

**立法會**  
**Legislative Council**

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Tel : 3919 3300

Date : 22 March 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 27 March 2019**

**Amendments to Hon Alvin YEUNG's motion on  
"Requesting the Government to shelve the formulation  
of arrangements for the surrender of fugitive offenders  
between Mainland China and Hong Kong"**

Further to LC Paper No. CB(3) 448/18-19 issued on 14 March 2019, Hon Claudia MO and Hon James TO have respectively given notice of their intention to move separate amendments to Hon Alvin YEUNG's motion. As directed by the President, the amendments will be printed in the terms in which they were handed in.

2. The President will order a joint debate on the above motion and the amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon the mover of the motion to speak and move the motion;
- (b) the President proposes the question on the motion;
- (c) the President calls upon the Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Hon Claudia MO; and
  - (ii) Hon James TO;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President calls upon the mover of the motion to speak on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the Members concerned to move their amendments in the order set out in paragraph (c) above. The President invites the mover of the first amendment to move the amendment, and forthwith proposes and puts to vote the question on the first amendment;
- (i) after the first amendment has been voted upon, the Council deals with the second amendment; and
- (j) after the second amendment has been dealt with, the President calls upon the mover of the motion to reply. Thereafter, the President puts to vote the question on the motion, or the motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and the marked-up version of the amendments are set out in the **Appendix**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Requesting the Government to shelve the formulation  
of arrangements for the surrender of fugitive offenders  
between Mainland China and Hong Kong”**

**1. Hon Alvin YEUNG’s original motion**

That, as Mainland China has not yet implemented judicial independence and fair trial, in order to safeguard Hong Kong’s internationally recognized reputation for rule of law under ‘one country, two systems’, and to protect the human rights of Hong Kong people and individuals travelling to and from Hong Kong, this Council requests the Government to shelve the formulation of any extradition arrangement permitting Hong Kong to surrender fugitive offenders to Mainland China.

**2. Motion as amended by Hon Claudia MO**

~~That, as Mainland China has not yet implemented~~ *the incident where a Hong Kong person absconded back to Hong Kong after being suspected of committing homicide in Taiwan in 2018 has triggered grave concern among various sectors of the community about the arrangements for the surrender of fugitive offenders; as human rights protection on the Mainland China has been unsatisfactory all along, and the Mainland China has not practised* judicial independence and fair trial, in order to safeguard Hong Kong’s internationally recognized reputation for rule of law under ‘one country, two systems’, ~~and~~ to protect the human rights of Hong Kong people and individuals travelling to and from Hong Kong, *and to maintain the confidence of the international and local business sectors in Hong Kong as a free and independent economy*, this Council requests the Government to shelve the formulation of any extradition arrangement permitting Hong Kong to surrender fugitive offenders to Mainland China; *yet, the Government must endeavour and take the initiative to discuss with the Taiwan authorities on the formulation of reciprocal extradition arrangements that are mutually acceptable to the Governments of the two places.*

Note: Hon Claudia MO’s amendment is marked in *bold and italic type* or with deletion line.

### 3. Motion as amended by Hon James TO

That, ~~as an incident took place in Taiwan in 2018 where a Hong Kong person absconded back to Hong Kong after being suspected of killing another Hong Kong person; subsequently, the Taiwan authorities proposed many times to hold discussions with the Government of the Hong Kong Special Administrative Region ('the SAR Government') on the arrangements for extraditing that suspect, but there is still no response; the SAR Government now intends to amend the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance to extend the application of the Ordinances concerned to include Mainland China, Taiwan, Macao, etc., yet, as huge differences exist in the rule of law of Mainland China and Hong Kong, and~~ Mainland China has not yet implemented judicial independence and fair trial, in order to safeguard Hong Kong's internationally recognized reputation for rule of law under 'one country, two systems', and to protect the human rights *and freedom* of Hong Kong people and individuals travelling to and from Hong Kong, this Council requests ~~the Government~~ *the SAR Government* to shelve the formulation of any extradition arrangement permitting Hong Kong to surrender fugitive offenders to Mainland China, *and expeditiously discuss with the Taiwan authorities on implementing extradition arrangements of suspects between Hong Kong and Taiwan, so as to enable Hong Kong people to seek justice as soon as possible.*

Note: Hon James TO's amendment is marked in *bold and italic type* or with deletion line.