

香港特別行政區政府  
保安局



The Government of the  
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Security Bureau

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9 January 2019

Miss Betty MA  
Clerk to Subcommittee on  
Fugitive Offenders (France) Order  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Miss Ma,

**Re: Second Meeting of the Legislative Council Subcommittee on  
Fugitive Offenders (France) Order**

At the captioned meeting held on 7 January 2019, the Administration was requested to further explain the intent of Article 13(3) of the agreement on surrender of fugitive offenders (SFO) between Hong Kong and France (“the Agreement”). Our reply is set out below.

2. According to Article 13 of the Agreement –

*“1. If a Party receives requests for surrender for the same person from the other Party and a third State, and that third State also has an agreement or arrangement for the surrender of accused or convicted persons with the requested Party, the requested Party shall make its decision having regard to all the circumstances, including the provisions in this regard in any agreements or arrangements in force between the requested Party and the requesting Parties, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality and ordinary place of residence of the person and the possibility of subsequent surrender to another place.*”

2. *In the event of surrender of the person to that third State, the requested Party shall notify the other Party of its decision with reasons.*
3. *For the Hong Kong Special Administrative Region, the provisions of this Article shall not affect the arrangements for the surrender of accused or convicted persons between the Hong Kong Special Administrative Region and any other part of the People's Republic of China."*

3. Paragraphs 1 and 2 of the above article aim to specify that if a party to the Agreement receives requests from the other party to the Agreement and another state at the same time, how such requests should be dealt with. As the Hong Kong Special Administrative Region (HKSAR) is part of the People's Republic of China (PRC), paragraphs 1 and 2 of the above article are not applicable to requests from other part of the PRC to Hong Kong.

4. Currently, there is no SFO arrangement between Hong Kong and other part of the PRC. Such arrangement is still under discussion. The addition of paragraph 3 in the above article aims to ensure that the future SFO arrangement between HKSAR and any other part of the PRC will not be affected. France understood and agreed with the addition of paragraph 3 in the above article.

5. During the meeting, Members also raised a few suggestions on issues related to Hong Kong's SFO agreements with other places. The HKSAR Government will take into account Members' views and continue our efforts on building a more extensive network of bilateral agreements on SFO and mutual legal assistance in criminal matters with other places, as well as reviewing the situation at opportune time, with a view to ensuring Hong Kong's active role in cross-territory cooperation in law enforcement.

Yours sincerely,



(Ms Iris LEE )  
for Secretary for Security

c.c. Department of Justice  
(Attention:  
International Law Division  
Ms Anthea LI, Deputy Principal Government Counsel  
Mr Felix HOE, Senior Government Counsel  
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Ms Phyllis POON, Senior Government Counsel)