

For Information

Legislative Council Panel on Security

Guidelines on Release of Information to the Media by Law Enforcement Disciplined Services

Purpose

This note sets out the guidelines adopted by various law enforcement disciplined services on the release of information to the media.

Background

2. At the special meeting of the Security Panel on 24 May 2002, Members discussed matters arising from the public statements issued by the Police and Independent Commission Against Corruption (ICAC) over the arrest of three Police officers by ICAC. The Panel subsequently requested the Administration to provide information on the guidelines adopted by law enforcement disciplined services and the latest position of any recent reviews.

Guidelines on Release of Information to the Media

3. A fundamental principle regarding the release of information to the media is that such disclosure has to comply with prevailing laws, regulations and codes, including the following -

- (a) Code on Access to Information;
- (b) Security Regulations;
- (c) Official Secrets Ordinance; and
- (d) Personal Data (Privacy) Ordinance.

Hong Kong Police Force (HKPF)

4. The Police have internal guidelines on communication with the press and the handling of media representatives. The following points apply on release of information to the media -

- (a) Media enquiries must be dealt with expeditiously.
- (b) If the question relates solely to a local situation or incident, the officer concerned may reply direct but must take care not to comment on matters that may be sub judice.

5. The Police also have specific guidelines on disclosure of information on people involved in crime and other cases such as traffic accidents. The guiding principle is that no information should be disclosed if there are reasonable grounds to believe that such disclosure will directly or indirectly lead to identification those involved. Personal data as defined in Personal Data (Privacy) Ordinance must not be used for any purposes other than those for which the data were originally collected.

6. Usually, the following information on a crime or an incident could be released –

- (a) surname and part of the name of victims and suspects;
- (b) age and sex of victims and suspects;
- (c) locations, date and time of the crime or incident;
- (d) brief description of the case;
- (e) brief account of relevant property with estimated total value, if any;
and
- (f) type of weapons or vehicles used, if applicable.

7. Some further rules have to be observed :

- (a) Residential or office address and other “personal identifiers” (e.g. passport or identity card numbers) must not be released unless with the expressed consent of those involved.

- (b) Only the approximate location of a crime or incident will be given if it is the residential or office address of the person involved.
- (c) Particulars of victims of sex crimes should not be released.
- (d) Uncommon surnames that may lead to identification of an individual should not be released.
- (e) Information which may prejudice future criminal or judicial proceedings should not be disclosed.

8. A review is being conducted on the release of news information by HKPF with a view to further improving the mechanism. Legal advice is being sought from Department of Justice on the draft guidelines.

Fire Services Department (FSD)

9. The guidelines adopted by FSD are as follows –

- (a) Replies to media enquiries should confine to facts and general occurrence of the incident as far as possible.
- (b) An officer should not disclose information which is considered to be sensitive or confidential.
- (c) If the questions touch on contentious policy issues, the Unit Commander or the Officer-in-charge should clear the replies with respective Chief Fire Officer, Deputy Chief Fire Officer, Chief Ambulance Officer, Deputy Chief Ambulance Officer or Principal Information Officer.
- (d) The following information should not be divulged –
 - (i) personal data in particular those of casualties and victims;
 - (ii) unconfirmed facts in the form of hearsay;
 - (iii) incriminating facts inculcating individuals under legal investigation; and

(iv) discriminatory comments.

10. The guidelines are reviewed from time to time as necessary and appropriate. As no major review is conducted recently, Department of Justice has not been consulted on this issue.

Immigration Department (ImmD)

11. The guidelines adopted by ImmD are as follows –

- (a) News information of routine nature can be handled by the middle or senior management concerned. On particularly sensitive and controversial matters, the Directorate (top management) should be consulted before the information is released.
- (b) There is no objection to any officer releasing routine and factual information about his own field of responsibility.
- (c) Information may not be disclosed about individuals, companies or other government departments without the consent of the Directorate.
- (d) An officer, whether on duty or on leave, may not publish anything which may reasonably be regarded as of a political or administrative nature without the permission of the Directorate. “Publish” includes making public by interviews and speeches, by letters and articles in the press, or by talks and discussions on radio and television programmes.
- (e) Officers should see that the information (including news release) is accurate and will not be quoted out of context, misunderstood, etc.

12. The guidelines are updated from time to time as necessary and appropriate. No major review has been conducted recently. Department of Justice has not been consulted on the guidelines.

Customs and Excise Department (C&ED)

13. The guidelines adopted by C&ED are as follows –

- (a) Official information is not to be disclosed without proper authority as stipulated under the relevant Ordinances, Government Regulations and internal orders.
- (b) Release of information that might result in civil action for damages against the Department is to be avoided.
- (c) Information released must be correct and accurate, within the bounds of the law, and timely.
- (d) Messages conveyed must be clear and credible to avoid unnecessary controversies, arguments and speculative comments.
- (e) Statements given must be objective and factual. Officers should refrain from making subjective comments which might trigger off criticisms or even a law suit against the Department.
- (f) Only facts are to be released as far as possible for cases under investigation or pending legal actions. Making comments or drawing conclusions on the Department's action at that stage has to be avoided. Sub judice rules have to be observed to avoid prejudgement of matters which might later be disputed in Court.
- (g) The protection of an individual's right to privacy, say for the suspects or witnesses of the case concerned, has to be observed when information is released.
- (h) Senior officers have to be consulted in case of doubt before information is released.
- (i) The Head of Major Formation or Group Head concerned is to be informed of the press enquiry and information to be

released as early as possible. Respective Assistant Commissioners are to be alerted if the nature of the enquiry or information to be released is sensitive or controversial.

- (j) All media representatives are to be given equal treatment.

14. C&ED has all along attached importance to the communication with the news media. Therefore, the Department has regularly reviewed its relevant internal guidelines for improvement. The Department has recently completed a review on the Customs and Excise Service Standing Orders (CESSO) and updated the procedures in relation to the handling of news media, press release, press conference and press interview. Department of Justice was not consulted in the course of the review. The gist of the draft CESSO on “Meeting the News Media” includes –

- (a) As far as possible, all materials to be released to the news media have to be forwarded to the Information Unit of the Department for dissemination.
- (b) The Divisional Commander concerned is the authority to determine whether the nature of the case or the magnitude of the seizure is valid for issuing a press statement to the news media upon effecting a case.
- (c) The Head of Major Formation or Group Head concerned is the authority to determine whether or not to conduct a formal press conference to publicise successful operations or implementation of essential policy.
- (d) A formal press conference has to be conducted by officers not below the rank of Senior Inspector.
- (e) On-the-spot briefing has to be conducted by the most senior officer at the scene of crime after seeking approval from the Group Head concerned.

- (f) All the enquiries during a press conference or on-the-spot briefing have to be answered by the officer in charge of the press conference or on-the-spot briefing only.
- (g) The Group Head concerned is the approving authority for the request of press interview with Customs officers for policy, advice and activity of the Department.

Correctional Services Department (CSD)

15. The guidelines adopted by CSD are as follows –

- (a) In written press releases or statements, normally only the sex and age of an inmate will be released. In some cases, the offence committed and the length of sentence might also be disclosed.
- (b) As regards verbal enquiries, the surname of an inmate might be given to the media in cases involving the hospitalisation of inmates or investigations by Police.
- (c) Under no circumstances should information that may easily lead to the identification of an inmate be released.

16. As the above guidelines are in line with the Personal Data (Privacy) Ordinance and the practice has been in force for some time without major problems, no further review is necessary at the moment.

Security Bureau
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