

立法會
Legislative Council

LC Paper No. CB(2)2232/07-08
(These minutes have been
seen by the Administration)

Ref : CB2/SS/5/07

Subcommittee on Fugitive Offenders (Ireland) Order

**Minutes of the first meeting
held on Monday, 19 May 2008, at 5:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP

Public Officers attending : Item II

Ms Manda CHAN
Principal Assistant Secretary for Security

Ms Linda LAM
Deputy Principal Government Counsel (Acting)
Department of Justice

Ms Amy CHAN
Senior Government Counsel
Department of Justice

Miss Jane LEE
Assistant Secretary for Security

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Action

I. Election of Chairman

Mr James TO was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[Legislative Council Brief, LC Paper Nos. LS78/07-08 and CB(2)1951/07-08(01) to (02)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee requested the Administration to explain the power of the court in handling the property in which third parties had rights and clarify whether and how the right of a third party in the property could be preserved when section 9(2) of the Fugitive Offenders Ordinance (Cap. 503) was read in conjunction with Article 16(2) of the Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of Ireland Concerning Surrender of Fugitive Offenders.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)2099/07-08(01) on 28 May 2008.)
4. The Subcommittee completed scrutiny of the Fugitive Offenders (Ireland) Order. Members agreed that it was not necessary to hold another meeting and the information provided by the Administration would be circulated to members.
5. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 4 June 2008 to extend the scrutiny period of the Order to the Council meeting on 25 June 2008.
6. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
10 June 2008

**Proceedings of the first meeting of the
Subcommittee on Fugitive Offenders (Ireland) Order
on Monday, 19 May 2008, at 5:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000510 - 000554	Ms Margaret NG Mr LAU Kong-wah Ms Miriam LAU	Election of Chairman	
000555 - 000702	Chairman	Opening Remarks	
000703 - 002215	Administration Chairman Ms Margaret NG Ms Miriam LAU	<p>Scrutiny of the Order with reference to the paper on "Article-by-Article Comparison of the Agreement between the Government of the HKSAR and the Government of Ireland concerning Surrender of Fugitive Offenders ("SFO) and the Model Agreement on SFO ("model agreement")" (LC Paper No. CB(2)1951/07-08(02)</p> <p>Article 1</p> <p>Article 2</p> <p>Clarification by the Administration on Article 2(2) that revenue offences covered fraud or deception committed in connection with revenue matters</p> <p>Response of the Administration on the offence referred to in Article 2(4) -</p> <p>(a) the drafting of the Article was similar to that adopted for the SFO Agreement with Sri Lanka;</p> <p>(b) the offence should be punishable under the laws of both Parties and was determined by the totality of the acts rather than the legal elements of the offence concerned; and</p> <p>(c) an offence which was regarded as a civil matter under the law of either the requesting party or the requested party would not be covered by the SFO Agreement</p>	
002216 - 002512	Administration Chairman	Articles 3 – 5	
002513 - 002846	Administration Chairman	<p>Article 6</p> <p>Discussion on whether the term "a third country" or "a third jurisdiction" was more appropriate for Article 6(3)</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
002847 - 003234	Administration Chairman	Articles 7 – 15	
003235 - 004303	Administration Chairman Ms Miriam LAU	Concern about the exceptional expenses that might be incurred in Article 14(2) and whether the expenses could be settled after consultation	
004304 - 010154	Administration Chairman Ms Miriam LAU ALA 1	Article 16 Concern whether and how the right of third parties in the property referred to in Article 16(2) could be preserved	Admin to follow up
010155 - 010910	Administration Chairman Ms Miriam LAU	Articles 17 – 20	
010911 - 010947	Chairman	Closing remarks	

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