

《逃犯(斯里蘭卡)令》
(第 503 章，附屬法例 V)

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FUGITIVE OFFENDERS (SRI LANKA) ORDER
(Cap. 503 sub. leg. V)

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《逃犯(斯里蘭卡)令》

(第 503 章第 3 條)

FUGITIVE OFFENDERS (SRI LANKA) ORDER

(Cap. 503, section 3)

[2003 年 4 月 19 日] 2003 年第 104 號法律公告

[19 April 2003] L.N. 104 of 2003

1. (已失時效而略去)
2. 條例中的程序在香港及斯里蘭卡之間適用
現就——
 - (a) 適用於特區政府和斯里蘭卡民主社會主義共和國政府；及
 - (b) 所載條款在附表中敘述，的移交逃犯安排，指示本條例中的程序在該等條款所載的限制、約束、例外規定及約制的規限下，在香港及斯里蘭卡民主社會主義共和國之間適用。

1. (Omitted as spent)
2. **Procedures in Ordinance to apply between Hong Kong and Sri Lanka**
In relation to the arrangements for the surrender of fugitive offenders—
 - (a) which are applicable to the Government and the Government of the Democratic Socialist Republic of Sri Lanka; and
 - (b) the terms of which are recited in the Schedule,it is directed that the procedures in the Ordinance shall apply as between Hong Kong and the Democratic Socialist Republic of Sri Lanka subject to the limitations, restrictions, exceptions and qualifications contained in the terms so recited.

附表

[第 2 條]

中華人民共和國香港特別行政區政府 和斯里蘭卡民主社會主義共和國政府 關於移交逃犯的協定

中華人民共和國香港特別行政區(“香港特別行政區”)政府經中華人民共和國中央人民政府正式授權締結本協定，與斯里蘭卡民主社會主義共和國政府，(下文稱為“締約雙方”)，願訂立相互移交逃犯的規定；

協議如下：

第一條

移交的義務

- (1) 締約雙方同意，按照本協定所訂立的條文，把任何在被要求方管轄區內發現的並遭要求方通緝以便就第二條所描述的罪行提出檢控、判刑或執行判刑的人移交給對方。
- (2) 決定某人是否應被移交的程序由被要求方的法律規管，並須符合本協定的規定。

第二條

罪行

SCHEDULE

[s. 2]

AGREEMENT BETWEEN THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA CONCERNING SURRENDER OF FUGITIVE OFFENDERS

The Government of the Hong Kong Special Administrative Region of the People's Republic of China (“Hong Kong Special Administrative Region”) having been duly authorised to conclude this Agreement by the Central People's Government of the People's Republic of China, and the Government of the Democratic Socialist Republic of Sri Lanka, (hereinafter referred to as “the Parties”),

Desiring to make provision for the reciprocal surrender of fugitive offenders;

Have agreed as follows:

ARTICLE 1

OBLIGATION TO SURRENDER

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- (1) 凡觸犯以下描述的任何罪行，而該罪行依照締約雙方的法律屬可判處監禁或以其他形式拘留一年以上，或可判處更嚴厲刑罰者，須准予移交：
1. 謀殺或誤殺，包括刑事疏忽引致死亡；應受懲處的殺人罪；意圖謀殺而侵犯他人
 2. 協助、教唆、慫使或促致他人自殺
 3. 殘害他人；使他人受到嚴重或實際身體傷害；侵犯他人致造成他人實際身體傷害；威脅殺人；利用武器、危險物品或其他物品，蓄意或罔顧後果危及他人生命；與非法傷人或侵害有關的罪行
 4. 犯與性有關的罪行，包括強姦、性侵犯、猥褻侵犯、非法對兒童作性行為、法定的性罪行
 5. 對兒童、弱智人士或沒有知覺的人作嚴重猥褻行為
 6. 綁架；拐帶；非法拘禁；非法拘囚；買賣或販運奴隸或其他人；扣押人質
 7. 刑事恐嚇
 8. 犯有關危險藥物，包括毒品和精神藥物以及用於非法製造毒品和精神藥物的前體和主要化學物的罪行以及有關販毒收益的罪行
 9. 藉欺騙取得財物或金錢利益；盜竊；搶劫；入屋犯法(包括使用武力進入他人房舍)；盜用公款；勒索；敲詐；非法處理或收受財物；偽造帳目；其他與財物或財政事項有關而涉及欺詐手段的罪行；犯有關非法奪取財產的法律的罪行
 10. 犯有關破產法律或無力償債的罪行
 11. 犯有關公司的法律，包括由高級人員、董事或創辦人所犯的罪行
 12. 犯有關證券和期貨交易的罪行
 13. 犯任何有關贗製的罪行；犯任何有關偽造或使用偽造物品的法律的罪行

SCHEDULE—ARTICLE 2

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- (1) The Parties agree to surrender to each other, subject to the provisions laid down in this Agreement, any person who is found in the jurisdiction of the requested Party and who is wanted by the requesting Party for prosecution or for the imposition or enforcement of a sentence in respect of an offence described in Article 2.
- (2) The procedures for determining whether a person is to be surrendered shall be regulated by the law of the requested Party and shall be in accordance with the provisions of this Agreement.

ARTICLE 2

OFFENCES

- (1) Surrender shall be granted for an offence coming within any of the following descriptions of offences in so far as it is according to the laws of both Parties punishable by imprisonment or other form of detention for more than one year, or by a more severe penalty:
1. murder or manslaughter, including causing death by criminal negligence; culpable homicide; assault with intent to commit murder
 2. aiding, abetting, counselling or procuring suicide
 3. maiming; inflicting grievous or actual bodily harm; assault occasioning actual bodily harm; threats to kill; intentional or reckless endangering of life whether by means of a weapon, a dangerous substance or otherwise; offences relating to unlawful wounding or injuring

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14. 犯違反有關保護知識產權、版權、專利權或商標的法律的罪行
15. 犯有關賄賂、貪污、秘密回扣，及違反信託義務的法律的罪行
16. 偽證和唆使他人作偽證
17. 犯有關妨礙或阻礙司法公正的罪行
18. 縱火與涉及縱火武器或器材的罪行；刑事破壞或損害行為，包括有關電腦資料的損害行為
19. 犯有關火器的法律的罪行
20. 犯有關爆炸品的法律的罪行
21. 犯有關環境污染或保障公眾衛生的法律的罪行
22. 在海上的船舶上叛變或作出任何叛變行為
23. 國際法中涉及船舶或航空器的海盜行為
24. 非法扣押或控制航空器或其他交通工具
25. 種族滅絕或直接及公開煽惑他人進行種族滅絕
26. 促成或准許他人從羈留中逃走
27. 犯違反有關控制任何類別貨品出口或進口，或國際間資金轉移的法律的任何罪行
28. 走私；犯有關進出口違禁品(包括歷史文物和考古文物)的罪行
29. 關於入境的罪行，包括以訛騙手法取得或使用護照或簽證
30. 為財務利益，安排或促成他人非法進入要求方的管轄區
31. 有關賭博或博彩的罪行
32. 有關非法終止懷孕的罪行
33. 偷取、拋棄、遺棄或非法扣押兒童；涉及剝削或虐待兒童的任何其他罪行，包括違反有關涉及兒童色情物品的罪行

SCHEDULE—ARTICLE 2

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4. offences of a sexual nature including rape; sexual assault; indecent assault; unlawful sexual acts on children; statutory sexual offences
5. gross indecency with a child, a mental defective or an unconscious person
6. kidnapping; abduction; false imprisonment; unlawful confinement; dealing or trafficking in slaves or other persons; taking a hostage
7. criminal intimidation
8. offences against the law relating to dangerous drugs including narcotics and psychotropic substances and precursors and essential chemicals used in the illegal manufacture of narcotic drugs and psychotropic substances and offences related to the proceeds of drug trafficking
9. obtaining property or pecuniary advantage by deception; theft; robbery; burglary (including breaking and entering); embezzlement; blackmail; extortion; unlawful handling or receiving of property; falsification of accounts; any other offence in respect of property or fiscal matters involving fraud; any offence against the law relating to unlawful deprivation of property
10. offences against bankruptcy law or insolvency
11. offences against the law relating to companies including offences committed by officers, directors, and promoters
12. offences relating to securities and futures trading
13. any offence relating to counterfeiting; any offence against the law relating to forgery or uttering what is forged
14. any offence against the laws relating to protection of intellectual property, copyrights, patents or trademarks
15. any offence against the law relating to bribery, corruption, secret commissions, and breach of trust

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34. 犯有關賣淫和供賣淫用途場所的法律的罪行，包括為賣淫的目的而促致及販運的罪行
 35. 涉及非法使用電腦的罪行
 36. 與財政事項、稅項或關稅有關的罪行，儘管被要求方的法律並沒有如要求方的法律般訂有徵收同類的稅項或關稅的規例
 37. 有關非法從羈留中逃走；在監獄中叛亂的罪行
 38. 重婚
 39. 與婦女或兒童有關的罪行
 40. 犯任何與虛假或誤導的商品說明有關的法律的罪行
 41. 與管有或清洗從觸犯任何根據本協定可准予移交的罪行所得收益有關的罪行
 42. 妨礙逮捕或檢控已犯或相信已犯根據本協定屬可准予移交的罪行的人
 43. 在任何對締約雙方有約束力的公約範圍內，而根據公約雙方有義務檢控或准予移交的罪行
 44. 串謀犯任何根據本協定可准予移交的罪行
 45. 協助、教唆、慫使或促致他人犯任何根據本協定可准予移交的罪行，煽惑犯任何該等罪行，或作為從犯，或企圖犯任何該等罪行
 46. 根據被要求方的法律可准予移交的任何其他罪行
- (2) 凡要求移交是為了執行一項判刑，該項要求亦須符合另一項規定，即餘下的監禁或拘留期須不得少於六個月。
- (3) 就本條而言，在確定一項罪行在締約雙方的法律下是否屬可判處懲罰的罪行時，須考慮被要求移交者被指稱的作為或不作為的全部。

16. perjury and subornation of perjury
17. offences relating to the perversion or obstruction of the course of justice
18. arson and offences involving incendiary weapons or devices; criminal damage or mischief including mischief in relation to computer data
19. any offence against the law relating to firearms
20. any offence against the laws relating to explosives
21. any offence against laws relating to environmental pollution or protection of public health
22. mutiny or any mutinous act committed on board a vessel at sea
23. piracy involving ships or aircraft, according to international law
24. unlawful seizure or exercise of control of an aircraft or other means of transportation
25. genocide or direct and public incitement to commit genocide
26. facilitating or permitting the escape of a person from custody
27. any offence against the laws relating to the control of exportation or importation of goods of any type, or the international transfer of funds
28. smuggling; offences against the laws relating to import and export of prohibited items, including historical and archaeological items
29. immigration offences including fraudulent acquisition or use of a passport or visa
30. arranging or facilitating for financial gain, the illegal entry of persons into the jurisdiction of the requesting Party
31. any offence relating to gambling or lotteries

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- (4) 就本條第(1)款而言，如構成罪行的行為在犯罪時屬觸犯要求方的法律的罪行，而在被要求方接獲移交要求時亦屬觸犯被要求方法律的罪行，則該項罪行根據締約雙方的法律均屬罪行。
- (5) 當在缺席的情況下被定罪的逃犯被要求移交，而目的是為了執行判刑時：
- (a) 被要求方不得以逃犯是在缺席的情況下定罪為理由拒絕移交，除非該逃犯未獲給予出席其審訊的機會，及
- (b) 該人須在被要求方之法律程序中被視為被告人。

第三條

國民的移交

斯里蘭卡政府保留拒絕移交其公民的權利。香港特別行政區政府保留拒絕移交中華人民共和國的國民的權利。

第四條

死刑

如某項根據本協定要求移交逃犯的罪行依照要求方的法律可判處死刑，但就該項罪行而言，被要求方的法律並無判處死刑的規定或通常不會執行死刑，則除非要求方提出被要求方認為充分的保證，即被移交者將不會被判處死刑或即使被判處死刑亦不會執行，被要求方可拒絕移交。

第五條

移交根據

32. offences relating to the unlawful termination of pregnancy
33. stealing, abandoning, exposing or unlawfully detaining a child; any other offences involving the exploitation or abuse of children, including any offence against the laws relating to child pornography
34. offences against the laws relating to prostitution and premises kept for the purposes of prostitution, including offences of procuring and trafficking for the purposes of prostitution
35. offences involving the unlawful use of computers
36. offences relating to fiscal matters, taxes or duties, notwithstanding that the law of the requested Party does not impose the same kind of tax or duty as the law of the requesting Party
37. offences relating to the unlawful escape from custody; mutiny in prison
38. bigamy
39. any offence relating to women or children
40. any offence against the law relating to false or misleading trade descriptions
41. offences relating to the possession or laundering of proceeds obtained from the commission of any offence for which surrender may be granted under this Agreement
42. impeding the arrest or prosecution of a person who has or is believed to have committed an offence for which surrender may be granted under this Agreement
43. any offence within the scope of any convention which is binding on both Parties and which obligates the Parties to prosecute or grant surrender for such offence
44. conspiracy to commit any offence for which surrender may be granted under this Agreement

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只有在根據被要求方的法律有足夠證據，證明假如被要求移交的人被控觸犯罪行在被要求方的地方內觸犯，被要求方亦有理由把被要求移交者交付審判，或證明被要求移交者即是遭要求方法院定罪的人，始須把該人移交。

第六條

強制拒絕移交

- (1) 如被要求方有充分理由相信以下事項屬實，則不得移交該名逃犯：
 - (a) 該人被控告或被定罪的罪行屬政治性質；
 - (b) 提出移交要求(該項要求雖然看來是因為一項可准予移交的罪行而提出)實際上是因為該人的種族、宗教、國籍或政見而檢控或懲罰該人；或
 - (c) 該人一經交回，可因其種族、宗教、國籍或政見而在審判時受到不公平對待、被懲罰、被拘留，或使其人身自由受限制。
- (2) 就本協定而言，下列各項不得視為屬於政治性質的罪行：
 - (a) 第二條第(1)款第 1、20 或 43 項指明的罪行；
 - (b) 串謀觸犯、協助、教唆、慫使或促致他人觸犯、煽動他人觸犯、作為從犯，或企圖觸犯任何(a)段提及的罪行。
- (3) 逃犯所犯的在移交要求中所述的任何罪行，但根據要求方或被要求方的法律最後獲釋、被定罪或獲赦，或其檢控遭阻止或其定罪遭作廢的人，不得就該罪行被移交。

第七條

酌情拒絕移交

SCHEDULE—ARTICLE 2

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45. aiding, abetting, counselling or procuring the commission of, inciting the commission of, being an accessory to, or attempting to commit any offence for which surrender may be granted under this Agreement
 46. any other offence for which surrender may be granted in accordance with the law of the requested Party.
- (2) Where surrender is requested for the purpose of carrying out a sentence, a further requirement shall be that in the case of a period of imprisonment or detention at least six months remain to be served.
 - (3) For the purposes of this Article, in determining whether an offence is an offence punishable under the laws of both Parties the totality of the acts or omissions alleged against the person whose surrender is sought shall be taken into account.
 - (4) For the purposes of paragraph (1) of this Article, an offence shall be an offence according to the laws of both Parties if the conduct constituting the offence was an offence against the law of the requesting Party at the time it was committed and an offence against the law of the requested Party at the time the request for surrender is received.
 - (5) Where the surrender of a fugitive offender who was convicted in his absence is requested for the purpose of carrying out a sentence:
 - (a) the requested Party shall not refuse to surrender him on the ground that the conviction was obtained in his absence, unless he had not been given the opportunity to be present at his trial, and
 - (b) he shall be considered for the purpose of the proceedings in the requested Party to be an accused person.

被要求方如認為有以下情況出現，可拒絕移交：

- (a) 在考慮所有情況後，有關罪行的嚴重性不足以支持移交；
- (b) 由於不能歸咎於被要求移交的人的理由，以致提出起訴，把案件提交審判或使被要求移交的人服刑或使他或她服餘下的刑期有過分延誤；
- (c) 要求移交所根據的罪行，是在被要求方的法院管轄範圍內犯的；
- (d) 移交可使被要求方違反其根據國際條約須履行的義務；或
- (e) 以該案的情況下，鑑於被要求移交的人的年齡、健康或其他個人狀況，把該人移交不合人道。

第八條

延遲移交

被要求移交者如因與要求移交所根據的罪行以外的任何罪行正在被要求方的管轄範圍內被起訴或受懲罰，可准予移交，或推遲至訴訟結束及任何所判處的懲罰執行後才移交。

第九條

移交要求及證明文件

- (1) 移交要求和有關文件須通過有關當局提出。締約一方會不時知會締約另一方何謂有關當局。
- (2) 提出要求時，須一併提供下列資料：
 - (a) 該被要求移交的人的盡量準確的描述，和其他可助確定該人的身分、國籍和所在地的資料；

ARTICLE 3

SURRENDER OF NATIONALS

The Government of Sri Lanka reserves the right to refuse the surrender of its citizens. The Government of the Hong Kong Special Administrative Region reserves the right to refuse the surrender of nationals of the People's Republic of China.

ARTICLE 4

DEATH PENALTY

If the offence for which surrender of a fugitive offender is requested under this Agreement is punishable according to the law of the requesting Party with the death penalty, and if in respect of such an offence the death penalty is not provided for by the law of the requested Party or is not normally carried out, surrender may be refused unless the requesting Party gives such assurances as the requested Party considers sufficient that this penalty will not be imposed or, if imposed, will not be carried out.

ARTICLE 5

BASIS FOR SURRENDER

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- (b) 被要求移交的人的各項罪行說明，以及就每項罪行被要求移交的人被指稱的作為或不作為的說明；及
- (c) 訂立有關罪行的法律條文文本，以及該項罪行可判處的懲罰的說明和就該項罪行提出訴訟或執行所判處的任何懲罰的任何時限。
- (3) 如該項移交要求與一名被告有關，須一併提供由要求方的法官、裁判官或其他主管當局發出的逮捕令的副本，以及任何根據被要求方的法律，如該罪行發生在被要求方的管轄範圍內，足以使該被告被交付審判的證據。
- (4) 如該項移交要求與被定罪或被判刑的人有關，則須一併提供：
- (a) 定罪或判刑證明書副本；及
- (b) 如該人被定罪但未被判刑，有關法院就此發出的說明及逮捕令副本；或
- (c) 如該人已被判刑，顯示該項判刑可強制執行和未服刑期尚有多少的說明。

第十條

確認

- (1) 支持移交要求的文件如經正式確認，須被接受為證明文件所述事實的證據。假如文件看來是經下述方式處理，即屬經正式確認：
- (a) 經要求方的法官、裁判官或要求方的官員簽署或證明；及
- (b) 經要求方的主管當局蓋上官方印章。
- (2) 任何正式確認及提供用以支持移交要求的任何宣誓的文件譯本，須在移交程序中被接受作所有用途。

SCHEDULE—ARTICLE 6

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A person shall be surrendered only if the evidence be found sufficient according to the law of the requested Party either to justify the committal for trial of the person sought if the offence of which that person is accused had been committed in the territory of the requested Party or to prove that the person sought is the person convicted by the courts of the requesting Party.

ARTICLE 6

MANDATORY REFUSAL OF SURRENDER

- (1) A fugitive offender shall not be surrendered if the requested Party has substantial grounds for believing:
- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that the request for surrender (though purporting to be made on account of an offence for which surrender may be granted) is in fact made for the purpose of prosecution or punishment on account of race, religion, nationality or political opinions; or
- (c) that the person might, if returned, be prejudiced at that person's trial or punished, detained or restricted in his or her personal liberty by reason of race, religion, nationality or political opinions.
- (2) For the purposes of this Agreement, the following shall not be considered to be offences of a political character:
- (a) offences specified in Item 1, Item 20 or Item 43 of Article 2(1);

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附表

第十一條

補充資料

- (1) 如要求方提交的資料不足，以致被要求方不能根據本協定作出決定，被要求方得要求提供所需的補充資料，並可定出收取該等資料的期限。
- (2) 如被要求移交的人已被逮捕，而所提交的補充資料根據本協定並不足夠或沒有在指定時間內收到，該人可被釋放。但此釋放並不阻止要求方重新提出把該人移交的要求。

第十二條

暫時逮捕

- (1) 在緊急情況下，經要求方提出申請，被要求方可酌情根據本身的法律，暫時逮捕被要求移交的人。
- (2) 暫時逮捕的申請書須載有要求移交該人的意向顯示、該人的逮捕令或被定罪判決書已經作出的說明、該人身分、國籍及可能所在地的資料、該人的描述、罪行和案件事實的簡介和就該罪行可判或已判的刑罰、及(如適用的話)未服完的刑期。
- (3) 暫時逮捕的申請，可以任何方式通過第九條第(1)款所述的途徑提出或通過國際刑警組織提出，提出申請的方式須能以書面形式紀錄。
- (4) 如被要求移交者遭暫時逮捕滿六十天(由逮捕之日起計)，而被要求方仍未接獲把他移交的要求和支持文件，暫時逮捕便

SCHEDULE—ARTICLE 7

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- (b) conspiracy to commit, aiding, abetting, counselling or procuring the commission of, inciting the commission of, being an accessory to, or attempting to commit any offence referred to in paragraph (a).
- (3) A fugitive offender who has been finally acquitted, convicted or pardoned or whose prosecution is barred or whose conviction has been set aside under the law of the requesting or requested Party for any offence set out in the request shall not be surrendered for that offence.

ARTICLE 7

DISCRETIONARY REFUSAL OF SURRENDER

Surrender may be refused if the requested Party considers that:

- (a) the offence is, having regard to all the circumstances, not sufficiently serious to warrant the surrender;
- (b) there has been excessive delay, for reasons which cannot be imputed to the person sought, in bringing charges, in bringing the case to trial or in making the person serve his or her sentence or the remainder thereof;
- (c) the offence for which surrender is sought was committed within the jurisdiction of its courts;
- (d) the surrender might place that Party in breach of its obligations under international treaties; or
- (e) in the circumstances of the case, the surrender would be incompatible with humanitarian considerations in view of

須終止。但如其後接獲移交的要求和支持文件，根據本段釋放該人並不阻止提出或繼續進行移交的程序。

the age, health or other personal circumstances of the person sought.

第十三條

同時要求

如締約一方和一個與作為被要求方的斯里蘭卡或香港特別行政區有移交逃犯協定或安排的國家或管轄區同時要求移交一名逃犯，被要求方須考慮所有情況後才作出決定，須考慮的情況包括被要求方與各要求方之間所有現行協定或安排中有關條文、所犯罪行的相對嚴重性及犯罪地點、各移交要求的提出日期、被要求移交的人的國籍和通常居住的地方，以及其後將其移交給另一個國家或管轄區的可能性。被要求方如果決定把該人移交另一國家或管轄區，須將支持作出有關決定的資料向締約另一方提供。

ARTICLE 8

POSTPONEMENT OF SURRENDER

If the person sought is being proceeded against or is under punishment in the jurisdiction of the requested Party for any offence other than that for which surrender is requested, surrender may be granted or deferred until the conclusion of the proceedings and the execution of any punishment imposed.

第十四條

代表和開支

- (1) 被要求方須為因移交要求而引起的任何訴訟程序作出一切必要的安排和負擔開支，並須在其他方面代表要求方的利益。
- (2) 如因移交要求而明顯地會引起特殊開支，締約雙方須進行磋商，以決定如何支付這些費用。
- (3) 被要求方須負擔因逮捕和拘留被要求移交者所引致的開支，直至該人已根據第十五條第(2)款被移交為止。其後的一切開支由要求方負擔。

ARTICLE 9

THE REQUEST AND SUPPORTING DOCUMENTS

- (1) Requests for surrender and related documents shall be conveyed through the appropriate authority as may be notified from time to time by one Party to the other.
- (2) The request shall be accompanied by:
 - (a) as accurate a description as possible of the person sought, together with any other information which would help to establish that person's identity, nationality and location;

第十五條

移交安排

- (1) 被要求方須在就移交要求作出決定後立即知會要求方其決定。
- (2) 要移交一個人時，被要求方當局須把該人送往其管轄區內由要求方選定的方便離境地點。
- (3) 除本條第(4)款另有規定外，要求方須在被要求方指定的期間內把該人帶走，而如果在該期間內未把該人帶走，被要求方可拒絕因同一罪行把該人移交。
- (4) 締約一方如因不受其控制的情況以致不能移交或接管須被移交的人，即須知會締約另一方。在此情況下，締約雙方須另定新的移交日期，而本條第(3)款的規定須適用。

第十六條

移交財產

- (1) 在被要求方的法律許可的範圍內，當移交逃犯的要求獲批准後，被要求方：
 - (a) 須把所有物件，包括金錢，交予要求方——
 - (i) 可作為有關罪行的證據的物件；或
 - (ii) 被要求移交的人因其所犯罪行而取得並由其管有或其後被發現的物件。
 - (b) 假如有關物件在待決的法律程序中在被要求方的管轄區內可予檢取或充公，可暫時保留或在要求方保證歸還的條件下把物件交給要求方。

- (b) a statement of each offence for which surrender is sought and a statement of the acts and omissions which are alleged against the person in respect of each offence; and
- (c) the text of the legal provisions, if any, creating the offence, and a statement of the punishment which can be imposed therefor and any time limit on the institution of proceedings, or on the execution of any punishment for that offence.

(3) If the request relates to an accused person it shall also be accompanied by a copy of the warrant of arrest issued by a judge, magistrate or other competent authority of the requesting Party and by such evidence as, according to the law of the requested Party, would justify committal for trial if the offence had been committed within the jurisdiction of the requested Party.

(4) If the request relates to a person already convicted or sentenced, it shall also be accompanied by:

- (a) a copy of the certificate of the conviction or sentence; and
- (b) if the person was convicted but not sentenced, a statement to that effect by the appropriate court and a copy of the warrant of arrest; or
- (c) if the person was sentenced, a statement indicating that the sentence is enforceable and how much of the sentence has still to be served.

ARTICLE 10

AUTHENTICATION

- (2) 第(1)款的規定不得損害被要求方的權利或被要求移交的人以外的其他人士的權利。如該等權利存在，須應要求在法律程序結束後在可行的情況下盡快把有關物件歸還被要求方，被要求方無須支付任何費用。
- (3) 如要求方提出要求，有關物件須移交給該方，即使被要求移交的人因死亡或逃脫以致未能把他移交。

第十七條

特定罪行及轉移交

- (1) 已被移交的逃犯，除因下述罪行外，不得因其他在被移交前所犯的任何罪行而被要求方起訴、判刑、拘留或以任何其他形式限制其人身自由：
- (a) 批准移交該人所根據的罪行；
- (b) 該罪行不論如何描述，與批准移交該人所根據的事實實質上相同，但該罪行是根據本協定能把該人移交的罪行，而且該罪行可判處的刑罰不能比就移交該人所根據的罪行而判處的刑罰更重；
- (c) 任何其他在本協定下可批准移交的罪行，而被要求方亦同意就此罪行對該人作出處理；
- 除非該逃犯曾有機會行使權利離開其已被移交往的一方的管轄區，但在四十五天內仍未離開，或在離開後自願重返該管轄區的，則屬例外。
- (2) 已被移交的逃犯不得因其在被移交前所犯罪行而遭轉移交給另一管轄區，惟以下情況，則屬例外：
- (a) 被要求方同意該項轉移交；或

- (1) Documents supporting a request for surrender shall be admitted in evidence as proof of the facts contained therein if duly authenticated. Documents are duly authenticated if they purport to be:
- (a) signed or certified by a judge, magistrate or an official of the requesting Party, and
- (b) sealed with the official seal of a competent authority of the requesting Party.
- (2) Any sworn translation of documents, duly authenticated and submitted in support of a request for surrender shall be admitted for all purposes in proceedings for surrender.

ARTICLE 11

ADDITIONAL INFORMATION

- (1) If the information communicated by the requesting Party is found to be insufficient to allow the requested Party to make a decision in pursuance of this Agreement, the latter Party shall request the necessary supplementary information and may fix a time-limit for receipt thereof.
- (2) If the person whose surrender is sought is under arrest and the additional information furnished is not sufficient in accordance with this Agreement or is not received within the time specified, the person may be discharged. Such discharge shall not preclude the requesting Party from making a fresh request for the surrender of the person.

(b) 該逃犯曾有機會行使權利離開其被移交往的一方的管轄區，但在四十五天內仍未離開，或在離開後自願重返該管轄區。

(3) 根據本條第 (1)(c) 或 (2)(a) 款被要求表示同意的一方，可要求對方提交第九條所述的任何文件或說明，及被移交的人就該事所作的任何陳述書。

第十八條

過境

締約一方在接獲書面要求時，可在其法律許可下批准來自另一管轄區的人在其管轄區過境。批准在其管轄區過境的一方，可要求取得第九條第 (2)(b) 款所述的資料。

第十九條

生效、中止及終止

- (1) 本協定將於締約雙方以書面通知對方已各自遵從為使本協定生效的規定之日期後三十天開始生效。
- (2) 本協定的條文適用於在本協定生效後提出的要求，而不論要求中所列罪行的犯罪日期。
- (3) 締約任何一方均可通過根據第九條第 (1) 款知會的途徑通知另一方隨時中止或終止本協定。要中止本協定只須接獲有關的通知，即告生效。若要終止本協定，在接獲終止的通知後六個月，本協定即告失效。

下列簽署人，經各自政府正式授權，已在本協定上簽字為證。

ARTICLE 12

PROVISIONAL ARREST

- (1) In urgent cases the person sought may, at the discretion of the requested Party and in accordance with its law, be provisionally arrested on the application of the requesting Party.
- (2) The application for provisional arrest shall contain an indication of intention to request the surrender of the person sought, a statement of the existence of a warrant of arrest or a judgment of conviction against that person, information concerning identity, nationality and probable location, a description of the person, a brief description of the offence and the facts of the case and a statement of the sentence that can be or has been imposed for the offence and, where applicable, how much of that sentence remains to be served.
- (3) An application for provisional arrest may be transmitted by any means affording a record in writing through the channel notified under paragraph (1) of Article 9 or through the International Criminal Police Organisation (Interpol).
- (4) The provisional arrest of the person sought shall be terminated upon the expiration of sixty days from the date of arrest if the request for surrender and supporting documents have not been received. The release of a person pursuant to this paragraph shall not prevent the institution or continuation of surrender proceedings if the request and the supporting documents are received subsequently.

本協定一式兩份，以中文、僧伽羅語及英文寫成，並於一九九九年九月三日在香港特別行政區簽訂，各文本均為具有同等效力的真確本。

ARTICLE 13

CONCURRENT REQUESTS

If the surrender of a person is requested concurrently by one of the Parties and a state or jurisdiction with whom Sri Lanka or the Hong Kong Special Administrative Region, whichever is being requested, has an agreement or arrangement for the surrender of fugitive offenders, the requested Party shall make its decision having regard to all the circumstances including the provisions in this regard in any agreements or arrangements in force between the requested Party and the requesting Parties, the relative seriousness and place of commission of the offences, the respective dates of the requests, the nationality and ordinary place of residence of the person sought and the possibility of subsequent surrender to another state or jurisdiction, and furnish the other Party with information in support of its decision in the event of surrender of the person to another state or jurisdiction.

ARTICLE 14

REPRESENTATION AND COSTS

- (1) The requested Party shall make all necessary arrangements for and meet the costs of any proceedings arising out of a request for surrender and shall otherwise represent the interests of the requesting Party.

- (2) If it becomes apparent that exceptional expenses may be incurred as a result of a request for surrender the Parties shall consult with a view to deciding how these expenses will be met.
- (3) The requested Party shall bear the expenses arising out of the arrest and detention of the person whose surrender is sought until that person is surrendered in accordance with Article 15(2). The requesting Party shall bear all subsequent expenses.

ARTICLE 15

ARRANGEMENTS FOR SURRENDER

- (1) The requested Party shall, as soon as a decision on the request for surrender has been made, communicate that decision to the requesting Party.
- (2) When a person is to be surrendered, that person shall be sent by the authorities of the requested Party to such convenient place of departure within that Party's jurisdiction as the requesting Party shall indicate.
- (3) Subject to the provisions of paragraph (4) of this Article, the requesting Party shall remove the person within the period specified by the requested Party and if the person is not removed within that period the requested Party may refuse to surrender that person for the same offence.
- (4) If circumstances beyond its control prevent a Party from surrendering or taking over the person to be surrendered, it shall

notify the other Party. In that case, the two Parties shall agree to a new date for surrender and the provisions of paragraph (3) of this Article shall apply.

ARTICLE 16

SURRENDER OF PROPERTY

- (1) To the extent permitted under the law of the requested Party, when a request for surrender of a fugitive offender is granted, the requested Party:
 - (a) shall hand over to the requesting Party all articles, including sums of money,
 - (i) which may serve as proof of the offence; or
 - (ii) which have been acquired by the person sought as a result of the offence and are in that person's possession or are discovered subsequently;
 - (b) may, if the articles in question are liable to seizure or confiscation within the jurisdiction of the requested Party in connection with pending proceedings, temporarily retain them or hand them over on condition they are returned.
- (2) The provisions of paragraph (1) shall not prejudice the rights of the requested Party or of any person other than the person sought. When such rights exist the articles shall on request be returned to the requested Party without charge as soon as practicable after the end of the proceedings.

- (3) The articles in question shall, if the requesting Party so requests, be surrendered to that Party even if the surrender cannot be carried out due to the death or escape of the person sought.

ARTICLE 17

SPECIALTY AND RESURRENDER

- (1) A fugitive offender who has been surrendered shall not be proceeded against, sentenced, detained or subjected to any other restriction of personal liberty by the requesting Party for any offence committed prior to his surrender other than:
- (a) the offence or offences in respect of which his surrender was granted;
 - (b) an offence, however described, based on substantially the same facts in respect of which his surrender was granted, provided such offence is one for which he could be surrendered under this Agreement, and provided further such offence is punishable by a penalty no more severe than the penalty for the offence for which he was surrendered;
 - (c) any other offence for which surrender may be granted under this Agreement in respect of which the requested Party may consent to his being dealt with,

unless he has first had an opportunity to exercise his right to leave the jurisdiction of the Party to which he has been surrendered and he has not done so within forty-five days or has voluntarily returned to that jurisdiction having left it.

- (2) A fugitive offender who has been surrendered shall not be re-surrendered to another jurisdiction for an offence committed prior to his surrender unless:
- (a) the requested Party consents to such re-surrender; or
 - (b) he has first had an opportunity to exercise his right to leave the jurisdiction of the Party to which he has been surrendered and has not done so within forty-five days or has voluntarily returned to that jurisdiction having left it.
- (3) A Party whose consent is requested under paragraphs (1)(c) or (2)(a) of this Article may require the submission of any document or statement referred to in Article 9, and any statement made by the surrendered person on the matter.

ARTICLE 18

TRANSIT

To the extent permitted by its law, transit of a person through the jurisdiction of either Party to the other Party from another jurisdiction may be granted on a request in writing. The Party through whose jurisdiction transit will occur may request the information referred to in paragraph (2)(b) of Article 9.

ARTICLE 19

ENTRY INTO FORCE SUSPENSION AND
TERMINATION

- (1) This Agreement shall enter into force thirty days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of this Agreement have been complied with.
- (2) The provisions of this Agreement shall apply to requests made after its entry into force regardless of the date of the commission of the offence or offences set out in the request.
- (3) Each of the Parties may suspend or terminate this Agreement at any time by giving notice to the other through the channel notified under paragraph (1) of Article 9. Suspension shall take effect on receipt of the relevant notice. In the case of termination the Agreement shall cease to have effect six months after the receipt of notice to terminate.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done at the Hong Kong Special Administrative Region, this third day of September One thousand nine hundred and ninety nine in the Chinese, Sinhala and English languages, each text being equally authentic.