

**For information**  
**7 April 2006**

## **LEGISLATIVE COUNCIL PANEL ON SECURITY**

### **Shooting Incident in Tsim Sha Tsui on 17 March 2006**

#### **Purpose**

This paper sets out briefly the main facts that the Police have established so far in relation to the shooting incident in Tsim Sha Tsui on 17 March 2006 (the Incident), and related issues.

#### **Background**

2. In her letter of 29 March 2006 (at **Annex A**), the Clerk to Panel invited the Administration to attend a special meeting of the Panel on the Incident. The Administration replied on 31 March 2006 (at **Annex B**) pointing out, inter alia, that the Coroner had asked the Police to submit a report on the deaths related to the Incident, and the Police were conducting their investigations for the purpose. It would be inappropriate for the Administration to discuss with the Panel the issues concerning the Incident at this stage. The Panel was invited to consider whether the special meeting should proceed.

3. On 3 April 2006, the Clerk to Panel called to advise that the special meeting would still proceed. On 4 April 2006, the Administration further advised the Panel through its letter at **Annex C** that the Police had submitted to the Coroner a preliminary report, and whether the Coroner would hold a death inquest was under consideration. The *sub judice* rule would therefore apply. The Panel was invited to reconsider the appropriateness of proceeding with the special meeting.

4. The Administration was informed by the Clerk to Panel on 6 April 2006 that the special meeting scheduled for 7 April 2006 would still go ahead and that the Administration was invited to attend the meeting. Whilst the Administration respects the decision of the Panel, at the outset, we wish to reiterate that, given the likelihood of legal proceedings on the Incident, the Administration will certainly be constrained in what it may appropriately discuss with Members.

## **The Incident**

5. Paragraphs 6 to 9 below summarize the main established facts of the Incident that the Administration is advised are appropriate for disclosure publicly at this stage. It is not appropriate to respond to the various reports in the media specifically. However, generally we would caution against relying on unfounded speculations and allegations.

6. At about 1:14 am on 17 March 2006, two police officers, TSANG Kwok-hang and SIN Ka-keung, were patrolling a subway near the junction of Austin Road and Canton Road in Tsim Sha Tsui. When they arrived at a stair landing (the scene), they were shot by a lone suspect. They both returned fire and there was also a struggle between SIN and the suspect. TSANG and SIN were both shot. They were later found collapsed at the scene. Also found collapsed nearby was the suspect, an off-duty officer of Tung Chung Police Station.

7. A total of ten rounds of fire were exchanged and three revolvers found at the scene. Police's investigation revealed that five shots were fired from TSANG's revolver, two from that of SIN and the remaining three from a rusty revolver found next to the suspect's body (there were only three bullets inside the cylinder of this revolver).

8. The five shots fired by TSANG were all recovered from the suspect's body, who was certified dead at 1:45 am at Queen Elizabeth Hospital (QEH). The cause of death was damage to important organs such as the lung and heart. The late TSANG was shot once in his left face and certified dead at 2:10 am at QEH. The cause of death was the damage of veins and arterials, and blockage of air passage due to profound bleeding at the throat area. SIN was shot twice, once in his right cheekbone and once in his left shank. He survived and is currently in a stable condition.

9. The immediate vicinity of the scene was thoroughly searched. A stolen van was found parked at a metred parking space at Kwun Chung Street near Bowring Street in Jordan area, about 100 metres from the scene of the shootout. The van had been reported missing on 5 October 2005 in Tin Shui Wai area. The Police also found a motorcycle in Tung Chung. The Police believe that the suspect had driven these two vehicles, at some stage, shortly before the Incident.

## **The deaths of Leung Shing-yan and a security guard in a bank robbery (the Two Cases)**

10. Policeman LEUNG Shing-yan was shot dead on 14 March 2001 while responding to a noise complaint report at Shek Wai Kok Estate in Tsuen Wan. His police revolver (loaded with six rounds of bullets), together with his speed-loader (which contained another six bullets) and police notebook, were found missing. The culprit fired six shots, five of which hit and killed LEUNG.

11. On 5 December 2001, a lone culprit in balaclava robbed the Hang Seng Bank at Belvedere Garden and fled with about \$500,000 in cash. In the course of the robbery, the culprit fired three shots and killed a security guard of the bank. Ballistic examination confirmed that LEUNG and the security guard were killed by the same revolver, similar in type to a Police revolver.

12. Since the two cases involved the same revolver, they were investigated together. The Police interviewed over 8 500 persons, including friends, colleagues and people relating to LEUNG; people with relevant criminal or mental problem records; people related to the crime scene or its vicinity; relevant people, including Police officers, who bore descriptions similar to the culprit. Expert advice was also sought locally and overseas. However, the identity of the culprit remained unknown.

## **The Incident and the Two Cases**

13. The revolver found beside the body of the suspect in the Incident was subsequently confirmed to be the one stolen from the late LEUNG. Investigation up to now suggests that the suspect was involved in the Incident and the Two Cases. There should be sufficient evidence to charge the suspect on all three had he been alive.

## **Psychological Tests for Police Officers**

14. The Panel has also asked about psychological tests for police officers. Insofar as the issue may be relevant to the possible coronial inquiry into the Incident, the Administration does not consider it appropriate to comment on it in detail. Most of the psychological tests, if used by law enforcement agencies, are for the purpose of personnel selection only as, in general, the effectiveness and reliability of psychological testing as a measure to screen out potential mental problems among disciplined service officers is inconclusive. Questions

of discrimination may also arise.

### **Follow Up**

15. The Police fully understand the public's concern relating to the Incident and have accorded the highest priority to its investigation. The Police are closely advised by a counsel specializing in death inquests in carrying out their investigation into the Incident, and will continue to ensure that the investigation is done thoroughly and impartially. The Police will submit their final report to the Coroner when the investigation is completed.

### **Conclusion**

16. We are fully aware of public concern at the Incident. We will continue to observe the highest standards in taking it forward through well tested procedures, including the possible death inquest.

**Security Bureau  
Hong Kong Police Force  
Department of Justice  
April 2006**



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

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29 March 2006

Mr Ambrose LEE Siu-kwong  
Secretary for Security  
6<sup>th</sup> 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.

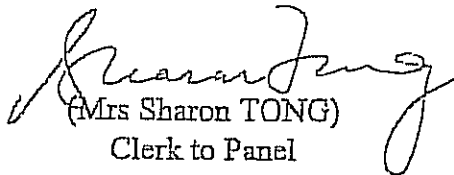
The shooting incident involving Police officers in Tsim Sha Tsui on 17 March 2006 has given rise to wide public concern. Members are particularly concerned about the internal monitoring of the psychological/mental state of Police officers, and psychological counselling provided to them. Members are also 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](mailto: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

政府總部  
香港下亞厘畢道



GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

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*(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.

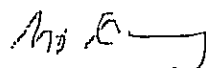
As explained, the Coroner has asked the Police to submit a report on the deaths relating to the incident, and the Police are conducting their investigations for the purpose. The Director of Public Prosecutions has assigned a counsel to provide ongoing advice to the Police to ensure that the investigation 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

政府總部  
香港下亞厘畢道



URGENT BY FAX (Total 1 page)

GOVERNMENT SECRETARIAT  
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HONG KONG

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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,

A handwritten signature in black ink, appearing to read 'Miss Cheung Siu Hing'.

( 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)

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