

立法會
Legislative Council

LC Paper No. CB(2) 2001/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 3 May 2001 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)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
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

Public Officers attending : Item III

Mrs Margaret CHAN
Principal Assistant Secretary for Security A

Mr David TONG
Acting Deputy Commissioner of Customs and Excise

Item IV

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr Peter YAM
Assistant Commissioner of Police (Crime)

Mr Charles WONG
Chief Superintendent of Police (Public Relations)

Miss CHU Ming-po, Shirley
Superintendent of Police (Crime Support)

Mr CHENG Man-yiu
Assistant Director of Education (Education Services)

Mr CHEUNG Hing-wah
Acting Assistant Director of Social Welfare
(Youth/Human Resources Management)

Item V

Mrs Regina IP, JP
Secretary for Security

Mr Timothy TONG, JP
Deputy Secretary for Security 3

Ms Linda K P SO
Principal Assistant Secretary for Security C

Mr Raymond LAU
Assistant Secretary for Security

Mr NG Wai-kit
Senior Assistant Commissioner of Police

Mr CHAN Wai-ki
Chief Superintendent of Police

Mr TSOI Hon-kuen
Assistant Director of Immigration

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

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2)5

Action

I. Confirmation of minutes of meeting held on 1 March 2001 and matters arising

(LC Paper Nos. CB(2) 1400/00-01 and 1399/00-01(01))

The minutes of the meeting held on 1 March 2001 were confirmed.

List of follow-up actions required of the Administration

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

II. Date of next meeting and items for discussion

(LC Paper No. CB(2) 1399/00-01(02))

3. Members agreed to discuss the following items at the next regular meeting to be held on 7 June 2001 at 2:30 pm -

- (a) Replacement of Command and Control Communications System for the Operations Department of the Hong Kong Police Force;
- (b) Prison Development Plan; and
- (c) To implement projects of an updated Information Systems Strategy in the Immigration Department.

4. Members noted that in respect of item (b), the Administration had invited Members to visit penal institutions. Members agreed that the visit would take place on 31 May 2001.

III. Briefing on anti-smuggling work of Customs in 2000

(LC Paper No. CB(2) 1399/00-01(03))

5. In response to the Chairman's question about why the Commissioner of Customs and Excise (C of C&E) was not attending the meeting, Principal Assistant Secretary for Security A (PAS(S)A) explained that the Acting Deputy Commissioner of Customs and Excise (DC of C&E(Atg)), whose responsibility covered anti-smuggling work of the Customs and Excise Department (C&ED), was best placed to brief members on the subject. The Chairman considered that as was the practice with the discussion of other items, C of C&E could still attend the meeting even though the subject officer on anti-smuggling work was DC of C&E(Atg). He hoped that C of C&E would attend the briefing to the Panel on the Work of Customs in future.

Action

6. Referring to paragraph 32 of the Administration's paper, Mr CHEUNG Man-kwong questioned whether the measures adopted by C&ED could adequately address the problems of rapid increase in the trafficking and abuse of drugs among young people.

7. DC of C&E(Atg) responded that C&ED was very concerned about the problems. He informed members that -

- (a) 34 additional investigators had been deployed at boundary control points for drug-related intelligence work;
- (b) the Customs Drug Investigation Bureau, which had a staff strength of more than 200 officers, had been deployed to combat drug-related crime;
- (c) about 900 to 1 000 customs officers were being deployed to carry out searching on incoming passengers at boundary control points;
- (d) joint operations with the Police were frequently carried out to combat drug-related crime;
- (e) the number of drug detector dogs had been increased to 26 to assist drug detection work; and
- (f) information and intelligence were regularly exchanged with the Mainland customs authorities and law enforcement agencies. As cannabis was usually smuggled through the Mainland and Thailand to Hong Kong, C&ED was working closely with the customs authorities and law enforcement agencies of other places like Guangzhou, Shenzhen and Thailand to combat such smuggling. Joint operations with these authorities had been successful.

8. Mr CHEUNG Man-kwong commented that there seemed to be a more substantial increase in manpower for taking enforcement actions against the smuggling of illicit cigarettes than the smuggling of drugs. He asked whether there would be sufficient increase in manpower to prevent the smuggling of drugs through boundary control points into Hong Kong.

9. DC of C&E(Atg) responded that as there had been no particular task force against the smuggling of illicit cigarettes in the past, a more substantial increase in such manpower was seen in the previous year. In comparison, the establishment against drug-related crime was more well established. The Customs Drug Investigation Bureau, which had a staff strength of more than 280 officers, had been in operation for a long time. There were more than 60 staff in the Airport Investigation Division. He informed members that there were plans to further increase the manpower for taking enforcement actions against drug-related crime. Besides customs officers, drug detector dogs were also playing an important role in the detection of drugs. The recent incident where drugs were found concealed inside the door panels of a truck had

Action

in fact been detected with the assistance of a drug detector dog.

10. Mr CHEUNG Man-kwong said that to his knowledge, only four drug detector dogs were deployed at the Lo Wu Land Boundary Control Point. In his view, such number of drug detector dogs was far from adequate for coping with the heavy passenger traffic, especially given that a drug detector dog would normally need a rest after performing drug detecting work for about 10 minutes. He considered that the number of drug detector dogs should be increased.

11. DC of C&E(Atg) responded that the drug detector dogs in Lo Wu were being flexibly deployed to perform more extensive drug detection work during high-risk periods. He said that the number of drug detector dogs, which had been carefully selected and imported from other places, would be further increased.

12. The Chairman suggested that the Administration should submit its request for additional manpower and drug detector dogs to the relevant committee of the Legislative Council (LegCo) within the current year. He considered that besides importing suitable dogs from other places, the local development of suitable dogs was also important.

13. Mr Howard YOUNG said that the prevention of trafficking of illegal immigrants via Hong Kong was important for maintaining the travel convenience of Hong Kong Special Administrative Region (HKSAR) passport holders. He asked whether the Administration had any plans to deploy carbon dioxide detectors in the examination of containers at land boundary control points and whether random inspections were carried out on ships entering Hong Kong.

14. DC of C&E(Atg) responded that additional advanced equipment, including carbon dioxide detectors and X-ray inspection systems, were being procured. A special task force formed to combat smuggling using river trading vessels had successfully seized smuggled goods and illicit cigarettes in its operations. In view of the success, C&ED planned to form an additional special task force to carry out inspections on river trading vessels, including the containers carried by these vessels. He added that close liaison were maintained with the Police, the customs and Public Security authorities of the Mainland and shipping companies to combat the trafficking of illegal immigrants via Hong Kong.

15. In response to Mr Howard YOUNG's question about the detection of trafficking of illegal immigrants via Hong Kong, DC of C&E(Atg) said that among nine cases detected by the United States (US) and Canadian authorities in the previous year, six cases were detected as a result of tip-offs from C&ED. While he did not have information on hand about the detection of the other three cases, they were probably detected by US or Canadian customs officers or as a result of tip-offs by shipping companies. Further information about these cases, if available, would be provided to members.

16. Mr Albert HO asked why C&ED had not detected the cases directly in Hong

Action

Kong. He said that this would avoid giving other countries the false impression that Hong Kong was a centre for the trafficking of illegal immigrants. DC of C&E(Atg) assured members that immediate enforcement actions were taken locally, unless the ship had already departed Hong Kong or inspection of the container concerned was obstructed by other containers. Where a suspected container was in a vessel which made a brief stopover in Hong Kong and examination of the container was blocked by other containers, C&ED would notify the destination country of the container concerned.

17. Mr Albert HO asked whether illegal immigrants who travelled via Hong Kong were regarded by other countries as illegal immigrants from Hong Kong. He said that if this was the case, the Administration should clarify the statistics with the countries concerned. He also asked whether Hong Kong had an obligation under international practice to inspect containers on vessels that only made a brief stopover in Hong Kong, and whether there was an internationally accepted definition of transit base for human smuggling.

Adm 18. PAS(S)A responded that Hong Kong would seek to clarify that illegal immigrants should not be regarded as arriving from Hong Kong if they were not loaded into a container in Hong Kong. She undertook to provide a written response on the issue of whether Hong Kong had a responsibility, according to international practice, to inspect containers on vessels that only made a brief stopover in Hong Kong, and whether there was any international definition of what constituted a transit base for human smuggling.

Adm 19. Dr LUI Ming-wah asked whether the Administration's correspondence to the countries concerned showing the date and time of tip-offs could be provided to members for information. PAS(S)A responded that the Administration was not in a position to disclose correspondences related to the operations of C&ED. Nevertheless, a general description of the mechanism for exchange of intelligence between Customs and the shipping companies and law enforcement agencies of other countries could be provided to members. The Chairman said that as the information requested was related to the operations of C&ED, Dr LUI might wish to liaise with the Administration direct for the information requested.

20. Mrs Selina CHOW asked whether there was increased sale of illicit cigarettes on the streets after the increase in tobacco duty in March 2001. DC of C&E(Atg) responded that there had not been any sign of increased sale of illicit cigarettes on the streets after the increase in tobacco duty. He added that there had been a decrease in the number of black spots where the sale of illicit cigarettes was found.

21. In response to Mrs Selina CHOW's question about the measures against the smuggling of chilled meat and poultry, DC of C&E(Atg) said that C&ED was tackling the problem through its search on incoming passengers and vehicles as well as the gathering of intelligence by customs officers. Intelligence on the smuggling of meat was also provided by the meat industry. C&ED worked closely with the Guangdong customs authority to combat smuggling of meat by sea. After C & ED had instituted a

Action

Adm

large number of prosecutions, there was a decrease in the smuggling of chilled meat and poultry. Mrs Selina CHOW requested the Administration to provide statistics on the success rate of prosecutions against the smuggling of chilled meat and poultry, the number of re-offenders and whether the penalty provisions in existing legislation were adequate.

IV. Juvenile crime and problem of youth gangs (LC Paper No. CB(2) 1399/00-01(04))

22. Acting Assistant Director of Social Welfare (Youth/Human Resources Management) (ADSW(Atg)) informed members that the words "per annum" in the second line of paragraph 17 of the Administration's paper should be deleted.

23. Mr WONG Sing-chi said that under the Understanding the Adolescent Project (UAP), each eligible school would only be allocated a one-off grant of \$100,000. He questioned whether such an amount was sufficient for schools to implement the project. He also questioned whether school social workers, who were already very busy, had any extra capacity to implement the project.

24. ADSW(Atg) responded that a pilot project for UAP had been implemented from 1994 to 2000. The proposed allocation of \$100,000 per school was calculated having regard to the requirements identified during the implementation of the pilot project. According to the pilot project, some 18% of Secondary One students were in need of such a service. The role of school social workers under UAP was proposed in view of their familiarity with the school environment as well as the community resource available in their districts. Although a school social worker would be responsible for the coordination work, the actual service would be provided through the social services available in the community.

25. Mr WONG Sing-chi expressed concern that after the grant of \$100,000 was used up by a school, there would be no funds available for the continued implementation of UAP in the school. He asked whether additional funding would be provided for continued implementation.

26. ADSW(Atg) responded that it was the idea under UAP that while school social workers had a role to play in the process, community resources would be utilized to provide the service to students. Where necessary, referral would also be made for the students to receive the necessary social service.

27. Referring to paragraph 6 of the Administration's paper, Mr CHEUNG Man-
kwong expressed concern about the significant increase in narcotics offences in 2000 by juveniles and young persons. He asked about the measures adopted by the Administration to tackle the problems of drug abuse and young people crossing the boundary for drug abuse in the Mainland.

28. Principal Assistant Secretary for Security E (PAS(S)E) responded that the

Action

Administration was very concerned about drug abuse among young people. It had adopted a five-pronged approach as referred to in paragraph 29 of the Administration's paper. A Task Force on Psychotropic Substance Abuse, which comprised 34 members from different fields, had been set up to work out measures to tackle the problem. The Administration had introduced legislative amendments in December 2000 to tighten control on Ketamine. There were also plans to introduce legislation to control the use of Gamma Hydroxybutyric Acid. The Narcotics Division of the Security Bureau (SB) and the Action Committee Against Narcotics had made two visits to Guangdong, Shenzhen and Zhuhai in the previous year to discuss joint actions to tackle the problem. A conference between the Mainland, Hong Kong and Macau would be held in November 2001 to discuss further measures to be adopted. She welcomed members' views on the issue, which would be referred to the Narcotics Division of SB for consideration. Assistant Commissioner of Police (Crime) (ACP(C)) added that the Police had launched the Jubilee Operation during the Christmas holidays in 2000, during which 74 inspections were made to places of public entertainment and 54 sellers of psychotropic drugs were arrested. Such inspections had continued after the operation was completed. Following a joint conference between the Mainland, Hong Kong and Macau in March 2001, a joint operation of the three sides had been launched successfully.

29. As regards the number of juveniles and young persons arrested for drug-related offences, ACP(C) informed members of the following statistics -

| | <u>Fourth quarter of 2000</u> | <u>First quarter of 2001</u> |
|---|-------------------------------|------------------------------|
| Number of juveniles arrested for drug-related offences | 55 | 61 |
| Number of young people arrested for drug-related offences | 595 | 601 |

30. ACP(C) said that the statistics reflected that the drug abuse situation had stabilized. He stressed that the Police was very concerned about the drug abuse problem. It had stepped up the inspection of places of public entertainment and launched publicity programmes in schools and at district levels. Apart from working closely with C&ED on prevention of drug trafficking, the Police also constantly exchanged intelligence with the law enforcement agencies of other places to prevent the trafficking of drugs into Hong Kong.

31. Mr CHEUNG Man-kwong commented that the statistics for the fourth quarter of 2000 were already unacceptable. He considered that the Police should not be satisfied merely because the statistics for the first quarter of 2001 had only slightly increased over that of the last quarter of 2000. In his view, concerted efforts of enforcement agencies in Hong Kong, the Mainland and Macau was necessary to tackle

Action

the problem of drug abuse. He expressed concern that while the next conference between the Mainland, Hong Kong and Macau would not be held until November 2001, there might already be large numbers of juveniles and young people crossing the boundary to abuse drugs in the Mainland in the summer vacations. He added that the Administration should not describe the abuse of drugs as the abuse of psychotropic substance.

32. ACP(C) responded that the Police was very concerned about drug abuse among juveniles and young people and had done a lot to address the problem. He stressed that the Police was not content with the existing situation regarding drug abuse among juveniles and young people. However, the statistics reflected that the situation was under control. He added that information supplied by undercover Police officers had indicated that psychotropic drugs were no longer readily available at places of public entertainment. ACP(C) added that following the conference between the Mainland, Hong Kong and Macau in March 2001, a number of joint operations had been launched, especially during the long holidays.

33. The Chairman asked about the measures adopted by the Administration against the abuse of new drugs. PAS(S)E responded that the Police and the Narcotics Division of SB had been closely monitoring the abuse of new drugs. Legislative amendments to regulate a new drug would be considered, if the problem could not be regulated by existing legislation. ACP(C) added that the Administration had introduced legislative amendments in December 2000 to tighten the control on Ketamine. As legislation on Ketamine was not yet found in the Mainland and Macau, the Administration had informed them of the need for such legislation. To his knowledge, Macau was introducing the relevant legislation while the Mainland was examining the issue.

34. In response to the Chairman, ACP(C) explained that "搖腳丸" was a type of psychotropic substance.

35. Mrs Selina CHOW asked whether social workers were equipped with the necessary information and skills to handle the problem of youth gangs. She also asked about the measures adopted by Administration to involve the participation of parents in addressing the youth gang problem.

36. ADSW(Atg) responded that the Committee on Services for Youth at Risk (the Committee) had examined the problem of youth gangs and endorsed a series of actions to tackle the problem. He informed members that a Sub-group formed under the Committee was producing a reference kit for parents to assist them in identifying their children's possible involvement in gangs and enrich their knowledge in seeking community support to handle the problem. The Committee would consider taking forward the Enhancement of Careers Education in School Project to prepare potential Secondary Three school leavers for future employment so as to minimise their chance of going astray. He added that the Administration recognised the important role of parents in addressing the youth gang problem. In this connection, the Administration had done a lot in enhancing the parents' concern about their children. Mrs Selina

Action

Adm

CHOW expressed concern that very few parents might read the reference kit produced by the Sub-group. She requested the Administration to look into ways of educating parents.

37. Mrs Selina CHOW said that a famous dance company in the United States had successfully attracted young people who exhibited at-risk behaviour to participate in dancing and develop their potentials. She asked whether any non-government organisations in Hong Kong had plans to organise similar activities to help young people develop a healthy lifestyle.

38. ADSW(Atg) responded that the Administration shared the view that young people who exhibited at-risk behaviour should be encouraged to participate in healthy activities so as to develop their potentials. In this connection, the Administration had organised many activities, training courses and social service programmes for young people to develop a healthy lifestyle, although such activities were seldom related to dancing.

V. Hong Kong residents detained in the Mainland and the reciprocal notification mechanism between the Mainland Public Security authorities and the Hong Kong Police (the notification mechanism)
(LC Paper No. CB(2) 1399/00-01(05))

39. At the invitation of the Chairman, Secretary for Security (S for S) briefed members on the Administration's paper and informed members that -

- (a) the notification mechanism was implemented through an administrative arrangement under the principle of mutual respect and mutual non-intervention;
- (b) the scope of notification covered only cases where the five criminal compulsory measures as provided for under the Criminal Procedure Law of the People's Republic of China were taken by the Mainland Public Security and customs authorities and the unnatural deaths of Hong Kong residents in the Mainland. These were considered adequate because they covered 97% of Hong Kong residents detained in the Mainland at the time the notification mechanism was proposed;
- (c) in the past four months, the average notification time was about three weeks. The Administration had looked into reports that some detention cases had not been notified and confirmed that notification had been given in all detention cases, although notification was late in two or three cases;
- (d) under the Mainland laws, the law enforcement authorities were not required to inform the family of the detainee about the detention within 24 hours, if it was not feasible to do so or where such notification would

Action

affect investigation;

- (e) the notification mechanism was not a release mechanism. It was thus inappropriate to assess the success of the notification mechanism with the number of persons released; and
- (f) SB and the Assistance to Hong Kong Residents Unit of the Immigration Department had received flowers, banners and more than 80 letters of appreciation from the public.

40. S for S said that after reunification, 211 requests for assistance involving 219 Hong Kong residents had been received by the Administration. Among these, 100 of the residents had been released, while 11 requests involving 12 residents had been withdrawn. As at 15 April 2001, there were 104 outstanding cases of request for assistance involving 107 Hong Kong residents. Of these, 57 persons were under detention, trial or bail in the Mainland while the remaining 50 persons were serving prison sentence.

41. Mr CHEUNG Man-kwong said that the notification mechanism was useful. Noting that the mechanism only covered the imposition of criminal compulsory measures on Hong Kong residents by the Public Security authorities and the Mainland customs authorities, he asked why matters under the jurisdiction of State security organs were not covered by the mechanism. He pointed out that there were also cases, such as the case of LEUNG Wah, which were not covered by the notification mechanism. He expressed concern that the case of LEUNG Wah was not detected until four months after homicide, although the Shenzhen Public Security Bureau had notified the Police of the case on 24 November 2000. He asked whether there was a mechanism to match the information of missing Hong Kong residents in the Mainland against death bodies identified in the Mainland on a regular basis.

42. S for S responded that the notification mechanism only covered cases where criminal compulsory measures were imposed by the Mainland Public Security authorities and customs authorities. Other authorities were not covered because there was not such a need when the mechanism was established. Whether the coverage of the mechanism should be expanded to cover other authorities would have to be considered having regard to whether there was such a need and the operational characteristics of different authorities in the Mainland. It should be noted that besides the Public Security authorities, the customs authorities and State security organs, there were other authorities, such as the procuratorates, which were empowered to detain and prosecute persons. She reiterated that the notification mechanism was only an administrative arrangement and the Mainland authorities did not have any statutory obligation to notify Hong Kong.

43. Regarding the recently reported cases of Mr LI Shaomin and Mr XU Zerong, S for S said that the Administration had been informed that they were not detained by the Mainland Public Security authorities and customs authorities. The Administration was still enquiring whether they were detained by other authorities. She informed

Action

members that the Administration had not received any request for assistance in the case of XU Zerong, while the family of LI Shaomin had requested the Administration not to follow up the case. As regards the case of LEUNG Wah, it was not the kind of cases covered by the notification mechanism.

44. Senior Assistant Commissioner of Police (SACP) briefed members on the case of LEUNG Wah as detailed in paragraph 8 of the Administration's paper. He said that the Police was assisting the Shenzhen Public Security Bureau in the investigation of the homicide case. He stressed that the Police was very concerned about the life of any person, especially Hong Kong residents. It was the Police's objective to detect all cases at the earliest possible time. However, investigation work was usually very difficult at the early stage especially when the information available was very limited. Investigators usually had to exercise his judgement and determine the direction in which investigation should proceed, although such judgement might not always be right. He assured members that the Police would review its mechanism in respect of Hong Kong residents missing in the Mainland and the rendering of assistance to cases under investigation by the Mainland Public Security authorities.

45. Mr CHEUNG Man-kwong said that he was aware of the difficulties involved in investigation and the fact that the notification mechanism was not a release mechanism. However, there should be a mechanism for the matching of missing Hong Kong residents in the Mainland against death bodies identified in the Mainland on a regular basis. He added that the coverage of the notification mechanism should not be confined to some Mainland authorities.

46. Regarding whether the scope of notification could be expanded to cover other Mainland authorities, S for S said that the situation in the Mainland was more complicated in that -

- (a) the Mainland had a vast geographical area; and
- (b) the authorities empowered to detain or arrest persons in the Mainland were not confined to the authorities mentioned. Under the Mainland laws, there were also administrative regulations, usually approved by the State Council, which permitted the relevant authorities to detain persons in breach of the administrative regulations.

Nevertheless, the Administration could raise the request with the relevant Mainland authorities. She informed members that criminal prosecutions instituted by the Independent Commission Against Corruption (ICAC) were also not covered by the notification mechanism. The Chairman said that under the principle of fairness on both sides, consideration could be given to including in the notification mechanism Mainland residents to whom criminal prosecutions were instituted by ICAC.

47. Mr Albert HO said that the notification mechanism was a useful one. However, the average notification period of three weeks should be shortened. He asked whether

Action

the Police would follow up the case of LEUNG Wah and carry out investigations into his death.

48. S for S responded that cases which occurred in a small town in the Mainland would have to be reported through the municipal government to the provincial government and further to the Central People's Government before HKSAR was notified. Thus, it might not be possible for all notifications to be given within 24 hours. Nevertheless, the Administration would request the Mainland authorities to expedite the notification of cases when the notification mechanism was reviewed with the Mainland authorities. She stressed that once request for assistance was received from the family members of a missing Hong Kong resident, appropriate follow-up actions would be taken by the Administration.

Adm

49. SACP responded that the Public Security authorities of Guangdong and Shenzhen had always been close partners of the Police in the investigation and combating of crime. As regards the case of LEUNG Wah, the Police was rendering all possible assistance to the Shenzhen Public Security Bureau in the investigation of the case. Mr Albert HO requested the Administration to provide an update on the case of LEUNG Wah when there was progress on the case.

50. Mr Albert HO asked whether the Police had an established mechanism to appeal to the public for providing information on a suspected homicide case in the Mainland where the body was suspected to belong to a Hong Kong resident. He pointed out that there was a list of names of persons who died in Hong Kong for inspection by the public. He asked whether there was a similar list of Hong Kong residents who died in the Mainland.

51. SACP said that if it was reasonably believed that a body found in the Mainland was a Hong Kong resident, the Police would examine the circumstances of the case and decide whether to appeal to the public for providing information on the case. In the case of LEUNG Wah, the only information available was that the body belonged to a male of about 50 years old. If there was sufficient evidence to support that the death body belonged to a Hong Kong resident, the Police would actively consider appealing to the public for information on the case.

52. Mr James TO said that there was much coverage on the details of the case of LEUNG Wah in a local weekly magazine and suggested that the Administration could study the information contained in the magazine. He added that to his knowledge, the family members of Mr LEUNG Wah were not residing in Hong Kong. Under such circumstances, the Administration should follow up the case even if no request for assistance was received from his family members. He informed members that a member of a committee of the United Nations had asked him whether Mr LI Shaomin and Mr XU Zerong were detained in the Mainland because of their academic activities in Hong Kong. Although the Administration was not in a position to interfere with the detention of persons in the Mainland under the principle of "one country, two systems", he was of the view that it should at least ensure that academics would not be arrested in the Mainland because of their academic activities in Hong Kong.

Action

Otherwise, the international community's confidence in "one country, two systems" would be undermined. Mr TO further said that although the notification mechanism had benefited some people, he was concerned about the number of Hong Kong residents to whom assistance could not be provided under the notification mechanism and whether Hong Kong residents detained in the Mainland would receive a fair trial. He also commented that it was not necessary for the Administration to show the banners at the meeting, which gave one the impression that the Administration was satisfied about the current situation.

53. S for S responded that the banners only reflected the fact that many Hong Kong residents had expressed their gratitude to the Administration. Regarding the cases of Mr LI Shaomin and Mr XU Zerong, she said that the family members concerned had not approached the Administration for assistance. Nevertheless, the Administration would follow up the cases with the Mainland authorities to see whether they had been detained by the Mainland authorities and if so, the Mainland laws and charges under which they were detained. She added that the Administration should not rely on speculative information contained in a magazine for the investigation of cases.

54. Mr Howard YOUNG asked whether the five types of compulsory measures as referred to in paragraph 9 of the Administration's paper were the only compulsory measures taken by Public Security authorities.

55. S for S responded that the five compulsory measures were those which could be taken by the Mainland Public Security authorities under the Criminal Procedure Law of the Mainland. However, there were administrative regulations which empowered the Public Security authorities and other authorities to implement certain measures. Such measures were not covered by the notification mechanism.

56. Mr Howard YOUNG suggested that the Administration should consider including in the notification mechanism all compulsory measures that could be taken by Public Security authorities under the laws or administrative guidelines. S for S responded that the suggestion would be considered having regard to the laws and administrative guidelines of the Mainland and whether there was such a need.

57. Mr Howard YOUNG said that there were reports that some young people from Hong Kong had been detained for some time for drug abuse and then released by the Shenzhen Public Security authorities. He asked whether such cases were covered by the notification mechanism.

58. S for S responded that such cases were not covered by the notification mechanism. She informed members that under the "治安管理處罰條例" of the Mainland, any person in breach of the provisions against taking of drugs would be subject to a maximum detention period of 15 days and a maximum fine of RMB 200 without the need to be subject to criminal punishment. As the Administration had not received any request for assistance in this respect, it was very difficult to verify whether there were actually such cases.

Action

59. Miss Margaret NG said that she appreciated the freedom of expression and academic freedom enjoyed by the people of Hong Kong. Taking the cases of Mr LI Shaomin and Mr XU Zerong as example, she expressed concern that a person who exercised such rights in Hong Kong might be arrested in the Mainland.

60. S for S responded that although there were reports that Mr LI Shaomin and Mr XU Zerong were detained in the Mainland, the Administration was unable to verify the reports. She added that the Administration had not received any request for assistance from their families. One family had specifically asked the Administration not to take any action. Nevertheless, the Administration would follow up the cases with the Mainland authorities.

61. Miss Margaret NG said that the family of a detainee might ask the Administration not to take any action because they feared that the detainee would be worse off if the case was disclosed. She asked how the Administration would address public concern in this respect. She expressed particular concern about the detention of permanent residents of Hong Kong in the Mainland.

62. S for S responded that the family who asked the Administration not to take any action had actually approached another country for assistance, as the detainee was a citizen of that country. It was not a case where the family was afraid that the detainee would be worse off if the case was disclosed. To her knowledge, the case was being followed up by the consulate concerned. For privacy reasons, she was not in a position to disclose further details of the case. She added that the detainee concerned was not a permanent resident of Hong Kong. She said that the Administration was aware of the public concern as referred to by Miss Margaret NG. However, it would take some time for the Administration to consider ways to address the concern.

63. The meeting ended at 5:10 pm.

Legislative Council Secretariat
3 July 2001