

## Abstract

As Wilbur Miller has argued, 'policing' in its widest sense may differ from one place to another, even though these places share their legal origins and policing framework, since actual 'policing' is influenced by a whole host of factors, including the tradition of the place, its socio-economic, socio-cultural, socio-political history and the law. This thesis aims to explore and explain those factors which shape the 'policing' of economic crimes, such as Internet banking fraud, in Hong Kong.

This thesis draws upon empirical data (such as interviews and court cases) in Hong Kong to analyse how Internet banking fraud is dealt with before and after it enters the criminal justice system. It argues that there are six specific local factors (i) social; (ii) economic; (iii) political; (iv) cultural; and (v) legal factors; as well as (vi) Mainlandisation since 1997, which have crucially shaped how the banks, the police and other law enforcement agencies handle economic crime, and internet banking fraud in particular.

The research shows that, of those cases which went to appeal between 1999 and 2012, the majority resulted in confirmation of conviction and custodial sentence at trial. Some of these cases revealed a mainland connection; some were multi-jurisdictional; some were local. Some involved large amounts of money and were very complex, others were less complex and have a very low money value. However, not all the cases in the sample involved fraud or monetary gain, despite the fact that they were originally charged under the Computer Crimes Ordinance 1993. This Ordinance is framed in a way which allows the police and prosecution

to charge various offences, such as theft, dealing in stolen property and corruption, so that offence that start off as Internet crimes end up at trial as traditional crimes.

However, the true level of Internet crimes remains unclear. Although the police have made available technically competent frontline officer to deal with Internet crimes, those that are reported to the police may nevertheless end up classified as other types of traditional crime. In addition, although the banks are required to report suspected crimes to the Hong Kong Monetary Authority (HKMA), which should than report them to the police, this does not always happen. Moreover, the victim may not realise they have been victimised or they may choose not to report it. What this means is that there may be are substantial dark figure of Internet banking crimes, including fraud. This contradicts the evidence provided by some of the respondents and official publications, all of which stress how effective and efficient the police, the banks, the HKMA and other agencies are at policing Internet crimes. Many stress how important it is to fight this kind of crime if Hong Kong is to maintain its international standing as a global financial centre.