

MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

HONG KONG SAR

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING		CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
PS	PT	Extradition legislation	Mutual Assistance legislation	Special investigation techniques including listening devices	POC	ML	
Conspiracy	Conspiracy						
Attempting	Attempting						
Aiding/Abetting	Aiding/Abetting						
Organised crime	Organised crime						
Commercial carrier responsibility	Commercial carrier responsibility						
Extra-territoriality	Extra-territoriality	Treaty required	Treaty required				
PENALTY	PENALTY	Nationals	Dual Criminality	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling
		Any bars to PS and/or PT	Any bars to PS and/or PT				

	Criminalised	** In the development of any bilateral agreements and processing of requests from foreign states on matters such as surrender of fugitive offenders and mutual legal assistance , HKSAR requires the authorisation from the host country, PRC, who deals with the foreign affairs of HKSAR	Mutual Legal Assistance in Criminal Matters Ordinance, Chapter 525, Laws of Hong Kong ** In the development of any bilateral agreements and processing of requests from foreign states on matters such as surrender of fugitive offenders and mutual legal assistance , HKSAR requires the authorisation from the host country, PRC, who deals with the foreign affairs of HKSAR				Section 42, Immigration Ordinance, Laws of Hong Kong addresses the procurement, transfer, production or use of fraudulent documents
	Criminalised		No treaty required but will only assist where reciprocity is present				
	Section 37DA(1), 38(1)(a), Section 89 Immigration Ordinance: Any person who assists an unauthorised entrant to remain in Hong Kong/aiding and abetting any person to land in Hong Kong unlawfully/aiding and abetting any person to remain in Hong Kong without the permission of the Director of Immigration						

	<p>Section 37C(1) Immigration Ordinance: Crew, ship owner and his agent or any person who participated in making arrangements to enable the voyage on which the unauthorised entrant boarded the ship or was brought to Hong Kong to take place</p> <p>Section 37D(1) Immigration Ordinance: Any person who arranges, assists, offers to arrange, does or offers to do an act preparatory to or for the purpose of arranging or assisting the passage to, or within, Hong Kong, of a person who is, or of a conveyance which carries, an unauthorised entrant</p> <p>Section 38(4) Immigration Ordinance: Liability of captain, owner or agent from which a person lands without permission</p> <p>Section 39 Immigration Ordinance: Liability of a ship captain carrying persons seeking to land unlawfully</p>						
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