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Panel on Security

**Minutes of special meeting held on Tuesday, 24 January 2006
at 10:45 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, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon CHOY So-yuk, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Public Officers attending : Mr LEE Ming-kwai
Commissioner of Police

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

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

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

Ms Alice CHEUNG
Legislative Assistant (2) 1

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I. Crime situation in 2005
(LC Paper No. CB(2)905/05-06(01))

Commissioner of Police (CP) briefed members on the crime situation in 2005. He informed members that robberies in country parks had substantially decreased from 21 cases in 2004 to two cases in 2005. The number of cases of school burglary had decreased by 40.5% to 160 in 2005. The number of cases of homicide relating to domestic violence had decreased from 20 in 2004 to nine in 2005. On the other hand, cases of criminal intimidation relating to debt collection had increased by 146 cases to 411 cases in 2005. CP informed members of his operational targets for 2006 as follows –

- (a) combating violent crime;
- (b) combating triad activities;
- (c) combating “quick cash” crime;
- (d) strengthening anti-terrorism work;
- (e) combating the trafficking and abuse of dangerous drugs;
- (f) combating offences related to visitors, tourists and illegal immigrants;
and
- (g) enhancing road safety.

2. Mr LAU Kong-wah said that the crime situation in 2005 was generally satisfactory and the Police’s operations were appropriate during the period when the Sixth Ministerial Conference of the World Trade Organization was held in Hong Kong. He expressed concern about the increase in the past two years in criminal intimidation relating to debt collection. He asked about the measures adopted by the Police to address the problem.

3. CP responded that among over 20 000 reports relating to debt collection in 2005, criminal element was found in about 2 320 cases, which amounted to 11%. Among these, a majority was related to criminal damage. He informed members that the Police had updated its guidelines on the handling of debt collection cases. Since mid-2004, the Police had adopted the practice of classifying cases relating to debt collection. Cases with no criminal element would be directly handled by the Police

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officer concerned. Those with criminal element would be referred to the district criminal investigation team or the regional crime unit for follow-up. Undercover operations would be considered, if the lending interest rate was reported to exceed 60% per annum.

4. Mr LAU Kong-wah asked how the Police would address the worries of victims in about 89% of cases with no criminal element on which criminal investigation was not conducted.

5. CP responded that if investigation revealed a high risk of criminal element, criminal investigation would be conducted. On the other hand, it would be very difficult to conduct criminal investigation, if no criminal element was identified. To address problems relating to debt collection, the Police would, having regard to the situation in the past two years and the development in 2006, discuss with the Security Bureau whether there was a need to regulate debt collection practices through legislative measures.

6. Mr CHEUNG Man-kwong said that although the crime rate for the youth and juveniles had decreased, the decrease might only due to a decrease in youth and juvenile population. He considered that the total number of cases of juvenile and youth crime was still high. He expressed concern that there were media reports that some debt collection companies had employed secondary school students to splash paint against debtors. He asked how the Police would address the problem.

7. CP clarified that although some media had reported that a loan-shark syndicate detected in this year had employed young people for splashing paint, no young people were found involved in splashing paint against debtors in the case concerned. However, there was a case in the last year where two young persons were employed for splashing paint against debtors of a company. He said that the Police had made much effort in the education of the youth and juveniles against crime. It had stepped up efforts in combating youth and juvenile crime in districts such as Yuen Long, Tin Shui Wai and Tung Chung. The activities organised by many voluntary agencies for the youth and juveniles had also helped enhancing a sense of self-discipline and social responsibility among the youth.

8. Mr LEUNG Kwok-hung said that the Police should have clarified the facts immediately when there were inaccuracies in media reports. Mr CHEUNG Man-kwong said that it was quoted in some newspaper reports in January 2006 that a named Police officer had said that three secondary students had been arrested in the previous month for splashing paint against the debtors of a company. He queried why CP had said that such media reports were inaccurate.

9. CP responded that no young people was found splashing paint against debtors in the recent case which occurred this year where a loan-shark syndicate was detected. However, there was a case in 2005 where two young persons were employed for splashing paint against debtors of a company.

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10. Mr CHEUNG Man-kwong asked how the Police would deal with youths and juveniles who recommitted offences after they had been cautioned under the Superintendent's Discretion Scheme.

11. CP responded that among 6 820 young persons aged under 18 who were arrested in 2005, more than 2 480 had been cautioned under the Scheme. Cases where young persons had been cautioned were followed up by Police officers or social workers. Between 1997 and 2003, the percentage of youths who recommitted offences after they had been cautioned under the Scheme was below 20%.

12. Mr CHEUNG Man-kwong asked whether offences recommitted by a young person who had been cautioned under the Scheme were generally more serious.

13. CP responded that it might be necessary to examine each case, if such information was to be gathered. Generally speaking, young persons who recommitted offences after they had been cautioned under the Scheme could be cautioned again or, in serious cases, prosecuted.

14. Mr CHEUNG Man-kwong requested the Police to provide statistics on persons prosecuted for offences committed after having been cautioned under the Scheme and information on the nature of the offences involved. The Chairman requested the Police to provide information on the percentage decrease in juvenile and youth population in 2005.

Police

15. Mr Albert HO expressed concern that although many licensed money lenders were not charging a high interest rate, they were charging a very high late charge that amounted to about 20% or 30% of the outstanding debt. Many of these money lenders had employed debt collection companies to collect their debts. Many of such debt collection companies were associated with triad societies and resorted to various types of stalking in debt collection. Some of these debt collection companies had even threatened legal firms which represented the debtors. He asked whether such debt collection practices could be prohibited through imposing additional licensing conditions for money lenders.

16. CP responded that the Police would examine whether legislative amendments could be introduced to prevent money lenders from introducing various charges which gave an effective interest rate of more than 60% per annum. The Police would also examine how money lenders who evaded their licence conditions by employing others to collect debts could be regulated. He would ask Police officers responsible for the licensing of money lenders to contact Mr Albert HO to discuss whether debt collection practices could be regulated through imposing additional licensing conditions.

17. The Deputy Chairman said that he was pleased to note that the Police had continued to maintain a high standard of performance in 2005. He asked whether

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there was any relationship between the adoption of an intelligence-led strategy in combating crime and informer's fee. He expressed support for the Police's increase in manpower to cope with its operational needs.

18. CP responded that there was no relationship between an intelligence-led strategy and informer's fee. The gathering of intelligence might not necessarily require the use of informer's fee. He said that as there had been a decrease of nearly 2 000 Police officers in the past five to six years, there was an increasing need for the Police to better utilise its resources. An intelligence-led strategy, which was being adopted in many advanced countries in the world, would result in better utilisation of resources.

19. The Deputy Chairman asked whether the Police's strengthening of its work in the New Territories reflected a trend of increased crime in the New Territories.

20. CP responded that there was no indication of increased crime in the New Territories, although the number of cases of burglary had increased with more people moving to live in the New Territories. In this connection, the Police had done a lot in educating the public on the preventive measures and the situation had improved. He said that many parents living in districts in the New Territories had to go out for work and had left their children at home. The Police had thus strengthened education and prevention of juvenile and youth crime in these districts.

21. Mr LEUNG Kwok-hung asked about the value of the drugs seized. He expressed concern that there was a general increase in the amount of various types of drugs seized.

22. Referring to the amount of different types of drugs seized as detailed in the comparison table on crime situation provided by the Police, CP said that there was a trend of increased trafficking of cocaine from South America to Hong Kong and other places in Asia. The Police had cooperated with its counterparts in many other jurisdictions to combat such activities. He undertook to provide members with information on the value of drugs seized in 2005.

23. Mr LEUNG Kwok-hung asked whether there was any indication of a substantial increase in the amount of cocaine seized in Guangdong Province in 2005.

24. CP responded that there was no indication of a substantial increase in the amount of cocaine seized in the Guangdong Province, although the amount of ketamine and ice seized had increased.

25. Mr LEUNG Kwok-hung asked about the trend of drug abuse in respect of heroin, cannabis, ketamine and ice.

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26. CP responded that while heroin had become less popular, cannabis had become more popular among drug abusers. He said that the trend of drug abuse in Hong Kong tended to change with time. The Police would step up publicity against drug abuse and adopt appropriate measures to combat the problem.

27. Ms Margaret NG asked about the number of cases of violent crime involving domestic violence. She suggested that separate statistics should in future be provided on domestic violence.

Police 28. CP agreed to provide separate statistics in future on domestic violence in the comparison table on the crime situation. He said that there were 1 274 domestic violence cases in 2005 where criminal element was identified, as compared to 903 cases in 2004. Such cases included cases of criminal damage, wounding and serious assault, criminal intimidation and rape. For cases involving domestic violence but no element of crime, there were 1 510 cases in 2005, as compared to 1 386 cases in 2004.

29. Ms Margaret NG asked how the Police dealt with cases of domestic violence where no element of crime was identified.

30. CP responded that such cases would be referred to the Social Welfare Department for follow-up. He said that the Police had adopted the practice of maintaining records about all domestic violence cases in its central database, regardless of whether any criminal element was identified in a case.

Police 31. Ms Margaret NG suggested that a scheme similar to the Superintendent's Discretion Scheme should be introduced for domestic violence cases. CP agreed to consider the suggestion.

32. Mr Albert HO asked about the number of domestic violence cases where prosecutions were instituted.

Police 33. CP said that the percentage of domestic violence cases brought to the court in 2003, 2004 and 2005 were 48.7%, 55.8% and 56% respectively. He undertook to provide information on the number of domestic violence cases where prosecutions were instituted.

34. Mr Albert HO expressed concern that some Police officers tended to mediate disputes by issuing warning letters in domestic violence cases, instead of instituting prosecution. He said that there was a domestic violence case where prosecution was not instituted even though the victim had made reports to the Police many times. He asked about the criteria adopted by the Police in determining whether to institute prosecution in a domestic violence case.

35. CP responded that once a domestic violence case was established, the Police officer concerned should no longer mediate in the case. He suggested Mr HO to refer the case concerned to the Police for follow-up.

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Police

36. Mr Albert HO expressed concern that the percentage of domestic violence cases where prosecution was instituted was low. He requested the Police to provide information on the percentage of domestic violence cases referred to the Department of Justice for advice on whether prosecution should be instituted.

37. Mr CHIM Pui-chung asked about the crime situation regarding commercial crime in 2005.

38. CP responded that the number of cases relating to different types of commercial crime were as follows –

	<u>Type of commercial crime</u>	<u>Number of cases</u>	
		<u>2004</u>	<u>2005</u>
(a)	business fraud	69	62
(b)	letter of credit fraud	7	4
(c)	fraud related to London gold	5	Nil
(d)	fraud involving model companies	11	10

Police

39. Mr CHIM Pui-chung requested the Police to provide information on the conviction rate of commercial crime cases. CP agreed to examine whether such information was available. He said that as commercial crime cases were usually complicated, cases reported in a particular year might not be detected within the same year.

40. Mr CHIM Pui-chung asked about the criteria for determining whether a commercial crime case should be investigated by the Police or the Independent Commission Against Corruption (ICAC).

41. CP responded that the Police would refer corruption cases identified in the course of investigation of crime to ICAC for follow-up. Legal advice was sought before such referral was made. He added that, to his knowledge, ICAC would conduct investigation into cases of commercial crime only where such crime was detected in the course of investigating corruption. Cases of commercial crime where no element of corruption was identified would be referred to the Police for follow-up.

42. Ms Audrey EU asked whether the Administration had any plans to criminalise stalking.

43. CP responded that, to his knowledge, the Administration had not formed any particular view on the issue of criminalising stalking.

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44. Ms Audrey EU asked whether there were many reports of intimidation in debt collection where there was insufficient evidence of a criminal element. She also asked how the Police would deal with such cases.

45. CP responded that the Police had not maintained statistics on such cases. He said that even where no element of criminal intimidation was identified in a case, the Police officer concerned would inform the complainant what he could do to prevent stalking. Ms Audrey EU hoped that the Police would draw up some simple methods to maintain such statistics in the future so that members could have a better idea of the seriousness of the problem.

46. Ms Audrey EU asked whether the implementation of a five-day week in the civil service had any impact on the operations of the Police.

47. CP responded that the implementation of a five-day week was not applicable to emergency services, including those provided by the Police. He said that a Police officer had to work 48 hours per week. For a frontline Police officer, there were usually three rests days within a two-week period. The Police was studying the impact of the implementation of a five-day week for civilian employees on the operations of the Police.

48. The Chairman commended the Police for its performance in 2005, especially given that the transient population had increased and the total number of Police officers had decreased in the past few years. He asked about the crime situation in respect of cyber crime.

49. CP responded that the number of cases relating to different types of cyber crime were as follows –

	<u>Type of cyber crime</u>	<u>Number of cases</u>	
		<u>2004</u>	<u>2005</u>
(a)	hacking	340	450
(b)	business fraud	120	154
(c)	theft involving Internet banking	19	3
(d)	criminal damage	11	6
(e)	others	70	41

50. CP informed members that the Police was combating cyber crime through its Technology Crime Division, where there were experts to deal with more complicated cases and carry out cyber patrol. The Police had also trained up district Police

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officers to deal with less complicated cyber crime cases. He said that as cyber crime tended to change rapidly, the Police was maintaining close communication with its counterparts in other jurisdictions and had arranged some Police officers to undergo overseas training.

51. The Chairman asked whether the Police had analysed cases of hacking. CP responded that among 450 cases of hacking in 2005, 351 were related to unauthorised use of other person's online game account and 72 were related to unauthorised use of other person's Internet account.

52. Mr LAU Kong-wah asked whether adequate support was provided by social workers to domestic violence cases referred from the Police around midnight.

53. CP responded that the Tin Shui Wai Family Tragedy which occurred on 11 April 2004 had drawn the attention of many government departments and non-government organisations to the problem of domestic violence. In response to the recommendations made by the Coroner's Court after the case, the Police had strengthened training on the handling of domestic violence for frontline Police officers and those involved in criminal investigation. The Police had also established working groups in each district to address the problem in conjunction with the Social Welfare Department.

54. Mr LAU Kong-wah expressed concern that legislation enacted in recent years against red light jumping, drink driving and legislation requiring passengers to fasten seat belts did not have a deterrent effect. He asked whether the Police had encountered difficulties in enforcement.

55. CP responded that the number of casualties resulting from road accidents had generally decreased in 2005, the details of which were as follows –

	<u>2004</u>	<u>2005</u>
(a) total number of traffic accidents	15 026	15 035
(b) number of fatal traffic accidents	160	138
(c) deaths arising from traffic accidents	166	149
(d) injuries arising from traffic accidents	19 402	19 161

56. CP said that the Police was seeking to improve road safety through strengthening education in road safety, introducing preventive measures such as improving road design or road facility design, and stepping up enforcement against offenders. The number of red light cameras and speed enforcement cameras had also

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been increased. He stressed that the improvement of road safety was an important area of the Police's work, as the number of deaths resulting from traffic accidents was substantially more than that resulting from homicide.

57. Mr LAU Kong-wah expressed concern that cases of speeding, red light jumping and drink driving seemed to have increased. He requested the Police to include the statistics on such offences in the crime statistics in future.

58. CP agreed to include such statistics in the comparison table on the crime situation in future. He said that the number of cases of speeding had increased by 11.8% to 211 658 in 2005, while the number of cases of red light jumping had increased by 9.3% to 38 528 cases in 2005. Mr LAU Kong-wah requested the Police to provide information on the number of cases of drink driving in 2005.

Police

59. The Chairman asked whether there was a substantial increase in the workload of the Police after the installation of more red light cameras and speed enforcement cameras.

60. CP responded that the Police was coping with the increased workload through internal redeployment and computerisation. Where necessary, requests for additional manpower resources would be made.

61. The meeting ended at 12:50 pm.