

## 有關回應港府擬修訂《刑事事宜相互法律協助條例》、《逃犯條例》之 參考資料

108.02.21

針對港府保安局今年 2 月 12 日所提《刑事事宜相互法律協助條例》、《逃犯條例》修法建議，由香港行政長官作出證明書以一次性個案的方式進行移交安排，解決兇嫌潛逃以逃避法律制裁的問題，我們已注意到此次業引起香港及國內各界極大爭議，指其恐別有政治意圖，並有侵害香港「一國兩制」、破壞香港法治、打擊政治異見者及侵蝕人權疑慮，未來國人赴港也可能會有類似「李明哲事件」的重演。

港府此次修法源自 107 年 2 月在臺發生之港女命案，我方基於偵辦需要，已向港方提出了 3 次司法請求，包括遣送嫌犯來臺，並對嫌犯發布通緝，但始終未獲回應。長期以來，我方均透過臺港「策進會」、「協進會」平台，盼與港方建立制度化的司法合作機制，並以刑事法律合作為優先，期解決臺港人員交流頻繁，所衍生的跨境犯罪問題，惟港方均未正面以對。本次港女命案，更突顯出臺港因不能進行相關司法合作，無法將罪犯繩之以法的困境。

我們認為，人權法治及公平正義是人類的普世價值，臺港雙方都應予重視，呼籲港方能以無涉於政治的務實態度，積極考慮與我方簽訂司法互助協議，從根本解決問題，確保公平正義能獲伸張。

另針對有評論指港府修法後，恐將令旅港或過境國人的的人身安全受到威脅，我們認為任何法律的修訂，都應該是以保障民眾的安全與維護民眾權益為優先考量，凡具政治目的或違反人權的作法都將遭受質疑。我們也呼籲港府應該審慎處理，儘速回應各界的疑慮。政府也會持續高度關注港府後續的修法進展，全力確保在港國人的安全與權益。

## **REFERENCE MATERIAL**

### **Response to Hong Kong Government's Proposed Amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and Fugitive Offenders Ordinance**

February 21, 2019

On February 12 this year, the Security Bureau of the Hong Kong government proposed amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and Fugitive Offenders Ordinance, aiming to resolve the problem of suspects fleeing to avoid legal prosecution. The amendment would allow for extradition of criminal suspects on a one-off, case-by-case basis, with Hong Kong chief executive issuing a certificate to authorize the transfer of a fugitive.

We are aware that this case has aroused great controversy in Hong Kong and Taiwan. Concerns are raised that such move is politically motivated and would infringe Hong Kong's "one country, two systems," undermine the rule of law in Hong Kong, be used against political dissidents, erode human rights, and result in a recurrence of the "Lee Ming-che Incident" for Taiwanese people visiting Hong Kong.

The proposed amendment was prompted by a homicide case in February 2018 which a Hongkonger was accused of murdering his Hong Kong girlfriend in Taiwan. Taiwan authorities had already made three unanswered judicial requests to Hong Kong, including request for extradition of the suspect to Taiwan, and put out an order for the suspect's arrest.

Taiwan has long sought through the THEC-ECCPC (Taiwan–Hong Kong Economic and

Cultural Co-operation Council and Hong Kong–Taiwan Economic and Cultural Co-operation and Promotion Council) platform to establish an institutionalized judicial cooperation mechanism with Hong Kong. Priority is given to cooperation in criminal matters, in order to handle cross-border crimes arising from frequent people-to-people exchanges between Taiwan and Hong Kong. However, the Hong Kong side has yet positively responded. The murder of the Hong Kong girl further highlights the dilemma Taiwan and Hong Kong face, in which neither side is able to bring criminals to justice due to the absence of relevant judicial cooperation.

We believe that human rights, rule of law, fairness, and justice are universal values that should be respected by both Taiwan and Hong Kong. We call on Hong Kong, in a pragmatic and non-political manner, to actively consider signing an agreement with Taiwan on mutual judicial assistance, to solve this problem at its root, and to ensure that fairness and justice is upheld.

Some commentaries pointed out that personal safety of Taiwanese people traveling to or transiting in Hong Kong might be threatened once the extradition law is amended. However, we believe that amendments to any laws should give priority to protecting the safety of the people and safeguarding the people's rights and interests. Any actions that are politically motivated or violate human rights will be questioned. We further urge the Hong Kong government to cautiously handle this matter and promptly respond to the public's concerns. Taiwan government will also continue to closely follow developments of the legal amendment made by the Hong Kong government and fully ensure the safety, interests, and rights of Taiwanese people in Hong Kong.