

立法會
Legislative Council

LC Paper No. CB(2)2770/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 8 May 2012, at 2:30 pm
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 Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
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
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
- Member attending** : Hon LEE Cheuk-yan

**Members
absent** : Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP

**Public Officers
attending** : Item IV

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

Miss Bella MUI Bun-ngai
Principal Assistant Secretary for Security B

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

Mr KWAN Kam-wing
Divisional Commander (Marine)
Fire Services Department

Mr LEUNG Man-chiu
Senior Maintenance Manager
Marine Department

Mr LEUNG Wai-hok
Senior Surveyor of Ships
Marine Department

Item V

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 Thomas WONG Kin-yee
Superintendent (Licensing)
Hong Kong Police Force

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

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

Ms Rita LAI
Senior Council Secretary (2) 1

Ms Michelle LEE
Legislative Assistant (2) 7

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1868/11-12)

The minutes of the meeting held on 3 January 2012 were confirmed.

II. Information paper(s) issued since the last meeting
(LC Paper Nos. CB(2)1804/11-12(02) and CB(2)1891/11-12(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Administration's response to the queries raised by Mr Cosmo BEATSON, Executive Director of Vision First, about the subsidy of the Government to the United Nations High Commissioner for Refugees; and
- (b) Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang provided by the Independent Police Complaints Council.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1867/11-12(01) and (02))

Regular meeting in June 2012

3. Members agreed that the following items be discussed at the regular meeting at 2:30 pm on 5 June 2012 -

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- (a) Independent Police Complaints Council Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang; and
- (b) Public Consultation on Community-based Drug Testing.

In respect of item (a), members agreed that the Chairman of the Independent Police Complaints Council ("IPCC") be invited to the meeting.

IV. Replacement of Fireboat No. 7 and three turntable ladders of the Fire Services Department

(LC Paper Nos. CB(2)1867/11-12(03) and (04))

4. Under Secretary for Security ("US for S") briefed members on the proposal of the Fire Services Department ("FSD") to procure a new rescue fireboat and three turntable ladders (TLs) for replacement of the existing ones, details of which were set out in the Administration's paper.

5. Referring to the anticipation of the Marine Department ("MD") that the conditions of Fireboat No.7 would continue to deteriorate in the following few years, which would pose threat to the safety of its passengers and crew members, Ms Emily LAU enquired whether such threat existed at the moment. She considered that FSD should provide the firemen with updated facilities and equipment so as to ensure that they would be sufficiently protected during the discharge of their duties.

6. Assistant Director (Headquarters) of FSD ("Asst Director (HQ)") responded that Fireboat No. 7 had been put into service in 1990 and its designed life was about 15 years. In 2005, MD assessed the safety and reliability of the fireboat and considered it safe to continue using it for a longer period. However, it was recently noted that the maintenance downtime and the wear and tear had been increasing and there was impact on its reliability. At present, there was no safety problem as there was regular maintenance.

7. Noting that one of the main duties of Fireboat No. 7 was to serve as a rescue boat when nuclear-powered vessel visited Hong Kong, Ms Emily LAU enquired whether there was any incident in the past where the fireboat was required to provide rescue service to a nuclear-powered vessel visiting Hong Kong. Asst Director (HQ) replied in the negative.

8. US for S informed members that the fireboat could remain in service for several more years with regular maintenance as anticipated by MD. However, as the procurement work would take time, there would be a time lag if funding

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support for replacement of a new fireboat was sought only when Fireboat No. 7 could no longer be in service. Given the increasing maintenance cost, it was the appropriate time to seek funding support for a new fireboat with a view to providing staff of FSD with updated and reliable equipment and proper protection in the execution of their duties.

9. Referring to the implementation timetable as stated in paragraph 15 of the Administration's paper, Ms Emily LAU queried about the extended period of time required for procurement of the new fireboat and TLs. She enquired whether the time required had been compressed.

10. Asst Director (HQ) responded that efforts had been made to shorten the time required for the procurement. However, a specified tender period for such large-scale procurement had to be allowed in accordance with the World Trade Organization Agreement on Government Procurement. Also, time was needed to evaluate the tenders received and conduct testing. As a matter of fact, the preparation work for tender documents had been advanced as much as possible. Regarding TLs, the normal serviceable life was about 12 years. The three TLs to be replaced had been put into service for a period of time close to the said life limit and it was expected that they could only remain in service for a few more years.

11. Ms Audrey EU sought information on the disposal of the existing fireboat and TLs when the new ones were in service. Asst Director (HQ) said that the existing fireboat and TLs would be auctioned in accordance with the guidelines of the Government Logistics Department. To his knowledge, a boat would be disassembled and sold as scrapped metal. Subject to the usability, vehicles might be sold to the developing or under-developed countries for further use. Alternatively, they would be disassembled and sold as second-hand parts.

12. Assuming that funding approval was granted for the procurement of the fireboat and TLs, Ms Audrey EU enquired whether the income generated from the sale of the old and retired ones would be credited to the Government's general revenue and whether the relevant information would be included in the proposal.

13. Asst Director (HQ) confirmed that the income so generated would be credited to the Government's general revenue. However, it would not be included in the proposal as the amount would be subject to the offer of people who would be interested in bidding for the relevant items.

14. Referring to the on-going legal proceedings for the contractual disputes between the Government and a contractor in relation to defective fire rescue

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hydraulic platforms, the Chairman enquired whether a lesson had been learnt from the incident and whether improvements had been made where necessary in the procurement procedures.

15. Asst Director (HQ) responded that major improvements had been made in stipulating in the tender documents that one TL would be requested to be delivered first as sample for trial use before the confirmation of delivery of the remaining vehicles, as specified in items (d) and (e) of the implementation timetable for the new TLs in paragraph 15 of the Administration's paper. Also, the warranty period would be extended. When bidding for the tender, suppliers would be requested to provide supporting documents to show that the products had been used by other main fire and rescue teams so as to guarantee the quality of the fireboat and TLs to be procured.

16. Referring to the completion of the new cruise terminal at the old Kai Tak Airport soon and there would be a number of cruises and ships berthing the harbour nearby, Dr PAN Pey-chyou enquired whether such need had been taken into consideration when the functions of the new fireboat were considered.

17. Asst Director (HQ) said that the new fireboat would be mainly used as a rescue boat and its rescue capacity was up to some 400 persons. Given the development of the new cruise terminal, consideration had been given to deploying the new fireboat in the contingency plan. The existing Fireboat No. 7 was berthed at the East Sea Rescue Berth of the Hong Kong International Airport. Given the higher speed of the new fireboat and that it would be berthed at Tuen Mun Fireboat Station which was closer to the new cruise terminal when compared with the Hong Kong International Airport, it was estimated that a shorter period of time would be required for the new fireboat to reach the new cruise terminal. It would take only 20 odd minutes as compared with 30 odd minutes at present.

18. The Chairman enquired whether the Government of the Hong Kong Special Administrative Region ("HKSAR") had to shoulder international responsibility to provide assistance for maritime rescue within a specified range outside Hong Kong waters.

19. Asst Director (HQ) said that as an associate member of the International Maritime Organization, the HKSAR Government had an obligation to conduct and coordinate search and rescue operations in waters outside Hong Kong, including the region in the South China Sea. The Security Bureau ("SB") had stipulated the contingency measures in this respect.

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20. In response to the Chairman's enquiry about the details of the geographical area within which the rescue action needed to be undertaken by the HKSAR Government, Asst Director (HQ) said that he did not have the information on hand.

21. The Chairman further enquired whether the existing fireboat fleet of FSD had the capability to carry out such rescue operation. Asst Director (HQ) said that the existing two major fireboats, namely Elite and Excellence, and the new fireboat, would be able to reach the South China Sea and provide the rescue service.

22. The Chairman concluded that members of the Panel supported in principle the submission by the Administration of its proposal to the Finance Committee for consideration.

V. Police's handling of public meetings and public processions

(LC Paper Nos. CB(2)1867/11-12(05), CB(2)1867/11-12(06) and CB(2)1923/11-12(01))

Briefing by the Administration

23. US for S briefed members on the Police's handling of public meetings and public processions as detailed in the Administration's paper. He noted members' concerns about the Police's use of Oleoresin Capsicum Foam ("OC Foam" and commonly known as pepper spray) and the arrangement for media reporting during the public meetings held in April 2012. He said that the Commissioner of Police ("CP") had met with representatives of journalists associations in early May 2012 to discuss the measures to facilitate media reporting and the review on the setting up of designated press area ("DPA") during Police operations. There were more than 6 800 public meetings and processions in 2011 and most of them were conducted in a peaceful and orderly manner. However, in recent years, some of the protestors had expressed their views in a radical way and charged the Police defence line. Frontline Police officers faced great difficulties in discharging their duties. While facilitating the expression of views by demonstrators, the Police had the responsibility to maintain public order and public safety. During confrontational situations, frontline officers had displayed professionalism and exercised a high degree of restraint. US for S further presented to members extracts of TV news reports on public meetings and processions in April 2012.

Arrest and prosecution of demonstrators

24. Ms Emily LAU expressed concern that the Police had been increasingly harsh in handling public meetings and processions. Ms LAU said that some 400 demonstrators were arrested in 2011, which was 6.7 times of the figure in 2010.

25. US for S responded that there were a number of occasions during which the Police had arrested some people who had assembled unlawfully and had committed acts damaging social order after the end of public meetings or processions. These people blocked trunk roads and caused serious traffic congestion. After having repeatedly advised them to leave but in vain, the Police therefore had to take action decisively.

26. Given that pepper spray was frequently used by the Police in the recent peaceful demonstrations and a large number of demonstrators were arrested, Ms Audrey EU asked whether a review had been conducted on the factors involved and if not, the reasons for not conducting such a review.

27. US for S responded that in recent years, there were occasions on which a small number of participants refused to leave after the end of peaceful demonstrations as announced by the organizers. These people assembled and conducted activities which had given rise to various problems, including the blockage of major trunk road. The Police had not been notified of these activities, and was concerned about such phenomenon. A strategy had been adopted to arrange Police Community Relations Officers ("PCRO") to liaise with these participants with a view to ensuring that the participants would comply with the law. In case there was a breach of law, it was the Police's responsibility to take action.

28. Ms Emily LAU pointed out that Hong Kong was an international city and a signatory of several international conventions on human rights. People in Hong Kong were entitled to the right of free expression and assembly. She considered the requirement of obtaining "letter of no objection" for public meetings and processions unnecessary. She said that it was important for the Police to communicate with the demonstrators. She referred to the view expressed by the Chairman of IPCC that he hoped that IPCC could monitor the procedures for the Police's handling of public meetings or processions comprehensively, including processing the applications, negotiation about the procession routes, difficulties in the execution and improvements where necessary. She considered it important for an independent party to undertake the monitoring work so as to ensure that there would be better arrangements in the process.

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29. US for S responded that public meetings or processions in Hong Kong had to be conducted in accordance with the law. He referred to extracts from court judgments where the courts held that demonstrators should accommodate other people's rights and for that purpose demonstrators had to tolerate some interference with their own freedom to demonstrate. Such tolerance was expected of demonstrators however strongly they might feel about their cause. Also, the statutory notification procedure for public meetings and public processions was a common practice in other jurisdictions.

30. Assistant Commissioner of Police (Support) ("ACP(SUP)") added that the Police attached great importance to the communication with organizers of public meetings or public processions. Upon receipt of a notification of a public meeting or a public procession, PCRO would maintain an active and close communication with the organizer to offer advice and assistance. PCRO might also be present at scene and explained to the marshals the duties to be undertaken as necessary. Such on-going liaison would be maintained during the public meetings or public processions. She further said that the Police would review the endorsed cases in the IPCC's Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang in order to identify areas for improvement.

31. Mr WONG Yuk-man commented that a greater number of demonstrators had been arrested and prosecuted during the peaceful demonstrations since CP had assumed office. He said that the Police had not fully complied with the guidelines and principles governing the use of force. As an organizer for public meetings and public processions, he observed that in general, organizers maintained close liaison with the Police.

32. US for S responded that in exercising the freedom of expression, participants of public meetings or processions should, under the premise of observing the law in Hong Kong, proceed in a peaceful and orderly manner. The Police's stance was neutral. He said that many unpleasant incidents took place after the organizers announced the end of events and advised the participants to leave. However, some of the participants refused to leave and stayed at the scene. They displayed radical behaviour damaging public order and it was necessary for the Police to enforce the law. The relevant prosecution against these participants had to undergo the relevant procedures according to the legal system in Hong Kong.

33. Referring to the demonstration on 6 March 2011 in connection with the 2011-2012 Budget in which 113 people were arrested and four of them were subsequently prosecuted, Ms Audrey EU asked about the authority making the decision on the prosecution and the relevant criteria based on which the prosecution was made.

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34. ACP(SUP) responded that the Police's arrest operation was based on whether there was sufficient evidence to support the relevant offences purported to have been committed by a person. In deciding whether prosecution should be proceeded with, the Police would take into account the circumstances under which the alleged offence was committed and the evidence collected. Where necessary, advice of the Department of Justice ("DoJ") would be sought. The general principle and practice also applied to the cases of arrest and prosecution in the demonstration activity on 6 March 2011. ACP(SUP) stressed that prosecution decisions rested with DoJ. DoJ would make the decision in each case independently in accordance with established principles set out in its prosecution policy and practice.

35. Ms Audrey EU said that those arrestees who were not prosecuted had received written notices from DoJ advising them that their behaviour was illegal. Ms EU queried whether there was selective prosecution. ACP(SUP) replied that she was not in a position to comment.

36. Mr LEUNG Kwok-hung said that he was one of the four demonstrators who had been prosecuted in the incident on 6 March 2011. He queried about the Police's decision of not initiating legal proceedings against other protestors who had also been arrested and there was evidence that they had contravened the law. He considered it a selective prosecution. He also referred to the incident on 1 September 2011 in which a public consultation session forum was conducted by the Government, and pointed out that he had been attacked by three persons. He had presented the evidence to the Police, including those from the media. He queried about the Police's decision of not initiating legal proceedings against them.

37. Mr Paul TSE expressed concern about the possibility that innocent participants of demonstrations, who were not radical demonstrators, would be arrested and prosecuted because of participation in the demonstrations. He asked whether there was any policy or measure for alerting participants to the potential risk at appropriate time, including before or during the demonstrations, so as to protect innocent participants from prosecution.

38. US for S responded that if the Police had reasonable cause to believe that a person had contravened the law, a report on the evidence and the process involved would be submitted to DoJ. DoJ would make professional judgement and decide whether to initiate prosecution or to collect more evidence as necessary.

39. ACP(SUP) added that the Police would facilitate the conduct of peaceful public meetings and processions. However, when there were unauthorized or unlawful assembly, blocking of places or violent behaviors,

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the Police would issue warning, including verbal warning and display of warning banners, and would also ask demonstrators to leave. ACP(SUP) said that there were 5 300 participants in the procession to the Liaison Office on 1 April 2012. Most of them left peacefully after the end of the demonstration, while some 600 participants continued other processions. When there was charging of the Police cordon line outside the Liaison Office, most people had left after having received Police's warning and only some 100 participants remained. Therefore, participants should have received the warning and have sufficient time to leave the scene before any violent broke out.

40. Mr Paul TSE asked whether consideration would be given to strengthening the publicity work on alerting people to the risk to prosecution in demonstrations. ACP(SUP) replied that publicity efforts in this respect would be enhanced. ACP(SUP) appealed to the public that while expressing their views, participants of public meetings or processions should, under the premise of observing the Hong Kong law and without affecting public order, proceed in a peaceful and orderly manner.

Burning of objects

41. Mr Albert HO said that in the recent peaceful public meetings and public processions, the Police had intervened excessively in the self-management of the activities. Such intervention and unreasonable constraints had caused confrontation between the Police and the demonstrators. Noting that demonstrators sometimes would burn some objects as a means to express their views, Mr HO enquired whether such behaviour was prohibited during demonstrations. Comparing to the burning of objects during demonstrations in the past, Mr HO said that the Police had tightened control on burning of objects in the recent demonstrations. He called on the Police to conduct a review on the need to do so.

42. ACP(SUP) advised that it would be an illegal act to burn a regional flag. As for burning of other objects, the Police would handle flexibly. The Police's main concerns were public order and public safety. Given that a large number of people would participate in public meetings or public processions and some participants behaved radically in recent years, the Police had to be well-prepared. There was no tightening of control on burning objects. The Police had to strike a balance between facilitating all lawful and peaceful public meetings and processions and ensuring public order and public safety.

The Liaison Office

43. Mr WONG Yuk-man expressed the view that the public meetings and public processions in Hong Kong were peaceful and rational as compared with

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those in other countries. In anticipation of the increasing number of demonstrations, he considered it important to make improvements to the demonstration area outside the Liaison Office of the Central People's Government in HKSAR ("the Liaison Office").

44. Given that there was a large planter outside the Liaison Office and there was limited space for peaceful demonstration, Mr Albert HO expressed concern that it had caused much confrontation between the Police and demonstrators. As only a narrow pavement was left for accommodating the mills barriers and different parties, including the Police, protestors, reporters and pedestrians, public safety had been affected. Also, there was hindrance to media reporting. He urged the Administration to consider dismantling the large planter and removing the mills barrier.

45. Mr LEE Cheuk-yan echoed the view of Mr Albert HO. He said that the large planter had become an area under the control of the Police and it was impossible for the conduct of a public meeting outside the Liaison Office. Inevitably, it would cause confrontation between the Police and the demonstrators. He considered that people's right of expression and assembly should be respected.

46. ACP(SUP) explained that the mills barrier was set up outside the Liaison Office as a result of attempts by radical demonstrators in several incidents to climb over the gate of the Liaison Office, enter into or throw objects into the Liaison Office. The setting up of mills barriers was a measure for crowd management with a view to avoiding direct confrontation between the Police and the demonstrators as well as maintaining public order and public safety.

47. Mr LEE Cheuk-yan sought clarification on the definition of radical behaviour and asked whether non-violent behaviour, including tying yellow ribbon, pasting petition letter onto the gate of the Liaison Office and carrying coffin-like object to pass in front of the Liaison Office, would be allowed.

48. ACP(SUP) advised that posting anything onto private premises without the consent of the owner concerned was an illegal act. It was the Police's responsibility to maintain public order and public safety.

Use of pepper spray

49. Mr Albert HO commented that it was unnecessary for the Police to use pepper spray during demonstrations. He considered it necessary for the Police to make available a report on the use of pepper spray on each occasion. ACP(SUP) responded that the Police had put in place safety regulations and

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guidelines for the use of pepper spray. All frontline officers equipped with pepper spray were required to undergo appropriate training. When participants of public meetings or processions started charging the Police cordon line by force, and Police officers were unable to control the demonstrators' aggression after exhausting practicable options, the Police officers might resort to the use of pepper spray to defend attack from demonstrators, or to prevent demonstrators from charging the Police cordon line. When Police officers used pepper spray, they had to ensure that it was used in compliance with the principle of using minimum force. When circumstances permitted, frontline officers would issue verbal warnings to the person(s) concerned before the use of pepper spray. When demonstrators charged the Police cordon line, warning banners would be used to remind demonstrators not to cross beyond the cordon line. Otherwise, the Police would resort to the use of force. At the conclusion of the operation, Police officers at Superintendent rank would assess each instance of the use of pepper spray to ensure that all instances were justified.

50. The Chairman enquired about the judgement to be made for the use of pepper spray and whether the contact with mills barriers with force would be regarded as charging the Police cordon line and therefore pepper spray would be used. ACP(SUP) responded that charging or snatching mills barrier were illegal and violent behaviour which should not occur at peaceful and orderly demonstrations. After warnings were issued and there were continuous acts to charge the Police cordon line, pepper spray would be used so as to protect the personal safety of frontline officers and people at scene.

51. Mr LEUNG Kwok-hung expressed the view that the Police had political considerations in the execution of duties. Whenever there were visits of the State leaders to Hong Kong, there was suppression of human rights. He quoted the incident on 30 June 2008 in which he burnt a demonstration letter and the Police officers had sprayed him with OC Foam repeatedly. He considered it an improper use of pepper spray. He said that frontline officers had sprayed from a far distance on the demonstrators, and sometimes even on the reporters. He queried that frontline officers had not complied with the relevant guidelines for the use of pepper spray.

52. ACP(SUP) said that frontline officers using pepper spray would only aim at the face of the demonstrators who behaved violently to charge the Police cordon line and might threaten the personal safety of the frontline officers or other people at scene.

53. Referring to the video presented by the Administration to members, Ms Cyd HO said that the latter part had been cut off in which the Police had taken away the spectacles of a male demonstrator (who also appeared in the

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front part) and sprayed him with six bottles of pepper spray. This person in fact had released his hands from the mills barrier to protect his head but still he was sprayed by the Police. She considered the intention of the frontline officers was not to stop him from acting violently but to hurt his eyes and body with continuous spray. She also queried about the training on the use of pepper spray provided to frontline officers.

54. ACP(SUP) responded that frontline officers would not intentionally hurt the demonstrators. She reiterated that frontline officers would use pepper spray only after warnings were issued and there was continuous charging of the Police cordon line, and there was threat to the personal safety of the frontline officers and people at scene.

55. The Chairman requested the Administration to provide the full version of the video-clips of the news from the TV stations on the confrontation between the Police and the demonstrators on 1 April 2012 outside the Liaison Office, including the Police's use of pepper spray.

(Post-meeting note: The Secretariat subsequently received from the Administration a video disc on the full version of the news reports concerned. Copies of the video disc were sent to members who had asked to be provided with a copy of the disc on 11 June 2012.)

56. The Chairman asked whether frontline officers were allowed to take away the spectacles or eye protectors of demonstrators when spraying the OC Foam according to the relevant guidelines.

57. ACP(SUP) said that according to the relevant guidelines, the use of pepper spray would still be effective even if the target demonstrators wore spectacles and it was not required to pull down the spectacles of the demonstrators before spraying. Frontline officers might employ a higher degree of force if they felt that their personal safety was threatened.

58. Noting that there were situations in which frontline officers sprayed the demonstrators in the second row, who even had not touched the mills barriers, the Chairman asked about the relevant guidelines in this respect.

59. ACP(SUP) responded that the use of pepper spray might be necessary in that situation if there was continuous charging of the Police's cordon line at the scene. Regarding the procession on 1 April 2012, she said that as a relevant complaint had been lodged with the Complaints Against Police Office ("CAPO"), it was not appropriate for her to make any comments.

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CP's response to IPCC's conclusion of a complaint

60. Regarding a complaint about a reporter's encounter with the Police at Laguna City on 16 August 2011 and CP's refusal to apologize for his explanation of a "black object" during the Panel meeting on 29 August 2011, Mr WONG Yuk-man expressed strong dissatisfaction.

61. Noting that IPCC's interim report had already been released, Ms Cyd HO expressed grave concern about CP's refusal to withdraw his explanation of a "black object" during the Panel meeting on 29 August 2011. She considered it unreasonable for CP to believe that a frontline officer's finger was trapped between the lens of a video camera and the metal part above the lens. Given that IPCC was a statutory body, Ms HO said that it would be difficult for IPCC to operate if CP refused to withdraw his statement.

62. US for S responded that CAPO had conducted detailed investigation of the complaint concerned and submitted a report on the findings to IPCC. IPCC had endorsed the report. The whole process had followed the required procedures. CP's explanation of a "black object" at a previous Panel meeting was a response to members' question, which was based on the information available at that time. US for S said that the overall picture had become clearer as more information were available at a later stage. CP had said that the experience was worth reflection.

63. Ms Cyd HO said that CP should make analysis of the information available. In her view, CP should make an apology.

64. Mr LEE Cheuk-yan said that US for S should, on behalf of the Police and, in particular CP, withdraw CP's explanation of a "black object" and apologize for the statement. Given that the investigation of the relevant complaint was completed and IPCC had concluded that the Police had caused hindrance to media reporting and CP still refused to withdraw his explanation of a "black object", Mr LEE considered it totally unacceptable. He asked whether CP would be requested to apologize for the incident. US for S responded that the Police had accepted IPCC's interim report.

65. The Chairman noted with grave concern that CP refused to apologize for his explanation of a "black object" which was based on the information available at that time and his sincere belief of the frontline officer's report on the incident without preliminary judgement. He said that as the head of the Police, CP was expected to make sound judgement. It would not only be detrimental to his personal credibility but to that of the Force and the Police's capability to maintain public safety.

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66. Ms Audrey EU and Mr LEUNG Kwok-hung echoed the view that CP should withdraw his explanation of a "black object". Ms Emily LAU was of the view that CP should provide a full account of the incident.

67. Ms Cyd HO expressed the view that SB and the Police merely noted and accepted IPCC's interim report and there was no improvement. Referring to the video-clip on the confrontation between the Police and demonstrators on 1 April 2012 and the Police's use of pepper spray on target demonstrators which might have caused injury to the demonstrators concerned, Ms HO held the view that the Police should examine whether there was non-compliance with the relevant guidelines and the frontline officers concerned should be disciplined as necessary. Likewise, the frontline officer who had lied about his finger being trapped in the camera should also be disciplined.

Communication with organizers

68. Dr PAN Pey-chyou expressed concern that restriction had been imposed by the Police on peaceful public processions. He quoted an example that unlike the experience of a similar procession conducted last year, the Police had separated a public procession into several parts on Nathan Road on 1 May 2012. ACP(SUP) said that the Police would follow the principle of facilitating the conduct of peaceful public meetings and processions. She explained that there were a number of road junctions on some busy roads, like Nathan Road, on which a lot of traffic would pass through. It would cause very serious traffic congestion if the Police did not separate a large procession into parts. It might cause some inconvenience to the demonstrators. Yet, the Police had to strike a balance and ensure that there would be minimum inconvenience for other road users.

69. Dr PAN Pey-chyou referred to another incident that participants of a procession were requested to follow a route from Central to Lung Wo Road, which was near the waterfront and most parts of the procession were not seen by members of the public. Given that the number of participants was not that large, Dr PAN considered the arrangement inappropriate. He said that the Police should pay respect to expression of views by demonstrators.

70. ACP(SUP) responded that she did not have the specific information on the relevant procession route on hand. She explained that in general, upon receipt of a notification of a public procession, PCRO would liaise with the organizer about the procession route and arrange site visit as necessary. If the organizer was not satisfied with the change of the procession route, the Police would discuss with the organizer with a view to facilitating the procession. The Police might raise objection to a public procession if public order or public safety were affected. The aggrieved organizer might lodge an appeal in

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accordance with the appeal mechanism. Most of the public meetings and processions in Hong Kong were in effect conducted smoothly as a result of liaison between the Police and organizers. The Police was committed to making improvements where necessary.

71. Mr Paul TSE enquired whether there would be changes to the measures after the Police had conducted a review, including use of pepper spray, crowd control, and the number of prosecutions.

72. US for S responded that following the visit of Vice-Premier LI Keqiang to Hong Kong in August 2011, the Police had conducted a review of the policing arrangements in relation to the visit. In particular, there was a need to strengthen the communication with the public for the conduct of public activities in future. The Police would be proactive in liaising with organizers of public meetings and public processions so as to facilitate the expression of views and the conduct of public meetings and public processions in a peaceful and orderly manner.

73. Mr Albert HO commented on the restriction imposed by the Police on procession routes which had resulted in repeated confrontation between the Police and demonstrators. ACP(SUP) responded that the Police would liaise with organizers on each public meeting or public procession. The procession route and other relevant details would be specified in the "letter of no objection" and participants were required to follow. She added that whenever a lane of a carriageway was made available for a procession, the next lane would not be used for traffic as it would cause danger to public safety. She stressed that considerations were given to ensuring public order and public safety.

Facilitating the work of the media

74. Ms Emily LAU referred to paragraph 8 of the Administration's paper about the Police's responsibility to facilitate the work of the media as stipulated in the Force Procedures Manual. She noted with concern that the representatives of the journalists were still complaining about the practice of the Police even after having met with CP in early May 2012. She queried about the discrepancies between what had been laid down in the Manual and the actual practices of the Police.

75. ACP(SUP) said that CP had met with the representatives of four journalists associations on 4 May 2012. CP had explained the policy and practices in facilitating the media and listened carefully to their opinions and requests. It was understood that the media had concerns about the setting up of DPAs. A review on the criteria for setting up DPAs during police

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operations would be conducted. The Police would make improvements where necessary and maintain communication with the media.

76. Ms Emily LAU enquired when the Police would cancel the policy of setting up DPAs so as to facilitate media reporting. ACP(SUP) said that the Police in principle agreed that there was no need to set up a DPA under general circumstances except in certain Police operations and on some occasions. It was understood that DPA would need to be set up for the protection of political dignitaries or during some important occasions or within restricted zones. If a DPA was to be set up outside the Police cordon line, reporters could move in and out of the DPA freely during the Police's operations. Frontline officers would be provided with suitable training so as to enhance the working relationship with the media.

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77. Ms Emily LAU requested the Administration to provide detailed information on the principles and guidelines for frontline Police officers to facilitate the work of the media, including the following -

- (a) media's freedom of reporting in public areas under normal circumstances;
- (b) criteria and circumstances under which DPAs were to be set up and the communication with media in this respect; and
- (c) whenever a cordon line was set up by the Police on specific occasions, media could choose to either stay in or outside DPAs (which was set beyond the cordon line) to conduct the reporting work.

78. Ms Cyd HO sought clarification on whether reporters were not required to stay in the DPA but they could cover an incident in a close distance.

79. ACP(SUP) clarified that if a DPA was set up outside the Police cordon line, reporters could move in and out of the DPA freely. However, if the DPA was set up inside the Police cordon, there would be restriction on people moving around. It was in line with the usual practice when there were Police operations or when the Police conducted investigation at crime scene.

80. There being no other business, the meeting ended at 4:44 pm.