

Legislative Council Panel on Security

**Police Cooperation on Exchange of Information
in the Detection of Crime**

Purpose

At the Security Panel meeting of 3 January 2006, the Administration briefed Members on the circumstances in which the Police exchange information with their counterparts in other jurisdictions to facilitate the detection of crime. At the meeting, Members requested the Administration to-

- (a) provide information on whether subversion was among the list of crimes excluded from the information exchange framework of Interpol; and
- (b) provide past cases, with personal data excised in the information provided, where the Police released information to their counterparts in other jurisdictions for the detection of crime.

This paper sets out the Administration's response to the above requests.

Crimes excluded from the information exchange framework of Interpol

2. Article 3 of the Interpol's Constitution stipulates that "[I]t is strictly forbidden for the [Interpol] to undertake any intervention or activities of a political, military, religious or racial character." The Interpol has not formulated a list of "excluded" crimes as such, however. In applying this Article, the Police have been guided by the principle of whether the offence in question relates to normal Police work.

Police's exchanges with their counterparts on the detection of crime

3. Upon receipt of requests from their counterparts outside Hong Kong for the release of information to facilitate the detection of crime, the Police would ascertain, among other things, the reason of the requests and obtain sufficient details to satisfy themselves that the requests arise from the

prevention and detection of crime. The **Annex** summarizes the process involved for some past cases.

Security Bureau
September 2006

Sample Past Cases

Example 1

Date	Actions
October 2005	<ul style="list-style-type: none"> ● The Financial Intelligence Unit (FIU) of Country A requested Hong Kong's Joint Financial Intelligence Unit (JFIU) to provide information on two Hong Kong-based entities for investigative purposes. ● The requested information was the directors' particulars of the entities and any financial information which the JFIU might have. ● The request however did not specify what crime the entities were suspected to have been involved in.
November 2005	<ul style="list-style-type: none"> ● The JFIU requested the FIU of Country A to provide more information about the predicate crime.
December 2005	<ul style="list-style-type: none"> ● The FIU of Country A provided the JFIU with additional information about the suspected predicate crime – smuggling.
January 2006	<ul style="list-style-type: none"> ● On being satisfied that the information requested was related to a specific offence, the JFIU provided the directors' information and the suspicious transaction reports identified by local financial institutions to the FIU of Country A.

Example 2

Date	Actions
October 2005	<ul style="list-style-type: none"> ● The FIU of Country B sent a request to all FIUs requesting information on 14 personalities. ● The information requested was any financial information which any FIUs might have. ● The request was non-specific and did not indicate how Hong Kong could be involved in the investigation. ● The request was not entertained.

Example 3

Date	Actions
Early July 2005	<ul style="list-style-type: none">● The Interpol liaison point of Country C requested its counterpart in Hong Kong to provide information regarding a business dispute concerning a company in Hong Kong.● We were requested to ascertain if the Hong Kong company had authorized a company of Country D to act on its behalf to lodge a civil suit and sign contracts on its behalf for settlement of any outstanding debts.● We were also requested to establish if the Hong Kong company had lodged any other civil claims against other companies.
Late July 2005	<ul style="list-style-type: none">● The request did not fall into the Interpol framework of cooperation to investigate ordinary law crimes.● We advised Country C that their case was regarded as “Non-payment of debts” which did not fall into our purview.● We rejected the request.