AGREEMENT BETWEEN JAPAN AND THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Japan and the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as "Hong Kong Special Administrative Region"), having been duly authorized by the Central People's Government of the People's Republic of China,

Desiring to establish more effective cooperation between both Parties in the area of mutual legal assistance in criminal matters,

Desiring that such cooperation will contribute to combating crime,

Have agreed as follows:

Article 1

1. Each Party shall, upon request by the other Party, provide mutual legal assistance (hereinafter referred to as "assistance") in connection with investigations, prosecutions and other proceedings in criminal matters in accordance with the provisions of this Agreement.

2. Assistance shall include the following:

(1) obtaining testimony, statements or items;

(2) examining persons, items or places;

(3) locating or identifying persons, items or places;

(4) providing items in the possession of the authorities of the requested Party;

(5) presenting an invitation to a person whose appearance before an appropriate authority in the requesting Party is sought;

(6) transfer of a person in custody for giving testimony or otherwise assisting in investigations, prosecutions or other proceedings;

(7) serving judicial documents;

(8) assisting in proceedings related to confiscation and immobilization of proceeds or instrumentalities of criminal offences; and

(9) any other assistance permitted under the laws of the requested Party and agreed upon between the Central Authorities of the Parties.

3. The term "items" as used in this Agreement means documents, records and articles of evidence.

4. With regard to a request for assistance in connection with an offence against a law related to taxation, the primary purpose of the request shall not be the assessment or collection of tax.

Article 2

1. Each Party shall designate the Central Authority that is to perform the functions provided for in this Agreement. For Japan, the Central Authority shall be the Minister of Justice or the National Public Safety Commission or persons designated by them. For the Hong Kong Special Administrative Region, the Central Authority shall be the Secretary for Justice or a person designated by the Secretary for Justice.

2. Requests for assistance under this Agreement shall be made by the Central Authority of the requesting Party to the Central Authority of the requested Party.

3. The Central Authorities of the Parties shall communicate directly with one another for the purposes of this Agreement.

Article 3

1. The Central Authority of the requested Party may refuse assistance if the requested Party considers that:

(1) the request relates to a political offence;

(2) the execution of the request would impair its essential interests;