

立法會
Legislative Council

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by the Administration)

Ref : CB2/PL/HA

LegCo Panel on Home Affairs

Minutes of meeting
held on Wednesday, 17 July 2002 at 10:45 am
in the Chamber of the Legislative Council Building

- Members Present** : Hon IP Kwok-him, JP (Chairman)
Hon Andrew CHENG Kar-foo (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon NG Leung-sing, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon MA Fung-kwok, JP
- Member Attending** : Hon LAW Chi-kwong, JP
- Members Absent** : Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, SBS, JP

Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP

**Public Officers:
Attending**

Item IV

Mr NG Sek-hon, JP
Deputy Secretary for Home Affairs (3)

Ms Miranda YEAP
Assistant Secretary for Home Affairs (Recreation and Sport)

Mr PO Pui-leung
Assistant Commissioner for Television and Entertainment
Licensing Authority (Entertainment)

Item V

Miss Eliza YAU
Principal Assistant Secretary for Security (E)

Mrs Nancy HUI
Principal Assistant Secretary for Home Affairs (2)

Mr TANG How-kong
Chief Superintendent
Police Public Relations Branch
Hong Kong Police Force

**Attendance by
Invitation**

: Item V

Hong Kong Journalists Association

Ms MAK Yin-ting
Chairperson

Mr Jesse WONG
Executive Member

School of Journalism and Communication, the Chinese
University of Hong Kong

Professor Kenneth LEUNG W Y
Associate Professor

Hong Kong Press Photographers Association

Mr LEUNG Man-fai
Chairman

Hong Kong Federation of Journalists

Mr YUEN Kee-wang
Committee Member

Hong Kong News Executives' Association

Mr Peter KWAN
Vice-Chairman

Mr C K LAU
Secretary

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Watson CHAN
Head, Research and Library Services }
} Ms Vicky LEE }For items
Research Officer 3 }III & IV only
} Ms Cherry CHEUNG }
Research Officer 4 }

Mr Stanley MA
Senior Assistant Secretary (2)6

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I. Confirmation of minutes

[LC Paper No. CB(2)2551/01-02]

The minutes of the meeting held on 14 June 2002 were confirmed.

II. Information papers issued since the last meeting

2. Members noted that the Administration had provided the following information papers in response to members' requests at the meetings held on 11 January and 14 June 2002 respectively -

- (a) further information on the scheme for contracting out cultural, arts, recreational and sports services and venue management of the Leisure and Cultural Services Department [LC Paper No. CB(2)2538/01-02]; and
- (b) statistics on public complaints against keepers of temples under the Chinese Temples Committee [LC Paper No. CB(2)2500/01-02(01)].

III. Proposed research outline on the system of advisory committees in some overseas places

[LC Paper No. CB(2)2549/01-02(01)]

3. At the invitation of the Chairman, Head (Research and Library Services) (H(RL)) briefed members on the proposed research outline on the system of advisory committees in the United Kingdom, Ontario in Canada and New South Wales in Australia prepared by the Research and Library Services Division (RLSD) of the Legislative Council (LegCo) Secretariat. Members noted that the research study would be completed by October 2002.

4. Ms Cyd HO asked how the performance/effectiveness of advisory committees in the three overseas places under study would be assessed in the research study. H(RL) responded that RSLD would study reports of various advisory committees, assessment report of third parties, if available and follow-up actions by the government, i.e. whether recommendations of these advisory committees had been incorporated in subsequent policy formulation or implementation. Ms HO pointed out that practices and guidelines for considering and adopting the recommendations of these advisory committees by relevant executive authorities should be studied. She further suggested that the research study should explore the conditions essential for the establishment of a new

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advisory committee, and the criteria for reviewing the need to abolish the committee.

5. Ms Emily LAU said that the research study should aim at providing useful references to overseas experience for members to consider controversial issues in respect of the system of advisory committees in Hong Kong. Ms LAU stressed that the research study should cover practices of appointment in the overseas places under study to ensure a balanced representation in membership, measures to increase transparency, rules to cap the number of advisory committees one could serve, and mechanism to monitor the attendance of committee members. The Chairman said that the research study should be able to provide useful references in these aspects since the proposed research outline covered principles for appointment, and guidelines/codes of practice for appointment and remuneration. Mr Henry WU remarked that it was up to a person to decide whether he could attend the meetings of the advisory committees he served when an additional appointment was offered to him.

6. Subject to the issues raised by members at the meeting, members endorsed the proposed research outline.

IV. Way Forward for Internet Computer Services Centres and Amusement Game Centres

7. Members noted that submissions had been received from the following organisations and individual -

- (a) the Caritas Youth and Community Service [LC Paper No.CB(2)2573/01-02(01)];
- (b) the Hong Kong Association of Cyber Media [LC Paper No.CB(2)2573/01-02(02)]; and
- (c) Mr CHAN Yiu-keung, a member of the Sai Ying Pun Area Committee [LC Paper No.CB(2)2607/01-02(01)].

8. Members also noted the information note on regulation of cyber cafes in the Mainland, Taiwan, Japan, Singapore and Hong Kong prepared by RLSD [LC Paper No.IN34/01-02].

9. At the invitation of the Chairman, Deputy Secretary for Home Affairs (3) (DS(HA)3 briefed members on the salient points of the Administration's paper which sought members' views on possible regulatory options for Internet

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Computer Services Centres (ICSCs) and possible revisions to the licensing conditions for Amusement Game Centres (AGCs) [LC Paper No. CB(2)2549/01-02(02)].

Possible regulatory options for ICSCs

10. Referring to the three possible regulatory options for ICSCs outlined in the Administration's paper, Mr Andrew CHENG said that option A which imposed no restriction on operating hours and age of patrons was tantamount to maintaining the status quo. He considered that it would not meet the community's demand for necessary regulation over the operation of ICSCs. In particular, Mr CHENG was concerned that some ICSCs had been providing young children with access to violent, pornographic or gambling web-sites. He added that the environment of some ICSCs where wall-to-wall partitions and young female receptionists or playmates were available would be conducive to vice and immoral activities.

11. Mr Andrew CHENG also queried the rationale for recommending option B which required ICSCs to be licensed and regulated on par with conventional AGCs. He pointed out that the provisions in the Amusement Game Centres Ordinance would not be suitable for application to ICSCs which provided access to not only computer games but also the wealth of information on the Internet. Mr CHENG expressed concern that the relaxation in licensing conditions and administrative practices for AGCs proposed under option B, such as allowing AGCs to operate in composite commercial-cum-residential premises, extending the operating hours of adult AGCs from midnight to 2:00 am and permitting persons in school uniform to enter adult AGCs, would spark controversies in the community. Mr CHENG added that while he did not consider that the community had a strong aspiration for relaxing the regulation over AGCs, he did not object to a separate review of the AGC Ordinance.

12. Mr Andrew CHENG was of the view that the Administration should further explore the feasibility of adopting option C under which ICSCs were to be regulated under a newly introduced "notification system". He also suggested that the Administration should make reference to the Korean model, or the models adopted by the Mainland, Taiwan, Singapore and Japan as described in the information note prepared by RLSD.

13. In response, DS(HA)3 said that the Administration was well aware of the differences in operation between AGCs and ICSCs, and the undesirable and illegal activities carried out in some ICSCs. He stressed that the Administration had yet to take a position and was prepared to listen to the views of different sectors of the community. However, the Administration at the present stage was inclined to adopt option C which would ultimately require legislative amendments to provide

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backing for the proposed notification system. DS(HA)3 also highlighted the main proposals under option C to illustrate the major considerations in proposing a notification system for regulating the operation of ICSCs. Mr Andrew CHENG remarked that the Administration should work out measures to prevent occurrence of undesirable and illegal activities in ICSCs, and require operators to install appropriate devices to screen off violent, pornographic or gambling web-sites, etc.

14. The Chairman said that options A and B could not resolve the current problems arising from the operation of ICSCs. He considered option C a workable alternative but expressed concern that under the option, children below the age of 16 could stay in ICSCs overnight if they were accompanied by adults. He pointed out that vice and triad gangs would take advantage of the loophole by accompanying young children to ICSCs and subsequently luring them to undesirable and illegal activities. Mr WONG Sing-chi expressed a similar concern.

15. DS(HA)3 said that he would consider the Chairman's views. However, he would also like to point out that whilst allowing young children accompanied by adults to stay in ICSCs after 10:00 pm on one hand might be subject to possible abuse, parents/adults on the other hand might wish to have access to the Internet or play computer games together with their young children/friends at ICSCs after 10:00 pm. Hence, the future regulatory framework would have to balance the interests of different parties. The Administration also expected parents to play an active role in monitoring children's playtime in ICSCs.

16. The Chairman enquired how the Administration would prevent young children from accessing violent and pornographic web-sites at ICSCs. DS(HA)3 responded that the Administration would liaise with the trade on the necessary measures to screen off these sites by ICSC operators.

17. The Chairman further asked whether the Administration had estimated the number of computer stations installed in existing ICSCs. He considered that the number of computer stations should be proportional to the useable floor area of the ICSC premises in order to ensure fire safety and public safety. DS(HA)3 responded that existing ICSCs with a useable floor area of around 200 to 250 square feet could accommodate some 50 to 100 computer stations. If necessary, the Administration would consider the need to specify a standard space requirement for each station.

18. Mr WONG Sing-chi said that the Administration should carefully examine the pros and cons of forbidding children below the age of 16 from entering ICSCs after 10:00 pm. He pointed out that the restriction would mean deprivation of their access to information available on the Internet, and might drive them to loiter in more dangerous areas at night. Mr WONG considered that imposing regulatory

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measures could not possibly resolve all the problems associated with the operation of ICSCs. He suggested that the Home Affairs Bureau should collaborate with the Health and Welfare Bureau, the Education and Manpower Bureau, the Social Welfare Department and the Education Department to provide appropriate guidance and assistance to young children who were frequent patrons of ICSCs. In addition, the Administration should liaise with the trade to collaborate with integrated teams providing extended services for young night drifters to help these children. Mr WONG added that the Administration should encourage teachers and parents to visit ICSCs for a better understanding of the needs of young children, and the reasons for them to stay in these ICSCs. Mr WONG was of the view that the Administration should conduct a comprehensive review of the social role and functions of ICSCs before deciding on the way forward in respect of the regulatory option.

19. DS(HA)3 said that he agreed that without a comprehensive review and consultation, it was difficult to determine the appropriate level of regulation over the operation of ICSCs. The Administration would need to consider different perspectives and strike a right balance in drawing up the regulatory option. He pointed out that the Home Affairs Department, the Education Department and the Social Welfare Department had provided additional venues and computers for young children to assess the information available on the Internet. He also stressed that the Administration only sought to regulate the operation of ICSCs which were operated as commercial establishments.

20. On legislative control over the operation of ICSCs, Ms Cyd HO considered that the Administration should first ascertain the areas of control, such as fire safety and building safety of ICSC premises, or the facilities and services available at ICSC's. DS(HA)3 responded that legislation was one of the essential steps to enhance fire and public safety, and prevent access to pornographic and illegal web-sites at ICSCs. By introduction of a notification system, the Administration would be able to obtain a clearer picture on the increasing popularity of ICSCs in Hong Kong, and set appropriate standards for their layout and lighting design in order to minimise the occurrence of any illegal activities at ICSCs. He stressed that the Administration would widely consult the views of different social sectors before deciding on the way forward.

21. Ms Cyd HO expressed support for establishing an inter-departmental team to promote correct concepts and values on the use of information technology to access information on the Internet. Ms HO said that instead of introducing separate legislation for regulating ICSCs or AGCs, the Administration should consider regulating access control of young children to violent or pornographic materials at these venues. She considered that the Television and Entertainment

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Licensing Authority should examine the issue with greater effort, such as setting up a rating system of computer games.

22. DS(HA)3 responded that the Administration would consider Ms Cyd HO's views. Since ICSCs were fairly new establishments, the Administration would consider possible regulatory options from different perspectives in order to avoid over-regulation.

Way forward

23. Mr Andrew CHENG asked about the legislative timetable for introducing a new Bill or an amendment Bill to regulate the operation of ICSCs, given the community's anticipation of an early establishment of a regulatory framework. He requested the Administration to give prior consideration to regulating the operation of ICSCs.

24. DS(HA)3 responded that the Administration during the summer holidays would start to consult District Councils and the trade. Open forums might be held to gather views from young people. The Administration aimed to decide on the regulatory framework in early 2003 so that law drafting work could commence immediately. In the mean time, the Fire Services Department and the Buildings Department would continue to inspect premises of ICSCs to ensure fire and building safety. The Administration would also liaise with ICSC operators to explore whether a code of practices for self-regulation could be drawn up. He also assured members that review of the AGCs Ordinance was a separate task which would not delay legislation on the operation of ICSCs.

25. Mr Andrew CHENG considered that since legislation would be a time-consuming process, the Administration should speed up the consultation process. He suggested that the Administration should revert to the Panel with some preliminary proposals, preferably in October/November 2002, so that necessary legislation could be enacted in early 2004.

26. At Ms Emily LAU's suggestion, members agreed that the Panel should hold a special meeting in late September 2002 to receive views about the regulation of the operation of ICSCs from organisations concerned. Mr Albert CHAN and Mr WONG Sing-chi suggested that youth organisations and academics should be invited to give views at the meeting. Ms Cyd HO suggested and DS(HA)3 agreed that the Administration would provide the Panel with the list of speakers for the symposium on "Protection of children online 2002" for reference.

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V. Protection of press freedom: The Police's guidelines on media coverage

27. The Chairman welcomed representatives of the five deputations and the Administration to the meeting. The Chairman said that the purpose of the discussion was to exchange views on the Police's guidelines on media coverage from the perspective of protecting press freedom.

Meeting with deputations

28. Ms MAK Yin-ting of the Hong Kong Journalists Association (HKJA) informed members that a joint submission entitled "Report on Chater Garden Incident (the Report)" by HKJA, Hong Kong Federation of Journalists Association (HKFJ), Hong Kong News Executives Association (HKNEA) and Hong Kong Press Photographers Association (HKPPA) was tabled at the meeting [LC Paper No.CB(2)2617/01-02(01)], and representatives of these four organisations would brief members on the contents of the joint submission.

Hong Kong Federation of Journalists

29. Mr YUEN Kee-wang of the HKFJ said that when 16 Falun Gong believers were protesting in front of the Liaison Office of the Central Government in Hong Kong on 14 March 2002, the view of reporters entering the designated press area was blocked by a row of policemen standing in front of the press area. Given that experience, reporters at Chater Garden on 25 April had therefore refused or were reluctant to move to the designated press area. Mr YUEN pointed out that reporters and press photographers felt resentments at the arrest and handcuffing of two reporters in the case of Chater Garden. He stressed that the Police's action was not in line with its guidelines of using handcuffs because the two reporters who only wanted to stay at the scene had no intention to escape, and the number of policemen had outnumbered the journalists at the scene.

Hong Kong Journalists Association
[LC Paper No. CB(2)2549/01-02(04)]

30. Ms MAK Yin-ting of HKJA briefed members on the legal aspects of setting up designated press areas. She pointed out that Article 27 of the Basic Law provided that Hong Kong residents shall have freedom of speech, of the press and freedom of publication. Although the provision did not specify the right of newsgathering, it was an essential and integral component of freedom of the press. Ms MAK also drew members' attention to the joint statement of the United Nations Special Rapporteur on Freedom of Opinion and Expression, Organisation for Security and Co-operation in Europe Representative on Freedom of the Media, and the Organisation of American States Special Rapporteur on Freedom of

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Expression in 2000 on key issues and challenges in freedom of expression. Ms MAK further cited the following extract from the joint statement -

"Conflict situations were inevitably instances of the greatest public interest, often raising issues of fundamental humanitarian and human rights. Public scrutiny of such situations was essential to controlling abuse of rights and promoting accountability. Exclusion of media workers from gaining access to and reporting on conflict is a severe restriction on freedom of expression and the public's right to know and should not be practices except where their presence would pose a clear risk to the safety of others. Instead of excluding media workers, authorities should, wherever possible, take appropriate measures to ensure the safety of those working in conflict zones."

31. Ms MAK Yin-ting said that the setting up of a designated press area and the arresting and handcuffing of reporters at work were apparently in conflict with the above statement and Chapter 39-06 of the Force Procedures Manual. She stressed that it was inappropriate that the Force Procedures Manual had not specified any guidelines for designating press area and gave complete discretion to the officer-in-charge of an incident. Ms MAK also drew members' attention to a court case arising from wrongful arrest of journalists in the United States (*Crespo v. City of Los Angeles*). She informed members that apart from paying damages, the settlement conditions in that case also required the police department to institute a policy that recognised the media had the right to cover public assemblies, even if police had declared them unlawful.

Hong Kong Press Photographers Association

32. Mr LEUNG Man-fai of HKPPA briefed members on the results of the survey conducted by Dr Clement Y K SO, associate professor at the School of Journalism and Communication in the Chinese University of Hong Kong. Members noted that there were two survey targets which included local reporters and full-time journalism professors. Mr LEUNG highlighted that 95% and 56% of the respondents objected to the use of handcuffs on reporters at work and the setting up of a designated press area respectively. He added that most photographers found these designated press areas inhibiting rather than facilitative to press coverage.

Hong Kong News Executives' Association

33. Mr Peter KWAN of HKNEA said that the trade considered that the Police's setting up of the designated press area in the case of Chater Garden was not

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appropriate and in contravention with the Force Procedures Manual. The trade also considered that setting up a designated press area would hinder the work of reporters. Mr KWAN then briefed members on the recommendations in the Report to the Administration and to the media in improving cooperation between the Police and reporters in press coverage.

*School of Journalism and Communication, the Chinese University of Hong Kong
[LC Paper No. CB(2)2549/01-02(05)]*

34. Professor Kenneth LEUNG introduced the submission of the School of Journalism and Communication. He stressed that freedom of the press was a foundation of democratic society and freedom of access to source of information would facilitate the press to ensure the public's right to know. The Government should listen to different views co-existed in a pluralistic society in order to improve its administration. He therefore suggested that the Police should consult the press and take appropriate measures to facilitate access to source of information by the press. In theory, a designated press area should not be set up as it would hinder reporters from getting access to source of information. In practice, it should only be set up under very exceptional circumstances, i.e. for a particular purpose such as protection of evidence.

Meeting with the Administration

[LC Paper No. CB(2)2549/01-02(06)]

35. At the invitation of the Chairman, Chief Superintendent, Police Public Relations Branch of the Hong Kong Police Force (CS(PPRB)) highlighted the main points of the Administration's paper on the subject. He stressed that the Police responded press freedom and attached great importance to maintaining a good working relationship with the press. There were guidelines to accord photographers and television (TV) cameramen the opportunity to have vantage points, and their right to take photographs or TV footage in public places was fully respected. In particular, the establishment of PPRB reflected the Police's intention to maintain a harmonious relationship with the media. He pointed out that in the face of changing circumstances, frontline policemen and reporters were now working under tremendous pressure and friction between the two might increase. There was a need for both parties to enhance their communication. The Police had organised two workshops on improving communication with the press after the case of Chater Garden which were attended by a total of 41 senior police officers. He assured members that the Police aimed to improve communication and relationship with the press on an on-going basis.

Discussion

36. Mr Albert CHAN said that he had witnessed the course of Police's action in the case of Chater Garden on 25 April 2002 and considered that some Policemen had used excessive force to treat reporters on the spot. He also expressed resentment over the setting up of a designated press area for reporters and photographers at work. Mr CHAN considered that the Police already had sufficient powers to execute their duties, such as section 50A of the Public Order Ordinance which stipulated that any person who obstructed anyone exercising any powers or performing any duties conferred by the Ordinance shall be guilty of an offence. He asked whether there was a deficiency in law which affected effective and efficient police operation, and if not, why it was necessary to set up designated press area.

37. In response, CS(PPRB) explained that the designation of a press area was to facilitate press coverage in areas which had been cordoned off to the public. He pointed out that the media understood the need of setting up a designated press area to facilitate Police operations and ensure public safety in some situations. What was in dispute was the location, the size and the necessity of setting up a designated press area under certain circumstances. Following the concerns expressed by the media over the setting up of a designated press area in the case of Chater Garden, the Police would enhance communication with the media on the matter. CS(PPRB) anticipated that through sincere discussion, the Police and the media could work out measures to improve the situation on the basis of mutual trust and understanding.

38. Mr Albert CHAN said that CS(PPRB) had not answered his question. He pointed out that some press areas designated by the Police were neither necessary nor proportionate to the need of the situation. Mr CHAN queried the need to set up designated press areas to inhibit press coverage if the Police had been adequately empowered under the law to conduct its operations.

39. CS(PPRB) responded that the point at issue was under what circumstances the setting up of a designated press area was considered necessary, and how to ensure the location of the press area would be acceptable by the media. He reiterated that the media did understand the need to cordon off some areas of an incident for various purposes such as collection of evidence and protection of witness. He added that a designated press area was normally set up within a restricted area where other members of the public were not allowed to enter. He stressed that the policemen and reporters should respect and cooperate with each other in the course of performing their roles and functions at the scene of an incident.

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40. Ms MAK Yin-ting of HKJA said that the media had long voiced its objection to setting up a designated press area for press coverage. She stressed that the media accepted such arrangement only under a few situations as highlighted in section III of the report. Ms MAK cited the results of the survey and said that some 75% reporter respondents considered that the Police had reinforced control measures against press coverage in recent two years and 65% of them considered that the power of Police was excessive. She added that academic respondents had indicated an even stronger objection against the setting up of a designated press area. Ms MAK held the view that frontline police officers had not treated reporters in a respectful manner in accordance with the Police's general policy to facilitate press coverage.

41. Ms MAK Yin-ting further pointed out that the setting up of a designated press area was often decided by the officer-in-charge of an incident on the basis of personal judgement. She pointed out that the designated press area in the case of Chater Garden was too far away from the scene and the view of reporters was blocked. She considered that the designation of a press area was a severe restriction on press freedom and a ban on on-the-spot reporting, and was inconsistent with Article 19(2) of the International Covenant of Civil and Political Rights which protected press freedom including the right of newsgathering.

42. Mr YUEN Kee-wang of the HKFJ said that the media was happy to hear that the Police was firmly committed to respecting and protecting press freedom. He considered that the Police had failed to demonstrate its commitment by adopting appropriate measures to facilitate the work of reporters and photographers in covering the news about removal of protesters at Chater Garden on 25 April 2002. Mr YUEN stressed that the role of the media at the scene of an incident was to reduce unnecessary abuses of power by the Police and to ensure the right of the public to know. Mr LEUNG Man-fai of HKPPA said that in some situations, the designation of a press area was obstructive rather than facilitative to press coverage. He cited a case in which a press area that could roughly accommodate six persons was designated for some 30 reporters at the scene.

43. CS(PPRB) reiterated that the Police was committed to improving communication and relationship with the press. Apart from organising relevant workshops for officers-in-charge of an incident, the Police had started to assign a police officer in uniform to act as a coordinator to liaise with the press at the scene of an incident on a trial basis. He agreed that the best location of a press area should ideally be decided after liaison with the media at the scene. However, the officer-in-charge of an incident had to consider different factors depending on the circumstances in making the decision. In response to Ms Emily LAU, CS(PPRB) said that he also could not accept designation of a press area with an

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accommodation capacity of six persons to cater for the needs of some 30 reporters and photographers without valid reason.

44. Ms Emily LAU asked whether the media would accept the setting up of a press area to facilitate press coverage of a sudden and urgent incident such as the case of Chater Garden. Ms MAK Yin-ting of the HKJA responded that HKJA did not accept designation of press area for press coverage in principle. She pointed out that there was no mechanism in place for the media to liaise with the Police on the setting up of a designated press area. Reporters who argued with the Police for a better location of the designated press area would be at the risk of being arrested for the offence of obstructing police officers in execution of duties.

45. Ms Emily LAU asked about the difference between a restricted press area and an open press area such as the one in the carpark of the LegCo Building, and the conditions for the Police to seal off the scene of an incident and set up a press area.

46. CS(PPRB) said that unlike a press area within a restricted zone, reporters and photographers had the discretion to stay inside or outside an open press area designated to facilitate press coverage. The press generally accepted the special circumstances which warranted the sealing off of the scene of an incident and the setting up of a press area. The friction between police officers and reporters arising from the setting up of a designated press area at the scene would have to be resolved through sincere discussion on a case by case basis. The Police would aim to establish a mechanism for improving communication with the press in this regard.

47. Ms Emily LAU asked whether the Police could undertake to consult the media at the scene in setting up a designated press area to facilitate press coverage of a sudden and unexpected incident.

48. CS(PPRB) responded that the determination of a designated press area would depend on individual circumstances and the judgment of the Police Incident Commander at the scene. The Police would work towards enhancing the knowledge of commanding officers on the rights and duties of the media to make press coverage. He said that the case of Chater Garden indicated that there was communication breakdown, and the Complaint Against Police Office (CAPO) was already conducting an investigation into the case. He added that the Police was discussing with the media at various levels with a view to improving communications at the scene of an incident.

49. Mr WONG Sing-chi held a strong view that reporters should be allowed to cover incidents of demonstrations and confrontations so as to ensure that the

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Police had not used excessive force or abused power during the operation. He suggested that the Police should specify the special conditions and circumstances that warranted the setting up of a designated press area and allow reporters to do their reporting duties without hindrance in all other situations. Mr WONG considered that even if a designated press area had not been set up, the reporters in the case of at Chater Garden would not have affected police operation. CS(PPRB) undertook to consider Mr WONG's views.

50. Referring to paragraph 2 of Chapter 39-06 of the Force Procedures Manual, Ms Cyd HO asked whether the Police Incident Commander in the case of Chater Garden had followed the guidelines in the setting up of the designated press area. She considered it unfair that the Police had absolute power in its operation, and simply ignored the need and response of the media in the setting up of a designated press area. She asked how the Police would achieve its objective of respecting the press and facilitating press coverage.

51. CS(PPRB) responded that whether the Police Incident Commander had followed the Force Procedures Manual should better be judged by CAPO. He stressed that the Police had all along respected press freedom and was prepared to discuss with the media on technical arrangements and improvement measures for setting up a designated press area in the long term. CS(PPRB) further pointed out that the Manual was intended to specify the principles and policies for facilitating press coverage. The detailed arrangements should better be determined through sincere discussion between the media and the Police on an on-going basis.

52. Mr MA Fung-kwok asked whether the media would agree that the setting up of a designated press area in some situations would facilitate both press coverage and police operation. He considered that mutual trust and understanding was crucial for effective cooperation between the media and the Police for press coverage on particular incidents such as the case of Chater Garden. He pointed out that some protesters might become emotional in the face of the reporters or camera, and their behavior might subsequently affect police operation in certain circumstances.

53. Ms MAK Yin-ting of HKJA reiterated that HKJA did not accept the setting up of designated press area for press coverage in principle, but was prepared to discuss with the Police on the setting up of a designated press area in some special circumstances as indicated in the Report. She stressed that reporters had their obligation to report the true story of an incident in a fair and objective manner. Moreover, the freedom of the protesters to express their thoughts and feelings should also be protected. Given that the Police had set up designated press area more often recently, Ms MAK suggested that the Police should review the criteria for setting up a designated press area in the light of operational needs.

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54. Mr C K LAU of HKNEA said that the majority of reporters would accept setting up a designated press area under special circumstances if their observation of the scene would not be obstructed. However, it should not be justified on the ground that protesters would react emotionally in front of the camera or television footage. Professor Kenneth LEUNG said that since there was a difference in role between the Police and the media, cooperation between the two was essential for the setting up of a designated press area acceptable to both parties. He stressed that the duty of the media was to present an accurate and objective description of an incident. A professional reporter should report from an overall perspective and would not be affected by a single source of information such as the emotional response of a few protesters.

55. Mr NG Leung-sing asked how the Police would prevent persons other than reporters from entering the designated press area which should be an advantageous position for taking photographs or TV footage. CS(PPRB) responded that this was one of the issues to be resolved and the Police and the media would discuss the problem and explore feasible measures to prevent other persons from entering the press area. Mr NG Leung-sing further asked how the Police would protect the safety of reporters especially photographers at work, since some people might not want to be photographed. CS(PPRB) said that the Police would do their best to protect the safety of reporters, protesters and members of the public at the scene in any circumstances by enforcing the law.

Follow-up

56. At members' request, CS(PPRB) and representatives of the media agreed to provide the Panel with a progress report on the results of their discussion about the guidelines for setting up a designated press area in three months' time. CS(PPRB) added that the Police would discuss with the media at different levels through different means on a continuous basis, noting that improving communication with the media was a prolonged task.

57. In concluding the discussion, the Chairman said that maintaining public order/safety and facilitating press freedom in situations involving demonstrations was a controversial issue. He cited his observation when the Secretary for Security was besieged by right of abode claimants outside the LegCo Building and said that it was not easy for the Police to strike a right balance between maintaining order at the scene and facilitating reporting work. He hoped that through frank and sincere discussions, the Police and the media would work out a feasible solution in the months to come.

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VI. Any other business

58. As this was the last regular meeting of the Panel, the Chairman thanked members, the Administration and the LegCo Secretariat for their support to the work of the Panel.

59. There being no other business, the meeting ended at 1:25 pm.

Council Business Division 2
Legislative Council Secretariat
24 September 2002