

立法會
Legislative Council

LC Paper No. CB(2) 2434/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 2 May 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

Members attending : Hon CHAN Kwok-keung
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok

Public Officers attending : Item III

Mr Timothy TONG, JP
Deputy Secretary for Security 1

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr FUNG Siu-yuen
Director of Management Services
Hong Kong Police Force

Item IV

Mr Timothy TONG, JP
Deputy Secretary for Security 1

Mrs Margaret CHAN
Principal Assistant Secretary for Security A

Mr FOK Man-kwan
Assistant Commissioner of Police (Operations)
Hong Kong Police Force

Mr FUNG Kin-man
District Commander (Border District)
Hong Kong Police Force

Item V

Mr David WONG
Principal Assistant Secretary for Security B

Mr MAK Kwai-pui
Chief Ambulance Officer

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

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Elyssa WONG
Deputy Head, Research & Library Services

Miss Kitty LAM
Research Officer 8

Mr Raymond LAM
Senior Assistant Secretary (2)5

Action

I. Matters arising
(LC Paper No. CB(2) 1713/01-02(01))

List of follow-up actions required of the Administration

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) 1713/01-02(02))

Special meeting to discuss issues related to the incident on 25 April 2002 where Police took action to prohibit the public meeting being staged in Chater Garden and media reporters were handcuffed

2. Members agreed that a special meeting be held at 1:00 pm on 9 or 10 May 2002 to discuss issues relating to the incident on 25 April 2002 where the Police took action to prohibit the public meeting being staged in Chater Garden and media reporters were handcuffed.

(Post-meeting note : The special meeting was subsequently scheduled for 1:00 pm on 10 May 2002.)

Regular Panel meeting in June 2002

3. Members agreed to discuss the following items at the next regular meeting to be held on Thursday, 6 June 2002 at 2:30 pm -

- (a) Draft report of the Panel on Security for submission to the Legislative Council;
- (b) Review of the Police's Video Interview Scheme;
- (c) Issues relating to the judgment of the Court of Final Appeal delivered on 10 January 2002 in respect of appeal cases concerning the right of abode in the Hong Kong Special Administrative Region; and
- (d) Issues relating to Designated Public Activity Areas.

III. Public Consultation : Independent Police Complaints Council Bill

Action

(Public consultation document on the Independent Police Complaints Council Bill issued by the Administration on 1 March 2002, LC Paper Nos. CB(2) 1665/01-02(01), CB(2) 1713/01-02(03), (04) and (05))

4. At the invitation of the Chairman, Deputy Secretary for Security 1 (DS for S1) briefed Members on the progress of the Administration's public consultation exercise on the Independent Police Complaints Council (IPCC) Bill. He informed Members that the public consultation exercise had taken longer than expected due to the meeting schedules of some District Councils and District Fight Crime Committees for the discussion of the public consultation document issued by the Administration. He added that the Administration would further brief members on the results of the public consultation exercise and the legislative proposals to be introduced.

5. Mr CHEUNG Man-kwong said that many people were concerned that investigations carried out by the Complaints Against Police Office (CAPO) lacked credibility and impartiality because complaints against Police officers were being investigated by fellow Police officers. Mr CHEUNG further said that although the IPCC would become a statutory body under the Administration's proposal, it would not be empowered to conduct independent investigations into complaints. Referring to Table 4 of the Information Note entitled "Mechanism of Handling Complaints Against Police" prepared by the Research and Library Services Division of the Legislative Council (LegCo) Secretariat, Mr CHEUNG pointed out that most civilian bodies responsible for overseeing the handling of complaints against police in other countries were empowered to conduct investigations into complaints. He asked whether the Administration would consider empowering the IPCC to conduct independent investigations into complaints.

6. DS for S1 responded that the Administration's position in respect of providing IPCC with investigative power had been set out clearly in the public consultation paper issued by the Administration on 1 March 2002. He said that the views collected so far in the public consultation exercise indicated that some people were satisfied with the existing complaints against police system and some were dissatisfied. There were both views in support of providing IPCC with the power of investigation and views against such a proposal. He added that the Administration would consider all views received in the public consultation exercise before finalising its legislative proposals.

7. Mr CHEUNG Man-kwong said that the Sing Tao Daily News had reported on 26 April 2002 that in connection with the Police's handcuffing of members of the media, the Commissioner of Police (CP) had said that "記者不合作，發生衝突無可避免。香港會咁做，外國都會咁做，絕對適當，合情合理". He considered that such comments would cause the public to question the fairness of the CAPO's investigation relating to the incident in Chater Garden on 25 April 2002. He added that this case demonstrated that the IPCC should be empowered to conduct independent investigations, at least on a need basis.

Action

8. DS for S1 responded that as complaints relating to the Police's handcuffing of two members of the media were under investigation by the CAPO, he was not in a position to provide further details about the incident. Referring to a report in the Ming Pao on 26 April 2002 that CP had said that "警務人員使用手扣有清晰指引，但個別人員用手扣時間恰當與否，投訴警察課會深入調查", DS for S1 disagreed with any suggestion that CP's comments might cause any concern about the fairness of CAPO's investigations. Nor would he believe that the investigations conducted by the CAPO would be influenced by media reports. He added that to his knowledge, an IPCC member had suggested that the complaints should be handled under the mechanism for serious complaints.

9. Miss Margaret NG requested the Administration to provide the transcript of CP's public remarks relating to the Police's operation in Chater Garden on 25 April 2002.

(Post-meeting note : The relevant transcripts and press releases provided by the Administration were circulated to members vide LC Paper Nos. CB(2) 1894/01-02 and CB(2) 1899/01-02 on 10 May 2002.)

10. At the suggestion of the Chairman, the newspaper clippings referred to by Mr CHEUNG Man-kwong and DS for S1 were tabled at the meeting.

(Post-meeting note : The newspaper clippings tabled at the meeting were circulated to members vide LC Paper No. CB(2) 1814/01-02 on 3 May 2002.)

11. Mr Albert HO said that as the CAPO was a unit of the Police, the comments made by CP would probably cause the public to question the independence and fairness of the investigations conducted by the CAPO since CP had given his conclusion already. Mr HO further said that the IPCC should at least be empowered to conduct independent investigations in the IPCC's review of the CAPO's investigations or in special cases where consent of the Chief Executive (CE) or the Chief Secretary for Administration had been obtained.

12. DS for S1 said he disagreed with the suggestion that CP had given his conclusion already. He pointed out that CAPO's investigation of complaints entailed identification of facts, and the fairness and effectiveness of the present complaints system had been borne out by its operational experiences. DS for S1 explained that under the legislative proposal, a complaint could be lodged against a member of the Police Force who was on duty, or who was off duty but had disclosed his or her Police identity; hence a complaint could be lodged against any member of the Police Force whose conduct or behaviour was inappropriate. He added that nobody was above the system, so much so that even CP could be the subject of a complaint.

13. In response to Mr Albert HO's question about the investigation into a complaint

Action

against the Director of Operations of the Police Force in 1997, Director of Management Services, Hong Kong Police Force (DMS) said that although the complaint was investigated by the CAPO, the taking of statement from the Director of Operations at that time was conducted by a senior ranking officer of the Police Force.

14. Mr Albert HO asked about the persons who could take statements from CP, if a complaint was lodged against CP. DS for S1 responded that as the CAPO was not empowered to take statement from a Police officer at the rank of Assistant Commissioner of Police (ACP) or above, CE would have to designate a government official more senior in rank to CP to take statements from CP.

Adm

15. The Chairman requested the Administration to provide information on the mechanism for the investigation of complaints against Police officers at the rank of ACP or above.

16. Regarding cases where IPCC disagreed with the CAPO's investigation findings, Mr Albert HO asked why the IPCC was required to hold a joint meeting behind closed doors with the CAPO, instead of making known its views to the public. He added that as the punishment imposed by the CAPO was usually light, the IPCC should be empowered to determine the punishment for Police officers in complaint cases where the allegations were found to be substantiated.

17. DS for S1 responded that the holding of a joint meeting between the IPCC and CAPO would provide an opportunity for both sides to clarify areas of doubt. Where the IPCC did not agree to the investigation results of the CAPO even after such a joint meeting was held, IPCC could disclose its views to the public. He added that the meeting was held behind closed doors because it was inappropriate to disclose information about complaint cases which had not yet been concluded.

18. Mr Albert HO said that the Independent Commission Against Corruption (ICAC) would not have been established, if there had not been a need to conduct independent investigations into the corruption of Police officers.

19. DS for S1 responded that the ICAC was established due to a genuine need for such a body. However, there was no such need in regard to complaints against police and it should be noted that many people had expressed satisfaction with the present system. He added that as most complaints were related to negligence or the manners of Police officers, it was appropriate for the complaints to be dealt with by the management of the Police Force.

20. The Chairman asked whether the IPCC would be empowered to conduct reinvestigation into serious complaints. DS for S1 responded that such a suggestion was also received in the public consultation exercise. He said that the Administration would study all the views collected and respond after the completion of the public consultation exercise.

Action

21. In response to the Chairman's question about the way forward and timetable, DS for S1 said that the Administration intended to brief members on the results of the public consultation exercise in July 2002, and introduce the IPCC Bill into the Council in October or November 2002.

22. Mr Andrew WONG said that to his knowledge, the CAPO would usually defer its investigations into allegations of Police officers assaulting or framing a complainant, who was also under criminal prosecution, until the legal proceedings had been concluded. He asked whether the CAPO's investigation into such complaints could be conducted in parallel with the legal proceedings against the complainants.

23. DMS responded that under such circumstances, the CAPO would ask the complainant whether he wished the CAPO to carry out investigation in parallel with the legal proceedings, or defer investigation until the legal proceedings had been concluded. DMS added that in most cases, the complainant opted for the latter arrangement.

24. The Chairman requested the Administration to provide information about the number of cases where investigations by the CAPO were conducted in parallel with legal proceedings against the complainants, and the number of successful complaints among such cases. Mr Andrew WONG requested the Administration to also provide information about whether ICAC's investigation into a complaint would be suspended if a person lodged complaints about corruption with the ICAC and the CAPO at the same time.

Adm

25. DS for S1 agreed to provide a written response. DMS added that it was the CAPO practice to refer complaints about corruption to the ICAC, with the consent of the complainants, for follow-up.

26. Mrs Selina CHOW asked about the views of the IPCC on the proposals in the Administration's public consultation paper.

27. DS for S1 responded that the Administration had already held a few meetings with the IPCC to discuss the proposals in the public consultation paper. However, it would be more appropriate for the views of the IPCC to be disclosed by the IPCC itself.

28. Members agreed that the Administration should be invited to brief the Panel on the results of the public consultation exercise at the meeting in July 2002. Members also agreed that representatives from the IPCC should be invited to attend a meeting of the Panel to give views on the Administration's legislative proposals.

IV. Policy on the Frontier Closed Area

(LC Paper Nos. CB(2) 1713/01-02(06) and (07))

Action

29. The Chairman informed Members that following a meeting with North District Council members on 31 January 2002, eight Members paid a visit to the Sha Tau Kok Closed Area on 25 April 2002 to better understand issues relating to the Frontier Closed Area (FCA). The visit was also attended by some North District Council members and representatives of the Security Bureau (SB) and the Police.

30. At the invitation of the Chairman, DS for S1 briefed Members on the paper provided by the Administration. He informed Members that the issues discussed during the visit on 25 April 2002 could be classified into the following major areas -

- (a) overall FCA policy;
- (b) views on the development of Sha Tau Kok;
- (c) issues relating to Closed Area Permits (CAPs); and
- (d) the potential for developing tourism in the North District.

31. Mr LAU Kong-wah said that during the visit to Sha Tau Kok Closed Area on 25 April 2002, DS for S1 had undertaken to discuss with the Commissioner for Tourism (C for T) the suggestion of developing tourism in FCA. He asked whether the Administration would consider relaxing restrictions on business activities in the FCA to promote the economic development of the area.

32. DS for S1 responded that the FCA was important to maintaining effective boundary control. Nevertheless, provided that security concerns were properly addressed, specific development proposals within the FCA could be explored. He informed Members that the development potential of the FCA was being examined in the context of a study entitled "Hong Kong 2030 : Planning Vision and Strategy" undertaken by the Planning Department (PD). Principal Assistant Secretary for Security A (PAS(S)A) explained that the purpose of the study was to formulate a physical planning framework for the development of Hong Kong in the next 30 years. Public consultation had already been undertaken in the first two stages of the study. According to the consultation document issued by PD in January 2002, the extent of developable land in the FCA was not extensive. There were also many development constraints such as the area lacked basic infrastructure, there were wetland fish ponds of high ecological value, there were many existing graves, and etc. PAS(S)A pointed out that in connection with the study, the Planning and Lands Bureau had formed a focus group to examine the development potential of the FCA.

33. Mr IP Kwok-him said that he was not convinced about the need for the wide coverage of the FCA, given that there were only about 200 illegal immigrants (IIs) intercepted in the FCA per month and it was easier for IIs to enter Hong Kong by sea. He asked whether the Administration would review the coverage of the FCA.

34. DS for S1 responded that there was a need to retain the FCA, which served as a

Action

buffer zone for law enforcement agencies to combat illegal immigration, smuggling and other cross boundary crimes, such as the trafficking of firearms. He pointed out that over 30 IIs had been intercepted at Chung Ying Street of Sha Tau Kok in the first three months of 2002. Nevertheless, consideration could be given to reviewing the coverage of the FCA. Assistant Commissioner of Police (Operations), Hong Kong Police Force added that besides illegal immigrants, fugitive offenders had also been intercepted in the FCA. Smuggling of illicit cigarettes, meats and fireworks continued to be intercepted in the FCA.

35. Mr IP Kwok-him enquired about the timetable for the Administration's review of the coverage of the FCA. DS for S1 responded that after the visit on 25 April 2002, SB had put the suggestion of developing green tourism in the North District to C for T, who would be launching a study of the suggestion with the District Officers of North District and Tai Po District and the Hong Kong Tourism Board. He would leave it to C for T to make any further announcement on the study. He expected that the results of the study should be available after the summer recess.

36. Mr WONG Yung-kan shared Mr IP Kwok-him's view that the coverage of the FCA was too wide. He requested the Administration to expedite the study of the tourism potential of the FCA. He said that the number of IIs intercepted at sea was much greater than the number of IIs intercepted on land. DS for S1 agreed to refer the request to C for T for consideration and provide a timetable on the study led by C for T.

37. Mrs Selina CHOW considered that SB should review the need for, and the coverage of, the FCA from a security perspective before the viability of developing tourism in the FCA was examined. She said that the higher number of IIs intercepted at sea might reflect that it was difficult for IIs to enter Hong Kong by land because of the existence of the FCA. She considered that as the historical background of Chung Ying Street had made it an area of attraction, the possibility of developing tourism in Chung Ying Street should be explored in the first instance.

38. DS for S1 responded that boundary-related issues aside, Chung Ying Street was a narrow street of about 250 metres long and three to six metres wide forming part of the boundary between the Hong Kong Special Administrative Region and the Mainland and it had no physical barrier or control point facilities. There would be serious security concerns if a large number of visitors were admitted to the area. He said that the Administration had no plans to open up Chung Ying Street to tourists.

39. Mr Andrew WONG asked about the types of persons eligible for CAPs which entitled a holder to enter Chung Ying Street. District Commander (Border District), Hong Kong Police Force responded that CAPs for entering Chung Ying Street were issued to people working or living in Chung Ying Street, visitors to residents of Chung Ying Street, and residents of Sha Tau Kok who had legitimate purposes for entering Chung Ying Street. He informed Members that the issue of CAPs was last reviewed in 1999, at which time about 2 500 CAPs were issued for access to Chung Ying Street.

Adm

Action

With the relaxation of requirements and flexibility adopted after the review on CAPs in 1999, the number of CAPs issued for Chung Ying Street had increased to about 8 000 in 2001.

V. Further Development on Paramedic Ambulance Service

(LC Paper Nos. CB(2) 1117/01-02, CB(2) 1132/01-02(01) and CB(2) 1713/01-02(08) and (09))

40. At the invitation of the Chairman, Principal Assistant Secretary for Security B (PAS(S)B) briefed Members on the progress of further development of paramedic ambulance service (PAS), as detailed in the paper provided by the Administration.

41. Miss Margaret NG said that the Final Report of the Consultancy Study on Paramedic Ambulance Service in Hong Kong (the Report) recommended the addition of 29 ambulances by April 2002, and the addition of ambulancemen to facilitate the release of trainers and trainees from normal operational duties for training at Emergency Medical Assistant II level. Miss NG asked -

- (a) Whether the Administration's creation of 68 new posts in 2002-03 would be adequate for releasing trainers and trainees from normal operational duties for undergoing training without affecting ambulance service;
- (b) Why the Administration had only earmarked provisions for the addition of three ambulances, although the consultant had recommended the addition of 29 ambulances by April 2002;
- (c) When the Administration would achieve the proposed addition of 29 ambulances as proposed by the consultant;
- (d) Why the five-year strategic plan was to be launched so late in June 2002; and
- (e) Why the provision of PAS in all ambulances was to be completed in 2005, instead of 2004 as recommended by the consultant.

42. Principal Assistant Secretary for Security B (PAS(S)B) responded that the addition of 68 ambulancemen would be adequate for the release of trainers and trainees from normal operational duties for training without affecting ambulance service. Regarding the target time for the full provision of PAS, PAS(S)B pointed out that the consultant recommended implementing the full provision of PAS by April 2005. He assured Members that the Administration would implement this recommendation to achieve full provision of PAS by April 2005.

43. Chief Ambulance Officer (CAO) said that the five-year strategic plan referred to in paragraph 7(c) of the Administration's paper belonged to another exercise

Action

independent of the implementation of the recommendations in the Report. CAO added that the consultant's recommendation of the addition of 29 ambulances was proposed on the basis of the new forecast methodology proposed by the consultant for the calculation of resource requirements. The Administration's request for replacement and additional ambulances for 2002-03 was made in the resource allocation exercise conducted in the summer of 2001, when the Report was not yet available.

44. PAS(S)B said that in determining the additional resources required in future, the Administration would consider all relevant factors such as actual response time performance, the actual growth in the number of calls and the improvement to be achieved with the implementation of other improvement initiatives proposed by the consultant.

45. Referring to paragraph 7(b) of the Administration's paper, Mr MAK Kwok-fung asked why the Fire Services Department had to employ two half-time Medical Directors from the Hospital Authority (HA), instead of employing a full-time Medical Director.

46. CAO responded that two half-time Medical Directors were employed from HA given that PAS was closely related to the accident and emergency service provided by HA, and there was no other organisation in Hong Kong which could provide the necessary expert advice and training in PAS. He added that PAS training was also conducted in the accident and emergency departments of hospitals of HA. The half-time arrangement would enable the Medical Director to maintain and continue clinical practice. This would not only ensure they have up-to-date knowledge of emergency medical services but also on-the-job experience in handling emergency patients.

47. Mr IP Kwok-him asked whether the Administration had any short-term plans for the addition of 29 ambulances proposed by the consultant.

48. PAS(S)B responded that the existing mechanism did not anticipate the addition of new ambulances outside the normal cycle. He said that the Administration would assess the improvement achievable from the implementation of other improvement initiatives proposed by the consultant, such as the improvement in response time resulting from the introduction of flexible shift arrangements, before seeking additional resources in the annual Resource Allocation Exercise.

Adm

49. The Chairman requested the Administration to provide a progress report on the further development of PAS and updated information on the demand for as well as actual performance in ambulance service in six months' time.

50. The meeting ended at 4:35 pm.

Action

Council Business Division 2
Legislative Council Secretariat
2 July 2002