

L.N. 38 of 2016

**Fugitive Offenders (Netherlands) (Amendment) Order
2016**

(Made by the Chief Executive in Council under section 3 of the
Fugitive Offenders Ordinance (Cap. 503))

1. Commencement

This Order comes into operation on 21 May 2016.

2. Fugitive Offenders (Netherlands) Order amended

The Fugitive Offenders (Netherlands) Order (Cap. 503 sub. leg. A) is amended as set out in sections 3, 4 and 5.

3. Section 2 substituted

Section 2—

Repeal the section

Substitute

**“2. Procedures in Ordinance to apply between Hong Kong and
Netherlands**

In relation to the arrangements for the surrender of fugitive offenders the terms of which are recited in Schedules 1 and 2, it is directed that the procedures in the Ordinance apply as between Hong Kong and the Kingdom of the Netherlands subject to the limitations, restrictions, exceptions and qualifications contained in the terms of the arrangements.”.

4. Schedule amended (Agreement between the Government of the Kingdom of the Netherlands and the Government of Hong Kong for the Surrender of Fugitive Offenders)

(1) The Schedule, heading—

Repeal

“SCHEDULE”

Substitute

“Schedule 1”.

(2) Schedule 1, heading—

Repeal

“OFFENDERS”

Substitute

“OFFENDERS[#]”.

(3) Schedule 1—

Add

“_____”

Note:[#] The Agreement between the Government of the Kingdom of the Netherlands and the Government of Hong Kong for the Surrender of Fugitive Offenders was done in the Chinese, English and Dutch languages, each text being equally authentic. The Dutch text of the Agreement is available for inspection at the Security Bureau of the Government of the HKSAR.”.

5. Schedule 2 added

After Schedule 1—

Add

“Schedule 2

[s. 2]

Protocol between the Government of the Hong Kong Special Administrative Region of the People’s Republic of China and the Government of the Kingdom of the Netherlands Amending the Agreement for the Surrender of Fugitive Offenders, Done at Hong Kong on 2 November 1992[#]

The Government of the Hong Kong Special Administrative Region of the People’s Republic of China (“Hong Kong Special Administrative Region”) having been authorised by the Central People’s Government of the People’s Republic of China to conclude this Protocol with the Government of the Kingdom of the Netherlands,

and

the Government of the Kingdom of the Netherlands (hereinafter referred to as “the Parties”),

Note:[#] The Protocol between the Government of the Hong Kong Special Administrative Region of the People’s Republic of China and the Government of the Kingdom of the Netherlands Amending the Agreement for the Surrender of Fugitive Offenders, Done at Hong Kong on 2 November 1992 was done in the Chinese, English and Dutch languages, each text being equally authentic. The Dutch text of the Protocol is available for inspection at the Security Bureau of the Government of the HKSAR.

Recalling the Agreement between the Government of Hong Kong and the Government of the Kingdom of the Netherlands for the surrender of fugitive offenders, done at Hong Kong on 2 November 1992 (hereinafter referred to as “the Agreement”),

Recognizing that the People’s Republic of China resumed the exercise of sovereignty over Hong Kong with effect from 1 July 1997 and in accordance with its constitution has on that date established the Hong Kong Special Administrative Region of the People’s Republic of China,

Noting that the Government of the People’s Republic of China has confirmed the continued application of the Agreement to the Hong Kong Special Administrative Region and its recognition as an agreement entered into between the Government of the Hong Kong Special Administrative Region under the authorisation of the Government of the People’s Republic of China and the Government of the Kingdom of the Netherlands,

Desiring to amend the Agreement,

Have agreed as follows:

Article 1

This Protocol amends the Agreement and the Agreement and this Protocol shall be read and interpreted together as one single instrument.

Article 2

The text of Article 17 of the Agreement shall be replaced by the following:

“With respect to the Kingdom of the Netherlands this Agreement shall apply to the European part of the Netherlands and to the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba).”

Article 3

(1) This Protocol shall enter into force thirty days after the date on which the Government of the Hong Kong Special Administrative Region has notified the Government of the Kingdom of the Netherlands in writing that the requirements for the entry into force of the Protocol have been complied with.

(2) This Protocol shall remain in force so long as the Agreement remains in force.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments have signed this Protocol.

DONE in duplicate at Hong Kong this Seventeenth day of February, Two Thousand and Fifteen in the Chinese, Dutch and English languages, each text being equally authentic.”.

Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

16 February 2016

Explanatory Note

This Order amends the Fugitive Offenders (Netherlands) Order (Cap. 503 sub. leg. A) (*principal Order*) in order to implement in Hong Kong the protocol entered into by the Government of the Hong Kong Special Administrative Region and the Government of the Kingdom of the Netherlands and signed in Hong Kong on 17 February 2015 (*Protocol*). The Protocol amends the agreement entered into by the Government of Hong Kong and the Government of the Kingdom of the Netherlands and signed in Hong Kong on 2 November 1992 (*Agreement*), as set out in the existing Schedule to the principal Order. Section 5 of this Order adds a new Schedule to the principal Order in order to set out the terms of the Protocol.

2. This Order also amends section 2 of the principal Order in order to enhance its readability.
3. This Order further amends the existing Schedule to the principal Order in order to add a note that provides the public with more information on the Agreement.