

Chapter XIV : Security

14.1 At the Chairman's invitation, the Secretary for Security (S for S), Mrs Regina IP, gave a presentation on the major programmes under her policy areas in 2001-02 (Appendix V-13).

Liaison with authorities of other jurisdictions

14.2 Miss Emily LAU enquired about the existing arrangements for providing assistance for Mainland authorities to carry out investigation in Hong Kong. In reply, S for S advised that at present, there was no formal agreement between the Mainland and Hong Kong on mutual legal assistance in criminal matters. Hence, the Mainland law enforcement authorities were not entitled to undertake enforcement actions in Hong Kong and vice versa. Both sides were fully aware of this principle. However, the two sides had agreed on certain co-operative arrangements under which either side might assist the other in collecting evidence and arranging interviews with witnesses. The provision of such assistance was subject to the laws of the respective jurisdiction and the consent of the witnesses concerned. S for S also confirmed that these co-operative arrangements applied to all the law enforcement departments under the purview of the Security Bureau (SB).

14.3 At Miss Emily LAU's request, the Administration agreed to provide relevant statistics on the aforesaid arrangements such as the number of occasions assistance was provided and the number of witnesses interviewed etc. in respect of individual law enforcement departments under SB's purview.

14.4 On the wider issue of interconnection with other overseas jurisdictions on law enforcement information, Mr James TO enquired whether there was any plan to set up an interconnected databank. In reply, S for S confirmed that there was no such plan at present.

14.5 In reply to Mr LAU Chin-shek's enquiries, S for S advised that according to the relevant Mainland laws, persons who were subject to the mandatory criminal proceedings of the Mainland were entitled to appoint and be visited by their legal representative. Hong Kong residents under detention in the Mainland enjoyed the same rights. As regards the provision of legal aid to Hong Kong residents under detention in the Mainland by the Government of the Hong Kong Special Administrative Region, S for S said that she was not in a position to comment on the issue as it fell outside SB's purview.

Interception of communications

14.6 Miss Emily LAU questioned why the Interception of Communications Ordinance (Cap. 532) (ICO), which was enacted in June 1997, had not been brought into operation. Noting previous comments made by the Law Reform Commission, she was concerned that the existing situation might infringe upon human rights. In response, S for S advised that an inter-departmental working group had been set up in 1999 to review the whole issue of regulation of interception of communications, including the question of bringing the ICO into operation. The issue involved complicated legal, law enforcement and technology problems. The working group planned to complete the review in one to two years and thereafter the Administration would consult the public on the subject. She stressed that in view of the rapid development in telecommunications, many overseas countries such as Australia and the United Kingdom had taken quite some time to review their relevant laws. In the United States, for example, the relevant laws had not come into operation six years after they were passed.

14.7 S for S further advised that under the Telecommunications Ordinance (Cap. 106), the Chief Executive was empowered to order or authorize the interception of communications if public interest so required. According to her understanding, the Law Reform Commission had not commented that the legislative provision was in contravention of human rights but had considered that it should be refined to better safeguard personal privacy.

Manpower needs of the Police Force

14.8 Mr CHEUNG Man-kwong expressed concern about the inadequacy of Police officers deployed for beat duties, and enquired whether the Administration would review the manpower provision in this regard, including the need to deploy Auxiliary Police officers.

14.9 The Commissioner of Police (CP) advised that in recognition of the importance of frontline operational duties, apart from the Uniform Branch of Police Districts, staff under other formations such as the Police Tactical Unit and the Training Reserves were also deployed to perform frontline operational duties. This was the reason why the strength of Police Districts often exceeded the respective establishment. He confirmed that overall, there were sufficient Police officers for frontline operational duties to maintain law and order.

Chapter XIV : Security

14.10 Mr CHEUNG Man-kwong asked whether it was a usual practice to deploy a Police officer on beat duties to attend to ad hoc incidents and then require the Police officer on beat duties in another district to cover the beat duties of the former Police officer. He queried that if this was the prevailing arrangement, then the actual number of Police officers on beat duties would be much smaller than what was initially planned. This situation might undermine public safety and put undue pressure on Police officers performing beat duties.

14.11 In response, CP advised that all along, Police officers on beat duties were required to attend to ad hoc incidents. A comprehensive Police officer deployment system was in place and the emphasis was on flexibility rather than mechanical deployment. He however acknowledged that there was rising expectation from the public and Police officers deployed for frontline operational duties had been subject to increasing work pressure. In this connection, he assured members that the Administration would undertake a thorough review with particular regard to the deployment of Police officers on beat duties to attend to incidents.

14.12 Referring to a recent press report that there were only two to three Police officers patrolling several public housing estates in Ma On Shan during night time, Mr IP Kwok-him expressed concern about the deployment of Police officers for patrolling new towns and asked whether the staffing level would be reviewed. In reply, CP advised that the establishment of the Uniform Branch of the Ma On Shan Police District had been increased incrementally over the past years to the present 143 to tie in with the development of the district. The Police Headquarters and the local District Commanders reviewed the establishment of Police officers in their respective districts regularly having regard to the relevant population size, crime figures and the number of incidents/accidents that required handling by the Police. He remarked that apart from the Uniform Branch of Police Districts, staff from other formations such as the Police Tactical Unit and the Emergency Unit were also deployed to attend to incidents/accidents where necessary. At Mr IP's request, CP agreed to provide information on the establishment and strength of Police officers for patrolling new towns over the past few years.

Juvenile crimes

14.13 Noting that there had been an increase in the number of juveniles arrested for crimes involving the use of force such as criminal damage (from 202

Chapter XIV : Security

in 1999 to 235 in 2000) and other offences against the person (from 8 in 1999 to 17 in 2000), Mr LAU Kong-wah enquired about the measures taken to tackle the problem. Mrs Selina CHOW also expressed concern about juvenile and youth crimes, in particular those involving triad societies.

14.14 In response, S for S confirmed that concerted efforts were being made by relevant bureaux and departments in collaboration with non-governmental organizations to tackle the problem at both the territory-wide and district levels. In this regard, the Central Fight Crime Committee closely monitored the general situation of juvenile crimes and carried out studies to identify trends and underlying factors in order to formulate effective strategies. At the district level, the Committee on Services for Youth formed under the Social Welfare Department (SWD) was responsible for co-ordinating various youth development programmes while the Police Force took part in those programmes and maintained liaison with schools pursuant to the objective of crime prevention. She added that recently, SWD and the Education Department had jointly launched a scheme to identify and provide guidance for potential youths at risk in schools.

14.15 In reply to Mrs Selina CHOW's enquiry about the implementation of the Police Superintendent Discretion Scheme, S for S advised that in determining whether there were good grounds for cautioning under the scheme as opposed to prosecution, the Police would take into consideration the nature of the offence, as well as the circumstances of the offender concerned. She confirmed that the scheme would apply only to an offender who was below 18 years of age, had no previous criminal record, had admitted to the offence, and where there was consent on the part of his parents or guardian.

14.16 Noting that from 2001-02 onwards, an additional \$10 million a year would be provided for strengthening the Police School Liaison Programme with secondary schools, Mr LAU Kong-wah and Mr CHEUNG Man-kwong sought details on the use of the additional provision. CP advised that 30 sergeant posts would be created as School Liaison Officers who would be tasked to promote crime prevention among secondary school students through talks and related activities. He confirmed that as the objective of the programme was crime prevention, the School Liaison Officers would not be involved in handling cases.

14.17 Mr CHEUNG Man-kwong pointed out that most school had in fact expressed a stronger need for Police assistance in handling cases involving child gangs, triad activities, drug offences etc. He therefore opined that the additional

provision should also be utilized to strengthen the case handling capability of the Police for schools rather than solely for enhancing school liaison work. In response, CP highlighted that the Police School Liaison Programme was well received among schools and some schools had reflected the need to strengthen the programme. He also assured members that the Police would deploy sufficient resources for handling crime-related cases in schools.

Narcotics offences

14.18 In reply to Mr LAU Kong-wah's enquiry about the trend of narcotics offences, in particular those involving youngsters, CP advised that the Police placed high priority on combating narcotics offences and had mounted large-scale operations against illicit activities involving dangerous drugs which had resulted in a decline of these activities. However, there was an emerging trend of some local youngsters being involved in these activities in Shenzhen and other parts of the Mainland. Hence, the Police Force would seek to strengthen co-operation with the Mainland authorities with a view to clamping down these illicit activities. He also confirmed that investigation had revealed the involvement of triad elements in some cases and said that this problem was receiving serious attention.

14.19 In this connection, the Commissioner of Customs and Excise (C of C&E) advised that the Customs and Excise Department (C&ED) had stepped up enforcement against smuggling activities, including drug trafficking at boundary control points. Measures taken included the strengthening of interdiction and intelligence capabilities with the establishment of a new Control Points Investigation Division comprising 34 officers in February 2001, the procurement of new equipment for drug detection and the increased deployment of drug detector dogs.

14.20 On Mr LAU Kong-wah's suggestion that more drug detector dogs should be acquired to enhance the effectiveness of detection, C of C&E advised that the number of drug detector dogs in C&ED had been increased from five to 26 over the last two years. These dogs were mostly acquired from overseas and trained in Hong Kong before going into operation. While the overall performance of these dogs had been satisfactory, C&ED would conduct a comprehensive review before planning for any further increase in the deployment of these dogs.

Crowd management operations

14.21 Noting that the number of crowd management operations was 229, 242 and 626 in 1998, 1999 and 2000 respectively, Ms Audrey EU enquired about the reasons for the significant increase in 2000 and the basis for a much lower estimate of 370 operations for 2001. In reply, CP advised that the estimated number of crowd management operations for 2001 was derived from averaging the figures over the past three years. As year 2000 was a special year with a number of special events, it would not be appropriate to take the high figure as the norm for projecting the number of operations in 2001.

Subhead 103 "Rewards and special services"

14.22 Mr James TO stated that the Administration should provide a breakdown of the expenditure under Subhead 103 "Rewards and special services" to facilitate the Finance Committee's scrutiny. However, despite his repeated requests in the past few years, the Administration had declined to provide the information on the grounds that such disclosure would be detrimental to public interest. Referring to the practice in many western countries where the Police authority would reveal a lot of sensitive information on its operations to the legislature, Mr TO enquired whether the Administration would be prepared to disclose the expenditure details under Subhead 103 to members in camera. He also queried why the Police did not keep statistics on the expenditure of informer fees under Subhead 103.

14.23 In response, CP advised that the Administration had carefully considered the request for disclosure of the expenditure details under Subhead 103. However, since expenses under Subhead 103 involved sensitive information about police operations, its disclosure would shed light on the operational arrangements and capabilities of the Police Force in dealing with crimes and might jeopardize its law enforcement actions. On the existing monitoring mechanism, CP pointed out that the expenses under Subhead 103, as in the case of other government expenses, were subject to examination by the Director of Audit. The Police Force Internal Audit Division also carried out regular and ad hoc checks on these expenses. He also clarified that the Police kept records on the amount and purpose of informer fees disbursed on each occasion but did not compile statistics on the amount of informer fees paid for individual cases.

Chapter XIV : Security

14.24 On the suggestion of disclosing information on Subhead 103 to members in camera, CP said that according to his understanding, the Police authorities of most western European countries only disclosed an overall expenditure figure for intelligence services to the legislature while the Police authority in the United Kingdom only disclosed the work areas with which the relevant expenditure was concerned. He reiterated the Administration's stance that disclosing details of the expenditure under Subhead 103 would not be in the interest of the public.

14.25 Mr James TO considered that as it was the Legislative Council's statutory function to monitor public expenditure, the Administration had the responsibility to account for the expenditure under Subhead 103. He remained unconvinced that disclosure of the details under Subhead 103 to members even in camera would jeopardize public interest.

Identity Card checks and searches

14.26 Noting that the number of Identity Card (ID) checks and searches by the Police had increased from 2 196 290 in 1999 to 2 630 600 in 2000, Mr James TO enquired about the reasons for the increase. In response, CP explained that there were many different circumstances which necessitated ID checks and searches. The Police Force management had alerted frontline officers that such checks and searches should be conducted on justified grounds and under proper circumstances. He remarked that the increase in the number of persons arrested for offences under the Immigration Ordinance from 1 800 in 1999 to 1 929 in 2000 might be partly attributed to the increase in ID checks and searches.

Consultancy study commissioned by the Police

14.27 Miss Emily LAU referred to the provision of \$1 million in both 2000-01 and 2001-02 for commissioning the Pricewaterhouse Cooper to assist the Police Force in designing and organizing force-wide culture change programmes, and in reviewing and working out strategy on service quality. She sought justification for the consultancy services and asked whether similar programmes were planned for other disciplined forces.

14.28 S for S advised that among all local disciplined forces, the Police Force had the largest establishment, the most frequent contacts with the public and the widest scope of law enforcement powers. Moreover, maintaining

Chapter XIV : Security

a positive culture and quality services were of importance to the Police and the public. As such, it was appropriate to engage outside consultants to provide expert advice and support to bring about culture change and service improvement in the Police Force. CP supplemented that based on the public opinion surveys and customer satisfaction surveys regularly conducted by the Police Force and other relevant information, the consultant concerned was also tasked to formulate strategies and draw up training programmes on culture changes and service improvement for the Police Headquarters and Police Districts. At Miss Emily LAU's request, CP agreed to provide further information on the scope and focus of the services to be provided by the consultant in 2001-02.

14.29 S for S further advised that other disciplined forces also carried out customer/public opinion surveys as considered appropriate by the respective heads of departments. Each disciplined force had also set up a users committee comprising members of the public to advise on customer services.

Immigration matters

14.30 Regarding the provision of resources for immigration control at cross-boundary check points, the Director of Immigration (D of Imm) advised that an additional 117 posts would be created in 2001-02 to cope with increasing passenger traffic at the Lo Wu Control Point (LWCP). The staff concerned would be deployed to LWCP in late 2001 after undergoing relevant training. He also advised that during the Easter holidays in April 2001, the contra-flow arrangement would be adopted at LWCP to cope with the dominant passenger flow (i.e. use of counters at the Arrival Hall for departure clearance, and vice versa). To facilitate the contra-flow arrangement, a pair of escalators linking up the Arrival and Departure Halls of LWCP had been constructed. He also confirmed that the contra-flow arrangement had been adopted at Lok Ma Chau Control Point for some time and all the 28 kiosks at the control point could be flexibly deployed for the arrangement.

14.31 Noting that 1 758 complaints against foreign domestic helpers taking up illegal employment were received in 2000 and 5 715 persons were arrested for taking up illegal employment in the same year, Miss CHAN Yuen-han considered that the situation of illegal workers was a cause of concern and urged the Administration to step up preventive and enforcement actions.

14.32 In response, D of Imm advised that of the 5 715 persons arrested for illegal employment in 2000, 3 398 were found engaged in prostitution. He assured members that the Immigration Department (ImmD) would not slacken its enforcement actions against illegal employment. The department had taken prompt actions upon receipt of complaints and had stepped up interdiction at control points to identify persons suspected of taking illegal employment in Hong Kong. Last year, a few thousands had been refused entry for this reason.

Admission of Mainland Professionals Scheme

14.33 Regarding the resource provision for implementation of the Admission of Mainland Professionals Scheme, D of Imm advised that the Administration had not earmarked provision in 2001-02 for the purpose. At the initial stage, ImmD would absorb the additional workload arising from the scheme within its existing resources. The department would monitor and review the situation periodically to assess whether additional resources would be required.

Penal institutions

14.34 On the measures to relieve the overcrowding problem of penal institutions, the Commissioner of Correctional Services (C of CS) advised that in 2001, the Stanley Prison Area Redevelopment Project Phase II and the Redevelopment Project of Tai Lam Correctional Institution would be completed, providing 151 and 260 new penal places respectively. In addition, the Administration was planning to redevelop the Lai Chi Kok Reception Centre to provide 400 additional places in 2004. In the longer term, it was expected that the penal population would grow by some 30% to reach 15 000 by 2024. To meet the forecast growth, the Administration was examining different approaches to provide additional penal places. One approach was to redevelop existing facilities and develop new ones to provide new penal places incrementally, while another approach was to develop a large prison complex to accommodate a number of stand-alone penal institutions with certain shared facilities.

14.35 As regards concerted acts of unruly behaviour in penal institutions, C of CS advised that there had been a drop in the number of these acts from 70 in 1999 to 44 in 2000. The reduction could mainly be attributed to the strengthening of counseling service for inmates, strengthening of intelligence gathering and improved training for staff of the Correctional Services Department. He confirmed that these measures did not involve additional resources.