

立法會
Legislative Council

LC Paper No. CB(2) 1124/01-02

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by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

**Minutes of special meeting
held on Thursday, 13 December 2001
at 2:30 pm in the Chamber of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon LAU Kong-wah (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon WONG Yung-kan
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Member attending : Hon Emily LAU Wai-hing, JP

Members absent : Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon IP Kwok-him, JP

Public Officers attending : Item I
Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr YUEN Ying-lam
Regional Commander (Hong Kong Island)
Hong Kong Police Force

Ms NG Wing-yin
Superintendent of Police Operations
Hong Kong Island
Hong Kong Police Force

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

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

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- I. To follow up issues relating to the case of three persons over the charges of obstructing and assaulting Police officers during a protest on 8 May 2001 when the FORTUNE Global Forum was held**
(LC Paper Nos. CB(2) 426/01-02(01) and CB(2) 650/01-02(01))

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This part of the minutes is CONFIDENTIAL

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Open session

27. In response to Ms Emily LAU's question about the Police's measures to improve the handling of similar incidents in the future, RC(HKI) informed Members that the Police had conducted a review and come to the conclusion that -

- (a) a Vehicle Examination Notice should be completed by the same Police officer who considered that the vehicle was not roadworthy;
- (b) while the expression "suspicious or disruptive vehicle" should be retained in the Operational Order, it should be supplemented by more verbal briefings to frontline officers so that factors such as the speed and

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direction of the vehicle concerned, public safety and dignity were taken into consideration; and

- (c) the Police should consolidate criminal and traffic prosecution in order that the full picture of the whole incident could be presented before the same court.

28. The Chairman asked whether the Operational Order would be revised to draw Police officers' attention to "protest type" or "politically disruptive" vehicles. RC(HKI) responded that caution would be exercised by the Police to avoid giving the public the false impression that whether a vehicle was "politically disruptive" rather than "disruptive" was one of the considerations. He pointed out that in the course of removal of the vehicle, the Police had returned the coffin to the defendants at the scene so that they could continue with their demonstration. This reflected that there was no political motive behind the Police's decision to remove the vehicle. He added that besides being sensitive to disruptive vehicles, the Police would endeavour to facilitate all public order events at diverse locations and at the same time, strike a balance between public safety and public order.

29. The Chairman said that some people considered that the Police was oversensitive in the incident, as the van was in a location far away from the Forum. He asked whether the actions taken by the Police were related to the dignity of internationally protected persons (IPP) or national leaders. He added that although the slogans appearing on the triangular rack at the top of the van might be related to the dignity of President JIANG Zemin, the motorcade of President JIANG Zemin had yet to arrive at the Forum at that time.

30. RC(HKI) responded that the motorcade of President JIANG Zemin was on the way to the Forum when the incident occurred.

31. The Chairman asked whether President JIANG Zemin was an IPP when in Hong Kong. He said that under the definition of IPP, President JIANG Zemin would not be an IPP when in the territory of Hong Kong, which was a part of the People's Republic of China. He requested the Administration to explain the legal basis for the protection of the dignity of President JIANG Zemin. RC(HKI) undertook to provide a written response.

(Post-meeting note : The Administration's response was circulated to members vide LC Paper No. CB(2) 974/01-02 on 22 January 2002.)

32. Dr LUI Ming-wah said that the incident reflected that the Police had not been professional enough in respect of judgment, knowledge and the taking of follow-up actions. He considered that the Police should carry out a review and examine how it should handle similar incidents in the future.

33. Mr LAU Kong-wah considered that the Police had been oversensitive in the

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incident. He asked why the van was towed for defects on this occasion but not in similar occasions in the past. He asked about the actions that would be taken by the Police if the same situation occurred again in the future.

34. RC(HKI) responded that if a vehicle was found to be unroadworthy, the Police had a responsibility to stop and remove the vehicle under section 80(3) of RTO. He said that section 10 of PFO empowered Police officers to take lawful measures to preserve public safety and order. However, the Police had noted that there were areas that could be improved, as set out in paragraph 27 above. For example, more scenarios and examples should be given in verbal briefings for Police officers to facilitate their understanding of the factors to be considered under different circumstances before deciding the action to be taken.

35. Ms Emily LAU asked whether the protection of the dignity of a national leader would include the prevention of scenarios affecting the dignity of the national leader such as broadcasting on television. RC(HKI) responded that the Police was mainly concerned with the protection of the dignity of national leaders during official occasions. The appearance in the television broadcast of a scenario affecting the dignity of a national leader should have much less impact on dignity. He said that under the Internationally Protected Persons and Taking of Hostages Ordinance (Cap. 468) and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomats Agents, the Police had to take all necessary actions to protect IPPs. He said that an insulting behaviour on IPPs would constitute an attack on dignity, while reasonable criticism would not.

36. The Chairman said that as the Police would have to handle demonstrations in the future, it should spell out clearly the limit beyond which a criticism would not be regarded as reasonable.

37. Ms Emily LAU asked about the reason for stopping the van concerned. RC(HKI) responded that Police officers first noticed that the body of the van concerned was shabby and that the driver of the van had not fastened his seat belt. After the van was stopped, the Police began to notice the defects of excessive black smoke, damaged left indicator light at the rear and defective goods separating net.

38. In response to Ms Emily LAU's question about the meaning of a "suspicious or disruptive" vehicle, RC(HKI) said that the scope of a suspicious vehicle was very wide, including a stolen vehicle, a vehicle exceptionally different from other vehicles and a vehicle loaded with weapons. He stressed that the suspicion must be reasonable. He further said that whether a vehicle was disruptive would depend on factors such as the direction, speed, the level of noise generated from the vehicle and the manner in which the vehicle was driven.

39. Ms Emily LAU asked whether the expression "suspicious or disruptive vehicle" in the Operational Order would be revised. RC(HKI) responded that although the

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expression would be retained in the Operational Order, it would be supplemented by more verbal briefings as referred to in paragraph 27(b) above to frontline officers. Ms LAU considered that whether a vehicle should be stopped and removed should be based on the facts rather than whether it was politically disruptive. She said that if the Police stopped and removed a vehicle because it was politically unacceptable, it would become a tool for political suppression.

40. Mrs Selina CHOW considered that the Police should review whether it had presented adequate evidence to the Magistrate. She expressed sympathy to the Police in the case concerned. She said that as the host of the Forum, Hong Kong had an obligation to protect the dignity of national leaders. As an attack on the dignity of national leaders could take different forms, it would be necessary to rely on the professional judgment of Police officers. She said that many people were uncomfortable about the use of paper-made coffin in demonstrations. She asked whether the Police's actions were in line with international practice and had struck a balance between ensuring the security and smooth running of the Forum and the rights of individuals to express their views freely.

41. RC(HKI) responded that it was the Police's practice to assess the risk of international conferences attended by national leaders. Such assessment was based on intelligence, threat assessment of individual dignitaries, the risk of terrorist attacks and public safety and order. This was in line with international practice. He informed Members that about 3 000 Police officers were deployed during the Forum. Half of them performed crowd management duties at various locations in Hong Kong and Kowloon during the firework display on 8 May 2001. The other officers carried out personal protection, traffic escort, security screening and search duties. The number of officers performing public order duties in the vicinity of the Forum and other locations was about 300 at any one time. He added that as the risk of two similar international events held in Hong Kong towards the end of 2001 were assessed to be low, fewer Police officers were deployed for the two events.

42. RC(HKI) stressed that the Police's objective was to ensure the security and smooth running of the Forum as well as facilitating peaceful and lawful public order events. He added that besides operational orders, verbal briefings were given to Police officers before each international event. Reviews and workshops were conducted after each major event.

43. Mrs Selina CHOW asked whether the same level of protection was provided to different national leaders. RC(HKI) responded that the level of protection provided to national leaders was determined in accordance with the results of threat assessment.

44. The Chairman said that some people had expressed concern that although the recent international event was assessed to be a low-risk one, the security zone was unreasonably large.

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45. Ms Emily LAU requested the Police to keep Members informed about the

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modifications to the Operational Order.

46. The meeting ended at 4:25 pm.

Council Business Division 2
Legislative Council Secretariat
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