

**立法會**  
**Legislative Council**

Ref : CB2/PL/SE/1

LC Paper No. CB(2)2580/05-06  
(These minutes have been seen  
by the Administration)

**Panel on Security**

**Minutes of special meeting held on Friday, 7 April 2006  
at 4:30 pm in the Chamber of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon WONG Yung-kan, JP  
Hon LAU Kong-wah, JP  
Hon CHOY So-yuk, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon LEUNG Kwok-hung

**Members attending** : Hon Martin LEE Chu-ming, SC, JP  
Hon Emily LAU Wai-hing, JP  
Hon Alan LEONG Kah-kit, SC

**Members absent** : Hon Albert HO Chun-yan  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Howard YOUNG, SBS, JP  
Hon CHIM Pui-chung

**Public Officers attending** : Item I  
  
Miss CHEUNG Siu-hing  
Deputy Secretary for Security  
  
Miss Rosalind CHEUNG  
Assistant Secretary for Security

Mr John LEE  
Assistant Commissioner of Police (Crime)  
Hong Kong Police Force

Ms Evena CHAN  
Senior Assistant Director of Public Prosecutions  
Department of Justice

Miss Diane Mervyne CREBBIN  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Mrs Sharon TONG  
Chief Council Secretary (2)1

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Miss Lolita SHEK  
Senior Council Secretary (2) 7

Ms Sandy HAU  
Legislative Assistant (2) 6

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- I. Issues arising from the shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006**  
(LC Paper Nos. CB(2)1680/05-06(01), CB(2)1647/05-06(01) and CB(2)1668/05-06(02))

Deputy Secretary for Security (DS for S) briefed Members on the main facts in relation to the shooting incident in Tsim Sha Tsui on 17 March 2006 (the Incident) and the deaths of Policeman LEUNG Shing-yan and a security guard in a bank robbery (the Two Cases) as set out in the Administration's paper (LC Paper No. CB(2)1680/05-06(01)). She added that the Administration fully understood the public's concern relating to the Incident and the Police had accorded the highest priority to its investigation. The Coroner had asked the Police to submit a report on the deaths related to the Incident. The Police had submitted to the Coroner a preliminary report, and would submit a final report when the investigation was completed.

2. DS for S further explained that as the Coroner was considering whether a death

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inquest should be conducted, the *sub judice* rule would apply. As such, it would be necessary for the Administration to consult its legal advisers on the appropriateness to answer certain questions from Members at the meeting. She added that the Police had recommended to the Coroner that a death inquest be held. If the death inquest was held, the case would be dealt with impartially under the established legal procedures.

3. At the request of the Chairman, the Administration provided the transcript of the media session held by Assistant Commissioner of Police (Crime) (ACP) on the Incident on 20 March 2006 for Members' reference at the meeting.

(*Post-meeting note:* The transcript was issued to Members vide LC Paper No. CB(2)1691/05-06(01) on 12 April 2006.)

Suggestion for an independent inquiry on the Incident

4. Ms Margaret NG expressed concern that there were numerous innuendoes and rumours surrounding the Incident as suggested in many reports in the media, including an article in the South China Morning Post (SCMP) on 26 March 2006. That article listed a series of key questions about the Incident, most of which had not been answered by the Police. Those media reports had suggested a different version of the Incident from that revealed by the Police. The public had doubts about the Incident.

5. Ms NG considered that as the Incident involved killing of a Policeman by a fellow Policeman, who was also involved in other criminal cases, it would be difficult to command public confidence in the outcome of an internal investigation by the Police, or convince the public of the impartiality of the Police investigation. Ms NG requested that an independent inquiry into the Incident be conducted so as to restore public confidence in the Police.

6. DS for S responded that it was inappropriate for the Administration to respond to each report in the media at the present stage. The Police fully understood the public's concern relating to the Incident. It would ensure that the criminal investigation into the Incident would be conducted thoroughly and impartially. As a death inquest might be initiated, it would not be necessary to conduct an independent inquiry in parallel.

7. Ms Margaret NG asked whether the Coroner would conduct a death inquest on the Incident under section 15(3) of the Coroners Ordinance (Cap. 504) (the Ordinance) which stipulated that where a person died during the course of a Police officer's discharge of his duty, a coroner could request the Commissioner of Police (CP) to take such measures as were necessary to ensure that the investigation into the death was conducted independently and impartially. Ms NG pointed out that even a death inquest was to be held under section 15(3), the investigation to be conducted would

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not be an independent one since it would not be conducted by the Coroner himself but by the Police. Such an investigation would not be deemed to be impartial by the public. Therefore, the Administration should not resist the suggestion for an independent inquiry into the Incident. Ms NG added that there were precedents in which it was not necessary to wait for the completion of a death inquest before consideration was given to conducting an independent inquiry into the same incident.

8. DS for S replied that the Chairman had before the meeting raised a similar question on section 15(3)(b) of the Ordinance. The matter had been referred to the Judiciary as it was outside the purview of the Security Bureau. The Judiciary advised that it did not have any comment at the present stage as a death inquest was under consideration. DS for S said that the Coroner had requested the Police to submit a report on the Incident under section 9 of the Ordinance. It was up to the Coroner to decide whether he would request for further information or take action under other sections of the Ordinance. She reiterated that as a death inquest might be initiated, the Administration did not consider at the present stage that a separate independent inquiry was necessary. Consideration could be given to conducting such an inquiry, if necessary, if some questions remained unresolved after the completion of the judicial procedure.

9. Ms Audrey EU, Ms Emily LAU and the Chairman considered that an independent inquiry into the Incident should be conducted as soon as possible so as to ensure the impartiality of the investigation and to restore public confidence on the Police.

10. Both Ms Audrey EU and Ms Emily LAU noted that the Administration had implied in its paper and at the media session on 20 March 2006 that the suspect in the Incident was also involved in the Two Cases, and that there should be sufficient evidence to charge the suspect on all three had he been alive. Ms EU and Ms LAU also noted that the Police investigation aimed at finding out the suspect's psychological condition at the time of committing the offence and his motive in getting the Police revolvers and ammunition. They expressed concern that the Coroner had to rely on the investigation conducted by the Police in his consideration of the Incident. Although the Police had indicated that it did not wish to influence the impending death inquest, it had already drawn the conclusion that the suspect was also involved in the Two Cases, and that there should be sufficient evidence to charge him on all three had he been alive. They also pointed out that the scope of a death inquest was very limited and could be restricted by the conclusion already made by the Police. To be fair to the family of the parties concerned, and to ensure impartiality of the investigation and the inquiry into the Incident, an independent inquiry should be conducted.

11. Ms LAU added that the conduct of a death inquest would not be fair to the suspect who was dead and would not be legally represented at the death inquest. The public and the parties concerned had so many questions and doubts about the Incident

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which had remained unanswered. Ms LAU considered that as the credibility of the Police was being undermined because of the Incident, an independent inquiry which would be more credible should be conducted as soon as possible to provide an avenue for the parties concerned to discuss and debate on the Incident. She said that under similar circumstances, a Commission of Inquiry was appointed in 1980 to investigate the death of Inspector MacLENNON who had committed suicide.

12. ACP explained that the purpose of the media session on 20 March 2006 was to provide more information regarding the Incident, while not prejudicing the decision of the Coroner, with a view to stopping a lot of unnecessary speculations based on wrong facts, so that all parties concerned could be treated fairly. He had exercised judgment in deciding what could be disclosed at the media session for the purpose.

13. ACP further clarified that it was a fact, and not just a conclusion, that there was sufficient evidence to charge the suspect had he been alive. The initial legal advice obtained by the Police had also confirmed that fact. However, it was up to the court to decide whether the suspect was guilty of the offences.

14. ACP stressed that the Police would ensure that its investigation into the Incident would be conducted impartially. This had been reiterated a number of times by CP. He (ACP) had directly supervised the investigation. The case had also been referred to the Organised Crime and Triad Bureau, which was not connected with any of the parties involved. Assistance had also been sought from various experts in the Government including scientific evidence officers, chemists and pathologists who were all independent of the Police. A Senior Government Counsel had also been invited to examine the evidence collected. The Incident was one of those cases in which the Police had put in the most efforts and resources into its investigation. The subsequent death inquest, if held, would be a judicial process and it would be impartial and totally independent.

15. DS for S added that it was difficult to predict the scope and depth of the impending inquest at the present stage. She explained that a death inquest which was a judicial proceeding with a jury, was very independent, fair and credible. The parties involved in the Incident and their family could be legally represented in the death inquest. As it was likely that a death inquest would be held, it would be more appropriate to await the completion of the judicial proceedings on the Incident first. If doubts and concerns about the Incident remained unaddressed, consideration could then be given to conducting a separate inquiry.

Sections 9 and 15 of the Coroners Ordinance

16. Mr LEUNG Kwok-hung sought clarification on the operation of section 9 of the Ordinance. The Chairman said that he had sought the same information and referred Members to the letter dated 30 March 2006 (LC Paper No. CB(2)1647/05-06(01)) from Senior Assistant Legal Adviser (SALA) on the same

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subject.

17. SALA explained that the Coroners Bill was introduced into the Legislative Council (LegCo) in 1996 as a result of the Law Reform Commission (LRC)'s report in 1987. However, the Bill had not included LRC's proposal that Coroners should be given complete independent autonomy to investigate where necessary. Section 9(1) of the Ordinance empowered a Coroner to investigate, and section 9(2) set out the purpose of the investigation. In the present case, the Coroner had asked the Police to submit a report to facilitate his consideration of whether a death inquest should be held.

18. SALA further pointed out that looking at the Ordinance as a whole, investigation would have to be conducted by the Police on the instructions of the Coroner. The relevant sections would be that under section 10, a Coroner had the power to authorise any Police officer to enter and search premises or to require the production etc. of anything which could be relevant to the cause of or the circumstances connected with the death. Also, under section 15, a Coroner could request CP to take such measures as were necessary to ensure that the investigation was conducted independently and impartially.

19. Mr LEUNG Kwok-hung sought clarification on whether a Coroner could require the Police to take certain measures to ensure that the Police would conduct the investigation concerned independently and impartially, such as requiring CP to invite other bodies to conduct the investigation. Mr LEUNG considered that the Coroner could make such requests to CP since they were not expressly prohibited by the provisions in the Ordinance.

20. The Chairman said that he had raised a similar question with the Administration and sought clarification on whether the Coroner had ever requested CP to take certain measures under section 15(3)(b) of the Ordinance to ensure the independence and impartiality of investigation conducted, the kind of measures the Coroner could request CP to take, and whether such measures included invitation of bodies other than the Police to conduct the relevant investigation.

21. The Chairman further said that according to the discussion between the Administration and the then Bills Committee on Coroners Bill during the scrutiny of the Bill, it was the Administration's interpretation of section 15(3)(b) that the Coroner could ask CP to invite the Independent Commission Against Corruption (ICAC) or overseas investigating bodies other than the Police to conduct the relevant investigation.

22. DS for S responded that the issues raised by the Chairman had been referred to the Judiciary for comments. However, the Judiciary had indicated that it would not be appropriate to comment on the issues raised at the present stage as a death inquest was under consideration. DS for S further said that although section 15(3)(b) had

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not been applied by the Coroner, death inquests had been held under section 9. She explained that it would not be appropriate to predict the measures the Coroner would request CP to take under that section, since the measures to be taken in each case could be different, subject to the different circumstances in each case.

23. Senior Assistant Director of Public Prosecutions (SADPP) added that the existing section 15(3)(b) had been added to section 15 by way of a Committee Stage amendment (CSA) in 1997. SADPP clarified that the Coroner was only empowered to take those actions expressly provided in the Ordinance. As the invitation of bodies other than the Police to conduct the relevant investigation was not provided for in the Ordinance, the Coroner would not be able to request CP to do so.

24. SALA informed Members that the then Bills Committee noted that the Administration had not included in the Coroners Bill the LRC proposal that Coroners should be given complete independent autonomy to investigate where necessary, and reluctantly agreed that section 15(3)(b) be added by a CSA as a “consolation prize”. SALA pointed out that the relevant provisions had not precluded the Coroner from asking CP to invite other bodies to assist him in the relevant investigation. It would be for the Coroner to decide on the measures he would request CP to take to ensure that the investigation was to be conducted independently and impartially.

25. Mr LEUNG Kwok-hung agreed with SALA that the Ordinance had not restricted the kind of measures the Coroner could request CP to take under section 15(3)(b). The Chairman also agreed with SALA that the Coroner could invite other bodies to conduct investigation through CP.

The suspect’s involvement in the Incident and the Two Cases

26. Mr Martin LEE noted from paragraph 13 of the Administration’s paper that there should be sufficient evidence to charge the suspect of the Incident on the Incident and the two Cases had he been alive. Mr LEE asked whether there was evidence that the suspect had killed Policeman LEUNG Shing-yan and the security guard in the bank robbery at Belvedere Garden so that further investigation into the Two Cases had become unnecessary.

27. ACP reiterated that there was sufficient evidence to charge the suspect for all the three cases had he been alive. Further investigation would be conducted because of information arising from the present enquiry. ACP said that the Police would examine the evidence collected on all three cases and submit its final report to the Coroner for consideration.

28. In response to a further question from Mr Martin LEE, ACP explained that the legal advice obtained by the Police was that as the evidence collected was relevant to all three cases, it was legally in order and reasonable to present all three cases to the Coroner in a bundle presentation so as to facilitate the Coroner to see the evidence

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comprehensively. The Administration hoped that the death inquest, if held, would cover all three cases. It was, of course, the Coroner's decision how he would like to conduct the inquest.

29. Dr LUI Ming-wah sought additional information on the evidence and the basis on which the Police drew the conclusion that the suspect was involved in all three cases. Dr LUI pointed out that if the conclusion was drawn on the fact that Policemen TSANG Kwok-hang and LEUNG Shing-yan and the security guard were killed by the same revolver which had been stolen from the late LEUNG, consideration should be given to the possibility that the shots could be fired by other persons and not by the suspect.

30. ACP stressed that there was sufficient independent scientific evidence to charge the suspect for all the three cases. He explained that the suspect was familiar with the methods used by the Police to collect evidence. The suspect had tried to ensure that no evidence was left in the scene for Police investigation in the Two Cases. In the case involving the late Policeman LEUNG Shing-yan, no eye witness was available while in the bank robbery, the suspect had covered himself up almost completely and had not left any fingerprints in the scene. However, there remained evidence at the scene of the cases which the Police would use as independent scientific evidence.

31. Dr LUI Ming-wah, however, pointed out that any smart culprit would have taken the above-mentioned precautionary measures to cover his identity. The Police should not conclude that the suspect was involved in all three cases based on this evidence only. Dr LUI was of the view that the Police should await the findings of the investigation to be conducted by the death inquest, if held, before drawing its conclusion on the three cases.

32. ACP reiterated that there was sufficient independent scientific evidence to show that the suspect was involved in all three cases. However, it was not appropriate for the Administration to disclose and discuss the evidence except in the death inquest, since the parties involved were not legally represented as they would be in a death inquest.

Vehicles found in the vicinity of the scene of the Incident

33. Ms Audrey EU requested the Police to clarify Members' questions about the Incident and the Two Cases, including those listed in the article in SCMP on 26 March 2006. Referring to paragraph 9 of the Administration's paper, Ms EU noted that a van and a motorcycle were found parked in the vicinity of the scene of the Incident. The Police believed that the suspect had driven those two vehicles, at some stage, shortly before the Incident. She asked why the suspect had driven two different vehicles. Mr LAU Kong-wah also sought clarification on the "stage" at which the suspect had driven the two vehicles.

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34. ACP explained that it would not be appropriate for him to comment on questions regarding the two vehicles at the present stage, since this would form part of the evidence to be presented at the death inquest, if held.

Soccer betting syndicate

35. Ms Audrey EU referred to an article in SCMP on 2 April 2006 which reported that the gun battle in Tsim Sha Tsui had come after a pre-arranged meeting of the three Policemen involved which had been called to discuss soccer betting. SCMP had also reported that in 2000 or 2001, an internal investigation had begun by looking at soccer betting at Ngau Tau Kok Police Station. The investigation was subsequently dropped after it had exposed a much wider problem of soccer betting within the Police Force. There were also reports in the media that there had been a huge sum of money in the suspect's bank account. Ms EU considered that as public interests were involved, the Administration should clarify the issues raised in the relevant media reports. She also expressed concern that if the Police investigation only aimed at finding out the suspect's psychological condition at the time of committing the offence, the issue of soccer betting in the Police Force would not be dealt with at the death inquest, if held.

36. ACP informed Members that the investigations mentioned had not been dropped as alleged. They had been investigated as criminal cases by Criminal Investigation Detectives (crime officers) and subsequently referred to the Department of Justice (DoJ) which advised that there was not sufficient evidence for prosecution. However, appropriate disciplinary action had been taken against those officers where their misconduct was proved.

37. ACP pointed out that the relevant media reports had not reflected the findings of the investigation accurately. The problem of illegal soccer betting in the Police Force was not serious, as only a small number of staff, only 10 in 2005, had been found involved in illegal soccer betting. Discussion of the Incident and the Two Cases should therefore be based on the evidence collected in the investigation, and not on media reports. ACP added that the family of the suspect had also stated publicly that he did not gamble.

38. ACP further said that some of the questions raised by Members were subjects of the on-going investigation. As they were related to the evidence to be presented to the Coroner at the death inquest, if held, it would not be appropriate to discuss them at the meeting, so as not to prejudice the outcome of any death inquest that might be held.

39. ACP added that it would be fair to the parties concerned if the evidence of the cases was considered under judicial proceedings under which they were entitled to the right of legal representation and cross examination. The Police hoped that sufficient

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time would be given for it to complete the investigation so that full information could be submitted to the Coroner to decide whether a death inquest should be held. The Police would be prepared to present details of the three cases at the death inquest.

The suspect's encounter with the two patrolling officers in the Incident

40. Mr LAU Kong-wah noted from the transcript of the media session by ACP on 20 March 2006 that the Police had come to the conclusion that the suspect's action was premeditated and his encounter with the two patrolling officers was not an accident. He sought clarification on such conclusion.

41. ACP said that further details could not be disclosed at the present stage. However, based on the evidence available, the Administration believed that the suspect's action was premeditated. The suspect had examined the scene of the crime beforehand, and that he was targeting the firearms and ammunition of the two patrolling officers. ACP added that investigation into the Incident was still ongoing and that new information was collected as the investigation progressed.

42. Dr LUI Ming-wah pointed out that if the suspect's action was premeditated and he was such a smart person, it was not reasonable that he had planned to attack two Policemen who were armed with two revolvers and 12 bullets, whereas he had only three bullets in his revolver. Dr LUI asked why the suspect had wanted to seize the firearms and ammunition from the two officers.

43. ACP responded that the matter was a subject of Police investigation. The Police had arranged for a psychologist to assist with the investigation to find out the suspect's psychological condition at the time and his motive in getting the Police officers' revolvers and ammunition. ACP explained that to understand the suspect's behaviour, the Incident should be considered from the suspect's angle based on his psychological state.

44. The Chairman asked whether other evidence such as the suspect's diary which was mentioned in some media reports, was studied to assist the Police to understand the psychological condition of the suspect. ACP said that the Police had collected evidence of various nature for it to reach its conclusion. ACP stressed that all the information would be presented at the death inquest, if held. It was not appropriate for him to comment on it in detail at the meeting.

Relationship between the suspect and victims in the three cases

45. Mr LAU Kong-wah noted from the transcript of the media session that the Police investigation had not revealed that the suspect and late Policeman LEUNG Shing-yun had known each other. Mr LAU asked whether the Police still maintained such a conclusion in the light of the new evidence collected in its investigation.

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46. ACP explained that according to legal advice, it was not appropriate to comment on this matter or disclose the new evidence collected after the media session on 20 March 2006, as an investigation was still being conducted, and a death inquest was under consideration.

47. The Chairman asked whether the suspect and Mr LEUNG had at one time worked in the same police station as suggested in a media report earlier. ACP replied in the negative.

48. Mr LAU Kong-wah, however, was of the view that the Administration should respond to his question. He pointed out that the matter was discussed at the media session on 20 March 2006 and the transcript of the session was tabled at the meeting. Although at the time of the media session, the Police believed that the suspect and Policeman LEUNG Shing-yan did not know each other, it seemed to hint that the new evidence collected afterwards had implied otherwise. Mr LAU stressed that he was not asking for details of the new evidence, but only requested for clarification on a fact already disclosed by the Police at the media session. This information was very important and would affect Members' consideration of the cases.

49. SALA explained that according to Rule 41(2) of the Rules of Procedure (RoP), reference should not be made to a case pending in a court of law in such a way, as in the opinion of the President or Chairman, might prejudice that case. SALA further explained that RoP 41(2) also applied to Panels and other committees of LegCo. In deciding whether the disclosure would prejudice the case, the Chairman would have to consider whether the information or discussion would affect the decision of the Coroner. In the instant case, the Coroner would have to make a decision whether to hold a death inquest. If the information requested by Mr LAU Kong-wah and subsequent discussion would affect the Coroner's decision on whether a death inquest should be held, RoP 41(2) should apply. SALA added that the purpose of a death inquest was set out in section 27 of the Ordinance, and whether the reference would be prejudicial should be considered in the context of what would be considered in the death inquest.

50. At the request of the Administration, the Chairman adjourned the meeting for 10 minutes for the Administration to discuss with its legal advisers Mr LAU Kong-wah's request for information.

(The meeting resumed at 6:22 pm.)

51. SADPP said that she agreed with SALA's analysis in paragraph 49 above. SADPP stressed that according to section 9(2) of the Ordinance, the purpose of an investigation into the death of a person carried out under section 9(1) should be to investigate the cause of and the circumstances connected with the death. The scope of investigation could therefore be very wide. DS for S added that the

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Administration was concerned that discussion on the information requested by Mr LAU Kong-wah might prejudice the death inquest, given the possible wide scope of its investigation.

52. ACP said that at the media session on 20 March 2006, he had indicated that there was no evidence to show that the suspect and Policeman LEUNG Shing-yan knew each other. The Police still maintained this view at present. However, the Police was investigating into whether they had contacts while on duty, although their postings did not reveal that there had been contacts between them.

53. In response to a further question from Mr LAU Kong-wah whether ACP had referred to the contacts between the suspect and LEUNG while performing duties of the Police Force, ACP said that he could not provide further information on the subject. He added that at present, the Police still believed that the suspect had acted alone, and that he was at that time targeting the firearms and ammunition of the two patrolling officers.

54. The Chairman noted that the Police had indicated that the suspect and the two Policemen involved in the shooting case in Tsim Sha Tsui did not know one another. He asked whether the Police still drew the same conclusion in the light of the new evidence collected. The Chairman also asked whether there were transfers of money between their bank accounts. He added that according to some media reports, there were substantial amount of money in the suspect's bank account. If his savings were not proportionate to his income, investigation could be conducted by ICAC.

55. ACP said that he had responded to the Chairman's first question earlier. As regards his second question, ACP said that the investigation by the Organised Crime and Triad Bureau was still ongoing. At the present stage, there was not evidence to suggest that the three Police officers were connected financially. There was also no evidence to show that there was a large sum of money in the suspect's bank account. His assets were not found disproportionate to his income so far.

Investigation conducted by the Police

56. Mr LAU Kong-wah noted that the Organised Crime and Triad Bureau had interviewed more than 3 000 people in its investigation into the death of Policeman LEUNG Shing-yan, among whom more than 2 000 were Police officers. He sought clarification on why the investigation had focused on Police officers, and the criteria based on which those 2 000 officers had been identified for interview. Mr LAU pointed out that the sketch of the culprit looked like the suspect, and asked why he could not be identified during the previous investigation.

57. ACP explained that since the suspect was familiar with the method of Police investigation, he had tried hard to ensure that little evidence was left in the scene. The Police could only conduct investigation based on the little evidence collected. It

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had examined more than 25 000 photographs of people including Police officers. Since there were more than 26 000 staff members in the Police, a lot of time had been spent on screening their photographs. The suspect had not been identified for interview during the investigation. ACP stressed that the process was a time consuming one as very careful preparation for the interviews was necessary in order to avoid putting the suspect on the guard.

58. ACP further explained that the investigation into the two Cases was both intensive and extensive. The Police had examined around 1 600 CCTV, 600 DNA samples, 10 800 questionnaires and 1 600 departure records. The records and documents involved were so voluminous that the Organised Crime and Triad Bureau had designated a special working area for the investigation. He stressed that Members and the public had to be fair to the investigators who had devoted much time and effort to conduct the investigation professionally.

59. The Chairman pointed out that the culprit in LEUNG Shing-yan's case was described as left-handed whereas the suspect was known to the Police as right-handed, which might account for the failure in identifying the suspect during the police investigation. The Chairman asked whether there was evidence to indicate that the suspect had practised shooting with left hand.

60. ACP responded that the matter was one of the subjects of the Police investigation. Witness statements and evidence collected from the crime scene, such as the video tape recording from the bank, had been examined. The question related to material evidence in the inquest. It would not be appropriate for him to comment on the matter at the meeting. ACP added that the evidence collected would be presented at the death inquest, if held.

Media session on 20 March 2006

61. Ms Emily LAU said that ACP had disclosed much information on the Incident and the two Cases at the media session on 20 March 2006. He had also indicated that the suspect was involved in all three cases. She considered it not fair that the Administration refused to provide further information as requested by Members at the meeting.

62. Mr LEUNG Kwok-hung agreed with Ms Emily LAU that it was not appropriate for the Administration to discuss the three cases freely at the media session but refuse to provide additional information to Members at the meeting. Mr LEUNG pointed out that the Administration had sought legal advice frequently before responding to Members' questions at the meeting. As ACP had not been accompanied by a legal adviser at the media session on 20 March 2006, how he could judge whether the information he disclosed at the session would not prejudice the death inquest.

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63. Mr LEUNG considered that the Police should have been more cautious, as some of the information should not have been disclosed at the media session. It was not fair to the family of the suspect for the Police to imply that the suspect had killed the victims in the three cases.

64. The Chairman shared the views of Mr LEUNG Kwok-hung. The Chairman expressed concern that the public had been influenced by the information disclosed by the Police and had already drawn a conclusion on the three cases.

65. ACP reiterated that the media session was conducted with a view to stopping further unnecessary and unfounded speculations on the three cases. He had exercised his judgment based on his experience in deciding what he could disclose based on established facts of the cases, without prejudicing any impending death inquest. He stressed that he had struck a balance between the need to stop unfounded speculations, to address the public concern, and to treat all parties concerned fairly.

The role of the DoJ counsel in the Police investigation

66. The Chairman noted that to ensure the independence of its investigation, the Police had invited a counsel from DoJ to assist with the investigation into the three cases. The Chairman opined that to enhance confidence of the public in the impartiality and independence of the Police investigation, the counsel should not only provide legal advice but also ensure that the investigation was conducted thoroughly.

67. SADPP informed Members that the Senior Government Counsel from DoJ was specialised in death inquests and had provided the necessary legal advice to the Police. Senior Government Counsel added that she had also advised on the line of investigation to ensure that thorough investigation was conducted by the Police.

**II. Any other business**

68. There being no other business, the meeting ended at 7:10 pm.