

**Panel on Security
of the Legislative Council**

**Latest Development of the Notification Mechanism
between the Mainland Public Security Authorities
and the Hong Kong Police Force**

Introduction

This paper informs Members of the extension in coverage of the reciprocal notification mechanism to also include cases handled by the People's Procuratorates and the Ministry of State Security of the Mainland.

Background

2. Under the notification mechanism, which commenced operation on 1 January 2001, the relevant Mainland and Hong Kong authorities^{Note 1} will notify each other of the criminal prosecutions of, or the imposition of criminal compulsory measures on suspected offenders, and unnatural deaths of, residents of the other party. The Mainland authorities have recently agreed to extend the coverage of the notification mechanism to also include cases handled by the People's Procuratorates and the Ministry of State Security with effect from 1 June 2003.

^{Note 1} The Mainland authorities currently covered are the Mainland Public Security and customs authorities, whereas the Hong Kong authorities currently covered are the Hong Kong Police Force, the Immigration Department and the Customs and Excise Department.

The Arrangements

3. The existing arrangements under the notification mechanism will also apply to cases whereby the People's Procuratorates and the Ministry of State Security impose criminal compulsory measures on Hong Kong residents as summarized below—

Notification Channel

The Liaison Officer of the Ministry of Public Security (hereinafter referred to as “the Mainland Notification Unit”) shall also be responsible for making notifications to the Liaison Bureau of the Hong Kong Police Force (hereinafter referred to as “the Hong Kong Notification Unit”) on the imposition of criminal compulsory measures^{Note 2} on Hong Kong residents by the People's Procuratorates and the Ministry of State Security.

Contents of Notification

Under the arrangement, a notification made by the Mainland Notification Unit to the Hong Kong Notification Unit should include personal particulars of the detainee; information on the date of detention; suspected offence; the type of compulsory measure taken; the place where the compulsory measure is taken; the enforcement agency; the officer-in-charge of the case and the name, address and telephone number of family member of the detainee.

^{Note 2} According to the criminal laws in the Mainland, “compulsory measures” include summons for questioning, putting on bail, residence under surveillance, detention and arrest.

Other Related Arrangements

If there is any case or item which has not been notified under the arrangements, or if there is any doubt, the Hong Kong Notification Unit shall be free to make enquiry. Such notifications and enquiries should be made and replied to as soon as practicable.

4. The notification mechanism is an administrative arrangement operating on the basis of mutual respect for the laws of both parties. It will not affect the legal rights enjoyed by the individuals subject to criminal compulsory measures or prosecutions or their family members.

Security Bureau
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