

立法會
Legislative Council

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LC Paper No. CB(2) 2359/00-01
(These minutes have been seen by
the Administration)

LegCo Panel on Security

**Minutes of special meeting
held on Friday, 29 June 2001 at 9:00 am
in the Chamber of the Legislative Council Building**

Members present : Hon LAU Kong-wah (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, JP
Hon IP Kwok-him, JP

Members attending : Hon David CHU Yu-lin
Hon NG Leung-sing
Hon CHAN Kam-lam
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Hon LAW Chi-kwong, JP
Hon Abraham SHEK Lai-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Hon WONG Sing-chi

Public Officers : Mrs Regina IP, JP
attending Secretary for Security

Miss Eliza YAU
Principal Assistant Secretary for Security (E)

Mr NG Wai-kit
Senior Assistant Commissioner of Police (Director of Operations)

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

Attendance by : 抗議警方濫用暴力關注組
Invitation

Miss CHAN Siu-ping

Miss YUEN Hoi-yan

New Territories Association of Societies

Ms CHAU Chuen-heung
Vice Chairman

Mr LAW King-shing
Executive Director

Hong Kong Political, Economical and Cultural Society

Mr Peter CHEUNG
Secretary General

Mr CHENG Ki-kin

Miss Gloria CHANG Wan-ki

Miss LAI Siu-chun

Tsing Yi Residents Association

Mr LEE Chi-keung

The Chinese General Chamber of Commerce

Mr CHOW Chi-cheong

Mr CHOW Hing

Mr LEUNG Hin-wah

Fukien Chamber of Commerce

Mr LAM King-wai
Executive Director

Hong Kong Federation of Fujian Associations

Mr CHAN Kam-lam
Executive Member

Hong Kong Federation of Students

Mr FUNG Ka-keung

The Hong Kong Polytechnic University Students' Union

Miss Carol LI

The Chinese University of Hong Kong Student Union

Mr TSANG Wing
External Secretary

Lingnan University Students' Union

Miss NG Hei-in

Hong Kong University Students' Union

Miss LEE Wing-chi

Hong Kong Alliance in Support of Patriotic Democratic
Movements of China

Mr TO Kwan-hang
Committee Member

Federation of Hong Kong Guangdong Community Organisations

Mr YIP Chun-nam
Deputy Secretary General

The Hong Kong Island Federation

Mr CHAN Yiu-keung
Deputy Director of Social Services Office

Hong Kong Professional Teachers' Union

Mr LAW Ping
Vice President

Mr Joseph Y.S. CHAN

Community Building, Culture, Leisure and Tourism Committee,
Southern District Council

Mr KO Kam-cheung

Youth Power of Kwai Tsing

Miss LEUNG Ka-ming

Hong Kong Travel Agents Owners Association

Mr Freddy YIP
Chairman

The Hong Kong Inbound Travel Association

Mr Paul LEUNG
Chairman

Federation of New Territories Youth

Miss CHAN Pui-yin

Tsuen Wan Youth Association

Mr Jaco CHIU

Tai Po Youths Association

Mr Eric TAM Wing-fun
Vice-Chairman

Hong Kong Human Rights Commission

Mr TSOI Yiu-cheong

The Hong Kong Wan Chai District Association

Mr WAN Hing-sheung
Director of Promotion and Education Office

Hong Kong Federation of Women

Miss LAM Siu-ping

Hong Kong Chinese Reform Association

Mr CHUNG Shu-wing

The King Chung Association

Ms CHIU Bie-jieng

Tsuen Wan Kwai Tsing Residents Association

Mr LAU Chong-him

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

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Ms Dora WAI
Senior Assistant Secretary (2)4

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- I. To receive public views on the security arrangements for the FORTUNE Global Forum and the Police's strategy in maintaining public order in public meetings and demonstrations**
(LC Paper No. CB(2)1593/00-01(01))

The Chairman welcomed all parties to the meeting. He said that a total of 37 deputations/individuals had indicated that they would attend the meeting to present their views on the security arrangements for the FORTUNE Global Forum (the Forum) and the Police's strategy in maintaining public order in public meetings and demonstrations.

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The speaking order of these deputations/individuals was drawn up according to the time when they made their request for attending the meeting. He also said that due to the limited seating capacity of the meeting venue, he had declined the requests from a few organisations for attending the meeting as their requests were received after the deadline. Nevertheless, their submissions had been issued to Members.

2. The Chairman reminded all parties of the following -

- (a) views expressed should not refer to cases under investigation by the Police or pending in court; and
- (b) any person who wished to quote the content of the submissions should seek his own legal advice.

He added that a note provided by the Administration on the latest position of the cases referred to in the paper for the Panel meeting on 22 May 2001 was tabled for Members' information.

(Post-meeting note : The note tabled at the meeting was circulated to all Members vide LC Paper No. CB(2)2005/00-01(01) on 3 July 2001.)

3. Miss Margaret NG said that she understood that views expressed should not refer to the cases pending in court. She, however, queried why reference to the other cases under investigation was disallowed. The Chairman explained that it was the decision of the Panel at the special meeting on 22 May 2001. The attending deputations/individuals had been advised of this arrangement in advance.

4. Responding to the question from Mr LEUNG Hin-wah as to whether representatives of the Administration would be allowed to refer to cases under investigation or pending in court, the Chairman said that all parties would be treated equally. Reference to these cases should not be made at the meeting although some submissions had referred to some of these cases. The Administration had indicated that it would not disclose further details of these cases before they were concluded.

5. Miss Gloria CHANG said that she was not able to obtain copies of several submissions, and queried why these submissions were not made available to the public. The Chairman explained that several submissions had made reference to details of the cases under investigation or pending in court, despite the reminder in the advertisements placed on the newspaper concerning the special meeting and in the invitation letters to attending deputations/individuals. Most of these submissions were received only the day before the meeting, and he needed to consider carefully how they should be dealt with. After having consulted the Legal Adviser of the Legislative Council Secretariat, he decided that these submissions should also be made available to members of the public observing the proceedings of the Panel. These submissions were tabled at the meeting for Members and the Administration, and placed outside the meeting venue for members of the public shortly before the start of the meeting.

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Meeting with deputations/individuals

抗議警方濫用暴力關注組

(LC Paper No. CB(2)2005/00-01(02))

6. Miss YUEN Hoi-yan presented the views of 抗議警方濫用暴力關注組 (Concern Group) as detailed in its submission. She said that the Concern Group considered that the freedom of expression was suppressed by the Police as it had interfered in peaceful public meetings and processions.

New Territories Association of Societies

(LC Paper No. CB(2)1893/00-01(01))

7. Mr LAW King-shing presented the views of the New Territories Association of Societies as set out in its submission. He said that the Association considered that the Police's security arrangements for the Forum were satisfactory and there were sufficient channels for the public to voice their views during the period when the Forum was being held. He opined that the Police should enforce the law strictly, especially in respect of those protestors who had exhibited violent behaviour and those who did not notify the Police of their planned public activities with 30 participants or more.

Hong Kong Political, Economical and Cultural Society

(LC Paper No. CB(2)1893/00-01(02))

8. Mr Peter CHEUNG presented the views of the Hong Kong Political, Economical and Cultural Society, which supported the Police's strategy in maintaining public order in public meetings and demonstrations during the Forum, as outlined in its submission. He suggested that the Police should take legal action against those demonstrators who were in breach of the law.

Mr CHENG Ki-kin

(LC Paper No. CB(2)1893/00-01(03))

9. In presenting his submission, Mr CHENG Ki-kin pointed out that the demonstrators did not perform any unlawful act during the Forum. The use of force was initiated by the Police. He said that there were a lot of unfavourable criticisms by intellectuals and academics on the security arrangements for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations.

Miss Gloria CHANG Wan-ki

(LC Paper No. CB(2)1893/00-01(04))

10. In presenting her views as detailed in her submission, Miss Gloria CHANG said that she was dissatisfied with the Police's way of handling public meetings and demonstrations during the Forum. She said that the conflicts between the Police and demonstrators were provoked by the Police. She also expressed disappointment that the

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Administration had no intention to review the security arrangements for future events of similar nature and scale despite the unfavourable criticisms.

Miss LAI Siu-chun

(LC Paper No. CB(2)1931/00-01(01))

11. Miss LAI Siu-chun presented the views as outlined in her submission. She expressed dissatisfaction with the security arrangements for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations. She considered that the Police had failed to strike a balance between ensuring the smooth running of the Forum and protecting the rights of individuals to express their views freely.

Tsing Yi Residents Association

(LC Paper No. CB(2)1893/00-01(05))

12. Mr LEE Chi-keung presented the views of the Tsing Yi Residents Association as set out in its submission. He said that the Association considered that the security measures adopted by the Police were necessary having regard to the nature and scale of the Forum. He commended the Police for having maintained the security and smooth running of the Forum.

The Chinese General Chamber of Commerce

(LC Paper No. CB(2)1893/00-01(06))

13. Mr CHOW Chi-cheong presented the views of The Chinese General Chamber of Commerce, which was in support of the Police's strategy in maintaining public order in public meetings and demonstrations during the Forum, as provided in its submission.

Mr CHOW Hing

(LC Paper No. CB(2)1893/00-01(07))

14. Mr CHOW Hing expressed support for the Police's strategy in handling public activities during the Forum, with views detailed in his submission. He suggested that the Police should put in place similar security measures for the two major international events to be held in Hong Kong towards the end of the year.

Mr LEUNG Hin-wah

(LC Paper No. CB(2)1893/00-01(08))

15. Mr LEUNG Hin-wah presented his views as set out in his submission. He considered that the rights of public meetings, processions and demonstrations and the freedom of expression as provided under the Basic Law, the Hong Kong Bill of Rights Ordinance and the International Covenant on Civil and Political Rights (ICCPR) were suppressed during the Forum. He enquired about the basis of the Police for stopping certain groups of demonstrators from moving ahead to stage their demonstrations and seized a paper-made coffin from some protestors.

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Fukien Chamber of Commerce
(LC Paper No. CB(2)1893/00-01(09))

16. Mr LAM King-wai presented the views of the Fukien Chamber of Commerce as outlined in its submission. He said that his organisation considered that the security arrangements for the Forum were appropriate and essential in ensuring the stability of the society.

Hong Kong Federation of Fujian Associations
(LC Paper No. CB(2)1893/00-01(10))

17. Mr CHAN Kam-lam presented the views of the Hong Kong Federation of Fujian Associations which was in support of the Police's way of handling public activities during the Forum as detailed in its submission. He said that the Police should ensure that the public order was not affected while protecting the freedoms of expression and demonstrations.

Hong Kong Federation of Students
(LC Paper No. CB(2)2005/00-01(03))

18. Mr FUNG Ka-keung presented the views of the Hong Kong Federation of Students, and expressed dissatisfaction with the Police's strategy in handling public meetings and demonstrations during the Forum. He said that the incidents as set out in its submission demonstrated that the freedoms of speech and demonstration had been shrinking after the handover of sovereignty.

The Hong Kong Polytechnic University Students' Union
(LC Paper No. CB(2)2005/00-01(04))

19. Miss Carol LI presented the views of The Hong Kong Polytechnic University Students' Union as detailed in its submission. It considered that the security measures adopted by the Police were unnecessarily stringent and unreasonable, which deprived protestors of the rights to express their views freely during the Forum.

The Chinese University of Hong Kong Student Union
(LC Paper No. CB(2)1893/00-01(11))

20. Mr TSANG Wing presented the views of The Chinese University of Hong Kong Student Union as set out in its submission. He concluded that the Police had abused its power to hinder the holding of public meetings and demonstrations. The demonstrators were unable to express their views to the participants of the Forum. He criticised 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.

Lingnan University Students' Union
(LC Paper No. CB(2)2005/00-01(05))

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21. Miss NG Hei-in presented the views of the Lingnan University Students' Union as outlined in its submission. She expressed dissatisfaction with the way in which the minor traffic offence as detailed in paragraph four of its submission was handled. She considered that the Police had used excessive force in this incident.

Hong Kong University Students' Union
(LC Paper No. CB(2)2005/00-01(06))

22. Miss LEE Wing-chi presented the views of the Hong Kong University Students' Union as detailed in its submission. She said that the Police had neither acted in accordance with the law in handling public meetings and demonstrations nor had facilitated demonstrators to express their views during the Forum. She urged the Police to uphold the spirit of law in handling public activities.

Hong Kong Alliance in Support of Patriotic Democratic Movements of China
(LC Paper No. CB(2)2005/00-01(07))

23. Mr TO Kwan-hang said that the Hong Kong Alliance in Support of Patriotic Democratic Movements of China was very dissatisfied with the Police's strategy in maintaining public order in public meetings and demonstrations during the Forum, with views detailed in its submission. To ensure that complaints against Police officers were handled properly, the Alliance suggested that the operation of the Complaint Against Police Office and the Independent Police Complaints Council should be reviewed as soon as possible to enhance transparency and credibility.

Federation of Hong Kong Guangdong Community Organisations
(LC Paper No. CB(2)1893/00-01(12))

24. Mr YIP Chun-nam presented the views of the Federation of Hong Kong Guangdong Community Organisations as detailed in its submission. He concluded that the Federation was in support of the security measures for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations.

The Hong Kong Island Federation
(LC Paper No. CB(2)1893/00-01(13))

25. Mr CHAN Yiu-keung presented the views of The Hong Kong Island Federation as outlined in its submission. He said that the Federation considered that the security arrangements for the Forum and the Police's way of handling public activities were appropriate and reasonable. The smooth running of the Forum and the large number of peaceful public activities held during the Forum had upheld the image of Hong Kong as an international city.

Hong Kong Professional Teachers' Union
(LC Paper No. CB(2)1893/00-01(14))

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26. Mr LAW Ping presented the views of the Hong Kong Professional Teachers' Union as set out in its submission. He said that the Union considered that maintaining public order was only a pretext for the Police to suppress public views. If public views were persistently suppressed, it would create a destabilising effect on society which would gradually hamper the economic development. The Union also considered that there was no need to remove all demonstrators from the sight of the participants of the Forum and that demonstrations should not be handled in the same way in future.

Mr Joseph Y.S. CHAN
(LC Paper No. CB(2)1893/00-01(15))

27. Mr Joseph CHAN said that he attended the meeting in the capacity of the Chairman of the Southern District Council (SDC). He then presented the views of SDC as outlined in its submission. He said that SDC considered the security arrangements for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations appropriate and effective. He also said that SDC was in support of the freedoms of demonstration and procession provided that the interests of the society at large were not affected.

Community Building, Culture, Leisure and Tourism Committee
Southern District Council
(LC Paper No. CB(2)1893/00-01(16))

28. Mr KO Kam-cheung presented the views of the Community Building, Culture, Leisure and Tourism Committee of SDC as detailed in its submission. He concluded that the Committee was in support of the Police's strategy in maintaining public order in public meetings and demonstrations during the Forum.

Youth Power of Kwai Tsing
(LC Paper No. CB(2)1893/00-01(17))

29. Miss LEUNG Ka-ming presented the views of the Youth Power of Kwai Tsing as outlined in its submission, and concluded that her organisation was in support of the security measures adopted by the Police during the Forum. She considered that demonstrators should respect their status as Hong Kong resident and should therefore act for the benefit of Hong Kong. She appealed to demonstrators that public interest should be protected while conducting demonstrations, as violent incidents would damage the image of Hong Kong.

Hong Kong Travel Agents Owners Association
(LC Paper No. CB(2)1893/00-01(18))

30. Mr Freddy YIP presented the views of the Hong Kong Travel Agents Owners Association as set out in its submission. He said that the Association did not consider that the power of the Police to handle public activities during the Forum was excessive.

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He added that if public order was not properly maintained, it might give an impression to other parts of the world that Hong Kong was an unstable city. If this was the case, the tourism industry and the economy of Hong Kong would be adversely affected.

The Hong Kong Inbound Travel Association
(LC Paper No. CB(2)1893/00-01(19))

31. Mr Paul LEUNG presented the views of The Hong Kong Inbound Travel Association which was in support of the security measures adopted by the Police for the Forum as outlined in its submission. He highlighted that the Association had suggested that the Police might consider designating an area closer to the event venue to accommodate representatives of different groups of demonstrators to express their views to participants of major events in the future.

Federation of New Territories Youth
(LC Paper No. CB(2)1931/00-01(02))

32. Miss CHAN Pui-yin presented the views of the Federation of New Territories Youth as detailed in its submission. She said that the Federation considered that the security arrangements for the Forum appropriate and that the Police had struck a right balance in protecting the interests of all parties concerned. The Federation also held the view that demonstrations with violent acts would project a negative image on Hong Kong which would in turn undermine its economic development.

Tsuen Wan Youth Association
(LC Paper No. CB(2)1974/00-01(01))

33. Mr Jaco CHIU presented the views of the Tsuen Wan Youth Association as set out in its submission. While supporting the security measures adopted by the Police in ensuring the security and smooth running of the Forum, the Association suggested that more training should be provided to Police officers so that they would be able to handle major international events in a more professional manner.

Tai Po Youths Association
(LC Paper No. CB(2)1893/00-01(20))

34. Mr Eric TAM presented the views of the Tai Po Youths Association as detailed in its submission, and concluded that the security arrangements for the Forum were appropriate and necessary. He appealed to demonstrators that public meetings and demonstrations should be held in a peaceful and lawful way, without threatening the rights and personal safety of others.

Hong Kong Human Rights Commission
(LC Paper No. CB(2)2005/00-01(08))

35. Mr TSOI Yiu-cheong presented the views of the Hong Kong Human Rights Commission as set out in its submission. He pointed out that the Police, in handling

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public meetings and demonstrations during the Forum, did not follow its internal guidelines and had deviated from the rule of law. The Police had also failed to safeguard the freedoms of expression and demonstration as conferred by law. He suggested that the Panel should follow up the matter and examine whether the power of the law enforcement agencies, especially the Police, was excessive.

The Hong Kong Wan Chai District Association
(LC Paper No. CB(2)1893/00-01(21))

36. Mr WAN Hing-sheung presented the views of The Hong Kong Wan Chai District Association, which was in support of the security arrangements for the Forum and the Police's strategy in maintaining public order in public activities, as detailed in its submission.

Hong Kong Federation of Women
(LC Paper No. CB(2)1974/00-01(02))

37. Miss LAM Siu-ping presented the views of the Hong Kong Federation of Women as set out in its submission. She commended the Police's effective performance in ensuring the smooth running of the Forum and maintaining good public order during the event.

Hong Kong Chinese Reform Association
(LC Paper No. CB(2)1893/00-01(22))

38. Mr CHUNG Shu-wing presented the views of the Hong Kong Chinese Reform Association as outlined in its submission. He said that the Association was satisfied with the security arrangements for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations. He informed Members that the Association had suggested a number of ways to handle public activities, with details set out in its submission.

The King Chung Association
(LC Paper No. CB(2)1893/00-01(23))

39. Ms CHIU Bie-jieng presented the views of The King Chung Association as outlined in its submission. She said that the Association considered that the security arrangements for the Forum and the Police's strategy in maintaining public order in public meetings and demonstrations were appropriate and effective. The smooth running of the Forum would uplift the image of Hong Kong and would benefit the community as a whole in the long run.

Tsuen Wan Kwai Tsing Residents Association
(LC Paper No. CB(2)1893/00-01(24))

40. Mr LAU Chong-him presented the views of the Tsuen Wan Kwai Tsing Residents Association as detailed in its submission. He said that the Association was of the view

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that the Police had the rights and obligations to put in place security measures which it considered appropriate and necessary to ensure the smooth running of the Forum.

41. Regarding the view expressed by some representatives that the Police had contravened the human rights provisions under the Basic Law and ICCPR, Mr LAU Chong-him pointed out that the provisions concerning the freedom of speech and human rights under the Basic Law, ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) only provided a fundamental basis for the protection of human rights. A state party to ICCPR and ICESCR should, after having had regard to the social and cultural conditions of its own country, enact domestic legislation to give effect to the freedoms and rights as recognised in ICCPR and ICESCR. Therefore, any person who considered that the acts of the Police during the Forum were unlawful might institute legal proceedings against the Police officers concerned pursuant to the laws of Hong Kong. He added that section 7 of Article 2 of the Charter of the United Nations provided that nothing contained in the Charter should authorise the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any state.

42. Pointing out that freedom of speech of individuals was subject to certain limitations under the Defamation Ordinance, Mr LAU Chong-him questioned whether those limitations would be considered as having contravened the Basic Law, ICCPR and ICESCR.

43. Members also took note of the submission from the Hong Kong Human Rights Monitor tabled at the meeting.

(Post-meeting note : The submission from the Hong Kong Human Rights Monitor was issued to Members vide LC Paper No. CB(2)2005/00-01(09) on 3 July 2001.)

Discussion

44. Referring to the suggestion of Mr Paul LEUNG, Mr James TO asked about the possibility of designating one of the public activity areas in close vicinity of the event venue whenever major events were held. In doing so, demonstrators could express their views to the participants of the event at scene. He suggested that persons conducting public activities in this area should be subject to tighter security checks. For example, the Police might conduct searches on them in order to ensure that no weapons or demonstration props which might cause danger to others were brought into that area. Under this arrangement, the Police would be able to protect not only the safety of the event participants but also the freedom of expression of demonstrators.

45. Senior Assistant Commissioner of Police (Director of Operations) said that the views expressed at the meeting would be considered by the Administration. The Police would examine the feasibility of Mr TO's suggestion having regard to the circumstances of each event, such as the size and location of the event venue and the expected number of demonstrators.

46. Ms Emily LAU did not share the views expressed by Mr LAU Chong-him in

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respect of human rights. As ICCPR and ICESCR applied to Hong Kong, Ms LAU considered that the Government of the Hong Kong Special Administrative Region (HKSAR) should endeavour to take every necessary step to adopt legislative or other measures in Hong Kong to give as much effect as possible to the rights stipulated under the two Covenants.

47. Mr TSOI Yiu-cheong pointed out that ICCPR might also provide a source of protection for human rights to individuals. Individuals might approach the United Nations Human Rights Committee direct for adjudication of cases in contravention of human rights. He also pointed out that legal action in some cases had been taken based on the principle of consistency with the Basic Law.

48. Secretary for Security (S for S) concurred with Mr LAU Chong-him that ICCPR only provided a fundamental basis for the protection of human rights. The principles under ICCPR would take effect in the state party by way of domestic legislation. She said that as such principles were agreed among countries, the standards for human rights would not be too high in order that developing countries would also be able to comply with the stipulated standards.

49. S for S pointed out that the freedom of expression and rights of demonstration and procession as provided under ICCPR were rarely absolute and were usually subject to certain objective restraints. In Hong Kong, such freedom and rights were effected under the Public Order Ordinance and the Societies Ordinance, etc. If the provisions of these Ordinances or its enforcement contravened ICCPR, the cases might be subject to adjudication by local courts. This provided a mechanism to ensure that HKSAR had complied with ICCPR. She added that to her knowledge, views of overseas expert committees would not usually have legal effect locally.

50. Ms Emily LAU expressed dissatisfaction with the views expressed by Miss LEUNG Ka-ming that demonstrators should respect their status and that demonstrations would damage the image of Hong Kong. Ms LAU considered that such comments should only be made if supported by evidence.

51. Ms Emily LAU asked about the ground of Miss CHAN Pui-yin's views that violent behaviour of demonstrators would project a bad image on Hong Kong and would ruin its economy. While Ms LAU agreed that the economy was important, she considered that the freedom of speech and of assembly should also not be ignored.

52. Miss CHAN Pui-yin said that the Federation of New Territories Youth did not disapprove of demonstrations. It only disapproved of demonstrations with violent behaviour as such activities might undermine the confidence of foreign enterprises to invest in Hong Kong and might in turn hinder the economy.

53. Miss CHAN Siu-ping said that freedom of speech was not only a right but also an obligation. Some people who were aware of certain problems of public concern might choose to bring the problems to the attention of the public through demonstrations in the hope of having them resolved. This demonstrated their concerns about the community.

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However, she was disappointed to learn of the negative comments regarding demonstrations. She drew Members' attention to the submission from the Tian An Men Mothers' Campaign which set out the unreasonable treatment it had experienced at a public activity on 8 May 2001.

54. In response to some comments that demonstrators had acted violently during the Forum, Miss YUEN Hoi-yan said that the violent scenes which appeared on television did not reflect the full picture. She expressed doubt as to why a few groups of demonstrators were always impeded by the Police whereas most of the other public activities could be conducted smoothly.

55. In response to the views of Ms Emily LAU on freedom of demonstrations, Mr Peter CHEUNG said that such freedom should not be absolute. A fine balance should be struck between freedom of demonstrations and maintaining public order. In striking the balance, the political stability and economy of the society should also be considered.

56. Miss Gloria CHANG said that the Police had applied political considerations in the handling of demonstrations as the majority of public activities could be held smoothly during the Forum. She expressed disagreement to the views that demonstrations would adversely affect the stability of society and would in turn undermine the economic growth. She considered that such allegations should be supported by evidence. In her view, the Administration should listen to views from all walks of life if the economy was to be improved.

57. Mr LEUNG Hin-wah considered that the Police had contravened the Hong Kong Bill of Rights Ordinance when handling demonstrations during the Forum. He was of the view that suppression of public views would escalate the dissatisfaction of people.

58. Miss LAI Siu-chun considered that the act of chaining oneself to a flagpole and the use of a paper-made coffin in demonstration were not violent acts. She observed that only activities welcoming the Forum or President Jiang Zemin could be held smoothly on 8 May 2001. She questioned whether such a phenomenon should occur in a society with freedom of speech.

59. While agreeing that freedoms of individuals were important, Mr CHAN Kam-lam considered that maintaining public order was also of paramount importance. Referring to the views expressed by Mr TSOI Yiu-cheong on the freedom of speech and of demonstration of residents of HKSAR under Article 27 of the Basic Law, Mr CHAN drew Members' attention to Article 4 of the Basic Law which provided that HKSAR should safeguard the rights and freedoms of residents of HKSAR and other persons in the region in accordance with law. Article 42 of the Basic Law also provided that residents of HKSAR and other persons in the region should have the obligation to abide by the laws in force in HKSAR. These provisions demonstrated that the rights and freedoms of individuals were not absolute and should be subject to certain restraints.

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60. Mr CHAN Kam-lam shared the view that demonstrations with violent behaviour would harm the economy. He considered that public interest should be considered in exercising the rights and freedoms of individuals. Problems of public concern should be brought up for discussion in a rational manner.

61. In order to effectively strike a balance between freedom of assembly and maintaining public order, Mr TSOI Yiu-cheong suggested that the power of the Police, especially in respect of arrest and prosecution, should be regulated under a consolidated ordinance. He also suggested that the internal guidelines on execution of duties by the Police should be subject to scrutiny by the Legislative Council. He proposed that the Panel should follow up these issues.

62. Regarding Miss Gloria CHANG's suggestion for producing evidence to prove that demonstrations would affect the economy of a place, Mr IP Kwok-him pointed out that there were practical examples which demonstrated that countries in unstable political conditions suffered poor economy, such as the Philippines and Indonesia.

63. Miss Gloria CHANG said that demonstration was a channel for expression of views or grievances, and the use of a paper-made coffin in demonstration was also one of the ways to express views. The criticism that a coffin would cause ill feeling was a subjective view.

64. Referring to the views of Mr FUNG Ka-keung that the Police should not impede or stop demonstrations which caused no harm to other persons, Mr IP Kwok-him considered that it was difficult to assess whether the demonstrations had caused any harm to others. Mr IP queried how the Police could ensure the safety of the Forum participants if the security measures had not been put in place.

65. Mr FUNG Ka-keung said that the Police should deploy more persons to carry out protection duties for the dignitaries during the Forum. In doing so, the designated public activity areas could have been set at locations closer to the event venue so that the views of the demonstrators could be heard by the participants of the Forum. He said that the arrangements for this Forum clearly demonstrated that the freedom of expression of demonstrators was suppressed.

66. Mr Howard YOUNG said that the more the tourists coming to Hong Kong, the better the local economy. The tourism sector was of the view that the use of a coffin in demonstrations would bring more harm than good to Hong Kong.

67. Mr Freddy YIP said that tourism played an important role in the economy of Hong Kong, especially given the shrinkage of the local manufacturing industry in recent years. He considered that if demonstration activities in Hong Kong were commonly seen on overseas television news programmes, it would certainly create a negative impact on the local tourism industry. As there were a lot of channels for expression of views nowadays, there was no question of having no freedom in Hong Kong.

68. Mr Paul LEUNG said that members of The Hong Kong Inbound Travel

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Association considered that frequent demonstrations or public processions would seriously affect the inbound travel business and the economy as a whole. He pointed out that the tourism sector was facing extreme competition with its neighbouring countries such as Singapore, Malaysia, the Philippines and Thailand. If foreigners had an impression that the political situation in Hong Kong was unstable and Hong Kong was not a safe city, the travel industry would certainly be affected.

69. In response to Ms Emily LAU's concern about the Administration's response to the views expressed by representatives at the meeting, S for S said that the Administration was not in a position to disclose further details of the cases under investigation by the Police or awaiting trial by the court. Related policies and general practices had been discussed on previous occasions in the Legislative Council. Nevertheless, the Administration would always be willing to answer enquiries from the Legislative Council, the Panel or the media on this subject.

70. Noting that a few organisations and the Hong Kong Human Rights Monitor were not able to present their views at the meeting, Ms Emily LAU suggested that another special meeting be held to receive their views and other interested organisations and individuals, if any.

71. Hon Howard YOUNG and Hon IP Kwok-him considered that no further special meeting should be held. They suggested that interested organisations and individuals could send in their written submissions to the Panel. Members agreed.

72. There being no other business, the meeting ended at 1:10 pm.

Legislative Council Secretariat
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