

**立法會**  
**Legislative Council**

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LC Paper No. CB(2) 3249/03-04  
(These minutes have been seen by the  
Administration)

**Panel on Security**

**Minutes of special meeting held on Thursday, 8 April 2004  
at 10:45 am in the Chamber of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Albert HO Chun-yan  
Hon LAU Kong-wah, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon IP Kwok-him, JP

**Members attending** : Hon Cyd HO Sau-lan  
Hon LEE Cheuk-yan  
Dr Hon LO Wing-lok

**Members absent** : Hon WONG Yung-kan (Deputy Chairman)  
Dr Hon LUI Ming-wah, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHEUNG Man-kwong  
Hon Andrew WONG Wang-fat, JP  
Hon Howard YOUNG, SBS, JP  
Hon Michael MAK Kwok-fung  
Hon Audrey EU Yuet-mee, SC, JP

**Public Officers attending** : Ms Winnie NG  
Principal Assistant Secretary for Security (E)

Miss Pamela LAM  
Assistant Secretary for Security (E)1

Mrs Susan MAK, JP  
Acting Director of Administration

Mr Francis CHU  
Principal Executive Officer (Administration)

Mr Barry GRIFFIN  
Deputy Regional Commander (Hong Kong Island)  
Hong Kong Police Force

Mr LEE Wai-lam  
District Commander (Central)  
Hong Kong Police Force

Mr MA Wai-luk  
Acting Assistant Commissioner of Police (Support)

**Attendance by invitation** : Hong Kong Journalists Association

Ms MAK Yin-ting

Hong Kong Federation of Students

Mr YU Kwun-wai, Thomas

The Hong Kong Polytechnic University Students' Union

Mr LAI Chun-kit

City University of Hong Kong Students' Union

Mr LEE Chun-chuen

Lingnan University Students' Union

Mr HO Chun-hei, Johnny

7.1 People Pile

Mr FUNG Kin-fai, Frank

April Fifth Action Group

Mr LEUNG Kwok-hung

Youth Commune

Miss MAK Ka-yui

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai

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

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Ms Amy WONG  
Senior Council Secretary (2)1

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**I. Issues relating to the incident on 2 April 2004 where protestors were removed from the area outside the Central Government Offices**

Paper and information provided by the Administration  
(LC Paper No. CB(2)1947/03-04(01))

At the invitation of the Chairman, Principal Assistant Secretary for Security E (PAS(S)E) briefed Members on the Administration's paper, which was tabled at the meeting, on the Police's operation outside the carpark entrance at the Central Government Offices (CGO) on 2 April 2004. She stressed that -

- (a) the Police's policy of facilitating media coverage within what was permitted under the law and the circumstances had remained unchanged. In this connection, the Commissioner of Police (CP) had held a meeting in the same morning with representatives of media associations and exchanged views on related matters;
- (b) during the operation outside CGO on 2 April 2004, the Police had acted in accordance with the law and adhered to the guidelines in the

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Force Procedures Manual on media coverage; and

- (c) prior to the operation, the Police had informed reporters at the scene of the establishment of a designated press area (DPA). The majority of reporters at the scene acceded to the Police's request and proceeded to the DPA.

*(Post-meeting note : The paper tabled at the meeting was issued to members vide LC Paper No. CB(2)1990/03-04 on 13 April 2004.)*

2. Deputy Regional Commander (Hong Kong Island), Hong Kong Police Force (DRC(HKI)) informed Members that prior to the removal operation, the Police had issued a number of warnings to protestors and asked them to proceed to the designated public activity area (DPAA). He stressed that the Police's operation did not involve stopping the demonstration, but the removal of demonstrators from the area outside the entrance of CGO to a nearby area so that CGO could operate normally. He thanked the majority of reporters who cooperated with the Police during the operation. With the assistance of a Powerpoint presentation, he briefed Members on the location of different parties during the Police's operation on 2 April 2004.

*(Post-meeting note : The presentation materials tabled at the meeting were circulated to members vide LC Paper No. CB(2) 1990/03-04(01) on 13 April 2004.)*

Video tapes provided by television broadcasting companies on the removal of protestors and reporters

3. Video tapes provided by television broadcasting companies on the removal of protestors and reporters during the operation were then shown to Members. The Chairman said that the video tapes would be kept for a week by the Clerk for perusal by interested members.

4. PAS(S)E said that as the protestors blocked the carpark entrance of CGO, Police officers at the scene had asked the protestors to move to a nearby pavement area outside CGO. It could be noted from other television broadcasts of the same day that Police officers at the scene had repeatedly asked the protestors to move to the designated area and given warning before the operation commenced.

5. District Commander (Central), Hong Kong Police Force (DC(C)) said that the Police's removal operation had been launched at the request of the Administration Wing. He stressed that the Police had not stopped the demonstration. As the protestors blocked the main entrance of CGO for staff and vehicles, the Police had to move them to the pavement area outside CGO. Prior to the operation, the Police had asked reporters to proceed to the DPA and a majority of the media complied with the request. However, a few reporters who were

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incited by protestors insisted staying among the protestors. As these reporters hindered the Police's operation which involved the removal of some 80 persons, a photographer was carried away by Police officers. As another reporter was too close to the protestors and hindered the Police's operation, some Police officers required him to keep away from the protestors.

6. The Chairman said that he had asked the Police to provide their video tapes on the incident. He asked the Administration to indicate in the videos how the reporter and photographer concerned were close to the protestors and how they hindered the Police's operation.

7. PAS(S)E said that as the incident was still under investigation, the Police was not in a position to show its video tapes at this stage or to disclose certain details in relation to the Police's operation.

8. The Chairman asked about the matters under investigation that made it not appropriate for the Police to show its video tapes to Members.

9. DRC(HKI) said that the Police was investigating the whole incident from the point where a group of persons left Chater Garden and formed a procession to CGO followed by what then evolved into a public meeting. The Police would investigate the acts of the persons involved. As there might be court proceedings in the future, he was not in a position to provide information on the specific acts of individuals. It would submit its findings to the Department of Justice (D of J) when investigation was concluded. In line with its usual practice, the Police would review the operation and, if necessary, review the Police's operation procedures. He said that the Police's video tapes would be examined in the investigation process.

10. The Chairman asked about the time needed for conducting the investigation. DRC(HKI) responded that the identification of the roles of some 80 persons involved would inevitably take some time. Although the Police hoped to bring the matter to a conclusion as soon as possible, it was difficult to give an estimate of the time needed for the investigation process.

Presentation of views by deputations

*Hong Kong Journalists Association*

11. At the invitation of the Chairman, Ms MAK Yin-ting presented the views as detailed in the submission from Hong Kong Journalists Association tabled at the meeting. She said that no reporter had been informed that there was a DPA.

*(Post-meeting note : The submission tabled at the meeting was issued to members vide LC Paper No. CB(2)1990/03-04 on 13 April 2004.)*

*Hong Kong Federation of Students, The Chinese University of Hong Kong Student*

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*Union, Hong Kong Polytechnic University Students' Union, Lingnan University Students' Union and Hong Kong Shue Yan College Students' Union*  
(LC Paper No. CB(2)1947/03-04(03))

12. At the invitation of the Chairman, Mr YU Kwun-wai presented the joint views of the Hong Kong Federation of Students, The Chinese University of Hong Kong Student Union, Hong Kong Polytechnic University Students' Union, Lingnan University Students' Union and Hong Kong Shue Yan College Students' Union, as detailed in their joint submission and a further submission from the Hong Kong Federation of Students tabled at the meeting.

*(Post-meeting note : The further submission tabled at the meeting was issued to members vide LC Paper No. CB(2)1990/03-04 on 13 April 2004.)*

*7.1 People Pile*

(LC Paper No. CB(2)1947/03-04(04))

13. At the invitation of the Chairman, Mr FUNG Kin-fai presented the views as detailed in the submission from 7.1 People Pile. He added that -

- (a) the Police removed the reporters in order to prevent them from taking photographs or footage of the Police's use of force against protestors;
- (b) contrary to the Administration's statement that the Police did not stop the protest, a senior Police officer at the scene warned that the protest was illegal and should be stopped immediately;
- (c) The reporter referred to by the Police was not close to the protestors; and
- (d) Although the Police claimed that the protestors blocked the main entrance, it should be noted that the protestors had requested moving from the main entrance to the area under a banyan tree inside the CGO area. However, the request was disregarded by the Police and officers of the Administration Wing at the scene.

*April Fifth Action Group*

14. At the invitation of the Chairman, Mr LEUNG Kwok-hung presented the views of the April Fifth Action Group and highlighted the following points -

- (a) the Group questioned why the media had to be removed before the protestors were removed;
- (b) the Administration should substantiate its statements regarding the establishment of a DPA with its internal records, such as minutes of

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previous internal meetings; and

- (c) if the reporters had proceeded to the DPA on that day, they would not have been able to take photographs and videos about the removal of protestors.

*Youth Commune*

15. At the invitation of the Chairman, Miss MAK Ka-yui presented the views of the Youth Commune and highlighted the following -

- (a) the Police had used excessive force in the removal of protestors;
- (b) although the Administration stated that the Police had not stopped the protest, the Police and government officials at the scene repeatedly warned that the protest was illegal and that CGO was not a public area; and
- (c) unnecessary forces had been used in the removal of protestors.

*Hong Kong Human Rights Monitor*

16. At the invitation of the Chairman, Mr LAW Yuk-kai presented the views as detailed in the submission from Hong Kong Human Rights Monitor (HKHRM) tabled at the meeting. He said that HKHRM members at the scene had not seen any signs or heard of any announcement about the establishment of a DPAA or a DPA. They had only seen Police officers directing different people to different areas.

*(Post-meeting note : The submission tabled at the meeting was issued to members vide LC Paper No. CB(2)1990/03-04 on 13 April 2004.)*

Deliberations

17. Mr LEE Cheuk-yan regretted that CP did not attend the meeting. He also regretted that the weak Government had chosen to remove protestors and reporters with unnecessary force in order to demonstrate that it was strong. He considered that the D of A had no sincerity in resolving the matter peacefully. He questioned whether the Administration had decided at the outset to remove the protestors and reporters instead of resolving the matter peacefully. He asked about the Police official who had made the decision to remove reporters and protestors and whether the Police had used excessive force in the removal operation. He also questioned why the protestors had not been allowed to use the washrooms at CGO.

18. Acting Assistant Commissioner of Police (Support) (ACP(S)(Atg)) responded that the decision to remove reporters and protestors had been made by the

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officer-in-charge at the scene. He added that as most of the discussions relating to the Police were about the operation on 2 April 2004, attendance of this meeting by the Police's officer-in-charge at the scene was appropriate.

19. Acting Director of Administration (D of A(Atg)) said that around midnight on 1 April 2004 a demand was put forward for a senior official of the Government to attend the scene to receive a protest letter immediately. Given the small hours, there was difficulty in meeting the demand. Nevertheless, on D of A's advice, officers of the Administration Wing made two offers on the spot. First, they would make arrangements for the students to hand in their protest letter to the relevant senior official directly in early office hours. Also, arrangements would be made for the students to meet with the Constitutional Development Task Force as soon as practicable. She pointed out that the Constitutional Development Task Force did respond positively and met the student representatives in the morning of 3 April 2004.

20. D of A(Atg) added that the Administration was aware of the students' need to use washrooms and had suggested that they could use the washrooms located at a convenient location nearby, but the suggestion was turned down by the students. She said that besides requesting to move to the area under a banyan tree inside the CGO area, the students had also requested that the gate of CGO be opened to allow other protestors to enter the CGO area, which was not acceptable to the Administration. Mr LAW Yuk-kai said that the students had not requested opening the gate to allow other protestors to enter the CGO area.

21. Mr LEE Cheuk-yan said that the students had requested an opportunity on 2 or 3 April 2004 to express their views on the interpretation by the Standing Committee of the National People's Congress. However, D of A did not give a definite reply on the timing of the meeting with the students. He added that although the students were allowed to hand over a protest letter in the morning of 2 April 2004, they were required to leave CGO and to return again at 10:30 am on 2 April to hand over the protest letter. He added that the students were required to use the washrooms at Queen's Road Central, instead of the nearest washrooms inside CGO. All these reflected that the Government had decided at the outset to remove the protestors in order to demonstrate that it was strong.

22. DC(C) said that before the removal of the protestors to the DPAA, the Police had repeatedly urged protestors to move to the DPAA and given a number of warnings before the removal operation commenced. He said that there were clear guidelines within the Police on the force to be used under different situations.

23. The Chairman asked whether the Police was allowed to adopt measures such as "nose-poking", as could be noted from the video tapes, against protestors.

24. ACP(S)(Atg) responded that Resistance Control Tactics, which were widely adopted by the police in Europe and America, had been used by the Police in the



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removal operations. The level of force involved was low. He said that there were clear guidelines in the Police General Orders on the force to be used under different situations. The use of Resistance Control Tactics in dealing with passive resistance was appropriate. The Chairman requested the Police to provide the Panel with its relevant guidelines on Resistance Control Tactics after the meeting.

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25. Mr LAU Kong-wah said that there were discrepancies between what the Police and some deputations had said regarding whether a DPA was established and whether reporters at the scene were informed of the DPA. He asked about the evidence that pointed to the Police's allegation that a few reporters insisted to stay among protestors. He questioned why officers of the Police Public Relations Branch had not been present at the scene, although there had been ample time for planning the operation.

26. DC(C) responded that the Police had had no plan to remove the protestors until a request had been received from the Administration Wing less than an hour before the operation. If a DPA had not been established, large numbers of reporters would not have proceeded to the area concerned. He said that some protestors had been found shouting at reporters asking them to stay among the protestors. Despite repeated advice by the Police, some reporters insisted staying among the protestors. Some reporters even pulled open the mills barriers and ran to the group of protestors. He further said that reporters usually rushed beyond a DPA whenever there were events to cover. However, it was necessary for reporters to be clear of the zone of operation so that the Police's operation would proceed as planned without posing safety hazard to any person at the scene. Ms MAK Yin-ting said that the Police had only asked reporters to leave the area within the mills barriers. There was no mention of the establishment of a DPA at that time.

27. The Chairman asked why a reporter had been pushed by a Police officer, as could be noted from the video shown earlier at the meeting. DC(C) responded that he was not in a position to comment on the acts of individual persons, which would be covered in the Police's review on the whole incident.

28. The Chairman asked whether there had been Police officers designated for liaison with reporters at the scene. DC(C) responded that two Police officers of inspector level at the scene had urged reporters to move into the DPA.

29. The Chairman asked whether the DPA could have provided vantage points for reporters to cover the incident.

30. ACP(S)(Atg) responded that it could be noted from the Powerpoint presentation materials provided by the Administration that although the DPA had been separated by mills barriers from the area of operation, it could provide vantage points for reporters. Nevertheless, it was agreed at the meeting between CP and representatives of media associations that the location of a DPA could be discussed, if necessary, between the Police and representatives of reporters at the scene.

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31. Mr IP Kwok-him said that the public had the right to hold public meetings and public processions. However, they should abide by the law when holding such activities. He regretted that there had been such conflict in the incident between the Police and reporters, who had to discharge their respective duties. He considered that the Police should investigate the incident and the findings should be made public.

32. Mr IP Kwok-him asked about the relative timing of the injury of a Police officer and the removal of a reporter by Police officers. DC(C) responded that the timing of the two incidents were very close. As it was one of the major areas under investigation, he was not in a position to provide further details. He added that the whole incident had actually occurred within a short period of time. Ms MAK Yin-ting said that according to some reporters, the removal of a reporter had occurred before a Police officer suffered injury. Mr IP Kwok-him requested the Police to provide information about the timing of the two incidents.

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33. Mr IP Kwok-him asked about the respective number of reporters at the scene and those who had not complied with the Police's request to enter the DPA.

34. DC(C) responded that there had been about 40 to 50 reporters at the scene and a few of them had stayed among the protestors. The Chairman asked whether these few reporters had obstructed the operation of the Police. DC(C) responded that he was not in a position to provide a response at this stage.

35. Ms Cyd HO said that if the Administration had handled the matter appropriately, the matter might have been resolved peacefully. She recalled informing the officer of the Administration Wing at the scene at 10:00 pm that she wished to have a telephone conversation with D of A. It was not until 12:20 am when there was a telephone call from D of A to Mr LEE Cheuk-yan. She questioned why D of A had not dealt with the matter promptly. She said that the students had not been allowed to return to the place of demonstration after going to the washrooms (outside CGO). She asked whether the security staff of CGO deployed in the removal of protestors had received the relevant training. She added that some reporters had told her that a government official contacted a newspaper company at 4:30 am on 2 April 2004 stating that removal action would be taken and requested it to withdraw its reporters from the spot.

36. D of A(Atg) responded that the security staff concerned, comprising both male and female, had received the relevant training. Regarding the allegation that some male security staff were involved in the removal of female protestors, the Administration Wing would carry out investigation into the matter. She said that the Administration Wing had a responsibility to maintain security and order within CGO and to ensure that the premises were suitable for effective operation. Throughout the incident, D of A was directly involved in coordinating the dialogues with the protestors. She added that the protestors had made other requests besides

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having a senior government official to receive their protest letter. Thus, time was needed for considering the different options available for dealing with the requests.

*(Post-meeting note : The investigation by the Administration Wing revealed that there were male and female security staff on duty at the time of the event, and no male security staff was involved in the removal of female protesters. Only female security staff were deployed to bring female protesters away.)*

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37. The Chairman requested the Administration to confirm whether a government official had contacted a newspaper company at 4:30 am on 2 April 2004 stating that removal action would be taken and requesting it to withdraw its reporters from the spot. He also requested the Administration Wing to provide information on the sequence of events relating to the requests of protestors and the respective responses of the Administration Wing on 1 and 2 April 2004.

38. Ms Cyd HO asked whether there had been any direct dialogue between D of A and the protestors between 9:30 pm on 1 April 2004 and 12:30 am on 2 April 2004 and how D of A was informed of the requests of protestors during that night. D of A(Atg) responded that although there had been no direct dialogue between D of A and the protestors during that time, D of A was directly in charge of her representatives' dialogues with protestors. There were also a number of telephone conversations between D of A and Mr LEE Cheuk-yan during that night.

39. Dr LO Wing-lok declared that he was a Vice-Chairman of the Independent Police Complaints Council and he was expressing views in his own capacity. He said that "throat-locking" when dragging a person might cause choking. He asked whether the Police had any guidelines on the actions and postures which should be avoided in the removal of protestors and whether there were guidelines on lifting of heavy objects. He also asked whether the Police's internal guidelines on the removal of protestors provided alternatives to lifting.

40. ACP(S)(Atg) responded that the Police's internal guidelines relating to the use of force required Police officers to exercise self-control and restraint when using the minimum force as necessary to accomplish their tasks. The guidelines did not cover such details as what should not be done in the removal of protestors. However, Police officers were aware that they would be personally liable for any excessive force used.

41. Dr LO Wing-lok suggested that the Police should include in their internal guidelines certain actions and postures, such as "throat-locking" when dragging a person, which should be avoided when carrying out removal actions. The Chairman requested the Police to provide a response on the suggestion.

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42. The Chairman considered that there was serious dereliction of duty on the part of the Administration Wing and D of A in the incident. He considered that CP should explain why he had said that reporters should carry out a self-review. He

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said that a closed session of the Panel might be convened, if necessary, for showing the Police's video tapes to members.

43. ACP(S)(Atg) responded that in reply to the question raised by representatives of media associations regarding whether there were no other alternatives besides the removal of reporters, CP had said that "警方一直以來同前線記者其實配合得很好，在很多場面也做到自己想做的東西，有許多情況是因為地理環境所限，若真是影響到警方的行動時候，我們希望前綫記者能理解我們的困難。在行動中，若採訪的記者不肯接受我們的勸諭，我們也有責任執行任務，我們沒有其他的選擇。在事發時，大家也應尊重對方，但如果不肯讓開，堅持要最近的距離，妨礙我們的行動，我們唯有使用最低的武力。" Regarding whether it was the Police's long-term policy that future obstructions by reporters would be treated in the same way, CP had replied that "我希望雙方從專業角度來看此事。當然我們每一個行動之後，我們會檢討，究竟我們有什麼地方可以改善。我亦很希望記者朋友，尤其是攝影記者能自我檢討一下，究竟他們此行動是否值得繼續這樣做下去，因為未來的日子我們一定要繼續合作，未來的日子我們不希望見到此場面。" Thus, the self-review was suggested in the hope of facilitating both Police officers and reporters in carrying out their respective duties without obstructing the other side.

44. The Chairman said that it was inappropriate for CP to ask reporters to conduct a self-review, if there was not yet a conclusion on whether the reporters concerned had obstructed the Police.

45. ACP(S)(Atg) said that as a reporter had lodged a complaint with the Complaints Against Police Office, there would be detailed examination of the matter in the investigation process. CP had also stated at the meeting with representatives of media associations in the same morning that if investigation revealed that the Police was wrong, the Police would accept the results and conduct an internal review.

46. There being no other business, the meeting ended at 1:20 pm.