

第 525 章  
[附屬法例]

附表 2

Schedule 2

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附表 2

[第 2 條]

Schedule 2

[s. 2]

指明對本條例作出的變通

Specifications of Modifications to the Ordinance

1. 本條例第 5(1)(e) 條現予變通至如下所示——
  - “(e) 該項請求關乎因外地罪行而對某人進行的檢控，而——\*
    - (i)\* 該人已就該外地罪行或由構成該外地罪行的同一作為或不作為所構成的另一外地罪行，被有關地方或香港\* 的管轄法院或其他當局定罪、裁定無罪或赦免→\*\*；\* 或
    - (ii)\* 該人已就該外地罪行或由構成該外地罪行的同一作為或不作為所構成的另一外地罪行，\*已\*\* 接受該地方或香港的\* 法律所規定的懲罰；”。
2. 本條例第 5(1) 條現予變通，加入——
  - “(ea) 該項請求關乎就某作為或不作為而對某人進行的檢控，而假使該作為或不作為是在香港發生，便會因時效消失而不再能夠在香港予以檢控；\*”。
3. 本條例第 17(3)(b) 條現予變通至如下所示——
  - “(b) 該人可自由離開香港並接獲通知他已無須為下述任何目的逗留，但他沒有在接獲該通知後的 30 天內離開香港\* 在有機會離開香港的情況下仍留在香港，但並非為下述目的而留在香港\*\*——
    - (i) 該項請求所關乎的目的；或\*\*

1. Section 5(1)(e) of the Ordinance is modified to read as follows—
  - “(e) the request relates to the prosecution of a person for an external offence in a case where the person—\*
    - (i)\* has been convicted, acquitted or pardoned by a competent court or other authority in the place,\*\* or Hong Kong in respect of that offence or of another external offence constituted by the same act or omission as that offence,\* or
    - (ii)\* has undergone the punishment provided by the law of that place or Hong Kong\*,\*\* in respect of that offence or of another external offence constituted by the same act or omission as that offence;”.
2. Section 5(1) of the Ordinance is modified by adding—
  - “(ea) the request relates to the prosecution of a person in respect of an act or omission that, if it had occurred in Hong Kong, could no longer be prosecuted in Hong Kong by reason of lapse of time,\*”.
3. Section 17(3)(b) of the Ordinance is modified to read as follows—
  - “(b) the person, being free to leave Hong Kong, has not left Hong Kong within a period of 30 days after being notified that the person's presence is no longer required for any of the following purposes\* has had an opportunity of leaving Hong Kong and has remained in Hong Kong otherwise than for\*\*—
    - (i) the purpose to which the request relates; or\*\*

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(ii) 為給予香港刑事事宜方面的協助的目的，而該刑事事宜屬律政司司長以書面證明適宜由該人就該事宜給予協助的。”。

\* 劃上底線的字句屬增訂部分。(劃上底線是為了使該項變通易於識別)。

\*\* 劃上橫線的字句屬刪除部分。(劃上橫線是為了使該項變通易於識別)。

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(ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the Secretary for Justice to be a criminal matter in relation to which it is desirable that the person give assistance.”.

\* The text underlined is added. (The underlining is for ease of identifying the modification).

\*\* The text crossed out is deleted. (The crossing out is for ease of identifying the modification).