

立法會
Legislative Council

LC Paper No. CB(2)1964/06-07
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 3 April 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

Members absent : Hon LAU Kong-wah, JP (Chairman)
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon CHOY So-yuk, JP

Public Officers attending : Item IV

Mr Alan LO
Principal Assistant Secretary for Security C

Ms Jasmine CHOI
Assistant Secretary for Security

Mrs CHUNG LAM Wai
Assistant Director (Personal Documentation)
Immigration Department

Mrs TONG NG Pik-mei, Peggy
Assistant Principal Immigration Officer (Births, Deaths
& Marriage Registration)
Immigration Department

Item V

Mrs Apollonia LIU
Principal Assistant Secretary for Security E

Miss Rosalind CHEUNG
Assistant Secretary for Security

Mr Blaine Stewart HOGGARD
Assistant Commissioner of Police (Support)

Mr Jack WONG
Senior Inspector (Field)2(Support Branch)
Hong Kong Police Force

Item VI

Ms Carol S W YUEN
Deputy Secretary for Security

Mr YING Kwok-ching
Deputy Commissioner of Correctional Services

Mr SIN Yat-kin
Assistant Commissioner of Correctional Services
(Operations)

Mr YAU Chi-chiu
Assistant Commissioner of Correctional Services
(Rehabilitation)

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

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

Miss Helen DIN
Legislative Assistant (2)1

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As the Chairman was out of town, the Deputy Chairman took the chair of the meeting.

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1450/06-07)

2. The minutes of the meeting held on 6 February 2007 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1204/06-07(01) and CB(2)1261/06-07(01))

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

- (a) A referral from Duty Roster Members on the provision of housing and other assistance to people living in bedspace apartments and cubicle apartments; and
- (b) A referral from a meeting on 9 November 2006 between Legislative Council Members and Kowloon City District Council members regarding the issue of Mainland women giving birth in Hong Kong.

4. Ms Emily LAU suggested that the Administration should be requested to provide a response to the fire-related issues raised in the referral in paragraph 3(a) above. Members agreed.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1449/06-07(01) and (02))

5. Members agreed that the following items would be discussed at the next meeting to be held on 8 May 2007 at 10:45 am -

- (a) Implementation of the New Obstetric Service Arrangements and Complementary Immigration Measures;
- (b) Manpower deployment of the Immigration Department; and

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- (c) Processing of notification of public meetings and processions under the Public Order Ordinance.

6. Members agreed that staff unions of the Immigration Department would be invited to express their views under the item referred to in paragraph 5(b) above.

7. Members also agreed that the item "Issues relating to the merging of Tseung Kwan O and Sai Kung Police Divisions into a Police District", which was proposed by the Chairman, would be discussed at the regular meeting in June 2007.

8. The Deputy Chairman reminded members that the Panel would pay a visit to better understand the importance of radio communications in the operations of the Police's Special Duties Unit on 12 April 2007 from 2:15 pm to 5:15 pm. Another visit to better understand the operations of the Customs sector patrol launches would be held on 17 May 2007 from 9:00 am to 10:30 am.

IV. Review of Civil Celebrants of Marriages Scheme

(LC Paper No. CB(2)1449/06-07(03))

9. Principal Assistant Secretary for Security C (PAS(S)C) and Assistant Director of Immigration (Personal Documentation) (AD of Imm) briefed members on the outcome of the review on the operation of the Civil Celebrants of Marriages (CCMs) Scheme (the Scheme) conducted by the Administration. PAS(S)C added that the number of appointed CCMs as at 28 February 2007 was 1 130.

10. Mr Howard YOUNG said that the Scheme was a successful one generally accepted by the community. He asked whether the Administration had any plans to expand the Scheme to enable Hong Kong residents to celebrate their marriages before CCMs in places outside Hong Kong.

11. PAS(S)C responded that the Marriage Ordinance (Cap. 181) was only applicable to marriages celebrated within Hong Kong. The Administration had no plans to amend the Ordinance to provide for marriages celebrated outside Hong Kong.

12. Mr Howard YOUNG asked whether the list of CCMs had been posted onto the webpage of the Immigration Department (ImmD).

13. PAS(S)C responded that the name list of appointed CCMs had been uploaded onto the websites of ImmD and the relevant professional bodies.

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14. Referring to paragraph 12 of the Administration's paper, Ms Margaret NG asked whether the 26.4% increase in the total number of marriages was due to the introduction of the Scheme or seasonal fluctuation.

15. AD of Imm responded that the number of marriages had been increasing annually since 2002. The total number of marriages in 2005 had increased by 4% over 2004, while the total number of marriages in 2006 had increased by 17% over 2005. ImmD had not examined the reasons for the increases in the number of marriages. However, there were generally more marriages on auspicious days.

16. Referring to paragraph 12 of the Administration's paper, Dr LUI Ming-wah asked why the number of marriages celebrated at marriage registries had decreased by 7.8%, while the 26.4% increase in the total number of marriages had mostly been taken up by CCMs.

17. AD of Imm responded that the total number of marriages had increased by about 17% over the previous year. As CCMs had taken up about one-fourth of all marriages, the number of marriages celebrated at the marriage registries had decreased by 7.8%.

18. The Deputy Chairman asked whether CCMs were allowed to celebrate marriages in prisons. PAS(S)C replied in the affirmative.

Adm 19. The Deputy Chairman expressed concern that there were reports that a couple who recently celebrated their marriage in a prison were not allowed to kiss each other in the ceremony on the ground that physical contact with a prisoner was prohibited. PAS(S)C undertook to provide a written response.

20. Referring to paragraph 6 of the Administration's paper, Ms Audrey EU asked whether any application for appointment as CCM had been rejected.

21. AD of Imm responded that no application for appointment as CCM had so far been rejected. The difference in the number of applications and number of appointed CCMs was due to the fact that some applications were still being processed and some applications had been withdrawn by the applicants.

22. Ms Audrey EU asked whether there were tourists who visited Hong Kong solely for celebrating their marriages.

23. AD of Imm responded that there were about 200 pairs of visitors who celebrated their marriages in Hong Kong in 2006, representing an increase of 5.3% over the previous year.

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24. Ms Audrey EU said that the Administration should promote the celebration of marriages in Hong Kong to visitors. Her view was shared by Mr Howard YOUNG. The Deputy Chairman asked whether it was the Administration's policy to promote among overseas visitors the celebration of marriages in Hong Kong.

25. PAS(S)C responded that the Administration kept an open mind on the issue. The Administration noted that the private sector had launched various marriage packages since the introduction of the Scheme.

26. Mr Howard YOUNG asked whether non-Hong Kong residents were eligible to celebrate their marriages in Hong Kong. He also asked about the legal status in other places of marriages celebrated in Hong Kong.

27. AD of Imm responded that non-Hong Kong residents might celebrate their marriages in Hong Kong in accordance with the Marriage Ordinance. Whether such a marriage was recognised as valid in other places depended on the laws of the places concerned.

28. Mr Howard YOUNG asked whether visitors who came to Hong Kong for the sole purpose of celebrating marriage would be regarded as not visiting for leisure and thus in breach of conditions of stay.

29. PAS(S)C responded that visitors who entered Hong Kong for the sole purpose of celebrating their marriage would be regarded as visiting for leisure.

30. Mr Albert HO asked whether ImmD had identified any errors or omissions made by CCMs, such as failure to provide the duplicate marriage certificate concerned to the Registrar of Marriages (the Registrar) within seven days after the marriage. He asked whether any checking was carried out by ImmD.

31. AD of Imm responded that notices of intended marriage and duplicate marriage certificates were processed and checked by ImmD. No errors or omissions had so far been identified in marriages celebrated by CCMs. Failure of CCMs to provide the duplicate marriage certificate concerned to the Registrar within seven days would not itself render a marriage invalid. It was stated in the Marriage Ordinance that no marriage should, after celebration, be deemed invalid by reason that any provision of the Ordinance, other than those specified in section 27 of the Ordinance, had not been complied with. She stressed that all CCMs had been reminded in the training sessions that duplicate marriage certificates had to be despatched to the Registrar within seven days after a marriage celebration.

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32. Ms Margaret NG said that the Scheme was probably the most successful outsourced project launched so far by the Administration. She asked how the services provided by CCMs were monitored.

33. PAS(S)C responded that the service of CCMs were monitored by ImmD. Members of the public could lodge a complaint against a CCM to the professional body concerned or ImmD. There were also statutory requirements on the celebration of marriages by CCMs. AD of Imm added that, besides the provision of training for CCMs, a Code of Practice had been issued to CCMs.

34. The Deputy Chairman said that CCMs should be reminded to take steps to ensure that a marriage was celebrated in a solemn manner. He said that there were reports that some CCMs might be involved in celebrating bogus marriages. He considered that the Administration should look into the issue.

V. The handling of guns by Police officers
(LC Paper No. CB(2)1449/06-07(04))

35. Principal Assistant Secretary for Security E (PAS(S)E) and Assistant Commissioner of Police (Support) (ACP(SUP)) briefed members on the handling of handguns by Police officers and the incident of a Police officer dropping his handgun on 9 February 2007.

(Post-meeting note : The speaking note of ACP(SUP) tabled at the meeting was circulated to members vide LC Paper No. CB(2)1518/06-07 on 4 April 2007.)

36. The Deputy Chairman said that he had not heard of any incident of any officer of the disciplined forces dropping his gun in an alert situation in the past 20 years. He asked whether the Police officer concerned had intended to draw his gun from the holster at that time and why there was such an incident.

37. ACP(SUP) responded that the weapon concerned was a Glock 17 pistol. The holster holding the pistol had a safety restraining feature which protruded through the trigger guard of the pistol. Provided that the pistol was not interfered with in any way, it would be secured within the holster. However, it should be noted that a scuffle took place at that time. He said that although a holster was designed to hold a pistol under normal circumstances, it had to enable the pistol to be drawn quickly under emergency situations. Under normal circumstances, the restraining feature of a holster was sufficient for holding the pistol in the holster. However, the pistol might come out of the holster, if there was some force compromising the restraining feature.

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38. Dr LUI Ming-wah asked about the probability of bullets coming out of the magazine of a gun in the event that the gun fell onto the ground. He also asked whether all guns had the same magazine design.

39. ACP(SUP) responded that different gun models had different magazine design. When the gun fell onto the ground in the case concerned, the plastic plate at the bottom of the magazine broke and the bullets came out from the magazine. The Police would examine whether any improvement was needed to the design of the magazine.

40. The Deputy Chairman said that as the Panel would pay a visit to the Police Tactical Unit to better understand the importance of radio communications in the operations of the Special Duties Unit on 12 April 2007, the Police could show members the design of the magazine of the gun model concerned during the visit.

41. The Deputy Chairman asked about the progress of the investigation into the incident on 9 February 2007 conducted by the Police. He expressed concern that if a Police officer dropped his gun in the vicinity of the Chief Executive (CE) and a member of the public picked up the gun for the Police officer, the act might be mistakably perceived as a threat to the safety of CE and result in tragedy. He asked whether the Administration would provide the Panel with the investigation results.

42. ACP(SUP) responded that investigation into the incident concerned was still ongoing. PAS(S)E added that a complaint against the Police was lodged by a member of the public in respect of the incident. In accordance with the established procedures, the investigation findings in respect of the incident would be submitted to the Independent Police Complaints Council (IPCC), which might, having regard to public interest, decide whether to discuss the case at an open meeting. Should there be any matters of public interest regarding the case that were not made public in that context, the Administration would consider disclosing them to the public as appropriate.

43. The Deputy Chairman stressed that the Panel and IPCC were independent from each other. He said that if the Administration was not prepared to disclose the investigation results to the Panel, the Secretary for Security and the Commissioner of Police should attend the next Panel meeting to discuss the subject matter.

44. Ms Margaret NG considered that the Administration should disclose the investigation results once the investigation in the case concerned was completed. She asked when the Police's investigation into the case concerned would be completed.

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45. ACP(SUP) responded that the investigation into a complaint lodged with the Complaints Against Police Office (CAPO) had to be completed within four months. Thus, the investigation concerned had to be completed by June 2007. PAS(S)E added that according to established complaint-handling procedure, CAPO would submit its investigation results to IPCC.

46. The Deputy Chairman, Ms Margaret NG, Mr Albert HO and Ms Emily LAU considered that the Administration should provide the investigation results to the Panel, once available. Ms LAU queried whether the Police would not have conducted an investigation into the incident, if no complaint was received.

47. PAS(S)E explained that the incident was still under investigation. The Administration was not in a position to envisage at this stage whether there was information that could be provided to members before conclusion of the case by IPCC without pre-empting IPCC's consideration of the complaint concerned.

48. The Deputy Chairman said that there had been many occasions where the Police provided information relating to an incident despite the fact that investigation of complaint relating to the case was ongoing. He said that the Secretary for Security and the Commissioner of Police should attend the next meeting to respond to issues raised by members and about 10 minutes would be scheduled for the discussion.

VI. Prison development

(LC Paper Nos. CB(2)1449/06-07(05) and (06))

49. Deputy Secretary for Security (DS for S) updated members on the progress in prison development since the subject was discussed by the Panel in April 2006.

50. Ms Margaret NG expressed support for a constant review of the adequacy of the facilities in penal institutions. She said that the Prisoners' Friends' Associations had expressed concern that there was a shortage of the following facilities in penal institutions converted from buildings previously used for other purposes -

- (a) facilities for counseling of inmates;
- (b) facilities for education and training of inmates;
- (c) indoor sports and recreation facilities;
- (d) facilities for religious activities; and

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- (e) working areas for voluntary agencies providing services for inmates.

51. Assistant Commissioner of Correctional Services (Rehabilitation) responded that the Correctional Services Department (CSD) would try to provide the facilities referred to by Ms Margaret NG in new penal institutions, such as the Lo Wu Correctional Institution which was being redeveloped.

Adm

52. Ms Margaret NG requested the Administration to provide information on the facilities referred to in paragraph 50 above that were currently provided in the eight penal institutions converted from buildings previously used for other purposes and the plans, if any, for the provision of additional facilities in these penal institutions. The Deputy Chairman added that the Administration should also provide information on the short-term measures, if any, adopted to address the problem of shortage of facilities.

53. Mr Daniel LAM expressed support for the prison development strategy outlined in the Administration's paper. Mr LAM asked about the Administration's plans, after the proposal to co-locate penal institutions was shelved, to address the problems of overcrowding and outdated facilities in penal institutions. He also asked whether such plans could relieve overcrowding in penal institutions.

54. DS for S responded that, besides minor works and small scale projects which would provide more places in existing penal institutions, the Lo Wu Correctional Institution was being redeveloped and the feasibility of redeveloping the existing institutions at Chi Ma Wan was being explored. It was anticipated that these projects would help upgrade the prison facilities and relieve the overcrowding problem in penal institutions.

55. Mr Albert HO asked about the percentage of Mainlanders in the penal population.

56. Deputy Commissioner of Correctional Services (DCCS) responded that in 2006, about 28% of the average daily penal population were Mainlanders, representing about 20% and 60% of the male and female populations respectively. In response to Mr Albert HO, DCCS said that in 2006, the total number of admission of persons on remand and convicted prisoners were about 34 000, and about 12 000 of them were persons on remand (including both locals and non-locals).

57. Mr Albert HO expressed concern that many sentenced Mainlanders were convicted of engaging in vice activities or illegal employment. He asked whether the Administration would review its prosecution policy in respect of overstayers or illegal immigrants who committed minor offences so that these

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persons would be repatriated rather than imprisoned. His view was shared by Ms Emily LAU.

58. DS for S responded that it was the Government's policy to prosecute illegal immigrants and overstayers who took up illegal employment or committed other offences. She said that the Administration had established an Inter-departmental Task Force in 2003 to combat the problems at source. Immigration control was maintained by ImmD at boundary control points. The particulars of convicted Mainland visitors were passed to Mainland authorities so that their subsequent applications to visit Hong Kong could be subject to closer scrutiny. With such measures, the number of Mainlanders imprisoned or on remand had decreased from about 3 800 in 2004 to about 2 800 on 16 March 2007. The percentage of Mainlanders in the penal population had decreased from one-third in the past to the present level of about 25.5%.

59. The Deputy Chairman said that it might be more appropriate for the Panel on Administration of Justice and Legal Services to take the lead for discussion of the prosecution policy concerned. In his view, the present prosecution policy in respect of illegal immigrants and overstayers engaging in vice activities and taking up illegal employment was appropriate.

60. Referring to paragraph 7(b) of the Administration's paper, Ms Emily LAU asked how the functions of the penal institutions would be swapped.

61. Assistant Commissioner of Correctional Services (Operations) responded that the Lai King Training Centre, which had a capacity of 260 places for young male inmates, had only 126 inmates as at 16 March 2007. On the other hand, the Tai Tam Gap Correctional Institution, which had a capacity of 160 places for young female inmates, was currently occupied by about 180 inmates. In view of these, CSD intended to swap the functions of the two penal institutions to address overcrowding of female institutions.

62. Ms Emily LAU asked about the timing for completing the feasibility study on the redevelopment of the penal institutions at Chi Ma Wan and the number of additional places to be generated from such redevelopment.

63. DS for S responded that at present, the penal institutions at Chi Ma Wan had a capacity of about 600 places. Depending on the outcome of the feasibility study, the institutions might be redeveloped to provide a total of about 1 000 places. She said that the feasibility study was ongoing and the Administration would report the findings to the Panel.

64. Ms Emily LAU said that the proposed swapping should be implemented as soon as possible. She added that the Administration should report to the Panel the findings of its feasibility study on the redevelopment of penal institutions in Chi Ma Wan, once available.

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65. The Deputy Chairman expressed concern about reports that a couple who celebrated their marriage in a prison recently were not allowed to kiss each other in the ceremony on the ground that physical contact with a prisoner was prohibited. He suggested that CSD look into the issue.

66. The meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
25 May 2007