

BY FAX

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2 January 2001

Mrs Sharon Tong
Clerk to Panel
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Tong,

LegCo Panel on Security

We have undertaken to report to the Panel the findings of the Police investigation into the case of Mr Su Zhi-yi when it has been completed. This is now attached for Members' information at Annex A. Also attached for Members' reference is a copy of the guiding principles of Interpol at Annex B and a copy of the minutes of meeting in May 1998 at Annex C recording the consensus on police cooperation between Hong Kong and the Mainland signed by the Commissioner of Police and the Assistant to the Minister of Public Security.

Yours sincerely,

(Mrs Margaret CHAN)
for Secretary for Security

Encl.

**Allegations of Mainland Public Security Officials
Exercising Jurisdiction in Hong Kong**

The Complaints

Following the press reports on the case of Mr Su Zhi-yi, the Crime Hong Kong Island Regional Headquarters approached Ms Su Suet, daughter of Mr Su Zhi-yi for information. Ms Su was interviewed on 26 April 2000 and subsequently on several other occasions. She alleged that public security officials from the Mainland had crossed the boundary to exercise jurisdiction in Hong Kong on the following occasions :-

- (a) Ms Su alleged that on 28 October 1995 after the arrest of her parents in the Mainland, she was taken back to Hong Kong by six men, including four officers from the Zhaoqing Public Security Bureau, for a search at her father's residence at North Point and a number of items of documents were seized.
- (b) Ms Su also alleged that her father was similarly escorted back to Hong Kong by public security officers for seizure of properties from his safe deposit box at the Wanchai Branch of the Bank of China on 4 January 1996, and for collection of personal effects from his residence in Hong Kong on 12 January 1996.

The Investigation

2. The Police have conducted detailed investigation into Ms Su's allegations. Based on the statements she made, immigration records were checked, enquiries were made and information was sought from the Guangdong Provincial Public Security Bureau on Ms Su's allegations.

3. In their reply to the Hong Kong Police, the Guangdong Provincial Public Security Bureau have stressed that they attach great importance to the allegations and have seriously investigated the case. They have also reiterated that all public security authorities in the Guangdong Province are required to strictly comply with the instructions issued by the Ministry of Public Security and the Guangdong Provincial Public Security Bureau for dealing with cases that involve police cooperation between the Mainland and the HKSAR. Mainland public security officials are prohibited from visiting Hong Kong to undertake police activities without prior notification to and liaison with the Hong Kong Police.

4. According to the Guangdong Provincial Public Security Bureau, in October 1995 Mr Su Zhi-yi and his wife were under investigation by the Zhaoqing Public Security Bureau for alleged embezzlement offences in connection with a company "Paraway" set up in Hong Kong by the Zhaoqing City Government. On 28 October 1995, Mr Su indicated his willingness to cooperate in the investigation and he asked his daughter, Ms Su Suet to return to Hong Kong together with the

current Director of “Paraway”, a civilian official from the Zhaoqing City Government, and others to retrieve from Mr Su’s residence at North Point accounting documents for handing back to the authorities concerned. Similarly, on 4 January 1996 Mr Su Zhi-yi voluntarily agreed to return to Hong Kong to retrieve letters of credit and related documents kept in the safety deposit box at the Wanchai Branch of the Bank of China and to surrender them to the authorities concerned. Separately, on 12 January 1996, Mr Su himself asked to return to his North Point residence to pack his personal belongings and to move out. During both trips to Hong Kong, Mr Su was accompanied by the staff of “Paraway”. The Guangdong Provincial Public Security Bureau have categorically confirmed that on the above three occasions, no Zhaoqing Public Security Bureau officials had exercised jurisdiction in Hong Kong and none had been to Mr Su’s North Point residence to undertake searches and taking of evidence.

5. The Hong Kong Police have requested the Guangdong Provincial Public Security Bureau to verify the identity of three persons named by Ms Su to be involved in the escorting party. The Guangdong Provincial Public Security Bureau confirmed that these are officials of the Zhaoqing Public Security Bureau who had visited Hong Kong in their private capacity during that period. They had not undertaken in Hong Kong any activities related to the case of Mr Su Zhi-yi.

6. The Guangdong Provincial Public Security Bureau have confirmed that Ms Su was issued with a “Two-way Permit” by the Zhaoqing Public Security Bureau for her trip to Hong Kong in October

1995. Their investigation shows that the Permit was issued to Ms Su as she was at that time registered as a resident in Zhaoqing and she had not made it known that she was holding Hong Kong document of identity then.

7. According to Ms Su Suet, during her trip to Hong Kong on 28 October 1995, she was free and not restrained by any means. She also confirmed that she had not been subject to any violence or threats from the escorting party. She said that she was willing to assist the Mainland authorities as she had hoped that her cooperation would facilitate her parents' early release. As regards her allegation about her father's escorted return to Hong Kong in 1996, it was based on what her parents told her, but she was not personally present with Mr Su during those two trips.

Conclusion

8. Having carefully examined all the information available, the Police have concluded that there is insufficient evidence to support that there had been any breaches of the Hong Kong laws in the incidents cited by Ms Su, nor it can be substantiated that any Mainland public security officials had exercised jurisdiction in Hong Kong. There is thus no basis for the Police to take any prosecution action. Ms Su has been duly informed of the outcome of the Police investigation.

Security Bureau