

立法會

Legislative Council

LC Paper No. CB(2)1450/06-07
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 6 February 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon Daniel LAM Wai-keung, SBS, JP
- Public Officers attending** : Item III
Ms Manda CHAN
Principal Assistant Secretary for Security A

Mr John HUNTER
Deputy Principal Government Counsel (Treaties & Law)
Department of Justice

Ms Kitty YU
Assistant Secretary for Security (Narcotics) 1

Miss Jane LEE
Assistant Secretary for Security A2

Item IV

Mr Charles WONG
Principal Assistant Secretary for Security B

Miss Queenie LEE
Assistant Secretary for Security B2

Mr LAW Hung
Acting Chief Fire Officer (Fire Safety)
Fire Services Department

Mr SHUM Wing-cheong
Acting Deputy Chief Fire Officer (Licensing and
Certification)
Fire Services Department

Mr TAM Tai-keung
Divisional Officer (Building Improvement and Support)
Fire Services Department

Mr NG Wai-keung
Divisional Officer (Information Technology
Management Unit)
Fire Services Department

Item V

Ms Sally WONG
Commissioner for Narcotics

Ms Candy LAU
Assistant Secretary for Security (Narcotics) 2

Mr CHEUNG Hing-wah
Assistant Director (Youth and Corrections)
Social Welfare Department

Dr Cindy LAI
Assistant Director of Health (Special Health Service)

Mr Peter G ELSE
Chief Superintendent (Narcotics Bureau)
Hong Kong Police Force

Mr Ben LEUNG
Senior Superintendent (Drug Investigation)
Customs and Excise Department

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

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

Mr Raymond LAM
Senior Council Secretary (2) 5

Miss Helen DIN
Legislative Assistant (2)1

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I. Information papers issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)989/06-07(01) and (02))

Regular meeting in March 2007

2. Members agreed that the following items would be discussed at the next regular meeting to be held on 6 March 2007 at 2:30 pm -

- (a) Progress of implementation of immigration control on pregnant Mainland women;
- (b) Replacement of Customs patrol launches; and

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- (c) Replacement of the radio system of the Operations Wing of the Hong Kong Police Force.

3. Regarding the item "Interception of communications and surveillance" in the list of outstanding items, members agreed that the Administration should be requested to advise whether information for the item was ready for discussion.

Regular meeting in April 2007

4. The Chairman said that as he would be out of town on 3 April 2007, members might wish to consider rescheduling the regular meeting in April. Mr Howard YOUNG and Mr WONG Yung-kan said that they would also be out of town on 3 April 2007. At the suggestion of Ms Emily LAU, members agreed that the regular meeting on 3 April 2007 would be held as scheduled and the Deputy Chairman would take the chair in the absence of the Chairman.

Visit to correctional institutions

5. The Chairman recalled that a visit to the Chi Ma Wan Correctional Institution and Chi Sun Correctional Institution, which was originally scheduled to be held in the morning of 19 January 2007, had been cancelled since the visiting party comprised less than three Members. He suggested that the number of members interested in joining the visit should first be gathered. Interested members would then be consulted on the date for the visit, if the visiting party comprised three members or more. Members agreed.

Visit to the Hong Kong Police College

6. Members noted that the visit to the Hong Kong Police College was being arranged.

III. Legislative proposals to implement the obligations on extradition and mutual legal assistance under the International Convention for the Suppression of the Financing of Terrorism
(LC Paper No. CB(2)989/06-07(03))

7. Principal Assistant Secretary for Security A (PAS(S)A) briefed members on the Administration's legislative proposals to implement the obligations under the International Convention for the Suppression of the Financing of Terrorism (the Convention).

8. The Deputy Chairman asked whether the obligations to establish the acts proscribed under the conventions in the Annex to the Convention as criminal offences had been implemented through local legislation.

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9. PAS(S)A responded that such obligations under eight out of nine conventions in the Annex to the Convention had been implemented through local legislation. The remaining convention, the Convention on the Physical Protection of Nuclear Material, had yet to apply to Hong Kong and thus there was not yet an obligation to implement the convention. She said that the Convention mainly sought to suppress the provision or collection of funds for the financing of terrorism offences.

10. The Deputy Chairman asked whether the provision or collection of funds for the financing of offences proscribed by the anti-terrorism-related international conventions specified in the Convention were criminal offences under local legislation.

11. PAS(S)A responded that the principal obligations under the Convention were implemented through section 7 of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575).

12. Ms Margaret NG asked why it was necessary to make the Order referred to in paragraph 4 of the Administration's paper, given that offences under the conventions in the Annex to the Convention were extraditable offences under existing legislation.

13. PAS(S)A responded that the Convention was directed at the financing of terrorist acts rather than the terrorist acts themselves. Articles 9 and 11 of the Convention required States Parties to include such terrorist financing offences under the Convention as extraditable offences and to carry out extradition subject to the conditions provided in the legislation of the requested party. Thus, an Order would have to be made under section 3 of the Fugitive Offenders Ordinance (Cap. 503) (FOO) to direct that the procedures in FOO should apply between Hong Kong and the places outside Hong Kong to which the Convention related.

14. Ms Margaret NG asked whether the proposed Order would enable the surrender of fugitive offenders (SFO) to jurisdictions which had not concluded bilateral SFO agreements with Hong Kong but were states parties to the Convention. PAS(S)A replied in the affirmative.

15. Dr LUI Ming-wah asked whether offences under the Convention included the financing of terrorist activities outside the territory of Hong Kong.

16. PAS(S)A replied in the affirmative. She said that section 3 of the United Nations (Anti-Terrorism Measures) Ordinance provided that section 7 applied to any person outside Hong Kong who was a Hong Kong permanent resident or a body incorporated or constituted under the laws of Hong Kong.

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17. Miss CHOY So-yuk asked whether an offence under the Convention was extraditable, if it was an offence under the legislation of the requesting party but not the legislation of the requested party. She queried whether there would be sufficient time for scrutiny of the Order referred to in paragraph 4 of the Administration's paper. She considered that if the legislative proposal to be introduced was complicated, consideration should be given to introducing amendments to the principal legislation rather than subsidiary legislation.

18. PAS(S)A responded that the Order referred to in paragraph 4 of the Administration's paper would not be complicated. She said that FOO required that the offence for which extradition was sought had to be punishable under the domestic legislation of both the requesting party and the requested party. The Convention required extradition to be made in accordance with the laws of the requested jurisdiction. In Hong Kong, extradition requests from other jurisdictions were conducted in accordance with the requirements and safeguards in FOO. She added that similar orders had been made under FOO to implement the obligations of Hong Kong under other international conventions, including the conventions on safety of civil aviation and torture.

IV. Proposed implementation of an Integrated Licensing, Fire Safety and Prosecution System in the Fire Services Department
(LC Paper No. CB(2)989/06-07(04))

19. Principal Assistant Secretary for Security B (PAS(S)B) briefed members on the Administration's proposal to replace the existing fire protection information system in the Fire Services Department with an Integrated Licensing, Fire Safety and Prosecution System (LIFIPS).

20. Miss CHOY So-yuk expressed support for the Administration's proposal. She asked whether there would be time savings in the retrieval of building plans after LIFIPS came into operation.

21. Acting Chief Fire Officer (Fire Safety) (CFO(Atg)) responded that under the existing system, the printed record of building plans would, where necessary, be manually retrieved and delivered to the mobile command unit at the scene. Under LIFIPS, such building plans could be retrieved directly inside a mobile command unit.

22. Miss CHOY So-yuk asked whether the data in the existing system would be updated before transferred to LIFIPS.

23. PAS(S)B responded that under the proposed new system, existing records would first be scanned and stored in LIFIPS. Any further information collected in the subsequent inspection or licensing process would then be

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stored in LIFIPS. The new system would facilitate efficient retrieval of records in fire-fighting and the processing of licence applications.

24. Referring to paragraph 3(a) of the Administration's paper, the Deputy Chairman asked whether the layout and description of buildings had already been stored in electronic form for fire-fighting purpose. Referring to paragraph 4(c) of the Administration's paper, he asked whether the channel for electronic submission had already been established and how the efficiency in the processing of electronic submission would be further improved.

25. CFO(Atg) responded that under the proposed system, the layout and description of buildings as well as the information gathered in inspections and licence renewals would be provided through the Fire Services Communications Centre to fire-fighting crew. With regard to the channel for electronic submission, after LIFIPS was implemented, incoming electronic mails in designated formats would be automatically stored in LIFIPS without the need for repeated data entry.

26. The Deputy Chairman asked whether savings in manpower could be generated from the notional savings referred to in paragraph 8(b) of the Administration's paper.

27. PAS(S)B responded that the implementation of LIFIPS was estimated to generate notional savings of about \$6.75 million per annum, resulting from savings in manpower spread among different posts in different commands and divisions. Some examples were as follows -

| <u>Type of post</u> | <u>Estimated Savings (man-months)</u> |
|------------------------------------|---------------------------------------|
| Assistant Clerical Officer | about 42 |
| Principal Fireman | about 4.6 |
| Senior Building Services Inspector | about 0.5 |

28. CFO(Atg) informed members that the manpower saved from the implementation of LIFIPS would be redeployed for strengthening fire prevention work and the processing of licence applications.

V. The latest drug abuse situation and anti-drug strategies
(LC Paper No. CB(2)989/06-07(05))

29. Commissioner for Narcotics (C for N) briefed members on the latest drug abuse situation and the Administration's strategies to tackle the drug problem.

30. Mr WONG Yung-kan expressed concern about media reports that the age of young drug abusers was getting lower and there was an increasing

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number of young persons crossing the boundary to abuse drugs in the Mainland. He asked whether there were statistics on such a kind of drug abuse. He said that the problem should be addressed as soon as possible, given that more boundary control points were expected to be opened in the coming years.

31. C for N responded that according to statistics for the first three quarters of 2006, the average age of young abusers was 17 and the average age when a young person first abused drugs was 15. Such figures were comparable to those for the first three quarters of 2005. Nevertheless, the Administration would continue to combat drug abuse through -

- (a) stepping up publicity and education against drug abuse;
- (b) educating students on the harmful effects of drugs at an earlier stage by extending anti-drug education talks to students at Primary 4 and above; and
- (c) embarking on a new publicity campaign and producing new Announcements of Public Interest (APIs) to educate the public on the harmful effects of abusing ketamine and ecstasy, the two most commonly abused drugs among young people.

32. C for N informed members that reporting agencies in Hong Kong had since mid-2005 been asked to gather information on Hong Kong people abusing drugs in the Mainland. The first batch of annual statistics on such drug abuse should be available in mid-2007.

33. Chief Superintendent (Narcotics Bureau), Hong Kong Police Force said that the Police had been working closely with the Mainland authorities to combat the problem. Besides meetings at the top management level, communication was maintained at the operational level between the Narcotics Bureau of the Police and the relevant Mainland authorities. Meetings were held whenever necessary to discuss specific cases and exchange intelligence. He added that the Police also maintained close liaison with its overseas counterparts to combat drug trafficking.

34. Senior Superintendent (Drug Investigation), Customs and Excise Department said that the Customs and Excise Department was concerned about the increased number of young people crossing the boundary to abuse drugs in the Mainland. It had been working closely with the Police to combat the problem. He informed members that a Regional Seminar on Customs Cooperation Against Drug Trafficking had been held in January 2007, at which an international communication network was established to combat drug trafficking.

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35. Referring to paragraph 10(a) and note (2) of the Administration's paper, Mr CHEUNG Man-kwong asked whether the number of drug abusers had really decreased, if an increasing number of Hong Kong residents were crossing the boundary for drug abuse in the Mainland. He considered that the Administration's statistics could not reflect the actual drug abuse situation, if the statistics did not cover Hong Kong residents who crossed the boundary for drug abuse in the Mainland. He expressed concern about a recent media report that more than 200 drug abusers from Hong Kong were arrested in Shenzhen on 17 December 2006. He asked whether the Administration had established any mechanism to provide rehabilitation service to Hong Kong residents arrested for drug abuse in the Mainland.

36. C for N responded that there was a mechanism whereby the Police would liaise with social workers, if necessary and practicable, to provide service to Hong Kong residents arrested for drug abuse in the Mainland when the latter returned to Hong Kong. The Administration had launched the Sponsorship Scheme on Anti-Cross-boundary Drug Abuse Projects, under which funding had been provided to 18 projects on anti-drug education and publicity targeting young people, especially youth at risk.

37. C for N informed members that the Central Registry of Drug Abuse (CRDA) had since mid-2005 requested reporting agencies in Hong Kong to gather statistics on Hong Kong residents abusing drugs in the Mainland. The reporting agencies included law enforcement agencies, rehabilitation organisations, welfare agencies, tertiary institutions, hospitals and clinics.

38. Mr CHEUNG Man-kwong expressed concern that as many Hong Kong residents who abused drugs in the Mainland might fall outside the reporting network, the actual situation regarding Hong Kong residents crossing the boundary to abuse drugs in the Mainland might be worse than the information gathered by reporting agencies.

39. C for N responded that the data gathered by CRDA only reflected the trend of drug abuse rather than the actual number of persons who abused drugs. The Administration noted that the number of young drug abusers and psychotropic substance abusers had increased in the first three quarters of 2006 when compared with the statistics for the first three quarters of 2005. Based on this trend, it had drawn up measures to combat the problem accordingly.

40. The Deputy Chairman expressed concern that a Hong Kong resident who mainly abused drugs in the Mainland might not have a chance of receiving treatment and rehabilitation in Hong Kong. He asked whether a mechanism could be established for Mainland authorities to notify Hong Kong of the arrest of Hong Kong residents who abused drugs in the Mainland so that treatment and rehabilitation service could be provided in Hong Kong for such persons. He said that the Administration should consider examining with the Mainland

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authorities whether the requirement of receiving treatment and rehabilitation in Hong Kong could be made as one of the conditions for the release of a Hong Kong resident arrested for drug abuse in the Mainland. He also suggested the Administration to gather information on the mode and place of drug abuse of Hong Kong residents in the Mainland.

41. C for N responded that a mechanism had been established for the Police to notify social workers of the release of Hong Kong residents who had been arrested for drug abuse in the Mainland, where necessary and practicable. Service could only be provided by social workers for those who were willing to receive service.

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42. The Deputy Chairman requested the Administration to provide statistics on Hong Kong residents arrested for drug abuse in the Mainland in six months' time. C for N agreed to consider the suggestion.

43. The Chairman said that heroin abuse was described as "吸毒" but abuse of psychotropic substances was described as "濫用藥物" or "濫用軟性藥物". He considered that the use of the terms "濫用", "藥物" and "軟性藥物" might give one the false impression that psychotropic substance abuse was less harmful when the quantity abused was small. He considered that the abuse of drugs and psychotropic substances should both be described as "吸毒" to reflect the serious harmful effects. His view was shared by Mr CHEUNG Man-kwong.

Admin

44. C for N agreed to consider the suggestion. She said that the Administration had not used the term "soft drugs" in its publicity and education on the harmful effects of drugs. The Administration would strengthen education and publicity on the harmful effects of psychotropic substance abuse.

45. Assistant Director of Health (Special Health Services) said that there were historical backgrounds for the use of the term "毒品". She pointed out that most drugs and psychotropic substances had their own medical use and the term "substance abuse" had a wide scope. The term "drug abuse" was commonly used in many parts of the world and the term "soft drugs" was now seldom used. She considered that the major issue was how the public's awareness of the harmful effects of drugs and psychotropic substances could be enhanced. She undertook to refer the Chairman's suggestion to the Subcommittee on Preventive Education and Publicity under the Action Committee Against Narcotics (ACAN) for consideration.

Admin

46. The Deputy Chairman said that the issue was complicated and had been considered by ACAN for more than 10 years. He added that there were generally positive feedbacks on the effects of the recent APIs produced by the Administration.

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47. There being no other business, the meeting ended at 4:05 pm.

Council Business Division 2
Legislative Council Secretariat
30 March 2007