

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1535/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of special meeting**  
**held on Friday, 25 November 2011, at 8:30 am**  
**in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon James TO Kun-sun (Chairman)  
Hon LAU Kong-wah, JP (Deputy Chairman)  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, 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  
Hon IP Kwok-him, GBS, JP  
Hon WONG Yuk-man
- Members absent** : Hon Albert HO Chun-yan  
Dr Hon Margaret NG  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung

**Public Officers : Item I  
attending**

The Administration

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

Mrs Millie NG KIANG Mei-nei  
Principal Assistant Secretary for Security

Mr Albert CHEUK Chun-yin  
Regional Commander (Hong Kong Island)  
Hong Kong Police Force

Mr Felix LAW Cheuk-hung  
Deputy District Commander (Central)  
Hong Kong Police Force

Miss Helen TANG, JP  
Deputy Director of Administration 1  
Chief Secretary for Administration's Office

Mrs Vivian TAM TAM Kit-lai  
Principal Executive Officer (Adm)  
Chief Secretary for Administration's Office

Item II

The Administration

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

Mrs Millie NG KIANG Mei-nei  
Principal Assistant Secretary for Security

Ms Winnie CHIU Wai-yin  
Assistant Commissioner of Police (Support)  
Hong Kong Police Force

Mr Eddie WONG Kwok-wai  
Chief Superintendent of Police (Police Public  
Relations Branch)  
Hong Kong Police Force

Mr LO Siu-hang, FSMSM  
Assistant Director (Headquarters)  
Fire Services Department

Mr TSANG Wing-hung  
Divisional Officer (Management Group)  
Fire Services Department

Mr LEUNG Wai-kwong, IMSM  
Assistant Director (Management & Support)  
Immigration Department

Independent Commission Against Corruption

Mr Raymond NG Kwok-ming  
Assistant Director / Community Relations 2

**Attendance  
by invitation** : Item II

Hong Kong Journalists Association

Ms MAK Yin-ting  
Chairperson

Hong Kong News Executives' Association

Mr Ronald CHIU  
Chairman

Ms Ida CHAN  
Executive Member

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

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

Ms Rita LAI  
Senior Council Secretary (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Security arrangements at the Central Government Complex**  
(LC Paper Nos. CB(2)356/11-12(01) and CB(2)360/11-12(01))

At the invitation of the Chairman, Under Secretary for Security ("US for S") briefed members on the security arrangements at the Central Government Complex. Deputy Director of Administration 1 ("DDA") presented the arrangements as given in the Administration's paper.

2. The Chairman enquired about the media reporting arrangements at the new Central Government Offices ("CGO"), including the area where reporters were allowed to move around and whether they would be able to come into closer contact with the officials to carry out reporting work.

3. DDA responded that a designated press area had been set up at each foyer of the East Wing and West Wing of CGO to facilitate the reporters to carry out reporting. The designated press area was located between the entrance and the security turnstiles at the East Wing and between the glass door and the turnstiles at the West Wing.

4. In response to the Chairman's enquiry about the media reporting arrangements relating to the Chief Executive ("CE") and Members of the Executive Council ("ExCo"), DDA said that the media could conduct the reporting on the day of ExCo's regular meetings at the designated area outside the main entrance of the building of CE's Office. Individuals and deputations could submit petition letters to CE and Members of ExCo. The arrangements were similar to those at the old CGO. The Chairman commented that as CE's Office formed part of the new CGO, the arrangement for submission of petition letters to CE and members of ExCo on the day of ExCo's regular meetings should have been included in the information paper. DDA agreed with the Chairman's comment and would provide supplementary information on the reporting arrangements for CE and Members of Exco.

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5. Mr CHEUNG Man-Kwong referred to the incident in the evening of 11 August 2011 in which three reporters, including one from Ming Pao, one from Sing Tao Daily and one from Capital Weekly, were arrested at CGO when reporting on the renovation works at CGO and the Legislative Council ("LegCo"). Mr CHEUNG pointed out that the three reporters had cooperated with the security guards and had provided information on the loopholes identified with the security arrangement but were arrested. He requested the Administration to apologize for the incident.

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6. Regional Commander (Hong Kong Island) ("RC(HKI)") stressed that the three persons had not been authorized to enter into CE's Office at the new CGO. The Police had judged professionally and had reasonable suspicion about the three persons having committed crime and it was therefore necessary to make the arrest. RC(HKI) further explained that the Police made the arrest based on reasonable suspicion and preliminary evidence. The three persons had made false claim and given different explanations at different junctures, claiming that they were public officers, visitors or they had lost their way at different times. They had not been able to produce valid documents but two visitor cards which were not applicable to CE's Office. The location at which they were found indicated that they had passed through two levels of electronic security system and made false claims which were not appropriate behaviours of reporters. As the three persons were not able to provide a reasonable explanation, the Police made the arrest and took them to the police station in Central. After further investigations, including review of relevant video tapes and taking statement with the security guards, the reasonable suspicion was relieved and the three persons were released unconditionally.

7. Mr CHEUNG Man-kwong said that the Police should not have made the arrest. He considered that the reporters had a strong motive out of basic instinct and curiosity to move around at CGO and see whether the renovation work was completed for the delivery of policy address in October 2011. Mr CHEUNG took the view that the three reporters had no intention to burgle but were concerned about the facilities in CGO and the inexperienced security guard did not know how to handle the media. He queried whether there was abuse of power by the Police. He requested the Police to make an apology.

8. RC(HKI) clarified that the removal of reasonable suspicion in the end did not imply a wrong decision to arrest since the Police had a responsibility to conduct investigation into the suspected crime. The Police had not abused power as the arrest was based on the circumstances at the scene and inconsistent explanations given by the three persons. The claim about losing their way was unconvincing as the three persons had presented the visitor cards and passed through the security gates and entered into CE's Office.

9. Noting the confirmation of RC(HKI) that only one of the reporters had claimed to be a staff member, Mr CHEUNG Man-kwong said that the Police should not have regarded the other two reporters as an organized gang. While individual reporter might have acted wrongly, it

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was inappropriate for the Police to make the arrest of all the three reporters.

10. RC(HKI) responded that the Police considered the action taken appropriate based on the circumstances.

11. In response to the enquiry of the Chairman about the time when the reporters revealed their identity, RC(HKI) said that the reporters were found by uniformed Police officers in CE's Office and it was within the first hour that the reporters revealed their identity. He emphasized that consideration at that juncture was based on the explanation given by the three persons and the place where they had visited. According to the record, the three reporters had gone to 23/F of the West Wing but they had claimed that they intended to visit 3/F of the East Wing. The explanation given did not reflect the facts.

12. The Chairman expressed dissatisfaction about the claim that the arrest was not related to the identity of the three reporters. He took the view that reasonable suspicion should be based on sufficient information. There should be different considerations given to reporters with identity documents and an unknown person without any identity document. The latter might constitute reasonable suspicion of an attempted burglary. The Chairman considered that the reporters had reasonable grounds to be in the premises given the nature of their job and the loose security arrangement in CGO. Under such circumstances, he considered that the frontline Police officers should have more communications with the three reporters and the Police should not have made the arrest. He considered the Police officers' action not mature and the Police had failed to understand the profession of the reporters.

13. RC(HKI) explained that the reasonable suspicion at that time was based on section 11 of the Theft Ordinance. After reviewing the video-tape concerned, the reasonable suspicion was relieved and therefore the three reporters were released. The Chairman was of the view that the three reporters might intentionally test the security system of CGO. Given that the Police had not found anything stolen by the three reporters, the arrest should not have been made.

14. RC(HKI) informed members that after reviewing the video tape concerned, it was found that two of the three reporters had gone to a room in CE's Office and the remaining one was on the guard. The Police officers considered such behaviours suspicious. When the three reporters were asked about the reasons for entering CGO, they claimed that they were collecting information.

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15. Ms Emily LAU referred to the statement of Ming Pao on 12 August 2011 and the press release of the Police on the incident on 13 August 2011 in Appendix II and Appendix I of the information note prepared by the Legislative Council Secretariat respectively. Ms LAU asked the Administration to provide a response in view of the different account of the incident.

16. RC(HKI) responded that the Police had conducted the investigation, made the arrest and gave reasons and caution to the three reporters based on professional judgement. Subsequently, the Police had taken a statement from the security guard concerned and reviewed the video-tape. The three reporters were immediately released when the reasonable suspicion was relieved.

17. In response to the enquiry of Ms Emily LAU on whether the Police had asked the three reporters about the loopholes indentified with the security system in CGO, RC(HKI) replied that the Police had a responsibility to understand the incident and conduct questioning for investigation as required. When it came to a point that the Police officers concerned had reasonable suspicion, the three reporters were cautioned. Ms Emily LAU and the Chairman queried such mode of investigation that the three reporters were asked by the Police to provide information on the security system which was subsequently used as evidence supporting the Police's suspicion. In response, RC(HKI) said that the questions put up by Police officers to suspects would be varied, but the objective was to establish the facts. Ms LAU pointed out that such practice was misleading and this was why the newspaper had reacted strongly against the arrest.

18. Ms Audrey EU sought clarification on the validity of the "Visitor Pass for Central Government Offices" presented by the three reporters and questioned whether it was issued by the Administration Wing. DDA responded that policy bureaux and government departments were required to pre-register the details of their visitors with the Administration Wing to enable the timely issuance of visitor cards. On the day of the incident, information of the three reporters was not on the list of visitors. According to the report of the security guard concerned, the three reporters claimed to visit a particular floor of CGO. Since the security guard concerned had not followed the prescribed procedures to verify the claim and identities of the visitors, she issued visitor passes to the three reporters mistakenly. The visitor passes did not allow them to go into CE's Office.

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19. Ms Audrey EU considered that it was a mistake committed by the staff of the Administration Wing and it was wrong to describe the passes invalid. It only revealed the loophole of the security system in CGO. Referring to section 11 (2) of the Theft Ordinance, Ms EU considered it serious to suspect someone of committing burglary which was a serious offence as the person concerned would be liable on conviction to maximum imprisonment for 14 years. Ms EU was of the view that the Police should apologize for the arrest in the absence of any evidence or behaviour that substantiated the arrest.

20. Mr CHEUNG Man-kwong shared a similar view. He said that the reporters should not have been detained for seven hours if they had not committed any crime. Given CGO was a new complex and there were loopholes in the security system, the three reporters might not be aware of the separate security arrangements of CGO, LegCo and CE Office. While agreeing that individual reporter might have said something inappropriately, Mr CHEUNG queried whether the arrest and allegation of attempted burglary were proportionate in view of the maximum imprisonment of 14 years for burglary. He was of the view that the arrest was not justified and the Police should make an apology.

21. In response, RC(HKI) said that the two visitor passes issued to the three reporters were not applicable to CE's Office. The three reporters had misled the security guard and claimed to be staff members when they passed the security gate to CE's Office. It was a prudent decision to arrest the three reporters based on the reasonable suspicion of the criminal intent to burgle.

22. In response to the enquiry of the Chairman whether the media activities would cover testing of the security system, RC(HKI) said that the reporters were expected to report the facts. The three reporters had not said that they were testing the loophole of the security system but claimed that they were visitors. RC(HKI) further emphasized that Police officers had not prosecuted the three reporters. Their arrests were based on reasonable suspicion as the reporters had deliberately misrepresented their identities to pass the security gate to CE's Office. The arrest action was prudent and appropriate.

23. Noting that the three reporters worked for different news agencies, the Chairman found it unconvincing to suspect that the three reporters were committing an organized burglary. Mr CHEUNG Man-kwong shared a similar view.



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24. In response to the enquiry of the Chairman whether the reporters had taken photos, RC(HKI) replied in the positive.

25. The Chairman said that the Police, in particular frontline Police officers, should understand the nature of reporters' work and their eagerness to obtain exclusive news.

**II. Dissemination of case information by disciplined forces**

(LC Paper Nos. CB(2)81/11-12(01), CB(2)358/11-12(01) and CB(2)360/11-12(02) to (03))

26. At the invitation of the Chairman, US for S briefed members on the dissemination of case information by disciplined forces as detailed in the Administration's paper. Assistant Commissioner of Police (Support) ("ACP SUP") of the Hong Kong Police Force ("the Police"), Assistant Director (Headquarters) of the Fire Services Department ("AD(H)/FSD") and Assistant Director/Community Relations of Independent Commission Against Corruption ("ICAC") presented the relevant principles adopted by the Police, FSD and ICAC respectively.

27. At the invitation of the Chairman, two deputations presented views on the subject matter.

Views of deputations

*Hong Kong Journalists Association ("HKJA")*  
*[LC Paper No. CB(2)360/11-12(04)]*

28. Ms MAK Yin-ting presented the views of HKJA as detailed in the submission. Referring to the protection of privacy as referred to by US for S, Ms MAK said that news reporting did not involve privacy. She referred to the Personal Data (Privacy) Ordinance ("the Ordinance") and pointed out that the protection was confined to that of individuals. During a meeting with the media, the Privacy Commissioner for Personal Data had confirmed that there was no question of contravening the Ordinance by news reporting with personal data excised and there was exemption of journalistic materials from the application of certain data protection principles. In respect of dissemination of case information, Ms MAK considered that more details should be provided by the Police so that the media could decide whether to cover the incident at scene. For the sake of protecting the public's right to know, she said that there was a counter-proposal regarding provision of information by FSD to the media on their attendance to cases.

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*Hong Kong News Executives' Association ("HKNEA")  
[LC Paper No. CB(2)394/11-12(01)]*

29. Mr Ronald CHIU presented the views of HKNEA as detailed in the submission.

*(Members agreed to extend the meeting to 11:00 am.)*

Discussion

30. Ms Emily LAU said that there was a declaration of HKJA urging dissemination of case information by the Police and FSD so as to protect the public's right to know. As a hearing would be held in 2012 by the United Nations Human Rights Committee ("UNHRC"), she expected that deputations would submit views on the issue to UNHRC and the Administration had to recognize its responsibility to provide assistance to the media in the dissemination of case information in an efficient manner.

31. Referring to the Police's delay in releasing information on the wounding cases in Tseung Kwan O and a series of indecent assault on schoolgirls in Kwun Tong recently, Ms Emily LAU expressed concern about the protection of freedom of press and the public's right to know. She was of the view that timely release of case information by the disciplined forces was critical and it could help the media to decide whether to cover the incident at the scene. She urged the Administration to collaborate with the media and make new arrangements for the dissemination of case information so as to protect the public's right to know.

32. US for S shared the view over the importance of freedom of the press and the need to disseminate information related to public interest expeditiously. The Administration shared a common goal with HKNEA in serving the public. It was understood that there would be an annual regular meeting between HKNEA and the Commissioner of Police ("CP"). The timely dissemination of case information through the media would be beneficial to the community.

33. ACP SUP confirmed that it was a long-term and continuous arrangement to enhance the Police's dissemination of case information. She recalled that the current provision of case information had been agreed with the media in 2004. Under the current arrangements, the Police would provide initial information including the classification, locations where incidents occurred and the time when the Police received the report, and the media could decide whether to cover the incidents at

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the scene. The Police would consider the request of the media for dissemination of more basic information and shortening the time involved. ACP SUP pointed out that whenever there was an emergent incident, the Police's prime objective was to arrive at the scene as soon as possible and provide assistance or conduct investigation as necessary. The Police would then release information on the incident as soon as possible after the nature of the incident had been ascertained.

34. Regarding the wounding cases in Tseung Kwan O, ACP SUP advised that a review on the arrangement for dissemination of case information had been conducted and subsequently enhanced measures had been implemented. In the event that information about a case was considered to be sensitive in nature and not appropriate for immediate release, the Police would consider comprehensively other avenues for information dissemination.

35. Referring to FSD's new information dissemination mechanism to be implemented from January 2012, Dr Philip WONG Yu-hong enquired about the criteria to be adopted by FSD in disseminating case information, the categories of cases that would not be released and the average number of cases to be released each day.

36. AD(HQ)/FSD responded that information of almost all cases on fire and special services would be released to members of the public. However, the priority would always be the mobilisation of fire and rescue services resources to respond to the emergency. Regarding bomb threat incidents, they would not be released by FSD because of the crime element involved. For individual calls for emergency ambulance service which did not involve public interests, FSD would in general not release the case information in order to protect the privacy of individuals. The daily average number was about 170 cases on fire and special services. In response to the enquiry of the Chairman about the release of cases related to senior officials or celebrity requesting ambulance service, AD(HQ)/FSD said that officers at the scene would accord priority to provide emergency medical attention to the individuals and consult the supervisor of the Fire Service Mobilisation Centre when they had any doubts. The information officer of the FSD would liaise with the Information Services Department ("ISD") for arrangement about the release of information as appropriate.

37. Referring to the service pledge of disseminating case information within 20 minutes, the Deputy Chairman expressed concern about the compliance of the requirement by the Administration in respect of major incidents. He said that according to HKJA, about 20% of case

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information released by the Administration in 2009 were within 20 minutes. According to the Administration's reply to his question raised at the Council Meeting in October 2011, only around 30% of case information was released by the Police within 20 minutes. He pointed out that the Police was not able to meet the service pledge. He asked whether the Administration maintained such statistics and how far the Administration had achieved the objectives and the process involved. He expressed concern about whether there was room for improvement in order to meet the original service pledge.

38. ACP SUP clarified that the Police did not have a service pledge on the dissemination of case information. In case of emergency, the Police had a performance pledge to arrive at the scene in nine minutes in Kowloon and Hong Kong Island; and in 15 minutes in the New Territories. She pointed out that it would be impossible to disseminate case information for some cases in 20 minutes after the arrival of the Police at scene as the Police had to provide emergency assistance, conduct investigation and maintain public safety at the first instance. Under the enhanced information dissemination mechanism, 42%, 66% and 80% of cases were released within 30 minutes, 45 minutes and 60 minutes respectively between 19 October and 7 November 2011. For general cases, the Police Public Relations Branch ("PPRB") could release information through ISD and it was not necessary to consult the Police station of the relevant district after receipt of case information from the 999 Command and Control Centre. For sensitive incidents, the Duty Controller of the Command and Control Centre, who was a Superintendent rank officer, would consult the Officer-in-Charge of the concerned case whether it was appropriate to release the case information.

39. The Deputy Chairman was of the view that the Administration's dissemination of case information and response to the public was too slow. Regarding the visit of Vice Premier LI Ke-qiang to the University of Hong Kong ("HKU") in August 2011, he said that neither the Administration nor the Police had released an accurate report on the incident until two weeks later when staff members of HKU were invited to speak at the special meeting of the Panel. He pointed out that it was important for timely release of case information by the Police to the public.

40. Regarding response to major incidents, including those related to public order, ACP SUP advised that the Police would disseminate the information through different channels, including press release and press briefing. In respect of the visit of the Vice-Premier to HKU, the Police had issued a press release and made clarifications before the meeting of

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the Panel on Security. There was still room for enhancement in the information dissemination mechanism.

41. The Deputy Chairman referred to the submission from HKJA and queried the discrepancy between the Police and HKJA in respect of the 20-minute service pledge. In response, Ms MAK of HKJA said that consultation had not been conducted before the implementation of digitalization of the Police's communications system in 2004 and the pledge was made by the then CP at an informal lunch meeting with the media. Ms MAK commented that there was a lack of criteria for disseminating case information to the media after the excise of personal particulars.

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42. The Chairman invited HKJA and the Administration to provide information on the pledge made by the then CP in 2004 in respect of release of case information.

43. Mr WONG Yuk-man commented that the Administration did not understand the public's right to know and its obligation to inform the public. With the implementation of digitalization of the Police's communications system, the public's right to know had been deprived of through administrative measures. As an experienced journalist, he considered that it was important for the Administration to change its mentality and facilitate media reporting. He held the view that the media should be allowed to carry out reporting instead of using information provided by ISD.

44. Ms Cyd HO took the view that media reporting had been affected by the tightening of dissemination of case information. Ms HO recalled that with the implementation of digitalization of the Police's communication system in 2004, the media could no longer tap on the communication of the Police. Given the technological advancement over the years, she asked whether it was technically and financially viable to establish a dedicated line for dissemination of case information to the media.

45. Ms MAK Yin-ting of HKJA was of the view that the establishment of a dedicated line for dissemination of case information to the media would be technically and financially viable and it would not increase the workload of the Police. The provision of more detailed information would enable the media to decide whether to cover the incident concerned and this would enhance the public's right to know. Ms MAK referred to a meeting between the Police and the media in November 2011 in which the suggestion of dissemination of case information by the

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Police had been put forward. Should the Police recognize their responsibility in releasing case information so as to protect public interests and public's right to know, she believed that there would not be any difficulties involved in disseminating case information to the media. Mr Ronald CHIU of HKNEA shared a similar view. He pointed out that the Administration should note that the timely release of case information was to protect the public's right to know instead of providing assistance to the media.

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46. Ms Cyd HO requested the Administration to provide a written response regarding the technical and financial viabilities in establishing a dedicated line for dissemination of case information to the media.

47. ACP SUP reiterated that the Administration attached much importance to safeguarding the public's right to know. However, the Police had to discharge duties of preventing and detecting crime. As far as the Police's communication system was concerned, ACP SUP said that it had been digitalized and encrypted to enhance the efficiency of the operation of the Police and to cater for the need to preserve the confidentiality of operations. If confidential communication was made public, it would affect the Police's operation and go against the intention of digitalizing the communication system.

48. The Chairman took the view that the media had used to obtaining case information in the past through tapping on the Police's radio communication system and the media reporting was efficient. An appropriate balance had been maintained between protection of the right to know and the operation of the Police. The Chairman referred to the submission from Hong Kong Human Rights Monitor regarding the General Comments of No. 34 of UNHRC relating to Article 19 of the International Covenant on Civil and Political Rights on freedom of opinions and expression. It specified that State Parties should proactively put in public domain government information of public interest so as to give effect on the right of access to information. As part of China which was a state party, he pointed out that the Government was obliged to comply with the requirements. He was of the view that release of limited and inadequate information by the Police on the number of cases and their content did not facilitate media reporting.

49. US for S replied that since 1995, guidelines on access to information were followed by different government departments. The Administration would consider the views of the Chairman.

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50. The Deputy Chairman considered that it was important to strike a balance. While the public desired to know more, it should not affect the prevention and detection of crime. He asked whether the Police could liaise with the media with a view to drawing up arrangements for further enhancing the mechanism for releasing case information. He enquired about the relevant statistics and streamlined procedures for releasing case information.

51. ACP SUP said that since the implementation of the enhanced measures, information was released on an average of 270 cases per day. The Police would consider media request to release more basic information. Regarding release of information on non-sensitive cases, PPRB could release the information through ISD direct.

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52. Ms Emily LAU urged the disciplined forces to discuss with the media representatives and agreed on new enhanced measures for disseminating case information consistent with General Comments 34 of UNHRC. The Chairman requested the Administration to provide a written response.

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53. Ms Cyd HO considered that the release of case information was for the protection of public interests. She queried whether the Police had delayed disseminating case information for the purpose of using members of the public as a bait to facilitate detection of crime. She referred to the Police's delay in disseminating information on theft of money from automated teller machines in 2010 and requested the Administration to provide more information on the cases, including the total number of victims involved and the amount of money involved.

54. The meeting ended at 11:00 am.