

立法會
Legislative Council

LC Paper No. CB(2)2577/05-06(01)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by Legislative Council Secretariat
for the meeting on 4 July 2006**

**Security arrangements for the Sixth Ministerial Conference
of the World Trade Organization held in Hong Kong
from 13 to 18 December 2005**

Purpose

This paper gives a summary of past discussions held by Members on the security arrangements for the Sixth Ministerial Conference (the MC6) of the World Trade Organization (WTO) held in Hong Kong from 13 to 18 December 2005.

Background

2. The WTO Agreement provides that a MC shall be convened at least once every two years. MC is the highest authority in the WTO structure and can take decisions on all matters under any multilateral trade agreements. Since its inception in 1995, WTO has held five MCs, with the last one held in Cancun, Mexico from 10 to 14 September 2003. The MC6 was held in Hong Kong from 13 to 18 December 2005.

Security arrangements for the Sixth Ministerial Conference of the World Trade Organization held in Hong Kong

Deliberations of the Panel on Security

Meetings on 3 May and 6 December 2005

3. At its meetings on 3 May and 6 December 2005, the Panel on Security discussed the security arrangements for the MC6.

4. The Administration advised the Panel that it was anticipated that there would be some 11 000 participants for the MC6, including 6 000 delegates, 3 000 press and 2 000 non-government organisation (NGO) representatives.

5. Members were concerned about the Police's capability to cope with the threats, in particular the threat of terrorist attack. Some members expressed concern how the Administration would deal with cases of serious traffic chaos or confusion while maintaining security at the same time. Members also asked how the public, especially shop owners and residents in the vicinity of the venue for the MC6, would be informed of the special traffic and security arrangements to be introduced during the event.

6. Some members queried the principle adopted for determining designated public activity areas (DPAAs). These members considered that the rights of protesters to express their views freely would be hampered, if DPAAs were not within sight of their targets attending the MC6.

7. Members asked how the Police would deal with attempts of demonstrators to break through the Police cordon by disruptive or violent means. They asked whether the Administration would consider using water cannons or tear gas to disperse demonstrators who launched such attacks. They also asked whether different levels of possible scenarios had been classified with different means of defence being used for each level, e.g. the use of shield array and tear gas.

8. Some members asked whether the Administration would allow or disperse a public procession consisting of less than 30 persons, which was not required under the Public Order Ordinance to notify the Police, in the vicinity of the closed area.

9. The Administration responded that assessment indicated that there would be a high risk of public order being disrupted by rigorous or even violent protests. The Police had set up nine working groups to look into various aspects, viz. security, public order, traffic management, public relations and publicity, command and control, tactics and training, logistics, information technology and communications, as well as manpower and procurement.

10. The Police informed the Panel that, given the scale and nature of the MC6, it would draw on relevant overseas experience and prepare for all possible contingencies. It would formulate a comprehensive manpower deployment plan to cater not only for the MC6 commitments, but also to maintain the general watch and ward coverage. To ensure maximum availability of manpower, a number of resources management measures would be enforced, including the leave restriction for all frontline officers immediately before and during the MC6 period.

11. The Administration also informed the Panel that it would consult the relevant District Councils and take into account their views in drawing up the specific arrangements. Briefings on the MC6 would be conducted for the businesses, building management companies, etc. in the neighbourhood of the event venue. In addition, the Administration would liaise with the operators of various important facilities/services and invite them to formulate plans in the light of the MC6. Whatever special arrangements were decided, the Administration would ensure that they would be disseminated to the public in a timely manner, so as to engender understanding and cooperation by the affected entities and persons.

12. Regarding the identification of DPAAAs, the Administration advised the Panel that the Police had struck a balance between the rights of individuals to express their views freely and the need to ensure public safety. One of the DPAAAs was only located at less than 300 metres from the Hong Kong Convention and Exhibition Centre (HKCEC). The Administration would maintain a dialogue with NGOs and other concerned groups, both local and overseas, in the run-up to and during the MC6, with a view to facilitating their freedom of expression and conduct of orderly and peaceful demonstration activities.

13. The Administration informed the Panel that the Police had maintained dialogue with both local and overseas NGOs, which had indicated intention to conduct public meetings or public processions and had undertaken to hold such activities in a peaceful manner. Where there were attempts to break through the Police cordon by disruptive or violent means, appropriate measures, such as the deployment of shield array, would be adopted by the Police. The Police had no plan to use water cannons, which might cause harm to demonstrators. The use of tear gas would be considered when circumstances developed into a riot-like situation.

14. The Administration advised the Panel that different contingency plans had been drawn up and updated where necessary. Should any problem arise, the Administration would seek to contain the problem and bring the situation back to normal as soon as practicable. Where the number of participants was very small and caused no inconvenience to other road users, the Police would allow the public procession to be held as far as practicable.

15. Regarding the classification of possible scenarios, the Administration advised that there was no such classification. Whether there was a need for the use of force and the equipment that would be deployed would depend on the circumstances. The Police would act in accordance with the law and its internal guidelines on the use of force.

Meeting on 7 February 2006

16. The Panel discussed with the Administration the review of the security arrangements for MC6 on 7 February 2006.

17. The Administration informed the Panel that in the course of MC6, arrangements were made for the facilitation and policing of some 105 separate demonstration activities. Only eight of them, which occurred on 13, 14, 16 and 17 December 2005, involved an element of public disorder or violence. The Police had discharged six super sock rounds, 34 CS grenades (tear gas) and 738 canisters of pepper spray. A total of 515 Police officers had used batons during the conference period.

18. Some members commended the Police for playing a key role in facilitating MC6 to be held successfully in Hong Kong. Some other members expressed concern that some 1 000 people were arrested in the course of demonstration on 17 and 18 December 2005, while two protestors were prosecuted for unlawful assembly and one for unauthorised gathering. These members were also concerned about the allegations against the Police for ill-treating detained persons and depriving these persons of basic rights according to international human rights standards. For instance, arrested persons had to ride or wait in vehicles for more than eight hours. Some detainees complained of being slapped by Police officers, and strip-searched. No arrangement was made for detainees to contact lawyers.

19. The Administration admitted that the provision of 20 interpreters was insufficient. There was difficulty in hiring more interpreters, though assistance from the Korean Consulate had been sought. The Administration also advised the Panel that complaints lodged were being investigated by the Complaints Against Police Office. The Police welcomed persons who had been ill-treated to lodge their complaints. The Police was conducting a comprehensive review of the operations during MC6, and the review would be completed in about two months' time.

20. Some members urged the Administration to appoint independent persons to conduct a thorough inquiry into the Police's actions during MC6 in order to enhance public confidence.

Deliberations of the Panel on Commerce and Industry

21. The Administration briefed the Panel on Commerce and Industry on the progress of its preparatory work for the MC6 at the meetings on 16 November 2004, 15 February 2005, 15 March 2005, 19 July 2005 and 18 October 2005. The Administration had also briefed the Panel on its report on the MC6 at the meeting on 17 January 2006. Members had expressed, inter alia, concerns about the security aspects of the MC6.

22. Some members pointed out that large-scale international events had often served as ready focal points for protesters against such issues as globalisation, poverty and war, as evidenced by massive protests during past MCs and the G8 Summit held in Scotland in July 2005. These members were gravely concerned about the adequacy of the security and contingency arrangements and the possible terrorist attack on Hong Kong during the event period.

23. The Administration assured the Panel that it attached great importance to ensuring the smooth conduct of the MC6. The Police had set up nine working groups to deal with various enforcement aspects of the event and would draw up contingency measures to cater for worst case scenarios, such as the throwing of objects, arson and other acts of violence. Although the current assessment of terrorist threat was not high, the Administration would maintain close liaison with overseas intelligence and law enforcement agencies and monitor closely international developments. The Administration indicated that it was fully capable of maintaining internal law and order and that the chance of seeking assistance from the Garrison in Hong Kong was very low.

24. Some members cautioned that the Police should not under-estimate the scale of the demonstration activities and the possible outbreak of violence likely to take place during the MC6, and the Police must be extremely tactful in dealing with demonstrators. The hosting of an international event of such a scale would inevitably create some inconvenience to the community and the Police should be as accommodating as possible to avoid confrontation. Some members stressed the need to respect the right of demonstrators to express their views. To maintain Hong Kong's image as an international business and financial centre where freedom and the rule of law prevailed, the Police should adopt a tolerant attitude as far as possible, and refrain from resorting to high-handed action lightly when dealing with demonstrations during the MC6.

25. The Police assured members that, in line with established policy, it had always tried to facilitate lawful and peaceful demonstrations, without losing sight of the need to maintain law and order in the interest of the community at large. The Police and the Ministerial Conference Coordination Office would continue to maintain dialogue with NGOs and other concern groups who might wish to organise demonstration activities with a view to facilitating the conduct of such activities in an orderly manner and keeping inconvenience to the public to the minimum.

26. Regarding the entry of anti-globalisation and anti-free trade activists into Hong Kong, the Administration informed the Panel that it would deal with incoming visitors in accordance with its established immigration policy.

27. Regarding the Administration's proposal to set up restricted access zone and DPAA in the vicinity of HKCEC, some members questioned why the Tamar Site would be designated as part of the proposed restricted access zone

but not as a DPAA. Some members considered it necessary to make timely announcements so that local residents and visitors, in particular shop-owners in the vicinity, would be aware of the security arrangements.

28. The Administration informed the Panel that the Tamar site would be used as the transport hub for some 400 vehicles related to the MC6. The Police would work closely with all stakeholders concerned in designating DPAAAs. The Administration had held a briefing session for Wan Chai businesses and residents on 13 and 20 July 2005. A majority of the schools in Wan Chai and nearby districts planned to designate 13 December 2005 as a discretionary school holiday or staff development day. The staff of the MC6 Co-ordination Office would proactively reach out to businesses in the vicinity of HKCEC and hold sector-specific briefings for them.

Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order

29. On 12 October 2005, the Administration tabled the Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order in the Legislative Council. The Order, made under section 36 of the Public Order Ordinance (Cap. 245), declared certain areas in Wan Chai and Admiralty as delineated as “Land Closure” and “Sea Closure” during the period from 6:00 pm on 12 December 2005 to 5:00 am on 19 December 2005. Entry into these closed areas would only be allowed with permission from the Commissioner of Police. A subcommittee was formed at the House Committee meeting on 14 October 2005 to study the Order.

30. Some members of the Subcommittee pointed out that given the scale and nature of the MC6, the Administration should prepare for all possible contingencies. Past WTO MCs and some large scale international events in recent years had attracted vigorous demonstrations, some of which had unfortunately resulted in violence and damage to properties as was evidenced during MC3 in Seattle in 1999. Sometimes even peaceful and non-violent protests could result in blockades and disruption to the public.

31. The Administration advised that the Police would prepare for all possible contingencies. It would formulate a comprehensive manpower deployment plan to cater not only for the MC6 commitments but also to maintain the general watch and ward coverage. The plan would be refined on a continuous basis to reflect the updated assessment of threats and information on other major commitments, such as crowd control events, closer to the time of the MC6. To ensure maximum availability of manpower, a number of resources management measures would be enforced, most notably the leave restriction for all frontline officers, immediately before and during the MC6 period. Other Government bureaux and departments concerned were also proceeding

with the preparation for the MC6 on all fronts. For instance, departmental contingency plans were being updated and various drill exercises had been and would continue to be conducted in the run-up to the event. The Administration would continue to proactively reach out to the businesses, building management companies, etc. in the neighbourhood of HKCEC, brief them on the MC6 and discuss with them what measures they might wish to adopt in the run-up to and during the MC6 period.

32. Some members considered that an opportunity should be provided at a Council meeting for Members to express their views and concerns about the security and public order issues relating to the MC6 and for the Administration to respond to Members' views and concerns.

33. The Subcommittee had completed the scrutiny of the Order and reported to the House Committee on 18 November 2005. On the recommendation of the Subcommittee and with the agreement of the House Committee, the Subcommittee Chairman, Hon Miriam LAU, moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting on 23 November 2005, for the purpose of debating the security and public order issues relating to the MC6.

Relevant papers

34. For further details of the relevant discussions of the Panel on Security, Panel on Commerce and Industry and Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order, members may wish to refer to the following documents -

Minutes

- (a) minutes of the meeting of the Panel on Security on 3 May 2005 (LC Paper No. CB(2)2117/04-05);
- (b) minutes of the meeting of the Panel on Security on 6 December 2005 (LC Paper No. CB(2)945/05-06);
- (c) minutes of the meeting of the Panel on Commerce and Industry on 16 November 2004 (LC Paper No. CB(1)409/04-05);
- (d) minutes of the meeting of the Panel on Commerce and Industry on 15 February 2005 (LC Paper No. CB(1)1071/04-05);
- (e) minutes of the meeting of the Panel on Commerce and Industry on 15 March 2005 (LC Paper No. CB(1)1257/04-05);

- (f) minutes of the meeting of the Panel on Commerce and Industry on 19 July 2005 (LC Paper No. CB(1)2270/04-05);
- (g) minutes of the meeting of the Panel on Commerce and Industry on 18 October 2005 (LC Paper No. CB(1)261/05-06);
- (h) minutes of the meeting of the Panel on Security on 7 February 2006 (LC Paper No. CB(2)1569/05-06);

Paper

- (i) Administration's paper for meeting of the Panel on Security on 3 May 2005 (LC Paper No. CB(2)1409/04-05(01));
- (j) Administration's paper for meeting of the Panel on Security on 6 December 2005 (LC Paper No. CB(2)546/05-06(04));
- (k) Administration's paper for meeting of the Panel on Commerce and Industry on 16 November 2004 (LC Paper No. CB(1)206/04-05(04));
- (l) Administration's paper for meeting of the Panel on Commerce and Industry on 15 February 2005 (LC Paper No. CB(1)861/04-05(07) and (08));
- (m) Administration's paper for meeting of the Panel on Commerce and Industry on 15 March 2005 (LC Paper No. CB(1)1069/04-05(03));
- (n) Administration's paper for meeting of the Panel on Commerce and Industry on 19 July 2005 (LC Paper No. CB(1)2047/04-05(26));
- (o) Administration's paper for meeting of the Panel on Commerce and Industry on 18 October 2005 (LC Paper No. CB(1)48/05-06(03));
- (p) Administration's paper for meeting of the Panel on Commerce and Industry on 17 January 2006 (LC Paper No. CB(1)683/05-06(03));
- (q) Administration's paper for the meeting of the Panel on Security on 7 February 2006 (LC Paper No. CB(2)995/05-06(03)); and

Report

- (r) Report of the Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order (LC Paper No. CB(2)384/05-06).

35. The above papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).

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27 June 2006