

To: Panel on Security

E-mail to: panel\_s@legco.gov.hk

From: Alliance for Defending Grassroots Housing Rights

Contact Person: Ms. Lee

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**Title: Opinions on the Police's practices regarding handling of searches of detainees**

This paper is draft by the Alliance for Defending Grassroots Housing Rights (the Alliance). The Alliance was established in 2001 by the underprivileged residents who concerned their housing needs and rights. Alliance defined itself as an 'organizing platform and action network', meaning that all the grassroots people are welcome to defend their civil rights and interests, and to facilitate the improvement of social environment.

Regarding to the police practices on searching for detainees, the Alliance has to raise a strong objection towards the more rigorous role of the police. Apart from the inhuman treatment faced by the demonstrators from Lee Tong Street, the Alliance was also suffered from the changing attitude of the police on dealing with the case with peaceful demonstrators. Here is the experience from the Alliance:

- ♦ On 3 June 2007 – Supporters and the Alliance went to the residential place of the high official trying to hand in a letter to that official, some of the participants were being arrested rudely by the police a few days after the demonstration under the offence of unlawful assembly. 10 selected participants were arrested in 3 days in various places. During the arresting process, the police only took action by hanging at their back until they left the crowd. Even the demonstrators were released on bail, their calls and e-mails were being taped and censored. Their behavior and social networks were closely monitored by the police.
- ♦ On 13 June 2007 – when the Alliance and a group of public housing residents went to attend the crucial legislative discussion regarding the rental policy for public housing tenants, 18 of them were detained by the police due to their 'disorderly conduct' in the council hall of Legislature. Nevertheless, the wife of the legislator also performing the same kind of demonstration just one day before the action organized by the Alliance, none accusing were announced by the police.

From the above scenario, we are worry about the selective execution of police power when dealing with peaceful demonstrations. Legislators may argue that the Alliance is too aggressive in expressing their alternative views and the consequence is facing legal persecution yourself. Indeed we are much worry about the selective persecution whereas when legislators performing actions which are more aggressive, the police just ignore their 'progressive' behavior. A group of

Legislators and District Councilors blocked the Tin Sui Wai Light Rail on the same day as the Alliance's demonstration (3 June 2007), even though the whole railway system in Tin Sui Wai was in chaos. All the Legislators were indeed free from any guilty. None of them was being charged nor arrested.

In addition to the Police's practices on searching detainees, the non-governmental organizations (NGOs) are much more concern on the stringent environment for freedom of expression, and freedom of assembly in expressing alternative views towards the HKSAR government. During the 10<sup>th</sup> anniversary for the handover of Hong Kong, a series of event did show a suppression of expressing alternative views. These series of events include:

- ♦ 13 Dec 2006 – a group of civilians just sat outside the entrance of the construction site of the former Star Ferry Pier. 13 of them were arrested under the offence of disorderly conduct.
- ♦ 10 Mar 2007 – a night march organized by the League of Social Democrats was abandon by the police due to degradation of visibility at night.
- ♦ 18 Mar 2007 – after the mass rally asking for universal suffrage, a few participants were asked to show their Identity Card to the police even though the rally was ended.
- ♦ 1 July 2007 – a list of unpractical conditions were added to the “notice of no objection” for the annual 1<sup>st</sup> July march. Although these conditions were cancelled after furious discussion and objections raised by civil society, the intention for police to test the NGOs attitude towards the police suppression are obvious.
- ♦ 1 Aug 2007 – after the protestors are being moved out from the Queen's pier forcefully by the police, their represented legal practitioners were not allowed to visit their clients although this was forbidden by the law of Hong Kong.

All these series of events show the suppression of assembly and expression from the HKSAR government. From the comment of NGOs, some ordinances such as the public order ordinance and the summary offences ordinance, are always applied by the police to suppress the human rights of citizens. Under such condition, we reiterate our call to your Committee to closely monitor the SAR Government when exercising its police power.