

立法會
Legislative Council

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the Administration)

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LegCo Panel on Security

**Minutes of special meeting
held on Tuesday, 22 May 2001 at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon IP Kwok-him, JP
Hon Ambrose LAU Hon-chuen, JP
Hon WONG Sing-chi
- Members attending** : Hon YEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
- Members absent** : Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Andrew WONG Wang-fat, JP
- Public Officers attending** : Mrs Regina IP, JP
Secretary for Security
- Mr Raymond WONG, JP
Deputy Secretary for Security 1
- Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr LAU Yuk-kuen
Deputy Commissioner of Police (Operations)
Hong Kong Police Force

Mr CHEUNG Chi-sum
Assistant Commissioner of Police (Operations)
Hong Kong Police Force

Mr WONG Doon-yee
Chief Superintendent (Public Relations)
Hong Kong Police Force

Mr WONG Fook-chuen
Senior Superintendent (Crime) (Hong Kong Island)
Hong Kong Police Force

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2)5

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I. Security arrangements for the FORTUNE Global Forum and the Police's strategy in maintaining public order in demonstrations
(LC Paper No. CB(2) 1593/00-01(01))

Secretary for Security (S for S) pointed out that some Members attending the meeting were legal representatives of persons arrested in cases related to the incidents which occurred when the FORTUNE Global Forum (the Forum) was held in Hong Kong. She expressed concern that the problem of conflict of interest might arise in the discussions.

2. Miss Margaret NG said that as the meeting would not involve any decision making or voting, she did not see any conflict of interest in the discussions. Mr Albert HO said that while he was a legal representative of the persons involved in the cases, there was no pecuniary interest involved. He considered that Members should not be subject to any restriction in the raising of questions. The Administration could decide whether it was appropriate to answer a question raised by a Member.

3. The Chairman said that the Rules of Procedure of the Legislative Council (LegCo) had set out the rules for declaration of interest by Members. It would be up to a Member to declare his interest at the meeting. He said that the meeting should

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focus on the discussion of general policy issues. Reference to individual cases should be avoided.

4. Mr Albert HO declared interest as the legal representative of the arrested persons as referred to in paragraphs 14 and 15 of the Administration's paper.

5. Deputy Commissioner of Police (Operations) (DCP(O)) briefed Members on the Administration's paper and provided the following additional information -

(a) the Police took the initiative to engage in 78 dialogues two weeks before the Forum with 35 groups of protestors who frequently took part in demonstrations. It also took the initiative to engage in dialogue with protestors which had not notified the Police of their intention to hold public processions during the Forum;

(b) the deployment of the 3 000 Police officers as referred to in paragraph 6 of the Administration's paper were as follows :

Personal protection and security at the meeting venue	500
Search duties	300
Screening	250
Traffic escort	150
Management of public activities	300
Crowd management in various districts during the fireworks display on 8 May 2001	1 500

(c) after the 1 500 Police officers deployed for fireworks was deducted from the total of 3 000, the number of Police officers deployed for various duties connected with the Forum was 1 500, which was comparable to the number deployed for a conference hosted by the World Bank in Hong Kong in the previous year; and

(d) as regards two sizeable public order events which would be held on 27 May and 4 June 2001, the Police had started dialogue with the organizing group two months ago to ensure that the public processions would be held peacefully.

6. Mr CHEUNG Man-kwong declared that he was a Committee Member of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance). Referring to paragraph 15 of the Administration's paper, he questioned whether it was appropriate for the Police to adopt measures such as "nose-poking" and "throat-locking" against volunteers of the Alliance in breach of a minor traffic offence. He asked whether the force used by the Police had been excessive, especially given that the arrested persons were not rioters and the vehicle was more than 750 metres away from the venue of the Forum and moving in the opposite direction. He said that he had organised peaceful public meetings and public processions for the Alliance for the past 12 years. There was no evidence that public meetings or processions of the

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Alliance were not peaceful. He asked whether the Administration was suppressing the Alliance. He questioned whether such actions were taken against other persons involved in minor traffic offences. He also asked whether the Police or the persons arrested had initiated the use of force.

7. S for S responded that as some persons involved in the case were under prosecution, it was inappropriate for the Administration to disclose who initiated the use of force or other details. However, it was a general rule that Police officers might use such reasonable force as necessary in discharging their duties. The use of hands to stop some acts was the minimum force, even under international standard. She added that the term "force" was different from the term "violence". She pointed out that a Police officer had suffered a fractured tooth that required surgical removal. As regards persons in breach of minor traffic offences, the Police would not use force unless the persons concerned refused to co-operate. Mr CHEUNG Man-kwong said that he regretted the loss of tooth of the Police officer concerned. This was the result of inappropriate handling of the case.

8. DCP(O) said that "nose-poking" and "throat-locking" were only the terms used by the media. They were not correct descriptions of the Police's actions. He stressed that there was no question of the Police suppressing the Alliance, nor was there special actions against any particular vehicle. There was also no question of the Police suppressing the Alliance in the future, provided that it acted within the law. He said that it was inappropriate to mix up the Alliance with the illegal acts of some persons.

9. Assistant Commissioner of Police (Operations) added that "nose-poking" and "throat-locking" did not accurately reflect the actions of the Police. Such actions would also not be adopted for sanitary reasons. The actions taken by the Police actually involved the use of fingers to press certain parts of the face so that the person being pressed would temporarily lose his power of resistance. Such a method, which was proposed by medical experts of the United States (US) after lengthy research, was generally adopted in US and many other parts of the world. It would not cause temporary or permanent harm to a person. He stressed that the Police officers concerned had received the necessary training. As the case was still under investigation, he was not in a position to disclose further details about the actions of the Police officers concerned.

10. Mr Albert HO said that the Police might have been concerned about possible riots similar to those which occurred in Seattle and Prague in previous years in view of overseas protestors' appeal via the Internet for support to come to Hong Kong. Thus, the Administration had adopted the following measures -

- (a) refusing the entry of more than 100 persons into Hong Kong during the Forum;
- (b) unreasonably enlarging the security zone so that protestors would not be seen and their voices could not be heard by the participants of the Forum; and

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- (c) undertaking unnecessarily stringent measures at locations far away from the Forum, such as handling persons in breach of minor traffic offences in the way which had never been used before and the use of force to seize a paper-made coffin used by demonstrators.

He questioned whether the Police's strategy was to eliminate even the minimum possibility of disorder. He asked whether the Administration would adopt similar measures, including the removal of a paper-made coffin used by demonstrators, whenever international conferences or events were held in Hong Kong in the future.

11. S for S said that the Administration had always paid attention to the measures adopted and reviews carried out by overseas countries in the handling public meetings and public processions during international conferences. She assured Members that the strategy adopted by the Police was similar to those adopted in other countries. The only difference was that the level of force used by the Police was comparatively less because the overseas protestors who demonstrated violent behaviour did not eventually come to Hong Kong. She said that measures adopted in overseas countries against demonstrators were more stringent than those adopted in Hong Kong. In the Summit of the Americas 2001 held in April, the Quebec government had constructed a 3.7 kilometres of concrete fencing to ensure the security of the meeting venue. It could be noted from the television news programmes that the police in other countries used much greater force against demonstrators. In Melbourne, mounted police was used to disperse demonstrators. Where necessary, baton and water jets would also be used against demonstrators. All these had not been used by the Police in Hong Kong.

12. S for S further said that foreign media had focussed their reports about the Forum on the refusal of some peoples' entry into Hong Kong during the Forum. No overseas media or consulates had said that the Police had used excessive force during the Forum. She added that Hong Kong was a peaceful city and there was no need for the Police to use much force, unless demonstrators who exhibited violent behaviour entered Hong Kong.

13. S for S informed Members that the Minister of Trade of Canada had said in his concluding speech for the Summit of the Americas 2001 that "international meeting must be secure and uninterrupted so that is why I believe that the precautions we took in Quebec City to ensure that the meeting was able to proceed were not only appropriate but absolutely essential to preserve democracy and the function of the international system". She said that the Administration took the same view. The refusal of certain people from entering Hong Kong had been debated by LegCo on many occasions. The subject of travel convenience for visitors to Hong Kong had also been discussed at the Panel meeting in May 2000. She pointed out that under the Immigration Ordinance (IO), the Director of Immigration (D of Imm) had wide discretion to determine whether a person may be allowed to enter Hong Kong. It could be noted from many precedents in common law jurisdictions that whether a person should be allowed to enter a place should be based on the public interest, which depended on the circumstance of each case. She assured Members that the decisions

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taken by D of Imm were legitimate, reasonable and appropriate in the circumstances.

14. As regards the determination of the security zone for the Forum, S for S said that the basic principle was to take all necessary precautions to ensure the security and smooth running of the Forum.

15. Mr Albert HO asked whether D of Imm's decision to refuse the entry of about 100 persons was based on a name list supplied by the Administration or other organisations. He also asked whether the Administration had adopted the policy of not allowing the use of coffins in demonstrations.

16. S for S responded that there was no question of D of Imm exercising his discretion under her instructions. Under IO, D of Imm was empowered to exercise discretion in deciding whether to allow the entry of visitors, having regard to the circumstances of each case and all relevant information. She said that the immigration authority of each place had its own list of persons whose entry was not allowed. This list was subject to continuous review. She had explained to the consulates of some countries in the previous week that according to Hong Kong's immigration policy, the refusal of a person to enter Hong Kong might not imply that the person would be refused entry forever. Allowing a person to enter Hong Kong might not imply that the person would be granted entry forever. She further said that there was no policy of prohibiting the use of coffins in demonstrations. Whether the Police would take actions against a coffin would depend on whether public order was affected. She added that as the coffin used by demonstrators on 8 May 2001 was paper-made, there was no question of the use of force to remove the coffin, which would have damaged the paper-made coffin. As the case involved prosecution in court, she was not in a position to disclose further details.

17. Miss Emily LAU said that many local media had criticised the Police's way of handling demonstrators when the Forum was held in Hong Kong. She questioned whether there were 4 800 participants in the public gatherings and processions held between 7 and 10 May 2001. Referring to paragraph 9 of the Administration's paper, she questioned whether the Designated Public Activity Area (DPAA) was located directly opposite the entrance of Hong Kong Convention and Exhibition Centre (HKCEC) used by participants of the Forum. She added that the Administration should explain why more than 100 persons were refused entry into Hong Kong.

18. Miss Emily LAU commented that the Police was substantially more concerned about the protection of participants and smooth running of the Forum than the freedom of expression of demonstrators. She considered that the security zone was unnecessarily large. She said that the size of some groups of demonstrators were less than the statutory minimum where notification of the Police was required under the Public Order Ordinance (POO). It was thus not necessary for them to notify the Police. She added that the Police's way of handling demonstrators had given her the impression that the Administration was suppressing the Alliance.

19. DCP(O) responded that the security zones and DPAA's were determined on the

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basis of the Police's threat assessment, and having regard to the needs, security requirements and the circumstances. Consideration had also been given to the views expressed by potential demonstrators. He said that while it was not a requirement under POO for persons holding public processions of less than 30 persons to notify the Police in advance, it should be borne in mind that there were 56 public meetings and processions involving 4 800 participants between 7 and 10 May 2001. The Police had a responsibility to maintain order when many groups of people held public processions in the same DPAA.

20. S for S said that while the Administration could explain its immigration policy to other countries, it was not in a position to explain the reasons of the refusal in individual cases. She reminded Members of a well-known case last year in which the Australian government refused the entry of a Hong Kong resident who was a prominent figure in sports, as part of the security precautions for the Olympics. When the Summit of the Americas 2001 was held in Quebec, the Canadian government had refused the entry of about 60 persons. Certain borders of US and Canada were also closed for four hours. When an international economic conference was held in Davos, Switzerland in January 2001, public meetings and public processions were totally banned. Such measures were not adopted in Hong Kong because most of the public meetings and processions were conducted peacefully.

21. Miss Emily LAU said that D of Imm should refuse the entry of persons only where there was evidence that the persons concerned would cause troubles. She expressed deep concern that the Administration had no intention to review the security arrangements and the Police's way of handling demonstrations during the Forum despite criticisms from local media and many people.

22. S for S responded that while there were criticisms from some local media, the Administration had also received many letters of appreciation from members of the public. The organisers of the Forum were highly appreciative of the Police's efforts. Many foreign chambers of commerce and foreigners had expressed the view that the Police had handled the incidents during the Forum appropriately and professionally. She stressed that all the measures adopted by the Police were necessary and proportionate to the circumstances.

23. Mr James TO expressed deep concern that the Police had used more force than was necessary to handle protestors, such as the use of "nose-poking" and "throat-locking" against persons in breach of minor traffic offences. These, together with the loss of tooth of a Police officer and a demonstrator seriously hit by the Police, would escalate conflicts and clashes between the Police and demonstrators in future processions. He said that protestors generally hoped that their voices could be heard and their banners could be seen by participants of the Forum. This was also an important right under the international human rights covenants of the United Nations. He considered that with the protestors being separated into groups of 20 persons and a large number of Police officers deployed, the DPAAAs could have been closer to the meeting venue. The Police could conduct searches on the demonstrators, if they were suspected of possessing weapons. He added that many political parties and

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newspapers which did not usually criticise the Administration had said that there was room for review of the security arrangements.

24. S for S responded that the objective of the security arrangements was to strike a balance between ensuring the smooth running of the Forum and the safety of its participants and protecting the rights of individuals to express their views freely. With 56 public gatherings and processions involving some 4 800 participants held between 7 and 10 May 2001 and a limited number of Police officers, it was necessary for the Police to devise its plans cautiously.

25. DCP(O) said that the accusation that a demonstrator was seriously hit was unfounded. He stressed that the security arrangements for each event were devised separately having regard to the circumstances of each event.

26. Mr James TO asked whether the Administration intended to adopt similar measures against protestors in the future. He said that he would be very concerned, if this was the case.

27. DCP(O) responded that as law enforcement officers, the Police had always acted according to the law. There was no question of the use of excessive force by the Police. Whether the use of coffin was allowed in demonstrations would depend on the circumstances and whether there was threat to public order. He said that after the Forum, some demonstrators had used a paper-made coffin for demonstration from the Chater Garden to the Police's headquarters without being stopped by the Police.

28. Mr WONG Sing-chi said that he was very worried that measures not usually adopted by the Police under normal circumstances, such as adopting "nose-poking" and "throat-locking" against persons in breach of minor traffic offences, prohibiting the use of coffins in demonstrations and keeping the size of representatives to 20 people, would be adopted whenever international conferences were held in Hong Kong. He considered that there should be consistency in the handling of demonstrations at all times. Mr IP Kwok him however considered that special measures could be adopted to deal with special circumstances.

29. DCP(O) responded that the strategy of the Police was devised having regard to its threat assessment and the trend of demonstrations held in other places when similar international conferences were held. The Police's assessment was appropriate and based on sufficient information. As there were many public gatherings involving large number of participants during the Forum, the arrangements were needed to ensure that the processions were held in an orderly manner. He stressed that the Police was not overcautious. Public order might have been affected if the Police was unsuccessful in maintaining order in the public meetings and public processions.

30. Miss Margaret NG said that Mr Ronny TONG, former Chairman of the Hong Kong Bar Association, had said that an act that was not in breach of the law might not necessarily be consistent with the rule of law. Some pieces of legislation provided law enforcement agencies, such as the Police or ImmD, with much discretion in the

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enforcement of its duties. How such a discretion was exercised should be acceptable to a democratic society. She considered that restrictions on the freedom of demonstrators should be kept to a minimum as long as the safety of participants of the Forum was not affected. Besides protecting the rights of participants of the Forum, the Police should consider how protestors could express their views freely.

31. Mr Howard YOUNG said that many people had praised the Police for ensuring that the Forum, which would attract investment and create more job opportunities, was held in Hong Kong smoothly. He hoped that the Police would continue to ensure the smooth running of two similar international events that would be held in Hong Kong towards the end of the year. He informed Members that the tourism sector was of the view that the use of coffin in demonstrations would bring more harm than good to Hong Kong. In a luncheon with five Southern District Council members on the previous day, four of them had disapproved of the use of coffin in demonstrations, while one did not express any view on the issue. He said that one could note from the television news programmes that it was the demonstrators in US rather than those in Hong Kong who were seriously hit by the police. On the issue of refusal of entry into Hong Kong, he pointed that the US Consulate General in Hong Kong had refused granting visas, including travel visas, to far more than hundreds of Hong Kong residents without giving any reason. He suggested that the Police should review the arrangements near a school where students were required to leave their school early because of road closure.

32. DCP(O) responded that the Police had informed the school concerned in advance that road closure and security measures would be adopted in the area and suggested the school to make appropriate arrangements. He said that all operations were devised separately having regard to the circumstances of each case. The Police would pay particular attention to such cases in the future so as to minimum inconvenience to the public. S for S said that she was aware of the difficulties of the school principal concerned. She also regretted that inconvenience had been caused to the parents. She hoped Members would understand that, for security reasons, the detailed route and time of road closure could not be disclosed in advance.

33. Mr IP Kwok-him said that there were different views on the security arrangements and the Police's strategy in handling demonstrations during the Forum. There was obviously conflict between demonstrators' wish to express their views as close as possible to the participants of the Forum and the Police's duty to protect the participants of the Forum. He considered that the measures and strategy adopted by the Police during the Forum was acceptable, especially given that no arrangement could be perfect. Referring to paragraph 9 of the Administration's paper, he asked about the consequence of not complying with the Police's suggestion of keeping the size of a demonstration group to 20 persons. He also asked about the Police's usual way of handling drivers in breach of minor traffic offences who refused to get off his vehicle.

34. DCP(O) responded that the size of 20 demonstrators per group was proposed in view of the size of the DPAA. It was only a suggestion and demonstrators could

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choose not to comply. He added that most drivers in breach of minor traffic offences had co-operated with the Police. Where a driver did not co-operate, the Police officer could use the minimum force as reasonably necessary to enforce his duties. He stressed that there were stringent rules on the use of force by the Police. S for S added that the suggestion of limiting the group size to 20 persons only applied to the DPAA located directly opposite HKCEC. Demonstrators who considered such a group size insufficient could choose to use other DPAAAs for demonstration.

35. Mr Albert HO said that although it was stated in the Administration's paper that 56 public gatherings involving 4 800 participants were held between 7 and 10 May 2001, he could only note from the television news programmes that the number of Police officers were far more than the number of demonstrators. He requested the Administration to provide information on the maximum size in terms of the number of participants among the public gatherings, the maximum number of public gatherings held at one time, and whether the 56 public gatherings and processions included those which welcomed the participants of the FORTUNE Global Forum.

36. S for S responded that about 300 Police officers were deployed to perform public order duties in the vicinity of the Forum and other locations where there were few thousand demonstrators. The situation which appeared in the television might not reflect the full picture. DCP(O) said that between 7 and 10 May 2001, there were 56 public gatherings and processions involving 4 800 participants. On 8 May 2001, there were 23 public gatherings and processions involving 3 040 participants. He added that the Police treated all participants of public gatherings and public processions equally, regardless of whether they welcomed the Forum or voiced their dissatisfaction. The Chairman asked the Administration to provide the information requested by Mr Albert HO after the meeting.

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37. Mr Albert HO said that to his knowledge, the Police had instituted prosecutions against the seven persons before seeking legal advice from the Department of Justice. This was rarely the practice with prosecutions related to public order. He added that the Police had applied for a court injunction after the institution of prosecutions to prohibit the seven persons who chained themselves to a flagpole near HKCEC from going to certain places. He asked whether this was a new strategy of the Police.

38. DCP(O) responded that an application for court injunction would be made whenever necessary. No new strategy was involved. He said that there were both cases where the Police sought legal advice before instituting prosecution and cases where the Police instituted prosecution before seeking legal advice. The Police had always exercised discretion in this respect.

39. Mr CHEUNG Man-kwong said that he had more than 12 years' experience in organising peaceful public meetings and public processions. He considered that the public meetings and processions were peaceful because the Police was restrained and the demonstrators were confident that the Police was restrained. If the demonstrators lacked such confidence, clashes would usually occur between the Police and demonstrators. If force was initiated by the Police against persons in breach of minor

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traffic offences, clashes between the Police and demonstrators would escalate and occur year after year.

40. S for S stressed that the Administration welcomed peaceful public meetings and public processions. The Police had facilitated the Alliance to conduct peaceful public meetings and public processions in the past. It would continue to do so in the future. She assured Members that the Police would not use force if a public meeting or procession was peaceful.

41. Mr James TO said that there were different views in the community about the security arrangements and the Police's strategy of handling public processions. He asked whether the Administration would consider appointing independent persons to carry out a review on the matter. He considered that a review by independent persons such as persons with legal knowledge might be more acceptable to the public.

42. S for S responded that the Administration's objective was to strike a balance between the rights of individuals to express their views freely and that the Forum was held safely and smoothly. The Administration had always conducted its own review after each event. To her knowledge, the Complaint Against Police Office was investigating a relevant complaint, the results of which would be submitted to the Independent Police Complaints Council (IPCC) for consideration. In view of these, she considered it unnecessary to conduct a separate review.

43. Mr James TO considered that IPCC would only examine the complaint case, whereas an independent review would be more comprehensive. He said that as the Administration would not appoint independent persons to conduct an independent review on the subject, the Panel should hold a special meeting to receive public views on the subject. In this connection, the Chairman informed Members that a "抗議警方濫用暴力關注組" had made a request through the Secretariat on the previous day to express views at this Panel meeting. In view of the very short notice and the principle that if a group of persons was given the opportunity to express views on the subject, other groups which also wished to express their views should be given equal opportunity to do so, he had declined the request. He invited members' views on Mr TO's suggestion of holding a special meeting.

44. Mr Howard YOUNG considered that it would be more appropriate for the special meeting to be held after the court cases were concluded. Mr IP Kwok-him shared the same view. He said that it would be very difficult to prevent attending persons to refer to the details of cases under investigation by the Police or awaiting judgment of the court. The Chairman shared the same view. He said that some attending persons might think that he was suppressing their expression of views when they were stopped from referring to cases awaiting judgment of the court.

45. Mr James TO considered that the special meeting should be held as soon as possible. He said that the Chairman of the meeting had the authority to regulate a meeting. Miss Emily LAU and Mr CHEUNG Man-kwong shared the same view.

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They considered that the attending persons could be reminded before the meeting that they should not refer to cases under investigation by the Police or awaiting judgment of the court. The Chairman could immediately stop them if they did so at the meeting. Mr WONG Sing-chi considered that it was inappropriate to presume that attending persons would refer to cases under investigation by the Police or awaiting judgment of the court. He considered that the special meeting should be held as soon as possible.

46. Members decided that a special meeting would be held to receive public views on the subject. They agreed that advertisements on the special meeting would be placed in local newspapers and interested organisations and individuals were welcome to submit their views.

(Post-meeting note : The special meeting was subsequently scheduled for 29 June 2001 from 9:00 am to 12:30 pm.)

47. The meeting ended at 12:55 pm.

Legislative Council Secretariat

14 June 2001