

(Translation)

LC Paper No. CB(2)1607/14-15(01)

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.:

來函檔號 Your Ref.:

電話號碼 TEL. NO.: 2810 2632

傳真號碼 FAX. NO.: 2810 7702

1 June 2015

Miss Betty Ma
Clerk to Panel on Security
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax No: 2185 7845)

Dear Miss Ma,

Thank you for your letter dated 6 May 2015. Our reply to the matters mentioned in the Hon Dennis Kwok's letter to the Chairman of the Legislative Council Panel on Security is as follows.

As a politically neutral and professional law enforcement agency, the Hong Kong Police Force (HKPF) has the duty to maintain law and order. The Police investigate all cases, including those involving public order events, in a fair and impartial manner and spare no efforts in collecting evidence, regardless of the political stance of the arrestees. The Police make arrests in accordance with the law only when there are suspected illegal acts. We do not agree with such accusations as "the Police attempting to harbour alleged suspects" or "obstructing people who reported cases from access to justice" etc. As a matter of fact, the Police do not tolerate any illegal acts and will definitely take resolute enforcement actions.

Alleged assault on a man by seven police officers

Regarding the case in which a man was allegedly assaulted by seven police officers on Lung Wo Road in Central on 15 October 2014, the Police are very concerned about the incident and have been following up the case seriously.

The Complaints Against Police Office (CAPO) of the HKPF received a complaint from the man on the day the incident took place (i.e. 15 October 2014) and immediately assigned a dedicated special investigation team to conduct a thorough investigation into the incident. The police officers who conducted the arrest of the complainant at the time in question have been removed from frontline operational duties by the Police on the afternoon of the day of the incident. Following investigation, the Police confirmed that there were seven police officers involved in the handling of the complainant at the time in question. On the following day (i.e. 16 October 2014), the Police interdicted those seven police officers in the public interest. Thereafter, the Police arrested those seven police officers on 26 November 2014 for alleged assault occasioning actual bodily harm.

At present, the Police have already submitted the investigation report to the Department of Justice (DoJ). The DoJ is seeking advice in respect of the case from an independent senior counsel, with a view to providing legal advice to the Police as soon as possible, including whether further enquiries would be required, whether the complainant or other relevant individuals should be requested to provide further assistance, or whether any person should be prosecuted. The Police will continue to follow up the case and report to the Independent Police Complaints Council at appropriate times in relation to the complaint involving this case. It is not appropriate for the HKSAR Government to make further comments on the case at this stage.

Identification parade

Identification parade is one of the means of conducting investigation and collecting evidence by the Police. It is carried out with an aim to provide a fair setting for the witness and arrestee for the purpose of suspect identification. An one-way viewer identification parade suite is also made available for the witness so as to alleviate his or her worries of being recognised by the suspect. In the course of the parade, the witness will be addressed by a witness number to avoid mentioning his or her name or other identifiable personal information.

An identification parade is in general conducted by a police officer unrelated to the case and at least in the rank of Chief Inspector of Police. Apart from the suspect, there shall be at least eight other actors in the parade who are not related to the case. Such actors shall, as far as possible, bear resemblance to the suspect in age, height and facial appearance. The suspect may make requests or express disagreement to the officer-in-charge of the identification parade regarding the arrangements or any participating actors, and may also request the presence of a lawyer.

Whether the arrestee's request is reasonable or not shall be determined on a case-by-case basis. In any event, the Police have to ensure that the arrestee's right is being respected during the identification parade, and that the entire process of identification parade, evidence collection and investigation is conducted in a fair and impartial manner and accepted by the court, in order to effectively bring offenders to justice.

Suspected assaults on media practitioners

The Police all along respect press freedom. The personal safety of frontline reporters, participants and police officers in public order events is Police's primary concerns. If there is any case of suspected assault on or unfair treatment to any person, the Police will spare no efforts in investigations and will leave no stone unturned.

During the illegal "Occupy Movement" last year, there were two cases of assault on reporters. The offenders were arrested by the Police and successfully prosecuted, as well as convicted by the court for wounding and common assault and sentenced to imprisonment for four weeks and two months respectively.

Regarding the case in which television reporter and cameramen were allegedly assaulted while covering a public meeting in Tsim Sha Tsui on 25 October 2014, the Police have received DoJ's advice and will conduct further investigations in accordance with DoJ's advice. As for the alleged assault on radio reporter during the same event, the Police have received some new evidence and will take further follow-up actions.

Yours sincerely,

(Mrs Millie Ng)
for Secretary for Security

c.c.:

Commissioner of Police

(Attn: Assistant Commissioner of Police (Support))

Fax No: 2200 4328