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38 evade noose —but law stays

Thirty-eight prisoners at Stanley — who might have faced the hangman's noose had the British parliamentary vote on capital punishment gone the other way — can now be certain that their death sentences will be commuted.

But the death penalty will remain on the Hongkong law books and the execution chamber at the Stanley prison will be maintained.

It has not been used since the last execution on November 16, 1966.

"The law still remains so the execution chamber will remain," a spokesman for the Correctional Services Department said yesterday.

So far, 81 prisoners have had death sentences commuted to life imprisonment, and 71 have had death sentences commuted to fixed terms of imprisonment, the spokesman said.

A spokesman for the Legal Department said Hongkong's position remains unchanged. He referred to the policy statement issued in 1975, when it was decided that the Governor would commute all death sentences.

The policy was adopted by Chief Justice Sir Denys Roberts, who was then the Chief Secretary.

The British Parliament's defeat of the call for the restoration of capital punishment had a mixed reaction in Hongkong yesterday.

The vice-chairman of the Hongkong Belongers Association, Mr Sze Chusian, said the decision was based entirely on British interests without consideration for Hongkong.

He said Members of Parliament had feared that restoration of the death penalty would provide the Irish Republican Army with more martyrs.

The chairman of the Reform Club, Mr Brook Bernacchi, said he felt that it would be disastrous if capital punishment were restored, because it was not a civilised form of punishment.

He said he was pleased with the result of the British vote.

He felt the death penalty had no deterrent effect, but would instead create more "martyrs out of criminals," as in Ireland.

The director of the Catholic Social Communications Office, Father Michael Yeung, said: "The life of a man is given by God and only he can take it back."