

**Subcommittee on Fugitive Offenders (South Africa) Order and
Mutual Legal Assistance in Criminal Matters (South Africa) Order**

**List of follow-up actions arising from the discussion
at the first meeting on 20 May 2010**

In relation to the Fugitive Offenders (South Africa) Order ("FO Order"), the Administration was requested to -

- (a) confirm whether "international conventions" referred to in item (43) in paragraph (1) of Article 2 cover bilateral agreements or conventions signed between the Requesting Party/Requested Party and any other countries/places;
- (b) clarify the reasons for including item (47) in paragraph (1) of Article 2. Members note that the offences listed in item (1) to item (46) are consistent with the description of extraditable offences listed in Schedule 1 to the Fugitive Offenders Ordinance (Cap. 503);
- (c) consult the negotiation team on behalf of the Government of the Hong Kong Special Administrative Region on the reasons for agreeing to include paragraph (3) in Article 8 and provide information on the meaning of "serving a sentence" in the Republic of South Africa. Members are concerned whether the meaning of "serving a sentence" and "in custody" as applied in South Africa is loose;
- (d) advise whether a provision similar to paragraph (4) of Article 20 is provided in the Surrender of Fugitive Offenders Agreements ("SFO Agreements") with other countries and the reasons for including such a provision;
- (e) confirm whether a similar provision for terminating the Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of Republic of South Africa concerning the Surrender of Fugitive Offenders ("the Agreement") with immediate effect by mutual consent (paragraph (3) of Article 22) is provided in the SFO Agreements with other countries; and
- (f) re-examine the article-by-article comparison of the FO Order with the Model Agreement (LC Paper No. CB(2)1568/09-10(01)) and confirm whether the provisions in the Agreement which are said to be similar

to those in the Model Agreement or SFO Agreements with other countries are really similar. The Administration should provide an updated list of articles which are found to be dissimilar in any sense and give explanations for the dissimilarity.

Council Business Division 2
Legislative Council Secretariat
26 May 2010