

Chapter XIV : Security

14.1 At the Chairman's invitation, the Secretary for Security (S for S), Mr Timothy TONG, gave a presentation on the resource requirements under his policy areas in 2002-03 (Appendix V-13).

Immigration matters

Protective measures for passports

14.2 Noting that all newly issued Hong Kong Special Administrative Region (HKSAR) passports would be provided with plastic film to protect the barcode, Mr Howard YOUNG enquired whether the Administration had earmarked resources to provide such protective measure to issued passports. In reply, the Director of Immigration (D of Imm) stressed that it was under very rare circumstances that the barcode in a passport would be damaged, hence, the need to provide issued passports with the new protective measure was not imminent. Nevertheless, the Administration would conduct regular reviews on the design of passport with a view to identifying areas for improvement.

Services at the immigration control points

14.3 Noting that the immigration control points were able to clear 98% of the passengers within the target waiting time of 15 minutes and 30 minutes at the Airport and land and sea control points respectively in 2001, which was well above the pledged target of 92%, Mrs Selina CHOW asked whether the Administration would consider raising its pledge in 2002-03.

14.4 In response, D of Imm said that notwithstanding that the actual performance in 2001 exceeded the pledge target as a result of continued efforts of the Department and streamlining of existing procedures, he considered that the pledge target of 92% had been reasonably set at a level which the Department was confident of achieving. The existing margin would allow flexibility for the control points to cope with the anticipated growth in passenger traffic and

Chapter XIV : Security

unexpected upsurges at peak periods. There would be manpower and resources implications in raising the performance pledge.

14.5 On Mrs Selina CHOW's comment that implementation of the enhanced Immigration Control Automation System (ICAS) at control points should be advanced before the target of mid-2004 so as to expedite improvement to existing services, D of Imm advised that the Department would endeavour to implement the enhanced system as early as possible. However, as implementation of the system had to tie-in with the Identity Cards Re-issue Exercise which would start by mid-2003, it was envisaged that mid-2004 was the earliest possible date for commencing the enhanced ICAS.

Foreign domestic helpers taking up illegal employment

14.6 Pointing out that there was a significant drop in the number of foreign domestic helpers arrested for taking up illegal employment in recent years, i.e. from 244 in 2000 to 196 in 2001, Ms Audrey EU asked whether this was related to inadequacy of resources deployed for undertaking enforcement actions.

14.7 In reply, D of Imm advised that the problem of illegal employment had been put under control in recent years with Administration's dedicated efforts. He stressed that in 2002-03, the Administration would continue with its pro-active measures in combating the problem. These included undertaking frequent anti-illegal workers operations, encouraging the public to report suspected cases of illegal employment, and promoting public awareness of concerned policies and legal requirements.

14.8 On whether employers employing illegal foreign domestic helpers would be arrested, D of Imm confirmed that employers involved in illegal employment of foreign domestic helpers also broke the law. He agreed to provide the relevant statistics in respect of employers for Members' reference.

Overcrowding of penal institutions

14.9 Miss Emily LAU expressed grave concern on the overcrowding situation in penal institutions as revealed by the high occupancy rates in the majority of institutions in 2001 and the estimated overall rate of 120% for 2002. Referring to the high rate of 203.2% for Tai Lam Centre for Women in 2001, Miss LAU was particularly concerned about the overcrowding situation in female institutions and enquired about measures to tackle the problem.

14.10 The Commissioner of Correctional Services (C of CS) explained that the overcrowding situation in female penal institutions was attributed to a continued upsurge in female inmate population since November 2000 mainly resulted from increased admission of female Mainlanders. On short term measure to relieve the overcrowding problem in female institutions, C of CS advised that some sections in the Victoria Prison and Hei Ling Chau Addiction Treatment Centre had been set aside for keeping female prisoners. Provision of additional female places in Ma Hang Prison was in the pipeline. In the longer term, C of CS informed that the Administration was formulating a prison development plan to accommodate all penal institutions in a large prison complex. The plan aimed at alleviating the overcrowding problem in institutions, improving cost-effectiveness in management, and meeting forecast penal growth in the next two decades. As regards day-to-day management of female penal institutions, C of CS stressed that notwithstanding the overcrowding problem which had added pressure on the management, the Department was able to cope with the situation by deploying female staff from other institutions. He assured Members that the Administration would monitor the situation closely and maintain effective operation and management of institutions to ensure satisfactory treatment of inmates.

14.11 Miss Emily LAU questioned why female Mainlanders with two-way permit who had over-stayed were put into institutions instead of sent back to the Mainland. In response, D of Imm confirmed that over-stayers from the

Mainland were normally repatriated within two weeks. Majority of female Mainlander admitted in penal institutions had been convicted of prostitution during their stay in Hong Kong.

Emergency ambulance service

14.12 Ms LI Fung-ying pointed out that the proposed procurement of three new ambulances in 2002-03 would not address the forecast shortage in ambulances as indicated in the consultancy study on emergency ambulance service. Noting that two new ambulance depots would be commissioned in 2002, Ms LI was concerned that without provision of additional manpower resources and equipment facilities the pledged target of answering 92.5% of emergency calls within the target response time of 12 minutes could not be maintained. She was particularly concerned that increasing workload would put further strain on existing staff.

14.13 In reply, the Director of Fire Services (D of FS) advised that there was a 5% increase in the number of emergency calls in 2001 as compared with 2000. To meet the growing demand for emergency ambulance service, the Department would create 69 new posts in 2002-03 for the implementation of full paramedic ambulance service, enhancement of emergency ambulance service and manning new ambulance depots. Coupled with internal deployment, about six additional ambulance shifts per day would be provided to improve the response time performance. Moreover, to better cope with the demand during peak periods, special working shifts would be arranged equivalent to providing seven additional shifts per day by flexibly deploying staff in selected ambulance units and districts. Furthermore, the new depots at Tseung Kwan O and Tin Shui Wai would help improve the ambulance coverage and the overall response time performance of ambulance service. He stressed that the Department had taken note of the recommendations of the consultancy study and consulted staff in working out the aforesaid improvement measures.

Chapter XIV : Security

14.14 In response to the Chairman's enquiry about the reason for the slight decline in the response time performance of emergency ambulance service in 2001, i.e. 91.8% as compared with the pledged target of 92.5%, D of FS explained that it was mainly attributed to the increase in number of emergency ambulance calls and also traffic congestion caused by poor weather. He envisaged that with enhancement in ambulance facilities and provision of additional manpower, the overall response time performance of ambulance service could be improved in 2002-03. He advised that the improvement measure of adding 13 ambulance shifts per day would achieve the same effect of adding eight new ambulances to the overall ambulance resources.

Prevention and detection of crimes

Crime rate and unemployment

14.15 Mr James TO sought clarification of the Administration's recent comment that the increase in crime rate in the first two months of 2002 might be related to the current economic downturn and more people seeking "quick cash". The Commissioner of Police (CP) stressed that although the crime rate of the first two month of 2002 recorded an increase of 2.8% over the same period in 2001, the overall crime rate in 2001 was the second lowest in the past 27 years. He said it was too early to assess crime trends using only two months' statistics. Statistics in the first two month of 2002 had shown a slight increase in the number of arrests who were unemployed, but no direct correlation between the rise in crime rate and unemployment problem could be established. At Mr TO's request, CP agreed to provide details on people arrested for "quick cash" crimes with a breakdown on the number involving unemployed persons.

Crime detection rate

14.16 Mr CHEUNG Man-kwong expressed concern about the low detection rate of 12% for arson cases in the past three years while the average overall detection rate was 43%. CP remarked that arson was not a crime of particular concern to Hong Kong as the majority of arson cases had not resulted in serious damages or deaths. The relatively low detection rate for arson cases was

Chapter XIV : Security

mainly due to the difficulty in collecting useful information from witnesses and obtaining evidence at the crime scenes. Upon request of Mr CHEUNG, CP undertook to provide the number of arson cases resulted in serious injury or death in the past three years for Members' reference.

Juvenile crimes

14.17 Ms Cyd HO noted that the number of juveniles arrested involving violent crimes in 2001 stood at 1 575, and enquired about measures to tackle this serious problem.

14.18 CP advised that the number of juveniles arrested in 2001 had in fact dropped by 5.1% when compared with the figure in 2000. The majority of the arrested were involved in minor crimes such as shop thefts and other miscellaneous thefts. As such, that there was no indication of a growing number of juvenile involved in violent crimes. CP remarked that the Police was more concerned with drug abuse problem among young people and had stepped up enforcement in 2001. As a result, the number of juveniles arrested involved in drug offences had increased substantially by 62% over that of 2000. At Ms Cyd HO's request, CP undertook to provide details on the number of first-time and repeated juvenile delinquents arrested for violent crimes in 2001.

14.19 On measures to combat and prevent juvenile crimes, CP stressed the Police's commitment in tackling the problem through the three-pronged approach involving other relevant departments and non-governmental organizations. While the Fight Crime Committee continued to monitor the general situation of juvenile crimes and carried out studies to identify trends, the Police Headquarters, Regional and District Offices co-ordinated and implemented the various crime prevention, law enforcement and rehabilitation programmes for the youth. In respect of assistance to juvenile delinquents, CP advised that the Police Superintendent Discretion Scheme aimed at helping first-time young offenders below the age of 18 who would be cautioned under the Scheme in lieu of prosecution. As regards rehabilitation services for young offenders, C for CS advised that a wide range of institutional programmes and aftercare service were provided. For instance, a pilot rehabilitation programme targeted at young

Chapter XIV : Security

offenders involved in violent crimes was being implemented in the Cape Collinson Correctional Institution. Post-release supervision schemes for young offenders had also been very effective. About 79% of young offenders had successfully completed their supervision period without reconviction.

14.20 Noting that only 33 sergeant posts was created in 2001-02 under the Secondary School Liaison Officers Programme to provide services to over 500 secondary schools, Mr WONG Yung-kan urged that more resources should be allocated to the Programme, in particular, to assist in preventing triad activities in schools. In response, CP advised that the Programme launched in August 2001 was well received by schools. The Police would review the Programme after one year of operation and decide whether the Programme needed to be enhanced.

Installation of closed circuit television cameras in Lan Kwai Fong

14.21 Mr Albert HO expressed concern over the Police's pilot scheme to install permanent closed circuit television (CCTV) cameras in Lan Kwai Fong as this would infringe upon privacy of individuals. He further asked whether the Administration would consult users of the area, such as tourists and customers of bars and restaurants on the scheme.

14.22 CP advised that CCTV had been increasingly used worldwide over the past decade to assist law enforcement agencies in maintaining public order and security management to enhance public safety and prevent and detect crimes. At the Transnational Organized Crime Conference 2002 held in Hong Kong recently, delegates from overseas countries had given positive support for the use of CCTV to assist the police in crowd control and crime prevention and had confirmed the effectiveness of the system. Such facilities were now widely used in countries such as, the United Kingdom (UK), United States, Canada, France, Japan, Singapore, Ireland, Australia, and Malaysia. The UK government had been spending over \$3 billion annually in the provision and maintenance of about 200 000 CCTV cameras installed throughout the country. In Hong Kong, CCTV

Chapter XIV : Security

was already extensively used in public and private places including immigration control points, shopping arcades and residential estates, and had assisted the Police in detecting crimes. Moreover, the Police had also been using temporary CCTV facilities to assist crowd control operations at selected locations during major festivals and events.

14.23 On the need to consult the public on the Police's pilot scheme, CP said that the Police had consulted business operators in Lan Kwai Fong and received their general support. However, noting the public concern on privacy issues, the Police would step up efforts in promoting public awareness regarding the benefits of CCTV system through various publicity activities.

14.24 Regarding the location for the pilot scheme, CP explained that Lan Kwai Fong was selected because a major disaster involving many deaths had once occurred there and that the area was a popular leisure place for Hong Kong people and a tourists spot. On resources required for the pilot scheme, CP confirmed that the scheme would be financed by savings from other programmes. Moreover, no additional manpower would be required for manning the system as it would be connected to the Central Police Station and the Hong Kong Island Command and Control Centre and monitored by duty officers.

Opinion surveys commissioned by the Police

14.25 Referring to the two opinion surveys conducted by the Police in 2001, while Miss Emily LAU noted that results of the Staff Opinion Survey had indicated an improvement in the level of satisfaction of the general public towards the performance of the Police (76% of the respondents were satisfied with the overall performance of the Police as compared with 54% in 2000), she expressed concern that in the Public Opinion Survey, only 50% of the public felt safe under the state of law and order at night time.

14.26 In response, CP said that the findings of both surveys in 2001 had

Chapter XIV : Security

indicated improvement in the performance of the Police on various aspects which was the result of continued efforts of all staff. In respect of enhancing the communication within the Police, CP advised that apart from increasing the frequency of meetings between the management and staff at the working level, enhancement in the Police's Intranet had resulted in more efficient dissemination of information and facilitated collection of views and suggestions from staff for making improvements.

14.27 As regards the Public Opinion Survey, CP remarked that views from respondents often reflected their perception on the matter rather than their actual experience. On Miss Emily LAU 's concern over the low level of satisfaction of the public about the state of law and order at night time, CP said that the local situation already compared very favourably than many other cities. However, as many cities had not conducted similar public opinion surveys, no direct comparison could be made. At Miss LAU's request, CP undertook to provide relevant statistics of similar surveys conducted by other countries for Members' reference as far as possible.

Complaints against police officers

14.28 Mr CHEUNG Man-kwong expressed concern that 12 police officers were promoted in 2000 and 2001 even the Independent Police Complaints Council (IPCC) had reviewed and found that the complaints against them were substantiated. Mr CHEUNG opined that the Police should provide justifications for the promotion and further requested for information on disciplinary actions taken against these officers after the complaints were substantiated and a breakdown on the promoted officers by rank.

14.29 In reply, CP advised that depending on the seriousness of the substantiated complaint, the Police might not necessarily take disciplinary action against officers involved in every complaint endorsed by the IPCC. On the other hand, according to the Police General Orders, certain disciplinary punishments imposed on police officers would not affect their promotion. Hence, in the principle of fairness, the Police could not bar those officers who were involved in substantiated complaints from promotion. Nonetheless, he assured Members

that promotion exercise of police officers was conducted prudently. The performance of officers and their relevant disciplinary records would be carefully assessed and examined. He undertook to provide the information requested by Mr CHEUNG Man-kwong after the meeting.

Transfer of sentenced persons

14.30 Noting that there were only six cases of transfer of sentenced persons in 2000 and 2001, Ms Audrey EU asked whether more resources would be allocated to expedite processing of cases.

14.31 On approving applications for transfer of sentenced persons, C of CS explained that it required the consent of the sentenced persons and the authorities of the two jurisdictions involved. The transfer was also subject to mutually agreed arrangements between the jurisdictions including the receiving authorities had to ensure that the person would continue to serve his remaining sentence after transfer. He added that, the Administration had entered into agreements with seven countries for transfer of sentenced persons and commenced discussions with the Mainland authorities in 2000 for instituting similar arrangements.

14.32 As regards resources for implementing the transfer scheme, S for S stressed that there were adequate resources to process applications as soon as possible. Since 1989, the Administration had processed 30 and 55 applications for transfer of sentenced persons out of and back to Hong Kong respectively. However, as some applicants only had a short sentence, such as less than a year, they might have completed their sentence even before their applications were successfully processed. There were 35 such cases involving 12 countries among the above mentioned 85 cases. S for S further advised that where no formal transfer arrangements were entered with a jurisdiction, the Administration would still consider applications on a case-by-case basis. Fourteen applications had been approved under such ad hoc arrangements so far which included the case involving an Nigerian prisoner transferred in 2001.

14.33 On Ms Audrey EU's enquiry on whether the Nigerian prisoner transferred in 2001 had continued to serve his remaining sentence, S for S reiterated that transfer of sentenced persons was subject to conditions mutually agreed with the respective governments concerned.

Notification system for Hong Kong residents detained in the Mainland

14.34 Noting that it would take months for the Beijing Office to handle some cases involving requests for assistance by Hong Kong residents detained in the Mainland, Mr Albert HO asked how the Administration would improve efficiency in its service and the notification system for Hong Kong residents detained in the Mainland established with the Mainland authorities. As the notification system had been implemented for over a year, Mr HO further enquired when the system would be reviewed and whether its scope would be expanded to cover more Mainland authorities including the National Security Bureau.

14.35 In response, S for S advised that majority of the requests for assistance by Hong Kong residents in the Mainland were associated with criminal compulsory measures adopted against them by the Mainland authorities. The Security Bureau had been referring such cases to the Beijing Office for providing necessary assistance, and the latter also took up cases when approached by Hong Kong residents directly. Regarding the time taken to handle such cases, D of Imm stressed that the Assistance to Hong Kong Residents Unit of the Immigration Department acted promptly upon receiving requests and provided assistance as soon as possible. He explained that as each case was different in nature and complexity, and involved different requests from the detainee and his family, the Administration would need to contact different levels of Mainland authorities through its official contacts in Beijing in following up the cases. As such, the time required in handling cases might vary.

Chapter XIV : Security

14.36 As regards review on the notification system, S for S stated that a review was underway and assured Members that the Administration would take into account their views. He also undertook to consider Mr Albert HO's suggestion that the views of the detainees and their families should be taken into account in the review.

14.37 In response to Mr Albert HO's further enquiry, S for S confirmed that under the current Mainland laws, only the immediate family of a detainee would be given permission by the concerned Mainland authorities to correspond and meet with the detainee. As such, the Administration could not visit Hong Kong residents detained in the Mainland.

Interception of communications

14.38 Mr James TO expressed concern on the slow progress in commencing the Interception of Communications Ordinance (Cap. 532) which was enacted in June 1997 and asked whether the Administration would allocate more resources to expedite work in this area.

14.39 In response, S for S advised that an inter-departmental working group chaired by S for S was set up in late 1999 to review the whole issue of interception of communications including the question of bringing the ICO into operation. Two subgroups were formed under the working group. The first one was tasked to study technical issues including measures to strengthen regulation of interception activities so as to enhance protection of individual privacy, while the other studied practices and experiences of overseas jurisdictions in regulating interception activities including their legislation and enforcement difficulties. S for S added that due to rapid development in telecommunications, the working group had to review its scope of work constantly. Nevertheless, he re-affirmed the Administration's pledge to complete the review by the end of 2002 and confirmed that existing resources were sufficient to cope with the task.

14.40 In reply to Mr James TO's enquiry about whether the working group

Chapter XIV : Security

would also examine interception issues related to the review of Article 23 of the Basic Law, S for S advised that the two reviews were unrelated.