

**LegCo Panel on Administration of Justice and Legal Services
Meeting on 16 January 2001**

Item IV 'Public Interest consideration in prosecution policy'

In her letter of the 20 December 2000 to the Secretary for Justice, the Clerk to the Panel advised that at its meeting on the 16 January 2001, the Panel wishes to be briefed on :

- ◆ General prosecution policy, including the public interest factors considered in a decision as to whether or not to prosecute;
- ◆ Prosecution policy in respect of the offering of no evidence against an accused person on condition of his agreement to be bound over on account of his age, background and circumstances of the case; whether there has been a change of policy recently in this respect and, if so, in what ways;
- ◆ A breakdown by age and offence of the number of offenders who were given the above treatment in the past three years.

RESPONSE OF THE DIRECTOR OF PUBLIC PROSECUTIONS :

(A) General Prosecution Policy, including the public interest factors considered in the decision as to whether or not to prosecute

Role of prosecutor

The prosecutor occupies a position in society which is as powerful as it is privileged. He is entrusted with awesome responsibilities. The decision he takes can profoundly affect the lives of others. There is little margin of error. The ramifications of a prosecutorial decision require the most careful of consideration. They require the prosecutor to pause and

consider if in any particular case a prosecution is in fact appropriate. A decision to prosecute must be taken with the keenest appreciation of the ordeal which is involved in a trial, and of the trauma and the stigma that can result to the accused and his or her family, even if ultimately there is an acquittal. That said, difficult decisions cannot be sidestepped.

Acceptance of responsibility by prosecutor

It is often far easier for the prosecutor to decide to prosecute than it is to decide not to prosecute. It is therefore vital for the prosecutor to have the courage of his convictions. In a matter so vital as the liberty of the subject there is no scope for the prosecutor to avoid his duty properly to assess the case. Responsibility cannot be shifted by saying simply '*let the court decide*'. Any such approach would represent an abdication of responsibility. No one should be subjected to a criminal trial unless that is truly appropriate. As Lord Howe of Aberavon QC, a Solicitor General of England and Wales, once observed:

I had to learn that the discretion and the duty of a Law Officer upholding the rule of law sometimes permits, indeed requires a decision that a prosecution should not be allowed to proceed.¹

Prosecution decision based on strength of case

So it is that the Department of Justice does not support the proposition that a bare prima facie case is enough to justify a prosecution². In deciding whether to prosecute perhaps the most important general consideration is the certainty of conviction. That can never be guaranteed. The enforcement of criminal law would clearly be brought into disrepute if there were an inordinate number of unsuccessful prosecutions, and the public interest would not be served thereby. This does not mean that every prosecution that is brought must succeed, or else that it should not have been brought. Obviously the reliability of the evidence when tested by cross-examination may be eroded, or a different slant may be put upon it when evidence for the defence is given, and in the end a Court may quite properly

¹ *The Times*, 26 October 1998.

² Prosecution policy booklet (1998) paragraph 13.

say that the prosecution has failed to satisfy it beyond reasonable doubt of the guilt of the accused, and hence acquit. That does not mean, however, that the prosecution should never have been brought.

Prosecutorial decision based on papers

A prosecution can only be initiated if the prosecutor concludes that the evidence, if it stands up, will establish the guilt of the accused. The decision to prosecute has usually to be taken without the opportunity of seeing or hearing the witnesses, and is based upon the statements of the witnesses, the statement of the suspect, if any, the forensic evidence, the report of the police, and the assessment therein of the reliability or otherwise of the witnesses' evidence. Only if the prosecutor concludes that there is a reasonable prospect of securing a conviction can a prosecution be warranted.

Duty to evaluate material

The prosecutor should not, it is clear, institute proceedings upon evidence that he believes is insufficient, albeit suspicious, to establish the case. A prosecutor's main duty is to prosecute, and to endeavour to see that the case is properly prepared and firmly but fairly prosecuted, and that guilty people are if possible brought to justice. Side by side with that, he has a duty to endeavour to see that no innocent person is convicted, or even charged³. A proper evaluation of the evidence, therefore, will take into account such matters as the availability, competence and credibility of witnesses and their likely impression on the Court, as well as the admissibility of evidence implicating the accused. The prosecutor must also consider any defences that are plainly open to or have been indicated by the accused, and any other factors which could affect the prospects of a conviction. It is not, and never has been, the rule that suspected criminal offences must automatically be the subject of prosecution⁴.

³ Sir Thomas Hetherington, DPP of England and Wales (1964-1977)

⁴ Sir Hartley Shawcross, Attorney General of England and Wales, 29 January 1951.

Public interest

In deciding *'whether or not to prosecute the ultimate question is: would a prosecution be in the public interest, including in that phrase, of course, in the interests of justice'*⁵.

There is no general all-embracing principle upon which difficult decisions have to be made. It is necessary to look at all the factors and circumstances of each case. The factors which may properly be taken into account in deciding whether the public interest requires a prosecution vary from case to case. In general, the more serious the offence, the more likely is it that the public interest will require that a prosecution be pursued. That said, the resources available to the prosecution are finite and should not be wasted pursuing inappropriate cases. A corollary to that, however, must be that the available resources should be employed to pursue with due vigour those cases which are worthy of prosecution.

In deciding whether a prosecution is really necessary, such factors as the gravity of the offence and its consequences will be considered. So also will the age and health of the suspect. It may not be in the public interest to go through the whole process of the criminal law if only a nominal penalty will result. The prosecutor must consider if the consequences of prosecution would be out of all proportion to the seriousness of the offences or to the penalty a court would be likely to impose. He should look at the extenuating circumstances. The attitude of the victim, if any, needs to be considered, as does that of the suspect. The prosecutor should consider the character and criminal record of the suspect, and whether the offence is a single fall from grace, or is likely to be continued or repeated. If the suspect was suffering from mental disorder at the time of the offence, a prosecution may be inappropriate. It may be sensible not to prosecute a suspect if the offence is stale or there has been a long and unjustifiable delay on the part of the prosecuting authorities. If the breach of the law is technical there may be no public interest to be served by prosecution. Trivial contraventions of the law may not be worth the effort of prosecution. The availability or efficacy of any alternatives to prosecution also require

⁵ Sir Hartley Shawcross, Attorney General of England and Wales, 9 February 1951.

examination.

The list of factors is not exhaustive. It does, however, suffice to indicate that the decision whether to prosecute ultimately depends on a broad view of the interests of justice. In practice, the proper decision in many cases will be to proceed with a prosecution if there is sufficient evidence available to justify a prosecution. If, however, the alleged offence is not so serious as plainly to require prosecution, the prosecutor should apply his mind to whether the public interest in fact requires a prosecution to be initiated.

Equality before the law

No one pretends that prosecution decisions are easy. The prosecutor does not invariably confront a situation which is open-and-shut. No two cases are alike. Factors may arise in one case which have no relevance in another. That, however, does not mean that the taking into account of such factors somehow contravenes the principle of equality before the law. If that were right, it would never be proper to decide not to prosecute a suspect because he was very young, or very old, or seriously ill, or badly stressed, since that would involve the giving of preferential treatment to that person over others. Equality before the law does not require that every case be treated in exactly the same way, irrespective of the personal situation of the suspect, or the circumstances of the case, or the merits of the prosecution. Properly understood, equality before the law means that prosecutors must not proceed in an arbitrary way in enforcing the law. It was precisely for that reason that on 16 April 1998 the Department of Justice issued a booklet entitled '*Prosecution Policy*', designed to enable the community to have a better understanding of an important aspect of the rule of law, namely, the policy, principles and practices involved in the making of prosecution decisions⁶.

Monitoring of prosecutions

Once a prosecution has been initiated, that is not the end of the

⁶ Prosecution policy booklet (1998)

matter. If new material comes to light, or a new situation emerges, the prosecutor is fixed with a duty to review the case. Constant monitoring of that type is essential. If necessary, the prosecutor should step in and terminate the prosecution. That does not mean that the initial decision to prosecute was flawed. It means that circumstances sometimes change and that fresh information sometimes materialises. To such developments the prosecutor must positively respond. He must keep an open mind.

Several examples which arose in 2000 illustrate how circumstances can arise which require the prosecutor to terminate proceedings which are in train:

- (a) In *HKSAR v Chuang Tsung-ling*, the trial of a businessman from Taiwan was stopped after the prosecution was made aware of material which suggested that a travel document might not have been unlawfully obtained, as originally thought.
- (b) In *HKSAR v Poon Kai-tik*, no evidence was offered against a man who was charged with theft and assault after the prosecution was made aware of medical evidence which revealed that at the time of the incident he was subject to a psychiatric disorder, and was not responsible for his actions.

[In the past three years, no evidence was offered against 235 defendants, who were charged with theft (shoplifting) and they were bound over.]

- (c) In *HKSAR v Cheung Wai-keun*, the accused was charged with careless driving after a traffic accident for which he was allegedly responsible. His lawyers, however, drew the attention of the prosecution to medical reports which showed that the man had sustained injuries in the accident which would result in his being confined permanently to a wheel chair. They asked for the case to be halted on humanitarian grounds. As the continuance of the prosecution was not in the public interest, the prosecution offered no evidence against him.

- (d) In *HKSAR v Nguyen Gia-huy*, no evidence was offered against a student who was charged with possession of two Ecstasy tablets. That was after an experienced barrister from the private Bar, who was briefed to advise after the student's lawyers questioned the propriety of proceeding with the prosecution, advised that a prosecution would bring disproportionate consequences to the student, who was of hitherto unblemished character, and that those consequences would be out of all proportion to the seriousness of the particular offence and the penalty a court would be likely to impose. Although counsel recognised that the offence of unlawful possession of dangerous drugs was serious, he concluded that the facts of this case did not reveal a particularly serious case of its type. Counsel added that although he was aware of the elevated status of the father, he did not take that matter into account when advising. He observed that although the parentage of the accused should not be a factor in his favour, it should equally not act against him. Counsel finally quoted these words:

*'The Department of Justice is committed to providing the people of Hong Kong with an independent, effective, fair and just prosecution service. In order to promote public confidence in the administration of justice, the highest ethical and professional standards are applied to instituting, and where necessary terminating proceedings without fear or favour.'*⁷

[It had been necessary to obtain an independent legal advice from the barrister as the father of the accused is himself a former prosecutor and is prominent in the law. It was vital to avoid any appearance of bias in the decision making process.]

[In the past three years, no evidence was offered against 19 defendants, who were charged with simple possession of unlawful drugs and they were bound over.]

⁷ Prosecution policy booklet (1998) paragraph 70

Conclusion

The rule of law requires the public prosecutor to be fearless in the discharge of his duties. He must never allow his judgment to be deflected, let alone overborne, by pressure or criticism, or by the expectation of such. He must do that which he considers to be right, no matter what.

(B) Prosecution policy in respect of offering no evidence against an accused person on condition of his agreement to be bound over on account of his age, background and circumstances of the case; whether there has been a change of policy recently in this respect and, if so, in what way

Section 109I of the Criminal Procedure Ordinance, Chapter 221, provides :

A judge, a District Judge or a Magistrate shall have, as ancillary to his jurisdiction, the power to bind over to keep the peace, and the power to bind over to be of good behaviour, a person who or whose case is before the court, by requiring him to enter into his own recognizance or to find sureties or both, and committing him to prison if he does not comply.

There is no prosecution policy as such in respect of offering no evidence on condition that accused persons agree to be bound over. Decisions are taken on a case by case basis. A decision to apply for a bind over is taken after a careful consideration of the facts of the individual case, the circumstances of the parties, and after due regard has been had to the public interest. It must, put simply, be appropriate to all the circumstances of the case. Regard is also had to the fact that it has been said of the bind over that '*the scope of this remedy is what is called preventive justice*'.⁸

The suggestion of a bind over in these circumstances usually comes from the defence, although it can come from the court itself, as in *HKSAR v Poon Kai-tik*, and, on occasion, from the prosecution. Before seeking such a disposal the prosecution will bear in mind that a magistrate

⁸ *R v Sandbach* [1935] 2 KB 192

will usually only agree to the imposition of a bind over if the alleged offence is not in the most serious category. Other factors will be found in the likely penalty in the event of a conviction, the age of the accused, his record and character, the view of the victim, if any, and the attitude of the accused himself. The element of preventive justice is also relevant. The magistrate, ultimately, not the prosecution or the defence, decides if a bind over is in fact appropriate in all the circumstances.

The binding over procedure has been called '*a useful weapon against any form of misbehaviour which offends the reasonable man's sense of what is right and proper*'.⁹ It suffices if conduct can be shown which is contrary to a good way of life, and which has the property of being wrong rather than right in the judgment of contemporary citizens.¹⁰ When he agrees to be bound over, the magistrate will ask the accused to admit the facts of the case. The accused will then be bound over for a fixed period in a sum of money which will be liable to forfeiture in the event of breach.

There being no policy as such in respect of offering no evidence and orders of bind over, it follows that there has been no '*change of policy*'. The approach to the use of such orders has likewise not changed. Each case is decided in light of its own circumstances.

(C) A breakdown by age and offence of the number of offenders who were given the above treatment in the past three years

See the attached tables.

⁹ *Keeping The Peace*, David Williams (1967), p 90

¹⁰ *Hughes v Holley* (1988) 86 Cr App R 130

	1998	1999	Jan-Nov 2000
Total no. of prosecutions in magistracies	338,752	291,914	241,377
No. of cases where charged persons were ONE/BO	1,061	1,050	995

Statistics of ONE/BO in 1998

Age	No. of Defts	Nature of Offence				
		Dangerous Drug	Shop Theft	Other offences		
7 – 10	1	0 (0)	0 (0)	1 (	1)	• Burglary
11 – 15	85	0 (0)	3 (5)	1 (	18)	• Access to computer with criminal or dishonest intent
				17 (	18)	• Assault occasioning actual bodily harm
				1 (	1)	• Attempted burglary
				1 (	1)	• Attempted theft
				3 (	8)	• Blackmail
				2 (	2)	• Burglary
				1 (	1)	• Claiming to be a member of a triad society
				16 (	25)	• Common assault
				2 (	2)	• Counselling and procuring blackmail
				2 (	8)	• Criminal damage
				1 (	1)	• Criminal intimidation
				1 (	1)	• Dealing with goods to which dutiable Commodities Ordinance applies
				1 (	1)	• Defacement of wall
				1 (	1)	• Discharging firework without permit
				1 (	1)	• False imprisonment
				8 (	8)	• Fighting in a public place
				3 (	3)	• Handling stolen goods
				2 (	2)	• Having possession, custody or control of prohibited goods
				2 (	15)	• Indecent assault on girl under 16
				1 (	1)	• Inviting a person to become a member of triad society
				2 (	2)	• Possessing dutiable goods
				1 (	1)	• Possession for sale of cigarettes without health warning
				3 (	4)	• Possession of trade or business of infringing copies
				3 (	5)	• Robbery
				12 (	19)	• Theft (excluding shop theft)
				2 (	2)	• Unlawful assembly
				1 (	1)	• Wounding
16 – 21	287	1 (1)	8 (11)	7 (	7)	• Affray
				2 (	13)	• Access to computer with criminal or dishonest intent
				1 (	1)	• Assault a police officer
				65 (	81)	• Assault occasioning actual bodily harm
				1 (	1)	• Assaulting members of customs and excise services
				2 (	2)	• Attempted theft
				1 (	1)	• Being a member of a triad society
				1 (	1)	• Blackmail
				2 (	2)	• Breach of condition of stay

Age	No. of Defts	Nature of Offence			
		Dangerous Drug	Shop Theft	Other offences	
16 – 21 (Cont'd)				1 (1)	• Causing wasteful employment of police
				6 (7)	• Claiming to be a member of a triad society
				47 (58)	• Common assault
			16 (16)	• Criminal damage	
			6 (6)	• Criminal intimidation	
			2 (2)	• Dealing with goods to which Dutiable Commodities Ordinance applies	
			1 (3)	• Discharging firework without permit	
			6 (6)	• Disorderly conduct	
			1 (1)	• Displaying a sign advertising prostitution	
			4 (4)	• Doing an act tending and intended to pervert the course of public justice	
			1 (4)	• Exposing for sale infringing copies	
			56 (56)	• Fighting in public place	
			1 (2)	• Forgery	
			1 (1)	• Going equipped for stealing	
			3 (4)	• Indecent assault	
			1 (1)	• Inflicting grievous bodily harm	
			1 (1)	• Loitering causing concern	
			4 (4)	• Making off without payment	
			2 (2)	• Obstructing a police officer	
			1 (1)	• Obtaining property by deception	
			9 (13)	• Offering for sale of infringing copies	
			1 (1)	• Possession of firework	
			2 (2)	• Possession of goods to which a forged trade mark was applied	
			2 (2)	• Possession of offensive weapon	
			2 (2)	• Possession of trade or business of infringing copies	
			3 (6)	• Publishing an obscene article	
			2 (2)	• Resisting a police officer	
			1 (1)	• Selling marked oil	
			1 (2)	• Tampering with motor vehicle	
			31 (36)	• Theft (excluding shop theft)	
			6 (6)	• Unlawful assembly	
			2 (2)	• Unlawful sexual intercourse with girl under 16	
			4 (4)	• Wounding	
22 – 69	1128	4 (4)	49 (49)	1 (16)	• Access to a computer with dishonest intent
				2 (2)	• Affray
				16 (17)	• Aiding and abetting the breach of condition of stay
				3 (3)	• Aiding and abetting the making a false representation in a document furnished to an Immigration Assistant pursuant to the Immigration Ordinance
				1 (1)	• Aiding and abetting the remaining of an illegal immigrant in Hong Kong
				1 (1)	• Allowing thing to fall from height

Age	No. of Defts	Nature of Offence			
		Dangerous Drug	Shop Theft	Other offences	
22 – 69 (Cont'd)				166 (182)	• Assault occasioning actual bodily harm
				24 (24)	• Assaulting a police officer
				1 (1)	• Assaulting a public officer
				1 (1)	• Assaulting members of customs and excise services
				1 (1)	• Attempt dealing in property believed to be proceeds of indictable offence
				6 (6)	• Attempted theft
				1 (1)	• Attempting to mislead a police officer
				2 (2)	• Being a teacher of a school which was not registered
				1 (2)	• Being the employer of a person not lawfully employable
				6 (6)	• Blackmail
				1 (1)	• Bookmaking
				35 (35)	• Breach of condition of stay
				1 (1)	• Careless driving
				3 (6)	• Causing wasteful employment of police
				4 (4)	• Claiming to be a member of a triad society
				151 (166)	• Common assault
				1 (1)	• Counselling & procuring unlawful wounding
				79 (82)	• Criminal damage
				24 (25)	• Criminal intimidation
				1 (2)	• Cruelty to a child
				2 (2)	• Dealing with goods to which Dutiable Commodities Ordinance applies
				12 (12)	• Disorderly conduct
				1 (1)	• Displaying a sign advertising prostitution
				1 (1)	• Driving without a valid driving licence
				5 (5)	• Drunk and disorderly
				3 (4)	• Evasion of liability by deception
				1 (1)	• Failing to furnish notice containing the prescribed particulars of the crew
				1 (2)	• Failing to give information to police within 21 days on demand
				1 (1)	• Failing to produce proof of identity on demand
				1 (1)	• Failing to report an accident
				1 (3)	• False accounting
				2 (2)	• False imprisonment
				328 (329)	• Fighting in a public place
				22 (22)	• Gambling in a gambling establishment
				1 (1)	• Giving false information to attempt to mislead a police officer with intent
				1 (1)	• Going equipped for stealing
				1 (1)	• Handling stolen goods
				4 (4)	• Harassment
				2 (2)	• Impersonating a public officer
				5 (5)	• Indecency in public
				11 (11)	• Indecent assault

Age	No. of Defts	Nature of Offence			
		Dangerous Drug	Shop Theft	Other offences	
22 – 69 (Cont'd)				5 (5)	• Loitering causing concern
				2 (2)	• Loitering with intent
				8 (9)	• Making a false representation to an Immigration Officer lawfully acting under or in the execution of Part III of the Immigration Ordinance
				4 (5)	• Making false report of commission of offence
				16 (16)	• Making off without payment
				13 (13)	• Obstructing a police officer
				2 (2)	• Obstructing a public officer
				1 (1)	• Obstructing members of custom and excise service
				3 (7)	• Obtaining services by deception
				2 (2)	• Offering for sale of infringing copies
				3 (3)	• Permitting to drive a vehicle without driving licence
				3 (3)	• Permitting to drive without third party insurance
				1 (1)	• Possession of a false travel document
				1 (1)	• Possession of goods to which a forged trade mark was applied
				1 (1)	• Possession of infringing copies
				3 (3)	• Possession of offensive weapon
				2 (2)	• Possession of part I poison
				7 (7)	• Resisting a police officer
				2 (2)	• Robbery
				1 (1)	• Selling a part I poison without the supervision of a registered pharmacist
				1 (1)	• Selling a part I third schedule poison without the authority of a prescription
				3 (3)	• Soliciting for an immoral purpose
				2 (3)	• Tampering with motor vehicle
				54 (61)	• Theft (excluding shop theft)
				1 (1)	• Unlawful assembly
				1 (1)	• Using a motor vehicle without third party insurance
				13 (13)	• Wounding
70 – 100	16	0 (0)	8(8)	1 (2)	• Aiding and abetting the breach of condition of stay
				3 (3)	• Assault occasioning actual bodily harm
				1 (1)	• Criminal damage
				2 (2)	• Fighting in public place
				2 (2)	• Theft (excluding shop theft)
Total :	1517	5 (5)	68 (73)	1504 (1700)	

- Note:** 1. The number of defendants in the 2nd column may not be consistent with the total number of defendants shown in column 3 – 5 since a defendant might face several charges in a case.
2. The figure by itself stands for the number of defendants, whereas the figure in bracket represents the number of charges.

Statistics of ONE/BO in 1999

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
7 – 10	1	0 (0)	0 (0)	1 (1) • Allowing thing to fall from height
11 – 15	131	0 (0)	5 (7)	2 (2) • Affray
				23 (28) • Assault occasioning actual bodily harm
				4 (4) • Being a member of triad society
				10 (18) • Blackmail
				1 (1) • Burglary
				3 (3) • Claiming to be a member of a triad society
				21 (26) • Common assault
				2 (2) • Conspiracy to invite a person to become a member of triad society
				3 (3) • Conspiracy to rob
				2 (2) • Criminal damage
				1 (1) • Criminal intimidation
				5 (5) • Disorderly conduct
				4 (4) • Fighting in a public place
				1 (1) • Going equipped for stealing
				1 (1) • Handling stolen goods
				1 (2) • Inciting a person to become a member of triad society
				1 (1) • Indecent assault
				1 (1) • Inviting a person to become a member of triad society
				1 (1) • Obstructing a police officer
				1 (1) • Obstructing a public officer
				1 (1) • Offering for sale of infringing copies
				2 (2) • Possession of offensive weapon
				2 (6) • Robbery
				1 (1) • Taking conveyance without authority
				1 (2) • Taking/riding pedal cycle/rickshaw without authority
				10 (11) • Theft (excluding Shop Theft)
				5 (5) • Wounding
16 – 21	306	5 (5)	14 (14)	2 (3) • Access to computer with criminal or dishonest intent
				9 (9) • Affray
				1 (1) • Allowing thing to fall from height
				3 (4) • Assault a police officer
				71 (93) • Assault occasioning actual bodily harm
				2 (2) • Assault with intent to rob
				2 (2) • Attempted theft
				8 (8) • Being a member of a triad society
				3 (5) • Blackmail

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
16 – 21 (Cont'd)				1 (1) • Breach of condition of stay
				4 (4) • Causing wasteful employment of police
				4 (4) • Claiming to be a member of a triad society
				39 (44) • Common assault
				1 (1) • Conspiracy to obtain property by deception
				2 (2) • Conspiracy to rob
				13 (15) • Criminal damage
				3 (3) • Criminal intimidation
				1 (1) • Custody of counterfeit notes and coins
				1 (1) • Dealing with goods to which Dutiable Commodities Ordinance applies
				11 (11) • Disorderly conduct
				3 (3) • Drunk and disorderly
				1 (1) • Failure to produce proof of identity on demand
				44 (44) • Fighting in public place
				2 (5) • Going equipped for stealing
				1 (1) • Handling stolen goods
				2 (3) • Inciting a person to become a member of triad society
				1 (1) • Inviting a person to become a member of triad society
				1 (1) • Loitering causing concern
				2 (2) • Loitering with intent
				1 (1) • Making a false representation to an Immigration Officer
				2 (2) • Making false report of commission of offence
				3 (3) • Making off without payment
				1 (1) • Making offensive (obscene) telephone call
				10 (11) • Misleading a police officer
				4 (4) • Offering for sale of infringing copies
				1 (1) • Omitting of material particular on an information provided to a member of Customs & Excise service
				1 (1) • Possession of an ID card relating to another person
				1 (1) • Possession of indecent article for the purpose of publication
				1 (1) • Possession of laser disc for the purpose of publication
			1 (1) • Possession of obscene article for the purpose of publication	
			6 (6) • Possession of offensive weapon	
			1 (1) • Resisting a police officer	
			3 (3) • Taking conveyance without authority	
			16 (17) • Theft (excluding Shop Theft)	
			11 (16) • Wounding	
22 – 69	1006	2 (2)	45 (46)	2 (2) • Access to computer with criminal or dishonest intent
				1 (1) • Abstracting electricity
				2 (2) • Affray

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
22 – 69 (Cont'd)				1 (1) • Aiding and abetting the making a false representation in a document furnished to an Immigration Assistant pursuant to the Immigration Ordinance
				1 (1) • Aiding and abetting the remaining of an illegal immigrant in Hong Kong
				3 (3) • Allowing thing to fall from height
				1 (1) • Arson
				192 (209) • Assault occasioning actual bodily harm
				17 (22) • Assaulting a police officer
				3 (5) • Assaulting a public officer
				3 (3) • Assisting in the management of a vice establishment
				2 (2) • Behaving in a disorderly manner in a public place
				3 (3) • Blackmail
				11 (12) • Breach of condition of stay
				1 (1) • Causing false representation to Immigration Officer
				3 (4) • Causing wasteful employment of police
				9 (10) • Claiming to be a member of a triad society
				209 (235) • Common assault
				2 (2) • Conspiracy to defraud
				1 (1) • Cooking or heating food in the Regional Council area for the purpose of hawking
				71 (75) • Criminal damage
				18 (21) • Criminal intimidation
				1 (1) • Cruelty to a child
				1 (1) • Custody of counterfeit notes and coins
				2 (2) • Dealing in light diesel oil from which marker or colouring substance has been removed
				1 (1) • Dealing with goods to which Dutiable Commodities Ordinance applies
				1 (1) • Dealing with property known or reasonably believed to be proceeds of indictable offence
				1 (1) • Discharging firework otherwise than under and in accordance with permit
				1 (1) • Dishonest use of telex system
				4 (4) • Disorderly conduct
				1 (1) • Employer failing to inspect document of new employee
				1 (1) • Evasion of liability by deception
				1 (1) • Failing to comply with direction made by member of Customs & Excise service
				1 (1) • False imprisonment
				255 (256) • Fighting in a public place
				1 (3) • Forgery
				2 (4) • Furnishing false or misleading information to a member of Customs & Excise service
				4 (4) • Gambling in a gambling establishment
				1 (1) • Giving false information to attempt to mislead a police officer with intent

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
22 – 69 (Cont'd)				3 (3) • Going equipped for stealing
				1 (1) • Handling stolen goods
				1 (1) • Hawking without licence
				2 (2) • Importing goods to which a false trade description/ forged trade mark was applied
				1 (1) • Importing unmanifested cargo
				2 (2) • Indecency in public
				8 (8) • Indecent assault
				1 (1) • Inflicting grievous bodily harm
				2 (2) • Knowingly misleading a police officer
				3 (3) • Loitering causing concern
				1 (1) • Loitering with intent
				1 (1) • Making a false statement to Housing Authority
				9 (9) • Making off without payment
				2 (4) • Making offensive (obscene) telephone call
				1 (1) • Managing a vice establishment
				4 (5) • Misleading a member of the Immigration Service by making a false statement
				10 (16) • Obstructing a police officer
				8 (9) • Obstructing a public officer
				5 (5) • Obtaining property by deception
				2 (2) • Offering for sale of infringing copies
				1 (1) • Operating gambling establishment
				1 (1) • Participating in collection of donation in public place without permission from Director of Social Welfare
				1 (1) • Possession of an ID card relating to another person
				1 (1) • Possession of an unlawfully obtained travel document
				2 (2) • Possession of apparatus fit and intended for inhaling a dangerous drug
				1 (1) • Possession of arms without licence
				1 (1) • Possession of goods to which a forged trade mark was applied
				1 (1) • Possession of handcuffs for an unlawful purpose
				3 (3) • Possession of indecent article for the purpose of publication
				2 (2) • Possession of instrument fit and intended for unlawful purpose
				1 (1) • Possession of obscene article for the purpose of publication
				6 (6) • Possession of offensive weapon
				1 (1) • Possession of Part I poison
				1 (2) • Procuring the making of an entry in a record of a bank by deception
				1 (1) • Publishing an obscene article
				8 (8) • Resisting a police officer
				2 (2) • Resisting a public officer
				1 (1) • Soliciting for an immoral purpose

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
22 – 69 (Cont'd)				1 (1) • Taking conveyance without authority
				3 (3) • Tampering with motor vehicle
				54 (66) • Theft (excluding Shop Theft)
				1 (1) • Threatening to damage property
				2 (2) • Unlawful gambling in a place not being a gambling establishment
				1 (1) • Using false instrument
				1 (1) • Using an unlawfully obtained travel document
				18 (20) • Wounding
70 – 100	20	0 (0)	7 (7)	1 (1) • Aiding and abetting the remaining of illegal immigrant in Hong Kong
				2 (2) • Common assault
				1 (1) • Criminal damage
				1 (1) • Fighting in public place
				1 (1) • Theft (excluding Shop Theft)
				2 (2) • Unlawful gambling
Total :	1464	7 (7)	71 (74)	1438 (1597)

- Note :**
1. The number of defendants in the 2nd column may not be consistent with the total number of defendants shown in column 3 – 5 since a defendant might face several charges in a case.
 2. The figure by itself stands for the number of defendants, whereas the figure in bracket represents the number of charges.

Statistics of ONE/BO
(From 1 January to 23 December 2000)

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
7 – 10	1	0 (0)	0 (0)	1 (1) • Wounding
11 – 15	161	1 (1)	3 (3)	1 (1) • Arson
				34 (37) • Assault occasioning actual bodily harm
				3 (3) • Being a member of triad society
				2 (3) • Buying dutiable goods
				11 (11) • Blackmail
				6 (6) • Claiming to be a member of a triad society
				50 (56) • Common assault
				4 (4) • Conspiracy to commit theft
				1 (1) • Conspiracy to rob
				7 (7) • Criminal damage
				8 (11) • Criminal intimidation
				1 (1) • Dealing with goods to which dutiable Commodities Ordinance applies
				7 (7) • False imprisonment
				8 (8) • Fighting in a public place
				1 (1) • Going equipped for stealing
				1 (1) • Handling stolen goods
				1 (2) • Indecent assault
				1 (4) • Inciting a person to become a member of triad society
				2 (5) • Inviting a person to become a member of triad society
				1 (1) • Obstructing a C & E officer
				1 (1) • Offering for sale of infringing copies
				1 (1) • Participating in a lion dance
				7 (7) • Possession of offensive weapon
				6 (10) • Robbery
				5 (5) • Tampering motor vehicle
				21 (25) • Theft (excluding shop theft)
				1 (1) • Unlawful assembly
				4 (4) • Wounding
16 – 21	309	4 (4)	12 (12)	1 (1) • Access to computer with criminal or dishonest intent
				1 (1) • Acting as a member of triad society
				1 (1) • Arson
				7 (7) • Assault a police officer
				57 (67) • Assault occasioning actual bodily harm
				1 (1) • Assault with intent to rob
				2 (2) • Assaulting members of customs and excise services
				6 (6) • Attempted theft
				5 (5) • Behaving in a disorderly manner in a public place

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
16 – 21 (Cont'd)				6 (6) • Being a member of a triad society
				4 (6) • Blackmail
				7 (7) • Claiming to be a member of a triad society
				57 (65) • Common assault
				1 (1) • Conspiracy to commit theft
				2 (2) • Conspiracy to rob
				5 (5) • Criminal damage
				5 (5) • Criminal intimidation
				6 (6) • Disorderly conduct
				61 (61) • Fighting in public place
				1 (1) • Forgery
				1 (1) • Going equipped for stealing
				5 (5) • Indecent assault
				3 (4) • Inciting a person to become a member of triad society
				6 (12) • Inviting a person to become a member of triad society
				2 (2) • Loitering causing concern
				3 (3) • Making off without payment
				1 (1) • Obstructing a C & E officer
				5 (7) • Obstructing a police officer
				1 (1) • Obtaining services by deception
				5 (5) • Offering for sale of infringing copies
				1 (1) • Possession of antibiotics
				5 (5) • Possession of goods to which a forged trade mark was applied
				2 (2) • Possession of Part I poison
				3 (3) • Possession of obscene article for the purpose of publication
				3 (3) • Possession of offensive weapon
				2 (2) • Possession for trade or business of infringing copies
				1 (1) • Resisting a police officer
				3 (5) • Robbery
				1 (1) • Selling infringing copies
			2 (2) • Taking conveyance without authority	
			2 (2) • Taking pedal cycle without authority	
			4 (4) • Tampering with motor vehicle	
			24 (32) • Theft (excluding shop theft)	
			1 (1) • Unlawful assembly	
			3 (5) • Unlawful sexual intercourse with girl under 16	
			1 (2) • Using a copy of false instrument	
			4 (4) • Wounding	
22 – 69	974	2 (2)	64 (64)	1 (1) • Abstracting electricity
				6 (6) • Affray
				7 (7) • Aiding and abetting the breach of condition of stay
				2 (2) • Aiding and abetting the remaining of an illegal immigrant in Hong Kong

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
22 – 69				1 (1) • Arson
(Cont'd)				164 (183) • Assault occasioning actual bodily harm
				8 (10) • Assaulting a police officer
				2 (2) • Assaulting members of customs and excise services
				2 (2) • Assisting in the management of a vice establishment
				1 (1) • Attempted burglary
				2 (2) • Attempted theft
				2 (2) • Behaving in a disorderly manner in a public place
				1 (1) • Behaving in a noisy manner in a public place
				1 (1) • Being found drunk on licensed premises
				2 (2) • Being employer of a person not lawfully employable
				4 (4) • Blackmail
				1 (2) • Bomb hoaxes
				4 (4) • Breach of condition of stay
				1 (1) • Careless driving
				4 (4) • Causing a tenant or tenants and/sub-tenant to give up occupation of premises
				9 (9) • Causing wasteful employment of police
				1 (1) • Claiming to be a member of a triad society
				181 (191) • Common assault
				3 (3) • Conspiracy to defraud
				65 (70) • Criminal damage
				23 (24) • Criminal intimidation
				2 (2) • Cruelty to a child
				2 (2) • Dealing with goods to which Dutiable Commodities Ordinance applies
				1 (1) • Dishonest use of public telephone system
				13 (13) • Disorderly conduct
				1 (1) • Drunk and disorderly
				3 (3) • Employer failing to inspect document of new employee
				7 (7) • Entering closed area without permit
				1 (1) • Failing to attend jury service
				1 (1) • Failing to comply with direction made by member of Customs & Excise service
				1 (1) • False imprisonment
				223 (223) • Fighting in a public place
				2 (2) • Forgery
				1 (1) • Furnishing false information
				33 (33) • Gambling in a gambling establishment
				1 (1) • Giving false information to a pawnbroker
				3 (4) • Giving false information to attempt to mislead a police officer with intent
				3 (4) • Going equipped for stealing
				3 (3) • Handling stolen goods

Age	No. of Defts	Nature of Offence		
		Dangerous Drug	Shop Theft	Other offences
22 – 69 (Cont'd)				1 (2) • Ill-treatment or neglect by those in charge of child or young person
				1 (1) • Impersonating a public officer
				1 (1) • Importing goods to which a false trade description was applied
				3 (4) • Indecency in public
				10 (10) • Indecent assault
				2 (2) • Knowingly misleading a police officer
				4 (4) • Loitering causing concern
				6 (8) • Making a false representation to an Immigration Officer lawfully acting under or in the execution of Part III of the Immigration Ordinance
				1 (1) • Making false report of commission of offence
				10 (10) • Making off without payment
				1 (1) • Mendicancy
				1 (1) • Managing unlicensed massage establishment
				2 (2) • Managing vice establishment
				13 (13) • Obstructing a police officer
				10 (10) • Obstructing a public officer
				3 (3) • Obstructing members of custom and excise service
				2 (3) • Obtaining property by deception
				8 (9) • Offering for sale of infringing copies of copyright works for the purpose of trade or business w/o the licence of the copyright owner
				2 (2) • Operating a gambling establishment
				1 (1) • Perverting the course of public justice
				7 (8) • Possession for sale goods to which a false trade description was applied
				1 (1) • Possession of a false instrument
				1 (1) • Possession of antibiotics
				4 (4) • Possession of apparatus fit and intended for the smoking of the injection of dangerous drugs
				8 (9) • Possession of goods to which a forged trade mark/trade description was applied
				2 (2) • Possession of infringing copies
				5 (5) • Possession of obscene article for the purpose of publication
				7 (7) • Possession of offensive weapon
				1 (2) • Possession of prohibited goods
				1 (1) • Possession of prohibited weapon
				2 (2) • Possession of Part I poison
				1 (12) • Procuring the making of an entry in a record of a bank by deception
				1 (1) • Providing a veterinary service in Hong Kong (Unregistered)

Age	No. of Defts	Nature of Offence			
		Dangerous Drug	Shop Theft	Other offences	
22 – 69 (Cont'd)				9 (9)	• Resisting a police officer in the due execution of his duty
				1 (1)	• Signing a false notice for the purpose of procuring a marriage
				2 (2)	• Taking conveyance without authority
				46 (49)	• Theft (excluding shop theft)
				3 (3)	• Unlawful gambling in a place not being a gambling establishment
				1 (4)	• Using a false instrument
				11 (11)	• Wounding
70 – 100	35	0 (0)	17 (17)	4 (5)	• Assault occasioning actual bodily harm
				3 (4)	• Common assault
				3 (3)	• Criminal damage
				1 (1)	• Criminal intimidation
				2 (2)	• Fighting in public place
				2 (2)	• Gambling in a gambling establishment
				2 (3)	• Indecent assault
				1 (1)	• Offering for sale of infringing copies of copyright works for the purpose of trade or business without the licence of the copyright owner
				0 (0)	• Theft (excluding shop theft)
				1 (1)	• Wounding
Total :	1480	7 (7)	96 (96)	1541 (1680)	

- Note :**
1. The number of defendants in the 2nd column may not be consistent with the total number of defendants shown in column 3 – 5 since a defendant might face several charges in a case.
 2. The figure by itself stands for the number of defendants, whereas the figure in bracket represents the number of charges.