

**Additional Information on Recordable Offences**  
**As requested by LegCo Panel on Security on 2 April 2004**

**List of Recordable Offences**

At present there are 167 categories of offence for which the Police regularly maintain conviction records to assist in the discharging of their statutory duties of preventing, detecting and investigating crimes. A copy of the list of those offences is attached.

**Criteria for Recording an Offence**

2. The guiding principles for deciding which offences should be contained in the list include the gravity and prevalence of the crime, the harm that has been or could be inflicted on persons or properties, and whether the offence is merely regulatory in nature. Some of the offences are included in view of the heavier penalty that could be imposed under the law upon a second or subsequent conviction. This is to facilitate the court's consideration of the appropriate sentence in cases where a person is convicted for the same offence on more than one occasion. Separately, where a term of imprisonment, including a suspended sentence, is imposed upon conviction for any offence, that conviction will be recorded irrespective of whether the offence is included in the list attached.

**Convictions Recorded as Directed by Court**

3. Instances where a court orders that a conviction be recorded are quite rare. The last occasion was in 1998 when the High Court ordered that a conviction for the offence of Contempt of Court under the Jury Ordinance (Cap. 3) be recorded. Legal advice obtained at the time was that the Commissioner of Police was obliged to record the conviction as ordered and that failure to do so could amount to a contempt of court.

**Certificate of No Criminal Conviction (CNCC)**

4. As an ancillary service, the Police will upon application issue CNCCs under certain circumstances, including applications for emigration-related purposes (where the immigration authority to which the applicant has applied requires the production of such a document) and in adoption cases. A CNCC will be issued only

if the Police have no record of any criminal conviction that is held under the circumstances as described in the foregoing paragraphs.

**Hong Kong Police Force**  
**June 2004**

**List of offences for which Police record convictions  
as at December 2003**

Abduction offences, 'all';

Abortion offences, 'all';

Abstracting electricity;

Affray;

Aiding, abetting, counselling or procuring a suicide;

Aiding and abetting illegal immigrants;

Antibiotics Ordinance, Cap. 137, offences against;

Arrangement or advertisement relating to commission against a child of act outside Hong Kong that offends Schedule 2 provision (S.153Q, Cap. 200)

Arranging passage to Hong Kong of unauthorized entrants;

Arson, threats to commit arson and all related offences;

Asking for alms in a threatening manner; S. 26B Cap. 228

Assaulting or resisting a police officer in the execution of his duty;

Assault offences under Cap. 200 and Cap. 212;

Assisting another to retain the benefits of drug trafficking;

Assisting offenders of arrestable offences;

Assisting unauthorized person to remain in Hong Kong;

Banking Ordinance, Cap. 155, offences against;

Bankruptcy Ordinance, Cap. 6, Sections: 129(1), 130(1), 130(2), 132, 135 and 136;

Begging for alms; S.26A, Cap. 228

Bigamy;

Blackmail and all related offences;

Blackmarketeering (including ticket scalping); Cap. 228

Bomb hoax, (contrary to section 28, Cap. 245);

Breach of any court order or probation order made in relation to any offence listed herein;

Breach of deportation order;

Brothels - keeping (at Common Law);

Burglary and all related offences;

Captain or owner of ship conveying illegal immigrants etc.;

Causing an explosion likely to endanger life and attempts thereto;

Causing wasteful employment of Police;

Causing prostitution of a woman or a girl under 13, 16 or a defective;

Child destruction;

Child Pornography and related offences, Cap. 579;

Chit Fund Business (Prohibition) Ordinance, Cap. 262;

Coinage offences and all related offences under Cap. 200;

Committing sexual offences listed in Schedule 2 against a person under 16 outside Hong Kong (S. 153P, Cap.200);

Commodities Trading Ordinance, Cap. 250, offences against;

Companies Ordinance, Cap. 32, Sections : 40A(1), 43(5), 47A(3), 58(1B), 121(4), 122(3), 123(6), 124(3), 129(F), 152D(1), 152E, 271(1){a to p}, 272, 273, 275, 291AA(14), 342(F)(1), 349 and 349A(2);

Computer Crimes S. 161, Cap. 200;

Concealing offences including concealing birth of a child;

Conspiracy;

Control of Chemicals Ordinance Cap. 145, offences against;

Control of Obscene and Indecent Articles Ordinance, Cap. 390, offences against;

Copyright Ordinance, Cap. 528, offences against;

Criminal damage and all related offences;

Criminal intimidation and all related offences;

Criminal Procedures Ordinance (S. 9L(1) and (2), Cap. 221)

Cruelty to children;

Dangerous driving under S. 37 of Road Traffic Ordinance Cap. 374;

Dangerous driving causing death under S. 36 of Road Traffic Ordinance Cap. 374;

Dangerous Drugs Ordinance, all offences;

Dangerous flying S. 4 of Civil Aviation Ordinance Cap. 448;

Desecration of national/regional flag, S. 7 of Enactments 116 and 117;

Destroying, damaging or endangering safety of aircraft S. 9 of Aviation Security Ordinance Cap. 494;

Discharging firearms under Summary Offences Ordinance;

Disorderly conduct; Cap. 245

Driving whilst disqualified; Cap. 375

Drug Trafficking (Recovery of Proceedings) Ordinance, Cap. 405, offences against;

Drink driving offences;

Dutiable Commodities Ordinance, Cap. 109. All hydrocarbon oils offences, adulterated liquor, offences involving sale or buying of contraband cigarettes in excess of 200 sticks and offences involving seizures exceeding \$2,000 in duty potential (except summary prosecution as a result of a failure to pay the penalty on compounding offences under S. 47A);

Electoral Provisions Ordinance, Cap. 367, offences against;

Employing a person not lawfully employable; S. 17(1) Cap. 115

Endangering safety at sea, Shipping and Port Control Ordinance, Cap. 313;

Endangering safety of aircraft, Article 47 of Civil Aviation Ordinance Cap. 448  
Subsidiary Legislation C) Air Navigation (HK) Order 1995 Schedule 13 Part B;

Endangering safety of person or property, Article 48 of Civil Aviation Ordinance Cap.  
448 (Subsidiary Legislation C) Air Navigation (HK) Order 1995 Schedule 13 Part B;

Entertainment Special Effects Ordinance, Cap. 560, offences against;

Estate Agents Ordinance, Cap. 511, offences against;

Failing to inspect the proof of identity of a new employee; S. 17(I), Cap. 115

Failing to maintain a proper record of employees; S. 17(M), Cap. 115

Failing to provide a specimen under both S. 29B(6) and S. 39C(15) of Road Traffic  
Ordinance Cap. 374;

Failing to stop for Police, Shipping and Port Control Ordinance, Cap. 313;

False accounting;

False imprisonment;

False notice/declaration of marriage, signing/furnishing of (S. 34 and S.36, Cap. 200)

False statement by company officer;

False statements, forgery of documents of identity;

False statement not on oath under Cap. 200 including false statutory declarations  
relating to written statements to the Police, registration of births or deaths, etc.;

Fighting in a public place;

Firearms and ammunition offences including possession, dealing and other related  
offences and including imitation firearms;

Firework offences (other than discharging);

Forgery and counterfeiting offences & all related offences;

Gambling Ordinance, Cap. 148, offences under;

Giving false information to pawnbroker;

Gross indecency by man with man otherwise than in private;

Hijacking;

Hong Kong International Airport – entering restricted area without authority Cap. 494;  
S. 23(8)

Illegal immigration;

Illegal importation/exportation (smuggling);

Illegal road racing (S. 55, Cap. 374);

Immigration (offences by crew etc. of ship carrying unauthorized entrants); S. 37D, Cap.  
115

Impersonation offences (of Police or other public officers);

Import & Export Ordinance Cap. 60 – all offences which may incur a penalty of  
imprisonment for 1 year or above on conviction [irrespective of the amount of fine];

Incest;

Indecent assault;

Indecency in public;

Infanticide;

Insurance Companies Ordinance, Cap. 41, all offences;

Interfering with a parking meter;

Introducing unauthorised articles into prison (S. 18, Cap. 234);

Kidnapping/unlawful detention;

Keeping a vice establishment, and other related offences;

Legislative Council (Power and Privileges) Ordinance Cap. 382 Ss. 17, 18 and 19 only;

Lending money at an excessive rate of interest (S. 24, Cap. 163);

Letting premises or vessels to be used as a vice establishment; S. 144, Cap. 200

Loitering;

Making a false report to the Police or other law enforcement agency;

Manslaughter;

Managing or assisting in the management of a vice establishment or unlicensed massage establishment;

Merchant Shipping Ordinance, Cap. 281, offences against;

Misleading the Police with intent to defeat justice by giving false information;

Money Changers Ordinance, Cap. 34, offences against;

Murder;

Objectionable performances under Summary Offences Ordinance;

Objects dropped from a building; S. 24B, Cap. 225

Obstructing, assaulting, resisting a public officer;

Offering services with the airport without permission from the Airport Authority Cap. 483;

Official secrets;

Organized and Serious Crimes Ordinance, offences against;

Other acts endangering or likely to endanger safety of aircraft S. 11 of Aviation Security Ordinance Cap. 494;

Overcharging (taxi, public omnibus and public light buses);

Perjury and all related offences;

Perverting the course of justice;

Pharmacy and Poisons Ordinance, Cap. 138, and the Regulations thereto, offences against;

Possession of a bomb or simulated bomb;

Possession of dutiable commodities (serious offences only, including hawking/selling

200 or more contraband cigarettes);

Possession of dangerous goods (serious offences only);

Possession of offensive weapon under Summary Offences Ordinance or Public Order Ordinance;

Possession of prohibited weapon or martial arts weapon under Weapons Ordinance;

Prevention of Bribery Ordinance, Cap. 201, offences against;

Procurement of a person by false pretences;

Procurement of women under 21 and all related offences;

Prohibition of drunkenness on aircraft, Article 49 of Civil Aviation Ordinance Cap. 448 (Subsidiary Legislation C) Air Navigation (HK) Order 1995 Schedule 13 Part B;

Prostitution - living on the proceeds thereof;

Protection of Investors Ordinance, Cap. 335, offences against;

Public mischief;

Rape;

Resisting arrest and obstruction of a police officer in the execution of his duties;

Riot;

Robbery and all related offences;

Securities Ordinance, Cap. 333, offences against;

Security & Guarding Ordinance, Cap. 460, offences contrary to s. 11(1) only;

Serious vilification S. 47 of Disability Discrimination Ordinance Cap. 487;

Smuggling and related offences, Import and Export Ordinance Cap. 60;

Soliciting for an immoral purpose;

Taking conveyance without authority;

Tampering with a vehicle;

Telecommunication offences (under the) Telecommunication Ordinance and Regulations, (when related to crime);

Theft Ordinance Cap. 210, offences against;

Threats to murder;

Trade Description Ordinance, Cap. 362, all offences except S. 4(2) involving gold, gold alloy and platinum;

Trafficking in persons to or from Hong Kong, and related offences;

Travel Agents Ordinance, Cap. 218, offences against;

Treason offences;

Triad offences and all related offences;

Unauthorised use of a Police/disciplined service uniform;

Unlawful assembly;

Unlawful employment by a controller of a construction site, Section 38A, Cap. 115;

Unlawful pawning;

Unlawful sexual intercourse and all related sexual offences;

Unnatural offences;

Unregistered clinic, carrying on the management of (S. 14, Cap. 343);

Unregistered person practicing dentistry (S. 3, Cap. 156);

Use or possession of forged document of identity;

Use, procurement or offer of persons under 18 for making pornography or for live pornographic performance (S. 138A, Cap. 200);

Using identity cards belonging to others;

Using a vessel equipped with a secret compartment;

Wounding offences and all related offences.

**Footnote**

There are 167 separate headings that list, in alphabetical order, the offences for which convictions will be recorded. The headings used either:

- Specify the section(s) of the ordinance for which breaches will be recorded
- Describe the single offence
- Describe the broad nature of the offence, or name the ordinance, for which all related convictions will be recorded