

A BILL

To

Amend the Fugitive Offenders Ordinance so that the arrangements for the surrender of fugitive offenders can be made between Hong Kong and any place other than the Mainland or Macau; and to amend the Mutual Legal Assistance in Criminal Matters Ordinance so that the Ordinance applies to requests for assistance between Hong Kong and any place other than the Mainland or Macau.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) (No. 2) Ordinance 2019.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2

Amendments to Fugitive Offenders Ordinance (Cap. 503)

3. Section 2 amended (interpretation)

Section 2(1), definition of *arrangements for the surrender of fugitive offenders*—

(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 or the government of Macau)”;

(b) paragraph (a)(ii)—

Repeal

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

Substitute

“(other than the Mainland or Macau)”.

Part 3

Amendments to Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)

4. 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 or the government of Macau)”;

(b) paragraph (a)(ii)—

Repeal

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

Substitute

“(other than the Mainland or Macau)”.

5. Section 3 amended (application)

Section 3(1)—

Repeal

“between Hong Kong and any other part of the People’s Republic of China”

Substitute

“between Hong Kong and the Mainland or between Hong Kong and Macau”.

Explanatory Memorandum

The main purposes of this Bill are—

- (a) to amend the Fugitive Offenders Ordinance (Cap. 503) (*FOO*) so that arrangements for the surrender of fugitive offenders made between Hong Kong and any place other than the Mainland or Macau may be given effect; and
- (b) to amend the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) (*MLAO*) so that arrangements for mutual legal assistance made between Hong Kong and any place other than the Mainland or Macau may be given effect.

Amendments to FOO

2. Currently, arrangements for the surrender of fugitive offenders (*surrender arrangements*), not being such arrangements made between Hong Kong and other parts of the People's Republic of China (*PRC*), may be given effect under the FOO.
3. Clause 3 amends section 2(1) of the FOO so that arrangements for the surrender of fugitive offenders made between Hong Kong and any place other than the Mainland or Macau may be given effect.

Amendments to MLAO

4. Currently, arrangements for mutual legal assistance, not being such arrangements made between Hong Kong and other parts of the PRC, may be given effect under the MLAO.
5. Clause 4 amends section 2(1) of the MLAO (see the amended definition of *arrangements for mutual legal assistance*), and clause 5 amends section 3(1) of the MLAO, so that arrangements

for mutual legal assistance made between Hong Kong and any place other than the Mainland or Macau may be given effect.