

立法會
Legislative Council

LC Paper No. CB(2) 942/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 18 January 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-yee, JP
Hon CHEUNG Man-kwong
Hon Ambrose LAU Hon-chuen, JP

Members attending : Hon CHAN Yuen-han
Hon SIN Chung-kai
Hon Emily LAU Wai-hing, JP

Members absent : Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP

Public Officers attending : Item III
Mr TSANG Yam-pui
Commissioner of Police

Mr LAU Chun-sing
Director of Crime and Security
Hong Kong Police Force

Item IV

Mr Timothy TONG, JP
Deputy Secretary for Security 3

Mr Alan CHU
Principal Assistant Secretary for Security D

Miss May CHAN
Assistant Secretary for Security D

Mr T P WONG
Deputy Director of Immigration (Special Assignment)

Ms Helen CHAN
Assistant Principal Immigration Officer
Immigration Department

Ms Joyce TAM
Principal Assistant Secretary for Information Technology
and Broadcasting

Mr Alex MA
Assistant Director of Information Technology Services

Item V

Mrs Jennie CHOK
Deputy Secretary for Security

Mr Dominic AU
Principal Assistant Secretary for Security

Mr Aaron LIU
Assistant Secretary for Security

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

Staff in : Mr Raymond LAM

attendance Senior Assistant Secretary (2)5

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I. Confirmation of minutes of meetings held on 2 November and 7 December 2000 and special meeting held on 11 November 2000 and matters arising (LC Paper Nos. CB(2) 678/00-01, CB(2) 680/00-01, CB(2) 682/00-01 and CB(2) 677/00-01(01))

The minutes of the meetings held on 2 November and 7 December 2000 and the special meeting held on 11 November 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.

II. Dates of subsequent meetings and items for discussion (LC Paper No. CB(2) 677/00-01(02))

3. Members agreed that the next regular meeting be rescheduled for 6 February 2001 at 10:45 am to discuss the following items -

- (a) progress of establishing an arrangement with the Mainland on surrender of fugitive offenders;
- (b) European Union : visa-free access for Hong Kong Special Administrative Region passport holders; and
- (c) Review of Talents Admission Scheme and Related Matters.

On item (a), Miss Margaret NG said that representatives of an organization had, at a recent meeting with the Secretary for Security (S for S), requested that it should be ensured in the arrangements to be established with the Mainland that the offenders surrendered would receive a fair trial as guaranteed under Article 39 of the Basic Law and the International Covenant on Civil and Political Rights. As S for S had not indicated that such a fair trial would be guaranteed in the arrangements, she considered that the issue should be discussed by the Panel.

4. As the first Thursday of April 2001 would be a public holiday, members agreed that the regular meeting in April 2001 be scheduled for 3 April 2001 at 10:45 am.

III. Crime situation in 2000

5. At the invitation of the Chairman, Commissioner of Police (CP) gave an account of the crime situation in 2000. He took Members through the statistics tabled at the meeting and provided the following supplementary information -

- (a) the overall crime rate of 1 139 was one of the lowest among the major cities in the world;
- (b) the number of reported "head-bashing" robbery cases had decreased from 154 cases in 1999 to 114 cases in 2000, representing a drop of 26%;
- (c) 10 out of the 18 bank robberies in 2000 had been unsuccessful;
- (d) the number of missing four-wheel-driven motor vehicles had increased from 112 in the previous year to 154, while the number of missing high performance motor vehicles had increased from 284 in the previous year to 380 in 2000;
- (e) the recovery rate of missing motor vehicles was 54.3%;
- (f) the number of burglary cases was the lowest among the past 10 years, apart from 1997;
- (g) the number of homicide cases was the lowest among the past 30 years;
- (h) among the wounding and serious assault cases, 9.4% was related to triad activities;
- (i) although indecent assault and rape cases had increased over those of the previous year, the figures were close to the average for the past five years;
- (j) the number of debt collection cases had decreased by 20.8%. Among these cases, those related to criminal damage had decreased by 22.9%, those related to criminal intimidation had decreased by 33.5%, and those related to blackmail had decreased by 45.1%;
- (k) the number of illegal immigrants arrested had decreased by 30% over the previous year to 8 476, which was the lowest among the past 10 years. The number of illegal immigrants arrested for various crime had also decreased by 11% over 1999;
- (l) the number of arrested persons aged below 16 had increased by 13.5% in 2000, while the number of arrested persons aged between 16 and 20 had decreased by 1% in 2000; and
- (m) persons aged below 21 and arrested for drug-related offences had

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increased from 1 055 persons in 1999 to 1 873 persons in 2000, representing an increase of 77.5%.

(Post-meeting note : The statistics tabled at the meeting was issued to members vide LC Paper No. CB(2) 739/00-01 on 19 January 2001.)

6. CP concluded that the overall crime rate for 2000 was similar to that for 1999. There was a decrease in the number of cases of violent offences, but increase in crimes such as burglary and deception. He said that juvenile crime and drug abuse among young people were major areas of concern. The increase in drug abuse among young people was probably due to the general abuse of soft drugs in rave parties. To address the problem, a multi-disciplinary task force comprising representatives from the Action Committee Against Narcotics, the Police, drug and rehabilitation experts, social workers and educationalists had been formed to address the problem. Legislative amendments had also been introduced to classify "Ketamine" as a kind of dangerous drug.

7. Mr Albert HO expressed concern about the substantial increase in drug-related crime, especially among young people. Referring to the statistics on the amount of drugs seized, he requested the Administration to provide statistics about the number of cases of drug seizures. He asked whether more resources would be allocated for stepping up publicity against drug abuse in schools. CP agreed to provide the statistics requested by Mr HO. He said that the Police was very concerned about the increase in juvenile crime and drug abuse among young people. To address the problem, a multi-disciplinary task force had been formed to address the problem. Legislative amendments had also been introduced on "Ketamine".

Adm

8. Mr Albert HO asked about the number of cases where the victim lost control due to the effect of drugs. CP responded that such information was not available, as there were many reasons for the commission of an offence. He added that such statistics were also not maintained in many other countries. At Mr HO's request, he agreed to try to gather the information requested.

Adm

9. Mr CHEUNG Man-kwong sought the Police's view on the recent incident where the Department of Justice (D of J) decided not to prosecute the son of a judge for possession of drugs. CP responded that he was not in a position to comment on individual cases. Nevertheless, the Police had been paying much attention to the prosecution of suspects. Where necessary, the Police would discuss the issue with D of J. Mr James TO said that the issue had recently been discussed at a meeting of the Panel on Administration of Justice and Legal Services. At the meeting, D of J was requested to discuss the matter with the Police and the Action Committee Against Narcotics.

10. Mr James TO said that there had been a trend of triad societies shifting their activities to the Mainland after 1 July 1997. He asked whether the recent firm actions taken by the Mainland authorities against triad activities had caused such activities to shift to Hong Kong.

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11. CP said that the Police had always been very concerned about triad activities in Hong Kong. He said that joint actions had been taken by the relevant authorities in the Mainland, Hong Kong and Macau against unlawful societies in October 2000 against triad activities. Director of Crime and Security, Hong Kong Police Force (DCS) said that unlawful society offences amounted to 3.7% of the overall crime rate in 1999 and 3.2% in 2000. This reflected that the firm actions taken by the Mainland authorities had not resulted in a shifting of triad activities to Hong Kong. He added that the Mainland authorities had started taken firm actions against unlawful societies more than a year ago.

12. Mr James TO asked about the trend of triad activities in the past five to 10 years. He expressed concern that the reported linkage of some unlawful societies to some prominent figures in the society or charitable activities would make it increasingly difficult for the Police to take actions against unlawful societies. CP responded that such cases had usually been prosecuted under the Organized and Serious Crimes Ordinance (OSCO). At Mr TO's request, CP agreed to provide information about occasions on which prosecutions were instituted under OSCO. He said that close surveillance had been maintained by the Police on triad activities.

Adm

13. In response to Mr SIN Chung-kai's question about the reasons for the substantial increase in drug-related offences, CP said that the increase was mainly due to widespread abuse of psychotropic substance in rave parties.

14. Mr SIN Chung-kai asked about the statistics in respect of computer-related crime. He hoped that such statistics would be included in the annual statistics on crime situation in the future. CP responded that the number of cases of computer-related crime had increased from 238 in 1999 to 286 in 2000. These were confined to hacking. He said that the Police had done a lot to combat computer-related crime. An Interdepartmental Working Group on Computer Related Crime was formed in March 2000 to examine existing legislation and related issues regarding computer crime with a view to recommending solutions to effectively combating computer-related crime. He added that representatives of the Police had also attended a number of international conferences on computer related crime and visited a number of overseas countries to share their experiences.

15. Mr SIN Chung-kai asked about the statistics on gambling on football matches. DCS responded that there were 166 cases of unlawful gambling in the first 11 months of 2000, as compared to 256 cases in 1999. These were mainly related to unlawful gambling on horse racing, football matches and Mark Six Lotteries. Among the 47 cases of unlawful gambling detected in the first 11 months of 2000, 30 were related to gambling on football matches. He added that enforcement against unlawful gambling was difficult because of inadequacies in existing legislation. The problem was being addressed in the Gambling (Amendment) Bill 2000, which was being examined by a Bills Committee of the Legislative Council (LegCo). He added that a special task force had been formed to address the problem of unlawful gambling.

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16. Dr LUI Ming-wah suggested that the Administration should include the detection rate of each kind of crime in the annual crime statistics. CP responded that while such detection rates could be provided, it would be necessary to explain the detection rate for each kind of crime, as the detection rate for some kind of crime was low in most parts of the world.

17. In response to Dr LUI Ming-wah, CP said that it was a standard practice of the Police to gather detailed information about the background of offenders.

18. Miss Margaret NG pointed out that the Police seemed to have decided not to take any further actions on the case of SU Zhi-yi. She said that some people in the legal profession had asked how a client who was requested by a Mainland Public Security official for taking a statement in Hong Kong should be advised. She asked whether Public Security officials of the Mainland were required to be accompanied by the Police when taking a statement from a person in the territory of Hong Kong.

19. CP responded that the case of SU Zhi-yi had been discussed at the special meeting of the Panel on 16 January 2001, when the Police had undertaken to follow up the case. He said that the Police was very concerned about enforcement actions carried out by law enforcement officers of other places in the territory of Hong Kong. There were established procedures, in accordance with Interpol practice, on the enforcement of duties by Mainland law enforcement officers in Hong Kong. He had also been firmly assured during his recent visit to the Mainland that all Mainland Public Security authorities had been instructed that taking investigative actions in Hong Kong without prior notification of the Police was prohibited. If any breach of this requirement was identified, the Police would take up the matter with the Mainland authorities. He confirmed that any Mainland Public Security official who wished to take a statement from a person in Hong Kong had to obtain prior consent of the person from whom the statement was to be taken. After such consent had been sought, the taking of statement in the presence of the Police could then be arranged. He added that there had not been any reported cases of Mainland Public Security officials taking enforcement actions in the territory of Hong Kong without prior notification of the Police after SU Zhi-yi's case.

20. DCS said that it was the practice of both the Police and the Mainland Public Security authorities to seek the consent of the person from whom a statement was to be taken before crossing the border to take a statement. This would avoid unnecessary wastage of time and financial resources. Miss Margaret NG said that there had not been adequate publicity on these requirements in the past. She considered that the public's attention should be drawn to the requirement that a Mainland Public Security official could take a statement from a person in the territory of Hong Kong only in the presence of the Police. Miss Emily LAU shared the view that there should be more publicity on such requirements. CP said that it was unfair to assume that the Mainland Public Security officials would breach the requirements. He pointed out that the low crime rate in Hong Kong was the result of joint effort between the Police and Mainland Public Security authorities.

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21. In response to Miss Emily LAU's question about a newspaper report that more than 100 Mainland Public Security officials had taken enforcement actions in the territory of Hong Kong in the past, CP said that Mainland law enforcement officers had made 172 visits to Hong Kong in 2000, while the Police had made 107 visits to the Mainland in the same period. Enforcement of duties in these visits was all made in the presence of the law enforcement officers of the other side.

22. Mr Albert HO said that there were cases where Hong Kong residents working in the Mainland were detained as a result of their Hong Kong employers' involvement in financial disputes in the Mainland. He asked about the assistance provided by the Police to these persons. DCS said that a reciprocal notification mechanism had recently been established between the Police and the Mainland Public Security authorities. Under the mechanism, the Mainland authorities would inform the Police of the detention of Hong Kong residents in the Mainland. The Police would then notify the family members of the detained persons. He added that Mainland lawyers usually had more knowledge about what assistance could be provided to these detained persons.

23. The Chairman asked about the measures adopted by the Police to address the problem of increased juvenile crime. CP responded that task forces had been established under the Fight Crime Committee and District Fight Crime Committees to address the problem of juvenile crime. He added that many programmes had also been developed to address the problem. The Chairman suggested that the subject of juvenile crime be discussed at a future meeting of the Panel.

IV. Progress of the Hong Kong Special Administrative Region (HKSAR) Identity Card (ID) Project

(LC Paper No. CB(2) 677/00-01(03), CB(2) 695/00-01(01) and CB(2) 715/00-01 (01) and (02))

24. At the invitation of the Chairman, Deputy Secretary for Security 3 (DS for S3) presented the Administration's papers on the HKSAR ID Card Project. He informed Members that the Administration intended to submit a funding proposal for consideration by the Finance Committee on 23 February 2001.

25. Mr James TO asked about the Administration's response to the issues raised in the Initial Privacy Impact Assessment Report (the Report). Deputy Director of Immigration (Special Assignment) (DD of Imm (SA)) responded that discussions were being held with the Privacy Commissioner for Personal Data (the Privacy Commissioner) on the issues raised in the Report. Most of the proposals in the Report were acceptable to the Administration. He said that the Administration would provide a paper setting out the Administration's views on the proposals in the Report.

26. Mr James TO considered that appropriate approval should be given before the matching of records was carried out. He asked whether it would be provided in legislation that the matching of records should be performed only after approval had

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been given by a certain body. He also asked whether the Privacy Commissioner would be involved in the approval process. DD of Imm (SA) responded that the matching of records was currently regulated by the Personal Data (Privacy) Ordinance (Cap. 486) (PD(P)O). Approval from the Privacy Commissioner was needed before matching could be carried out. He added that the Administration had provided a paper setting out its initial views on the legislative amendments to be introduced to implement the Project. However, the exact legislative amendments required would not be finalized until the vendors had been selected and the future work models determined. It was therefore necessary for legislative amendments be conducted in parallel with, but not in advance of, the development of the new computer system. He stressed that the tendering exercise and development of a new computer system would take about two years.

27. Mr James TO said that the Administration should have commenced discussion of the subject with the Panel at a much earlier time, and that the Report had raised a number of issues he had not thought of before. He expressed concern that with the collection of more data in an electronic era, the matching of records would become much easier than before. It was thus important to take steps to prevent abuse of the new computer system. He considered that control on the matching of records should be tightened and the funding application should be deferred a few months.

28. DS for S3 stressed that the introduction of legislative amendments, the addressing of privacy issues and tendering work had to be carried out in parallel. He said that the subject had already been discussed a number of times at previous meetings of the Panel and the Establishment Subcommittee. Nevertheless, the Administration would be pleased to attend special meetings of the Panel, if necessary, to discuss issues raised by members.

29. Miss Emily LAU said that the issue of seeking funds before introducing legislative amendments had been discussed at previous meetings of the Panel and the Establishment Subcommittee. She expressed concern that if funding was approved in advance of legislative amendments, many proposals under the Project might already have been implemented. It might be no longer meaningful to introduce legislative amendments by that time. She considered that legislative amendments should be made before funding was sought. DS for S3 responded that the Project could be monitored by LegCo even after funding was approved. He stressed that without Phase 1 of the funding proposal, there would not be a new computer system for the ID card record system when the existing computer system reached the end of its life expectancy by the end of 2002. He said that the exact legislative amendments could be drawn up only after the new computer system was determined. He assured Members that the incorporation of new information, such as the template of a person's thumbprint in the new ID card, could not be made until the relevant legislative amendments were enacted. DD of Imm(SA) added that some of the privacy protection measures could only be drawn up after funding was granted and the new computer system determined.

30. Mr James TO asked whether the procedures adopted by the Police and the

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Immigration Department (ImmD) in the verification of a person's identity card would be reviewed. DD of Imm (SA) responded that in the verification of a person's identity card with the Police, ImmD would only provide a code indicating whether the card was valid. Other information was not provided unless the purpose was for the detection of crime, in which case the request had to be made by an authorized Police officer of an appropriate rank and reference had to be made to the relevant provisions in PD(P)O under which the information was sought.

31. Referring to item 4 in page 2 of Annex II to the Administration's paper entitled "Progress of the consultation campaign on the HKSAR ID Card Project", Miss Emily LAU asked why it was stated that there would not be any sharing of data among government departments, although section 58 of PD(P)O provided for access by the Police to personal data in the detection of crime. DD of Imm(SA) responded that it was a principle that there should not be sharing among different government departments of data in the new ID card. He said that the collection, storage, use and disclosure of personal information would all be made in accordance with the requirements in PD(P)O. However, there were exemption provisions in PD(P)O providing access to personal data under certain circumstances.

32. In response to Miss Emily LAU's question about the time-table for introducing the legislative amendments, DD of Imm(SA) said that legislative amendments were expected to be introduced in the 2001-02 legislative session, as discussions would have to be held with the Privacy Commissioner after the tendering exercise. Miss LAU commented that the Administration was expeditious in the seeking of funds but slow in the introduction of legislative amendments. The Chairman said that legislative amendments should be introduced before Phase 2 of the funding application was submitted. DS for S3 assured Members that the Administration would introduce the legislative amendments as soon as possible and regularly report the progress to the Panel.

33. Miss Margaret NG asked whether the expenditure to be authorized under the funding request was intended for matters which the Administration was not empowered to do under existing legislation. She also asked whether LegCo was empowered to approve the funding request, if it was intended for matters which the Administration was not empowered to do under existing legislation. Mr Albert HO added that the Administration seemed to be implementing a scheme which had yet to be underpinned by legislation. Miss Emily LAU reiterated that the proposals in the Project might already have been implemented by the time legislative amendments were introduced. Owing to time constraint, Members agreed that discussion of the subject would be continued at the next regular Panel meeting to be held on 6 February 2001.

V. Retention of Two Directorate Supernumerary Posts for Secondment to the Aviation Security Company Limited
(LC Paper No. CB(2) 677/00-01(04))

34. Members noted the Administration's paper and made no comments on the

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proposed retention of two Directorate Supernumerary Posts for secondment to the Aviation Security Company Limited.

VI. Review of paramedic ambulance service

35. Owing to time constraint, members agreed that discussion of the item be deferred to the next meeting to be held on 6 February 2001. Members also agreed that the items originally scheduled for discussion on 6 February 2001 would be deferred to the regular Panel meeting on 1 March 2001.

36. The meeting ended at 12:55 pm.

Legislative Council Secretariat

23 February 2001