

立法會
Legislative Council

LC Paper No. CB(2)2230/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 8 July 2014, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon WONG Kwok-kin, SBS
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members attending : Hon Jeffrey LAM Kin-fung, GBS, JP
Hon CHAN Hak-kan, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan

Members absent : Hon Paul TSE Wai-chun, JP
Hon WONG Yuk-man
Hon CHUNG Kwok-pan

Public Officers attending : Item III

Action Committee Against Narcotics

Professor Daniel SHEK, SBS, BBS, JP
Chairman

Dr Ben CHEUNG, MH, JP
Chairman, Sub-committee on Treatment and
Rehabilitation

Dr TIK Chi-yuen, SBS, BBS, JP
Chairman, Sub-committee on Preventive Education
and Publicity

The Administration

Mrs Erika HUI, JP
Commissioner for Narcotics

Miss Mandy WONG
Principal Assistant Secretary for Security (Narcotics) 2

Item IV

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

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

Mr Paul LAU
Director of Hong Kong Police College

Mr LAU Cheng-fung
Superintendent (Field) (Support Branch)
Hong Kong Police Force

Mr Andrew Marcus McGrenra
Superintendent of Police, Weapons Training (Acting)

Item V

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

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

Mr LI Kin-yat, FSMSM
Deputy Director of Fire Services

Mr John YEUNG Sai-him, FSMSM
Assistant Director (Ambulance)
Fire Services Department

Dr Axel SIU Yuet-chung
Medical Director, Ambulance Command
Fire Services Department

Mr NGAI Tak-yung
Senior Divisional Officer (Special Project Unit)
Fire Services Department

Item VI

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

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

Mr Edwin LAM Man-wing
Assistant Commissioner of Police (Support)

Mr Nelson CHENG Yiu-mo
Senior Superintendent of Police (Operations)

Ms Monica AU YEUNG Mun-yee
Superintendent (Licensing)
Hong Kong Police Force

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1949/13-14)

The minutes of the meeting held on 13 May 2014 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)1637/13-14(01))

2. Members noted that the Administration's information paper on its proposals to revise a number of fees and charges for services provided by the Immigration Department had been issued since the last meeting and no member proposed discussing the paper at a meeting of the Panel.

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III. Public Consultation on RESCUE Drug Testing Scheme - updates

(LC Paper Nos. CB(2)1951/13-14(01) and (02))

3. Chairman, Action Committee Against Narcotics ("C/ACAN") briefed Members on the conclusion of the Action Committee Against Narcotics ("ACAN") on the results of the four-month public consultation on the proposed RESCUE Drug Testing Scheme ("RDT") and ACAN's recommendations on the way forward. Commissioner for Narcotics ("C for N") briefed Members on the Administration's response on the observations and recommendations of ACAN regarding RDT.

4. Members noted the updated background brief entitled "RESCUE Drug Testing Scheme" prepared by the Legislative Council ("LegCo") Secretariat.

Whether RDT should be introduced

5. Dr Fernando CHEUNG said that RDT was controversial, with some social workers opposing while some supporting RDT. He noted that among the written submissions received by ACAN in the public consultation exercise, 54% opposed and 45% supported RDT. He expressed concern whether ACAN would propose the introduction of RDT regardless of the opposing voices. He also asked whether ACAN would meet with people who opposed RDT to understand their concerns.

6. Mr KWOK Wai-keung said that members of the public generally considered that more should be done to combat drug abuse. He considered that ACAN should address as far as possible the concerns raised in the first stage public consultation, in particular the concerns about adequacy of downstream support services for drug abusers identified.

7. Dr Elizabeth QUAT expressed support for RDT. She considered that as frontline social workers could not identify all hidden drug abusers, RDT would facilitate the early identification of such drug abusers for drug treatment and rehabilitation.

8. Ms Cyd HO expressed concern about the adequacy of resources for the provision of downstream support services. Mr Alan LEONG said that the Civic Party opposed the introduction of RDT, as it could not address the problem of hidden drug abuse especially given the lack of adequate

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downstream support services. He pointed out that the Hong Kong Bar Association, the Hong Kong Medical Association and many frontline social workers had expressed reservations about RDT.

9. C/ACAN responded that ACAN would continue with its ongoing dialogue with the stakeholders. The proposals in RDT could not be taken forward in the absence of a consensus in the community regarding its implementation. He stressed that the adequacy of downstream support services was one of the major issues to be addressed in the second stage public consultation.

10. The Deputy Chairman said that many frontline social workers were concerned that RDT would make it more difficult for them to identify drug abusers. He expressed concern that the number of drug abusers who sought treatment and rehabilitation voluntarily might decrease as a result of the introduction of RDT.

11. Chairman, Subcommittee on Preventive Education and Publicity of ACAN ("C/SPEP") responded that the issue concerned was one of those to be addressed in the second stage public consultation. C for N added that there were divergent views among social workers on RDT. She pointed out that the problem of drug abuse was hidden by nature, and identifying hidden drug abusers had been a constant challenge for the sector. Under RDT, law enforcement officers might have an opportunity to come into earlier contact with drug abusers as seen in the statistics of the Central Registry of Drug Abuse. Accordingly, the median drug history of drug abusers who voluntarily sought help through non-governmental organisations in 2012 was 5.2 years, while those intercepted by law enforcement officers had a median drug history of 2.6 years.

12. Mr CHAN Hak-kan expressed support for RDT. He noted from a recent meeting with frontline social workers that many of them were supportive of RDT. He considered that the Administration should specifically seek the views of frontline social workers on RDT.

13. Mr Frankie YICK said that frontline social workers with whom he had met and many representatives of the social welfare sector who attended the special meeting of the Panel on Welfare Services on 19 November 2013 were supportive of RDT. He considered that ACAN should proceed with its second stage consultation on RDT.

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14. Chairman, Subcommittee on Treatment and Rehabilitation of ACAN ("C/STR") responded that unlike traditional drugs, the prolonged abuse of psychotropic substance would inflict irreversible health damage to drug abusers. Overseas literature and local experience indicated that most drug abusers would not seek drug treatment and rehabilitation voluntarily until their health conditions had deteriorated so much that it would affect their normal life. RDT did not mean to facilitate the prosecution of drug abusers, but the early identification and treatment of them.

Why an opinion poll was conducted on RDT in addition to the invitation of written submissions

15. Dr Fernando CHEUNG queried why ACAN had, in addition to the invitation of written submissions in the public consultation exercise, commissioned the Public Opinion Programme of the University of Hong Kong ("HKU-POP") to conduct an opinion poll on RDT, which indicated that 91% of the respondents supported RDT. He considered that ACAN had deviated from usual practice by conducting an opinion poll in addition to inviting written submissions in a public consultation exercise. He queried whether the opinion poll was conducted for the purpose of influencing the results of the public consultation exercise.

16. Ms Emily LAU said that the launch of the opinion poll in addition to the invitation of written submissions had caused suspicion about whether the opinion poll was conducted to influence the results of the public consultation exercise.

17. Dr Kenneth CHAN said that the results of the opinion poll should be interpreted with caution, as the answers of respondents to questions of social desirability were usually positive. He expressed concern whether ACAN had plans to commission another opinion poll in the second stage public consultation exercise.

18. Mr CHAN Chi-chuen considered that the opinion poll was conducted with the intention to create an impression of general support for RDT.

19. Mr KWOK Wai-keung and Mr Frankie YICK considered that the findings of the opinion poll provided more reliable information on the views of the public on RDT, as written submissions were usually focused on some aspects of RDT.

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20. C/ACAN responded that the Administration had commissioned the opinion poll at a time before the closure of the consultation period, i.e. before the outcome of the written submissions was known. The questionnaire had been designed by HKU-POP. The poll was subsequently conducted outside the consultation period to avoid the influence of the views expressed during the consultation. The poll and the written submissions complemented each other and could be read in conjunction. The first stage public consultation exercise, the launch of an opinion poll and the invitation of written submissions had been conducted in line with established practice.

21. Referring to paragraph 6 of the Administration's paper, Mr YIU Si-wing expressed concern that among the written submissions received by ACAN on RDT, there were a large number of submissions with standardised templates. He considered that the opinion poll provided a more reliable picture of the views of the public on RDT.

Second stage public consultation on RDT

22. Regarding the second stage public consultation to be launched by ACAN, C/STR informed Members that ACAN would analyse the concerns and views received before drawing up its proposals for second stage consultation. He stressed that RDT only sought to provide an additional channel for early identification of drug abusers.

23. Dr Kenneth CHAN asked whether ACAN would, in its second stage consultation on RDT, address concerns raised in the first stage public consultation exercise. Ms Emily LAU considered that ACAN should seek to address concerns raised in the first stage consultation on RDT.

24. C/ACAN responded that ACAN would continue to maintain dialogue with major stakeholders. C/STR assured that there would be ongoing discussion of the concerns raised about RDT. He stressed that there was a need to address the problem of the prolonging drug history of drug abusers, hence much more severe damage to health. It had been observed that more drug abusers were admitted to the intensive care units of hospitals. RDT would facilitate the early identification of drug abusers without taking prosecution as the primary purpose.

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25. Mr CHAN Chi-chuen said that to his knowledge, the Administration had already invited tenders for the supply of rapid oral fluid test kits. He expressed concern whether there were already plans to implement RDT. C for N responded that there was a provision in the legislation on drug driving that rapid oral fluid test kits could be used as a means for conducting screening tests.

26. Mr Frankie YICK sought information on the timetable for the launch of the second stage consultation on RDT. C/ACAN responded that there was not yet a definite timetable for the second stage consultation, as detailed proposals would have to be drawn up before the second stage consultation was launched. C for N advised that time would be needed for addressing legal issues and issues relating to downstream support services in consultation with relevant stakeholders, and such work had already started.

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27. Mr YIU Si-wing suggested that the Administration should consider providing members with information on its proposals under the second stage consultation before it was launched for public consultation.

Experience of Sweden in compulsory drug testing

28. Mr Frankie YICK asked whether ACAN had identified any aspects of the Swedish experience in compulsory drug testing which were of relevance to Hong Kong. Mr YIU Si-wing considered that the experience of Sweden in compulsory drug testing would serve as useful reference for Hong Kong.

29. C/SPEP said that the drug testing scheme in Sweden had been found effective in identifying drug abusers and referring them for treatment at an early stage. Taking the Juvenile Protection Unit of the Stockholm police as an example, 1 251 cases had been handled in 2013. Of these, 78% had been tested positive, and 60% of the positive cases had been previously unknown to the Stockholm police.

30. Mr Kenneth LEUNG considered that the experience of Sweden should be studied in conjunction with background information including the power of the body responsible for monitoring the work of the police in Sweden, the protection of human rights and the legal system of the country.

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31. Ms Cyd HO said that the Administration should provide members with the views of various stakeholders in Sweden, including social workers and parents, on the drug testing scheme in Sweden. She considered that besides Sweden, ACAN should also study the experience of other countries which adopted a different policy on compulsory drug testing.

32. C/ACAN responded that the medical profession in Sweden was supportive of compulsory drug testing and there was close cooperation between social workers and the police in the implementation of compulsory drug testing in Sweden. He said that ACAN hoped to invite experts from Sweden to Hong Kong to share their experience in compulsory drug testing with local stakeholders.

33. C/SPEP said that the scheme in Sweden was similar to RDT in that drug abusers identified were given the opportunity to receive drug treatment and rehabilitation. He said that ACAN had met with police officers, social workers involved in compulsory drug testing as well as think tank leaders in Sweden to understand their views.

Admin

34. Mr Kenneth LEUNG requested the Administration to provide more information on the findings of compulsory drug testing in Sweden.

IV. Weapons training for police officers
(LC Paper No. CB(2)1951/13-14(03))

35. Under Secretary for Security ("US for S") briefed members on the training provided to police officers in the use of force and firearms.

36. The Deputy Chairman said that according to an article published in OffBeat in 2001, a senior police inspector had failed in a test on the use of force during training because of giving the answer that a baton instead of a handgun should be used to handle an attack with a four-inch knife. He asked whether the Police still adopted the same use of force training nowadays. He said that a visit or a briefing might be organised for members to better understand the use of force training for police officers.

37. US for S responded that after 2001, the Police had been enhancing and upgrading the training system to cater for options of different levels of force. Training in decision-making was provided to police officers where they could learn how to make decisions on the correct use of force under different scenarios.

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38. The Deputy Chairman requested the Administration to provide information on the year from which the training referred to in paragraph 36 above was no longer adopted and the number of police officers who had not undergone updated training. US for S responded that the training system had been updated for many times since 2002. He agreed to provide the information requested by the Deputy Chairman.

39. Dr Elizabeth QUAT said that there were concerns in the community about whether the use of firearms was the appropriate level of force in a recent case in Lam Tin ("the Lam Tin Case"). She expressed concern whether police officers were trained to shoot at the limbs of a suspect. She pointed out that a police officer who was attacked with a four-inch cutter in 2005 was still suffering from paralysis.

40. US for S responded that as the use of firearms was the highest level of force, it had to be used in compliance with the Police General Orders ("PGO") on the use of firearms, which would be justified if there existed a threat to the life or serious harm to the body of a person. He said that in the Lam Tin Case, the person concerned, armed with a cutter, had already taken hostage of a security guard when police officers arrived at the scene. He subsequently attempted to attack his wife with the cutter in hand. It could be noted from the case in which a police officer was attacked in 2005 that a four-inch knife could cause serious injury and even paralysis. He stressed that the principles governing the use of firearms by police officers were consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990.

41. Mr KWOK Wai-keung asked whether training on the protection of a police officer's own personal safety was provided. Mr WONG Kwok-kin considered that training in decision-making was particularly important for police officers to facilitate their determination of the level of force to be used.

42. US for S responded that the Administration placed a strong emphasis on the personal safety of police officers. Besides the annual provision of three training sessions in the use of weapons and three training sessions on decision-making, two days of tactical training on matters such as the handling of suspects were also provided to a police officer every two years.

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43. Ms Emily LAU considered that police officers should be trained to use the minimum level of force as far as possible. She said that some demonstrators who participated in a public meeting on the night of 1 July 2014 had complained about the use of unnecessary force by police officers in the removal of demonstrators. She considered that the use of force by police officers against peaceful demonstrators was unnecessary.

44. US for S responded that some participants of the public meeting at Chater Road in the early morning of 2 July 2014 had resisted when being removed by police officers. A minimum level of force had been used by police officers in the removal of such participants. Director of Hong Kong Police College added that police officers at the scene had deployed pressure point control tactics to facilitate the compliance of arrested persons with the lawful instructions of police officers. Police officers had been trained in the use of such techniques, which were originated in the United States of America and were widely adopted by the law enforcement officers of other countries such as Australia, the United States of America and the United Kingdom.

45. Mr LEUNG Che-cheung asked whether police officers were trained to remind persons being handled to remain calm before force was used. US for S responded that police officers were trained to give verbal warnings prior to the use of force as far as circumstances permitted.

V. Development of computer system for provision of post-dispatch advice in the Fire Services Department

(LC Paper Nos. CB(2)1951/13-14(04) to (05) and CB(2)2001/13-14(01))

46. US for S briefed Members on the proposal of the Fire Services Department ("FSD") to develop a computer system for the provision of post-dispatch advice ("PDA") in the handling of emergency ambulance calls. With the aid of PowerPoint presentation, Senior Divisional Officer (Special Project Unit), FSD briefed Members on the provision of PDA by call-takers under different scenarios.

47. Members noted the background brief entitled "Development of a computer system for provision of post-dispatch advice in the Fire Services Department" prepared by the LegCo Secretariat.

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48. Members also noted the respective submissions provided by the Hong Kong Fire Services Department Ambulancemen's Union, the Hong Kong Fire Services Control Staff's Union and a member of the public on the Administration's proposal.

Provision of PDA under the proposed computer system

49. Mr Kenneth LEUNG asked whether operators of the Fire Services Communication Centre ("FSCC") would be required to make any judgement in the provision of PDA under the proposed computer system. He also asked whether FSCC operators providing PDA were required to possess basic medical knowledge.

50. Mr KWOK Wai-keung asked whether PDA would be provided under the proposed computer system through a FSCC operator to the caller.

51. Deputy Director of Fire Services ("DDFS") responded that PDA would be provided through a FSCC operator, who would not be involved in making personal judgement under the proposed computer system but had to follow the instructions of the computer system and ask pre-structured questions. The questioning protocol incorporated in the proposed computer system had been clinically approved. Similar computer systems and questioning protocols had been adopted by many countries for over 30 years.

52. US for S said that the questioning protocol incorporated in the proposed computer system was developed by the International Academies of Emergency Dispatch ("IAED"). The status of IAED as a standard-bearer in the field had been recognised by professional organisations such as the American Heart Association, the American College of Emergency Physicians and the American Medical Association.

53. Mr KWOK Wai-keung queried why a new computer system was needed in addition to the existing one. DDFS responded that the questioning protocol in the proposed computer system, which was developed by IAED, had been clinically approved. Similar computer systems and questioning protocols were adopted by some 3 000 communication centres over 40 countries and regions.

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54. Mr LEUNG Che-cheung sought information on the merits of the proposed system in comparison with the existing one. He asked whether there was any legal responsibility on the part of the caller or FSCC operator if a caller did not follow the advice provided by the FSCC operator.

55. DDFS responded that callers might decide on their own whether to listen to and follow the advice provided by the call-taker. With the proposed computer system, FSCC operators would be able to provide PDA on 33 types of injury and sickness, as opposed to six types under the existing mechanism. The pre-structured questions under the questioning protocol would be simple and easy to understand and would facilitate ambulance crew in making early preparation for the immediate provision of appropriate treatment to patients upon arrival at the scene. Overseas experience was positive and FSD was not aware of any successful litigation to claim for damages relating to such provision of PDA. US for S said that FSD had conducted a telephone survey on about 9 700 callers who had received the existing PDA and over 99% of the respondents were satisfied with the service.

56. Dr Elizabeth QUAT expressed support for the Administration's proposal. She asked whether the questioning protocol covering 33 types of injury and sickness had been translated into Cantonese. DDFS responded that the questioning protocol under the proposed computer system would be translated into Cantonese, with suitable input from the Medical Director, Ambulance Command of FSD where appropriate.

57. Dr Elizabeth QUAT asked whether the questioning protocol would be updated in future and whether there would be any data sharing between the proposed computer system and the proposed electronic health record system.

58. DDFS responded that FSD would review the questioning protocol annually and keep track of the latest developments. He said that the proposed electronic health record system would be a different system mainly used by hospitals and thus would not share data with the proposed computer system. If there was any particular information about a patient's conditions requiring attention, the ambulance crew would notify the hospital concerned accordingly.

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Provision of information about the condition of patients to frontline ambulance crew

59. Mr Frankie YICK expressed support for the Administration's proposal. Referring to paragraph 10(c) of the Administration's paper, he asked why FSCC call-takers would send information gathered about the patients' conditions to frontline ambulance crew only when necessary.

60. DDFS responded that the sending of such information might not be necessary in minor injury cases. FSCC call-takers would, depending on the conditions of the patient, send information gathered about the patient's conditions to frontline ambulance crew so that the latter could make informed decisions as to what equipment ought to be brought to the scene. Mr Frankie YICK suggested that FSCC call-takers should send information gathered about the patients' conditions to frontline ambulance crew in all cases.

Other issues

61. Mr Charles MOK queried why the proposed computer system would require substantial financial provision. He considered that the Administration should provide information on the existing workflow in the provision of PDA to facilitate comparison. DDFS responded that the financial provision to be sought would be used for the procurement of computer hardware and software, including its license and integration of the proposed system with FSD's existing system.

62. Noting that written submissions on the Administration's proposal had been received from relevant staff unions, Ms Cyd HO considered that the Panel should hold a meeting to receive the views of relevant staff unions on the Administration's proposal or conduct a visit to better understand the operations of FSCC. The Chairman said that the attention of the Finance Committee ("FC") would be drawn to the submissions received by the Panel.

63. The Chairman concluded that members had no objection in principle to the Administration's submission of its proposal to FC for consideration. Ms Cyd HO expressed reservation about the Administration's submission of its proposal to FC.

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VI. Police's handling of public meetings and public processions
(LC Paper Nos. CB(2)1994/13-14(01) and (02))

64. US for S briefed Members on the Administration's handling of public meetings and public processions, as detailed in the paper provided by the Administration.

65. The Chairman informed Members that the item was included in the agenda for the meeting in response to a request from nine members for discussion of issues relating to the Police's handling of participants of a public meeting held at Chater Road in the early morning of 2 July 2014.

Arrangements for the public procession held on 1 July 2014

66. Mr Kenneth LEUNG said that the Appeal Board on Public Meetings and Processions had invited the Police to consider opening one lane on the east-bound carriageway to demonstrators under discretion. He expressed concern that although a large number of people had participated in the public procession concerned, only three west-bound lanes and a tram lane were eventually opened to demonstrators. Although the Police had claimed that at least a lane would have to be reserved for use by emergency vehicles, he noted that the east-bound lanes of the road were congested on that day and queried why emergency vehicles could not use non-trunk roads. He also asked about the criteria for opening up all six lanes of the road to demonstrators. Mr Charles MOK considered that the Police had, instead of opening up the east-bound lanes of Hennessy Road to demonstrators when the public procession was held, tried to shift the blame for slow procession onto the organisers of the public procession concerned.

67. Assistant Commissioner of Police (Support) responded that three west-bound lanes of the road and two tram lanes had actually been opened to demonstrators on that day. Overseas experience indicated that for public processions with a large number of participants, the risk of massive casualties would be higher and hence it was important to maintain access of emergency vehicles to the area. He pointed out that the Wan Chai Fire Station was located at Hennessy Road and emergency vehicles dispatched from the fire station had to depart from the station's exit adjacent to the east-bound lanes of Hennessy Road.

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68. Mr Frankie YICK said that many members of the public had expressed the view that both police officers and demonstrators had been very restrained in the public procession concerned. He recalled having watched a news broadcast in which the driver of the organisers' vehicle had said that he had driven at a speed of 5 to 10 km per hour on the instruction of the organisers throughout the public procession. Mr YICK pointed out that as the entire public procession route was less than 4 km in length, it should have taken less than an hour for the organisers' vehicle to finish the entire procession route. He queried why it had taken a much longer time for the organisers' vehicle to finish the procession route. Dr LAM Tai-fai considered that the Police should consider deploying a police motorcycle to lead a public procession and guide the speed of procession.

69. Mr LEUNG Kwok-hung expressed grave concern that the Police had arrested the driver of the vehicle concerned and the organisers of the public procession, although the Chairman of the Independent Police Complaints Council ("IPCC") had not raised any issue about the speed of the vehicle guiding the procession.

70. US for S responded that it had taken 45 minutes in 2013 but 90 minutes in 2014 for the public procession to finish the part of the procession route between Victoria Park and Southorn Playground. He pointed out that the organisers' vehicle had also remained stationary for 25 minutes at the section of the public procession route near Fenwick Street. The Police had arrested five persons for resisting or obstructing a police officer in the execution of duties for the purpose of maintaining public order and public safety.

71. Ms Cyd HO said that the mobile phones of five arrested persons belonging to the Civil Human Rights Front had been seized by the Police. She expressed concern whether the detained mobile phones might contain information subject to legal professional privilege.

72. US for S responded that the mobile phones of the five arrested persons had been sealed in Tamper Evident Valuable Property Envelopes for investigation in accordance with the law. The advice of the Department of Justice was being sought on the case concerned and it was inappropriate for him to disclose further details.

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Statistics on the number of participants of the public procession on 1 July 2014

73. Dr LAM Tai-fai queried the reliability of the statistics announced by the organisers of the public procession on 1 July 2014 and the Police on the total number of participants of the public procession, which were about 510 000 and 98 600 respectively. He noted that the estimated total number of participants provided by Professor YIP Siu-fai of the University of Hong Kong was about 122 000, while the estimate of HKU-POP was between 154 000 and 172 000. He considered that the statistics provided by Professor YIP Siu-fai and HKU-POP were more reliable. Having observed the public procession on 1 July 2014, Mr MA Fung-kwok said that the estimates of Professor YIP Siu-fai of the University of Hong Kong on the number of participants were more reliable.

74. US for S responded that the statistics provided by the Police were based on head counts at certain locations along the procession route. He pointed out that the counting conducted by Professor YIP Siu-fai of the University of Hong Kong and HKU-POP had also yielded a total of about the same level. Such a total had been multiplied respectively by a factor of 1.3 by Professor YIP and between 1.38 and 1.54 by HKU-POP to give their respective estimates.

Removal of participants of a public meeting at Chater Road in the early morning of 2 July 2014

75. Ms Claudia MO queried why the Police had arrested a large number of participants of the public meeting concerned, although the public meeting had been peaceful and the organisers had announced in advance that the public meeting would end at 8:00 am on 2 July 2014.

76. Mr MA Fung-kwok considered that although the organisers had claimed that the public meeting would end at 8:00 am on 2 July 2014, the participants might not eventually do so.

77. Dr Elizabeth QUAT disagreed with the view that there was no need for the Police to enforce the law against participants of the public meeting concerned because they were peaceful and had indicated that the public meeting would end at 8:00 am on the next day. She pointed out that any public meeting held without notifying the Police and obtaining a letter of no objection was unlawful and the Police should enforce the law against unlawful activities.

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78. Mr CHAN Kam-lam said that although the rights of Hong Kong residents to participate in public meetings and public processions were protected under the law, such rights should be exercised in compliance with the law. He pointed out that when compared with the police officers of the United States of America or other European countries, the police officers of Hong Kong were restrained and professional in handling participants of the public meeting concerned.

79. US for S responded that the Police had a duty to maintain public order and public safety. Although the public meeting concerned should have ended before midnight on 1 July 2014, over 1 000 participants were still staying at Chater Road during the small hours of 2 July 2014. Allowing the participants to continue staying at Chater Road would create serious traffic congestions in Central District.

80. Mr KWOK Wai-keung expressed support for police officers' discharge of their duties in accordance with the law. He said that even if the participants of the public meeting had been peaceful, it did not mean that they could breach the law. He expressed concern whether an adequate number of police officers had been deployed for the public meeting and public procession concerned, and whether police officers thus deployed had been provided with sufficient food and had taken enough rest.

81. US for S responded that the Police had a dedicated team responsible for the provision of meals and drinks to police officers on duty in major operations, although circumstances might not permit individual police officers to have their meals or take rest at scheduled time.

82. Mr YIU Si-wing commended police officers for their restraint and professionalism in handling participants of the public meeting concerned throughout the operation, which lasted for more than 20 hours. He considered that the Police should not, in the face of criticism and negative comments from some Members and the media, abandon its established measures which had been proven effective in handling public meetings and public processions.

83. US for S responded that the Police had always enforced the law impartially regardless of the background of persons who breached the law. He said that the whole operation had lasted for 34 to 36 hours and police officers involved had performed their duties continuously with restraint and professionalism.

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84. Mr YIU Si-wing asked whether the Police would examine whether there was room for further improving communication with organisers of public meetings and public processions. US for S responded that the Police had always tried its best to maintain close communication with organisers of public meetings and public processions, including at the stage before the letter of no objection was issued.

85. Ms Emily LAU queried why the Police had arrested the organisers of the public meeting concerned, which had been held peacefully despite a large number of participants. US for S responded that the Police had a duty to enforce the law against any unlawful acts.

[To allow sufficient time for discussion, members agreed that the meeting be extended to 6:00 pm.]

86. Mr Charles MOK expressed concern about the long waiting time before lawyers could meet with the arrested persons and the late provision of food to the arrested persons. He considered that the Police had made such arrangements in order to dissuade the arrested persons from participating in similar activities in future.

87. Mr LEUNG Che-cheung commended the Police for handling the public meeting concerned with restraint. He considered that the Police could arrest the participants once the public meeting had become unlawful when it was beyond the ending time specified in the letter of no objection issued by the Police. He expressed concern whether the Hong Kong Police College was adequate for handling hundreds of arrested persons.

88. US for S responded that the Police had been very restrained in the removal of participants of the public meeting concerned, especially when compared with many other countries where demonstrators were dragged by police officers in the course of removal.

Rights of a detained person to legal advice

89. Ms Cyd HO said that the first batch of lawyers of the arrested persons arrived outside Hong Kong Police College before 5 am on 2 July 2014 but were not given access to about 20 arrested persons until 7 am or 8 am and to other arrested persons until noon that day. She queried whether the Police had deliberately deferred the access of these arrested persons to legal advice.

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90. US for S responded that time was needed for arranging a large number of arrested persons to meet with their lawyers, who arrived in 13 batches. A total of 233 arrested persons had been given access to their lawyers and no arrested persons had been denied access to their lawyers.

Media coverage

91. Ms Emily LAU said that four media associations had issued a statement expressing dissatisfaction with the Police's arrangements for media coverage on the removal of persons from Chater Road. She expressed concern that journalists had been arranged to carry out their reporting work behind mills barriers and a chain of police officers had stood before the mills barriers to block their views. She asked whether this was in contravention of PGO which required police officers to facilitate media reporting work.

92. US for S responded that the Police had, shortly after the four media associations had issued the statement, met with representatives of the media associations. He stressed that the Police respected the needs of both police officers and journalists to discharge their respective duties. The police respected press freedom and the need of journalists to carry out their reporting work.

Channel for complaint against police officers

93. Mr WONG Kwok-kin considered that police officers had been very restrained in handling participants of the public meeting concerned. He said that some persons arrested earlier in connection with violent acts outside the Legislative Council Complex had made allegations to the media about having been assaulted by police officers after arrest. However, these arrested persons had not lodged any complaint with the Complaints Against Police Office ("CAPO"). He expressed concern whether such persons had deliberately done so to influence law enforcement by police officers while avoiding the legal liability of making false allegations.

94. US for S responded that while he had no intention to speculate the motive of such persons, it was not unusual for persons arrested in connection with criminal offences to lodge tactical complaints in order to undermine the credibility of law enforcement officers and their statements. He said that any person who wished to lodge complaints against police officers should do so with CAPO.

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95. Mr CHAN Kin-por declared that he was one of the Vice-chairmen of IPCC. He said that many frontline police officers had expressed to him their grave concerns about unfair comments by some members of the public on their law enforcement work. He considered that any person who wished to lodge a complaint against any individual police officers should do so with CAPO through the established mechanism. He expressed concern that if false allegations were constantly made against police officers, confrontation might result between members of the public and police officers. This would be detrimental to the maintenance of law and order in Hong Kong. US for S said that the Administration was also very concerned about unfounded criticisms and allegations against law enforcement by police officers.

Police manpower for handling public order events involving a large number of participants

96. Mr Michael TIEN considered that the participants of the public meeting concerned had been peaceful and police officers had removed the participants in a restrained and professional manner, without using methods such as dragging, which were adopted by many democratic countries, in the removal of demonstrators. He said that a newspaper in Taiwan had commented that the police officers of Hong Kong were providing a first-class service in comparison with police officers of Taiwan in the removal of demonstrators. He expressed concern that a larger number of police officers might be needed for handling removal of demonstrators, when the number of participants was much larger.

97. Noting that the Police had taken some time to remove and arrest 511 persons in the case concerned, Dr Elizabeth QUAT expressed concern as to how the Police would handle the arrest of a much larger number of persons.

98. US for S responded that the Police had formulated in advance the tactics and contingency plans for handling different scenarios. The removal of persons from Chater Road was carried out at a rate of around 100 persons per hour, which was faster than the removal of persons in a case in 2011 that was carried out at a rate of about 50 persons per hour.

99. Noting that the Police had been restrained and had taken about five hours to remove 511 persons who blocked Chater Road in the public meeting concerned, Mr Christopher CHEUNG expressed concern whether the Police could cope with the situation where thousands of

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persons had to be removed in future. He expressed concern whether the Central People's Government had sent personnel to Hong Kong, as reported by some media organisations, to assess whether the Police could handle public order incidents arising from Occupy Central.

100. US for S responded that it was the Police's practice to formulate in advance the tactics and contingency plans for handling different scenarios for all major public order events. The efficiency in the removal of demonstrators who blocked the road had been increased from 50 persons per hour in 2011 to 100 persons per hour in the subject case. The Police would review its operations in the public meeting concerned. He stressed that the Police was capable of handling all unlawful activities.

101. Mr CHAN kin-por expressed concern as to whether there would be sufficient manpower for performing other duties of the Police when a majority of police officers were deployed for handling public order events involving a large number of participants.

102. US for S responded that the prolonged deployment of a large number of police officers to handle a large public order event would affect the Police's manpower for discharging other normal duties. However, suitable manpower redeployment would be made by the Police to tackle such a situation.

Provision of food and water to detainees

103. Mr CHAN Chi-chuen expressed concern about the criteria for arresting participants of the public meeting concerned after their removal from Chater Road. He queried why there was insufficient food and water as well as police manpower for handling arrested persons at the Hong Kong Police College.

104. US for S responded that there was adequate preparation and specialisation of duties for each major operation of the Police and the detailed arrangements depended on the circumstances of the operation concerned. He said that it was the established practice of the Police to provide three meals per day and water to arrested persons. As a total of 511 persons had been arrested in connection with the public meeting concerned, which was much larger than the daily average of about 100 arrestees for the entire territory of Hong Kong, time was needed for the provision of meals and water to the arrested persons.

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105. Mr MA Fung-kwok said that consideration could be given to providing sufficient water, food, hot towels and even bathing facilities to the arrested persons. However, even if the Police had done so, not all of them would be satisfied with the Police's arrangement. He considered that the Police had already handled the matter in a professional manner.

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106. Dr Helena WONG said that according to her observation outside the Hong Kong Police College, some arrested persons had complained of bruises and red marks on their hands and necks. Many arrested persons had complained that they were not provided with food and drink until noon of 2 July 2014. She requested the Administration to provide a written response on whether and when the arrested persons were provided with food and drink, allowed to contact their family members and see their lawyers, and allowed to use their mobile phones and access their own email accounts. She also requested the Administration to provide a written response on whether the manpower and facilities at the Hong Kong Police College were adequate for handling the requests of arrested persons.

107. There being no other business, the meeting ended at 6:01 pm.

Council Business Division 2
Legislative Council Secretariat
25 August 2014