

## **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.