

立法會
Legislative Council

LC Paper No. CB(2) 678/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 2 November 2000 at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
- Members attending** : Hon Emily LAU Wai-hing, JP
Hon Henry WU King-cheong, BBS
- Members absent** : Hon Albert HO Chun-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
- Public Officers attending** : Item IV
Mr David WONG
Principal Assistant Secretary for Security B

Mr C C LEE
Chief Fire Officer (Protection)
Fire Safety
Fire Services Department

Mr C C TSANG
Assistant Director of Buildings (Existing Buildings)
Buildings Department

Item V

Ms CHANG King-yiu, JP
Deputy Director of Administration (Special Duties)

Mr Kelvin S Y PANG, JP
Acting Commissioner of Correctional Services

Item VI

Ms Linda K P SO
Principal Assistant Secretary for Security C

Mr CHOY Ping-tai, JP
Deputy Director of Immigration
Immigration Department

Mr MAK Kwai-yun
Assistant Director of Immigration
Immigration Department

Mr John READING, SC
Deputy Director of Public Prosecutions
Department of Justice

Mr S C LEUNG
Acting Assistant Government Chemist

Mr Y S CHENG
Senior Chemist

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I. Confirmation of minutes of meeting held on 10 October 2000 and matters arising

(LC Paper Nos. CB(2) 115/00-01, CB(2) 145/00-01(01), CB(2) 62/00-01(08) and CB(2) 73/00-01)

The minutes of the meeting held on 10 October 2000 were confirmed.

List of follow-up actions required of the Administration

2. Members noted the list of follow-up actions required of the Administration.

Panel's overseas duty visit

3. The Chairman invited members' views as to whether there was any need for the Panel to conduct a duty visit overseas in the 2000-01 legislative session. No proposal was made by members.

Paper entitled "Toward a refined immigration mechanism in Hong Kong"

4. Members noted a paper entitled "Toward a refined immigration mechanism in Hong Kong" provided by the Law Society of Hong Kong. They noted that the same paper had been considered by the Panel on Administration of Justice and Legal Services (AJLS Panel). The subject was now in the list of issues to be considered by the AJLS Panel. Members agreed that the Chairman of the AJLS Panel be requested to invite members of the Panel on Security to join the discussion when the AJLS Panel discussed the subject.

Clerk

Letter from Hon Margaret NG

5. Members noted a letter from Hon Margaret NG regarding a newspaper cutting about the death of a teenage inmate. Members agreed that the Administration be requested to provide a report on the incident before deciding on whether the incident should be discussed by the Panel.

(Post-meeting note : The Administration's interim response was circulated to members vide LC Paper No. CB(2) 394/00-01 on 1 December 2000.)

II. Date of next meeting and items for discussion

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(LC Paper No. CB(2) 145/00-01(02))

6. Members agreed to discuss the following items at the next regular meeting to be held on 7 December 2000 at 2:30 pm -

- (a) Enforcement and review of the Public Order Ordinance;
- (b) Prison development programme; and
- (c) Review of paramedic ambulance service.

III. Proposed terms of reference

(LC Paper No. CB(2) 145/00-01(03))

7. Members noted a revised English version of the proposed terms of reference for the Panel tabled at the meeting. They noted that the proposed terms of reference was basically the same as those for the previous legislative session, apart from some textual amendments and revisions to reflect the requirements in Rule 77(3) and 77(4) of the Rules of Procedure.

(Post-meeting note : The paper tabled at the meeting was issued to members vide LC Paper No. CB(2) 182/00-01 on 3 November 2000.)

8. Members endorsed the proposed terms of reference.

IV. Briefing on the Fire Safety (Buildings) Bill

(LC Paper No. CB(2) 145/00-01(04))

9. At the invitation of the Chairman, Principal Assistant Secretary for Security B (PAS(S)B) briefed Members on the Administration's proposal to improve fire safety in buildings, as detailed in the Administration's paper.

10. Mr CHEUNG Man-kwong expressed concern that there was recently a newspaper report that many staircases in restaurants located in shopping centres were blocked by objects such as partitions, chairs and tables. He asked about the responsibility for maintaining the fire safety of staircases shared by a number of restaurants.

11. PAS(S)B said that if objects were found obstructing a staircase shared by a number of restaurants, the owners of the obstructing objects would be held responsible. He stressed that a restaurant was required to comply with the fire safety requirements when applying for a licence. Restaurants located in specified commercial buildings were also required to comply with the requirements under the Fire Safety (Commercial Premises) Ordinance.

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12. Chief Fire Officer (Protection) of Fire Services Department (CFO(P)) said that officers of the Fire Services Department (FSD) had carried out frequent inspections on restaurants. A total of 3 277 inspections were carried out in 1999. In the same year, 243 complaints about obstruction to means of escape in restaurants were received and inspections were carried out within 24 hours. About 2 700 inspections had also been made in the first nine months of this year. If objects were found obstructing the means to escape of restaurants, FSD would gather evidence about the ownership of the objects and institute prosecutions. Where the ownership of objects blocking a staircase could not be identified, all the owners and occupiers of premises adjacent to the staircase would be held responsible owing to their sufferance of the fire hazard. The recent newspaper report as referred to by Mr CHEUNG Man-kwong was about one building in Causeway Bay and three buildings in Mongkok. Officers of FSD had carried out four to six surprise inspections to these premises, and four prosecutions had been instituted in 1999.

13. Mr CHEUNG Man-kwong expressed concern that about 3 300 inspections were conducted on more than 9 000 restaurants in a year. He said that this infrequent inspection of officers of FSD and a maximum fine of only \$25,000 would not have sufficient deterrent effect. CFO(P) said that operational officers of FSD mainly responsible for fire fighting and rescue work had already been deployed for fire prevention inspections whenever they were available. FSD was addressing the problem through conducting regular visits, carrying out prompt inspections on the receipt of complaints, promoting fire safety through publicity and public education, and the recruitment of more Fire Safety Ambassadors. He said that a fine of \$5,000 to \$6,000 was usually imposed on first time offenders. However, re-offenders would be liable to a maximum fine of \$50,000 and imprisonment. PAS(S)B said that the Administration would propose increasing the maximum level of fine to \$100,000 in the Fire Services (Amendment) Bill to be introduced later this legislative session. Mr James TO said that more Fire Safety Ambassadors should be recruited to assist FSD in its monitoring work.

14. Mr James TO asked about the proportion of very old domestic buildings among all domestic buildings.

15. CFO(P) said that a survey revealed that there were about 1 400 very old buildings, among which more than 90% were composite buildings. He informed Members that the Code of Practice on Minimum Fire Service Installations and Equipment was first introduced in 1964 and substantially revised in 1968, 1973 and 1987 respectively.

16. Mr James TO asked about the estimated costs for an old domestic building to implement all the requirements as stated in Annex C of the Administration's paper. PAS(S)B said that according to the consultation paper issued in 1998, the estimated costs for improving the fire safety standards of private buildings were as follows -

	<u>Average cost per unit</u>
Commercial portion of a composite building	\$88,000

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(assuming 8 commercial units)

Residential portion of a composite building (assuming 84 residential units in a 16 storey building)	\$27,000
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Residential unit in a residential building (assuming 64 units in a 15 storey building)	\$30,000
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After the consultation exercise, the requirements for residential units had been revised with estimated costs as follows -

	<u>Average cost per unit</u>
Residential portion of a composite building (assuming 84 residential units in a 16 storey building)	\$18,000
Residential unit in a residential building (assuming 64 units in a 15 storey building)	\$23,000

17. PAS(S)B said that for old buildings which required substantial fire safety improvement works, due regard would be given to the urban renewal programme and the Planning Department would take these buildings into account in its priority project selection.

18. In response to the Chairman's question about the loans approved so far under the existing Fire Safety Improvement Loan Scheme (the Scheme), CFO(P) said that one application had so far been received and a loan of more than \$100,000 had been approved. He stressed that FSD had been continuously promoting the Scheme. Pamphlets on the Scheme had also been issued together with Fire Safety Improvement Directions. The Chairman asked why owners had not applied for loans under the Scheme when they could be prosecuted for non-compliance with the required fire safety standards. PAS(S)B said that according to experience, the lack of financial resources was not the main difficulty in carrying out improvement work. He further said that there was a recent proposal to amalgamate the Scheme with the Building Safety Improvement Loan Scheme to enable the provision of comprehensive financial assistance to private building owners in the improvement of building safety in general.

19. Mr James TO said that many owners were not aware of the fire safety requirements in respect of means of escape as stated in Annex C of the Administration's paper. He said that publicity should be launched to inform the public that legislation would be enacted on these requirements. This would enable owners who intended to refurbish their units in the near future to ensure that their refurbishment work would comply with the requirements under future legislation.

20. PAS(S)B said that intensive publicity on the new requirements would be

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launched when the proposed legislation was passed. CFO(P) added that the Administration had issued advisory letters in late 1999 to inform owners about the forthcoming legislative proposals and suggest them to carry out appropriate fire safety improvements when they refurbished their buildings. He informed Members that a telephone hotline had been set up to answer the enquiries of owners.

V. Management improvement measures for the Hei Ling Chau Addiction Treatment Centre (the Centre)
(LC Paper No. CB(2) 145/00-01(05))

21. Mr CHEUNG Man-kwong commended the officers of the Correctional Services Department (CSD) for restoring order in the Centre on 4 June 2000. He sought clarifications on the following allegations in recent reports -

- (a) the riot originated from discontent about preferential treatment of Vietnamese inmates by a senior officer of the Centre; and
- (b) a very senior officer of CSD who should be responsible for taking charge of the anti-riot operations was reported to sought refuge in the control room during the riot.

22. Acting Commissioner of Correctional Services (C of CS(Atg)) said that investigations by the Board of Enquiry (the Board) revealed failure by identified CSD staff to report the possession of prohibited items, such as scrapped fans, cigarette lighters and fermented rice by some inmates in the Centre. In this connection, disciplinary proceedings would be taken against the CSD staff concerned. He said that investigations revealed no evidence of preferential treatment of inmates. However, the management practices in the Centre could give rise to misunderstanding in this regard.

23. In response to the Chairman's question about whether preferential treatment of inmates was allowed, C of CS (Atg) said that such treatment was definitely not allowed. He added that the lack of action against possession of prohibited items in the Centre and frequent deployment of Vietnamese inmates to perform environment improvement work might cause some inmates to feel that there was preferential treatment.

24. C of CS(Atg) said that a senior officer who should help to take charge of the operations was suspected to have failed to discharge such duty when he was found in the control room. As such an act was certainly unacceptable especially for an officer of such a senior rank, the senior officer concerned was currently under investigation and suspended from duty.

25. Mr James TO said that the Administration had stated in the closed session of the Panel meeting held on 15 June 2000 that the incident had been handled properly. He asked whether the Administration would revise its assessment of the handling of the incident after the Board concluded that disciplinary proceedings should be considered

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against seven CSD officers.

26. Deputy Director of Administration (Special Duties) (DD of Adm(SD)) said that the Administration had already stressed at the meeting on 15 June 2000 that it could only respond to members' questions on the basis of information available at that time. Notwithstanding individual CSD staff's performance, she reiterated that the overall organization and emergency response management between the disciplined forces in the restoration of order was very good. As a result, only a small number of people were injured among 500 to 600 law enforcement officers and about 500 inmates involved in the incident.

27. C of CS(Atg) said that apart from the performance of some CSD officers who would be subject to disciplinary actions, CSD was generally satisfied with the performance of the disciplined forces in restoring order in the Centre. He expressed gratitude for the assistance provided by the Police, the Fire Services Department and Government Flying Service.

28. Mr James TO asked about the total number of complaints about preferential treatment and whether there were allegations about other kinds of preferential treatment besides the frequent deployment of Vietnamese inmates for environment improvement work. C of CS(Atg) responded that some of the 119 complaints against the management of the Centre were about preferential treatment of inmates. Besides allegations about frequent deployment of Vietnamese inmates to perform environment improvement work, there were allegations about lack of action against possession of prohibited items in the Centre. In this connection, identified CSD staff would face disciplinary actions for negligence or other malpractice in the management or daily operations of the Centre.

29. Mr WONG Sing-chi asked whether allegations similar to those in the 119 complaints received had been received before the riot and whether CSD was previously aware of the problems existing in the Centre.

30. C of CS (Atg) said that among the 119 complaints received, four were lodged with Justices of the Peace who visited the Centre after the incident and one was made directly to the headquarters of CSD. The remaining 115 were lodged through Hon Emily LAU by 36 inmates transferred to the Lai Chi Kok Reception Centre after the incident. He said that the allegations included preferential treatment of inmates, the misconduct of Vietnamese inmates and the default of duty of some CSD officers. There were also allegations from inmates that they were wrongly accused of being involved in the riot. He added that CSD had not received such complaints before the incident.

31. C of CS(Atg) responded that CSD was previously aware of the communication and transportation problems arising from the remote location of the Centre. Actions were being taken to address these problems. He said that before the incident, CSD was not aware of the misconduct of the Centre staff. He further said that when the Centre was converted from a leprosarium to an addiction treatment centre in 1974, an

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open environment was maintained to facilitate the rehabilitation of the drug addicts or inmates. Following the Board enquiry and recommendations, partition fences would be erected at vantage points to tighten up supervision. A mobile communication system would be procured to facilitate effective communication in the Centre. He added that a Task Group had been set up to review the security of all control rooms of institutions of CSD. DD of Adm(SD) said that the follow-up actions taken by a Special Task Force responsible for implementing the Board's decision and monitoring progress were set out in paragraph 8 of the Administration's paper. She stressed that problems found with the Addiction Treatment Centre were generally unique and not found in other institutions of CSD.

32. Mr WONG Sing-chi asked about the most senior CSD officer who should be held responsible for malpractice in the management of the Centre. C of CS (Atg) said that among the seven CSD officers who would face disciplinary actions were officers involved in the daily operations as well as those responsible for the management of the Centre.

33. In response to Mr Henry WU's question about the review of security of control rooms, C of CS(Atg) said that the review would cover all the control rooms of institutions of CSD.

34. Referring to paragraph 8(b) of the Administration's paper, Mr Henry WU asked whether excessive partition fences would be erected in the Centre. C of CS(Atg) said that additional partition fences would only be erected at the common areas where a lot of inmates would gather. Impact on the environment for rehabilitation would be minimized.

35. In response to Mr Henry WU's question about the measures to improve fire safety in the Centre, C of CS(Atg) said that the Liquefied Petroleum Gas Store was being relocated from the middle part of the Centre to a location much less accessible by inmates.

36. In response to Mr Henry WU's question about the review of the design of rehabilitation programmes, C of CS(Atg) said that in view of the propensity of inmates aged below 35 to collective outburst of emotion, rehabilitation programmes were being reviewed. Consideration was being given to enhance the physical education course, as well as strengthening cultural activities and the activities of interest groups.

37. On the question of whether CSD would review the allocation of work among inmates, C of CS(Atg) said that there was a Labour Allocation Committee chaired by a Chief Officer in each institution of CSD to monitor the allocation of work among inmates. He said that complaints about allocation of work among inmates were only found with the Centre and after the incident, but not other institutions of CSD. He stressed that the management practices in the Centre had been revised.

38. Miss Emily LAU said that she had referred a number of complaints from inmates to CSD on 17 June 2000. She asked why investigation into the complaints

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had taken a long time. C of CS(Atg) responded that complaints from inmates for being wrongly accused for involvement in the riot were investigated by the Police. To his knowledge, the Police had completed investigations into these complaints. Investigations into other complaints, which were carried out by CSD, were being finalized. He said that the relevant parties would soon be advised of the findings of the investigations.

39. In response to members' questions about when the disciplinary actions would be concluded and whether the results would be made public, C of CS(Atg) said that where disciplinary proceedings were involved, they entailed complicated procedures. It was difficult to envisage when the proceedings would be concluded. He said that the results of the disciplinary proceedings would not be made public in view of the privacy issues of individuals involved.

40. Miss Emily LAU asked whether privacy was the only reason for not making public the results. She considered that the Administration had a responsibility to inform the public whether any officer was default of his duties. She questioned why particular protection was provided to civil servants. DD of Adm(SD) said that the Administration could consider making public the results of the findings in general terms only. She did not see the need for disclosing the names of the officers concerned. She added that such a disclosure would not be conducive to the officer's ongoing effective performance of public duties.

41. The Chairman suggested that Miss Emily LAU might raise the issue at another forum, as it was related to the civil service policy generally rather than the Security Bureau alone.

42. In response to Mr IP Kwok-him's question about whether there was an existing communication system in the Centre, C of CS(Atg) said that there were communication systems installed in all penal institutions. However, the attack on the control room of the Centre revealed that a mobile communication system external to the existing system should be procured for emergency use.

43. Referring to paragraph 8(f) of the Administration's paper, Mr IP Kwok-him asked why CSD planned to outsource ferry services instead of deploying Police launches in dealing with emergency situations at remote institutions. C of CS(Atg) said that as a Police vessel could accommodate about 20 passengers and a helicopter could accommodate seven passengers only. Furthermore, priority for using such limited resources in emergency response would be given to the Police in the first instance. Therefore, consideration was given to outsourcing ferries capable of transporting a much larger number of CSD officers to remote institutions in emergency situations.

44. In response to Mr James TO's question about the revision in management practices as referred to in paragraph 8(a) of the Administration's paper, C of CS(Atg) said that the Centre had been designed on a therapeutic community concept making it very suitable for a wide spectrum of addiction treatment activities, including outdoor

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physical activities. Arising from the recommendation of the Board, management practices had been revised to avoid the assembly of too many inmates in areas without perimeter fences.

45. Mr James TO requested the Administration to provide the Panel with the full report of the Board. DD of Adm(SD) responded that there were difficulties in disclosing the full report, as it contained a lot of personal data and security information pertaining to the Centre. The description of the relationship between different inmates in the Centre and their behavior throughout the incident would likely be part of the evidence to be presented in future legal proceedings. She said that the recommendations of the Board could be provided to members, subject to the deletion of names and security-related information.

Adm

(Post-meeting note : The information provided by the Administration was circulated to members vide LC Paper No. CB(2) 380/00-01 on 29 November 2000.)

Confidential

Closed session

VI. Improvement measures on procedures for handling suspected cases of forged travel documents

This part of the minutes is CONFIDENTIAL

68. There being no other business, the meeting ended at 5:45 pm.

Legislative Council Secretariat
5 December 2000