

立法會
Legislative Council

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by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of special meeting
held on Thursday, 11 November 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** :
- Hon James TO Kun-sun (Chairman)
 - Hon LAU Kong-wah, JP (Deputy Chairman)
 - Hon Albert HO Chun-yan
 - Dr Hon Margaret NG
 - Hon CHEUNG Man-kwong
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, SBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Abraham SHEK Lai-him, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon Andrew LEUNG Kwan-yuen, GBS, JP
 - Hon CHIM Pui-chung
 - Hon Cyd HO Sau-lan
 - Dr Hon LAM Tai-fai, BBS, JP
 - Hon CHAN Hak-kan
 - Hon WONG Kwok-kin, BBS
 - Dr Hon PAN Pey-chyou
 - Hon WONG Yuk-man
- Members absent** :
- Hon Timothy FOK Tsun-ting, GBS, JP
 - Hon IP Kwok-him, GBS, JP
 - Hon Paul TSE Wai-chun
 - Hon LEUNG Kwok-hung

**Public Officers : Item I
attending**

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Ms Sally WONG, JP
Commissioner for Narcotics
Security Bureau

Mr Eric LEE
Principal Assistant Secretary for Security (Narcotics) 2

Mr Thomas TAM
Chief Pharmacist (Acting)
Department of Health

Mr John Paul RIBEIRO
Chief Superintendent, Narcotics Bureau
Hong Kong Police Force

Item II

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Ms Sally WONG, JP
Commissioner for Narcotics
Security Bureau

Mr David WONG
Principal Assistant Secretary for Security (Narcotics) 1

Mr Benjamin YUNG
Principal Education Officer
Education Bureau

Mr FUNG Man-lok
Assistant Director
Social Welfare Department

Mr YIP Hak-kwong
Director of Policy 21 Limited

Item III

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mrs Millie NG
Principal Assistant Secretary for Security (E)

Mr Peter Geoffrey HUNT
Assistant Commissioner of Police (Support)

Mr David NG Ka-sing
Assistant Commissioner of Police (Crime)

Mr Eric CHENG Tak-ming
Superintendent of Police (Licensing Office)

Miss Tammy CHAN Kam-kuk
Chief Inspector of Police (1) (Crime Wing
Headquarters)

**Clerk in
attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1

**Staff in
attendance** : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr Bonny LOO
Assistant Legal Adviser 3

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

Action

I. Amendments to the schedules to the Dangerous Drugs Ordinance and Control of Chemicals Ordinance
(LC Paper Nos. CB(2)205/10-11(01) and (02))

Under Secretary for Security ("US for S") briefed members on the Administration's proposal to amend the schedules to the Dangerous Drugs Ordinance (Cap. 134) ("DDO") and the Control of Chemicals Ordinance (Cap. 145) ("CCO"), with a view to bringing certain synthetic substances and chemicals which were liable to abuse or to be used in the production of a dangerous drug under legislative control. Details of the proposal were set out in the Administration's paper.

2. Dr LAM Tai-fai noted with concern that some substances covered in the present proposal, such as derivatives of piperazine or derivatives of cathinone, had gained prevalence for some time in some overseas countries. He asked whether the Administration would cooperate and exchange intelligence with overseas as well as the Mainland law enforcement agencies ("LEAs") to monitor the trend of drug abuse.

3. US for S replied in the affirmative and added that the Hong Kong Police Force and the Customs and Excise Department had all along been working closely with the customs authorities and LEAs of other places to combat transnational drug trafficking activities. Information and intelligence were regularly exchanged.

4. Mr WONG Yung-kan noted from paragraph 6 of the Administration's paper that one of the synthetic cannabinoids, notably nabilone, had been used medicinally overseas mainly to reduce the signs of nausea and vomiting of patients due to cancer chemotherapy but it was not used by medical practitioners in Hong Kong. Mr WONG was concerned about the regulatory control over the carrying of medicines or medical products which contained nabilone into the territory by travellers in small quantities.

5. In response, Chief Pharmacist (Acting) advised that nabilone was not a registered medicine and was not sold in Hong Kong. Importation of unregistered medicines required import licences issued by the Department of Health ("DH"). For travellers carrying the medicines, proof of medical use of such medicines by doctor would need to be produced and approval by DH is also required.

Action

6. Mr CHAN Hak-kan expressed support for the proposed amendments to the schedules to DDO and CCO. Knowing that the Administration was in the process of formulating the legislative proposals to combat drug driving, he sought information about the kind of drugs to be covered under the proposals.
7. In response, Commissioner for Narcotics ("C for N") advised that -
 - (a) the Administration was deeply concerned about the increase in the number of traffic accidents caused by driving under the influence of drugs, particularly illicit drugs. To combat drug driving, the Administration had set up a dedicated inter-departmental Working Group, led by the Transport and Housing Bureau, to examine the control framework required;
 - (b) in July 2010, the Working Group had formulated a package of initial proposals for public consultation. Among others, it proposed the introduction of a "zero-tolerance offence" to make driving with any amount of the six most commonly abused illicit drugs, namely heroin, ketamine, methylamphetamine ("ice"), cannabis, cocaine and MDMA ("ecstasy"), a strict liability offence; and
 - (c) according to section 39 of the Road Traffic Ordinance (Cap. 374), it was an offence for a person to drive or attempt to drive or be in charge of a motor vehicle on any road while under the influence of drugs to such an extent as to be incapable of having proper control of the motor vehicle, which was referred to as a "general drug driving offence". While "drugs" under this section included both illegal and legal drugs, driving under the influence of the synthetic substances and chemicals proposed to be controlled in the present exercise would fall under this offence.
8. The Chairman noted from paragraph 4 of the Administration's paper that Hong Kong recorded the first seizure of derivatives of piperazine used as psychotropic substances in May 2009. He expressed concern about the long lead time required for ascertaining the potency and the rising popularity of these psychotropic substances within the territory prior to the Administration's submission of the present proposal to impose strict control on the trafficking, manufacture, possession, supply, import and export of these substances.

Action

9. US for S explained that when derivatives of piperazine were first seized in Hong Kong in May 2009, there was little readily available information on such substances. The Government Laboratory ("GL") therefore needed time to conduct detailed testing to find out how toxic these substances were and the quantity of the compounds present in the substances. Up to the end of September 2010, GL had identified 5 892 tablets of such substances submitted for examination in 43 cases, indicating that the abuse of these substances was becoming popular in Hong Kong. For this reason, as a precautionary measure, the Administration proposed to bring derivatives of piperazine under legislative control, making reference to overseas practice.

10. The Chairman held the view that consideration should be given to bringing as early as possible those drugs which had gained prevalence in overseas countries as substances of abuse under the control of the laws of Hong Kong, notwithstanding that these substances might not have gained popularity in Hong Kong.

11. US for S responded that the Administration would monitor closely the drug abuse trend in the territory, in addition to the worldwide developments. If the situation so warranted, the Administration would consider imposing suitable measures to contain the spread and abuse of a particular drug or substance.

12. The Chairman concluded that members in general supported the proposals to amend the schedules to DDO and CCO, as presently proposed.

II. School drug testing

(LC Paper Nos. CB(2)197/10-11(01), CB(2)205/10-11(03) and Evaluation Research Report on the Trial Scheme on School Drug Testing in Tai Po District (School Year 2009-2010))

13. US for S briefed members on the results of the Trial Scheme on School Drug Testing in Tai Po District ("the Scheme") and the way forward, as outlined in the Administration's paper.

14. With the aid of powerpoint presentation, Mr YIP Hak-kwong, Director of Policy 21 Limited, presented the major findings, observations and recommendations in the Evaluation Research Report on the Scheme.

Action

(Post-meeting note: The softcopy of the powerpoint presentation materials was issued to members vide LC Paper No. CB(2)274/10-11 on 11 November 2010.)

15. Mr CHAN Hak-kan said that he was glad to note that the evaluation study had revealed that the Scheme was perceived by students, parents and teachers to be effective in building an anti-drug culture, triggering motivation of those who had abused drugs to quit drugs and enhancing students' resolve to refuse drugs. While there were recommendations that school drug testing should be further developed in Hong Kong and schools be allowed to group into a cluster to decide on their own drug testing scheme which suited their needs, Mr CHAN expressed concern as to whether the Administration would strengthen the downstream support services provided by the counselling centres for psychotropic substance abusers ("CCPSAs") and allocate sufficient resources to schools to facilitate their drug testing and anti-drug efforts.

16. In response, US for S and C for N made the following points -

- (a) schools were an important platform for fighting drug abuse. The Administration had all along been providing advice and guidance to schools, with a view to assisting them to draw up healthy school programmes with an anti-drug focus and to apply for the Beat Drugs Fund ("BDF") for implementation of various anti-drug initiatives;
- (b) the Government's support for the future drug testing scheme would make reference to the model of the Scheme and be funded by BDF. An injection of \$3 billion into BDF in the 2010-2011 financial year had enabled the Fund to generate an enhanced level of investment return of about \$100 million annually for supporting sustained anti-drug efforts in various sectors of the community, in which school drug testing was one of the major initiatives. The Administration had not specifically budgeted for the future drug testing schemes. Applications from schools and non-government organizations ("NGOs") would be handled in a dedicated manner for arranging appropriate funding; and
- (c) following the establishment of two CCPSAs in December 2008, which had increased the number of CCPSAs from five to seven, four additional CCPSAs had commenced operation in October 2010 bringing the total number of CCPSAs to 11.

Action

These 11 CCPSAs could serve a lot more cases and each of them would be staffed with a sufficient number of professionals, including social workers and nurses, to provide counselling services and necessary support to the identified students and their parents or guardians.

17. The Deputy Chairman held the view that school-based drug testing should be rolled out to other schools beyond Tai Po as soon as possible, given the perceived effectiveness of the Scheme in achieving the intended objectives. He expressed disappointment at the Administration's decision not to develop school drug testing widely in the territory after the trial in Tai Po. He said that the mere continuation of the Scheme for another school year in 2010-2011 would be unlikely to bring about any notable effect in combating the territory-wide drug abuse problem among secondary school students.

18. Dr LAM Tai-fai said that while he was in support of school drug testing, he would like to see its implementation on a voluntary basis with consent to participation given by students and their parents. Noting that the Administration had plans to strengthen the school social work services in all secondary schools by a 20% increase in manpower so as to support possible drug testing schemes that might be put in place, he asked about the provision to be set aside for such purpose and the strategies to be adopted by the Administration for further developing school drug testing in Hong Kong.

19. US for S and C for N responded that -

- (a) the Scheme comprised a package of programmes for students and their parents. It should be noted that drug testing was only one of its components, and the Scheme was largely educational in nature with enriched contents aimed at cultivating positive attitudes and values among students and fostering a harmonious relationship between students and schools;
- (b) in 2011-2012, the Administration planned to further strengthen school social work services in all secondary schools by a 20% increase of manpower so as to combat drug abuse in a focused manner through, among others, enhancing the counselling services. NGOs providing school social work services would be supplied with additional resources for conducting counselling sessions and education programmes in schools. NGOs could flexibly deploy the extra school social workers, depending on their caseload; and

Action

- (c) since the release of the Evaluation Research Report on the Scheme, the Administration had begun a series of consultation. Stakeholders including school sponsoring bodies, school heads' associations, parent-teacher associations and NGOs were engaged. The Administration aimed to enhance through consultation and dialogue with relevant stakeholders their understanding of the research findings and proposals and to enlist their support for implementing the recommendations in the report. For schools and NGOs which had shown immense interest, the Administration would discuss with them the specific contents and arrangements of the programmes, the grouping of schools, the matching with NGOs, the resources involved and the application procedures of BDF. Advice and guidance would be provided to the schools and NGOs, with a view to assisting them in drawing up healthy school programmes with drug testing elements pertaining to the circumstances of different groupings as well as the application for BDF for implementation of school drug testing in the 2011-2012 school year.

20. Responding to Dr LAM Tai-fai's enquiry relating to the perception of stakeholders about the Scheme, Mr YIP Hak-kwong advised that some stakeholders, including some school principals, teachers and students, advocated that early identification could only be achieved through compulsory drug testing in schools. On the other hand, a number of social workers cautioned that compulsory drug testing might risk labelling the students. Findings of the survey revealed that more than half of students (66%), parents (69%) and teachers (82%) were of the view that school drug testing should be conducted. In addition, 46% of parents and 40% of students supported voluntary drug testing, as compared with those supporting compulsory participation (23% parents, 26% students) or objecting to drug testing (7% parents, 12% students) or having no opinion (24% parents, 22% students). Results of the survey also revealed that most students were of the view that selection of students for drug testing should be based on reasonable suspicion.

21. Mr CHEUNG Man-kwong considered that family factors and parental guidance or control had an important bearing on students' attitude towards fighting drugs. He expressed concern that the Administration had not given sufficient weight to promoting the idea that "prevention of drug abuse starts at home", notwithstanding the recommendation of the Task Force on Youth Drug Abuse. Sharing a similar concern, Ms Cyd HO asked about the measures to enhance parental involvement in anti-drug work.

Action

22. In response, US for S advised that in launching the Scheme, a number of briefing sessions had been organized for parents to explain to them the purposes of the Scheme. Assistance and advice had also been provided to them by principals, teachers and social workers. The Scheme sought to enhance the communications between schools and parents, thereby fostering closer home-school cooperation. It was noteworthy that several teachers and social workers interviewed in the study had cautioned that parents who were most in need usually did not participate in activities organized for them. For this reason, schools' efforts in providing advice and assistance to parents might not reach those parents who were most in need. US for S further said that as parental involvement was pivotal in the fight against student drug abuse, the Administration would continue to engage parents in this protracted war and step up the professional support and counselling services provided to them.

23. Mr YIP Hak-kwong supplemented that the Evaluation Research Report had pointed out that drug testing only formed part of the Scheme which also included anti-drug educational and prevention programmes for students and their parents. Among others, there was a recommendation that additional resources should be provided to schools in organizing anti-drug activities and to NGOs in strengthening their school social worker services, such as the holding of additional briefings and consultation sessions for parents and students.

24. Expressing concern over the adequacy of residential places provided by drug treatment and rehabilitation centres ("DTRCs") run by NGOs, Ms Cyd HO enquired about the progress of the reprovisioning proposal of the Christian Zheng Sheng College ("CZSC").

25. In response, C for N made the following points -

- (a) at present, there were 40 DTRCs in Hong Kong;
- (b) the Christian Zheng Sheng Association ("CZSA") operated six DTRCs and ran CZSC to provide services to students in four of these DTRCs;
- (c) it was the understanding of the Administration that CZSA planned to register a new classroom in Ha Keng, bringing the total number of classrooms to three. Together with the two classrooms in Cheung Chau, CZSC would have five registered classrooms;

Action

- (d) the Government encouraged CZSC to make the best use of its facilities to provide a suitable learning environment for the students. CZSC had been asked to provide the required audited accounts and estimates of income and expenditure of the school as soon as possible to facilitate the Education Bureau in proceeding with the remaining procedures regarding CZSC's application to operate the New Senior Secondary curriculum;
- (e) the occupancy rate of CZSA's two DTRCs for adults on Lantau Island had been low. Two other DTRCs at Cheung Chau had also maintained a surplus capacity for a long time. The Social Welfare Department had urged CZSA to thoroughly review the occupancy situation of its DTRCs and deploy resources flexibly, in order to alleviate the situation of over-admission at the DTRCs in Ha Keng; and
- (f) the Administration had been encouraging CZSA to speed up the development plan of its purchased land at Cheung Chau to build a new DTRC, which could provide new educational facilities to CZSC and improve the learning and living environment. At the same time, it also supported CZSA in searching for sites to re-provision the centres at Ha Keng to further increase the capacity. The Administration would continue to assist CZSA in the discussion with different stakeholders to reach a consensus. It would also look for potential sites and assist CZSA and other relevant organizations in solving the re-provisioning problem.

26. Mr WONG Yuk-man said that as far as he could recall, the Secretary for Security and the Permanent Secretary for Education had, when the Scheme was introduced in 2009, taken different views on the objective of implementing the Scheme. Expressing doubt about the methodology adopted for evaluating the Scheme and hence its effectiveness, Mr WONG said that he could not understand why the evaluation had not covered students' perception of drug testing in respect of invasion of privacy and the underlying causes of youth drug abuse. He said that he did not support school drug testing, even if participation in the scheme was voluntary.

27. US for S responded that in conducting the evaluation study, the professional research organization had undertaken a parallel comprehensive assessment of the design, implementation and effectiveness of the Scheme. In the research report, a complete picture of how the schools concerned,

Action

school principals, students, parents and teachers perceived the effectiveness of the Scheme had been provided.

28. In response to the Chairman's enquiry as to whether the study had examined the possible labelling effect of drug testing, Mr YIP Hak-kwong replied in the affirmative. He added that the findings showed that most students did not consider that there was a need to keep information related to their participation in the Scheme or their having been sampled to take drug tests confidential. The study also indicated that students' participation or non-participation in the Scheme had no labelling effect on the students.

III. Police's handling of public meetings and public processions, and prosecution of assault on Police officers

(LC Paper Nos. CB(2)205/10-11(04) and (05), CB(2)249/10-11(01), CB(2)256/10-11(01) and CB(2)263/10-11(01))

29. US for S briefed Members on Police's handling of public meetings and processions, and prosecution of assault on Police officers, as detailed in the Administration's paper. He informed members that the number of people prosecuted for assault on Police officers was as follows -

	<u>Prosecution under section 63 of the Police Force Ordinance ("PFO") (Cap. 232)</u>	<u>Prosecution under section 36 of the Offences Against the Person Ordinance ("OAPO") (Cap. 212)</u>
January to June 2008	160	288
January to June 2009	131	246
January to June 2010	65	110

30. Referring to paragraph 15 of the Administration's paper, the Chairman enquired about the details of the Police's internal guidelines on the prosecution of cases involving assault on Police officers. Assistant Commissioner of Police (Crime) ("ACP (Crime)") explained that, in general, prosecution was instituted under section 63 of the PFO (Cap. 232) for comparatively less serious crimes whereas section 36(b) of OAPO would be invoked for more serious crimes. In August 2010, the Police consulted the Department of Justice ("DoJ") in relation to the prosecution of cases involving assault on police officers and issued internal guidelines in August this year based on the recommendations in the legal advice. The guidelines required all frontline officers to seek legal advice from the DoJ beforehand if they intended to proceed with a charge pursuant to Section 36(b) of the

Action

OAPO (Cap. 212). Factors to be taken into consideration in deciding under which provision prosecution should be instituted included the act of assault, whether the assault had led to injury of Police officers, and if so, the seriousness/extent of the injury as well as the consequence if the behaviour was not stopped.

31. Mr WONG Yuk-man referred to the Police's handling of the procession of the League of Social Democrats on 1 October 2010 and said that the Police was suppressing the public procession with the use of pepper spray against demonstrators. He said that more restrictions on public meetings and procession were imposed on people in Hong Kong after the Reunification in 1997. He recalled that the public procession on 1 October 2010 had all along been conducted in a peaceful manner until the demonstrators reached the front gate of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office"). Mills barriers were set up there and the Police did not allow demonstrators to pass the front gate of the Liaison Office for the purported reason that they carried a bulky object which was a papier-mache coffin measuring one foot by four feet. He queried why there was no specification about the size of bulky objects in the "letter of no objection". He considered that there were political considerations on the part of the Police in drawing up the letter of no objection and prohibiting bulky objects.

32. US for S responded that there was no question of the Police suppressing the public procession. He stressed that the Police had acted in accordance with the law. The Police had always acted impartially and there were no political considerations in their execution of duties.

33. Dr Philip WONG took the view that the Police officers had exercised restraint in handling public processions. He enquired whether there were any guidelines on the use of force against violent protestors and whether such guidelines were kept under constant review.

34. US for S responded that Police officers had been provided with internal guidelines on exercising maximum restraint and use of minimum force to maintain public safety. He said that pepper spray might be used after verbal warning and warning banner proved to be ineffective in stopping the protestors from crushing the defense line of the Police. He added that it was the Police's practice to conduct a review after each major operation.

Action

35. Assistant Commissioner of Police (Support) ("ACP (Support)") said that Police officers had been provided with internal guidelines on the appropriate actions to be taken and use of force in handling different levels of violence, including the use of pepper spray, batons and firearms. Such use of force was subject to constant review to ensure their appropriateness.

36. Dr LAM Tai-fai pointed out that demonstrators had recently become more radical. In anticipation of the increasingly violent behaviour of demonstrators, he enquired whether the Police had explored the use of advanced technology to facilitate public meetings and processions to be conducted in a peaceful manner.

37. US for S said that the Police had always kept abreast of the latest development in the use of force which would minimize injury to demonstrators. He said that upon receipt of a notification about a public meeting or procession, the Police would establish early contact and maintain active and close communication with the event organizer to provide advice and assistance. The Police's Community Relations Officers might also be present during an event as appropriate to act as a channel of communication between the organizer and the Field Commander. This would help reducing any unnecessary misunderstanding during the public meeting or procession.

38. ACP (Support) advised that a study had been conducted on the use of other devices in handling public meetings or processions. However, they did not meet the needs of Hong Kong in facilitating lawful and peaceful public meetings and processions.

39. In response to the Chairman's question on the Police's study of other devices in facilitating public meetings and processions, ACP (Support) said that while such devices might be effective in handling violent behaviours, they might be harmful to the demonstrators. He pointed out that most of the processions after the Reunification were peaceful.

40. Mr CHEUNG Man-kwong considered that the crux of the problem was whether measures were adopted to facilitate peaceful demonstrations. As an experienced protestor, he pointed out that public meetings and public processions outside the Central Government Offices were relatively peaceful in comparison with those outside the Liaison Office. He expressed concern that there was a large planter outside the Liaison Office, leaving a narrow pavement for accommodating the mill barriers and different parties including the Police, protestors, reporters and pedestrians. He added that the reluctance of the Liaison Office to receive letters and demonstration objects from demonstrators had also contributed to confrontation. Mr CHEUNG said that the Administration should consider -

Action

- (a) removing the huge planter outside the Liaison Office so as to release more space available for holding public meetings; and
- (b) conveying to the Liaison Office the suggestion of arranging for its staff to receive letters and demonstration objects from demonstrators.

Admin

41. US for S noted that the planter was a district facility that was constructed for some time and the action of protestors was a separate matter. He believed that consideration had been given to the geographical characteristics when the planter was constructed. He agreed to refer the suggestion of removing the planter to the relevant authority for reference. He said that the Liaison Office should be aware of members' views expressed at the open meeting.

42. Mr Albert HO shared the views of Mr CHEUNG Man-kwong. He enquired whether there were clear guidelines on the size of demonstration objects allowed to pass the front gate of the Liaison Office.

43. The Deputy Chairman raised concern about the great difference in the maximum penalty between an offence under section 63 of the PFO and section 36(b) of OAPO. It was noted that the maximum penalty for the former offence was six months' imprisonment while that for the latter offence was two years. He queried whether it was appropriate to use injury of Police officers as a criterion for determining the Ordinance and section under which prosecution would be instituted. He enquired whether the Administration would consider introducing legislative amendments to spell out clearly when prosecution would be instituted under the two sections.

44. ACP (Crime) clarified that whether there was injury of Police officers was only one of the many factors considered in determining the provision under which prosecution would be instituted. The most important element in the internal guidelines was that legal advice should be sought if section 36(b) of OAPO was proposed to be invoked for prosecution against assault on Police officers.

Admin

45. The Chairman requested the Administration to provide a paper explaining the Police's internal guidelines on prosecution in respect of assault on Police officers.

Action

46. Ms Cyd HO referred to the submission from Hong Kong Human Rights Monitor and queried why a number of demonstrators arrested for assault on Police officers were prosecuted under section 36(b) of OAPO. She requested the Administration to provide information, without the names of the persons concerned, on the scenarios under which the prosecution of assault on Police officers was instituted from 2002 to 2010 under section 63 of PFO and section 36(b) of OAPO respectively. The Chairman added that the Administration should also provide information on whether such persons were involved in public meetings and processions.

Admin

US for S agreed to consider the requests.

47. US for S and ACP(Support) responded that it was necessary to strike a balance between facilitating peaceful public meetings and processions on the one hand, and protecting public safety on the other. The field commander at the scene would deal with the situation having regard to the circumstances. The Police would deal with demonstration objects in accordance with established procedures.

48. Dr PAN Pey-chyou expressed concern that some public meetings and public processions had become less peaceful. He said that there were inconsistencies in the Police's handling of different public meetings and processions. He quoted the example that the Police appeared to be very tolerant in handling the public meeting and procession outside the Legislative Council Building in January 2010 after the Finance Committee had approved the funding proposals relating to the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. He enquired whether there were consistent and clear guidelines for the Police officers in handling public meetings and processions.

49. US for S responded that it was the Police's practice to conduct a review after each public meeting or procession and make improvement where necessary. He stressed that there was a need for the Police to strike a balance between facilitating peaceful public meetings and processions on the one hand and maintaining public order and public safety on the other.

50. The Chairman shared the views of Mr CHEUNG Man-kwong that the huge planter outside the Liaison Office had resulted in a narrow pavement outside the Liaison Office, which did not facilitate peaceful public meetings and processions. If improvement was not made to reduce the size of the huge planter, confrontation between demonstrators and the Police would certainly continue. He added that the meaning of bulky demonstration objects should be clarified. He considered that there were political

Action

considerations and suppression of freedom of expression in the Police's handling of public meetings and processions outside the Liaison Office.

51. US for S reiterated that the Administration respected lawful expression of views and peaceful public meetings and public processions. He stressed that the Police would discharge their duties impartially.

52. The meeting ended at 5:30 pm.

Council Business Division 2
Legislative Council Secretariat
6 October 2011