立法會 Legislative Council

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Panel on Security

Information note prepared by the Legislative Council Secretariat for the special meeting on 29 September 2009

Law enforcement against illegal car racing

Under section 55 of the Road Traffic Ordinance (Cap. 374), it is an offence for any person to participate in car racing. The maximum penalty is a fine of \$10,000 and imprisonment for 12 months as well as disqualification to hold a driving licence for a period of 12 months upon conviction.

- 2. According to the Administration's replies to questions raised at the Council meetings on 11 November 1992 and 3 March 1993, the Police deals with the problems of speeding and reckless driving through various measures. Police officers use traffic patrols, radar speed detectors and road block checks to detect offenders. Task forces are also formed to mount special operations in conjunction with routine police traffic patrol teams to counter illegal car racing activities.
- 3. The issue of law enforcement against illegal car racing has not been discussed by the Panel on Security. There have been media reports in mid-July 2009 about the Police's deployment of civilian vehicles to form a road block on 13 July 2009 for stopping illegal road racers on the Kwun Tong Bypass. Concerns have been expressed on the measures, practice and guidelines in respect of law enforcement against illegal car racing, and the adequacy of existing penalty levels for car racing offences. The relevant press reports on the subject and a press release issued by the Police are at **Appendices I and II** respectively for members' reference.

Council Business Division 2
Legislative Council Secretariat
23 September 2009

警堵非法賽車截端建計時

賽車硬闖6傷 無辜司機怨當人內沙包

【明報專訊】觀塘繞道昨日上演非法賽車狂徒罔顧人命衝擊路障引發連環車禍事件,一輛驚方衝鋒車在觀塘繞道截停5輛「平民」車輛組成路障,遭約20輛高速駛至的跑車瘋狂衝撞,引致8車相撞、6人受傷。部分「賽車」衝越路障絕塵而去,部分則掉頭逃走,場面混亂。有車輛給「徵用」的司機不滿警方利用他們做「人肉沙包」,直斥警方罔顧市民安全。

議員轟做法離譜 倉卒鹵莽

56

立法會議員涂謹申指警方合次設置「人內路障」做法離譜,指當時只有一名無穿反光衣的警員在場調動車輛,又無向司機說明用意,反映事件來得很急,是鹵莽的做法,「打擊非法賽車是重要,但必要有充足的部署,亦要以大衆的安全爲先」。他表示已致電警務處長反映,「一哥」亦承諾會徹查事件。

涂謹申指出,警方若要徵用車輛來 行動,必須在拯救人命及安全情况下 進行。事件中若警員知道後方有車輛 會高速駛至,仍要求市民的車輛來作 堵塞,便屬於危及司機性命行動,警 員就無權提出如此要求。

警方在事件中共拘捕5名涉案司機 (23至36歲),其中3人當場就 擒,2人則在附近的偉業街及麗港城 連人帶車被截獲,5人同涉「狂亂駕 駛」被捕帶署扣查。警方亦在偉發道 截停一輛涉案私家車,但司機逃脫, 警方正全力追查其餘涉案車輛及司機 下落,案件由觀塘重案組第一隊跟 進。

20 車截獲6車 5人被捕

車禍共釀成6人受傷,當中包括兩名被捕司機、一名跑車女乘客(24歲)、兩名警員及一名的士司機(55歲),衆人全受輕傷,送院治理後無礙。

現場消息指出,警方行動時只有一輛衝鋒車到場打橫攔住路面,一名警員截停3輛的士、1輛貨車及1輛私家車,要求各車在3條行車線上並排組成路障。有被截司機表示警員當時只示意他們停下,卻無表明用意,未幾後方便揚起一陣煙,繼而發生驚險

車禍。司機十分不滿警方利用他們當「沙包」阻擋賽車。

警方發言人表示,當時在上址執行 反非法賽車行動的單位,是爲了防止 有更嚴重的車禍發生而阻止非法賽車 的進行,但處方會深入調查及檢討整 個行動,研究是否需改善。警方亦譴 實參與非法賽車者,認爲可能造成嚴 重傷亡,呼籲市民切勿以身試法。

香港汽車工業學會會長李耀培則估計警方截停普通車輛並非當作「沙包」之用,只是事發時跑車群來得太快,警方未及反應已出事。不過他認爲警方在快速公路且在彎位設路障並不妥當,有欠安全。

事發於昨凌晨1時許,東九龍交通 部接獲西九龍交通部通知,指有非法 賽車群向東九龍方向飛馳,東九龍交 通部立即部署,先後在秀茂坪道、寶 琳北路及將軍澳道發現賽車群蹤影, 估計他們正向觀塘繞道直驅,於是在 觀塘繞道往九龍灣方向、觀塘碼頭對 開一個彎位設置路障,並截停5輛車 輛排在路面。

未幾,約20輛跑車高速駛至,帶頭跑車竟「硬撼」慢線的士及警車, 衝開缺口後絕塵而去(見圖),尾隨 車輛亦試圖撞開中線及快線的車輛但 不果,多輛汽車撞成一團,零件散滿 一地。其中3輛涉案跑車因嚴重損毁 而未能逃掉,司機當場被捕。其他 「賽車」見無路可逃,掉頭逆線駛落 觀塘逃走。

一名交通警員趕至見狀,驅車追截掉頭「賽車」,在偉發道截停其中一輛,但司機卻撇下受傷女乘客,推倒警員後逃去。警方稍後亦在附近的偉業街及麗港城截獲兩輛撞毁的涉案車輛,拘捕兩名司機。

【相關新聞刊A4】

警截非法賽車方式過時 攞人命較飛

員:直情可以當個



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時,僅以雪糕筒作為機 方調查及問責。另有議員批評警方執法不足及執法方式過 法會議員炮轟行動明顯缺乏部署, 可以當佢謀殺! 賽車活動 無理由要市民做人肉擋箭牌 守法司機被警方逼作路障 「坐定定」被撞 罔顧市民安危, 惹來多名立 要求警

直情



少非法賽車對其他司機構成

意外,一旦非法賽車瘋狂硬闖,攔截的警員

呂續稱,最好及安全捉飆車的方法,首 方不應該將其他無辜道路使用者當作人肉沙 包,罔顧他們的人身安全。

海洲一直沿手制度用海外制

截車當路障形同誤殺

【本報訊】有前線警務人員稱,警方設立臨時路障截停市民車輛,以堵塞其後而來的調查對象,這個策略過去一直都有採用,只是從未發生像昨日般的意外,「通常都係預佢哋停低,或者最多掉頭走。」有立法會議員批評此舉若造成人命死亡,形同誤殺,當局必須立即停止及作出檢討,並追究下決定者的責任。

一直成功 無發生事故

有曾參與交通執法的前線人員指出,警方多年來透過臨時路障截車造成阻塞,以搜捕其後而來涉嫌違法的車輛,過往都很成功,從未發生嚴重事故。除了使用這個方法,其實還有其他策略打擊非法賽車等非法活動,例如採取「截進行動」,在各主要道路和幹線設立路障,截車搜查,但當中涉及跨警區的合作。

打擊非法賽車方面,警方針對明確的目標可採用輪胎刺等裝備,又可採用「布袋陣」,包抄涉案車輛,把對方趕入容易追截的街道,再一網成擒。 過去警方就曾用布袋戰術成功拘捕車壇名人「盲亨」 於國

警方執法時超速雖不違法,但內部規定必須 顧及安全,同時須確保採取的策略和措施不會令任 何一方受傷,因此一直不鼓勵前線人員冒險高速飛 車追載疑犯,因為這樣除可能對警務人員本身構成 危險,也增加對方及其他道路使用者發生意外的風 險。

立法會保安事務委員會副主席涂謹申指出,若 警方一直以截停市民車輛來充當路障「沙包」,當 局必須立即停止同類行動,並追究當年作此決定人 士的責任,因為行動中萬一有人死亡,警方的行動 可能構成誤殺。

星島日報

警設路障守則嚴格規矩多

警方在道路上設立路障進行截查車輛,需依據設立路障守則進行,以確保駕駛人士及執勤警員人身安全,而昨日在觀塘繞道所設立的路障,雖屬行動上「戰略性」臨時路障,不排除因時間倉卒,未有對現場路面情況作深入評估,而發生交通意外。

戰略路障追歹徒賽車

警方設置路障守則,在下雨天不能在 道路上設路障查車,除非有特别行動,而 每次設立路障,均需通知警區的指揮控制 中心當值警司,同時要報告路障設立時間、地點、人手及目的,需待批准始能安排。

而路障位置亦有明確規定,包括不能 在高速公路的彎位,及與路口有一定距 離,而路面則需擺放一定數目閃燈、雪糕 筒、路障指示牌,及執行職務人員要穿上 反光衣;如有需要應安排警車作障礙物 但必須至少留有一條暢通車路,而最重摩 是在場最高級警務人員,必須確定路障不 會對使用道路人士安全,及對執勤警務人 員構成危險。 路障設立除屬有預早計畫安排,另有 臨時突發的行動戰略性路障,如追捕嚴重 罪案乘車逃走的歹徒,又或臨時截查非法 賽車等;設立路障警員便要視乎當時環境 與路面情況,以決定設立路障位置,但最 重要仍是照顧道路使用者人生安全。

消息稱,警方昨在觀塘繞道設立的路障是屬戰略性路障,執行職務人員是在極短時間內,接獲非法賽車報告,欲以路障製造交通阻塞,但因時間太短及車輛不足,令非法賽車可强行撞開其他車輛突圍逃去,造成車輛損毀及傷人事件。

Police force truck driver, taxis to pull up and form a barrier to stop illegal road racers

Human roadblock 'put public at risk'

Clifford Lo and Albert Wong

Police used three taxis, a truck and a private car to form a roadblock on a Kwun Tong flyover in a bid to stop at least 14 illegal racing cars, causing a large pile-up early yesterday.

The drivers were still in their vehicles when six of the racers ploughed into the roadblock just before 2am, leaving eight people injured.

Five road racers were arrested.

After the crash, three of the racing cars damaged in the collision made U-turns and sped off into oncoming traffic before breaking down at Laguna City.

But seven or eight other racing cars zigzagged through the road block or made U-turns to escape.

Legislator James To Kun-sun slammed the police, saying: "This was a total neglect of civilians' safety. They used civilians to create a human roadblock.

"In everything the police do, civilians' safety should always be their priority. The officer at the scene cannot have thought of their safety before he acted like this. They shouldn't be creating a roadblock like this, even with police cars."

Police said they would review the operation and determine if changes should be made to procedures.

A spokeswoman said they had stopped the road racers to prevent a "more serious traffic accident".

Kwun Tong police last night were still looking for other road racers involved in the incident.

Early yesterday, police received several complaints about illegal racing in Cheung Sha Wan and Wong Tai Sin.

One complainant said more than 20 cars were racing along Ching Cheung Road, Cheung Sha Wan, heading towards Wong Tai Sin.

Just before 2am, more than 10 speeding cars were seen coming out of the Tseung Kwan O Tunnel heading towards Kwun Tong.

A police van was ordered to set up a roadblock at the Mong Kok-bound Kwun Tong Bypass near Kwun Tong Ferry Pier.

MrTo, who contacted three of the five drivers forced to join the blockade, said a policeman not wearing a reflective jacket had stopped them on the three-lane highway.

The truck driver, 26, said a police van had stopped in front of him and

It's unreasonable our vehicles were used as a cushion. My vehicle is big. If it had been small it would have been crushed

A truck driver who was forced to be part of the roadblock

an officer had ordered him and the taxis to stop just before the cars crashed into them.

"It's unreasonable that our vehicles were used as a cushion for the police," he said at the scene. "My vehicle is big. If it had been small it would have been crushed."

One of the taxi drivers, whose cab was damaged, was also angry, saying it was "unreasonable that our vehicles were used as sandbags".

The front wheel of one of the three cars that broke down after speeding away had fallen off. A policeman stopped its driver but he assaulted the officer and escaped on foot. An

injured 24-year-old woman was in

A policeman called to the scene was injured when he lost control of his motorcycle and fell on the Kwun Tong Bypass.

The eight people injured – four road racers, a taxi driver, two policemen and the female passenger – were treated at Queen Elizabeth and United Christian hospitals.

Mr To said the incident had destroyed civilians' trust in the police. "Those drivers, who had nothing to do with the illegal racing, were merely obeying a police officer," he said.

Such an operation should not be conducted in an ad hoc way. "That officer did not even have his reflective jacket on yet. Perhaps he was just instructed to stop those racing cars as soon as possible," Mr To said.

He called for an immediate investigation to identify who should be held responsible. He would stay in touch with the drivers abouty whether they should sue for negligence.

Police received 226 complaints about road racing last year, 497 in 2007 and 351 in 2006, but only 99 of the cases were confirmed as illegal road racing.

列印 第1頁,共3頁



文章總數:1篇

1.南華早報 I (發行量/接觸人次: 100,004) I 2009-07-15 CITY II CITY I By Phyllis Tsang and Clifford Lo

字數: 520 words

Police chief apologises for roadblock

Officers' involvement of civilians was error of judgment, says Tang King-shing

The police chief yesterday apologised to drivers who were ordered by officers to form a "human roadblock" to stop illegal racing cars early on Monday, leading to a pile-up that left six people injured.

In his first public apology since he took office in 2007, Commissioner Tang King-shing said it had been an error of judgment.

"There was an error of judgment in the operation. I apologise to the citizens, car owners and drivers who were affected," he said.

He added that police would review their procedures and insisted that public safety was the key element of police operations.

Police stopped five vehicles - three taxis, a truck and a private car - on the Kwun Tong Bypass at about 2am in an effort to stop an illegal race by at least 14 cars, six of which crashed into the roadblock.

Mr Tang condemned those people participating in illegal car racing. "This is an irresponsible act which could lead to serious traffic accidents," he said.

Drivers of three of the cars that hit the roadblock were detained at the scene.

Three others made U-turns and made off against approaching traffic. They drove down a flyover but the badly damaged vehicles got no further than Laguna City in Kwun Tong.

Two drivers were arrested there but one assaulted police officers and fled, leaving an injured woman in the damaged car.

The five arrested men, aged 23 to 30, were released last night on HK\$10,000 and must report back to police at the end of the month.

There had been no further arrests but an investigator said the man who fled had been identified.

An investigator said it would be difficult to find other racers who sped through the roadblock or made U-turns to escape because there were no surveillance cameras at nearby tunnels or highways.

列印 第2頁,共3頁

Legislative Council security panel chairman Lau Kong-wah said police should review their procedure for tackling illegal car racing and the panel would look into this.

Panel deputy chairman James To Kun-sun - who on Monday described the operation as a "human roadblock" - said one of the taxi drivers involved had already filed a complaint.

He said police were liable for compensation claims as they had neglected civilians' safety.

Chief Superintendent David Ng Ka-sing, head of police public relations, said: "If it is proved police need to take responsibility [for compensation], police will absolutely take the responsibility and we will fully help them to make claims."

The president of the Taxi Drivers and Owners Association, Ng Kwan-sing, said it might be difficult for the car owners and drivers to seek compensation from police. "There is a grey area on insurance claims if the car is damaged while it is being lent to the police," he said.

The Independent Police Complaints Council said it had asked for information about police practice in such cases and would look into whether there were any faults or deficiencies that might lead to complaints.

If any faults were found, the council would make recommendations to the police to rectify them.



文章編號: 200907150270101

列印 第1頁,共2頁



明報

2009-09-05

A06l 港聞

警稱有權徵車擋路 拒協助可招刑責

【明報專訊】警方7月在觀塘繞道打擊非法賽車,截停5輛市民車輛充當「人肉路障」,做法備受批評。警方人員昨日在監警會會議中解畫,指警方不會徵召市民車輛作路障,但會截停車輛達到阻塞目的,強調有權要求市民協助執法,市民若拒絕可能要負上刑責。

多名監警會委員關注警方阻截非法賽車時設置路障的做法。副主席林大輝問市民可否拒絕配合執法,警務處交通總部總警司高富士指出,警方有權要求市民協助,「根據普通法及《警隊條例》63條,警方有權要求市民協助執法,市民拒絕有可能負上刑事責任。若市民認爲情况非常危險,則可拒絕」。

議員:警方過時條例辯解

法律界人士對此有保留。大律師陸偉雄稱難以界定什麼情况「非常危險」,「有人很大膽,有人很小心,有很大商榷餘地」。立法會保安事務委員會副主席涂謹申直言普通法「無權危害我生命」,警方有權要求市民配合執法,但有限制。他表示該普通法條例已久未有使用,已經過時,他斥責警方犯下大錯仍以此辯解,要求警方收回言論,「否則我要求高富士、甚至想出此說法的更高層人士辭職」。

監警會促警提交檢討

會議上,委員之一港大法律學院助理教授張達明問及警方設置路障的規範與準則,又批評警方給前線警員的實務守則不清晰,並無明文禁止徵用市民車輛當路障。高富士稱警方設置路障時須有一名總督察和一名警長在場督導和控制場面,會使用有標誌的車輛、閃燈、「雪糕筒」等,「若沒有這些設備,則不是路障」。他說執法時以市民的安全和財產爲先,不會徵召民間車輛加入路障,「只會截停車輛,阻慢交通」,亦不會隨便要求市民協助執法。副主席李國麟關注警方會否告知市民其車輛被徵用於打擊非法賽車,高富士回答稱問題複雜,須交由司法部門決定。

高富士說,警方已成立工作小組全面檢討設置路障的指引。監警會主席翟紹唐要求警方就觀塘繞道「市民車當路障」事件提交初步檢討,讓會方提出意見。

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Press Releases

Police will not tolerate illegal road racing and will continue to take stringent enforcement actions against this kind of illegal and irresponsible acts.

The remarks was made by the Director of Operations, Mr Koo Siihong, today (July 29) at a press conference to review the work of the Police in the first half of 2009.

Mr Koo said that illegal road racing was a serious offence and persons participating in this kind of acts endangered the lives of other road users.

"In the first half of 2009, Police has mounted 218 anti-illegal road racing operations," said Mr Koo, adding that upon receipt of complaints of illegal road racing from members of the public, police would deploy officers to scene to collect information and evidence.

"Under safe circumstances, arrest action may be taken," he stressed.

Turning to the enhancement of road safety, Mr Koo said there were 6,754 traffic accidents in the first six months, a decrease of 581 cases (down 7.9 per cent) when compared with 7,335 cases in the same period last year.

Both the number of fatal traffic accidents and death caused by traffic accidents registered a drop of 10.5 per cent and 20.2 per cent respectively during the periods in comparison. The number of fatal traffic accidents decreased by 8 from 76 in the same period last year to 68 this year while that of traffic fatalities also decreased by 19 from 94 in the same period last year to 75 this year.

The overall traffic enforcement actions taken totalled 601,530 in the first half of 2009, representing a decrease of 1.4 per cent when compared with 610,110 in the same period last year. Enforcement actions were mainly targeted at offences which caused or would possibly cause traffic accidents.

Mr Koo pointed out there had been a significant drop in the number of drink driving cases and traffic accidents involving drink driving since the implementation of Random Breath Test (RBT) on February 9, 2009. Between February and June 2009, the number of drink driving cases decreased by 40 per cent (from 617 to 373) and traffic accidents decreased by 67 per cent (from 304 to 101) as compared with the same period in 2008.

"The RBT operations have created a deterrent effect and our action will continue," Mr Koo said.

Turning to the issue of illegal immigrants, Mr Koo said the trend of Mainland illegal immigrants (IIs) was decreasing steadily for the first six months of 2009 and a total of 956 IIs were arrested, representing a decrease of 262 IIs over 1,218 IIs in the same period last year.

He said that a total of 97 Mainland IIs were arrested for criminal offences from January to June this year, a decrease of 14 over 111 in the same period last year. The main offences committed by them were forgery, theft and immigration offences. In addition, 90 female IIs were arrested for prostitution, a decrease of 70 over 160 arrested for such offence in the same period of last year.

In the first six months of this year, a total of 255 Vietnamese illegal immigrants (VIIs) were arrested, a decrease of 90 over 345 VIIs arrested in the same period last year. 101 of them were arrested for committing crimes, a decrease of 69 over 170 in the same period last year. The main offences committed by them were forgery, theft and immigration offences.

"A total of 600 non-ethnic Chinese illegal immigrants (NEC IIs) were arrested between January and June this year, a decrease of 72 over 672 NEC IIs arrested in the same period last year," he continued.

Twenty-one of these NEC IIs were arrested for committing crimes, a decrease of 13 over 34 in the same period last year. The main offences committed by them were using ID card relating to another and serious immigration offences.

Regarding the crimes committed by Mainland visitors (MVs), Mr Koo said from January to June in 2008, there were 8.14 million MV arrivals, of which 638 were arrested for committing criminal offences, a decrease of 67 when compared with 705 in the same period last year. The main offences committed by the MVs were theft, forgery and serious immigration offences.

Between January and June this year, 1,687 MVs were arrested for involvement in prostitution, representing an 8.4 per cent increase when compared with 1,556 in the same period last year.

For the past six months, the Force has taken a series of actions with other departments and arrested 922 illegal Mainland workers, which represented a decrease of 1.2 per cent with 933 in the same period last year.

Mr Koo said that the decreasing trend of the overall illegal immigrants (IIS) was attributed to the continuous focus on the interdiction and enhancement of the security measures on both land and sea boundary. In addition, the enhancement of intelligence and further co-operation with the Mainland showed the effectiveness in combating the IIs.

Police will continue to take rigorous and effective enforcement actions to combat illegal entry activities and maintaining close liaison as well as exchanging information with Hong Kong, the Mainland and overseas law enforcement agencies, to monitor the situation closely and fight against these activities vigoriously.

Police Report No. 6

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