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立法會  
法案委員會

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》委員會主席

立法會 CB(2)1527/18-19(05)號文件  
LC Paper No. CB(2)1527/18-19(05)

主席：

## 有關《刑事司法管轄權(修訂)條例草案》事宜

就《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》而言，政府官員曾表示因應一宗在台灣發生的涉嫌謀殺案，當中嫌疑犯逃回香港，希望可把嫌疑犯移交往台灣受審，故此，政府建議修訂《逃犯條例》及《刑事事宜相互法律協助條例》，以在香港與其他地方沒有簽署移交逃犯協議的情況下，可把在香港的疑犯及逃犯移交往該地方。

然而，處理在香港境外發生的罪行，除了移交疑犯到干犯地方接受審訊之外，在現行香港法律之中，亦有某些罪行是透過訂定域外司法管轄權來處理。例如香港法例第 200 章《刑事罪行條例》153P 條列明有關性罪行有域外法律效力。

因此，本人曾徵詢法律界人士，協助草擬了修訂《刑事司法管轄權條例》的議員法案，現誠意提交予法案委員會，希望委員會可盡快予以討論，並請政府給予意見及邀請官員出席會議回應。謝謝。

隨附本人的《刑事司法管轄權(修訂)條例草案》的文本，以供發送予各委員。

順祝 鈞安

尹兆堅  
立法會(新界西)議員

2019 年 5 月 10 日

連附件

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# Criminal Jurisdiction (Amendment) Bill

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**A BILL  
TO**

Amend the Criminal Jurisdiction Ordinance to make provision about the jurisdiction of courts in Hong Kong in relation to certain offences related to homicide and serious offences against the person and for connected purposes.

Enacted by the Legislative Council.

**Part 1**

**Preliminary**

**1. Short title**

This Ordinance may be cited as the Criminal Jurisdiction (Amendment) Ordinance 2019.

**Part 2**

**Amendment to Criminal Jurisdiction Ordinance**

**2. Offences to which this Ordinance applies**

(1) Section 2(1) is amended by repealing “2 groups” and substituting “3 groups”.

(2) Section 2(1) is amended by adding –

“(c) any offence mentioned in subsection (3A) (a *Group C* offence).”

(3) Section 2 is amended by adding –

“(3A) The Group C offences are an offence under any of the following provisions of the Offences Against the Person Ordinance (Cap. 212)—

section 2	(murder)
section 7	(manslaughter)
section 9A	(genocide)

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section 10	(administering poison or wounding with intent to murder)
section 11	(destroying or damaging building with intent to murder)
section 12	(setting fire or casting away ship with intent to murder)
section 13	(attempting to administer poison, or shooting, or attempting to shoot or drown, etc., with intent to murder)
section 14	(attempting to commit murder by means not specified)”

- (4) Section 2(4) is amended by repealing “subsection (2) or (3)” and substituting “subsection (2), (3) or (3A)”.

**3. Section added**

The following is added —

**“3A. Jurisdiction in respect of Group C offences**

(1) A person —

- (a) who is a Hong Kong permanent resident or who is a holder of an identity card;
- (b) commits any act or omission at any place outside Hong Kong; and
- (c) the act or omission would have constituted a Group C offence had it been committed in Hong Kong,

may be guilty of a Group C offence as if such offence had been wholly committed in Hong Kong.

(2) A person—

- (a) whatever his citizenship or nationality, or whether or not he is a Hong Kong permanent resident or a holder of an identity card;

- (b) commits any act or omission at any place outside Hong Kong against a person who is a Hong Kong permanent resident or who is a holder of an identity card; and
- (c) the act or omission would have constituted a Group C offence had it been committed in Hong Kong,

may be guilty of a Group C offence as if such offence had been wholly committed in Hong Kong.

- (3) For the purpose of this Ordinance, *identity card* (身分證) shall mean an identity card issued under the Registration of Persons Ordinance (Cap. 177).