

67 convicted of unlawful assembly

SIXTY-SEVEN people were convicted yesterday for taking part in an unlawful assembly in connection with the petition for resettlement to the Governor of boat people from the Yaumati Typhoon Shelter last January 7.

Fifty-six of them — all boat people — were absolutely discharged by Magistrate Gerry O'Connor at Causeway Bay Court who also ordered that no conviction record be made.

The other 11 defendants — including the Italian parish priest of Tsunwan Catholic Church, Fr Meller Francisco, four students, five social workers and a doctor — were each placed on a good behaviour bond of \$300 for 18 months.

Later, they held a press conference to announce their intention to appeal against sentence.

Passing sentence, Mr O'Connor said the punishment for the 11 defendants who were not boat people was heavier because they were more educated and should have known that they had to obtain a licence from the police for holding the procession.

"The matter should have gone better if they had controlled the group," said the magistrate, "and it was the loss of control of the group and their decision to stay on after being warned resulted in their being charged for unlawful assembly."

He noted that most of the boat people were elderly and they seemed to have difficulty in interpretation. So he did not impose a heavy penalty on them.

Mr O'Connor found the defendants guilty because they had no licence for carrying out the assembly.

"The court is to

by

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interpret the law as best as it can and not to amend it," he said.

If there was a loophole in the law, it was not the fault of the court, he added.

Referring to the evidence, Mr O'Connor said the group was not authorised to gather in Kowloon and board two coaches to and through the harbour tunnel on January 7.

Also, it had been proved that the group did not disperse when warned by police.

During that event, the police had suggested to the group that they could only send two representatives to deliver the petition since they did not have the licence issued by the commissioner of police. But the suggestion was refused.

The magistrate expressed sympathy for the Yaumati boat people who out of desperation decided to present their petition as a group. But, he added, this did not mean that they could break the law.

In mitigation, defence counsel Patrick Yu said most of the boat people lived house boats of not more than 100 square feet.

He told Mr O'Connor that three children of two defendants had been killed after falling into the sea from their boats.

Mr Yu commented that the boat people's living conditions were unbearable and dangerous.

He added that the participation of the social workers and students were intended to help to bring the matter to the attention of government officials.

Meanwhile, a factory worker and a student arrested on Monday outside Causeway Bay Court for putting up a banner supporting the boat people on trial appeared in court yesterday.

Leung Kwok-hung, 22, and Chan Kwok-wai, 20, both pleaded not guilty.