

LC Paper No. CB(2)2669/05-06(01)

Complaints against the Police's handling of WTO

1. What is the legal power of the police to contain more than 1,000 people in the Gloucester Road, Wan Chai starting from about 10:30 p.m. On 17.12.2005? The containment lasted until 2:30 p.m. of 18.12.2005.
2. How was the policy of "maximum tolerance, minimum arrest" being implemented, provided that more than 1,000 people were arrested?
3. The police expected the number of the arrested people were 200, with a maximum number of 300. However, it turned out that 1,000 people were arrested which was far beyond the capability which the police could handle.
4. The circumstances under which the protestors were contained in the Gloucester Road were poor:
 - lack of blankets in low temperature;
 - no access to toilets; and
 - no access to food and water.It lasted from 10:30p.m. (17.12.2005) until 2:30p.m. (18.12.2005), i.e. more than ten hours.
5. The arrested people were removed from the containment area from 2:00a.m. of 18.12.2005 and kept in different temporary holding centres. The environment of the temporary holding centres was poor:
 - overcrowded (many arrested people had to sleep in the floor);
 - lack of blankets in low temperature;
 - limited access to toilets (arrested people had to wait for hours for arrangements to be made in order to access to the toilets);
 - arrested people who were in need for medication had to make repeated requests before they were sent to medical treatment;
 - lack of interpreters;
 - limited access to legal representatives;
 - arrested people include children.
6. The Police released all women protestors and Hong Kong residents but detained Koreans male. Discrimination?
7. The 14 Defendants were detained in the police detention cells where:

- the basic hygiene situation was bad and not acceptable;
- the Defendants did not have the opportunity to take showers;
- no towels and blankets were provided to the Defendants
- no tooth-brushing facilities were provided.

They were able to have a hot-shower only after an urgent application was made to the high court on 20.12.2005 which as a result, the police undertook to provide the necessary arrangements.

8. The Police failed to arrange any Korean actor^s to participate in an identification parade, but nevertheless, requested the Korean Defendants to participate in the parade on 21.12.2005.

9. The Police did not make its best endeavour^s to arrange an identification parade which resulted in a confrontation, objected by the Defendants and the Defence Team to be taken place on 4.1.2006. It was criticised by the trial magistrate in his reasons for verdict,

“The police have done an excellent job in handling the confrontations and aggression, but the subsequent investigation was not entirely satisfactory. D3 and D6, and the other Defendants, were unfairly deprived of a chance of attending an investigation process where the correctness of the witnesses' identification could be verified. (paragraph 32)”

“There were breaches of the Hong Kong Code of Identification (the Police Force Procedures Manual) in that a confrontation was held when an identification parade for the consenting suspects was not impossible or impracticable.... (paragraph 33)”

10. The Police maintained a difficult stance during the plea-bargaining process and insisted on a summary of facts which was hardly acceptable to the Defendants.

- 11, 2 basic principles:-
- a) Only those protesters who did more than pushing at police would be arrested, the others would be freed; etc
 - b, On identification, those arrested who be given more than reasonable doubt.
- 12/ Video-tape recordings were extremely poor
- 13/ Identification evidence was hopelessly poor
- 14/ All 14 defendants offered to plead guilty before Christmas to "Unauthorized Assembly"; but the prosecution insisted on "Unlawful Assembly" even though the maximum penalties for the 2 different offences was the same.