

立法會
Legislative Council

LC Paper No. CB(2) 1572/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 7 March 2002 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon James TO Kun-sun (Chairman)
Hon LAU Kong-wah (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 WONG Yung-kan
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Member attending : Hon CHAN Yuen-han, JP

Public Officers attending : Item III

Mr Michael WONG
Deputy Secretary for Security 3

Mr Alan K M CHU
Principal Assistant Secretary for Security D

Mr CHAN Man-lang
Assistant Secretary for Security

Mr Peter YUEN Ka-tat
Project Director
Architectural Services Department

Mr Gary CROW
Project Manager
Architectural Services Department

Mr LAW Yiu-tung
Senior Principal Immigration Officer
Immigration Department

Item IV

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr Albert LAI Kwok-ying
Director of Finance
Administration and Planning
Hong Kong Police Force

Mr Michael B DOWIE
Regional Commander
New Territories South
Hong Kong Police Force

Ms Barbara R WILLISON
Chief Superintendent
Planning and Development Branch
Hong Kong Police Force

Mr LEE Yeung-chi
Superintendent (Weapons Training)
Hong Kong Police Force

Mrs Marigold LAU
Project Director
Architectural Services Department

Item V

Mr Timothy TONG, JP
Deputy Secretary for Security 1

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr TANG King-shing
Director of Operations
Hong Kong Police Force

Mr LEE Wai-lam
Chief Superintendent of Police (Support)
Hong Kong Police Force

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

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

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I. Matters arising
(LC Paper No. CB(2) 1218/01-02(01))

Visit to Tactical Training Complex in the Police Training School on 12 March 2002

The Chairman reminded Members that the visit to the new Tactical Training Complex in the Police Training School would be held on 12 March 2002 from 10:15 am to 12:50 pm.

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) 1218/01-02(02))

3. Members agreed that the regular meeting on 4 April 2002 be rescheduled for Tuesday, 9 April 2002 at 8:30 am to discuss the following items -

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- (a) Hong Kong Special Administrative Region Identity Card Project : Progress Report;
- (b) Police policy on installation of closed-circuit television systems in public places; and
- (c) Follow-up on allegations of Mainland Public Security officials exercising jurisdiction in Hong Kong - the case of SU Zhi-yi.

4. As regards an item on "Proposed revision of massage establishments licence fee" proposed by the Administration, members agreed that the Administration be requested to provide an information paper on the item before deciding whether it should be discussed at the meeting on 9 April 2002.

5. Members agreed that the Administration be requested to provide a report on the progress of implementation of the iPermit Scheme for visitors from Taiwan some time after its implementation on 18 March 2002.

III. Improvement works at Lo Wu Terminal Building

(LC Paper No. CB(2)1218/01-02(03))

6. Members noted a submission, which was tabled at the meeting, from an Eastern District Council member, Mr YEUNG Wai-sing, on improvement works at Lo Wu Terminal Building.

(Post-meeting note : The submission of Mr YEUNG Wai-sing was issued to members vide LC Paper No. CB(2) 1295/01-02 on 8 March 2002.)

7. At the invitation of the Chairman, Deputy Secretary for Security 3 (DS for S3) briefed Members on the proposed improvement works at Lo Wu Terminal Building, as detailed in the Administration's paper for the meeting.

8. Members noted the Administration's Powerpoint presentation on -

- (a) relocation of the Police Reporting Centre;
- (b) expansion of the departure hall;
- (c) replacement of existing immigration arrival counters; and
- (d) installation of air-conditioning system and wall cladding for Lo Wu Footbridge.

9. Mr IP Kwok-him said that the Administration should provide more information

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and larger diagrams about its proposed improvement works. He asked about the Administration's measures to minimise the effect of the improvement works on passengers using the Lo Wu Terminal Building.

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10. DS for S3 undertook to provide Members with larger diagrams on the proposed project. He invited Members to visit the Lo Wu Terminal Building to better understand the proposed improvement works. He informed Members that most improvement works would be carried out outside peak periods of passenger traffic to minimise inconvenience to passengers.

11. Mr IP Kwok-him asked about the parts of the project where piling work would be involved. Project Manager, Architectural Services Department (PM/ASD) responded that piling work would be required for the construction of the new Police Reporting Centre and the extension part of the building, where existing offices of the Customs and Excise Department and the Immigration Department (ImmD) on the ground floor would be demolished and relocated to the second floor to enlarge the departure hall and facilitate passenger flow.

12. Mr LAU Kong-wah said that many passengers had found the congestion situation at the Lo Wu Control Point unacceptable since a few years ago. He further said that although there was a slow-down in the increase in the number of Hong Kong residents crossing the boundary to the Mainland, the number of Mainland residents visiting Hong Kong was increasing rapidly at an annual rate of more than 10%. He questioned whether the increased number of immigration counters could cope with the increased passenger traffic in the coming years, especially given that the Sheung Shui to Lok Ma Chau Spur Line Project would not be completed until 2007. He asked whether there would be improvement works for the Lo Wu Footbridge and the platforms, where passenger congestion had already reached dangerous levels.

13. PM/ASD responded that the Kowloon-Canton Railway Corporation (KCRC) had plans to construct an additional platform at its Lo Wu Terminal to segregate departing and arriving passengers. KCRC would also construct footbridges connecting passengers from the arrival concourse, which would be enlarged, to platforms designated for southbound passengers.

14. DS for S3 said that the proposed works mainly involved the expansion of the departure hall, which was necessary because any congestion in the existing departure hall would result in the accumulation of passengers at the platform, which was dangerous. The congestion problem at the Lo Wu Terminal Building was not only related to the adequacy of immigration counters, but also the number of immigration counters which were opened at any particular time subject to resource consideration. ImmD had put much effort in addressing the problem. It had, in anticipation of the high volume of passenger flow during the recent Chinese New Year holidays, opened as many immigration counters as possible and successfully eased passenger congestion. The proposed addition of 14 immigration counters would enhance flexibility in coping

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with increased passenger traffic. It was estimated that the existing immigration counters at Lo Wu Terminal Building, when fully manned, would be capable of handling 400 000 passengers per day. He added that the pressure on the Lo Wu Terminal Building would be substantially relieved when the Sheung Shui to Lok Ma Chau Spur Line, which would have a daily passenger handling capacity of 150 000 passengers, was completed in 2006-07.

15. Mr LAU Kong-wah expressed concern that the proposed improvement works would not increase the capacity of the Lo Wu Footbridge. He said that the highest record of daily passenger throughput at the Lo Wu Control Point was 280 000 passengers. He questioned how a maximum daily throughput of 400 000 passengers could be handled without expansion of the Lo Wu Footbridge. He asked about the projected increase in passenger traffic between 2005 and 2007, the percentage increase in passenger handling capacity resulting from the proposed addition of 14 immigration counters and whether the increased immigration counters would be sufficient for coping with the projected passenger throughput.

16. Principal Assistant Secretary for Security D responded that short-term improvement works at the Lo Wu Footbridge had been completed in February 2002. It involved the widening of the passenger lane through the abolition of a lane dedicated for staff to increase the capacity of the Footbridge to 25 000 passengers per hour. As the current maximum passenger traffic through the Footbridge was 18 000 passengers per hour, such improvement works should have removed the bottleneck at the Lo Wu Footbridge.

17. DS for S3 said that according to the projections of the Planning Department, the daily average number of passengers would be about 350 000 for an ordinary day and 400 000 or more during long holidays or festivals in 2006. The addition of 14 immigration counters represented an increase of more than 18% in the number of immigration departure counters. The maximum passenger handling capacity of 400 000 passengers was based on the assumption that all immigration counters were opened. He added that owing to limitation of resources, immigration counters were not fully opened at all times. To cope with the high volume of passenger traffic during long holidays and festivals, more manpower had been deployed for the full operation of immigration counters during such times. He undertook to provide information on the projected cross-boundary passenger traffic for the coming few years.

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18. DS for S3 further said that the performance pledge of ImmD was to clear 92% of passengers within 30 minutes. In the previous year, 88% of passengers were cleared within 10 to 15 minutes. He added that ImmD was taking steps to relieve congestion both on holidays and on an ordinary day. With the introduction of smart identity cards in the next year, automated passenger clearance counters would be introduced. As the system would enable one immigration staff to supervise several counters, the number of immigration counters in operation could be substantially

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increased.

19. Dr LUI Ming-wah asked about the adequacy of existing train service in clearing cross-boundary passengers. DS for S3 said that there was an hourly average of 10 trains to Lo Wu outside peak periods. As each train could carry a maximum of about 4 000 passengers, the existing train service should be adequate.

20. Dr LUI Ming-wah asked whether immigration counters could be used for handling either departing or arriving passengers. DS for S3 responded that a tidal flow arrangement was adopted so that some arrival counters were deployed for departure clearance during departure peaks and vice versa.

21. In response to the Chairman's question about the increase in the capacity of the departure hall, DS for S3 said that the proposed project would increase the area of the departure hall by 1 100 square metres. The existing departure hall could accommodate 1 900 passengers and the proposed works would increase its capacity by some 3 000 passengers.

22. Referring to paragraph 5 of the Administration's paper, Mr CHEUNG Man-kwong asked why construction works for the project, if approved, were to commence in mid-2003 even though there was a pressing need to address the existing problems. He asked whether construction works could be advanced so that the proposed project would be completed earlier than scheduled.

23. PM/ASD responded that in view of the high volume of passenger traffic at Lo Wu Terminal, it was essential for all planning and design work to meet safety standards. He added that close discussions would be held with KCRC on safety standards and means of escape. He informed Members that demolition of the existing Police Reporting Centre, which would commence in May 2002, would result in a widening of the passageway nearby by the end of 2002.

24. DS for S3 said that some parts of the project would in fact be completed earlier than February 2005, which was the target completion month for all improvement works. Mr CHEUNG Man-kwong requested the Administration to examine whether the completion date of the project could be advanced and provide a response.

25. Referring to the submission from Mr YEUNG Wai-sing, Mr CHEUNG Man-kwong said that besides the proposed improvement works, the Administration should also improve the deployment of resources and management of passenger traffic.

26. DS for S3 responded that some of the improvement measures suggested in the submission had been implemented. ImmD had been flexibly deploying its manpower resources to open more immigration counters during peak periods of passenger traffic. KCRC had confirmed that there were established measures to regulate passenger

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traffic. It would convert turnstile type ticket gates into flap gates by the end of 2003 to improve passenger flow. It was expected that such conversion work would substantially increase the passenger handling capacity of the ticket gates. The Administration was also considering improving the air conditioning system of the departure hall.

27. The Chairman requested the Administration to provide statistics about the respective numbers of arriving and departing passengers at the Lo Wu Terminal Building and the respective numbers of immigration counters in operation in each hour on 6 March 2002.

28. Mr LAU Kong-wah requested the Administration to provide, before the proposal was submitted to the Public Works Subcommittee, information about -

- (a) the improvement works to be carried out by KCRC to the Lo Wu Terminal; and
- (b) the installation of air-conditioning system for Lo Wu Footbridge.

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29. DS for S3 agreed to provide the requested information. He informed Members that experts from Mainland and Hong Kong would hold discussions on the installation of air-conditioning system for Lo Wu Footbridge the next day.

30. Dr LUI Ming-wah said that the proposed project should cater for the projected increase in passenger traffic after automated passenger clearance counters were introduced with the use of smart identity cards.

31. To better understand the proposed improvement works, members agreed that a visit be made to the Lo Wu Terminal Building.

IV. New Territories South Regional Police Headquarters and Operational Base at Tsuen Wan

(LC Paper Nos. CB(2)833/01-02(04), CB(2)1218/01-02(04) and (05))

32. Members noted the Administration's supplementary paper, which was tabled at the meeting, comprising photographs about the proposed site and existing accommodation.

(Post-meeting note : The supplementary paper tabled at the meeting was circulated to members vide LC Paper No. CB(2) 1295/01-02 on 8 March 2002.)

33. Mr LAU Kong-wah expressed support for the proposed project. He hoped that the funding proposal could be submitted to the Public Works Subcommittee as

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early as practicable.

34. Mr CHEUNG Man-kwong said that according to the paper provided by the Administration, four of five land regions of the Police lacked purpose-built regional headquarters and operational base. He expressed concern that similar requests for the other three land regions would follow, if this funding request was approved, thus resulting in a total cost of \$2.8 billion for the four land regions. He considered that there was not a pressing need for the proposed project and it should be deferred until the financial situation of the Government had improved.

35. Director of Finance, Administration and Planning, Hong Kong Police Force (DFAP) responded that although four of the land regions of the Police were awaiting permanent improvement, the construction of the New Territories South Regional Headquarters and Operational Base was the most urgent. As could be noted during the visit on 28 February 2002, many of the existing facilities failed to meet fire safety standards.

36. Mr CHEUNG Man-kwong said that the design of a great number of schools were also not in compliance with the latest fire safety standards. Given that fire safety standards were under constant revision, it would be practically difficult for a building to comply with the latest standards.

37. DFAP responded that non-compliance with fire safety standards was only quoted as a supplement to other justifications set out in the Administration's papers. Justifications for the proposed project included -

- (a) the operational needs arising from the rapid development and population increase on Lantau Island; and
- (b) the economic benefits derived from the relinquishment of part of the existing site for other use.

38. DFAP assured Members that proposals for the other land regions would be submitted only if there were full justifications and economic benefits.

39. Dr LUI Ming-wah said that the proposed project was necessary from an operational point of view, as the existing regional Police headquarters was located at one end of the region. He considered that each proposal should be considered independently and the project should be launched at a time when construction cost was comparatively low.

40. Mr IP Kwok-him expressed support for the proposed project and shared Dr LUI's view that each proposal should be considered independently. He said that he had noted from the visit on 28 February 2002 that the existing facilities were archaic and Police officers had to work in overcrowded conditions.

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41. Mr Andrew WONG said that the conditions of many Police stations were overcrowded. He considered that the need for the proposed project was more pressing than that for the Route 10 Project.

42. The Chairman said that there was obviously under-provision in the existing facilities. The proposed location for the new regional headquarters was appropriate regardless of whether the New Territories was divided into a south region and a north region, or a west region and an east region. However, he was not convinced that the reduction of about 20 minutes of travelling time to key locations in NT South region would be critical in the improvement of operation. While he would support the proposed project, he considered that there was no immediate urgent need for the project. Having regard to the present economic situation, it would be more appropriate to defer the project for a few years.

43. DFAP informed Members that after having regard to tender price index movements and by critical review of site preparation work required, the estimated capital cost of the project could be revised downwards to about \$680 million. The additional recurrent expenditure for the project, which was originally estimated to be \$11.619 million, could also be reduced. Principal Assistant Secretary for Security E added that besides the 565 jobs created by the proposed project, the land relieved from the existing site was intended for the construction of a school, which would create jobs for about 140 labourers, eight professional staff and 12 technical staff for a period of 18 months. The site of the former Sha Tin Police Station at Tung Lo Wan Hill Road would also be relinquished.

V. Designation of Designated Public Activity Areas and guidelines for frontline Police officers when handling demonstrations
(LC Paper Nos. CB(2) 466/01-02(01) and CB(2)1218/01-02(06))

44. At the invitation of the Chairman, Deputy Secretary for Security 1 (DS for S1) presented the Administration's paper on the designation of Designated Public Activity Areas (DPAAs) and guidelines for frontline Police officers in handling demonstrations. He informed Members that after reunification, an average of six public order events were held in a day and the accumulated total had reached 9 900 public order events by the end of January 2002. He said that in the designation of DPAAs and the handling of demonstrations, the Administration had always sought to strike a balance between facilitating public order events and preserving public order and safety.

45. Mr Albert HO expressed concern that the Police had been oversensitive and had deployed an unnecessarily large number of Police officers in a few public order events and some occasions when international events were held in Hong Kong. Referring to in paragraph 9(a) of the Administration's paper, he expressed appreciation for the instruction given to Police officers that they should presume that demonstrators

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were doing no more than exercising their freedom of expression. He said that when international events attended by international figures or national leaders were held in Hong Kong, DPAAAs were usually located at remote locations that the views of demonstrators could not be seen or heard by participants of the events.

46. Mr Albert HO added that although there was an appeal board for handling appeals in respect of applications for holding public order events, liaison between organisers of public order events and the Police had usually taken much time that insufficient time was left for the lodging of an appeal, if the organiser intended to do so. He considered that when demonstrators and the Police could not reach an agreement on the route or other details of a public order event at a certain period before the holding of the event, the matter should be referred to the appeal board for a decision.

47. DS for S1 responded that after reunification, the Police had only objected to the holding of four out of close to 10 000 public order events. There were seven to eight appeals lodged, some against the conditions imposed. Director of Operations, Hong Kong Police Force (Dir of Ops) added that the Police had a responsibility to protect the security and dignity of important persons (IPPs). The number of Police officers deployed for an event would depend on the Police's risk assessment and the circumstances of the event.

48. Mr Albert HO asked whether a review had been conducted by the Police on the use of force and pepper spray in handling demonstrators after the FORTUNE Global Forum held in May 2001. Dir of Ops responded that it was the Police's practice to conduct a review, including whether any use of force was justified, after all police operations. Where necessary, disciplinary or legal actions would be taken. He stressed that clear instructions had been given to all Police officers that only minimum force to achieve the purpose might be used in discharging their duties.

49. In response to Mr Albert HO's question about whether the protection of the dignity of IPPs meant that DPAAAs should be designated at a remote location so that any dissenting views of demonstrators could not be seen or heard by participants of an event, Dir of Ops said that the Police had always handled public meetings and public processions impartially. The beliefs of demonstrators and whether dissenting views of demonstrators could be seen or heard by IPPs were not factors considered in the determination of a DPAA. A DPAA was determined having regard to the circumstances of each case. Besides the freedom of expression of demonstrators, consideration was given to factors such as the safety of IPPs and the security of the venue for the event.

50. Mr Albert HO asked whether clearer guidelines had been issued to Police officers after the incidents involving the use of force or pepper spray against demonstrators. Dir of Ops responded that the guidelines and instructions referred to in paragraphs 7 and 9 of the Administration's paper were extracted from a

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Headquarters Order issued to Police officers in September 2000. The Chairman requested the Administration to provide more information about the contents of the Headquarters Order. Dir of Ops responded that the Headquarters Order was an internal document for use by police officers and the relevant information in the circular had been incorporated in the Administration's paper. Nevertheless, the Administration would consider whether more contents of the Headquarters Order could be disclosed to Members.

(Post-meeting note : The Administration subsequently advised that since the subject Headquarters Order was an internal document for reference by frontline Police officers involved in regulating public order events, the Police considered that it was inappropriate for the document to be released as its disclosure would harm or prejudice the proper and efficient conduct of the Police's operations. Nevertheless, they would endeavour to provide more information on the guidelines and instruction, where appropriate, in response to further request from Members.)

51. Mr Albert HO asked whether there were international standards on the protection of IPPs. The Chairman asked whether there were standards, such as that on the noise level of a dissenting voice, beyond which the dignity of IPPs would be regarded as being prejudiced. DS for S1 responded that to his knowledge, there was no such standard. Dir of Ops added that besides the security and dignity of IPPs, the prevailing circumstances of the events including traffic condition, number of groups and participants involved, the time and form of the public order events and other relevant factors were taken into consideration in the determination of a DPAA.

52. Mr IP Kwok-him said that he had received complaints from shop tenants in a building adjacent to the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region that the displaying of photographs and materials by Falun Gong members on the pavement outside their shops throughout office hours from Mondays to Saturdays had led to a marked drop in the number of pedestrians outside their shops and hence a substantial decline in their business. He questioned whether the designation of such a DPAA was consistent with the principle of minimising inconvenience to the general public referred to in paragraph 9 of the Administration's paper. He said that the Administration should consider relocating a DPAA at regular intervals so as to avoid causing prolonged inconvenience to any particular shop tenants or residents.

53. DS for S1 responded that in the determination of a DPAA, the inconvenience caused to vehicles and persons, the duration of inconvenience, the emotion of demonstrators, the nature of the public order event and public interests were all taken into account. The conditions would generally be more stringent if the demonstrators were excited or there was a potential threat to public security. He said that public interests included the interests of other persons affected by the event, regardless of the number of persons affected.

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54. In response to Ms Audrey EU, Dir of Ops said that the DPAA was first introduced around reunification. It aimed to facilitate the management of public order events and to preserve public order and safety. He undertook to find out the exact time when the DPAA was first introduced and would advise the Panel in writing.

(Post-meeting note : The Administration subsequently advised that the Police had confirmed that designation of DPAA in security operations or major events became one of their policing considerations around the Handover in 1997 when the level of public order events increased noticeably. Similar measure would have been implemented in the past on an ad hoc basis but they had not been able to trace back when exactly such arrangement was first introduced.)

55. Ms Audrey EU said that organisers of public order events should be informed of their right to lodge an appeal with the appeal board if they had any objection to a DPAA. She asked whether a DPAA was determined having regard to the importance of an IPP. She also asked whether the freedom of expression as referred to in the Administration's paper included the right to get one's views seen or heard by others.

56. DS for S1 responded that the Administration had not restricted the freedom of expression laid down in the Basic Law and relevant international covenants. He said that the Department of State of the United States had pointed out in its recent human rights report on Hong Kong that individuals in Hong Kong enjoyed the right to criticise the government and express their views freely. He said that in the determination of the size of a DPAA, the importance of an IPP was not a factor to be considered. Whether the views of demonstrators were seen or heard was not a factor considered in the determination of DPAA, but a factor considered in determining arrangements to ensure the smooth running of an international event. He added that factors considered in the determination of a DPAA, as set out in paragraph 3 of the Administration's paper, included the nature and objectives of the activity concerned.

57. The Chairman asked whether there were different security arrangements for IPPs of different levels of importance. Dir of Ops responded that IPPs were not assigned different levels of importance. The security arrangements for an IPP would be drawn up having regard to the threat assessment.

58. Mr CHEUNG Man-kwong expressed concern that although demonstrators were allowed to access the area outside the main entrance of the Government Secretariat in the past, they were no longer permitted to access the area. He considered that this arrangement was inconsistent with the instruction given to Police officers that they should presume that demonstrators were doing no more than exercising their freedom of expression. He asked whether public consultation had been made on the arrangement and when the arrangement would be ceased.

59. DS for S1 responded that since the Court of Final Appeal delivered its

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judgment in respect of right-of-abode cases on 10 January 2002, the Administration had, after consulting relevant government departments, designated a DPAA at the parking spaces outside the west gate of the Government Secretariat to facilitate the management of demonstrators and security of the Government Secretariat. Where necessary, arrangements would be made for representatives of relevant government departments to receive written submissions from demonstrators at the DPAA. He said that the arrangement would be reviewed at the end of March 2002.

60. Miss Margaret NG considered that prohibited zones should be designated instead of DPAA's. She said that the issue should be further discussed at a meeting of the Panel.

61. DS for S1 stressed that DPAA's were designated only where necessary and according to the circumstances.

62. The Chairman concluded that the issue of DPAA's might be further discussed at a future meeting.

63. The meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
4 April 2002