

HK Standard 22/6/97

Activists given arrest warning

By Cecilia So and Sanna So

PRO-DEMOCRACY activists have been warned that they will be arrested if they take advantage of a three-hour legal vacuum on 1 July to hold protests which defy public order laws.

Future Justice Secretary Elsie Leung Oi-sie warned yesterday that she would exercise her discretion in prosecuting any unlawful demonstration held shortly after midnight on 30 June.

"Anyone who intended to make use of the few hours to act against the laws, it would be my discretion to prosecute them," Ms Leung said in Shenzhen.

She defined "intention" as someone who deliberately acted against the laws.

"If someone holds a public protest if police have issued a letter of objection, then he is regarded as acting against the law," Ms Leung said.

The Hong Kong Reunification Bill, which seeks to confirm and give effect to the 13 bills passed by the Provisional Legislative Council (PLC) before 30 June, will not be passed until about 3 am on 1 July.

That would leave a three-hour gap after the handover at midnight.

Provisional Legislative Council President Rita Fan



Hsu Lai-tai also warned that "troublemakers" would be arrested during that period.

"If somebody is making trouble during that period of time, Hong Kong still has a lot of original ordinances to prevent people from doing so," Mrs Fan warned.

Ms Leung said that the Reunification Bill would be effective from midnight to avoid the possible legal vacuum.

She said under existing Hong Kong laws, any ordinance shall come into operation at the beginning of the day it was gazetted and published.

But Association for Democracy and People's Livelihood vice-chairman Bruce Liu Sing-lee said that the Bill of Rights barred retroactivity on criminal cases.

He said there may be a few hours of legal vacuum, allowing people to commit criminal offences, with no prosecution being allowed by the Special Administrative Region (SAR) government.

Such criminal offences may include unlawful public protests, desecrating the Chinese national flag and emblem or the SAR flag and emblem.

Meanwhile, the Chief Executive's Office rejected reports that it had given the Democratic Party permission to hold a protest inside the Legislative Council building shortly after midnight on 30 June.

But a spokesman for Chief Executive-designate Tung Chee-hwa said talks between the two parties on the issue were continuing.

Democratic Party legislator Lee Wing-tat said there had been optimistic signs in meetings with officials from Mr Tung's office but warned they would go ahead with or without permission.

"We are notifying them. No matter whether they permit us or not, we will do as we have planned," he said.

Democratic Party legislator Andrew Cheng Kar-foo accused Mrs Fan of threatening protesters.

"Hong Kong is a place with law and order which the public respect," Mr Cheng said. "There is nothing wrong if police are to arrest and prevent people from making trouble."

"But at this time, her (Mrs Fan's) speech seems to be a challenge to protesters."