to the Fugitive Offenders Ordinance (Cap. 503) (the Ordinance) and requested a written response from the Administration. During the telephone conversation this morning, Miss Kwan asked me to put my queries in writing before a written response would be made. That I now do.

I set out in the attached Annex the more significant discrepancies in the description of the same offences between the Chinese version of the Order and the Chinese version of the Schedule to the Ordinance for your consideration. I would be grateful if you could clarify whether Article 2 in the Agreement made between the Government and the government of Sri Lanka needs to follow the wording of the Schedule when describing the same offences. If the answer is in the negative, please give the reasons for your opinion. If the answer is in the affirmative, please let me know what action the Administration would propose to remedy the fiat accompli.

Your reply before the end of this week would enable me to make a further report to the House Committee at its meeting next week.

Yours sincerely

(KAU Kin-wah)
Assistant Legal Advise

Encl

Annex

項目編號	該命令附表第二(1)條	項目編號	該條例附表
1	應受懲處的殺人罪	1	構成罪行的殺人
1	侵犯他人	1	襲擊
3	侵犯他人	3	襲擊
3	利用.....物品	3	不論是以.....方式
3	非法傷人	3	不法傷害
3	侵害	3	損害
4	犯與性有關的罪行	4	性罪行
4	非法對兒童作性行為	4	對兒童作出不法的性方面的作為
6	非法拘禁	6	非法禁錮
6	非法拘囚	6	非法關禁
6	扣押人質	6	劫持人質
8	包括毒品和精神藥物以及用於非法製造毒品和精神藥物的前體和主要化學物的罪行	8	包括麻醉藥、精神病科藥品，以在非法製造麻醉藥和精神病科藥品時所用的先質及必須的化學品的罪行
8	販毒收益	8	販毒得益
9	藉欺騙取得財物	9	以欺騙手段取得財產
9	使用武力進入他人房舍	9	破啟及進入
9	非法奪取	9	非法剝奪
10	無力償債	10	破產清盤法
11	創辦人	11	發起人
13	膺製	13	偽製
25	種族滅絕	25	危害種族
29	入境	29	出入境事宜
29	以訛騙手法	29	以欺詐方式
30	財務利益	30	經濟收益
33	偷取、拋棄、遺棄或非法扣押兒童；涉及剝削或虐待兒童	33	拐帶、遺棄、扔棄或非法羈留兒童；涉及利用兒童
42	妨礙逮捕	42	阻止逮捕