

《逃犯(新加坡)令》
(第 503 章，附屬法例 Q)

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FUGITIVE OFFENDERS (SINGAPORE) ORDER
(Cap. 503 sub. leg. Q)

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《逃犯(新加坡)令》

(第 503 章第 3 條)

FUGITIVE OFFENDERS (SINGAPORE) ORDER

(Cap. 503 section 3)

[1998 年 6 月 11 日] 1998 年第 236 號法律公告

[11 June 1998] L.N. 236 of 1998

1. (已失時效而略去)
2. 條例中的程序在香港和新加坡共和國之間適用
關於——
 - (a) 適用於中華人民共和國香港特別行政區政府和新加坡共和國政府，並且
 - (b) 在附表中敘述，的移交逃犯安排，現特指示，本條例中的程序在該等安排所載的限制、約束、例外規定及約制的規限下，在香港和新加坡共和國之間適用。

1. (Omitted as spent)
2. **Procedures in Ordinance to apply between Hong Kong and Republic of Singapore**
In relation to the arrangements for the surrender of fugitive offenders which are—
 - (a) applicable to the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Republic of Singapore; and
 - (b) recited in the Schedule,it is hereby directed that the procedures in the Ordinance shall apply as between Hong Kong and the Republic of Singapore subject to the limitations, restrictions, exceptions and qualifications contained in those arrangements.

附表

[第 2 條]

中華人民共和國香港特別行政區政府
和新加坡共和國政府
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，與新加坡共和國政府，

願訂立相互移交逃犯的規定，

協議如下：

第一條
移交的義務

締約雙方同意，按照本協定所訂定的條文，把任何被控告或被裁定在締約一方管轄區內觸犯本協定第二條所列的罪行，並在另一方管轄區內發現的人移交給對方。

第二條
罪行

- (1) 凡犯以下所描述的任何罪行，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不少於一年或可判處更嚴厲刑罰的逃犯，均須准予移交：
- (a) (i) 任何等級的謀殺罪；
- (ii) 誤殺或應受懲處的殺人罪；

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 REPUBLIC OF
SINGAPORE
FOR THE 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 Republic of Singapore:

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

- (iii) 犯有關墮胎法律的罪行；
- (iv) 惡意或蓄意傷人或嚴重傷害他人身體；
- (v) 侵犯他人致造成身體傷害；
- (vi) 強姦；
- (vii) 與女性進行非法的性交；
- (viii) 猥褻侵犯；
- (ix) 誘使或販賣婦女或青年作不道德勾當；
- (x) 重婚；
- (xi) 綁架、拐帶或非法拘禁或販買奴隸；
- (xii) 拐帶、遺棄、扔棄或非法羈留兒童；
- (xiii) 賄賂；
- (xiv) 偽證或唆使他人作偽證或串謀妨礙司法公正；
- (xv) 縱火；
- (xvi) 犯與偽鈔有關的罪行；
- (xvii) 觸犯與偽造有關的法律的罪行；
- (xviii) 偷竊、盜用公款、欺詐性侵佔、欺詐性偽造帳目、以欺騙手段取得財物或信貸、收受贓物或任何其他與財物有關而涉及欺詐行為的罪行；
- (xix) 入屋犯法、爆竊或犯任何同類的罪行；
- (xx) 搶劫罪；
- (xxi) 勒索或以恐嚇或濫權手法進行敲詐；
- (xxii) 觸犯破產法律或公司法律的罪行；
- (xxiii) 惡意或蓄意損壞財物；
- (xxiv) 意圖危害車輛、船舶或航空器的行為；
- (xxv) 觸犯有關危險藥物或毒品的法律的罪行；
- (xxvi) 海盜行為；

OBLIGATION TO SURRENDER

The Parties agree to surrender to each other, subject to the provisions laid down in this Agreement, any person who, being accused or convicted of an offence under Article 2 committed within the jurisdiction of the one Party, is found within the jurisdiction of the other Party.

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 not less than one year, or by a more severe penalty:
 - (a) (i) murder of any degree;
 - (ii) manslaughter or culpable homicide;
 - (iii) an offence against the law relating to abortion;
 - (iv) maliciously or wilfully wounding or inflicting grievous bodily harm;
 - (v) assault occasioning actual bodily harm;
 - (vi) rape;
 - (vii) unlawful sexual intercourse with a female;
 - (viii) indecent assault;
 - (ix) procuring, or trafficking in, women or young persons for immoral purposes;
 - (x) bigamy;

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- (xxvii) 反抗船長或機長的權力；
- (xxviii) 違反與寶石、黃金及其他貴重金屬有關的進出口禁制的罪行；
- (xxix) 騎劫及其他危害航空器安全的行為；
- (xxx) 根據締約雙方的法律可准予移交的任何其他罪行；及
- (b) 協助及教唆，或慫使或促致他人犯本條第 (a) 段所述的任何罪行，或在犯該等罪行前或後是從犯，或企圖或串謀犯該等罪行。
- (2) 倘若要求移交逃犯的目的是為了執行判刑，而餘下未服滿的監禁或拘留期少於四個月，除非被要求方信納要求方有充分理由要求移交逃犯，否則可拒絕移交有關逃犯。
- (3) 就本條而言，在決定一項罪行是否根據締約雙方的法律屬可判罰的罪行時，須考慮被要求移交的人被指稱的作為或不作為的全部，而不須顧及要求方法律所規定的罪行構成因素。
- (4) 就本條第 (1) 款而言，如構成罪行的作為或不作為在犯罪時候觸犯要求方的法律，而在接獲移交要求時在被要求方亦屬罪行，則該罪行根據締約雙方的法律均屬罪行。
- (5) 當要求移交逃犯的目的是為了執行判刑時，如逃犯看似是在缺席的情況下被定罪，則被要求方可拒絕把他移交，除非他有機會在他出席的情況下獲得重審，而在此情況下他須被視為本協定範圍內的被告人。

第三條 國民的移交

SCHEDULE—ARTICLE 2

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- (xi) kidnapping, abduction or false imprisonment, or dealing in slaves;
- (xii) stealing, abandoning, exposing or unlawfully detaining a child;
- (xiii) bribery;
- (xiv) perjury or subornation of perjury or conspiring to defeat the course of justice;
- (xv) arson;
- (xvi) an offence concerning counterfeit currency;
- (xvii) an offence against the law relating to forgery;
- (xviii) stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud;
- (xix) burglary, house-breaking or any similar offence;
- (xx) robbery;
- (xxi) blackmail or extortion by means of threats or by abuse of authority;
- (xxii) an offence against bankruptcy law or company law;
- (xxiii) malicious or wilful damage to property;
- (xxiv) acts done with the intention of endangering vehicles, vessels or aircraft;
- (xxv) an offence against the law relating to dangerous drugs or narcotics;
- (xxvi) piracy;
- (xxvii) revolt against the authority of the master of a ship or the commander of an aircraft;
- (xxviii) contravention of import or export prohibitions relating to precious stones, gold and other precious metals;

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- (1) 香港特別行政區政府有權拒絕移交中華人民共和國的國民。新加坡共和國政府有權拒絕移交其國民。
- (2) 被要求方行使此項權利時，要求方可要求將有關案件提交被要求方的主管當局，以便考慮對該人進行檢控。
- (3) 有關被移交人士的國籍須以要求移交所根據的罪行發生時為準。

第四條 移交根據

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者被控告所犯罪行在被要求方的境內觸犯，該罪行屬表面證據成立的案件，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。

第五條 強制拒絕移交

- (1) 如被要求方有充分理由相信以下事項，則不得移交該名逃犯：
 - (a) 該人被控告或被裁定的罪行屬政治性質的罪行；
 - (b) 提出移交要求（雖然聲稱是因為一項可予以移交的罪行）的目的實際上是因為其種族、宗教、國籍或政治意見而檢控或懲罰該人；或
 - (c) 該人一經交回，可能因其種族、宗教、國籍或政治意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) 如有關逃犯已受審及獲釋或受罰，或已獲赦或根據要求方或被要求方的法律，不能對有關要求所述的任何罪行進行起訴，則不得就該罪行或構成該罪行的同樣作為或不作為的任何其他罪行移交逃犯。

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- (xxix) hijacking and other acts endangering safety of aircraft;
- (xxx) any other offences for which surrender may be granted in accordance with the laws of both Parties; and
- (b) aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit, any of the offences listed in paragraph (a) of this Article.
- (2) Where surrender is requested for the purpose of carrying out a sentence and the period of imprisonment or detention which remains to be served is less than four months, the requested Party may refuse surrender unless it is satisfied that the requesting Party has substantial grounds for requesting surrender.
- (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 without reference to the elements of the offence prescribed by the law of the requesting Party.
- (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 act or omission 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 is requested for the purpose of carrying out a sentence the requested Party may refuse to surrender him if it appears that the conviction was obtained in his absence, unless he has the opportunity to have his case retried

第六條
酌情拒絕移交

- (1) 按照本協定的條款要求移交任何人時，如被要求方的有關當局認為基於下列原因，在考慮到所有情況後，把該人交回是不公平或壓迫性的，則可拒絕移交：
 - (a) 該人被控告或判定的罪行性質輕微；或
 - (b) 該人被指稱觸犯罪行已有相當時間，或該人已非法逃匿相當時間；或
 - (c) 對該人的控告並非真誠地為司法公正而作出；或
 - (d) 移交該人可能引起與年齡或健康有關的極嚴重效果。
- (2) 遇下列情況，被要求方亦可拒絕移交逃犯：
 - (a) 新加坡政府是被要求方，而移交逃犯將會對該國政府在國防或外交事務方面的利益有極大影響；
 - (b) 香港特別行政區政府是被要求方，而移交逃犯將會對中華人民共和國政府在國防或外交事務方面的利益有極大影響。
- (3) 如被要求方認為移交可引致其違反其根據國際條約須履行的義務，則可拒絕移交。
- (4) 當新加坡共和國政府是被要求方時，如被要求移交的逃犯為駐於被要求方領土的第三國武裝部隊成員，則被要求方不須移交該名逃犯。上述規定亦適用於與該等武裝部隊成員一同服役的文職人員及該等部隊成員及文職人員的受扶養人。

第七條
延遲移交

in his presence, in which case he shall be considered as an accused person under this Agreement.

ARTICLE 3

SURRENDER OF NATIONALS

- (1) 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. The Government of the Republic of Singapore reserves the right to refuse the surrender of its nationals.
- (2) Where the requested Party exercises this right, the requesting Party may request that the case be submitted to the competent authorities of the requested Party in order that proceedings for prosecution of the person may be considered.
- (3) The nationality of the person whose surrender is sought shall be determined at the time of the commission of the offence for which surrender is requested.

ARTICLE 4

BASIS FOR SURRENDER

A person shall be surrendered only if the evidence be found sufficient, according to the law of the requested Party, either to establish a prima facie

被要求移交者如因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區內被起訴或受懲罰，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。

case of the offence of which that person is accused if the offence had been committed in the territory of the requested Party or to establish that the person sought is the person convicted by the courts of the requesting Party.

第八條 移交要求及支持文件

ARTICLE 5

- (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) 有關被要求移交者的盡可能準確的描述，和其他可助確定該人的身分、國籍和所在地的資料；
 - (b) 要求移交所根據的各項罪行的說明，和就每項罪行說明被要求移交者被指稱的作為或不作為；及
 - (c) 如有關罪行乃根據法律條文而訂立，須提供法律條文內容，以及說明該罪行可判處的懲罰和就該罪行提出訴訟或執行所判處的任何懲罰的時限。
- (3) 如移交要求所涉及的人的身分是被告人，要求方須隨同移交要求提交一份由要求方的法官、裁判官或其他主管當局發出的逮捕令的副本及有關證據，該證據須足以證明根據被要求方的法律，假如該人被控告所犯罪行發生在被要求方的管轄區內，該罪行屬表面證據成立的案件。
- (4) 如移交要求所涉及的人是已被定罪或被判刑的人，則須一併提交：
 - (a) 定罪或判刑證明書副本；及
 - (b) 倘該人被定罪但未被判刑，由有關法院就此發出的說明及逮捕令副本；或

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 his or her 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) A fugitive offender who has already been tried and discharged or punished, or pardoned or whose prosecution is barred under the law of the requesting or requested Party for any offence set out in the request shall not be surrendered for that offence or for any other offence constituted by the same act or omission as that offence.

- (c) 如該人已被判刑，一份顯示該項判刑屬可強制執行和未服刑期尚有多少的說明。

第九條 確認

- (1) 支持移交要求的文件如經正式確認，須被接受作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) 經要求方的法官或裁判官證明為載有或紀錄上述證據的正本或該文件的真確副本；及
- (b) 經要求方的主管當局蓋上官方印章。
- (2) 由要求方提供用以支持移交要求的文件經確認譯本，須在移交訴訟中被接受作所有有關用途。

第十條 文件的語文

按照本協定提交的所有文件，須按被要求方每次所指定，以被要求方使用的一種法定語文寫成，或翻譯成該種被要求方的法定語文。

第十一條 補充資料

- (1) 如要求方提供的資料不足，以致被要求方不能根據本協定作出決定，被要求方須要求提供所需的補充資料。被要求方可指定提交上述資料的期限。如要求方陳明理由提出申請，被要求方可把期限合理地延長。

ARTICLE 6

DISCRETIONARY REFUSAL OF SURRENDER

- (1) The surrender of any person sought under the terms of this Agreement may be refused if it appears to the appropriate authority of the requested Party that:
- (a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- (b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large as the case may be; or
- (c) because the accusation against him is not made in good faith in the interests of justice; or
- (d) because such surrender would be likely to entail exceptionally serious consequences related to age or health, it would, having regard to all the circumstances, be unjust or oppressive to return him.
- (2) The requested Party may also refuse to surrender a fugitive offender:
- (a) where the Government of Singapore is the requested Party, the surrender would significantly affect the interests of the Government of Singapore in matters of defence or foreign affairs;
- (b) where the Government of the Hong Kong Special Administrative Region is the requested Party, the surrender would significantly affect the interests of the Government

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- (2) 如被要求移交者已被逮捕，而所提供的補充資料根據本協定並不足夠或沒有在指定時間內取得，該人可被釋放。按此釋放被捕的人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，被要求方可應要求方的申請，酌情決定按照法律的規定，臨時拘捕被要求移交者。
- (2) 暫時逮捕的申請書須載有要求移交該人的意向、該人的逮捕令或被定罪判決書經已作出的說明、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、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八條第(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。

第十三條
同時要求

如締約一方和一個與新加坡共和國或香港特別行政區(即被要求的一方)有移交被控告及被定罪人的協定或安排的國家同時要求移交某人，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中的有關係文規定、所涉及罪行的相對嚴重性及犯罪地點、各方提

of the People's Republic of China in matters of defence or foreign affairs.

- (3) Surrender may also be refused if the requested Party considers that the surrender might place that Party in breach of its obligations under an international treaty.
- (4) Where the Government of the Republic of Singapore is the requested Party, the requested Party shall not be required to surrender a fugitive offender who is a member of the armed forces of a third state stationed in the territory of the requested Party. The same shall apply to a civilian accompanying and serving with those armed forces and to the dependents of any such member or civilian.

ARTICLE 7

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.

ARTICLE 8

出移交要求的日期、被要求移交者的國籍和通常居住的地方、以及其後被移交往另一個國家的可能性。被要求方如果決定把該人移交另一管轄區，須將其決定通知要求方。

第十四條 代表及開支

- (1) 被要求方須為因移交逃犯要求而須進行的任何訴訟程序所需法律代表及援助作出所有必要的安排。如移交要求由香港特別行政區提出，須由新加坡的檢察總長或他所委託或任命的律師負責進行訴訟程序。如移交要求由新加坡提出，則須由主管律政當局根據香港特別行政區的法律和慣例進行訴訟程序。
- (2) 因移交要求或進行移交而在被要求方的管轄區內引起的開支，須由被要求方負擔。如因移交要求明顯地會引起特殊性質的開支，則締約雙方須進行磋商，以決定如何支付這些開支。
- (3) 要求方須負擔移交後的一切開支。

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) 如決定把某人移交，須在被要求方當局的看守下，把該人送往被要求方管轄區內方便離境的地點。
- (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，如果該人在該期間內未被帶走，被要求方可拒絕因同一罪行把該人移交。

THE REQUEST AND SUPPORTING DOCUMENTS

- (1) Requests for surrender and related documents shall be conveyed through the appropriate authorities 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;
 - (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 establish a prima facie case of the offence of which that person is accused 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

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SCHEDULE—ARTICLE 9

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- (4) 締約一方因不受其控制的情況以致不能移交或接收被移交者，須知會締約另一方。在此情況下，雙方須另行商定移交的新日期，而本條第(3)款的規定將適用。

第十六條
移交財產

- (1) 在被要求方法律容許的範圍內，如逃犯在被逮捕時所擁有的財產(包括金錢)，可作為獲准移交所涉及罪行的證據，被要求方可沒收並向要求方移交所有這些財產。
- (2) 如有關財產可在被要求方的管轄區內遭沒收或充公，被要求方可為未決的訴訟暫時保留該等財產或在會獲歸還的條件下把該等財產交給要求方。
- (3) 此等規定不得損害被要求方的權利或除被要求移交者以外其他人士的權利。如該等權利存在，要求方須於訴訟程序結束後盡快歸還該等財產，不收取任何費用。

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，不得因其在被移交前所犯的任何其他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，是因批准移交該人所根據的事實而揭發的，但該項罪行須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重於就移交該人所根據的罪行而判處的刑罰；

- (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 9

AUTHENTICATION

- (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) certified by a judge or magistrate of the requesting Party to be the original document containing or recording that evidence or a true copy of such a document; and
- (b) sealed with the official seal of a competent authority of the requesting Party.
- (2) An authenticated translation of documents submitted in support of a request for surrender provided by the requesting Party shall be admitted for all purposes in proceedings for surrender.

ARTICLE 10

但如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，但在四十天內仍未離開，或在離開該管轄區後自願重返該地，則屬例外。

- (2) 已被移交的逃犯不得由於其在被移交前所犯罪行而遭轉移交給另一管轄區。

第十八條
同意移交

- (1) 如被要求移交者同意被移交予要求方，則被要求方可按照本身法律，無須作進一步處理程序而盡快把該人移交。
- (2) 在被要求方法律的規定範圍內，第十七條的規定適用於按本條移交的人。

第十九條
生效及終止

- (1) 締約雙方須在各自履行為使本協定生效的規定後，以書面通知對方。本協定由較後發出的通知的發出日期起計三十天後生效。
- (2) 本協定的條文將適用於本協定生效後提出的移交要求，而無須理會移交要求所列的犯罪日期。
- (3) 締約一方可隨時通過第八條第(1)款的規定所知會的渠道通知締約另一方終止本協定。本協定於締約另一方接獲終止通知的六個月後停止生效。

下列簽署人，經其各自政府正式授權，已在本協定上簽字為證。

LANGUAGE OF DOCUMENTATION

All documents submitted in accordance with this Agreement shall be in, or translated into, an official language of the requested Party, to be specified by the requested Party in each case.

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 additional information. The requested Party may fix a time-limit for the submission of such information and may grant a reasonable extension of the time-limit upon the application of the requesting Party setting forth reasons therefor.
- (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.

ARTICLE 12

本協定以中文及英文寫成，並於一九九七年十一月十一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。

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 8 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.

ARTICLE 13

CONCURRENT REQUESTS

If the surrender of a person is requested concurrently by one of the Parties and a state with whom the Republic of Singapore or the Hong Kong Special Administrative Region, whichever is being requested, has agreements or arrangements for the surrender of accused and convicted persons, the requested Party shall make its decision having regard to all the circumstances including the provisions in this regard in any agreements 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. The requested Party shall notify the requesting Party of its decision in the event of surrender of the person to another jurisdiction.

ARTICLE 14

REPRESENTATION AND COSTS

- (1) The requested Party shall make all necessary arrangements for legal representation and assistance in any proceedings arising out of requests for the surrender of a fugitive offender. In the case of requests made by the Hong Kong Special Administrative Region, the Attorney-General of Singapore or counsel instructed or appointed by him shall conduct the proceedings. In the case of requests made by Singapore, the proceedings shall be conducted by the competent legal authorities in accordance with the law and practice of the Hong Kong Special Administrative Region.

- (2) Expenses incurred in the jurisdiction of the requested Party arising from the request or by reason of surrender shall be borne by that Party. If it becomes apparent that expenses of an extraordinary nature are likely to be incurred, the Parties shall consult each other to determine how these expenses shall be met.
- (3) The requesting Party shall bear all expenses following the surrender.

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 delivered under the custody of the authorities of the requested Party to a convenient place of departure within that Party's jurisdiction.
- (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.

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- (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 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 its law, the requested Party may seize and surrender to the requesting Party all property (including sums of money) found in the possession of the fugitive offender at the time of his arrest which may serve as proof of the offence in respect of which surrender is granted.
- (2) If the property in question is liable to seizure or confiscation within the jurisdiction of the requested Party the latter may, in connection with pending proceedings, temporarily retain it or hand it over on condition it is returned.
- (3) These provisions shall not prejudice the rights of the requested Party or of any person other than the person sought. When such rights exist the property shall on request be returned to the requested Party without charge as soon as possible after the end of the proceedings.

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, disclosed by the 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,
- 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 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.

ARTICLE 18

SURRENDER BY CONSENT

- (1) If the person sought consents to surrender to the requesting Party, the requested Party may, in accordance with its laws, surrender the person as expeditiously as possible without further proceedings.
- (2) To the extent required under the law of the required Party, the provisions of Article 17 shall apply to a person surrendered pursuant to this Article.

ARTICLE 19

ENTRY INTO FORCE AND TERMINATION

- (1) The Parties shall notify each other in writing after their respective requirements for the entry into force of this Agreement have been complied with. This Agreement shall enter into force thirty days from the date of the later notification.
- (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 terminate this Agreement at any time by giving notice to the other through the channel notified under paragraph (1) of Article 8. Termination of this Agreement shall 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 eleventh day of November One thousand nine hundred and ninety seven in the Chinese and English languages, each text being equally authentic.