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## Accord at last on definition of serious crimes

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After two years of wrangling, legislators and the Government have finally agreed on a definition of "organised and serious crime".

The definition was needed for planned legislation to give the police wide-ranging powers of investigation.

A United Democrat legislator, James To, said he was glad the Government had finally "succumbed to legislators' pressure" to modify the definition in the Organised and Serious Crimes Bill.

Legislators had complained the definition contained in the bill, to give police the power to compel witnesses to give evidence, was too vague.

It covered triad-related activities and on-going syndicates as well as "one-off" offences of an organised nature. Legislators said the "one-off" definition would net trivial offenders such as teenage shoplifters.

The Government has now modified this definition so that one-off offences, under the bill, would be covered if they involved loss of life, loss of liberty, serious harm to a person, or the "risk" of causing such harm or losses.

To told the ad hoc group studying the bill that his party accepted the new definition because it "struck the right balance" between protection for minor offenders and the police power to investigate organised and serious crimes.

An independent legislator and representative of the legal profession, Simon Ip, said the Government was "proceeding down the right track".

Some legislators yesterday expressed concern the new definition would miss serious white-collar crimes.

Emily Lau said "complex commercial crimes" involving billions of dollars were "very serious indeed" but they would not be covered because they might not involve loss of life or liberty.

The deputy solicitor-general, Robert Allcock, confirmed that only triad-related white collar crimes and those of an on-going nature would be covered by the bill.

One-off white collar offences, regardless of the severity, would be excluded.

"To some extent, we are torn between our original approach of having 'seriousness' as a general test and having a definition which is more precise," he said.

"I think it's difficult to try to get it both ways."

Allcock said the Government would consider if it could define "more precisely" serious financial offences.

The Hong Kong Journalists Association has written to the ad hoc group expressing its concern that journalists would be included in a clause in the bill relating to "prejudice of investigation".

The HKJA chairwoman, Daisy Li, said a journalist who reported that an investigation was under way, or reported on a raid related to an investigation, could face up to seven years in jail.

She said there could be "public-interest reasons for publication", and the news media must not be "unduly restrained from publishing stories".