

TRIADS

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I. INTRODUCTION

Triad societies are criminal organisations and are unlawful under the Laws of Hong Kong. Triads have become a matter of concern not only in Hong Kong, but also in other places where there is a sizable Chinese community. Triads are often described as organized secret societies or Chinese Mafia, but these are simplistic and inaccurate descriptions. Nowadays, triads can more accurately be described as criminal gangs who resort to triad myth to promote illegal activities.

For more than one hundred years triad activities have been noted in the official law and police reports of Hong Kong. We have a long history of special Ordinances and related legislation to deal with the problem. The first anti-triad legislation was enacted in 1845. The Hong Kong Special Administrative Region (HKSAR) has, by far, the longest history, amongst other jurisdictions, in tackling the problem of triads and is the only jurisdiction in the world where specific anti-triad law exists. It must be pointed out that legal enactments alone cannot solve the problem. This has to be supplemented by effective police enforcement action, proper education and publicity campaigns to remind people of the undesirable consequences of associating with triads and the importance of coming forward to report triad-related crimes and more importantly to testify in courts.

This paper will draw heavily on the experience gained by law enforcement bodies in the HKSAR in tackling the triad problem. Emphasis will be placed on anti-triad law and Police enforcement tactics. Background knowledge on the structure, beliefs and rituals practised by the triads is important in order to gain an understanding of the spread of triads and how triads promote illegal activities by resorting to triad myth. With this in mind the paper will examine the following issues:

- History and Development of Triads
- Triad Hierarchy and Structure
- Characteristics of Triads
- Differences between Triads, Mafia and Yakuza
- Common Crimes Committed by Triads
- Current Triad Situation in Hong Kong
- Anti-triad Laws in Hong Kong
- Police Enforcement Strategy
- International Cooperation

II. HISTORY AND DEVELOPMENT OF TRIADS

The term “Triad” is a relatively modern English word describing the sacred symbol of the secret societies, a triangle enclosing a secret sign derived from the Chinese character HUNG (洪) depicting a union of heaven, earth and man. The origin of triads is unclear, being a mixture of facts and myth. It is generally believed that in the mid-17th century, when the Manchurians from the northern part of China conquered the whole of China, overthrowing the Ming Dynasty and establishing the Ching Dynasty, some

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supporters of the former Ming Dynasty formed politically motivated secret societies with a declared goal to overthrow the ruling Manchurians who were considered as “foreigners” by the Han people. One of these societies was the HUNG League (洪門), which is now regarded as the original triad society, from which today’s triad societies have originated.

Over the years the original society has fragmented into numerous separate societies. With the political developments in China, the original political objectives have long been lost and these once “patriotic” secret societies have degenerated into present day criminal gangs. Nowadays, triad societies exist only for the pursuit of criminal activity for monetary gain. A common modern term - “Dark Society” or “Dark Association” (黑社會) is used to describe all triads, and represents the public feeling that triads are sinister and evil rather than a mystic brotherhood.

III. TRIAD HIERARCHY AND STRUCTURE

The traditional triad societies adopted a military style and had a well-organized rank structure, not dissimilar to present day guerrilla organizations. They had a rigid rank structure of members and officials, called “office bearers”. Each rank had specific responsibilities. Many of the traditional rank terms are still used today. As well as a title, an office bearer would have an auspicious number. The traditional rank structure of a triad society can be seen at Appendix A.

To enhance efficiency, increase flexibility and to avoid police detection, the present day triad societies in Hong Kong have adopted a flattened organizational structure. Apart from a few exceptions,

each triad society is generally presided over by the Chairman and Treasurer who are often elected for a fixed term, normally two years, by a group of senior members and/or area leaders of that triad society. Usually, the most influential area boss, who has the largest group of followers or the most wealth, is elected. In some triad societies, the same person holds both posts. It must however be emphasized that these days the Chairman and Treasurer are honorary positions without actual power. Appendix C shows the present day structure of a typical triad society in Hong Kong.

IV. CHARACTERISTICS OF TRIADS

Contrary to what the movies may portray, triad societies are in fact a collection of loose-knit groups or gangs who operate independently. They are mainly local area gangs, each active in certain areas and activities. Their disputes sometimes result in fighting and it is not uncommon that gangs within the same triad society often fight with each other over a disputed interest or territory.

Despite the fact that today’s triad members do not belong to one organization, some of them continue to use triad jargon, rank structure etc. This is to convince a new recruit that he has indeed joined an elite and is used to instil fear into members of the public. Cooperation between triad groups in criminal activities is normally based on personal acquaintance and mutual interest. The chairpersons do not usually direct gang members’ criminal activities but are only ‘ceremonial heads’ and ‘mediators’ of disputes.

There is a recognized Chinese triad presence in a number of countries. These overseas groups may bear the same triad names as those in Hong Kong but apart from that, they have no connection and

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little in common. Although there have been occasions when overseas triad members perpetrated crimes together with triads in Hong Kong, the triad membership was merely incidental. When an opportunity arises to make a profit, criminals will establish a joint venture.

Triad identity is not a pre-requisite to establish a criminal joint venture except to serve as a reference to the criminal background of that person. It is thus a gross simplification to associate organized crimes in Hong Kong with triad societies. Drug trafficking and smuggling are typical

examples of organized crimes. However, triad membership is not a prerequisite for joining a drug syndicate. It is experience, expertise, contacts or money that count. Whilst it may be true that many drug traffickers have triad connections, triad membership does not enhance one's position in a drug organization. The same applies to other organized crime groups, which specialise in such activities as illegal gambling, prostitution, loan sharking and fraud. It is not uncommon to find major organized crime syndicates with members from several different triad societies working together.

V. DIFFERENCES BETWEEN TRIADS, MAFIA AND YAKUZA

The table below depicts the major differences between Triads, the Mafia and Japanese Yakuza.

<u>Triads</u>	<u>Mafia / Japanese Yakuza</u>
<ul style="list-style-type: none">• Loose-knit group (gangs)• Independent power base• Horizontal organization• Chairperson - limited influence, honorary post• Full autonomy• Profit belongs to individual gangs• Disputes settled through negotiations and fights• Made up of criminal fraternities	<ul style="list-style-type: none">• Monolithic criminal organization• Power diffused from a central core• Rigid chain of command• Chairperson - the 'Godfather' post• Central leadership• Profit goes to organization• Disputes adjudicated by core leadership• A criminal enterprise

VI. COMMON CRIMES COMMITTED BY TRIADS

Triad gang activities are mainly territorial and fall into one or more of the following categories:

- Extortion and protection racketeering;
- Monopoly of certain business and services;
- Street-level drug trafficking;
- Illegal gambling activities;
- Prostitution and pornography;
- Loan sharking and debt collection;
- and,

- Other opportunistic crimes, such as selling of pirated and contraband goods, smuggling, dealing in counterfeit currency and credit cards.

Experience in Hong Kong, however has shown that triads are extremely adaptive and versatile. They will make use of every opportunity to make money, whether legal or illegal. In tackling current and future triad activities, there is a need to be vigilant of emerging trends.

Over the years, some of the criminal groups have established legitimate fronts so as to cover their criminal activities. More sophisticated triad members, referred to as second or third generation triads, have received the best education paid for by money generated through illegal means. Many of them are trained as professionals such as lawyers and accountants. They are also involved in legitimate business and part of the profit from legitimate sources can be used to fund triad activities so as to create an environment favourable for their business. They may present themselves as reputable entrepreneurs and mix with reputable socialites. Since they rarely involve themselves in crimes, they are becoming known as the “untouchables”. Such a practice is typical in the development of organized crime. Control of and investigation into their activities becomes increasingly difficult.

At the lower level, triads are shifting from hardcore criminals to service providers. Their services include the supply of bouncers to entertainment businesses, car jockeys for valet parking, debt collectors and regulators to ward off business competitors. Those at the receiving end of the service are willing hirers, which may include reputable commercial corporations, making attempts to shrink the income of triads difficult or even futile.

VII. CURRENT TRIAD SITUATION IN HONG KONG

In 1999, there were 76,771 crimes reported and the crime rate (the number of crimes per 100,000 of the population) was 1,121.9. As a result of sustained police efforts in Hong Kong the ratio of triad involvement in overall crimes, in the past few years, has been contained at below 4%. Appendix D contains charts showing the total number of reported crimes, the total

number of reported triad-related crimes and the percentage of triad-related crimes in total reported crimes between 1990 and 1999.

At present there are around 50 known triad societies in Hong Kong, of which about 15 regularly come to Police attention through overt criminal activities. This does not mean that the remaining societies are inactive, but possibly only that their activities go unreported for a variety of reasons. The clandestine nature of triad activity precludes an accurate assessment of the triad membership. The accumulated number of people convicted for triad membership since 1936, including recidivists, is about 32,000 and accounts for 5% of all convicts. It serves as a rough indication of the size of triad population. San Yee On, 14K, Wo Shing Wo, Wo Hop To and Wo On Lok are the five most active triad societies and they together account for the majority of triad-related crimes in Hong Kong.

VIII. ANTI-TRIAD STRATEGY IN HONG KONG

In Hong Kong, we adopt a four-pronged approach to tackle triad activities, namely:

- (a) Legislation
- (b) Enforcement
- (c) Education
- (d) Rehabilitation

A. Legislation

Hong Kong is determined to combat triad activities. The first anti-triad legislation dates back to 1845. Relevant anti-triad laws were consolidated subsequently under Societies Ordinance, which was enacted in 1949. Hong Kong has the most effective and strictest legislation aimed at tackling triad activities:

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1. The Societies Ordinance

Under the Societies Ordinance, Cap 151, Laws of Hong Kong, and its subsequent amendments, all triad societies are deemed to be unlawful societies in Hong Kong. It includes a series of criminal offences relating to triad membership, recruitment and activities. Any person convicted of professing or claiming to be an office-bearer or managing or assisting in the management of a triad society is liable to a maximum fine of HK\$1 million and to imprisonment for 15 years. A person convicted as a triad member may be fined a maximum of HK\$250,000 and jailed for 7 years.

The courts usually regard a charge of Triad membership alone as not being particularly serious and accordingly the penalties awarded range from being 'Bound Over' to being placed on probation. However, in respect of recruitment and office bearer offences, a more serious view is taken and up to one year's imprisonment is not uncommon. In addition, most courts are less inclined to leniency if other offences such as blackmail, wounding or intimidation are involved. In a recent trial an officer bearer was convicted of the offence of managing a triad society and some other related offences under the Societies Ordinance. He was sentenced to three and a half years' imprisonment.

The enactment of the Societies Ordinance has to a great extent assisted us in the fight against triads in the last couple of decades. However, the greatest difficulty faced by Police in combating triad activity is the reluctance of victims and witnesses to report crimes and to testify in subsequent trials. This has largely stemmed from the perceived fear of triads and possible triad revenge. In addition, in many triad crimes, there are simply no "victims" because they have become "satisfied customers". Typical examples

are Public Light Bus drivers engaging triads to monopolize profitable routes and decoration contractors using triads to drive out competitors in the Public Housing decoration sector. Victim reassurance is therefore important to encourage people to come forward and report triad activities. Additionally, coercive power is required to enhance the police's ability to uncover evidence of triad criminal activities.

2. The Organized and Serious Crimes Ordinance (OSCO)

The OSCO was enacted in 1994. "Organized Crime" is defined as any one of a wide range of criminal offences listed in Schedule I of the Ordinance and includes those, which are connected with the activities of a particular triad society.

The objectives of the Ordinance are fourfold:

- (i) To provide powers under sections 3, 4 and 5 to investigate organized crimes and the proceeds from organized crimes or serious offences, including the power to compel a person to attend an interview, to supply information or to produce material for inspection. The person is deprived of his right of silence though his admission cannot be used against him;
- (ii) To provide for confiscation of proceeds of crimes;
- (iii) To create a general "money laundering" offence under section 25 to cover those who deal with property, knowingly or having reasonable ground to believe that it represents proceeds of an indictable offence; and,
- (iv) To enable the prosecution to submit to the courts, information concerning the nature and impact of serious crimes and for the courts to impose more stringent sentences in appropriate cases under section

27.

It is assessed that the police force's investigative capability to combat triads and organized crime syndicates has been enhanced by these new provisions. The power to compel the production of documents and statements from victims and witnesses has been particularly useful in breaking through "the wall of silence" which effectively hampered police efforts to fight this scourge of society.

The creation of a money laundering offence is a step forward in tracking and cracking down on the financial source of the triads. Through the successful application of this new provision, the laundering of dirty money by triads can be stopped, preventing its use for funding further triad activities.

It is also notable that the enhanced sentences for those convicted in connection with triad and organized crime not only remove more criminals from the streets for much longer periods, but also act as a deterrent to those who would otherwise follow in their footsteps.

By far the most powerful and effective elements of the Ordinance are the confiscation provisions, which empower the court to restrain criminal assets whilst under police investigation and also to order its forfeiture upon conviction of the offender. Depriving the criminal of his ill-gotten gains is the greatest hurt that can be done to him and also stops the money from being used to corrupt officers as well as for rebuilding the criminal enterprise upon the discharge of the triad member from prison.

3. Witness Protection Ordinance

As mentioned earlier, the greatest difficulty faced by Police in combating triad activity is the reluctance of victims and

witnesses to report crimes and testify in subsequent trials. The Witness Protection Ordinance was passed in June 2000. It provides a legal framework for the Witness Protection Programme, which has been operating since 1992. It reassures witnesses, especially accomplice witnesses, of their own and their family members' safety, such as giving a new personal identity after trial.

B. Police Enforcement Strategy

1. Three-Tier Structure

The fight against triads and organized crimes in Hong Kong is spearheaded by a three-tier structure within the Hong Kong Police Force. The Hong Kong Police has dedicated units at headquarters level (e.g. Organized Crime and Triad Bureau, Criminal Intelligence Bureau) to collate intelligence and to take proactive action against the triads, such as using undercover agents to infiltrate into the triads, as well as the establishment of a Witness Protection Unit to provide support and protection to vulnerable witnesses and family members.

There are also designated crime units at the Regional and District levels to interdict those mid-level and street-level triad personalities and activities. They are supported by Intelligence Sections in the Regions and Districts.

In each Police District, there is a school liaison team to deal with the triad activities amongst school children. Criminal investigation units at all levels also investigate criminal activities involving triads.

2. Intelligence Gathering and Undercover Infiltration

Given that vulnerable victims are reluctant to report triad-related crimes and testify at court because of the fear of revenge, the deployment of police officers

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to infiltrate triad groups to gather intelligence and to collect evidence for prosecution purposes has proved an effective tactic.

Many successful Police anti-triad operations were the result of proactive undercover infiltration actions. There have been successful deployments of undercover police officers in schools, resulting in the arrest of triad elements that intimidate and recruit students to join triad societies.

3. High Profile Operations

Apart from investigation and intelligence, operations are mounted from time to time at various levels of the Hong Kong Police Force, to suppress and neutralise triad activities, particularly at their source of income.

Triads prosper from the threats and fears that they instil in their victims. It is very important therefore that, in successful police operations, every opportunity should be taken to publicise arrests, in order to remove the fear that the public may have of triads.

4. Witness Reassurance/Protection

Support from members of the public is vital in our fight against crime. A lot of Chinese however are reluctant to report crimes either because they thought it was not their business, or because of the fear of revenge. The Hong Kong Police has made efforts to assure witness protection in many ways, such as allowing witnesses to live in safe houses, omitting addresses in witness statements etc. Recently, new legislation has been passed to further enhance witness protection - The Witness Protection Ordinance.

A police hotline for reporting triad activities has also been set up. The purpose of the hotline is to encourage members of the public who might be victims of, or

witnesses to triad related crimes, to report to the police in the first instance. The identity of complainants is protected. Anonymous complaints are also handled expeditiously.

5. Triad Research and Triad Experts

The clandestine and mythical nature of triad activities has made a general understanding of the triads difficult. A lot of their activities including their structure, rituals, ceremonies, hand signs and insignia are unknown to members of the public. A thorough understanding of triads is vital both in detecting triad activities and in the subsequent prosecution in the courts. The Hong Kong Police have set up a research unit, specializing in triad research. The research unit is responsible for conducting research into triad activities and training the Force Triad Expert Cadre. The Triad Expert Cadre assists, both in the investigation of triad-related crimes and in the giving of expert evidence in court trials. Regular seminars are held to keep the Triad Experts abreast of current trends.

C. Education

There is no doubt that public support and awareness are essential in combating triad activity. The Junior Police Call (JPC) is a scheme administered by the Police, which apart from providing recreational activities, also serves as a well-established network for disseminating anti-triad messages to youngsters. Regular school talks are conducted on the adverse effects of triad membership. As portrayed in the movies and television, there is always an over-glorification of triads. The JPC Scheme develops a better understanding of the police by the youngsters and fosters youth values to make them more resistant to triad influence.

More importantly, through various publicity campaigns we continue to strive to show the public that triad societies are simply criminals, not legitimate problem

solvers or business people, and certainly not role models for our youth.

The continuous and sustained effort by the Hong Kong Government through education and publicity campaigns in the past decades has witnessed a change in people's attitudes towards triads in recent years. People come forward more than they did in the 60's and 70's. Yet there is no room for complacency because triads still exist and that our method of dealing with these groups should be continually evolving.

D. Rehabilitation

In Hong Kong, outreach social workers have been employed to counsel vulnerable youngsters to stay away from triad personalities and activities. A legally sanctioned warning system administered by a senior police officer can be used instead of a young person attending court. After being warned, the young person will be advised by police officers as to follow-ups for their rehabilitation. Following prison release, triad offenders like other criminals will be supervised by after-care services by the Correctional Services Department.

IX. INTERNATIONAL CO-OPERATION

Since 1995, the Triad Course for Overseas Law Enforcement Officers has been conducted annually by the Hong Kong Police Force. Apart from sharing knowledge of triads and experience in tackling triad crimes, the participants are able to build up an intelligence network that fosters future exchange of information on triad activities. Apart from that we also organize Triad Courses in other countries. Two such courses were organized in Canada before and two will be organized in Australia later this year.

The Hong Kong Police Force undoubtedly enjoys the close and productive relationship with many Overseas Law Enforcement Agencies, especially those with liaison officers posted to Hong Kong, such as National Police Agency of Japan, FBI, DEA, INS, Customs Service, Secret Service and Internal Revenue Service of the US, RCMP of Canada, AFP of Australia, the Korean National Police and the UK Customs.

From time to time Japanese delegates visit the Hong Kong Police Force. During the visit topics of common interest are discussed and experiences in combating crimes shared. Since the beginning of this year, two such visits have been arranged.

The Hong Kong Police Force will continue to be committed in forging closer cooperation with our counterparts, exchanging intelligence, mounting joint operations, sharing experience, returning fugitives where Mutual Legal Assistance is applicable and attending international conferences.

X. CONCLUSION

While Hong Kong has enacted special laws to deal with the triad menace, as has been explained earlier, triad-related crime is no different from any organized crime and can be effectively tackled by legislation targeting the latter activities. Anti-money laundering and asset forfeiture laws, for example, are considered effective measures to tackle triad activities.

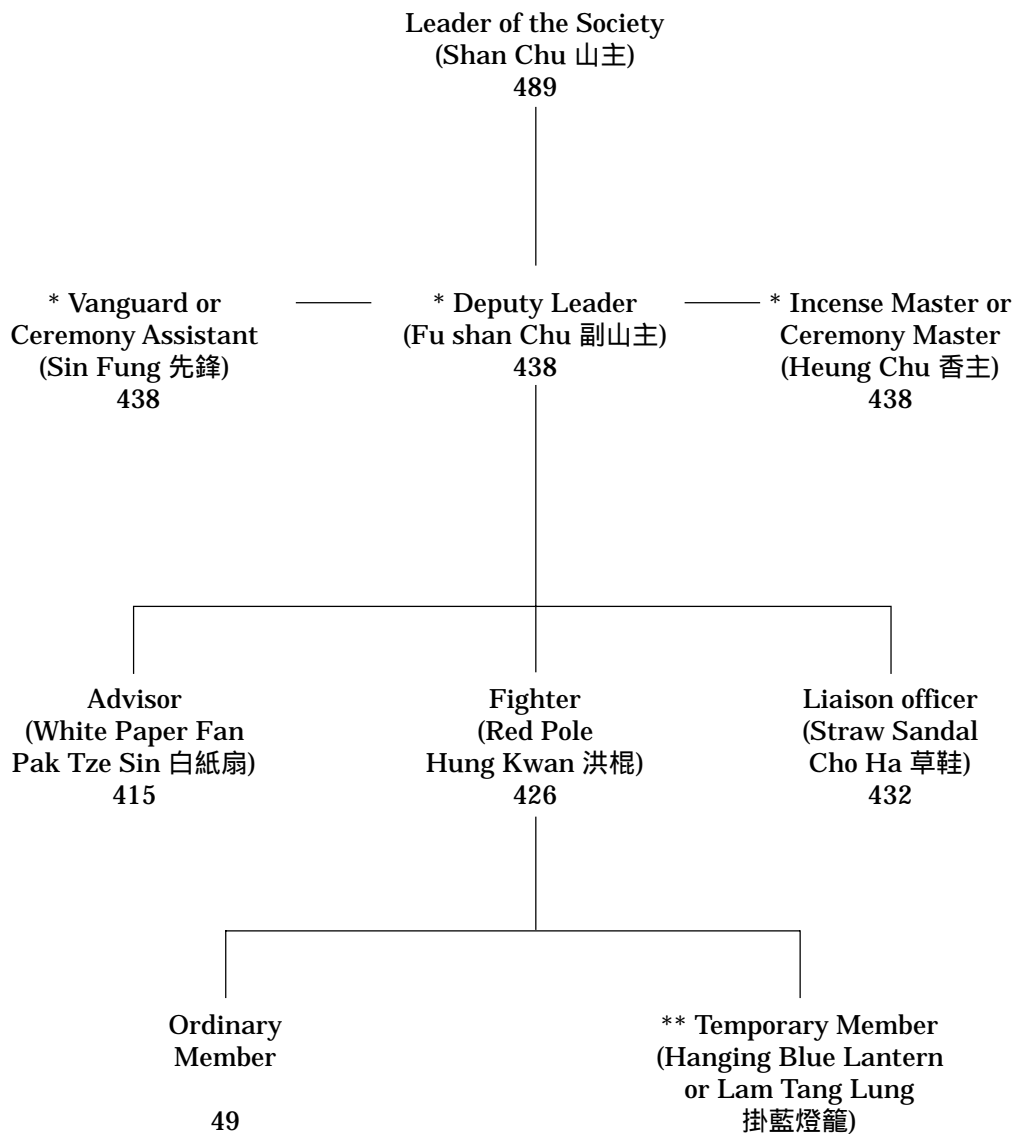
However, a good working knowledge of what triads are, their structure and methods of operation are essential. Equally important is an understanding of the Chinese culture and establishing an effective means of communication with the local Chinese community so as to encourage the reporting of triad activities.

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As in the case of organized crime, it is not expected that triads could be totally eradicated even with the rigorous application of enforcement and judicial measures. Hong Kong has been tackling the triad problem for many years and we are more than willing to share our experience with the other law enforcement agencies.

Appendix A

TRADITIONAL STRUCTURE OF A TRIAD SOCIETY



Note: A fuller explanation of the roles and numerical figures can be found at Appendix B1

* = In the smaller triad societies all the 438 posts are filled by one individual

** = A member that has not been initiated

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Appendix B

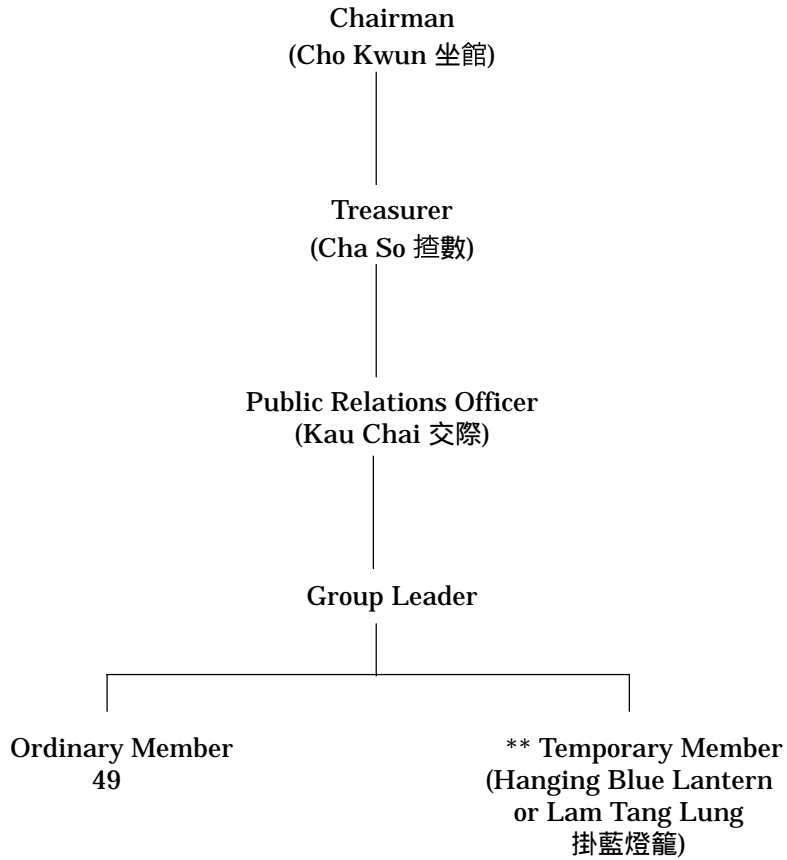
EXPLANATION OF THE ROLES AND NUMERICAL FIGURES

- (a) 489 - The Leader of the Society is generally known as the First Route Marshal or Dragon Head. He is also referred to as the Shan Chu, the literal meaning is 'Mountain Master' 山主.
- (b) 438 - The Deputy Leader is generally known as the Second Route Marshal or Fu Shan Chu 副山主.
This title of 438 can also be awarded to the office bearers officiating as 'Incense Master' or Heung Chu 香主 or Vanguard 先鋒 in a triad ceremony.
- (c) 415 - An official generally known as Pak Tsz Sin 白紙扇 (meaning White Paper Fan) whose duty is to advise generally on the organization, administration and finance of the Branch.
In other words he is the Counselor or the Chief of Staff.
- (d) 426 - An official generally known as the Hung Kwan 洪棍 (meaning Red Pole) whose duty is to take charge of the fighting section of the Branch and play the leading role in fights against rival groups.
This official is also responsible for the Society or Branch membership.
- (e) 432 - An official generally known as the Choi Hai 草鞋 (meaning Straw Sandal) is the liaison officer as well as the chief messenger of the Branch and through whom messages from the Branch concerning meetings, manpower, rallying for settlement talks or gang fights are passed on to other members of the Branch.
- (f) 49 - An ordinary member of a Triad Society who is normally the protégé of a particular junior office bearer.
- (g) Blue Lantern Member or Hanging Blue Lantern Member 掛藍燈籠

A member who has undertaken an oath of allegiance to a Triad Society or to a Triad Society member without having been initiated through a Hung Mun ritual. His allegiance may have been shown by having paid a fee, or by the adoption of Triad title or Triad slang, or by verbal recognition of joining the Society or by becoming a follower of a Triad member or an Office Bearer (known to be a protector).
Depending on the Triad Society, some Blue Lantern members may undergo initiation rites later.

Appendix C

CURRENT (SIMPLIFIED) STRUCTURE OF A TRIAD SOCIETY



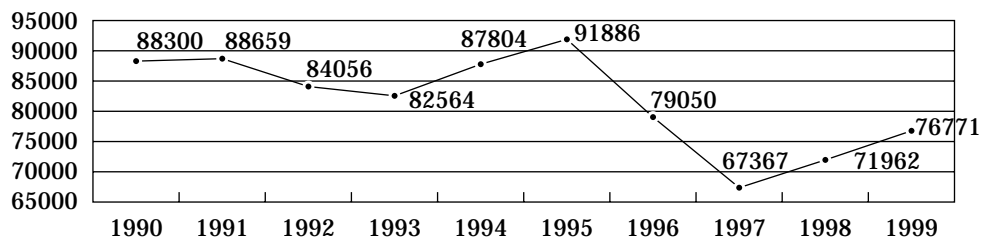
* Any Office bearer of 426, 415 or 432 rank

** A member that has not yet been initiated

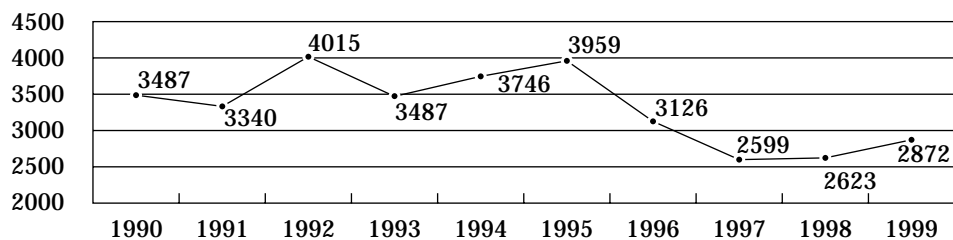
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Appendix D

THE TOTAL NUMBER OF REPORTED CRIMES, 1990-1999



THE TOTAL NUMBER OF TRIAD-RELATED CRIMES, 1990-1999



THE PERCENTAGE OF TRIAD-RELATED CRIMES TO TOTAL REPORTED CRIMES, 1990-1999

