

資料文件

二零零六年四月七日

立法會保安事務委員會

二零零六年三月十七日尖沙嘴槍擊事件

目的

本文件旨在簡述警方至今就二零零六年三月十七日尖沙嘴槍擊事件（事件）所確定的主要事實及相關事宜。

背景

2. 事務委員會秘書於二零零六年三月二十九日發信（見附件 A），邀請當局出席事務委員會就事件召開的特別會議。當局於二零零六年三月三十一日回覆（見附件 B），當中指出死因裁判官已要求警方就事件的死亡個案呈交報告，而警方亦就此展開調查。因此，當局在現階段與事務委員討論與事件的有關事宜並不恰當。當局建議事務委員會考慮應否舉行有關的特別會議。

3. 二零零六年四月三日，事務委員會秘書致電當局，通知有關的特別會議仍會如期舉行。二零零六年四月四日，當局發信（見附件 C）進一步告知事務委員會，指出警方已向死因裁判官提交初步報告，死因裁判官是否召開死因研訊正在考慮中，因此「有案尚在處理中」的原則適用。當局建議事務委員會重新考慮是否適合繼續舉行有關的特別會議。

4. 當局在二零零六年四月六日接獲事務委員會秘書通知，指定於二零零六年四月七日舉行的特別會議仍會繼續召開，並邀請當局出席。雖然當局尊重事務委員會的決定，但希望一開始再次指出，有鑑於有可能會就事

件進行法律程序，因此當局適合與事務委員會進行討論的範圍定當有局限。

事件

5. 下文第六至九段簡述當局基於法律意見認為在現階段適合就事件向公眾披露的主要已確定的事實。現時並不適合就傳媒不同的報導作出具體回應，但當局希望概括地指出，未經證實的揣測及指控實不宜作準。

6. 二零零六年三月十七日凌晨一時十四分左右，兩名警務人員曾國恆和冼家強在尖沙咀柯士甸道與廣東道交界附近的一條行人隧道巡邏。當他們到達一處樓梯（即現場）時被一名獨行疑犯開槍襲擊。兩人開槍還擊，冼氏並與疑犯糾纏。曾氏及冼氏皆中槍。他們其後被發現於現場倒地，在附近並發現疑犯亦倒地，疑犯為隸屬東涌警署的休班警員。

7. 事件中共發射了十發子彈，而警方在現場發現了三支手槍。根據警方的調查發現，五發子彈由曾氏的手槍發射，兩發子彈由冼氏的手槍發射，而餘下三發子彈則從在疑犯身旁發現的生鏽左輪手槍射出（這支手槍的彈輪內只有三發子彈）。

8. 曾氏所發射的五發子彈全數在疑犯身上尋回。疑犯於凌晨一時四十五分在伊利沙伯醫院證實死亡，致死的原因是所有重要器官（包括肺部及心臟）受損。去世的曾氏左臉頰中了一槍，於凌晨二時十分在伊利沙伯醫院證實死亡，致死的原因是靜脈和動脈受損，以及喉嚨位置嚴重出血導致窒息。冼氏右頰和左小腿共中兩槍，但沒有致命，現在情況穩定。

9. 警方曾徹底搜查案發現場鄰近範圍，並於佐敦區官涌街近寶靈街的一個收費錶停車位（距離槍擊現場約 100 米）發現一輛失竊客貨車。該客貨車於二零零五年十月五日在天水圍區報失。警方亦於東涌發現一輛電單車。

警方相信疑犯曾於事發前某階段駕駛這兩輛車輛。

梁成恩以及銀行劫案中護衛員被殺的案件（兩宗案件）

10. 警員梁成恩在二零零一年三月十四日在接報處理荃灣石圍角邨一宗噪音投訴時被槍殺。梁氏的警槍（裝有六發子彈）連同快速上彈器（內有另外六發子彈）以及其警察記事冊事後均下落不明。兇徒開了六槍，其中五槍打中及擊斃梁氏。

11. 二零零一年十二月五日，一名蒙面獨行賊打劫麗城花園恒生銀行，劫去大約 50 萬港元現款後逃脫。在劫案的過程中，兇徒開了三槍，並殺害了銀行的一名護衛員。軍火檢驗證實射殺梁氏與該名護衛員屬同一支左輪手槍，而該手槍與警方所用手槍的型號類似。

12. 由於兩宗案件涉及同一支左輪手槍，警方於是作一併調查。在調查過程中，警方曾向超過 8 500 人問話，包括梁氏的朋友、同事和相關人士等；有相關刑事或精神病記錄的人；與案發現場或附近地方有關的人；特徵與該名疑犯類似的相關人等（包括警務人員）。此外，警方亦曾在本地及海外尋求專業意見。然而，仍未能查出疑犯的身份。

事件及兩宗案件

13. 在事件中的疑犯身旁發現的手槍其後證實是已故警員梁成恩的失槍。調查至今顯示疑犯有參與有關事件及該兩宗案件。如疑犯仍然在生，當局應有足夠證據作出起訴。

警務人員的心理測驗

14. 事務委員會亦詢問為警員進行心理測驗的相關事宜。由於就事件可能進行的死因研訊亦可與此相關，因

此當局認為不宜就此作出詳細評論。但一般而言，心理測驗作為可以精確識別有可能出現精神問題的紀律部隊人員的一項工具，其成效和可信性未被肯定，亦有可能牽涉歧視的問題。因此，大部份的心理測驗，如為執法機關所採用，多只是用作人事篩選用途。

跟進

15. 警方完全明白市民對事件的關注，因此正優先處理有關的調查工作。一名專長處理死因研訊的律師正為警方就事件進行的調查緊密提供意見，警方會繼續確保調查是徹底及公正地進行。警方會在完成調查後向死因裁判官提交最後報告。

結論

16. 我們完全理解公眾對這宗事件的關注。當局會謹守最高的標準，根據行之有效的程序繼續處理事件，包括有可能會進行的死因研訊。

保安局
香港警務處
律政司

二零零六年四月

(Only Available in English)



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會

LEGISLATIVE COUNCIL

來函編號 WZAFEF :
不函編號 CXHHEF : CB2/PL/SE
電話 TELEPHONE : 2869 9254
圖文傳真 FACSIMILE : 2509 0775

Urgent By fax : 2537 0325

29 March 2006

Mr Ambrose LEE Siu-kwong
Secretary for Security
6th floor, Main and East Wings
Central Government Offices
Hong Kong

Dear Mr LEE,

Panel on Security
Special meeting on 7 April 2006

On the instruction of Hon James TO Kun-sun, Panel Chairman, I am writing to invite you and your representatives to a special meeting of the Panel to be held on **Friday, 7 April 2006 at 4:30 pm in the Chamber of the Legislative Council Building**. The agenda for the meeting is attached for your reference.

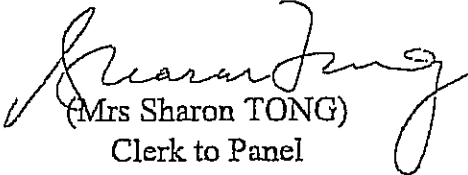
The shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006 has given rise to wide public concern. Members are particularly concerned about the internal monitoring of the psychological/mental state of Police officers, and psychological counselling provided to them. Members are also concerned why the Police has not been unable to detect the death case of LEUNG Shing-yan, a Police officer who was shot down in 2001. In addition, members are concerned as to how the Administration could ensure that the investigation into the shooting incident on 17 March 2006 will be conducted in a fair and just manner.

To facilitate members' discussion, I should be grateful if a bilingual information paper covering a brief facts of the shooting incident and addressing the above concerns of members could be provided via e-mail to shau@legco.gov.hk by **4 April 2006**. Please also advise me of the names and post titles, in both Chinese and English, of the representatives who will be attending the meeting **the same date**.

Please note that the paper will be distributed to the media/public observing the meeting and placed in the Library of the Legislative Council unless you advise otherwise. The paper may also be made available on the website of the Council.

On arrival at the Legislative Council Building on the day of the meeting, representatives (other than Permanent Secretaries and above) are requested to obtain entry passes at the Security Control Post at the entrance beside the carpark before proceeding to the Ante-Chamber on the first floor. They will be invited to join the meeting when members are ready. Please note that representatives are required to wear the entry passes at all times while in the Building and return them to the Security Control Post before leaving the Building.

Yours sincerely



(Mrs Sharon TONG)
Clerk to Panel

Encl

cc: Hon James TO Kun-sun (Chairman)

Panel on Security

Special meeting on
Friday, 7 April 2006 at 4:30 pm
in the Chamber of the Legislative Council Building

A G E N D A

- *I. Issues arising from the shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006
(4:30 pm - 6:25 pm)

- II. Any other business
(6:25 pm - 6:30 pm)

* All other Hon Members of LegCo are invited to join the discussion

Council Business Division 2
Legislative Council Secretariat
29 March 2006

(Only Available in English)

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本函檔號 OUR REF.:

來函檔號 YOUR REF.:

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Urgent By Fax: 2509 0775*(Total : 2 pages)*

31 March 2006

Mrs Sharon Tong
Clerk to LegCo Panel on Security
Legislative Council
3/F Citibank Tower
3 Garden Road
Central

Dear Mrs Tong,

**Panel on Security
Special meeting on 7 April 2006**

Thank you for your letter of 29 March 2006 inviting the Administration to attend a special meeting of the Panel on Security on 7 April 2006 to discuss issues arising from the shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006.

As explained, the Coroner has asked the Police to submit a report on the deaths relating to the incident, and the Police are conducting their investigations for the purpose. The Director of Public Prosecutions has assigned a counsel to provide ongoing advice to the Police to ensure that the investigation is taken forward in an appropriate manner. After the Coroner has received the Police's report, he will determine if a death inquest is to be held. In this regard, the Commissioner of Police has already indicated publicly that due to the wide public concern regarding the case, the Force would very likely recommend in their report that a coronial inquiry should be held.

The Administration has been advised that, until the conclusion of all legal proceedings in relation to the case, it would be inappropriate for the Administration to discuss with the Panel or, for that matter, other parties, the issues concerning the case (including matters relating to the ongoing investigations) as well as other facts that may be relevant to the coronial inquiry (e.g. psychological/mental health of police officers), should one be decided upon. To answer questions that are likely to be posed is likely to undermine the administration of justice. In the circumstances, the Panel may wish to consider whether the special meeting should proceed as scheduled, or whether it should be deferred to until after the conclusion of all related legal proceedings.

We hope that the Panel understands the Administration's position.

Yours sincerely,



(Miss Cheung Siu Hing)
for Secretary for Security

(Only Available in English)

**URGENT BY FAX** (Total 1 page)**GOVERNMENT SECRETARIAT**LOWER ALBERT ROAD
HONG KONG政府總部
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4 April 2006

Clerk to Panel
 Legislative Council Building
 8 Jackson Road
 Central
 Hong Kong
 (Attn : Mrs Sharon Tong)

Dear Mrs Tong,

Panel on Security
Special meeting on 7 April 2006

Further to my letter of 31 March 2006, the Police have now submitted to the Coroner a preliminary report on the issues arising from the shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006.

The Administration is advised that since the Police report is now with the Coroner and whether he is to hold a death inquest is under consideration, the sub judice rule would apply. In the circumstances, the Administration would respectfully request that the Panel reconsider the appropriateness of proceeding with the special meeting on 7 April 2006. Should the Panel wish to proceed with the meeting, the Administration would certainly be constrained in what it may appropriately discuss with Members.

Yours sincerely,

(Miss Cheung Siu Hing)
 for Secretary for Security

c.c. DoJ (Attn : Mr John Reading 2877 0171
 Ms Evena Chan
 Ms Diane Crebbin)
 CP (Attn : Mr John Lee) 2294 0142