

## 《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

## 94項修正案因不準確或內容重複而不獲准提出

## (A) 86項不準確的修正案

(i) 40項修正案違反《議事規則》第57(4)(e)條<sup>1</sup>

議員	修正案數目	立法會主席裁決	附件
涂謹申議員	8	該等修正案的中文與英文文本相互抵觸或意義差歧。	1
黃碧雲議員	1		
林卓廷議員	4		
鄭俊宇議員	1		
張超雄議員	1		
莫乃光議員	1		
葉建源議員	2		
鄭松泰議員	1		
范國威議員	1		
毛孟靜議員	1		
尹兆堅議員	6		
胡志偉議員	2		
區諾軒議員	6		
朱凱迪議員	5		
總數：	40		

<sup>1</sup> 《議事規則》第57(4)(e)條規定，不可動議令兩個文本相互抵觸或意義差歧的修正案。

(ii) 46項修正案違反《議事規則》第57(4)(c)條<sup>2</sup>

議員	修正案數目	立法會主席裁決	附件
涂謹申議員	10	該等修正案包含錯誤的條文提述及／或錯誤詞句，令擬修正的條文變得不能理解或不合語法。	2
黃碧雲議員	3		
林卓廷議員	5		
鄭俊宇議員	2		
許智峯議員	1		
胡志偉議員	3		
朱凱迪議員	6		
總數：	30		
許智峯議員	1	該等修正案對擬修正的條文缺乏所需提述，或載有含糊不清的描述，令有關係文變得不能理解或不合語法。	3
張超雄議員	1		
鄭松泰議員	1		
區諾軒議員	11		
總數：	14		

<sup>2</sup> 《議事規則》第57(4)(c)條規定，修正案不得令建議修正的條文變得不能理解或不合語法。

議員	修正案數目	立法會主席裁決	附件
朱凱迪議員	2	<p>條例草案第8條旨在修訂《刑事事宜相互法律協助條例》(第525章)第2(1)條“相互法律協助的安排”的定義中相互法律協助安排的適用範圍。條例草案第9條旨在廢除《刑事事宜相互法律協助條例》第3(1)條(亦關乎相互法律協助安排的適用範圍)，以取消相互法律協助中關乎中國其他部分的例外情況。</p> <p>朱議員就上述第8及9條提出兩組修正案，各自涉及一項建議。由於朱議員就第8條提出的修正案已被裁定不可提出，餘下就第9條提出的修正案如獲得通過，會與條例草案第8條的建議或《刑事事宜相互法律協助條例》下相互法律協助安排的現行適用範圍相互抵觸，令相關條文變得不能理解。</p>	4
總數：	2		

**(B) 8項修正案內容重複**

議員	修正案數目	立法會主席裁決	附件
涂謹申議員	1	有關修正案與同一議員提交的其他修正案內容重複。	5
陳志全議員	1		
尹兆堅議員	2		
區諾軒議員	4		
總數：	8		

**附錄 3 的附件 1**  
**Annex 1 to Appendix 3**

**40 項中文與英文文本**  
**相互抵觸或意義差歧的修正案**

**40 amendments**  
**which create a conflict or discrepancy between their**  
**Chinese and English texts**

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(a) 在建議的第 3A 條，刪去第(2)款及第(3)款而代以——

(2)在符合第(10)款的規定下，行政長官會同行政會議可就任何移交逃犯安排，藉符合以下說明的命令 ——

(a)該命令敘述或載錄該等安排的條款；

(b)該命令指明在該命令內所指明的任何有關成文法則須予廢除或修訂的範圍(如有的話)，

指示本條例中的程序在該命令所載的限制、約束、例外規定及約制(如有的話)的規限下，適用於香港及該等安排所涉及的香港以外地方。

(3)根據第(2)款作出的命令須在憲報刊登，並須在刊登後的立法會的首次會議日提交該會省覽。

(4)在自提交根據第(2)款作出的命令的日期當日

起計的 28 日期限內，立法會可藉決議廢除該命令。

(5)若第(4)款所提述的期限的屆滿日期(如非因本款規定)原應是 ——

(a)在立法會會期結束前或立法會解散前的最後一次會議後；但

(b)在立法會下一會期的第二次會議當日或該日之前，

則該期限須當作延展至該第二次會議的翌日，並在該日屆滿。

(6)立法會可於第(4)款所提述的期限或憑藉第(5)款而延展的該期限屆滿之前，藉決議就其中指明的命令 ——

(a)(就第(4)款所提述的期限而言)將該期限延展至在該期限屆滿之日後第 21 日或之後舉行的首次立法會會議；

(b)(在第(4)款所提述的期限已憑藉第(5)款而延展的情況下)將經如此延展的該期限延展至在該下一會期的第二次會議日後第 21 日或之後舉行的首次立法會會議。

(7)根據第(4)或(6)款作出的決議須於其通過後的 14 日內，或在行政長官准許延展的期限內在憲報刊登。

(8)根據第(2)款作出的命令在立法會可根據本條將該命令廢除的期限屆滿前不得實施。

(9)在不損害第(8)款的實施的原則下，根據第(2)款作出的命令可指明該命令自以下日期起實施 ——

(a)在該命令中指明的日期；或

(b)保安局局長藉憲報公告指定的日期。

(10)除非根據第(2)款作出的命令所關乎的特別移交安排實質上與本條例的條文相符，否則行政長官會同行政會議不得根據第(1)款作出該命令。

(11)根據第(2)款作出的命令所指明的任何有關成文法則——

(a)在該命令所指明的範圍內予以廢除或修訂；而

(b)該項廢除或修訂自該命令實施當日起生效。

(12)根據第(2)款作出的命令的文本是以下事項的確認——

(a)該命令所關乎的特別移交安排實質上與本條例的條文相符；及

(b)本條例中的程序適用於該命令所關乎的任何香港以外地方。

(13)凡任何成文法則的條文，對已根據第(11)款被廢除或修訂的任何有關成文法則作出任何提述，則該條文須在顧及上述廢除或修訂而作出必要的變通後予以理解及具有效力，而該項提述亦可於適當情況下據此理解及具有效力，猶如該項提述是對本條例的提述，或是對根據第(2)款作出的引致上述廢除或修訂的命令所關乎的特別移交安排的提述一樣。

(14)凡任何特別移交安排不再與香港以外地方有關，或成為與香港以外地方有關，則行政長官可藉憲報公告修訂根據第(2)款作出的關乎該等安排的命令，以指明——

(a)該等安排已不再與該地方有關，或已成為與該地方有關(視屬何情況而定)；及

(b)(a)段所提述的事件發生的日期。

(15)《釋義及通則條例》(第1章)第34及35條

不適用於根據第(14)款發出的公告。”。

- (b) 將建議的第 3A(4)條重編為第 3A(16)條。
- (c) 在建議的第 3A 條(16)(a)條中，刪去“第(5)款”而代以“第(17)款”。
- (d) 在建議的第 3A 條(4)(b)條中，刪去“第 3A(5)條”而代以“第 3A(17)條”。
- (e) 將建議的第 3A(5)條重編為第 3A(17)條。
- (f) 將建議的第 3A(6)條重編為第 3A(18)條。
- (g) 在建議的第 3A(18)條中，按筆劃數目順序加入“**有關成文法則**(relevant enactment)指——
  - (a) 與移交逃犯有關的任何條例；
  - (b) 任何英國成文法則，

而在不損害《釋義及通則條例》(第 1 章)第 3 條中條例的定義的原則下，亦包括任何該等條例的任何部分或條文；

**會議**(sitting)用於計算時間時，指會議開始當日，但只包括其議事程序表內載有附屬法例的會議。”



Fugitive Offenders and Mutual Legal Assistance in  
Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by Dr. the Honourable Fernando CHEUNG Chiu-hung

Clause

Amendment Proposed

4

- (a) In the proposed section 3A, by deleting the proposed subsections (2) and (3) and substituting—
- “(2) Subject to subsection (10), the Chief Executive in Council may, in relation to any special surrender arrangements, by order—
- (a) reciting or embodying the terms of the arrangements;
  - (b) specifying the extent, if any, to which any relevant enactment specified in the order is to be repealed or amended,
- direct that the procedures in this Ordinance apply as between Hong Kong and the place outside Hong Kong to which the arrangements relate, subject to the limitations, restrictions, exceptions and qualifications, if any, contained in the order.
- (3) An order under subsection (2) must be published in the Gazette and must be laid on the table of the Legislative Council at the next sitting day after it is published.
- (4) The Legislative Council may, within the period of 28 days beginning on the date it is laid, by resolution, repeal an order under subsection (2).
- (5) If the period referred to in subsection (4) would but for this subsection expire—
- (a) after the last sitting before the end of a session or dissolution

- of the Legislative Council; but
- (b) on or before the day of the second sitting of the Legislative Council in the next session, that period must be deemed to extend to and expire on the day after that second sitting.
- (6) Before the expiry of the period referred to in subsection (4) or that period as extended by virtue of subsection (5), the Legislative Council may by resolution in relation to an order specified therein—
- (a) in the case of the period referred to in subsection (4), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;
  - (b) in the case where the period referred to in subsection (4) has been extended by virtue of subsection (5), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session.
- (7) A resolution under subsection (4) or (6) must be published in the Gazette within 14 days after it is passed or such further period as the Chief Executive may allow.
- (8) An order under subsection (2) must not come into operation before the expiry of the period within which the Legislative Council may under this section repeal the order.
- (9) Without prejudice to the operation of subsection (8), an order under subsection (2) may specify that it comes into operation on a day—
- (a) specified in the order; or
  - (b) to be appointed by the Secretary for Security by notice in the Gazette.
- (10) The Chief Executive in Council must not make an order under subsection (2) unless the special surrender arrangements to which the order relates are substantially in conformity with the provisions of this Ordinance.
- (11) Any relevant enactment specified in an order under subsection (2) is hereby repealed or amended—
- (a) to the extent specified in the order; and
  - (b) with effect on the day on which the order comes into operation.
- (12) A copy of an order under subsection (2) is conclusive evidence that—
- (a) the special surrender arrangements to which the order relates

are substantially in conformity with the provisions of this Ordinance; and

(b) the procedures in this Ordinance apply in the case of any place outside Hong Kong to which the order relates.

(13) Where a provision of any enactment makes any reference to any relevant enactment which has been repealed or amended under subsection (11), that provision must be read and have effect with such modifications as may be necessary to take account of such repeal or amendment and, accordingly, that reference may, where appropriate, be read and have effect as if it were a reference to this Ordinance or to the special surrender arrangements to which the order under subsection (2) which gave rise to such repeal or amendment relates.

(14) Where any special surrender arrangements cease to relate to, or become related to, a place outside Hong Kong, the Chief Executive may, by notice in the Gazette, amend the order under subsection (2) which relates to those arrangements to specify—

(a) that those arrangements have ceased to relate to, or have become related to, as the case may be, that place; and

(b) the date on which the event referred to in paragraph (a) occurred.

(15) Sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) do not apply to a notice under subsection (14)."

(b) By renumbering the proposed section 3A(4) as 3A(16).

(c) In the proposed section 3A (16)(a), by deleting "subsection (5)" and substituting "subsection (17)".

(d) In the proposed section 3A(4)(b), by deleting "section 3A(5)" and substituting "section 3A(17)".

(e) By renumbering the proposed section 3A(5) as 3A(17).

(f) By renumbering the proposed section 3A(6) as 3A(18).

(g) In the proposed section 3A(18), by adding in alphabetical order "*relevant enactment* (有關成文法則) means—

(a) any Ordinance relating to the surrender of fugitive offenders;

(b) any imperial enactment, and, without prejudice to the definition of *Ordinance* in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), includes any part or provision of any such Ordinance;

*sitting* (會議), when used to calculate time, means the day on which the sitting commences and only includes a sitting at which subsidiary legislation is included on the order paper."

《2019 年逃犯及刑事事宜相互法律協助法例 (修訂) 條例草案》

全體委員會審議階段

由莫乃光議員動議的修正案

條次      建議修正案

2

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(a) 在建議的第 3A 條中，刪去第 (5)(a) 款而代以

“(a) 根據該法律，可就該項罪行判處超過 20 年的監禁或任何較重的懲罰；及”；

(b) 刪去第 (5)(b)(iii) 款而代以

“(iii) 在香港可就其判處超過 20 年的監禁或任何較重的懲罰。”

FUGITIVE OFFENDERS AND MUTUAL LEGAL ASSISTANCE IN CRIMINAL  
MATTERS LEGISLATION (AMENDMENT) BILL 2019

Committee Stage

Amendments to be moved by the Honorable Charles Peter MOK

Clause

Amendment Proposed

②

4 In the proposed section 3A –

(a) by deleting subsection 5(a) and substituting –

“(a) the offence is punishable under that law with imprisonment  
for more than 10 years, or any greater punishment; and”

(b) by deleting subsection 5(b) (iii) and substituting –

“(iii) punishable in Hong Kong with imprisonment for more than 10 years, or any greater punishment.”

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由葉建源議員動議的修正案

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建議修正案

詳題

在詳題中——

- (a) “(僅以該等罪行於該條例中現有的描述為基礎)；” 之後廢除 “以及” ；
- (b) 在 “須當作已妥為認證” 之後加入 “；以及符合載列於《香港人權法案條例》(第 383 章)內對人權和自由的保障” 。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable IP Kin-yuen

3

Clause

Amendment Proposed

4

In the long title—

(a) after “that currently apply in relation to surrender  
arrangements of a general nature ;, by deleting “and”;

(b) after “duly authenticated”, by adding “; and to ensure  
that the surrender arrangements are compatible with  
human rights and due process requirements as enshrined  
in the Hong Kong Bill of Rights Ordinance (Cap. 383)”.



《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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建議修正案

4

在建議的第 3A 條中，第 6 款加入——

“(7) 《入境條例》(第 115 章)第 37X(5)條不適用於根據  
訂明安排被移交的人。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable IP Kin-yuen

Clause

Amendment Proposed

4

4

In the proposed section 3A, by adding after subsection (6) —

“(7) Section 37X(5) of the Immigration Ordinance (Cap.115)

shall not apply to a person subject to surrender pursuant to

prescribed arrangements.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由鄭松泰議員動議的修正案

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5

新條文

加入 —

“1A. 適用範圍

本條例不適用於在《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》生效前所犯的罪行。”

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable CHENG Chung-tai

Clause

Amendment Proposed

5

New

By adding —

**"1A. Application**

This Ordinance does not apply to any offences committed  
before the commencement of this Ordinance."

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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⑥

3(3)

在“**特別移交安排**”定義的第 (a)(ii) 段中，刪去“香港及香港以外地方；”而代以“香港及香港以外地方(中華人民共和國的任何其他部分除外，但台灣並不除外)；”。

與英文文本內容不一

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable Gary FAN Kwok-wai

Clause

Amendment Proposed

6

3(3)

In paragraph (a)(ii) of the proposed definition of "*special surrender arrangements*", by deleting "~~the Government and the government of a place outside Hong Kong;~~" and substituting "~~the Government and the government of a place outside Hong Kong (other than any other part of the People's Republic of China excepting Taiwan);~~".

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由毛孟靜議員動議的修正案

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建議修正案

(7)

新條次

在第 1 條之後—— 加入

“1A. 本條例期滿失效。

本條例於完成移交 2018 年 2 月在台灣發生一宗謀殺案中一名為香港永久居民的疑犯後失效”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable Claudia MO

7

Clause

Amendment Proposed

New

By adding the clause after clause 1-

"1A. Expiry of this Ordinance

This Ordinance expires after the completion of a suspect who  
is Hong Kong permanent resident of the homicide case which  
happened in Taiwan in February 2018".



《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案

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由胡志偉議員動議的修正案

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9

建議修正案

刪去第 9 條而代以 —  
廢除第 (1) 款  
代以 —

與英文文本內容不一

- (1) 本條例不適用於存在一貫嚴重、公然、大規模侵犯人權的情況的國家或地區。"

Fugitive Offenders and Mutual Legal Assistance in Criminal  
Matters Legislation (Amendment) Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable Wu Chi-wai

Clause	Amendment Proposed
<div>8</div> 9	<p>By deleting the clause and substituting –</p> <p>"Section 3 – <b>Repeal subsection (1)</b> <b>Substitute</b></p> <p>"(1) This Ordinance does not apply to states or regions where there is a consistent pattern of gross, flagrant or mass violation of human rights."."</p>

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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新條次

在建議的第 3A 條後，加入——

“3B. 對特別移交安排的額外限制

- (3) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，儘管本法例有其他規定，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會妨礙他的採訪自由。

- (4) 在本條中，主管當局 (appropriate authority) 指——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

Committee Stage

Amendment to be moved by the Honourable WU Chi-wai

Clause

Amendment Proposed

9

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

- (3) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the relevant offence to which the arrangements relate, notwithstanding to other provisions in this Ordinance, an appropriate authority after receiving evidence, is satisfied that it would obstruct his media's right of reporting to surrender him to the prescribed place to which the arrangements relate.”.

- (2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;  
(b) the court of committal; or  
(c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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10

4

在第(6)條之後加入——

- “(7) 如已有就某人作出特別移交安排，則就該人及第(4)款斷定的有關罪行而言，如該人述明並令行政長官滿意，有關罪行發生的時間，已超過在該訂明地方的追溯時效，行政長官不得就該人的移交要求發出證明書。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

10

4

After subsection (6), by adding ——

(f)

If there are special surrender arrangements in respect of a person, then in respect of the person and the offence determined in subsection (4), the Chief Executive shall not issue certificate to the request of surrender of a person if the person states to the satisfaction of the Chief Executive that the time of the offence committed exceeds the retrospective period in that prescribed place.”.

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11

4

在第(6)條之後加入——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

(1)

10

After subsection (6), by adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.



《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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12

4

在建議的第 3A 條，在第(6)條之後加入——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

12

10

In the proposed section 3A, after subsection (6), by adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1)  
shall not be surrendered to a prescribed place.”.

# 《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

## 委員會審議階段

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#### 建議修正案

4

在建議的第 3A 條，加入—

“(7) 訂明地方提出移交要求時，任何人如因涉及違反訂明地方的法律的有關罪行，而有關罪行不在該訂明地方發生，行政長官不得就該訂明地方作出的移交要求發出證明書。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable James TO

Clause

Amendment Proposed

(13)

4

In proposed section 3A, by adding -

(?)

"If a prescribed place makes a request for surrender of a person for an offence against the law of that place, the Chief Executive must not issue the certificate in relation to the request for surrender from that place if the relevant offence did not take place at the prescribed place."

修訂：特別移交安排加人權保障—如違反人權法第 2 或 3 條，不移交，不影響一般性移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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14

新條文 在第 3A 條後，加入 ——

“3B. 對特別移交安排的額外限制

(3) 如主管當局覺得有以下情況，則任何人不得根據第 3A 條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會違反《香港人權法案條例》(第 383 章) 第 8 條(香港人權法案)的第二條或第三條。

(4) 在本條中，主管當局(appropriate authority)指 ——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

**CSA : add human rights protection to special surrender arrangement- no surrender if breach of BOR Art.2 or Art. 3 (not affect general surrender)**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable James TO Kun-sun

Clause

Amendments Proposed

14

New

After the proposed section 3A, by adding —

**“3B. Additional restrictions on special surrender arrangements**

(2) A person shall not be surrendered to a prescribed place pursuant to section 3A, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

that if there are special surrender arrangements in respect of a person, an appropriate authority after receiving evidence, is satisfied that it would be a breach of Article 2 or Article 3 of section 8 (Hong Kong Bill of Rights) of the Hong Kong Bill of Rights Ordinance (Cap. 383) to surrender him to the prescribed place to which the arrangements relate in respect of the person.

(3) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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15

新條次

在建議的第 3A 條後，加入——

“3B. 對特別移交安排的額外限制

(5) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及第 3A(4)條斷定的有關罪行而言，在本法例的其他規定之外，主管當局信納特別移交安排將妨礙藝術表達自由及創作自由。

(6) 在本條中，主管當局 (appropriate authority)指——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

15

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

- (4) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the offence determined in section 3A(4), notwithstanding to other provisions in this Ordinance, to the satisfaction of the appropriate authority that the special surrender arrangements would obstruct the freedom of artistic expression and creativity character .”.

- (2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.



修訂：特別移交安排限制主要行為在香港，不移交(被追緝作檢控)

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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#### 建議修正案

16 新條文 在第 3A 條後，加入 ——

“3B. 對特別移交安排的額外限制

(7) 如主管當局覺得有以下情況，則任何人不得根據第 3A 條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押 ——

如已有就被追緝以作檢控的某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，主管當局在收取證據之後，信納該有關罪行的主要行為是在香港發生。

(8) 在本條中，主管當局 (appropriate authority)指 ——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

**CSA : no surrender for principal act committed in HK under special surrender arrangements (wanted for prosecution)**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable James TO Kun-sun

Clause

Amendment Proposed

16  
New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

(5) A person shall not be surrendered to a prescribed place pursuant to section 3A, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

that if there are special surrender arrangements in respect of a person wanted for prosecution, then in respect of the person and the relevant offence to which the arrangements relate, an appropriate authority after receiving evidence, is satisfied that the principal act of the relevant offence was committed in Hong Kong.

(6) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

修訂：特別移交安排下妨礙新聞自由，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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17

新條次

在建議的第 3A 條後，加入——

“3B. 對特別移交安排的額外限制

- (9) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，儘管本法例有其他規定，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會妨礙其所在地方的新聞自由。

- (10) 在本條中，主管當局 (appropriate authority) 指——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

**CSA : no surrender for obstructing press freedom under special surrender arrangements**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable James TO Kun-sun

Clause

Amendment Proposed

(17)

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

(7) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the relevant offence to which the arrangements relate, notwithstanding to other provisions in this Ordinance, an appropriate authority after receiving evidence, is satisfied that it would obstruct freedom of the press of the place in which he lives to surrender him to the prescribed place to which the arrangements relate.”.

(2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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由尹兆堅議員動議的修正案

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新條次

在建議的第 3A 後，加入 ——

“3B. 第 3A 條期滿失效

第 3A 條的所有條文，於 2019 年 10 月 31 日起停止生效。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Wan Siu-kin

Clause

Amendment Proposed

18

New

After the proposed section 3A, by adding ——

**“3B. Expiry of section 3A**

All provisions in Part 3A shall cease to have effect on and after 31 October 2019.”.

修訂：由域外司法管轄權取代特別移交安排

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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8

刪除該條而代以 ——

“8. 修訂第2 條(釋義)

第2(1) 條，相互法律協助的安排的定義——

(a) (a)(i) 段——

廢除

“( 中央人民政府或中華人民共和國的任何 其他部分的政府除外)”

代以

“( 中央人民政府或中華人民共和國的內地或澳門的政府除外)”；

(b) (a)(ii) 段——

廢除

“( 中華人民共和國的任何其他部分除外)”

代以

“( 中央人民政府或中華人民共和國的內地或澳門除外)”。 ”。

20

9

刪除該條而代以 ——

“9. 修訂第3 條(適用範圍)

第3 條 ——

廢除

第(1)款

代以

“(1) 本條例不適用於香港與中華人民共和國的內地或澳門之間在刑事事宜上的協助的提供或取得。”。



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable Andrew WAN Siu-kin

Clause

Amendment Proposed

8

By deleting the clause and substituting——

**“8. Section 2 amended (interpretation)**

Section 2(1), definition of *arrangements for mutual legal assistance*——

(a) paragraph (a)(i)——

**Repeal**

“(other than the Central People’s Government or the government of any other part of the People’s Republic of China”

**Substitute**

“(other than the Central People’s Government of the government of Mainland or Macau of the People’s Republic of China)”; //

(b) paragraph (a)(ii)——

**Repeal**

“(other than any other part of the People’s Republic of China)”

**Substitute**

“(other than Mainland or Macau of the People’s Republic of China)”. ”.

20

9

By deleting the clause and substituting——

**“9. Section 3 amended (application)**

Section 3——

**Repeal**

Subsection (1)

**Substitute**

“(1) This Ordinance shall not apply to the provision or obtaining of assistance in criminal matters between Hong Kong and Mainland and Macau of the People’s Republic of China.”.

↓

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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建議修正案

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4

在建議的第 3A 條，在(6)款之後，加入——

“(7) 《刑事事宜相互法律協助條例》(第 525 章)的第 10、12、15、23、27 及 28 條並不適用於任何根據本條作出的特別移交安排。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Wan Siu-kin

Clause

Amendment Proposed

21

4

In the proposed section 3A, after subsection (6), by adding —

“(7) Section 10, 12, 15, 27 and 28 of Mutual Legal Assistance in Criminal  
Matters Ordinance (Cap. 525) shall not apply to the special surrender  
arrangements made under this section.”.

*different from Chinese version*

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

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4

在建議的第 3A 條 2(b)以後，加入 —

- “2 (c) 根據第(2)款作出的證明書須在憲報刊登，並須在刊登後的立法會的首次會議日提交該會省覽。
- (d) 在自提交根據第(2)款作出的證明書的日期當日起計的 28 日期限內，立法會可藉決議廢除該證明書。
- (e) 若第 2(d)款所提述的期限的屆滿日期(如非因本款規定)原應是 ——
- (I) 在立法會會期結束前或立法會解散前的最後一次會議後；但
- (II) 在立法會下一會期的第二次會議當日或該日之前，
- 則該期限須當作延展至該第二次會議的翌日，並在該日屆滿。
- (f) 立法會可於 2(d)款所提述的期限或憑藉第 2(e)款而延展的該期限屆滿之前，藉決議就其中指明的命令 ——
- (I) (就第 2(d)款所提述的期限而言)將該期限延展至在該期限屆滿之日後第 21 日或之後舉行的首次立法會會議；
- (II) (在第 2(d)款所提述的期限已憑藉第 2(e)款而延展的情況下)將經如此延展的該期限延展至在該下一會期的第二次會議日後第 21 日或之後舉行的首次立法會會議。
- (g) 根據第 2(d)或(f)款作出的決議須於其通過後的 14 日內，或在行政長官准許延展的期限內在憲報刊登。
- (h) 根據第(2)款作出的命令在立法會可根據本條將該命令廢除的期限屆滿前不得實施。
- (i) 在不損害第(h)款的實施的原則下，根據第(2)款作出的命令可指明該命令自以下日期起實施 ——
- (I) 由立法會指明的日期。
- (j) 除非根據第(2)款作出的命令所關乎的移交逃犯安排實質上與本條例的條文相符，否則行政長官會同行政會議不得根據第(2)款作出該命令。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

Committee Stage

Amendment to be moved by the Honourable Andrew WAN Siu-kin

Clause

Amendment Proposed

22

4

In the proposed section 3A, after subsection 2(b), by adding -

- “2 (c) An order under subsection (2) shall be published in the Gazette and shall be laid on the table of the Legislative Council at the next sitting day after it is published.  
(d) The Legislative Council may, within the period of 28 days beginning on the date it is laid, by resolution, repeal an order under subsection (2).  
(e) If the period referred to in subsection 2(d) would but for this subsection expire—  
(I) after the last sitting before the end of a session or dissolution of the Legislative Council; but  
(II) on or before the day of the second sitting of the Legislative Council in the next session, that period shall be deemed to extend to and expire on the day after that second sitting.  
(f) Before the expiry of the period referred to in subsection 2(d) or that period as extended by virtue of subsection 2(e), the Legislative Council may by resolution in relation to an order specified therein—  
(I) in the case of the period referred to in subsection 2(d), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;  
(II) in the case where the period referred to in subsection 2(d) has been extended by virtue of subsection 2(e), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session.  
(g) A resolution under subsection 2(d) or 2(f) shall be published in the Gazette within 14 days after it is passed or such further period as the Chief Executive may allow.  
(h) An order under subsection (2) shall not come into operation before the expiry of the period within which the Legislative Council may under this section repeal the order.  
(i) Without prejudice to the operation of subsection (h), an order under subsection (2) may specify that it shall come into operation on a day—  
(I) specified by the Legislative Council;  
(j) The Chief Executive in Council shall not make an order under subsection (2) unless the arrangements for the surrender of fugitive offenders to which the order relates are substantially in conformity with the provisions of this Ordinance.”

修訂：特別移交安排下妨礙言論自由，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

### 委員會審議階段

#### 由尹兆堅議員動議的修正案

條次

建議修正案

23

新條次

在建議的第 3A 條後，加入——

#### “3B. 對特別移交安排的額外限制

- (5) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，儘管本法例有其他規定，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會妨礙他的言論自由。

- (6) 在本條中，主管當局 (appropriate authority) 指——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

**CSA : no surrender for obstructing freedom of speech under special surrender arrangements**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable WAN Siu-kin

Clause

Amendment Proposed

23

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

- (5) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the relevant offence to which the arrangements relate, notwithstanding to other provisions in this Ordinance, an appropriate authority after receiving evidence, is satisfied that it would obstruct his freedom of speech to surrender him to the prescribed place to which the arrangements relate.”.

- (2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.



《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由黃碧雲議員動議的修正案

條次

建議修正案

24

3(3)

在建議的特別移交安排的定義，

(a) 在(a)(ii)段中，刪去 “及” ；

|| (b) 在英文的(b)(ii)段中，刪去 “section3(1)；” 而代以 “section  
3(1) ； and”  
；

(c) 在(b)(ii)段之後；加入—

“(c) 該等安排不適用於—

(i) 香港特別行政區永久性居民；及

(ii) 《釋義及通則條例》(第1章)第3條所界定的任何外籍人士。”。

只改英文文本,沒有相應  
修訂中文文本

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Helena Wong

Pik-wan Clause

Amendment Proposed

24

- 3(3) In the proposed definition of **special surrender arrangements**,
- (a) in paragraph (a)(ii), by deleting "and";
  - (b) in paragraph (b)(ii), by deleting "section 3(1);" and substituting "section 3(1); and";
  - (c) after paragraph (b)(ii), by adding —
- "(c) not applicable to—
- (i) permanent residents of the Hong Kong Special Administrative Region; and
  - (ii) any alien as defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1)].".

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由林卓廷議員動議的修正案

條次

建議修正案

25

4

加入—

“(7) 如法院覺得有以下情況，則任何人不得被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——被移交的人如在訂明地方被定罪並須服一段監禁刑期，而該人在監禁期間不能定期與代表律師或家人會面。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable LAM Cheuk-ting

Clause

Amendment Proposed

25

4

Add—

2

“A person shall not be surrendered to a prescribed place, or committed to or kept in custody for the purposes of such surrender, if it appears to the Court that if the person surrendered is convicted of an offence in the prescribed place and will need to serve a term of imprisonment, the person will not be able to meet with a counsel or family member during his imprisonment.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由林卓廷議員動議的修正案

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建議修正案

26

9

刪去第 9 條。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable LAM Cheuk Ting

Clause

Amendment Proposed

(26)

9

By deleting section 9.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由林卓廷議員動議的修正案

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建議修正案

27

3(3)

在建議的特別移交安排的定義，

(a) 在(a)(ii)段中，刪去“及”；

|| (b) 在英文的(b)(ii)段中，刪去“section 3(1)；”而代以“section 3(1)；and”

；

(c) 在(b)(ii)段之後；加入—

“(c) 該等安排不適用於—

(i) 香港居民；及

(ii) 台灣居民。”。

只改英文本，沒有相應  
修訂中文文本

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Lam Cheuk-

ting Clause

Amendment Proposed

27

3(3)

In the proposed definition of **special surrender arrangements**,

(a) in paragraph (a)(ii), by deleting "and";

(b) in paragraph (b)(ii), by deleting "section 3(1);" and substituting  
"section 3(1); and";

(c) after paragraph (b)(ii), by adding—

"(c) not applicable to—

(i) residents of Hong Kong; and

(ii) residents of Taiwan."



修訂：特別移交安排加入人權保障—沒有代表律師，不移交

《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

### 委員會審議階段

#### 由林卓廷議員動議的修正案

#### 條次

28 新條次 在建議的第3A條後，加入——

“3B. 對特別移交安排的額外限制

(3) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，儘管本法例有其他規定，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會令其在沒有代表律師下受審。

3 在本條中，主管當局 (appropriate authority)指——  
行政長官；

負責交付拘押的法院；或

原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

CSA : add human rights protection to special surrender arrangement-no surrender if no legal representative

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable LAM Cheuk-ting

Clause

Amendment Proposed

28

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

- (3) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the relevant offence to which the arrangements relate, notwithstanding to other provisions in this Ordinance, an appropriate authority after receiving evidence, is satisfied that it would cause him to be on trial without a legal representative to surrender him to the prescribed place to which the arrangements relate.”.

- (2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

修訂：特別移交安排下妨礙藝術表達及創作自由，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

### 委員會審議階段

#### 由鄭俊宇議員動議的修正案

條次

建議修正案

29

新條次

在建議的第 3A 條後，加入——

#### **3B. 對特別移交安排的額外限制**

- (3) 如主管當局覺得有以下情況，則任何人不得根據本條而被移交到訂明地方，或為了上述移交而被交付拘押或被羈押——

如已有就某人作出的特別移交安排，則就該人及該等安排所涉及的有關罪行而言，儘管本法例有其他規定，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會妨礙他的藝術表達自由及創作自由。

- (4) 在本條中，**主管當局** (appropriate authority)指——

- (a) 行政長官；
- (b) 負責交付拘押的法院；或
- (c) 原訟法庭(如有人向其提出人身保護令或就拘押令進行司法覆核的申請)。”。

**CSA : no surrender for obstructing freedom of artistic expression and creativity under special surrender arrangements**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable KWONG Chun-yu

Clause

Amendment Proposed

29

New

After the proposed section 3A, by adding ——

**“3B. Additional restrictions on special surrender arrangements**

- (3) A person shall not be surrendered to a prescribed place pursuant to this section, or committed to or kept in custody for the purposes of such surrender, if it appears to an appropriate authority—

If there are special surrender arrangements in respect of a person, then in respect of the person and the relevant offence to which the arrangements relate, notwithstanding to other provisions in this Ordinance, an appropriate authority after receiving evidence, is satisfied that it would obstruct his freedom of artistic expression and creativity to surrender him to the prescribed place to which the arrangements relate.”.

- (2) In this section, *appropriate authority* (主管當局) means—

- (a) the Chief Executive;
- (b) the court of committal; or
- (c) the Court of First Instance on an application for habeas corpus or for judicial review of the order of committal.”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

30

3

在建議的第3(3)(b)段後加入

“(c) 該等安排於立法會通過此（修訂）條例當日  
後的第365日午夜12時即告失效。”。

↑ 與英文文本意思不一

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

30

3(3)

By adding —

“(c) expired at midnight on the 365th consecutive  
day on which this Ordinance is passed by the  
Legislative Council.”.

meaning different from  
Chinese version

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

31

3

在建議的第3(3)(b)段後加入

“(c) 該等安排於立法會通過此（修訂）條例當日  
後的第365日午夜12時即告失效。”。

與英文文本意思不一

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

31

3(3)(b)

By adding —

“(c) expired at midnight on the 365th consecutive  
day on which this Ordinance is passed by the  
Legislative Council.”.

meaning different from  
Chinese version



《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

況且，條例草案並無第(3)款

32

4

刪去第(3)款而代以

- “(3) 除非根據第(2)款發出的證明書所關乎的特別移交安排實質上與本條例的條文相符，否則行政長官不得根據第(2)款發出該證明書。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

32

4(3)

moreover, there is no  
subsection (3) in clause 4  
of the Bill

By deleting subsection (3) and substituting —

“(3) The Chief Executive shall not issue a certificate under subsection (2) unless the special arrangements for the surrender of fugitive offenders to which the certificate relates are substantially in conformity with the provisions of this Ordinance.”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

33

3

在建議的第3(3)(b)段後加入

“(c) 該等安排於立法會通過此（修訂）條例當日  
後的第365日午夜12時即告失效。”。

↑ 與英文文本意思不一

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

33

3(3)(b)

By adding —

“(c) expired at midnight on the 365th consecutive  
day on which this Ordinance is passed by the  
Legislative Council.”.

meaning different from  
Chinese version

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

34

4

況且，條例草案並無第(3)款  
在建議的第(3)款，在“文本”之後加入“及發出證明書的理由”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

34

4(3)

Moreover, there is no subsection (3)  
in clause 4 of the Bill

By adding —

“, and the reason(s) of issuing the certificate”  
after “it”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

35

條次

新條文

加入——

建議修正案

“第4部  
雜項

11. 本條例期滿失效

本（修訂）條例於立法會通過此（修訂）條例當  
日後的第365日午夜12時即告失效。”。

← 與英文文本意思不一

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

35

New

By adding —

**“Part 4  
Miscellaneous**

**11. Expiry of this Ordinance**

This Ordinance expires at midnight on the 365th consecutive day on which this Ordinance is passed by the Legislative Council.”.

*meaning different  
from Chinese version*



《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第二組修正案

36

條次

建議修正案

3

在第 3 條的 (3) (b) 部份之後 —

加入

“(c) 該等安排只於 2019 年 11 月 1 日前適用。”

37

8

刪去該條而代以—

修訂第 2 條（釋義）第 2(1) 條，相互法律協助的安排的定義——

(a) (a)(i) 段——

刪除

“或中華人民共和國的任何其他部分的政府”；

(b) (a)(ii) 段——

刪除

“或中華人民共和國的任何其他部分除外”

而代以

“(澳門及台灣以外的中華人民共和國的任何其他部分除外)”。

英文文本  
沒有“或”  
的意思。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

Clause

Amendment Proposed

36

3

After “that is not an offence in respect of which procedures in this Ordinance apply as between Hong Kong and that place by virtue of an order in force made under section 3(1);” of  
~~(3)(b)(ii)—~~

**Add**

“and

(c) only applicable before 1<sup>st</sup> November 2019.”

37

8

By deleting the clause and substituting—

“Section 2 amended (interpretation)

Section 2(1), definition of arrangements for mutual legal assistance—

(a) paragraph (a)(i)—

**Repeal**

“(the government of any other part of the People’s Republic of China”;

(b) paragraph(a)(ii)

**Repeal**

“(other than any other part of the People’s Republic of China”

**And substitute**

“other than any other part of People’s Republic of China except Macau and Taiwan”.

《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第三組修正案

38

條次

3

建議修正案

在第 3 條的 (3) (b) 部份之後 —

加入

“(c) 該等安排只於 2019 年 11 月 1 日前適用。”

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

Clause

Amendment Proposed

38

3

After “that is not an offence in respect of which procedures in this Ordinance apply as between Hong Kong and that place by virtue of an order in force made under section 3(1);” of (3)(b)(ii) —

**Add**

“and

(c) only applicable before 1<sup>st</sup> November 2019.”

《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第四組修正案

條次 建議修正案

39

3

在第 3 條的 (3) (b) 部份之後 —

加入

“(c) 該等安排只於 2019 年 11 月 1 日前適用。”

40

8

刪去該條而代以—

修訂第 2 條（釋義）第 2(1) 條，相互法律協助的安排的定義——

(a) (a)(i) 段——

刪除

“或中華人民共和國的任何其他部分的政府”；

(b) (a)(ii) 段——

刪除

“或中華人民共和國的任何其他部分除外”

而代以

“(香港、澳門及台灣以外的中華人民共和國的任何其他部分除外)”。

英文本  
沒有“或”  
的意思。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

39

Clause

Amendment Proposed

3

After “that is not an offence in respect of which procedures in this Ordinance apply as between Hong Kong and that place by virtue of an order in force made under section 3(1);” of  
(3)(b)(ii)—

**Add**

“and

(c) only applicable before 1<sup>st</sup> November 2019.”

40

8

By deleting the clause and substituting—

“Section 2 amended (interpretation)

Section 2(1), definition of arrangements for mutual legal assistance—

(c) paragraph (a)(i)—

**Repeal**

7

“(the government of any other part of the People’s Republic of China”;

(d) paragraph(a)(ii)

**Repeal**

“other than any other part of the People’s Republic of China”

**And substitute**

7

“other than any other part of People’s Republic of China except Hong Kong, Macau and Taiwan”.

**附錄 3 的附件 2**  
**Annex 2 to Appendix 3**

**30 項包含錯誤的條文提述及/或  
錯誤詞句的修正案**

**30 amendments**  
containing wrong references to provisions and/or  
wrong expressions

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由胡志偉議員動議的修正案

條次

建議修正案

①

4

在建議的第 3A 條，在(6)款之後，加入——

“(7) 行政長官可根據第(2)款發出證明書以透過特別移交安排將某人移  
交往中國內地，如果是並謹如果該特別移交安排的請求由中華人民  
共和國最高人民法院提出。”。

||



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable Wu Chi-wai

Clause

Amendment Proposed

①  
4

In the proposed section 3A, after subsection (6), by adding ——

“(7) The Chief Executive can issue a certificate pursuant to subsection (2) to surrender a person to the Mainland of China through the special surrender arrangements, if and only if the request is made by the Supreme People’s Court of the People’s Republic of China.”.

||

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由胡志偉議員動議的修正案

條次

建議修正案

2

10

在建議的第 8(3)條之後，加入——

“(4) 任何由中國內地提出的請求謹可由中華人民共和國最高人民法院提出，而該請求仍需遵守第(1)及(2)款的規定。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable Wu Chi-wai

Clause

Amendment Proposed

(2)

10

After the proposed section 8(3), by adding ——

“(4) Any request made from the Mainland of China can and can only be made by the Supreme People’s Court of the People’s Republic of China, and the request shall still comply with the provision in subsection (1) and (2).”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由胡志偉議員動議的修正案

條次

建議修正案

3

4

在建議的第 3A 條，在(6)款之後，加入——

“(7) 行政長官可根據第(2)款發出證明書以透過特別移交安排將某人移  
交往中國內地，如果是並謹如果該特別移交安排的請求由中華人民  
共和國最高人民法院提出。”。

11

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

Committee Stage

Amendment to be moved by the Honourable Wu Chi-wai

Clause

Amendment Proposed

3

4

In the proposed section 3A, after subsection (6), by adding ——

“(7) The Chief Executive can issue a certificate pursuant to subsection (2) to surrender a person to the Mainland of China through the special surrender arrangements, if and only if the request is made by the Supreme People’s Court of the People’s Republic of China.”.

11

修訂：特別移交安排加入人權保障-如沒公平審訊不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

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建議修正案

錯誤條文提述

4

4

加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

5

新條文

加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，會信納該人如被移交，便可能得不到公平審訊。”。

CSA : add human rights protection to special surrender arrangement-if no fair trial no surrender

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable James TO

Clause

Amendments Proposed

*wrong references  
to provisions*

4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

New

By adding —

**“11. Section 5 amended (General restrictions on surrender)**

After section 5(1)(e) —

**Add**

“(f) that if there are special surrender arrangements in respect of a person, then in respect of the person, an appropriate authority after receiving evidence, would be satisfied that he, if surrendered, would likely to be denied a fair trial.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

條次

建議修正案

⑥

新條文

在第 5(1)(e)條之後加入——

加入位置不明

- “(f) 如已有就某人作出的特別移交安排，則就該人及第 3A(4)條斷定的有關罪行而言，主管當局可收取證據，讓主管當局信納該罪行在訂明地方發生的時間，已超過該訂明地方的相關追溯時效。”。



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

⑥

New

After section 5(1)(e), by adding —

Unclear location  
for adding the  
amendment

- “(f) If there are special surrender arrangements in respect of a person, then in respect of the person and the offence determined in section 3A(4), the appropriate authority can receive evidences so that the appropriate authority can satisfied that the time of the offence committed in the prescribed place exceed the relevant retrospective period in that prescribed place.”.

修訂：特別移交安排加入人權保障—不在場，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

⑦	條次	加入 ——	建議修正案	錯誤條文提述
4			“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。	
⑧	新條文	加入 ——	“11. 修訂第5條(對移交的一般限制) 在第5(1)(e)條之後 —— 加入	
			“(f) 如已有就某人作出的特別移交安排，則就該人及第3A(4)條斷定的有關罪行而言，該人述明並令主管當局滿意，在該罪行發生時，他並不在場。”。	

008ce

CSA : add human rights protection to special surrender arrangement-not present no surrender

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable James TO Kun-sun

Wrong references  
to provisions

(7) Clause  
4

Amendments Proposed

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

(8) New

By adding —

**“11. Section 5 amended (General restrictions on surrender)**

After section 5(1)(e) —

**Add**

“(f) that if there are special surrender arrangements in respect of a person, the person states to the satisfaction of an appropriate authority that he was not present when the offence was committed in respect of the person and the offence determined in section 3A(4).”.

修訂：特別移交安排不移交過境人士

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

條次

建議修正案

錯誤條文提述

4 加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

新條文 加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，而該人是過境人士。”。

CSA : no surrender of person in transit under special surrender arrangement

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable James TO Kun-sun

Clause

Amendments Proposed

Wrong references  
to provisions

4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”

New

By adding —

“11. Section 5 amended (General restrictions on surrender)

After section 5(1)(e) —

Add

“(f) that if there are special surrender arrangements in respect of a person, the person is in transit.”

修訂：特別移交安排加入人權保障一如違反人權法第 2 或 3 條，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

建議修正案

錯誤條文提述

條次

4

加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

新條文

加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會違反《香港人權法案條例》(第383章) 第8條(香港人權法案)的第二條或第三條。”。

CSA : add human rights protection to special surrender arrangement- no surrender if breach of BOR Art.2 or Art. 3

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable James TO Kun-sun

*Wrong references  
to provisions*

Clause

Amendments Proposed

4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

New

By adding —

**“11. Section 5 amended (General restrictions on surrender)**

After section 5(1)(e) —

**Add**

“(f) that if there are special surrender arrangements in respect of a person, an appropriate authority after receiving evidence, is satisfied that it would be a breach Article 2 or Article 3 of section 8 (Hong Kong Bill of Rights) of the Hong Kong Bill of Rights Ordinance (Cap. 383) to surrender him to the prescribed place to which the arrangements relate in respect of the person.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

條次

建議修正案

13

新條文

在第 5(1)(e)條之後，加入——

加入位置不明

- “(f) 如已有就某人作出的特別移交安排，則就該人及第 3A(4)條斷定的有關罪行而言，主管當局可收取證據，讓主管當局信納有關罪行在該訂明地方的起訴限期已經屆滿。”。



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

13

New

After section 5(1)(e), by adding —

unclear location  
for adding the  
amendment

- “(f) If there are special surrender arrangements in respect of a person, then in respect of the person and the offence determined in section 3A(4), the appropriate authority can receive evidence to its satisfaction that the time limit for prosecuting the offence in that prescribed place has expired.”.

修訂：特別移交安排的跟進—回港服刑

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由黃碧雲議員動議的修正案

條次

建議修正案

新條次

在建議的第 3A 條後，加入 ——

“3B. 強制檢討

(1) 在第 3A 條生效後的 3 個月內，行政長官須安排就把被移交往內地的人士送返香港服刑的商討報告的文本，提交立法會會議席上省覽。

(2) 立法會在考慮該報告後，可藉通過決議，使所有本次修訂條文終止生效。”。

莫文本  
不合語法

**CSA : follow up special surrender arrangement-serving sentence in Hong Kong**

**Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019**

**Committee Stage**

Amendment to be moved by the Honourable Helena Wong Pik-wan

Clause

Amendment Proposed

(14)  
New

After the proposed section 3A, by adding ——

**“3B. Mandatory review**

(1) Within 3 months of the enactment of section 3A, the Chief Executive shall cause to be laid on the table of the Legislative Council a copy of the report of discussion of sending back to Hong Kong for serving sentence the person surrendered to Mainland.

ungrammatical (2) Upon consider the report, the Legislative Council may pass a resolution to cause all provisions in this amendment to cease to take effect.”.

## 修訂：特別移交安排的跟進—公開視像播放審訊過程

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

### 委員會審議階段

#### 由黃碧雲議員動議的修正案

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建議修正案

新條次

在建議的第 3A 條後，加入 ——

#### “3B. 強制檢討

(3) 在第 3A 條生效後的 3 個月內，行政長官須安排就公開視像播放內地審訊過程(特別移交安排)的商討報告的文本，提交立法會會議席上省覽。

(4) 立法會在考慮該報告後，可藉通過決議，使所有本次修訂條文終止生效。”。

英文文本  
不合語法

CSA : follow up special surrender arrangement-open tele-broadcasting trial procedure

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Helena Wong Pik-wan

Clause

Amendment Proposed

(15)

New

After the proposed section 3A, by adding ——

**“3B. Mandatory review**

- (3) Within 3 months of the enactment of section 3A, the Chief Executive shall cause to be laid on the table of the Legislative Council a copy of the report of discussion of open tele-broadcasting of Mainland trial procedure (special surrender arrangements).

ungrammatical

- (4) Upon consider the report, the Legislative Council may pass a resolution to cause all provisions in this amendment to cease to take effect.”.

修訂：特別移交安排的跟進—領事和官員探視

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由黃碧雲議員動議的修正案

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建議修正案

16

新條次

在建議的第 3A 條後，加入 ——

“3B. 強制檢討

(5) 在第 3A 條生效後的 3 個月內，行政長官須安排就領事館和香港特別行政區政府的官員探視被移交往內地的人士的商討報告的文本，提交立法會會議席上省覽。

(6) 立法會在考慮該報告後，可藉通過決議，使所有本次修訂條文終止生效。”。

英文文本  
不合語法

**CSA : follow up special surrender arrangement-visiting by Consul General and HKSARG official**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

**Committee Stage**

Amendment to be moved by the Honourable Helena Wong Pik-wan

Clause

Amendment Proposed

(16)

New

After the proposed section 3A, by adding ——

**“3B. Mandatory review**

(5) Within 3 months of the enactment of section 3A, the Chief Executive shall cause to be laid on the table of the Legislative Council a copy of the report of discussion of visiting the person surrendered to Mainland by official of the Consulate General and the government of Hong Kong Special Administrative Region.

ungrammatical

(6) Upon consider the report, the Legislative Council may pass a resolution to cause all provisions in this amendment to cease to take effect.”.

修訂：特別移交安排加入人權保障-如沒公平審訊不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由林卓廷議員動議的修正案

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錯誤條文提述

4

加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

新條文

加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，會信納該人如被移交，便可能得不到公平審訊。”。



**CSA : add human rights protection to special surrender arrangement-if no fair trial no surrender**

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable LAM Cheuk-ting

Clause

Amendments Proposed

*Wrong references  
to provisions*

(17) 4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

(18) New

By adding —

**“11. Section 5 amended (General restrictions on surrender)**

After section 5(1)(e) —

**Add**

“(f) that if there are special surrender arrangements in respect of a person, then in respect of the person, an appropriate authority after receiving evidence, would be satisfied that he, if surrendered, would likely to be denied a fair trial.”.

修訂：特別移交安排加入權保障一如沒公平審訊，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由林卓廷議員動議的修正案

建議修正案

錯誤條文提述

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4

加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

新條文

加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，信納該人如被移交，是可能得不到公平審訊。”。

CSA : add human rights protection to special surrender arrangement- no surrender if no fair trial

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable LAM Cheuk-ting

Clause

Amendments Proposed

wrong references  
to provisions

(19) 4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

(20)

New

By adding —

**“11. Section 5 amended (General restrictions on surrender)**

After section 5(1)(e) —

**Add**

“(f) that if there are special surrender arrangements in respect of a person, an appropriate authority after receiving evidence, is satisfied that he, if surrendered, is likely to be denied a fair trial in respect of the person.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由林卓廷議員動議的修正案

條次

建議修正案

21

新條次

在建議的第 3A 後，加入 ——

“3B. 強制檢討

(1) 在第 3A 生效後的 3 個月內，行政長官須安排將實施本修訂條例的檢討報告的文本，提交立法會會議席上省覽。

英文文本

不合語法

(2) 立法會在考慮該報告後，可藉通過決議，使所有本次修訂條文終止生效。”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable Lam Cheuk-ting

Clause

Amendment Proposed

(21)

New

After the proposed section 3A, by adding —

**“3B. Mandatory review**

- (1) Within 3 months of the enactment of section 3A, the Chief Executive shall cause to be laid on the table of the Legislative Council a copy of the report of review of the implementation of this amended Ordinance.

Ungrammatical

- (2) Upon consider the report, the Legislative Council may pass a resolution to cause all provisions in this amendment to cease to take effect.”.

修訂：特別移交安排加入人權保障一如違反人權法，不移交

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由鄭俊宇議員動議的修正案

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錯誤條文提述

22

4

加入 ——

“(7) 在符合第 5(1)(f)條的規定下，第(1)款所指的人不得被移交到訂明地方。”。

23

新條文

加入 ——

“11. 修訂第5條(對移交的一般限制)

在第5(1)(e)條之後 ——

加入

“(f) 如已有就某人作出的特別移交安排，則就該人而言，主管當局在收取證據之後，信納如移交該人到該等安排所涉及的訂明地方是會違反《香港人權法案條例》(第383章)。”。

CSA : add human rights protection to special surrender arrangement- no surrender if breach of BOR

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable KWONG Chun-vu

Clause

Amendments Proposed

*wrong references  
to provisions*

(22)

4

By adding —

“(7) Subject to section 5(1)(f), the person mentioned in subsection (1) shall not be surrendered to a prescribed place.”.

(23)

New

By adding —

“11. Section 5 amended (General restrictions on surrender)

After section 5(1)(e) —

Add

“(f) that if there are special surrender arrangements in respect of a person, an appropriate authority after receiving evidence, is satisfied that it would be a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) to surrender him to the prescribed place to which the arrangements relate in respect of the person.”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由許智峯議員動議的修正案

條次

建議修正案

(24)

9

刪去第 9 條而代以 —

第 3 條—

廢除第 (1) 款而代以 —

“(1) 本條例不適用於存在戰爭行為或者武裝衝突的國家或地區。”。

英文本

不能理解



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable HUI Chi Fung

Clause

Amendment Proposed

(24)

9

By deleting section 9 and substituting -

Section 3 -

Deleting subsection (1) and substituting -

“(1) This Ordinance shall not apply to states or regions

unintelligible. (whether) there is an act of war or an armed conflict.”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第一組修正案

條次

建議修正案

3

在第3條的 (3) (a)(i) 部份的 “香港政府及香港以外地方的政府” 之後

加入

“（中央人民政府或中華人民共和國的任何其他部份的政府除外）”

3

在第3條的 (3) (a)(ii) 部份的 “香港及香港以外地方 ” 之後 一  
加入

“（中華人民共和國的任何其他部份除外）” 。

條例草案沒有此部分

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

Clause

Amendment Proposed

(25)

3

After "the Government and the government of a place outside Hong Kong" of (3)(a)(i) —

**Add**

"(other than the Central People's Government or the government of any other part of the People's Republic of China)"

(26)

3

After "Hong Kong and a place outside Hong Kong" of (3)(a)(ii) —

**Add**

"(other than any other part of the People's Republic of China)".

*No such parts in the Bill*

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第二組修正案

條次

建議修正案

3

在第3條的(3)(a)(i)部份的“香港政府及香港以外地方的政府”之後—

加入

“(中央人民政府除外)”

3.

在第3條的(3)(a)(ii)部份的“香港及香港以外地方”之後—

加入

“(澳門及台灣以外的中國其他部份除外)”

條例草案沒有此部分

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Proposed amendments to be moved by the Honourable CHU Hoi-dick

(27)	<u>Clause</u>	<u>Amendment Proposed</u>
3		After "the Government and the government of a place outside Hong Kong" of (3)(a)(i) —
		<b>Add</b>
		“(other than the Central People’s Government)”
(28)	3	After “Hong Kong and a place outside Hong Kong” of (3)(a)(ii) —
		<b>Add</b>
		“(other than any other part of the People’s Republic of China except Macau and Taiwan)”

No such parts  
in the Bill

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第四組修正案

(29) 條次  
3

建議修正案

在第3條的(3)(a)(i)部份的“香港政府及香港以外地方的政府”之後—

加入

“(中央人民政府除外)”

(30)

3. 在第3條的(3)(a)(ii)部份的“香港及香港以外地方”之後—

加入

“(香港、澳門及台灣以外的中國其他部份除外)”

條例草案沒有此部分

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

29

Clause

3

Amendment Proposed

After "the Government and the government of a place outside  
Hong Kong" of (3)(a)(i) —

**Add**

"(other than the Central People's Government)"

30

3

After "Hong Kong and a place outside Hong Kong" of (3)  
(a)(ii) —

**Add**

"(other than any other part of the People's Republic of China  
except Hong Kong, Macau and Taiwan)"

No such parts  
in the Bill

**附錄 3 的附件 3**  
**Annex 3 to Appendix 3**

**14** 項對擬修正的條文缺乏所需提述或  
載有含糊不清的描述的修正案

**14** amendments

lacking the necessary references to provisions sought to be  
amended or containing unclear descriptions



《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由張超雄議員動議的修正案

條次

建議修正案

① 新條文

加入——

“加入第 7B 條

?

4B 第2部，在第7條之後——

加入

**“7B 暫時逮捕**

- (1) 在緊急情況下，經要求方提出申請，被要求方可按照其法律酌情決定暫時逮捕被尋求移交者。
- (2) 暫時逮捕的申請須顯示提出尋求移交某人的意向，並附有說明已具備針對該人的逮捕手令或定罪判決的陳述、有關該人的身分、國籍和可能所在處的資料、對該人的描述、對有關罪行及案件事實的簡述、就該罪行可判處或已判處的刑罰的陳述，以及(如適用的話)說明該刑罰有哪些部分尚未服完的陳述。
- (3) 暫時逮捕的申請可直接向香港律政司司長書面傳達。
- (4) 如被尋求移交者被暫時逮捕，但在該人被逮捕的日期起計60日屆滿時仍未收到有關的移交要求及支持文件，則暫時逮捕即須終止。依據本款釋放該人並不阻止在其後收到移交要求及支持文件時提起或繼續進行移交該人的法律程序。”。

Fugitive Offenders and Mutual Legal Assistance in  
Criminal Matters Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by Dr. the Honourable Fernando CHEUNG Chiu-hung

Clause

Amendment Proposed

① New

By adding

"Section 7B added

?

4B Part 2, after section 7—

Add

" 7B PROVISIONAL ARREST

- (1) In urgent cases the person sought may, at the discretion of the Requested Party and in accordance with its law, be provisionally arrested on the application of the Requesting Party.
- (2) The application for provisional arrest shall contain an indication of intention to request the surrender of the person sought, a statement of the existence of a warrant of arrest or a judgment of conviction against that person, information concerning identity, nationality and probable location, a description of the person, a brief description of the offence and the facts of the case and a statement of the sentence that can be or has been imposed for the offence and, where applicable, how much of that sentence remains to be served.
- (3) An application for provisional arrest may be transmitted directly to the Secretary for Justice in Hong Kong in writing.
- (4) The provisional arrest of the person sought shall be terminated upon the expiration of 60 days from the date of arrest if the request for

surrender and supporting documents have not been received. The release of a person pursuant to this paragraph shall not prevent the institution or continuation of surrender proceedings if the request and the supporting documents are received subsequently.”.”

《2019 年逃犯及刑事事宜相互法律協助法例 (修訂) 條例草案》

委員會審議階段

由鄭松泰議員動議的修正案

條次

建議修正案

2

3(3)

在建議的特別移交安排定義中 —

- (a) 第(a)(i)段中，在“政府”之後加入“(中央人民政府或澳門特別行政區政府除外)”。
- (b) 第(a)(ii)段中，在“地方”之後加入“(中國大陸及澳門除外)”；及
- (c) 在(b)段中，刪去“或多於一名”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable CHENG Chung-tai

<u>Clause</u>	<u>Amendment Proposed</u>
2 3(3)	In the proposed definition of <i>special surrender arrangements</i>  (a) in paragraph (a)(i), by adding “(other than the Central People’s Government or the government of Macau)” after “outside Hong Kong”;  (b) in paragraph (a)(ii), by adding “(other than the Mainland of China and Macau)” after “outside Hong Kong” and  (c) in paragraph (b), by deleting “or particular persons”.

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由許智峯議員動議的修正案

條次

建議修正案

③

3

在建議的第 2(1)條，  
刪去第(a)款而代以 -

?

“(a)該等安排適用於 ——

- (i) 香港政府及香港以外地方的政府(中央人民政府除外)；或
- (ii) 香港及香港以外地方(中華人民共和國內地除外)；並  
且”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable HUI Chi-fung

Clause

Amendment Proposed

3

3

In the proposed section 2(1),  
by deleting paragraph (a) and substituting -

?

“(a) applicable to—

- (i) the Government and the government of a place outside Hong Kong (other than the Central People’s Government); or
- (ii) Hong Kong and a place outside Hong Kong (other than the Mainland of the People’s Republic of China); and”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

英文文本  
加入部分不明

條次

建議修正案

(4) 3 在建議的第(3)款，在“香港政府及香港以外地方的政府”之後加入“（中央人民政府或中華人民共和國的任何其他部份的政府除外）”。

(5) 3 在建議的第(3)款，在“香港及香港以外地方”之後加入“（中華人民共和國的任何其他部份除外）”。



Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

<u>Clause</u>	<u>Amendment Proposed</u>
(4) 3(3)	By adding — “(other than the Central People’s Government or the government of any other part of the People’s Republic of China)” after “outside Hong Kong” ?
(5) 3(3)	By adding — “(other than any other part of the People’s Republic of China)” after “outside Hong Kong”. ?

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

英文文本  
加入部分不明

條次

建議修正案

3

在建議的第(3)款，在“香港政府及香港以外地方的政府”之後加入“（中央人民政府或中華人民共和國的任何其他部份的政府除外）”。

3

在建議的第(3)款，在“香港及香港以外地方”之後加入“（中華人民共和國的任何其他部份除外）”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

⑥

3(3)

By adding —

“(other than the Central People’s Government or the  
government of any other part of the People’s Republic of  
China)”

after “outside Hong Kong”.

?

⑦

3(3)

By adding —

“(other than any other part of the People’s Republic of  
China)”

after “outside Hong Kong”.

?

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

8

5

在“（如有的話）”之後加入“，而該訂明安排的條款符合《香港人權法案條例》（第383章）及《公民權利和政治權利國際公約》”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

8

5

By adding —

“, the terms are in accordance with the Hong Kong Bill of Rights Ordinance (Cap. 383) and the International Covenant on Civil and Political Rights”

after “pursuant to which the request for surrender in respect of that person was made”.

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

3

在建議的第(3)款，在“香港政府及香港以外地方的政府”之後加入“（中央人民政府或中華人民共和國的任何其他部份的政府除外）”。

3

在建議的第(3)款，在“香港及香港以外地方”之後加入“（中華人民共和國的任何其他部份除外）”。

英文本加入部分不明

5

在“（如有的話）”之後加入“，而該訂明安排的條款符合《香港人權法案條例》（第383章）及《公民權利和政治權利國際公約》”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

9

3(3)

By adding —

“(other than the Central People’s Government or the government of any other part of the People’s Republic of China)”

after “outside Hong Kong”.

?

10

3(3)

By adding —

“(other than any other part of the People’s Republic of China)”

after “outside Hong Kong”.

?

11

5

By adding —

“, the terms are in accordance with the Hong Kong Bill of Rights Ordinance (Cap. 383) and the International Covenant on Civil and Political Rights”

?

after "pursuant to which the request for surrender in respect of that person was made".



《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

條次

建議修正案

3

在建議的第(3)款，在“香港政府及香港以外地方的政府”之後加入“（中央人民政府或中華人民共和國的任何其他部份的政府除外）”。

3

在建議的第(3)款，在“香港及香港以外地方”之後加入“（中華人民共和國的任何其他部份除外）”。

5

在“（如有的話）”之後加入“，而該訂明安排的條款符合《香港人權法案條例》（第383章）及《公民權利和政治權利國際公約》”。

英文本加入部分不明

?

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

(12)

3(3)

By adding —  
“(other than the Central People’s Government or the  
government of any other part of the People’s Republic of  
China)”  
after “outside Hong Kong”.

(13)

3(3)

By adding —  
“(other than any other part of the People’s Republic of  
China)”  
after “outside Hong Kong”.

(14)

5

By adding —  
“, the terms are in accordance with the Hong Kong Bill of  
Rights Ordinance (Cap. 383) and the International Covenant  
on Civil and Political Rights”  
after “pursuant to which the request for surrender in respect of  
that person was made”.

**附錄 3 的附件 4**  
**Annex 4 to Appendix 3**

**2 項不能理解的修正案**

**2 unintelligible amendments**

《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第二組修正案

- ① 條次      建議修正案  
9      刪去該條而代以一

修訂第 3 條（適用範圍）

第 3 條——

在“中華人民共和國的任何其他部分”之後—  
加入

“（台灣及澳門除外）”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

①

Clause

Amendment Proposed

9

By deleting the clause and substituting—

Section 3 amended (application)

Section 3—

**Add**

“(except Macau and Taiwan)” after “any other part of the People’s Republic of China”.

《2019 年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

朱凱迪議員擬議動議的第四組修正案

條次      建議修正案

2

9      刪去該條而代以一

修訂第 3 條（適用範圍）

第 3 條——

在“中華人民共和國的任何其他部分”之後—  
加入

“（香港、台灣及澳門除外）”。

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

**Committee Stage**

Proposed amendments to be moved by the Honourable CHU Hoi-dick

2

Clause

9

Amendment Proposed

By deleting the clause and substituting—  
Section 3 amended (application)

Section 3—

**Add**

“(except Hong Kong, Macau and Taiwan)” after “any other part  
of the People’s Republic of China”.

**附錄 3 的附件 5**  
**Annex 5 to Appendix 3**

**8 項重複的修正案**

**8 duplicate amendments**



重複

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由陳志全議員動議的修正案

條次

建議修正案

①

- 4 (a) 在建議的第 3A(5)(a)條中，刪去 “超過 3 年的監禁或任何較重的懲罰” 而代以 “終身監禁” ；
- (b) 在建議的第 3A(5)(b)(iii)條中，刪去 “超過 3 年的監禁或任何較重的懲罰” 而代以 “終身監禁” 。

Duplicate

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

①  
4

- (a) In the proposed section 3A(5)(a), by deleting “imprisonment for more than 3 years, or any greater punishment” and substituting “life imprisonment”.
- (b) In the proposed section 3A(5)(b)(iii), by deleting “imprisonment for more than 3 years, or any greater punishment” and substituting “life imprisonment”.

重複

《2019 年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由涂謹申議員動議的修正案

條次

建議修正案

②

詳題

在“該條例即適用於有關安排”之前，加入——

“在提供額外人權及司法程序保障之下，”。

Duplicate

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation  
(Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable To Kun-sun

Clause

Amendment Proposed

(2)

Long Title

After "a general nature", by adding ——

"with provision of additional human rights and judicial  
procedure protection,".

重複

修訂：特別移交安排限制中國屬人司法管轄權只就內地人發證明書

《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由尹兆堅議員動議的修正案

條次

建議修正案

3

3

在特別移交安排的定義之後——

加入

“內地 (Mainland) 指中華人民共和國的任何部分，但不包括香港、澳門及台灣；”。

Duplicate

CSA : restricts China's nationality jurisdiction to issue certificate to only Mainlander under special surrender arrangements

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

Committee Stage

Amendments to be moved by the Honourable Andrew WAN Siu-kin

Clause

Amendment Proposed

3

After the definition of *special surrender arrangements* ——

**Add**

“*Mainland* (內地) means any parts of the People's Republic of China other than Hong Kong, Macau and Taiwan;”.

重複

修訂：特別移交安排下中國提出，罪行是在內地發生

《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》

委員會審議階段

由尹兆堅議員動議的修正案

條次

建議修正案

4

3

在特別移交安排的定義之後——

加入

“內地 (Mainland) 指中華人民共和國的任何部分，但不包括香港、澳門及台灣；”。

Duplicate

CSA : restricted to crimes committed in Mainland if requested by China under special surrender arrangements

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment)  
Bill 2019

Committee Stage

Amendments to be moved by the Honourable Andrew WAN Siu-kin

Clause

Amendment Proposed

(4)

3

After the definition of *special surrender arrangements* ——

**Add**

“**Mainland** (內地) means any parts of the People’s Republic of China other than Hong Kong, Macau and Taiwan;”.



重複

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

委員會審議階段

由區諾軒議員動議的修正案

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⑤

4

刪去第4條。

⑥

8

刪去第8條。

Duplicate

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

5

4

By deleting the clause.

6

8

By deleting the clause.

重複

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

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8

刪去第8條。

Duplicate

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

(7)

8

By deleting the clause.

重複

《2019年逃犯及刑事事宜相互法律協助法例（修訂）條例草案》

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刪去第8條。

Duplicate

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters  
Legislation (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable AU Nok-hin

Clause

Amendment Proposed

8

8

By deleting the clause.