

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT

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HONG KONG

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19 May 2005

Mrs Sharon Tong
Clerk to Panel on Security
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Tong,

Panel on Security

Thank you for your letter of 4 May 2005 which seeks additional information regarding the case of 16 June 2004 in which seven Mainlanders were suspected of having committed criminal offences in Hong Kong, and allegations that Mainland public security officials had taken enforcement actions in Hong Kong. Specifically, you have asked us to advise-

- (a) whether the Administration had considered the information disclosed by Mr NG in its decision of not bringing prosecution against the seven arrested persons in the case of 16 June 2004; and
- (b) whether the Administration would now consider instituting prosecution against the seven arrested persons.

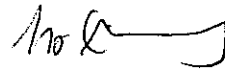
The decision whether to prosecute rests with the Department of Justice. The Department has advised as follows-

- (a) When the decision was taken not to prosecute the seven suspects, the Director of Public Prosecutions was aware of all relevant factors. A thorough police investigation disclosed not only the evidence against the suspects, but also the background information. In reaching the decision of whether or not to prosecute, all relevant material was taken into account. Careful consideration was given to whether any of the suspects could be

prosecuted for loitering, possession of an offensive article, or for any other offence. It was concluded that there was not a reasonable prospect of securing a conviction. In light of that, prosecution was not a viable option.

- (b) If there is new evidence, the decisions taken in this case regarding prosecution will be open to re-assessment. The Department of Justice is not aware of such new evidence.

Yours sincerely,



(Miss Cheung Siu Hing)
for Secretary for Security