

WORLD FACTBOOK OF CRIMINAL JUSTICE SYSTEMS

Hong Kong

Ian Dobinson
City Polytechnic of Hong Kong

This country report is one of many prepared for the World Factbook of Criminal Justice Systems under Bureau of Justice Statistics grant no. 90-BJ-CX-0002 to the State University of New York at Albany. The project director was Graeme R. Newman, but responsibility for the accuracy of the information contained in each report is that of the individual author. The contents of these reports do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

GENERAL OVERVIEW

1. Political System.

The criminal justice system of Hong Kong suffers from over bureaucratization and a lack of coordination. In general, Departments and agencies are administered by the executive, with the Governor as its head. Under S4 of the Police Force Ordinance (Cap 232), for example, the Commissioner is directly accountable to the Governor. For the other main agencies, direct administrative responsibility lies with other senior members of the executive.

The decision to prosecute is determined by the Attorney General while corrections are administered by the Departments of Correctional Services and Social Welfare, which are the responsibility of the Secretaries of Security and Social Welfare, respectively. The judiciary has apparent independence. However, the powers of the Governor to appoint both judges and magistrates, as delegated by the Queen, may be seen as hampering true independence.

2. Legal System.

While there are important differences, the structure of the government and criminal justice system of Hong Kong is the same as other British colonies. Like other colonies, early priorities of the criminal justice system centered on the control of the indigenous population and protection of borders. This approach is still followed today. All Hong Kong residents, for example, must have and are required to carry identity cards. The police have the power to randomly stop and request production of these cards. In addition, the powers of the Royal Hong Kong Police are more extensive compared to those of their British counterparts. (Immigration Ordinance Cap 115, S17).

As a British colony, Hong Kong has inherited a common law

system based on an adversarial system of justice. As specified by the Joint Declaration, such a system is to remain in tact for at least 50 years after 1997, in contrast to the largely inquisitorial system of the People's Republic of China. In this regard, much of English case law governs the law of Hong Kong.

Many pieces of Hong Kong's legislation, such as the Theft Act and the Theft Ordinance (Cap 210), are duplications of English Acts. However, some criminal legislation is specific to Hong Kong. For example, the Societies Ordinance (Cap 151) deals with Triads and the Prevention of Bribery Ordinance, (Cap 201) covering offenses relating to the bribery and corruption in the public and private sectors.

3. History of the Criminal Justice System.

Hong Kong is best described as a city/state comprising only 275 square miles in area. It was first founded in 1842, when as part of the settlement imposed on China after Great Britain's victory in the First Opium War (the Treaty of Nanjing), Hong Kong Island was ceded to Britain in perpetuity. A similar fate befell China in 1860 when it was forced to cede the Kowloon Peninsula after its defeat in the Second Opium War. Finally, in 1898 after China's defeat by Japan, Britain was granted a 99 year lease on the New Territories. This lease will expire in 1997 and in accordance with the Sino/British Joint Declaration of 1984, all of Hong Kong will be returned to the People's Republic of China (PRC), thereafter becoming a Chinese Special Administrative Region (SAR).

The Joint Declaration and Basic Law, which comprise the constitutional framework for Hong Kong post-1997, provides for a one country/two systems approach. The terms of the arrangement allow for the maintenance of the current systems of government and justice for a period of at least 50 years following the end of the lease.

CRIME

1. Classification of Crime.

* Legal classification. Procedurally, crimes are classified as being indictable or summary. To some extent, this distinction also represents a serious and less serious dichotomy. In the most serious of offenses such as murder, rape and serious drug trafficking, cases must be tried by indictment in the High Court, usually before a judge and jury. In addition, crimes such as theft, burglary and less serious drug offenses may be tried by indictment, usually before a single judge in the District Court. They may also be tried summarily before a Magistrate. The decision as to the location of the trial is at the discretion of the Attorney General. Offenses such as careless driving and illegal gambling are triable only summarily.

* Age of criminal responsibility. The age of criminal responsibility in Hong Kong is 7. Under this age there is an irrebuttable presumption of innocence. Between the ages of 7 and 14, the prosecution may rebut this presumption of innocence by demonstrating that the child had a mischievous discretion, meaning the child was aware of having committed a wrongdoing.

* Drug offenses. It is an offense to use, possess, supply, traffick, manufacture, or grow all drugs listed under Part I of the

First Schedule of the Dangerous Drugs Ordinance Cap 134. This list includes heroin, cocaine, marijuana, morphine and its derivatives, opium, and amphetamines.

2. Crime Statistics.

Police statistics are the most widely used form of crime records in Hong Kong. They are based on those crimes "known to the police". Such statistics arise from reports by the public and detection by the police. Other statistics provided by the police include the rate of detection (clear-up) and crime rates.

Offenses are usually categorized by the relevant section of the Laws of Hong Kong (Ordinances) but may also utilize an administrative police category for specific counting purposes, for example "robbery involving pistol-like object". Such statistics include the crimes of attempt and conspiracy as they relate to a specific substantive offense.

* Murder. In 1992, 108 cases of murder/manslaughter were reported by police. Attempts are included.

* Rape. In 1992, 116 cases of rape were reported by police. Attempts are included.

* Robbery with firearms. In 1992, 46 cases of robbery with firearms were reported by police. Attempts are included.

* Serious drug offense. In 1992, 421 cases of trafficking in dangerous drugs were reported by police.

* Crime regions. Information not available.

VICTIMS

1. Groups Most Victimized by Crime.

Since 1979, four Victim Surveys have been carried out in Hong Kong (e.g. 1979, 1982, 1986 and 1989). These surveys have focused on the level of victimization and the reporting of crimes to police. Types of victimizations are divided between personal (e.g. rape, assaults, robbery and theft) and household (e.g. burglary, car theft and criminal damage).

The surveys indicate that persons between 12 and 19 and 30 and 39 years-old are the most victimized, particularly in crimes of theft such as snatching or pick-pocketing. In relation to these types of theft, it was found that women had the highest overall victimization rate. Persons most likely to be victims of violent crime were male and between 12 and 19 years-old. The overall rate of crime reporting was 34%.

2. Victims' Assistance Agencies.

Victim assistance services are very limited, being provided mainly by voluntary agencies. Services include assistance for battered wives and rape victims.

Victims of serious crime are not cared for very well in Hong Kong. Victims may seek compensation from the offender (Compensation Order), although there are inherent problems in this process. Victims can also apply for compensation from the Government through the Criminal and Law Enforcement Injuries Compensation Board.

Compensation of this kind is made only in cases of serious personal injury resulting from crimes of violence and would not cover, for example, serious psychological damage.

3. Role of Victim in Prosecution and Sentencing.

Victims have no role in the prosecution process or in sentencing.

4. Victims' Rights Legislation.

There is no victims' rights legislation.

POLICE

1. Administration.

The original model for the structure and administration of the Royal Hong Kong Police Force was the Royal Irish Constabulary. Accordingly, its para-military style force is reflected, most notably, in its ranking structure, training (e.g. extensive use of drill), weaponry and operations.

The Hong Kong police force is a hierarchical organization, headed by the Commissioner, who is directly responsible to the Governor. Below the Commissioner are 3 Deputy Commissioners and 4 Senior Assistant Commissioners who head up the Departments of Operations, Special Branch, Personnel and Training and Management and Inspection. The Police Civil Secretary is a fifth Department and represents the civil servant part of the Force. Departments are further divided into specialized units, such as the Narcotics Bureau, and are usually headed by a Chief Superintendent or Senior Superintendent. This ranking structure then proceeds down to Chief Inspector, Inspector and finally, Constable.

At an organizational level, there is one main headquarters and 6 regional headquarters. Each region is divided into a number of districts. Primary police functions are reflected by the division of each headquarters into wings, including, operations, administration, regional crime and traffic. One specialist region is the Marine Police.

In addition to the Royal Hong Kong Police Force (RHKPF), there is also an Auxiliary Police Force. This force is currently composed of approximately 5,800 officers who supplement the operations of the regular force on a daily basis. They have the same powers as the RHKPF and are also armed.

2. Resources.

* Expenditures. As one of the world's largest forces, the Hong Kong Police Force a large budget, currently at approximately \$HK6.6 billion or 6.4% of total government expenditure.

* Number of police. The Hong Kong police force is one of the world's largest, with a ratio of 1 officer per 210 citizens. There are currently over 27,000 officers.

Initially, the police was largely dominated by expatriates both in number and rank. Gradually this has changed to where 97% of the police force are ethnic Chinese officers. The ranks held by Chinese officers have also improved, although the expatriates, particularly the British, still hold the majority of senior ranks above superintendent. The Commissioner is Chinese.

3. Technology.

* Availability of police automobiles. While the RHKPF relies heavily on a "walking the beat" approach to street policing, it is also well equipped with general and specific types of transport. For instance, jeeps are used for border patrol. As of 1993, the Transport Branch had 2,272 vehicles, including 771 motorcycles.

* Electronic equipment. With a budget of \$6.6 billion, the RHKPF is technologically well-equipped. Police operations are facilitated by a highly sophisticated system called the "Enhanced Computer Assisted Command and Control System". This is further integrated with an information retrieval system. Future developments include a Station Information Communal System, which when implemented, will result in a largely "paperless" station environment.

* Weapons. As a para-military police force, the RHKPF is well armed. In response to a recent increase in the use of high powered weapons and explosives by criminals, officers are now equipped with improved pistols and ammunition. They also have access to more sophisticated automatic and semi-automatic weaponry. Training in weapons use has been recently upgraded to include state-of-the-art interactive audio/visual systems.

4. Training and Qualifications.

Extensive initial and continuing training programs are provided at both the lower and senior ranks. Newly recruited Constables undertake a 24 week basic training course at the Police Academy. The recruitment policy of the RHKPF also allows for direct entry at the Inspector level. These recruits study academic and practical subjects in a course of 36 weeks.

Continuation and promotion training is also provided for Constables and Sergeants. Sergeants may undergo a 13 week training course and take exams which, if passed, will enable them to be promoted to Inspector. Inspectors and Chief Inspectors attend a variety of Command Courses lasting between 3 to 5 weeks. Newly promoted Superintendents undertake a 4 week Senior Command course.

Specialist detective training is also provided by a 12 week Standard Criminal Investigation Course. It is complimented by a series of continuation courses, each lasting 2 weeks in duration, resulting in a promotion from Detective Constable to Detective Inspector.

5. Discretion.

* Use of force. Hong Kong police enjoy considerable discretion, particularly in their decision concerning whether or not to initiate a prosecution. However, unlike the common law powers of the British Constable, Hong Kong police powers are statutorily based. (Police Force Ordinance Cap 232). Section 10 of this Ordinance lists 18 police duties, headed by such functions as "preventing and detecting crimes", "preventing injury to life and property" and "apprehension of all persons whom it is lawful to apprehend". Other duties include traffic control and regulation of processions.

Where it concerns the exercise of their duties, police may use, in their discretion, "such force as is reasonable in the circumstances". (Criminal Procedure Ordinance Cap 221, S101A). As

mentioned earlier, Hong Kong police are armed and accordingly such force can be, and in fact has been, deadly in nature. Police are also equipped with batons.

* Stop/apprehend a suspect. Under the Police Force Ordinance as well as other legislation, officers of the RHKPF have considerable powers of arrest, stopping, searching and seizure. For example, under Sect.17 of the Immigration Ordinance (Cap 115), officers are empowered to stop any citizen and demand the production of identification.

* Decision to arrest. Arrests can be made with or without a warrant. Section 50(1) of the Police Force Ordinance states that "It shall be lawful for any police officer to apprehend any person who may be charged with, or whom he may reasonably suspect of any offence without a warrant for that purpose whether he has seen such offence committed or not...". Warrants usually are only obtained where a person is suspected of an offense but the police do not know precisely where he or she can be found or in cases where police believe that the suspect will not surrender voluntarily.

* Search and seizure. Under the rules of evidence, lack of or deficiencies in a warrant will generally not render the arrest unlawful or, in the case of searches and seizures, the evidence inadmissible.

* Confessions. Confessions and statements are not admissible where it is shown that they were not voluntarily given. However, they can be admissible in circumstances where there is only a procedural irregularity in their taking.

6. Accountability.

Complaints against police abuses of power are handled by the Complaints Against Police Office (CAPO). Initial investigations are handled by the Complaints and Internal Investigations Branch of the RHKPF who then report to CAPO. CAPO is monitored by the Police Complaints Committee, which is an independent committee appointed by the Governor.

The Force is very proud of its record. In 1992, 3,250 complaints were recorded, of which only 64 (2.1%) were classified as substantiated. During 1992, 2 officers were convicted of criminal offenses and a prosecution was commenced against another. 12 officers were formally disciplined and 137 were given written warnings. Despite what appears to be a good record, recent calls have been made for a more independent complaints procedure.

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the Accused.

* Rights of the accused. The rights of the accused are those which emanate from the rule of law, such as the right to be presumed innocent. This right has been further enshrined in the Bill of Rights Ordinance (Vol Cap), which also states that the accused has a right to a fair and speedy trial. Laws which contradict the Bill of Rights are said to be repealed by it. This has resulted in some laws being struck down, effectively shifting the burden of proof from prosecution to defense.

No formal right to bail exists. However, there have been

recent reform recommendations calling for the granting of bail.

* Assistance to the accused. Individuals charged with criminal offenses may apply for legal aid, but this is means tested. Most defendants are represented by counsel under the legal aid scheme. (Legal Aid Ordinance Cap 91).

2. Procedures.

* Preparatory procedures for bringing a suspect to trial. The criminal process is initiated either by arrest, with or without a warrant, and charge. In the case of offenses such as careless driving, the process is initiated by the laying of an information and issuance of a summons requiring the defendant to attend court on a specific day.

During the arrest and charge process, an accused will either be granted police bail to attend a magistrates court on a future date or be kept in police custody to be brought before a magistrate as soon as is reasonably practical.

Prior to the taking of any pleas, the case will go to the Attorney General's Chambers of the Government Legal Department for scrutiny. This Chambers is responsible for the conduct of the prosecution. Decisions are made as to whether or not to proceed with the prosecution and the actual charges which should be brought. Crown counsel will then be allocated to the case or, in some cases, matters will be allocated out to the private bar.

The Attorney General's Chambers also decides the location of the trial. Most criminal trials occur in the Magistrates Court. However, at the discretion of the Attorney General, the trial may be held in the District Court. The location of the trial is generally determined by the seriousness of the offense and the likelihood of a fairly significant term of imprisonment. For example, trials concerning serious matters such as homicide, must be heard in the High Court. This may be preceded by committal proceedings in the Magistrates Court.

Offenses are tried by indictment or tried summarily. When a plea of guilty is entered, the case proceeds with the prosecution offering of a statement of facts. In some cases, these facts may be disputed. If there is no dispute, the matter proceeds to sentence with arguments for mitigation.

* Official who conducts prosecution. The Crown Counsel or a member of the private bar may conduct the prosecution.

* Alternatives to trial. There is no "formal" process of plea bargaining in Hong Kong. However, there is a form of charge bargaining, whereby an accused indicates a willingness to plead guilty to a lesser charge which may be available on the indictment. For example, the accused may plead to be charged with indecent assault instead of rape. A similar approach may be taken in cases involving several offenses or several counts of the same offense.

* Proportion of prosecuted cases going to trial. Information not available.

* Pre-trial incarceration conditions. Some defendants may be denied police bail and held in custody. If they are brought before a magistrate and bail is refused, they can be held on remand at a

prison. They may continue to seek bail through the High Court during their custody.

* Bail procedure. The decision to refuse bail is based on a number of factors. These factors include the serious nature of the offense, the likelihood that the offender will abscond, the possibility of interference with evidence and witnesses, and the inability of the accused to deliver the amount of money set or arrange for sureties to satisfy this requirement. The use of "money" bail is very common in Hong Kong.

* Proportion of pre-trial offenders incarcerated. During 1991, nearly 14,000 offenders were held on remand. The average daily remand population is unknown.

JUDICIAL SYSTEM

1. Administration.

The hierarchy of courts from highest to lowest is as follows: Judicial Committee of the Privy Council, the Court of Appeal, the High Court, the District Court, and the Magistrates Court.

Appeals can be brought by the defense or prosecution against a sentence, conviction, or acquittal. For instance, the Attorney General may appeal against an acquittal in the Magistrates or District Courts by way of a "case stated". An appeal brought to either the Court of Appeal or Privy Council must be formally sought and granted.

Judicial Committee of the Privy Council. This Committee is a colonial appellant court which sits in London. Appeals are heard by a panel of British Law Lords. Appeals to the Privy Council are very restricted and only concern important questions of law.

Court of Appeal. The Court of Appeal has appellant jurisdiction only. Appeals heard by single judge or panel of 3 judges. Appeals from the Court of Appeal are brought to the Judicial Committee of the Privy Council.

High Court. The High Court has unlimited jurisdiction. Trials are held before a single judge and jury of 7 or 9 persons. Appeals brought from the Magistrates Court are heard by a single judge. Appeals from the High Court are brought to the Court of Appeal.

District Court. The District Court may hear cases involving a maximum of 7 years imprisonment. The maximum fine amounts it may impose are specified by the offense. Appeals from the District Court are brought to the Court of Appeal.

Magistrates Court. The Magistrates Court has jurisdiction on cases involving a maximum of 2 to 3 years imprisonment, depending on whether consecutive sentences are involved. Also, it can only hear cases with a maximum \$HK10,000 fine, although this amount may be higher depending on the offense.

Offenses which must be tried in the High Court such as homicide, may be the subject of committal proceedings at the Magistrates Court. Committal proceedings test the merits of the prosecution's case. A magistrate then rules on whether there is sufficient evidence to try the defendant. However, the defendant may elect to avoid these proceedings and bring the matter directly to the High Court. Appeals of the Magistrates Court are also brought to the High Court.

2. Special Courts.

Juvenile Court. The Juvenile Court tries all juvenile offenses except homicide.

Coroners Court. The Coroners Court holds inquests into the possible causes of sudden and unexplained death. It may recommend that a criminal prosecution be commenced.

3. Judges.

* Number of judges. There are 64 permanent and 11 special magistrates. Special magistrates have limited sentencing powers.

There are 32 District Court Judges, about 20 of whom were barristers. There are 20 High Court judges and 10 Justices of Appeal. The head of the Supreme Court and most senior Justice of Appeal is the Chief Justice. The current incumbent is Chinese.

Courts tend to be dominated by overseas lawyers, with only about 21% of the lawyers born in Hong Kong or China. Many lawyers were also educated overseas. Most locals are to be found in the ranks of the magistracy. There are only 14 women on the bench, 5 in the District Court and 9 in Magistrates Courts.

* Appointment and qualifications. Supreme Court judges, whom sit on the High Court or Court of Appeal, must be qualified barristers, solicitors or government lawyers with professional advocacy experience of at least 10 years.

District Court Judges must be qualified barristers or solicitors and must have practiced in a Commonwealth jurisdiction for at least 5 years. Aside from having worked in a private profession, they may also previously have been magistrates or government lawyers.

All permanent magistrates must be qualified lawyers, in a Common law jurisdiction, and have been in practice for a reasonable period of time. No other special qualifications are required. In the past, magistrates from other Commonwealth countries, such as Great Britain, Australia and New Zealand, have been appointed.

PENALTIES AND SENTENCING

1. Sentencing Process.

* Who determines the sentence? In Hong Kong, it is the judge or magistrate who determines the sentence. In this respect, Hong Kong has followed the English system of penalties for guiding judicial officers in this task. The Court of Appeal has taken an active role in the setting of these penalties, particularly as they relate to terms of imprisonment.

* Is there a special sentencing hearing? Information not available.

* Which persons have input into the sentencing process? Where it is proposed to send an offender to prison, a presentence report is required. These reports vary in detail but may include reports from the Probation Service and Correctional Services together with medical, psychological and psychiatric reports.

2. Types of Penalties.

* Range of penalties. There is a wide range of sentencing options

available together with special arrangements for certain classes of offenders. For general adult offenders, penalties include binding-over orders, unconditional/conditional discharges, probation, community service orders, fines, suspended sentences and imprisonment. In addition to these penalties, offenders may also have their drivers licenses disqualified, be ordered to forfeit property and to compensate or make restitution to the victim(s).

Special custodial sentencing options exist for young offenders, drug addicts and the mentally ill. Depending on their age, young offenders may be sent to detention centers, training centers and reform school. Where deemed appropriate, those convicted offenders who are also drug addicts may be sentenced to a Drug Addiction Treatment Center for a period between 2 and 12 months. Mentally ill offenders may be placed under a "hospital order" which requires the offender to be kept in a mental institution for a period no greater than the maximum term of imprisonment for the offense committed.

* Death penalty. In 1993, the death penalty was removed from the statute books under the 1993 Offenses Against the Person Ordinance (No. 24. Amendment). Up until its removal, it was mandatory that those convicted of murder be sentenced to death. But since the last execution in 1966, the Governor has automatically commuted the sentences of persons under the death penalty to life imprisonment.

PRISON

1. Description.

* Number of prisons and type. Imprisonment is widely used in Hong Kong. For male inmates there are 5 maximum security prisons: Stanley Prison, Shek Pik Prison, Pik Uk Correctional Center, the Lai Chi Kok Reception Center, the Siu Lam Psychiatric Center; 3 medium security prisons: Victoria Prison, Lai Sun Correctional Center, and Tung Tau Correctional Institution; and 3 minimum security prisons: Ma Hang Prison, Pik Uk Prison, and the Tai Lam Correctional Institution. There is also one female prison: the Tai Lam Center for Women; Juvenile Training and Detention Centers: Cape Collinson Correctional Institution, Lai King Training Center, Tai Tam Gap Correctional Institution, and the Sha Tsui Detention Center; Drug addiction treatment centers: Hei Ling, Tai Lam Center for Women, and Tai Lam Gap; and Vietnamese Detention Centers: Chi Ma Wan, Hei Ling Chau, High Island, Nei Kwu Chu, and Whitehead.

The prisons are extremely regimented, to varying degrees. In detention centers, for example, offenders spend considerable periods of each day doing drill. In adult institutions, strict timetables of waking, eating, working and "lights out" are applied. Many prisoners are also housed in a dormitory style accommodation whereby prisoners are not allowed many personal possessions.

* Number of prison beds. The prison system is approximately one-third overcrowded, although there have been no major disturbances for many years.

* Number of annual admissions. In 1992 there were over 13,500 prison receptions.

* Average daily population/number of prisoners. The average daily population figures in Hong Kong prisons for 1992 was 11,886 of which 11,075 were male and 811 were female. Both adult and juvenile prisons are included in this figure.

Approximately 32,700 Vietnamese detainees are being held in the various detention camps.

* Actual or estimated proportions of inmates incarcerated. The number of particular offenses for the most recent reception of inmates are as follows:

Drug Crimes

(Narcotic offenses)2,487Violent Crimes

(Offenses against the person) 617 Property Crimes

(Offenses against property)3,036Other CrimesInformation not available.

2. Administration.

* Administration. All prisons, detention centers, training centers and Vietnamese camps are administered by the Correctional Services Department. It is headed by a Commissioner who is directly responsible to the Governor. The Department is divided into 3 branches: administration and industry, personnel and operations. All of the prisons are operated by the Correctional Services Department.

* Number of prison guards. There are approximately 7,100 staff posts.

* Training and qualifications. The structure and ranking system of the prison staff is based on military lines. Minimum secondary school qualifications are required for recruitment, followed by a 26 week basic training course. Apart from education, a feature of this training is the use of drill and riot control. Basic training is also supplemented by ongoing training courses designed for promotion purposes.

* Expenditure on prison system. In 1991, the annual budget of the Correctional Services Department was \$HK1.4 billion. The high budget is partially due to the additional burden of the Vietnamese camps.

3. Prison Conditions.

* Remissions. While there is no formal parole system in Hong Kong, prisoners generally receive one-third's time off their sentence for "good behavior". There is no right to time off and days can be lost for misconduct. Earlier release, however, is possible under the Release Under Supervision Scheme which enables selected inmates to be released after 20 months or half of their sentence has been served, whichever time period is longer. Other inmates have been given early release to attend courses or work jobs under the Pre-Release Employment Scheme.

* Work/education. Adult prisoners are required to work unless there are special reasons for not doing so (e.g. medical reasons). A number of prisons have their own industries, such as making police and prison officer uniforms. Some work is performed outside the prisons, such as beach cleaning. Juvenile offenders sentenced to terms in a training center must attend vocational and educational training programs.

* Amenities/privileges. Psychological services are provided. However, there is only a staff of 25 available for all assessments and counseling.

EXTRADITION AND TREATIES

* Extradition. Since it is a British colony, Hong Kong has the same extradition arrangements as Great Britain. These are governed by the Extradition Acts and Fugitive Offenders Act, which have been extended to Hong Kong by virtue of the Extradition (Hong Kong) Ordinance (Cap236).

* Exchange and transfer of prisoners. Information not available.

* Specified conditions. Due to the fact that there is no extradition arrangement between the Peoples Republic of China and Great Britain, Hong Kong is unable to seek the extradition of mainland criminals who are wanted in relation to crimes committed on the colony. While the Chinese authorities have handed over a number of Hong Kong fugitives, it has always been done on an informal basis. At its discretion, Hong Kong can extradite Chinese criminals back to the mainland (Chinese Extradition Ordinance Cap 235). It should be noted that many persons wanted by China in relation to the 1989 "crackdown" originally sought refuge in Hong Kong.

SOURCES

Correctional Services Annual Review, 1991, Hong Kong.

Correctional Services Annual Statistics, 1991, Hong Kong.

Gaylord, M. and Traver, H. (eds), The Criminal Justice System of Hong Kong, Hong Kong University Press (in press, 1994).

Heilbronn, G. Criminal Procedure in Hong Kong, (Hong Kong: Longmans), 1990.

The Laws of Hong Kong.

Royal Hong Kong Police Force Review, Hong Kong, 1992.

Traver, H. and Vagg, J. (eds) Crime and Justice in Hong Kong, (Hong Kong: Oxford University Press), 1991.