

For information
28 April 2003

**Legislative Council Panel on
Administration of Justice and Legal Service**

**Issues arising from the incident of
the Police arresting a witness in a civil trial**

Purpose

The purpose of this paper is to provide Panel members with preliminary information on issues relating to the incident where Police officers arrested a witness in civil proceedings.

Background

2. The Commercial Crime Bureau (CCB) of the Police had been endeavouring to locate a suspect in a deception case since December 1999. Information received by the Police on 11 March 2003 indicated that the suspect, who had not yet been located, might appear in civil proceedings in the High Court the same day.

3. Two CCB officers were therefore deployed to the High Court where the suspect was found giving evidence as a witness in a civil trial. During the lunch break, the suspect was arrested outside the courtroom in the presence of his legal representative. As a result of his arrest, he was unable to resume giving evidence in the afternoon. The learned Judge then demanded an explanation from the Police and queried whether the arrest action amounted to a contempt of court.

4. On the following day, the suspect was escorted back to the court to continue with his testimony.

5. The Police explained the circumstances of the arrest to the learned Judge and tendered an apology for disrupting the proceedings. Separately, an internal police enquiry into the arrest process has been initiated and it is now in progress.

The Arising Issues

6. At present, the Police have no specific guidelines governing arrests made within a court building, or the arrest of persons participating in legal proceedings. The arrest of suspects in the above circumstances would normally be carried out after the court concerned had been informed.

7. The arrest action in this particular case was considered necessary and justified because the Police were duty bound by law to apprehend the suspect. The whole process of apprehending the suspect on the day in question, however, could have been executed differently to minimise the disruption to the court's proceedings.

8. While the Police officers' conduct in this case caused inconvenience, no disrespect to the court was intended. The Police accept that inconvenience to the court proceedings could have been avoided and agree that should it be necessary to take arrest action in similar situations in the future, prior consultation with the court will be conducted before any arrest is made to ensure the court is not disrupted or inconvenienced.

9. This is an isolated case and lessons have been learnt by the parties concerned thereby ensuring that similar incidents do not occur in the future.

Hong Kong Police Force
April 2003