

Allegations of Mainland Public Security Officials Exercising Jurisdiction in Hong Kong

Purpose

This paper gives a detailed report on Police investigation into the allegation made by Ms. Su Suet, daughter of Mr. Su Zhi-yi, that Mainland public security officials had exercised jurisdiction in Hong Kong in 1995 and 1996.

The Complaint

2. Following the press reports on the case of Mr. Su, the Crime Hong Kong Island Regional Headquarters approached Ms. Su for information. Ms. Su was interviewed on 26 April 2000 and subsequently on several 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) On 28 October 1995 after the arrest of her parents in the Mainland when, according to Ms. Su, she was taken back to Hong Kong by six men, including four officers from the Zhaoqing Public Security Bureau (PSB), for a search at her father's residence at North Point and a number of items of documents were seized;
- (b) On 4 January 1996 when, according to Ms. Su, 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; and
- (c) On 12 January 1996 when, according to Ms. Su, her father was escorted back again by public security officers for collection of personal effects from his residence in Hong Kong.

Special Meeting of the Panel on Security

3. The Police conducted detailed investigation into Ms. Su's complaint.

Based on the statements made by Ms. Su, immigration records were checked, enquiries were made and information was sought from the Guangdong Provincial PSB.

4. A summary of the Police's investigation had been presented to Members of the LegCo Panel on Security and was discussed at its special meeting held on 16 January 2001. A record of discussions is in LegCo paper No. CB(2) 1693/00-01.

5. Following discussions, Members of the Panel suggested that the Police should carry out further investigation into the allegations. Specifically, they requested that:

- (a) the Police's check on the records of the Century Hong Kong Hotel be included in the report;
- (b) the Zhaoqing PSB officials who were alleged to be involved be interviewed and to establish the purposes of their visits to Hong Kong;
- (c) Mr. Su Zhi-yi be interviewed to gather information on his visits to Hong Kong in January 1996; and
- (d) a detailed report on the Police's investigation into Ms. Su's allegations be provided.

6. Since the special meeting of the LegCo Panel of Security in January 2001, the Police have conducted further enquiries into Ms. Su's allegations. The findings are reported in the following paragraphs.

Report on Further Investigation

Enquiries with the Guangdong Provincial PSB

7. In response to enquiries by the Police, the Guangdong PSB reiterated that all public security authorities in the Guangdong Province were required to strictly comply with the instructions issued by the Ministry of Public Security and the Guangdong Provincial PSB 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 any police activities without prior notification to and liaison with the Hong Kong Police.

8. According to the Guangdong Provincial PSB, in October 1995 Mr. Su and his wife were under investigation by the Zhaoqing PSB for alleged embezzlement offences in connection with a company "Paraway" set up in Hong Kong by the Zhaoqing City Government. Mr. Su indicated his willingness to cooperate in the investigation in Zhaoqing. On 28 October 1995, he asked his daughter, Ms. Su to return to Hong Kong together with the current Director and one staff of "Paraway", both also civilian officials from the Zhaoqing City Government, to retrieve from Mr. Su's residence at North Point some accounting documents for handing back to the authorities concerned. Similarly, on 4 January 1996, Mr. Su voluntarily returned 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. Subsequently, on 12 January 1996, Mr. Su himself asked to return to his North Point residence to pack his personal belongings and to move out. The Guangdong Provincial PSB have informed the Hong Kong Police that on the above three occasions, no Zhaoqing PSB 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.

Checks on Immigration Records

9. Immigration records showed:

(a) 28 October 1995:

- A man confirmed to be a Zhaoqing public security official (A) entered Hong Kong about five minutes prior to Ms. Su's entry. This man departed Hong Kong one hour and six minutes earlier than Ms. Su's departure on 29 October 1995. Two men identified to be Zhaoqing City Government officials (B and C) entered and departed a few minutes within Ms. Su's entry and departure times respectively on 28 and 29 October 1995.

(b) 3 - 5 January 1996:

- Mr. C and a man identified to be a Zhaoqing public security

official (D) entered Hong Kong respectively in the afternoon and evening of 3 January. Mr. Su entered Hong Kong in the morning of 4 January; followed by the entry of a woman identified to be a Zhaoqing public security official (E) 48 minutes later.

- Mr. Su departed Hong Kong in the afternoon of 4 January, at the same time as Mr. D departed. Mr. C and Ms. E departed subsequently on 5 and 7 January respectively.

(c) 12 January 1996:

- Mr Su entered Hong Kong in the morning of 12 January, followed by the entry of two men identified to be Zhaoqing public security officials (F and G) more than half an hour later.
- Mr. Su departed Hong Kong in the afternoon of 12 January, and G also departed at around the same time. F departed Hong Kong on 13 January.

At Annex A is a schedule of the travel movements of the persons mentioned above.

10. On 28 October 1995, Ms. Su entered Hong Kong with a two-way permit. The Zhaoqing PSB confirmed that a two-way permit was issued to Ms. Su for her trip to Hong Kong in October 1995. The permit was issued because she was at that time registered as a resident of Zhaoqing and she had not made it known that she was holding a Hong Kong Identity Card until November 1995. While Mr. Su entered Hong Kong using his own Hong Kong Identity Card in January 1996, other Mainlanders travelled to Hong Kong either with a PRC Passport or a two-way visitor permit.

Verification of the Identity of the Persons Named by Ms. Su

11. The Police have requested the Guangdong Provincial PSB to verify the identity of the persons named by Ms. Su to be involved in the escorting party. The Guangdong Provincial PSB confirmed that the alleged A, D, E, F and G were Zhaoqing PSB officers. The Guangdong Provincial PSB confirmed that public security officials visited Hong Kong in their private capacity during these periods. They had not undertaken in Hong Kong any activities related to the case of Mr. Su.

Messrs. B and C were identified to be officials of Zhaoqing City Government.

Hotel Checks

12. Ms. Su mentioned that she and the escorting party were residing in Century Hong Kong Hotel at Wanchai during their visit to Hong Kong in October 1995. The Police have checked the hotel records which indicated that Mr. C checked in three rooms on 28 October 1995 and checked out next day. The Police also found that Ms. E who was alleged to have travelled with Mr. Su in January 1996 checked in one room at the same hotel on 4 January 1996 and checked out on 7 January 1996. The Police were not able to identify the occupant of individual rooms from the hotel records. The reason is that hotels are not required under the law to keep the customers' check-in records for more than one year. It is thus a normal practice that hotels do not keep such records for over one year.

Site Visits

13. The Police have also conducted site visits to Mr. Su's North Point residence and carried out investigation with a view to locating independent witnesses. However, the caretaker and cleaners on duty at the material time could not be identified because the property management company of that building had not maintained such records. The Closed Circuit Television (CCTV) System in the building had no recording function. The Police have conducted a door-to-door enquiry in the building of Mr. Su's residence. Nothing peculiar was revealed.

Enquiries with the Bank

14. Ms. Su alleged that Mr. Su was escorted to Hong Kong by public security officials for seizure of documents from his safe deposit box in Wanchai Branch of the Bank of China on 4 January 1996. The Police retrieved the relevant records from the bank which showed that Mr. Su had withdrawn properties from the safe deposit box on 4 January 1996 and terminated the rental of the safe deposit box on the same day. The records however could not indicate whether Mr. Su was accompanied by any persons on the withdrawal. Although there are CCTVs inside the Bank, the material tape was not available for Police inspection due to the lapse of time. The bank staff who attended to the withdrawal of property and termination of rental of the safety box was located. However, no useful information was provided by the staff.

Interviews with the Persons Involved

15. Pursuant to the suggestion made by the LegCo Panel on Security at its special meeting in January 2001, the Police contacted the Guangdong Provincial PSB and sought their assistance in locating the relevant persons involved in the allegations for interview. In May 2001, the Police interviewed Messrs. B and C (the two civilian officials of Zhaoqing City Government) in the presence of Mainland law enforcement officers in Zhaoqing. Mr. A and Ms. E (both of them are Zhaoqing public security officials) were interviewed by GDPSB at their own choice. GDPSB wrote to the Police in June 2001 giving information gathered as a result of the interview conducted.

16. Mr. C is the Director of the company "Paraway". On 28 October 1995, he came to Hong Kong with his colleague B, who is a managing staff of "Paraway". Both of them used PRC passport. They accompanied Ms. Su to Hong Kong for retrieving some documents of "Paraway". Both of them and Ms. Su lodged in the Century Hong Kong Hotel and they each occupied one room. On 29 October 1995, Messrs. B and C went to Mr. Su's North Point residence under the lead of Ms. Su. Mr. C retrieved some documents of "Paraway" from the premises. Both Messrs. B and C said that Ms. Su acted voluntarily. They also said that Ms. Su had not been subject to any violence or threats^{Note 1}. Mr. C accompanied Mr. Su to Hong Kong on 4 January 1996 and they went to the safe deposit compartment inside the Bank of China in Wanchai where Mr. Su handed him some documents of "Paraway". Mr. Su acted so voluntarily. No public security officials were present on either occasion.

17. Mr. A came to Hong Kong using a PRC passport on 28 October 1995. He visited Hong Kong on personal affairs and had not undertaken any official duties. During his visit to Hong Kong, he did not stay in the Century Hong Kong Hotel. He had not contacted Ms. Su and did not take part in the investigation in Mr. Su's case. Ms. E visited Hong Kong between 4 to 7 January 1996 using a two-way visitor permit on personal affairs. She lodged at a hotel in Wanchai alone and had not undertaken any official duties or involved in the investigation on Mr. Su's case during her stay in Hong Kong.

^{Note 1} Statements of B and C coincide with those given by Ms. Su to the Police. According to Ms. Su, during her trip to Hong Kong on 28 October 1995, she was free and not restrained by any means.

18. The Police had also asked to see Messrs. D, F and G who were alleged to have escorted Mr. Su on his trips to Hong Kong in January 1996. The Guangdong Provincial PSB informed the Police that D passed away in 1996 and the other two men (F and G) were no longer employed by the PSB and could not be traced. No interviews with the three could then be arranged. According to Guangdong Provincial PSB, Messrs. F and G entered Hong Kong with two-way visitor permits.

19. The Police have also requested through Guangdong Provincial PSB to interview Mr. Su who is now serving sentence in Dongguan Detention Centre. The Guangdong Provincial PSB informed the Police that Mr. Su declined to be interviewed in connection with Ms. Su's allegation.

Conclusion

20. Evidence of further witnesses does not corroborate Ms. Su's allegations and reveals little new information on the incidents. Having examined all the information available, the Police consider that the outcome of the investigation previously conveyed at the special meeting of the LegCo Panel on Security remains valid. The entry and departure times of some Zhaoqing public security officials were close to the entry and departure times of Ms. Su and Mr. Su. There is insufficient evidence to support allegations of breaches of laws in the incidents cited by Ms. Su. Nor can it be substantiated that Mainland public security officials have exercised jurisdiction in Hong Kong. The Mainland authorities have re-assured the Government of HKSAR that Mainland law enforcement officers are prohibited from undertaking law enforcement actions in Hong Kong.

Security Bureau
February 2002

**Travel Movements in Respect of
Persons Named by Ms. Su**

Time	Person	Entry/Exit HK	Control Point	Travel Document
28 October 1995				
2220 hours	Male A	Entry	LoWu	PRC passport
2221 hours	Male B	Entry	LoWu	PRC passport
2225 hours	Su Suet	Entry	LoWu	Two-way Permit
2232 hours	Male C	Entry	LoWu	PRC passport
29 October 1995				
1113 hours	Male A	Exit	LoWu	PRC passport
1218 hours	Male C	Exit	LoWu	PRC passport
1219 hours	Su Suet	Exit	LoWu	Two-way Permit
1221 hours	Male B	Exit	LoWu	PRC passport
3 January 1996				
1707 hours	Male D	Entry	LoWu	PRC passport
2218 hours	Male C	Entry	China Ferry Terminal	PRC passport
4 January 1996				
1109 hours	Su Zhi-yi	Entry	LoWu	HK ID Card
1157 hours	Female E	Entry	LoWu	Two-way Permit
1559 hours	Su Zhi-yi	Exit	LoWu	HK ID Card
1559 hours	Male D	Exit	LoWu	PRC passport
5 January 1996				
1417 hours	Male C	Exit	LoWu	PRC passport
7 January 1996				
0726 hours	Female E	Exit	China Ferry Terminal	Two-way Permit
12 January 1996				
1108 hours	Su Zhi-yi	Entry	LoWu	HK ID Card
1144 hours	Male F	Entry	LoWu	Two-way Permit
1146 hours	Male G	Entry	LoWu	Two-way Permit
1722 hours	Su Zhi-yi	Exit	LoWu	HK ID Card
1724 hours	Male G	Exit	LoWu	Two-way Permit
13 January 1996				
1047 hours	Male F	Exit	LoWu	Two-way Permit

Note: B and C were officials of Zhaoqing City Government and staff of "Paraway". A, D, E, F and G were Zhaoqing public security officials.