

Government responds to report by United States-China Economic and Security Review Commission

In response to media enquiries on the report by the United States-China Economic and Security Review Commission on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, a government spokesman today (May 8) made the following statement:

Since the return to the motherland, the Hong Kong Special Administrative Region (HKSAR) has been exercising the principle of "Hong Kong people administering Hong Kong" and a high degree of autonomy in strict accordance with the Basic Law. The "one country, two systems" principle has been fully and successfully implemented.

The rule of law and judicial independence are the core values of the HKSAR. The HKSAR Government attaches utmost importance to these values and is determined to fully safeguard them and the safety of all members of the public.

Surrender of fugitives is a long-standing international practice to combat serious crimes and to prevent criminals from seeking havens to evade justice. The HKSAR's regime on surrender of fugitives makes reference to the guidelines and model prescribed by the United Nations, and is fully underpinned by human rights protection principles that are prevailing in practising regimes in many jurisdictions around the world. The HKSAR has signed long-term surrender of fugitive offenders agreements with 20 jurisdictions, including the United States. In line with its core policy objective, the HKSAR is actively working on negotiations with numerous other jurisdictions with a view to reaching more long-term surrender arrangements and widening the network of co-operation.

The HKSAR proposes to amend two local laws, namely the Fugitive Offenders Ordinance (Cap. 503) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525), which aim to deal with two practical problems, namely (a) a murder case which happened in Taiwan in early 2018 involving a Hong Kong resident killing another Hong Kong resident with the suspect subsequently returning to the HKSAR; and (b) plugging the existing loopholes in the existing regime in criminal and juridical assistance matters, where the geographical restrictions and impractical operational requirements render the legislation inoperable in certain cases.

The proposed amendments do not pinpoint any particular jurisdictions, nor do they target common citizens. After the legislative amendments, the HKSAR can, where there are warranting cases and where it is absolutely necessary, using the same set of standards and under the principle of mutual respect, effectively handle serious criminal cases with a jurisdiction that

does not have any effective long-term agreement with the HKSAR. Similar case-based surrender arrangements have been existing in the laws of the United Kingdom and Canada for decades. The targets of case-based surrenders are fugitives who have committed grave criminal offences on the basis of prima facie evidence, and are wanted for justice due to the offences committed.

The proposed legislative amendments will not affect any of the 20 long-term agreements in force in the HKSAR. The clause on specialty in all 20 agreements will continue to debar any resurrender of fugitives from Hong Kong to another jurisdiction. The proposed arrangement is a supplementary measure to long-term agreement before the latter is reached and comes into the force. Case-based surrender will not be adopted once a long-term agreement has been in place and become effective.

In respect of a case-based surrender request, the HKSAR has full discretion as to whether the request should be acceded to. All existing human rights and procedural safeguards provided for in the current legislation, which have made reference to the model treaty on extradition promulgated by the United Nations and are in line with the common practices in juridical assistance overseas, will be maintained under case-based arrangements. These include the double criminality principle, protection against death penalty, restriction against re-surrender, rule against double jeopardy, no surrender for political offences, application for habeas corpus and right to appeal and judicial review, etc.

The proposed legislative amendments are meant to protect the law-abiding general public in the HKSAR. The amendments, if passed, will protect business activities from the threat of crime and be conducive to the business environment in the HKSAR.

The current exercise is about amending local laws to enhance the HKSAR's capability in dealing with fugitives of serious criminal offences and making the HKSAR a better partner in the international fight against crime.

[Appeal for information on missing man in Mong Kok \(with photo\)](#)

Police today (May 8) appealed to the public for information on a man who went missing in Mong Kok.

Siu Kwai-cheung, aged 41, went missing after he was last seen on Fuk Tsun Street yesterday morning (May 7). His family made a report to Police on the same day.

He is about 1.65 metres tall, 70 kilograms in weight and of fat build.

He has a round face with yellow complexion and short straight black hair. He was last seen wearing a black short-sleeved shirt, black trousers, blue slippers and carrying a shoulder bag.

Anyone who knows the whereabouts of the missing man or may have seen him is urged to contact the Regional Missing Person Unit of Kowloon West on 3661 8036 or 9020 6542 or email to rmpu-kw-2@police.gov.hk, or contact any police station.



[Appeal for information on missing girl in Tin Sum \(with photo\)](#)

Police today (May 8) appealed to the public for information on a girl who went missing in Tin Sum.

Jiang Yuqin, aged 16, went missing after she left her residence in Shui Chuen O Estate on May 6 night. Her family made a report to Police yesterday (May 7).

She is about 1.58 metres tall, 55 kilograms in weight and of medium build. She has a round face with yellow complexion and short black hair. She was last seen wearing a light blue short-sleeved shirt, light blue jeans, white sports shoes and carrying a black shoulder bag.

Anyone who knows the whereabouts of the missing girl or may have seen her is urged to contact the Regional Missing Person Unit of New Territories South on 3661 1176, 6317 7858 or email to rmpu-nts-2@police.gov.hk, or contact any police station.



[Speech by CE at House 1881 Grand Opening Ceremony \(with photos/video\)](#)

Following is the speech by the Chief Executive, Mrs Carrie Lam, at the House 1881 Grand Opening Ceremony today (May 8):

It gives me great pleasure to be here for the grand opening of House 1881. Since its opening in 2009, as the 1881 Heritage, this former Marine Police Headquarters building cluster has attracted a lot of local visitors and tourists. I hope that the rebranding of the heritage hotel as House 1881, through its different cultural activities, will enable visitors to better connect this historic destination and enhance community inclusiveness.

As we all know, Hong Kong is a world city where East meets West. To leverage Hong Kong's unique history, the Government has all along been developing and promoting cultural and heritage tourism. Among others, the Xiqu Centre at the West Kowloon Cultural District has opened earlier this year, and will soon be followed by various performance and museum facilities such as the M+ museum, Hong Kong Palace Museum and Lyric Theatre Complex. These cultural facilities, coupled with the revamped 1881 Heritage, will no doubt enhance the tourists' experience.

I wish the revamped House 1881 every success. Thank you very much.



Operators and managers of unlicensed guesthouses sentenced to imprisonment and fined

Two men and two women were charged with contravening the Hotel and Guesthouse Accommodation Ordinance at Kowloon City Magistrates' Courts today (May 8). A man was convicted of managing an unlicensed guesthouse in August 2016 and was given a suspended sentence. The court activated the suspended sentence today and sentenced him to 10 weeks' imprisonment in total. The other man and the two women were fined from \$8,000 to \$32,000. A man was also fined \$1,000 for the period in which the offences continued.

The courts heard that from August last year to February this year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected seven suspected unlicensed guesthouses on Reclamation Street, Minden Row, Yu Chau Street and Lai Chi Kok Road in Kowloon. During the inspections, the OLA officers posed as lodgers and successfully rented rooms in these guesthouses on an hourly or daily basis.

According to the OLA's records, these guesthouses did not possess licences under the Ordinance on the days of inspection. The men and women

responsible for operating and managing the premises were charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and will lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaeng@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".