

**Arrangements on the Establishment of
a Reciprocal Notification Mechanism between
the Mainland Public Security Authorities and the Hong Kong Police**

- In accordance with the concept of “one country, two systems” and on the basis of mutual respect, mutual support and non-intervention with the other side’s law enforcement activities, the Office of Hong Kong, Macao and Taiwan Affairs of the Ministry of Public Security and the Security Bureau of the Hong Kong Special Administrative Region have reached agreement on arrangements regarding a reciprocal notification mechanism between the law enforcement authorities of the two places. The arrangements will come into operation on 1 January 2001.
- The notification mechanism is an administrative arrangement to be implemented on the basis of mutual respect for the relevant laws of both parties.

Notification channels

- The Liaison Officer of the Ministry of Public Security (hereafter referred to as “the Mainland Notification Unit”) shall be responsible for making notifications to the Liaison Bureau of the Hong Kong Police Force, while the latter (hereafter referred to as “the Hong Kong Notification Unit”) shall be responsible for making notifications to the Mainland Notification Unit. For cases involving the Mainland customs authorities, notifications shall be made to the Hong Kong Notification Unit direct by the Smuggling Activities Investigation Bureau of the General Administration of Customs as assigned by the Ministry of Public Security.

Arrangement concerning the Mainland’s notifications to Hong Kong

Scope of notification

- Matters which the Mainland Notification Unit should notify the Hong Kong Police include the imposition of criminal compulsory measures

on Hong Kong residents by the public security authorities (including the investigations into smuggling activities handled by the customs authorities), and unnatural deaths of Hong Kong residents in the Mainland.

Content of notification

- Under the arrangements, a notification made by the Mainland Notification Unit to the Hong Kong Notification Unit concerning the imposition of criminal compulsory measures on Hong Kong residents should include information on the date of detention; suspected offence; type of compulsory measures; place where compulsory measures is taken and the enforcement agency concerned.
- A notification in respect of unnatural death should include information on the time and place of death; cause of death etc.

Arrangements concerning Hong Kong's notifications to the Mainland

Scope of notification

- Matters which the Hong Kong Notification Unit should notify the public security authorities in the Mainland include criminal prosecutions instituted by the Hong Kong Police Force, Customs and Excise Department and Immigration Department against Mainland residents and unnatural deaths of Mainland residents in Hong Kong.
- The Hong Kong Notification Unit will not make notifications in respect of Mainland residents charged with the offences of landing and remaining in Hong Kong without permission or contravening the conditions of stay.

Content of notification

- Under the arrangements, a notification made by the Hong Kong Notification Unit to the Mainland Notification Unit concerning prosecution and appearance in court of Mainland residents should

include information on the date of detention; suspected offence; place of detention; detention department/unit; etc.

- A notification in respect of unnatural death should include information on the time and place of death; cause of death etc.

Other related arrangements

- If there is any case or item which has not been notified under the arrangements, or if there is any doubt, each party is free to make enquiry. Notifications and enquiries should be made and replied to as soon as practicable.
- Since the notification mechanism is only an administrative arrangement, it will under no circumstances affect the legal rights enjoyed by the person against whom criminal compulsory measure is taken or prosecution is instituted or by his family.
- The arrangements may be reviewed regularly through discussion and agreement by both parties.

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