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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 29 June 2009**

**Police's handling of cases of violence against well-known personalities
and civil servants in their performance of duties**

Purpose

This paper summarizes past discussions held by the Panel on Security on the Police's handling of cases of violence against well-known personalities and civil servants in their performance of duties.

Past cases of violence against well-known personalities and civil servants in the performance of duties

2. According to the information provided by the Administration in November 2006, a total of 28 cases of violence and criminal intimidation against well-known personalities were reported between 2002 and 2006 (up to September 2006). Well-known personalities in this context included such persons as Legislative Council (LegCo) Members, public affairs commentators and social activists. The total number of criminal intimidation cases against civil servants related to their performance of duties during the same period was 118.

3. Some past cases of violence against well-known personalities and civil servants in their performance of duties as reported by the media are as follows -

- (a) Mr Allen LEE Peng-fei was assaulted by three men in Shatin on 6 February 1990;
- (b) Mr Albert CHENG was assaulted by three men on 8 September 1994 when he was a television programme host;
- (c) Mr LEUNG Tin-wai, publication head of a weekly magazine, was assaulted by two men at his office on 15 May 1996;

- (d) Mr Albert CHENG was assaulted by two men on 19 August 1998 when he was a radio programme host;
- (e) Mr WONG Yuk-man was assaulted by four persons in Tsimshatsui on 18 March 2004 when he was a radio programme host;
- (f) the premises of the company of Mr Albert CHENG was splashed with paint and he was assaulted on 14 May 2004;
- (g) Mr WONG Sing-chi was assaulted at Sheung Shui Railway Station on 9 September 2004;
- (h) three staff members of the Food and Environmental Hygiene Department (FEHD) were assaulted by 10 persons when performing duties in Shatin on 19 October 2004;
- (i) Mr Albert HO was assaulted at his office in Tuen Mun on 27 June 2006;
- (j) Mr Albert HO was assaulted by three men at a fast-food restaurant in Central on 20 August 2006;
- (k) the Chairman of a minibus Association Mr LEUNG Hung was assaulted by two men in Shamshuipo on 30 August 2006; and
- (l) three FEHD personnel were assaulted by four hawkers when performing duties in Mongkok on 26 September 2006.

Deliberations of the Panel

Meetings of the Panel on Security in May 2004

4. At its meeting on 13 May 2004, the Panel was briefed on the Police's handling of criminal cases against public figures. The Administration informed members that the Police had identified 15 reported cases of well-known personalities subject to intimidation or violence in 2002 and 2003. In most of the cases, the motive behind the intimidation or violence could not be ascertained or substantiated by evidence. The Administration also advised that there were 23, 21 and 30 cases of intimidation against civil servants in relation to their performance of duties in 2001, 2002 and 2003 respectively.

5. Members expressed concern that cases of intimidation or violence against public figures and civil servants in their performance of duties had a low detection rate. They asked about the reasons for such a low detection rate and whether it was due to victim's reluctance to co-operate.

6. The Administration responded that the Police was committed to safeguarding and protecting life and property. However, there were practical difficulties in detecting some of the cases, as the motive behind the intimidation or violence might not be ascertained or substantiated by evidence. In some cases, the victim did not even know why he was assaulted.

7. Some members asked about the reason why the Police did not openly declare that it had zero tolerance of such intimidation or violence. They considered that the Police should take the initiative to detect the cases rather than relying on the victims to provide information.

8. The Administration responded that the Police adopted a proactive approach and devoted additional resources/efforts to investigation of such cases. The provision of more information by a victim to the Police could greatly assist the Police in its investigation work. There were cases where the victims concerned asked the Police to handle their cases in a low profile manner. Nevertheless, the Police had always tried its best to investigate each case, regardless of whether the victims had made such a request.

9. Regarding violence against civil servants in their performance of duties, the Administration informed members that the injured civil servants were mainly from departments which had frequent contacts with the public, such as FEHD, the Department of Health and the Police. Where it was anticipated that an operation to be launched by such departments would encounter resistance from members of the public, joint operations with the Police would be considered.

10. At the Panel meeting on 25 May 2004, members continued to discuss the Police's handling of cases of intimidation or violence against public figures. Members expressed concern about the two cases of intimidation or violence against public affairs commentators in March and May 2004, and asked whether the cases were related to the public comments of the victims. Members were particularly concerned whether the incidents would pose a threat to freedom of speech in Hong Kong. They enquired about how the Police would investigate the cases and whether protection would be offered to the victims concerned.

11. The Administration responded that the Police accorded much importance to incidents involving criminal intimidation against any public figures. On receiving reports of intimidation or violence, the Police would conduct careful and thorough investigation by taking statements from relevant parties, locating witnesses, gathering evidence at scenes of crime, establishing the culprits' profiles and analyzing their modus operandi. Depending on the evidence available and subject to legal advice, the Police might arrest and lay charges against the suspects concerned. For one of the 15 cases mentioned in paragraph 4 above, the Police had arrested five persons. As regards the cases against two public affairs commentators in March and May 2004, the Administration advised that investigations were still underway, but there was so far no evidence indicating that the cases were related to the public comments made by the two public figures.

12. The Administration further advised that between 1 January 2003 and 20 May 2004, there were 48 criminal cases against public figures, among which eight cases had been detected. The cases could be classified into criminal damage, criminal intimidation, assault, nuisance complaint and request for Police investigation. Investigation of the background of the offenders in the cases detected revealed that most of the offenders were aged and lived near the scenes of crime. It was also revealed that the cases mainly involved mischief or venting of anger.

13. The Administration assured members that the Police was committed to protecting the safety of the public. In particular, it would not tolerate any threat to public figures. Where a witness or victim of crime was subject to a real and prolonged threat of physical injury, appropriate protection would be provided under the regime of the Witness Protection Ordinance (Cap. 564). By way of illustration, the Police had been providing different levels of protection to one of the victims since the assault incident in 1998 and was discussing with him the protection arrangements.

Meeting of the Panel on Security in November 2006

14. At the Panel meeting on 7 November 2006, members expressed concern about the low detection rate of cases of violence against political figures, and that the masterminds were not arrested in most of the cases.

15. In response, the Administration advised that as a matter of procedure, upon receiving reports of violence against well-known personalities, the Police would conduct a thorough investigation and try to identify all clues (including fingerprints, DNA profiles derived from exhibits, video records of nearby closed-circuit television systems and evidence collected by different specialists) that might lead them to the successful detection of the case. However, whether a case could be detected would depend on many factors such as whether the victim had disclosed all relevant information to the Police, whether there were witnesses at the scene and the amount of evidence left at the scene. Whether prosecution could be instituted against a person in a case would depend on whether there was sufficient evidence suggesting the person's commission of an offence. The Administration stressed that the Police had always tried its best to investigate each case.

16. Regarding cases of intimidation against civil servants, some members took the view that the Administration should examine how law enforcement work should be conducted so as to minimize possible conflict between law enforcement officers and members of the public.

17. The Administration responded that the number of cases of intimidation against civil servants was small in comparison with the total number of reported cases of intimidation. It also pointed out that the cases reported to the Police included those cases such as fighting between civil servants in dispute, and they might not necessarily involve a criminal element.

Recent reported case of violence against a former LegCo Member

18. On 30 May 2009, the media reported that Mr Martin LEE, a former LegCo Member, had been the target of an assassination plot in August 2008. Two men, aged 49 and 50, have been arrested. The media reported that the Police was studying whether the assassination was connected with the attack on Mr Albert HO in 2006.

Relevant papers

19. Members may wish to refer to the following documents for details of the relevant discussions of the Panel on Security -

Minutes

- (a) minutes of the meeting of the Panel on Security on 13 May 2004 [LC Paper No. CB(2)3047/03-04];
- (b) minutes of the meeting of the Panel on Security on 25 May 2004 [LC Paper No. CB(2)3264/03-04];
- (c) minutes of the meeting of the Panel on Security on 7 November 2006 [LC Paper No. CB(2)502/06-07];

Papers

- (d) Administration's paper for the meeting of the Panel on Security on 13 May 2004 [LC Paper No. CB(2)2270/03-04(06)];
- (e) Administration's paper for the meeting of the Panel on Security on 25 May 2004 [LC Paper No. CB(2)2537/03-04(01)]; and
- (f) Administration's paper for the meeting of the Panel on Security on 7 November 2006 [LC Paper No. CB(2)232/06-07(05)].

20. The above papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).