

For information
on 5 June 2007

Legislative Council Panel on Security

Police's support for the enforcement work of other Government departments

INTRODUCTION

This note sets out, at Members' request, the support that the Police provide to the enforcement work of other Government departments.

BACKGROUND

2. At the meeting of the Panel on Security on 8 May 2007, Members expressed concern at an incident on 6 May where two members of the public were allegedly assaulted after making a report to the Tobacco Control Office (TCO) on a breach of the Smoking (Public Health) Ordinance (Cap. 371). They requested the Administration to give an account of the incident and explain how the Police supported the law enforcement work of other Government departments.

THE INCIDENT ON 6 MAY 2007

3. According to available information, in the evening of 6 May 2007, a group of diners were smoking in a restaurant. Another diner asked them to stop smoking and a complaint was lodged with the TCO. It is alleged that afterwards some people assaulted three diners at the restaurant. The Police have classified the case as 'wounding', and have since been investigating into the case. So far, one person has surrendered to the Police and has been arrested. He is now on police bail. The investigation is still ongoing.

POLICE'S SUPPORT OF OTHER DEPARTMENTS' LAW ENFORCEMENT WORK

4. Under some legislation, the Police are one of the specified enforcement agencies notwithstanding the fact that they are not the lead agency. In such cases, the Police assist the lead department in enforcing the relevant provisions. Such legislation includes the Inland Revenue Ordinance (Cap. 112) and the Quarantine and Prevention of Disease Ordinance (Cap. 141).

5. Where the enforcement work straddles different legislative provisions enforced by the Police and other departments, the Police will participate in a coordinated response with other departments. For example, enforcement against illegal vice activities may involve offences under both the Crimes Ordinance (Cap. 200) (e.g., keeping a vice establishment, living on earnings of prostitution of others etc.) and the Immigration Ordinance (Cap. 115) (e.g., breach of conditions of stay). The Police and the Immigration Department coordinate their enforcement actions as appropriate.

6. In other cases the legislation specifies other Government departments as the enforcement agencies. Some of these departments are disciplined services, for example, the Customs and Excise Department (in respect of the Import and Export Ordinance (Cap. 60)) and the Immigration Department (in respect of the Immigration Ordinance). Others are not disciplined services. Examples include the Environmental Protection Department (in respect of the Air Pollution Control Ordinance (Cap. 311)), the Food and Environmental Hygiene Department (in respect of the Public Health and Municipal Services Ordinance (Cap. 132)) and Buildings Department (in respect of the Buildings Ordinance (Cap. 123)).

7. In such cases the Police will not normally be involved at the outset. However, the Police will support these departments upon request, should they encounter resistance or violence, or where specific information is received that a breach of the peace is anticipated as a result of carrying out their enforcement work. Examples include :

- (a) assisting the Food and Environmental Hygiene Department in tackling hawker related offences, where violence has previously occurred or a breach of the peace is anticipated, under the Public Health and Municipal Services Ordinance, the Hawker Regulations (Cap. 132AI) or the Summary Offences Ordinance (Cap. 228); and
- (b) supporting the TCO of the Department of Health in dealing with smoking offences under the Smoking (Public Health) Ordinance, in cases where the offender either refuses or is unable to produce proof of identity and assistance is requested from the Police.

CONCLUSION

8. The Police are committed to supporting the law enforcement work of other Government departments and they will act promptly and decisively should any public officers require police assistance whilst carrying out their enforcement duties.

**Security Bureau
Hong Kong Police Force**

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