

立法會
Legislative Council

Ref : CB2/PL/SE/1

LC Paper No. CB(2) 929/04-05
(These minutes have been seen
by the Administration)

Panel on Security

**Minutes of meeting held on Monday, 24 January 2005
at 8:30 am in Conference Room A of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP
Hon CHIM Pui-chung

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Item V

Mr LEE Ming-kwai
Commissioner of Police

Mr TANG Hau-sing
Senior Assistant Commissioner
Director of Crime and Security
Hong Kong Police

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

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

Action

I. Confirmation of minutes of previous meetings
(LC Paper Nos. CB(2)691/04-05 and CB(2)666/04-05)

The minutes of the special meeting held on 29 November 2004 and the regular meeting held on 7 December 2004 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)415/04-05(01), CB(2)490/04-05(01) and CB(2)682/04-05(01) to (05))

2. Members noted that the following papers had been issued since the last meeting -

- (a) a submission from a prisoner of Shek Pik Prison and letters from the Chairman to the Administration and Royal Thai Consulate General;
- (b) a paper provided by the Administration on the progress of the implementation of the fire safety upgrading programmes under the Fire Safety (Commercial Premises) Ordinance (Cap. 502); and
- (c) correspondences between the Chairman and the Administration regarding Mainland public security officials taking enforcement actions in Hong Kong.

3. Regarding paragraph 2(a), members agreed that the Administration's confirmation should be sought on whether the prisoner concerned had been released.

4. Regarding paragraph 2(c) above, members agreed that issues relating to allegation of Mainland public security officials taking enforcement actions in Hong Kong should be discussed at a future meeting. Members also agreed that members of the Panel on Administration of Justice and Legal Services should be invited to join the discussion.

5. Members agreed that the item "Contingency plan in response to disasters outside Hong Kong and assistance to Hong Kong residents affected by the disasters" proposed by Mr LAU Kong-wah should be added to the list of outstanding items for

Action

discussion. The Chairman informed members that he had requested the Administration to provide a paper on the assistance to Hong Kong people affected by tsunamis.

6. Miss Margaret NG suggested that the Administration should be requested to provide a progress report on its review of the suspicious transaction reporting requirements under section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance, and section 12 of the United Nations (Anti-terrorism Measures) Ordinance in the context of putting in place the Forty Recommendations of the Financial Action Task Force on Money Laundering. Members agreed.

7. Mr Howard YOUNG expressed concern whether the deployment of manpower at boundary control points for immigration clearance during the forthcoming Chinese New Year holidays was adequate. He suggested that the Administration should be requested to provide information on the overall immigration clearance arrangements at various boundary control points during the period, including the number of automatic passenger clearance channels and traditional counters which would be maintained and the manpower resources deployed at the control points. Members agreed.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)689/04-05(01) and (02))

8. Members noted that the item “Immigration policy and procedures in respect of applications for visit visa/entry permits” had been included in the agenda for the next regular meeting to be held on 1 February 2005 at 2:30 pm and the meeting time had been extended to end at 5:30 pm. Members agreed that the item “Biometric Hong Kong Special Administrative Region Passport” proposed by the Administration should be added to the agenda for the meeting to be held on 1 February 2005.

9. As the first Tuesday of April was a public holiday, members agreed that the meeting in April 2005 should be rescheduled to Friday, 15 April 2005 at 10:45 am.

IV. Proposal to form a subcommittee to review the provisions relating to the search and seizure of journalistic material in the Interpretation and General Clauses Ordinance
(LC Paper No. CB(2)689/04-05(03))

10. Ms Audrey EU suggested that a subcommittee should be formed to review the provisions relating to the search and seizure of journalistic material in the Interpretation and General Clauses Ordinance. Members agreed. The Chairman, Mr Albert HO, Dr LUI Ming-wah, Miss Margaret NG and Ms Audrey EU agreed to join the subcommittee.

V. Crime situation in 2004

(LC Paper Nos. CB(2)689/04-05(04) to (06))

11. At the invitation of the Chairman, Commissioner of Police (CP) briefed members on the crime situation in 2004 and his operational targets for 2005.

(Post-meeting note : CP's operational targets for 2005 were issued to members vide LC Paper No. CB(2)748/04-05 on 25 January 2005.)

12. Mr LAU Kong-wah said that although the crime statistics for 2004 indicated that the crime situation had improved, many residents considered that crime situation in respect of vice activities and the sale of "red oil" and illicit cigarettes were still serious. He considered that CP's operational targets for 2005 should cover the combating of such crimes.

13. CP responded that his operational targets for 2005 had been drawn up having regard to the crime situation in 2004 and in consultation with district commanders. District commanders were provided with flexibility in the deployment of resources according to the circumstances of their own Police Districts. He said that the views of the public on the crime situation were gathered through victimisation surveys, District Councils and District Fight Crime Committees. In the year ahead, the Police would target its work on combating the sales of "red oil" and illicit cigarettes through joint operations with other law enforcement agencies.

14. Mr LAU Kong-wah expressed concern about the increase in the number of robberies with stun guns. He asked whether the Police had analysed the cases and discussed the problem of smuggling of stun guns with the Mainland authorities. He also asked whether the possession and use of stun guns were prohibited in the Mainland.

15. CP responded that the increase in such crime was partly due to the launching of new types of stun guns in the Mainland. Although some types of stun guns were not prohibited in the Mainland, the purchase of such stun guns had to be registered. The Police had stepped up education of the public that the use or possession of stun guns was illegal in Hong Kong.

16. Mr LAU Kong-wah asked whether the Police would merge the Tseung Kwan O and Sai Kung Police Divisions into a Police District.

17. CP responded that the Police planned to merge Tseung Kwan O Police Division and Sai Kung Police Division into a Police District, although there was not a timetable for implementation. The matter was being considered in the context of the long-term review on the reorganisation of the Kowloon East Police Region, having regard to factors such as the future development of Tseung Kwan O and other districts.

Action

He said that the distribution of Police Districts was not only based on the population within the districts, but also other factors such as geographical characteristics and distribution of administrative districts. He said that it might not be appropriate to look at the adequacy of Police manpower within an area by simply looking at the Police-to-public ratio. Besides the Police establishment within a Police Division, other manpower of the Emergency Unit, the Police Tactical Unit, traffic and crime units of the Kowloon East Police Region could be redeployed to meet operational needs in Tseung Kwan O.

18. Mr CHEUNG Man-kwong expressed concern that there had been 269 cases of school burglaries among a total of about 1 200 schools in 2004 and the total loss involved had increased from about five million dollars in 2003 to about \$11 million in 2004. He asked how the Police would combat such a crime and whether the Police would provide crime prevention advices tailored to the particular circumstances of different schools.

19. CP responded that there had been an increase in the number of burglaries in schools. To address the problem, the Police had stepped up patrol in the vicinity of schools. The Police had also suggested to schools that they could record the serial numbers of expensive equipment and adopt anti-burglary measures such as the installation of closed-circuit television systems, burglary alarm systems, locking up expensive equipment in high security rooms and strengthening security control in schools. School Liaison Teams were deployed to visit schools and inform them of the provision of crime prevention advice by Regional Crime Prevention Offices.

20. Mr Albert HO expressed concern about the increase in the number of rape cases. He asked whether there was any pattern in crime among the 92 rape cases in 2004 and whether such cases were associated with other violent crime, assault, triad activities, drug abuse or abuse of psychotropic substances. He also asked about the detection rate of rape cases and whether more rape cases were found during festivals.

21. CP responded that 82 out of 92 rape cases had been detected in 2004, representing a detection rate of 89%. In most of the cases, the offender and the victim knew each other. Among 80 cases of such a nature, 42 and 15 were those where the offender and victim were friends and relatives respectively. There were also 12 cases where their relationship was employer and employee, and 10 cases where the victims were employees of pubs or public relations companies. As there were much differences in the circumstances of the cases, publicity and education on the prevention of such a crime was difficult. The Police would seek the assistance of non-government organisations in its education of the public on the preventive measures.

22. CP added that many of the rape cases occurred after the taking of alcoholic drinks. However, there was no apparent relationship between the offence and drug-related offences or festivals.

Action

23. Ms Audrey EU enquired about the percentage of family violence cases among violent crime cases in 2003 and 2004. Miss Margaret NG asked about the breakdown of the family violence cases in relation to sexual violence and other violence. She also asked about the breakdown in terms of the relationship between the victim and the offender.

Admin

24. CP responded that there were 799 family violence cases in 2003, among which were 20 sexual violence cases and 779 cases involving other violence. In 2004, there were 903 family violence cases, among which were 20 sexual violence cases and 883 cases involving other violence. He agreed to provide the breakdown of the family violence cases in terms of the relationship between the victim and offender.

25. Ms Audrey EU asked whether training had been provided on the handling of family violence cases. She also asked whether the Police would follow up cases of family violence.

26. CP responded that frontline Police officers had undergone training in the handling of family violence cases. Police officers were required to keep proper record of each case and collaborate with other government departments in their follow-up work. Lectures on the handling of such cases were given by experts to Police officers. Attachment training programmes were provided to enhance Police officers' understanding about the social aspects of such cases. Besides training for frontline Police officers, training on the handling of family violence had been incorporated in the basic training, in-service training and annual training programmes for Police officers. He added that the Police had established a database on family violence cases.

27. Ms Audrey EU asked whether the Police had made use of the database on family violence to refer family violence cases to social workers for follow-up. CP responded that the database, which contained basic information about the cases concerned, would facilitate the exchange of information on family violence among different Police Districts. The Chairman suggested that a visit to better understand the database might be arranged in the future for the Panel.

28. Mr Howard YOUNG said that the decrease in crime rate was welcomed by both residents and tourists. He asked whether there had been a decrease in the number of pickpocketing cases where the victims were tourists.

29. CP responded that since there was a substantial increase in pickpocketing cases in 2003, the Police had focused its work in combating such crime in 2004 and arrested a number of pickpocketing gangs which had been active along railway networks. The Police had also strengthened publicity, through the Mainland authorities, on the precautions that should be taken by Mainland visitors. Since 2004, Mainland credit cards had become increasingly popular in Hong Kong and thus the average amount of cash brought by Mainland visitors had decreased. All these factors had contributed to the decrease in pickpocketing cases. He agreed to provide

Admin

Action

information on the pickpocketing cases where the victims were tourists.

30. Mr Howard YOUNG asked whether the decrease in the number of cases of theft of vehicles was due to a decline in demand for such vehicles or the preventive measures launched by the Police. He also asked whether there were weaknesses in the anti-theft systems of the types of vehicles with a higher theft rate.

31. CP responded that the Police had stepped up publicity on the precautionary measures against theft of vehicles. The demand in the Mainland for such vehicles had declined since right hand-drive vehicles were no longer registrable in the Mainland. All these had led to the decline in such a crime. He said that anti-theft systems had a deterrent effect on theft of vehicles. However, even the most advanced anti-theft systems would become less secure with time. He added that the Police would continue its patrol and intelligence work against theft of vehicles. Vehicle owners should also adopt precautionary measures to prevent theft of their own vehicles.

32. Miss Margaret NG asked about the comparison between statistics on juvenile and youth crime in 2002 and 2004. She also asked about the measures adopted by the Police in addressing the problem.

33. CP responded that the crime situation in respect of juveniles and young persons in 2002 and 2004 were as follows -

	<u>2002</u>	<u>2004</u>	<u>Decrease</u>
Juveniles aged 15 or below	5 335	4 897	8.2%
Young persons aged 16 to 20	6 027	5 812	3.6%

34. CP said that the Police had collaborated with many other departments such as the Education Department (ED) and the Social Welfare Department as well as non-government organisations in addressing the problem of youth crime for many years. In recent years, the Police had organised the Smart Teen Challenge Camps with ED. Activities for juveniles and the youth were organised by the Junior Police Call, District Councils and District Fight Crime Committees. The Police Superintendent Discretion Scheme had also operated successfully for many years.

35. In response to Miss Margaret NG's question about the most prevalent crimes committed by juveniles and the youth, CP provided the following information -

	<u>2003</u>	<u>2004</u>	<u>Decrease</u>
--	-------------	-------------	-----------------

Action

Theft	2 002	1 802	10%
Wounding and serious assault	1 218	1 156	5%
Robbery	619	544	12%

36. Miss Margaret NG said that there had been concerns that raising the minimum age of criminal liability might make it difficult to offer assistance to juveniles at an early stage. She asked whether there was any indication of such an effect.

37. CP responded that there was no indication of such an effect. The number of persons aged seven to nine arrested for crime was relatively small, with 29 arrested in the period between July and December 2003 and 111 arrested in 2004.

38. The Chairman asked whether there was any sign of offenders deploying persons aged under 10 to commit crime. CP replied in the negative.

39. Mr CHIM Pui-chung asked whether the statistics provided by the Police referred to reported cases, prosecution cases or conviction cases.

40. CP responded that the statistics referred to reported cases. He said that prosecution might not be instituted in respect of each reported case and the offenders might not necessarily be convicted in each prosecution case. However, the conviction rate, which was regularly reviewed by the Police, was relatively high. He undertook to provide a written response on the conviction rate.

Admin

41. Mr CHIM Pui-chung said that he had received many complaints about the use of violence by Police officers to force a suspect to plead guilty. He asked whether there were statistics on such cases.

42. CP responded that he had not heard of such cases for a long time. He stressed that the Police would not tolerate such cases. Any complaint about such cases should be referred to the Police for follow-up. He said that every arrested person was provided with a document setting out his rights and the interviewing of most suspects was videotaped. Any person who wished to lodge a complaint about the use of violence by the Police could do so through the established mechanism for complaints against the Police. He added that the percentage of complaints about the use of violence by the Police had decreased to about 10% in recent years. The Chairman requested the Police to provide information on the percentage of admission statements rejected by the court in the past three years.

Admin

43. Mr WONG Yung-kan asked about the places of origin of psychotropic substances and the measures adopted by the Police to combat the abuse of psychotropic substances.

Action

44. CP responded that although many people thought that most psychotropic substances came from the Mainland, Europe was one of the major places of origin of psychotropic substances. He said that the increase in the amount of Ketamine and Ecstasy-type tablets seized in 2004 was partly due to the seizure of 14 kilograms of Ketamine and over 52 000 Ecstasy-type tablets in two separate operations. He said that there was a global trend of a switch from heroin-based drugs to psychotropic substances. There was also an increase in the taking of cocaine, with 64 kilograms of cocaine seized in 2004 and more than 70 persons arrested, and the Police was examining the problem.

45. Mr WONG Yung-kan asked why the crime detection rate of Sai Kung was lower than those of other districts. CP responded that the area of Sai Kung was vast and the residences were scattered in different parts of the district. Theft was the most prevalent crime in the district and the detection rate of such a crime was low. All these had resulted in the low crime detection rate for Sai Kung.

46. Mr LEUNG Kwan-yuen expressed concern about the drug abuse by some idols. He asked whether there were any specific measures to combat drug abuse by public figures. He also asked whether there was an increasing trend in the abuse of psychotropic substances.

47. CP responded that there were no specific measures targetting at public figures. However, the Police had been very cautious in the selection of idols for its education and publicity programmes. The Police had also conveyed such a message to other government departments. He said that there was ongoing education of young people on harmful and addictive effect of psychotropic substance abuse through schools. The Police noted that there was an increasing trend in the abuse of Ketamine and the Police would focus its work to combat the problem. He said that the Police would continue with its education and publicity programmes. It would also continue with its intelligence-lead work in combating the problem.

48. Mr LEUNG Kwan-yuen asked about the measures adopted by the Police to combat drug abuse by the youth and the problem of Hong Kong residents abusing drugs in the Mainland.

49. CP responded that the Police was combating the problem in conjunction with the Customs and Excise Department. He said that the Mainland had adopted in late 2004 the new measure of detaining for two weeks Hong Kong residents found of abusing drugs in the Mainland followed by revocation of their Home Visit Permits. Mr LEUNG Kwan-yuen requested the Police to provide statistics on such Hong Kong residents.

50. The Chairman commended the Police for its work in 2004, which resulted in the decrease in crime rate. He asked whether the Police would, as a part of its cost-saving exercise, reduce its services in school liaison and the provision of crime prevention advice.

Action

51. CP responded that the Police had achieved cost savings in the past few years through redeployment, simplifying procedures and merging of units. Although school liaison and crime prevention were two of the areas being examined, the cost saving exercise was not confined to any particular areas. In this connection, some Police districts had found it viable to perform part of their school liaison work by electronic means. It could be noticed that crime prevention advice was provided by the private sector. He stressed that all cost-saving measures would not be implemented without a detailed assessment of the implications and discussion with the frontline commanders.

52. Mr CHEUNG Man-kwong asked about the reasons for the decrease in the number of Mainland illegal immigrants arrested for crime in Hong Kong and the increase in the number of Mainland visitors arrested for crime in Hong Kong. He also asked about the major types of crimes committed by Mainland persons and the measures adopted by the Police to combat such crimes.

53. CP responded that the change was mainly due to a decrease in the number of illegal immigrants from the Mainland and an increase in the number of Mainland visitors. The number of Mainland visitors arrested for crime in Hong Kong had increased to about 2 200 in 2004, representing an increase of 6% over that of 2003. As the number of Mainland visitors had substantially increased to about 12 million, the percentage of Mainland visitors arrested for crime had decreased, with 25 out of 100 000 Mainland visitors arrested for crime in 2003 and 18 out of 100 000 Mainland visitors arrested for crime in 2004. Among such persons, 18.6% were arrested for miscellaneous theft and 12.8% arrested for shop theft.

54. CP informed members that about 470 out of some 426 000 Mainland visitors under the Individual Visit Scheme had been arrested for crime in 2004, representing a crime rate of 11 per 100 000 persons. He added that the Police was concerned about Mainland visitors engaging in illegal work and vice activities in Hong Kong. The Police was combating the problem through co-operation with the visit permit-issuing authorities in the Mainland, keeping a watchful eye at boundary control points, and taking joint enforcement actions with other law enforcement agencies.

55. Mr CHEUNG Man-kwong asked about the measures adopted by the Police to combat robberies where hikers were found tied to trees.

56. CP responded that there had only been two robbery cases where hikers were found tied to trees. However, the number of robberies of hikers had increased from 18 in 2003 to 21 in 2004. Seven of the cases reported in 2004 had been detected with the arrest of seven Mainlanders and one local resident. He informed members that the Administration was combating the problem through strengthening patrol in country parks, establishing distance posts which facilitated the identification of the location of hikers, publishing pamphlets on the precautionary measures and advising hikers to bring less cash and credit cards with them. He said that the Police would

Action

deploy more resources to combat the problem.

57. Mr Albert HO asked about the number of Hong Kong residents who had committed crime in Hong Kong and escaped to the Mainland, the number of such persons who were subsequently arrested in Mainland and sent back to Hong Kong, as well as the number of Mainland persons who had committed crime in Hong Kong and escaped to the Mainland. CP agreed to provide a written response.

Admin

58. Mr WONG Yung-kan requested the Police to provide statistics on sea safety.

Admin

59. There being no further business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
25 February 2005