

LCQ7: Recordable Offences

Following is a question by the Hon Gary Zhang and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (February 19):

Question:

A central repository of criminal records in Hong Kong is maintained by the Police Operational Nominal Index Computer System, which is managed by the Criminal Records Bureau of the Hong Kong Police Force (HKPF). According to publicly available information, the list of Recordable Offences (the list) has been updated as of December 2003. In this connection, will the Government inform this Council:

- (1) whether the HKPF has updated the list since 2004; if so, of a breakdown of the offences newly-added and removed by date of update;
- (2) given that the Government, in its reply to a question from a Member of this Council on April 13, 2016, indicated that the relevant information would be made available to the public by the HKPF upon completion of the review of the list, whether the review has been completed; if it has been completed, when the HKPF will make public the list, and whether it has considered making public the updated list on a regular basis; if it has not been completed, of the reasons for that;
- (3) of the principles or considerations adopted by the HKPF in revising the list of offences; and
- (4) Whether the HKPF will review the list regularly; if so, of the timetable; if not, the reasons for that?

Reply:

President,

Under section 59 of the Police Force Ordinance (Cap. 232), the Hong Kong Police Force (HKPF) may retain all identifying particulars of a person who has been arrested for or convicted of an offence. Such records are kept primarily for the purpose of assisting the Police in discharging their statutory duties of preventing, detecting and investigating crimes.

The reply to the Member's question is as follows:

- (1) Since 2004, the HKPF has made 29 amendments to the list of Recordable Offences (the list). Please refer to the Annex for details.
- (2) The HKPF has completed the review of the list, and has made the latest list public
(see
List_of_offences_kept_in_police_conviction_records

[en.pdf](#) for details).

(3) In amending the list, the HKPF follows a number of guiding principles, which include:

- the gravity of the offence;
- the prevalence of the offence;
- the harm that has been or could be inflicted on persons or properties;
- whether heavier penalty could be imposed under the law upon a second or subsequent conviction of such an offence; and
- whether the offence is purely regulatory in nature.

Apart from the above principles, 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 on the list.

(4) The HKPF will continue to review and revise the list from time to time in response to the implementation of new legislations and changes in the existing laws.