

立法會
Legislative Council

LC Paper No. CB(2)2175/11-12(04)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 5 June 2012**

**Independent Police Complaints Council Report (Interim) on Complaint
Cases Arising from the Visit by the Vice Premier Mr LI Keqiang**

Purpose

This paper gives background information on the Independent Police Complaints Council's ("IPCC") report on complaint cases arising from the visit by the Vice-Premier of the State Council and summarizes the discussions by the Panel on Security ("the Panel") on the security arrangements during visits of political dignitaries to Hong Kong.

Background

2. The Vice-Premier of the State Council, Mr LI Keqiang ("the Vice-Premier"), paid an official visit to Hong Kong from 16 to 18 August 2011. There were concerns over the security measures and media coverage arrangements during the official visit, including those at the University of Hong Kong ("HKU") and at Laguna City. A number of complaints were lodged with the Complaints Against Police Office ("CAPO") and the investigation results were reviewed by IPCC in accordance with the police complaints system so as to identify the inadequacies in the practices or procedures adopted by the Police in the security operation.

3. At the same time, in response to the criticism on the alleged Police's abuse of power and HKU's surrender of core values, the Council of HKU decided to set up a review panel ("Review Panel") to conduct its internal review

on the issues arising from the Centenary Ceremony on 18 August 2011, including the security arrangements on its campus on 18 August 2011.

Deliberations by the Panel

4. The Panel discussed the security arrangements and handling of public meetings and public processions during visits of political dignitaries to Hong Kong at its special meetings on 29 August, 12 September and 7 October 2011 and 15 March 2012, and its regular meeting on 7 February 2012.

5. The Panel received the views of HKU as well as other deputations and individuals concerned at its special meetings on 29 August and 12 September 2011. Concerns were raised over the legal basis for the Police's security arrangements and designation of "core security zones" for the protection of visiting political dignitaries, the international practices for protecting visiting political dignitaries, the security arrangements at HKU, and the media coverage arrangements and the security arrangements at Laguna City. The verbatim transcripts of the special meetings on 29 August and 12 September 2011 are in <http://www.legco.gov.hk/yr10-11/chinese/panels/se/minutes/se20110829.pdf> and <http://www.legco.gov.hk/yr10-11/chinese/panels/se/minutes/se20110912.pdf> respectively.

6. Motions were proposed by Hon Emily LAU, Hon Audrey EU, Hon LAU Kong-wah and Hon LEUNG Kwok-hung respectively at the special meeting on 12 September 2011 under the item "Security arrangements and handling of public meetings and public processions at the Central Government Complex and during visits of political dignitaries to Hong Kong". The wording of the motions is in LC Paper Nos. CB(2)2562/10-11(05), CB(2)2610/10-11(01), CB(2)2619/10-11(05) and (06) issued on 31 August, 9 and 15 September 2011 respectively. Owing to time constraint, the motions were dealt with at the special meeting on 7 October 2011.

7. The four motions were put to vote at the special meeting on 7 October 2011. The motion moved by Hon LAU Kong-wah, among others, urging IPCC to release to the public and submit to the Legislative Council ("LegCo") the report on the investigation of the complaints about the security arrangements by the Police upon its completion, was passed. The motions moved by Hon Emily LAU, Hon Audrey EU and Hon LEUNG Kwok-hung respectively were negated.

The Police's Review of the policing arrangements

8. Following the visit of the Vice-Premier to Hong Kong in August 2011, the Police conducted a Review of the policing arrangements in relation to the visit ("the Review"). Some members expressed strong dissatisfaction that the Review only focussed on strategies of communicating with the media and public by expectation management rather than a review on the balance between the right of expression and security concerns. The Administration advised members that the protective security operation for the Vice-Premier was drawn up based on the risk assessment to ensure the personal safety of the Vice-Premier and it was different from the ordinary circumstances under which public meetings and procession could have been allowed closer to the intended object of the demonstration.

9. Members raised queries as to the issues relating to the security arrangements not being covered in the Review, including the removal of a person at Laguna City, setting-up of remote designated press areas and protest areas, security checking of reporters and the false imprisonment of three students on HKU campus. The Administration explained that complaints on the relevant issues had been received by CAPO and the investigations into the complaints were underway. The Police was therefore not in a position to make further comments.

Report of the HKU Review Panel

10. The Report of the Review Panel on the Centenary Ceremony held on 18 August 2011 to the Council of HKU ("the Report") was released on 3 February 2012. The chapters on security arrangements in the Report were discussed at the special Panel meeting on 15 March 2012.

11. Members expressed concern about the discrepancies of the views of HKU and the Police in respect of the Police's use of force to push the three students concerned ("the Three Students") from LG2 of KK Leung Building into the stairwell on HKU campus on 18 August 2011. Members questioned whether there was agreement between HKU and the Police regarding the use of force on campus and whether the use of force was appropriate. According to HKU, there was agreement regarding the Police's provision of assistance when HKU staff could not handle the situation. However, the use of force on campus was not preferred. Even though the HKU security staff requested the Police to provide assistance after having repeatedly persuaded the Three Students to leave without success, there were options other than using force as the behaviour of the Three Students at that juncture was not provocative but

rather peaceful. The Review Panel therefore concluded that the use of force by the Police was unnecessary and unreasonable regardless of the agreement.

12. According to the Administration, the frontline Police officers had reasonable and clear understanding of the request of the HKU security staff for provision of assistance after they failed to ask the Three Students to leave. In the process, effective and appropriate means had been used to remove the Three Students away from the restricted zone where authorized persons would be allowed to be admitted to but they were not allowed to stay within the area. The frontline officers had complied with the internal guidelines governing the use of force by the Police. Police officers would execute their power when discharging their duties.

13. Members queried the absence of the relevant records of communication between the Vice-Chancellor of HKU and senior members of G4 of the Police (Very Important Person Protection Unit) with regard to the parameters and protocols of the Police operation on HKU campus. Members urged HKU and the Police to consider seriously drafting a protocol to specify the preliminary contact between the Vice-Chancellor of HKU and the Commissioner of Police in respect of the security operation for important events on HKU campus in future. Some members were of the view that such practice should be extended to other universities and tertiary institutions in Hong Kong.

Removal of a person at Laguna City

14. Members were concerned that a person had been removed by some Police officers from the common area outside Block 26 of Laguna City where he resided on 16 August 2011 and that he had not been provided with a clear account of the incident by the Police so far. Notwithstanding the fact that a review on the investigation result of the relevant complaint was being conducted by IPCC, some members were of the view that the Police should provide a full account of the incident to the person.

15. According to the Administration, the preliminary understanding of the incident was that a male appeared in the security zone when the Police was conducting a security operation on the ground floor of Block 26 of Laguna City in the afternoon of 16 August 2011. At that time, the Vice-Premier was visiting a family in one of the units of Block 26. The Police inquired the male and the male was very agitated. He was therefore removed from the security zone for further understanding. The Police's action was purely based on security concern and there was no political consideration. Given that the investigation result of the relevant complaint would need to be reviewed by IPCC, it would not be appropriate to make further comments on the case.

Latest development

IPCC Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang

16. The IPCC Report (Interim) on Complaint Cases Arising from the Visit by the Vice Premier Mr LI Keqiang was released on 3 May 2012. It will be discussed at the Panel meeting on 5 June 2012.

Relevant papers

17. A list of the relevant papers on LegCo website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
30 May 2012

**Relevant papers on
Independent Police Complaints Council Report (Interim) on Complaint
Cases Arising from the Visit by the Vice Premier Mr LI Keqiang**

Committee	Date of meeting	Paper
Panel on Security	29.8.2011 (Item I)	Agenda Verbatim record of the proceedings
	12.9.2011 (Item I)	Agenda Verbatim record of the proceedings
	7.10.2011 (Item I)	Agenda Minutes
	7.2.2012 (Item VI)	Agenda
	15.3.2012 (Item I)	Agenda

Council Business Division 2
Legislative Council Secretariat
30 May 2012