

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)490/03-04(05)

Ref : CB2/PL/SE

### **Panel on Security**

#### **Background brief prepared by the Legislative Council Secretariat**

#### **Police cooperation between the Hong Kong Special Administrative Region and the Mainland and the case of SU Zhi-yi**

### **Purpose**

This paper gives a summary of past discussions held by the Panel on Security on police cooperation between the Hong Kong Special Administrative Region and the Mainland, and the case of SU Zhi-yi.

### **Background**

2. SU Suet, the daughter of SU Zhi-yi, lodged a complaint with the Hong Kong Police on 26 April 2000. She alleged that public security officials from the Mainland had crossed the boundary to exercise jurisdiction in Hong Kong -

- (a) on 28 October 1995 after the arrest of her parents in the Mainland when, according to SU Suet, she was taken back to Hong Kong by six men, including four Zhaoqing Public Security officials, for a search at her father's residence in North Point and a number of items of documents were seized;
- (b) on 4 January 1996 when, according to SU Suet, her father was similarly escorted back to Hong Kong by public security officials for seizure of properties from his safe deposit box at the Wanchai Branch of the Bank of China; and

- (c) on 12 January 1996 when, according to SU Suet, her father was escorted back again by public security officials for collection of personal effects from his residence in Hong Kong.

## **Discussions by the Panel**

### Meeting on 30 June 2000

3. At its meeting on 30 June 2000, the Panel was briefed on the existing arrangements on police cooperation between the Mainland and Hong Kong, and the case of SU Zhi-yi.

4. The Administration informed members that when cooperation was undertaken, both sides were required to strictly abide by the provisions of the relevant laws and to respect the jurisdiction of the local territory. Specifically, Mainland public security personnel were prohibited from exercising jurisdiction in Hong Kong and vice versa. If one party required the assistance of the other party, the requested party might gather information relevant to the case through various legal means and provide such information to the requesting party, including gathering evidence and interview of witness and suspects who were willing to be interviewed. When the requesting party sought assistance, it must give prior notification to the requested party and explain clearly the nature of the case and the scope of assistance sought. It would then be for the law enforcement officers of the requested party to undertake the investigation work in accordance with the law.

5. On the case of SU Zhi-yi, the Administration informed members that the Police had launched an investigation and had taken the matter up with the Guangdong Provincial Public Security Bureau (GDPSB), which was carrying out an investigation into the matter.

### Meeting on 16 January 2001

6. At the Panel meeting on 16 January 2001, the Administration briefed the Panel on the Police's findings on the case of SU Zhi-yi. It informed members that immigration records indicated that the entry and departure times of some public security officials were quite close to some of those of SU Zhi-yi or SU Suet. However, there was insufficient evidence to substantiate the allegation that Mainland public security officials had exercised jurisdiction in Hong Kong.

7. As regards the question of whether the signing of documents or transfer of property rights was valid, if it was made under threats, the Administration advised the Panel that the transfer of property rights was made under formal procedures in the presence of lawyers from both sides who had confirmed with the Police that SU Zhi-yi and his family members were not under threat in the transfer of property rights.

8. Some members considered that the Police should carry out further investigation into the allegations of SU Suet. They requested that -

- (a) the Police's check on the records of the Century Hong Kong Hotel be included in the report to be provided to the Panel;
- (b) the Zhaoqing Public Security officials who were alleged to have been involved be interviewed and the purposes of their visits to Hong Kong be established; and
- (c) SU Zhi-yi be interviewed to gather information on his visits to Hong Kong in January 1996.

Meeting on 15 April 2002

9. At the Panel meeting on 15 April 2002, the Administration briefed members on the findings of further investigations by the Hong Kong Police, enquiries with GDPSB, checking of immigration records, verification of identity of the persons named by SU Suet, hotel checks, site visits at the residence of SU Zhi-yi in Hong Kong, enquiries with the bank and interviews with the persons concerned. The Administration concluded that there was insufficient evidence to support allegations of breaches of laws in the incidents cited by SU Suet or her claim that Mainland public security officials had exercised jurisdiction in Hong Kong.

10. Some members pointed out that there was a mention of a search warrant on pages 11 and 17 of the judgment issued by the Higher People's Court of Guangdong Province on 27 October 2000. They also pointed out that according to the complaint materials provided by SU Suet -

- (a) solicitors from some Hong Kong solicitor firms had visited SU Zhi-yi and his wife at a detention centre in Zhaoqing and requested them to sign on documents authorising the transfer of their private property rights to others;
- (b) The Law Society of Hong Kong had designated a solicitor to investigate into complaints against the solicitor firms involved in the transfer of the property rights of SU Zhi-yi and his wife to others; and
- (c) Zhaoqing Public Security officials had videotaped their search in SU Zhi-yi's residence in Hong Kong on 28 October 1995.

11. In view of the above observations, these members considered that the Police should -

- (a) seek to contact the solicitor firms concerned and The Law Society of Hong Kong; and
- (b) seek clarification from the Mainland authorities whether a search warrant had been issued for a search in SU Zhi-yi's residence in Hong Kong, whether a search had actually taken place and whether there was a videotape in respect of the alleged search in the residence of SU Zhi-yi in Hong Kong.

12. In its reply dated 2 December 2002, the Administration stated that it had made further enquiries with GDPSB, which replied that Zhaoqing Public Security officials had not searched the residence of SU Zhi-yi in Hong Kong, nor had they produced any search warrant or conducted any videotaping.

### **Relevant papers**

13. Members may wish to refer to the following documents for further details -

#### Minutes

- (a) Minutes of the Panel meeting on 30 June 2000 (LC Paper No. CB(2) 151/00-01);
- (b) Minutes of the Panel meeting on 16 January 2001 (LC Paper No. CB(2) 1693/00-01) (issued vide LC Paper No. CB(2)1694/00-01 on 30 May 2001);
- (c) Minutes of the Panel meeting on 15 April 2002 (LC Paper No. CB(2)2291/01-02) (issued vide LC Paper No. CB(2) 2292/01-02 on 13 June 2002); and

#### Papers

- (d) Administration's paper for the Panel meeting on 30 June 2000 (LC Paper No. CB(2)2472/99-00(01) issued on 28 June 2000);
- (e) Findings of the Police's investigation into the case of SU Zhi-yi and the Administration's response to issues raised by members at the Panel meeting on 30 June 2000 (LC Paper No. CB(2)599/00-01(01) issued on 3 January 2001);
- (f) Immigration record provided by the Administration regarding the case of SU Zhi-yi (LC Paper No. CB(2)720/00-01(01) issued on 17 January 2001);

- (g) Information relating to the case of SU Zhi-yi referred by the Complaints Division of the Legislative Council Secretariat (LC Paper No. CB(2)2370/00-01 issued on 4 October 2001);
- (h) Report of the Police's investigation into the allegations made by SU Suet (LC Paper No. CB(2)1094/01-02(01) issued on 8 February 2002);
- (i) Judgment on the case of SU Zhi-yi issued by the Intermediate People's Court of Zhaoqing City of Guangdong Province on 5 June 2000 (LC Paper No. CB(2)1811/01-02(01) issued on 6 May 2002);
- (j) Administration's response to issues raised by members at the Panel meeting on 15 April 2002 (LC Paper No. CB(2)2038/01-02(01) issued on 2 May 2002);
- (k) Administration's further response to issues raised by members at the Panel meeting on 15 April 2002 (LC Paper No. CB(2)548/02-03(01) issued on 3 December 2002).

14. Members may wish to visit the website of the Legislative Council (<http://www.legco.gov.hk>) for the above minutes and papers.