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Ms Connie Szeto
Clerk to Establishment Subcommittee
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

16 May 2016

Dear Ms Szeto :

**Establishment Subcommittee
Follow-up to Meeting on 27 April 2016**

At the meeting of the Establishment Subcommittee held on 27 April 2016, Hon. Albert CHAN Wai-yip hoped that the Government of the Hong Kong Special Administrative Region (“the HKSAR Government”) would provide supplementary information in regard to Hong Kong residents being detained by Mainland law enforcement agencies or found missing in the Mainland as well as former directorate officers who had been responsible for Mainland affairs while serving in the Constitutional and Mainland Affairs Bureau or who had served in Mainland Offices and are currently working or pursuing careers in the Mainland. Having consulted the Security Bureau and the Civil Service Bureau, the response is as follows.

Hong Kong residents being detained by Mainland law enforcement agencies or found missing in the Mainland

According to the information provided by the Security Bureau, since 1 January 2001, the HKSAR Government has, by way of an administrative arrangement and on the basis of mutual respect for the relevant laws of both sides, put in place a reciprocal notification mechanism with the Mainland in respect of cases involving unnatural deaths and imposition of criminal compulsory measures on residents from the other side, so that notification could be made as soon as practicable.

Under the existing reciprocal notification mechanism, the Notification Unit in the Mainland (i.e. the Liaison Officer of the Ministry of Public Security) should notify the Hong Kong Notification Unit (i.e. the Liaison Bureau of the Hong Kong Police Force) of the imposition of criminal compulsory measures on Hong Kong residents by the public security authorities, the Mainland customs authorities, People's Procuratorates and the Ministry of State Security, and the unnatural deaths of Hong Kong residents in the Mainland. Matters which the Hong Kong Notification Unit should notify the Mainland counterparts include criminal prosecutions instituted by the Hong Kong Police Force, the Customs and Excise Department and the Immigration Department against Mainland residents, and the unnatural deaths of Mainland residents in Hong Kong. The statistics on notifications made by the Mainland authorities to the Hong Kong Notification Unit for Hong Kong residents being imposed compulsory measures in the past three years (2013 – 2015) are at Annex.

Besides, the Hong Kong Police have been maintaining a police co-operation mechanism with Mainland police authorities. If one party requires the assistance of the other party to conduct investigation, the requested party may gather information relevant to the case through legal means and provide such information to the requesting party. Under the mechanism, the two sides could communicate with regard to various cases or matters, including criminal cases, commercial crimes and missing person

cases etc. Both sides have received assistance from the other side as well as useful information and some cases have even been solved.

Upon receipt of a report of a Hong Kong person suspected of missing in the Mainland, the relevant department of the HKSAR Government will liaise with its Mainland counterparts depending on the actual circumstances and seek their assistance.

Former directorate officers who had been responsible for Mainland affairs while serving in the Constitutional and Mainland Affairs Bureau or who had served in Mainland Offices and are currently working or pursuing careers in the Mainland

Under the current control regime, former directorate civil servants pursuing post-service outside work within the restriction periods have to apply for and obtain prior approval by the authority. In general, the restriction periods refer to officers' final leave period as well as two or three years counting from their departure from the civil service, depending on their salary pay point.

According to relevant records of the Civil Service Bureau, there is no current case where approval had been given under the control regime for former directorate officers who had been responsible for Mainland affairs while serving in the Constitutional and Mainland Affairs Bureau or who had served in the Mainland Offices to undertake work in the Mainland.

The HKSAR Government does not keep information as to the number of former directorate officers who are currently working in the Mainland outside the restriction periods.

Yours sincerely,

(Ms Noel Tsang)
for Secretary for Constitutional and Mainland Affairs

c.c. Secretary for Security
(Attn. : Ms Miss Winnie CHUI)

Secretary for Civil Service
(Attn. : Mr Simon CHAN)

Statistics on Notification

The number of notifications made by the Mainland authorities to the Hong Kong Notification Unit for Hong Kong residents being imposed compulsory measures^{Note} in the past three years (2013 – 2015) are set out below:

Year	Number of notifications (number of persons involved)	
2013	828	(828)
2014	915	(915)
2015	874	(640)

Note: Criminal compulsory measures include summons for questioning, putting on bail, residence under surveillance, detention and arrest. A new notification will be made for any change of criminal compulsory measure towards the same person.