

**For information
on 16 March 2004**

Legislative Council Panel on Security

Keeping of Records of Convictions by the Hong Kong Police Force

Purpose

This paper outlines the mechanism under which records of convictions are maintained by the Hong Kong Police Force, and explains the circumstances where such records are disclosed.

Keeping of Records of Convictions by the Police

2. The Criminal Records Bureau of the Police is responsible for maintaining records of persons convicted of certain offences under the Laws of Hong Kong. Such records are kept primarily to assist the Police in discharging their statutory duties of preventing, detecting and investigating crimes.

3. There are a number of guiding principles in determining whether a conviction should be recorded in Police records. These include the gravity and prevalence of the crime, the sentence provided in law for the offence, the harm that has been or could be inflicted on persons or properties, and whether the offence is merely regulatory in nature. Due consideration will also be given to the circumstances of individual cases where appropriate, such as the penalty meted out by the court. In addition, where the court orders that a particular conviction be recorded, the Police will be legally obliged to do so.

4. Examples of offences the conviction of which will be recorded by the Police include those involving the use of violence (e.g. wounding, assault occasioning actual bodily harm); resulting or may result in pecuniary loss to the public (e.g. burglary, forgery); which are sexual in nature (e.g. rape, indecent assault); involving dangerous drugs (e.g. manufacturing or trafficking dangerous drugs). Examples of offences the conviction of which will not normally be recorded include minor offences such as jay walking and hawking, and regulatory offences such as those under the Residential Care Homes (Elderly Persons) Ordinance.

5. The Police keep under review offences the conviction of which should be recorded, and make updating as necessary. Where appropriate, views from other bureaux and departments will be taken into account.

Access to and Disclosure of Records of Convictions

6. The Police have in place a stringent mechanism governing the access to and disclosure of records of convictions. Members of the Police Force and other law enforcement agencies, e.g. Customs and Excise Department and Independent Commission Against Corruption, may have access to such records for purposes of prevention, detection or investigation of crimes.

7. The Police also supply records of criminal convictions to the Judiciary to assist the latter in exercising its judicial functions during court proceedings, i.e. in determining the penalty to be meted out in individual cases.

8. In addition, as an ancillary service, the Police will upon application issue Certificates of No Criminal Conviction (CNCCs) under certain circumstances. For instance, for emigration purposes an individual may apply to the Police for a CNCC with supporting documents from the relevant consulate or immigration authority. Persons seeking to adopt a child may also lodge an application for a CNCC where such a document is requested by the adoption authority.

Hong Kong Police Force
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