

# 立法會

## *Legislative Council*

LC Paper No. CB(2)2597/06-07  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE/1

### **Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 5 June 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  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, 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** : Dr Hon LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon Howard YOUNG, SBS, JP
- Public Officers attending** : Item V  
Mrs Apollonia LIU  
Principal Assistant Secretary for Security  
Miss Gillian LAM  
Assistant Secretary for Security

Mr Kevan COOPER  
Regional Commander (Kowloon East)

Mr Patrick LAW  
District Commander (Kwun Tong)

Item VI

Mrs Apollonia LIU  
Principal Assistant Secretary for Security

Miss Rosalind CHEUNG  
Assistant Secretary for Security

Mr Blaine Stewart HOGGARD  
Assistant Commissioner of Police (Support)

Mr Patrick Douglas Gerard HODSON  
Senior Superintendent of Police (Support Branch)  
(Support Wing)

Item VII

Mrs Apollonia LIU  
Principal Assistant Secretary for Security

Miss Rosalind CHEUNG  
Assistant Secretary for Security

Mr Blaine Stewart HOGGARD  
Assistant Commissioner of Police (Support)

Mr John Martin Henry BICKNELL  
Deputy Regional Commander (HK Island)

Ms Vivian LO  
Superintendent of Police (Licensing Office)

Mr Kevin Paul ZERVOS  
Senior Assistant Director of Public Prosecutions

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

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

Mr Watson CHAN  
Head (Research and Library Services)

Mr Thomas WONG  
Research Officer

Mr Raymond LAM  
Senior Council Secretary (2) 5

Miss Helen DIN  
Legislative Assistant (2) 1

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Action

**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)1964/06-07)

The minutes of the meeting held on 3 April 2007 were confirmed.

**II. Information papers issued since the last meeting**

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

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)2018/06-07(01), (02) and (03))

3. Members agreed that the following items would be discussed at the next meeting to be held on 3 July 2007 -

- (a) Latest developments in the provision of rehabilitative services by the Correctional Services Department;
- (b) Manpower deployment of the Immigration Department;
- (c) Immigration and complementary arrangements for cross-boundary students; and
- (d) First Annual Report of the Commissioner of Interception of Communications and Surveillance.

Action

4. Members agreed that the Administration should be requested to advise whether the item in paragraph 3(d) above would be ready for discussion at the next meeting. Should the item be discussed at the next meeting, the meeting would commence at 2:00 pm. Ms Emily LAU said that should the item be not ready for discussion at the meeting on 3 July 2007, it should still be discussed at a meeting before mid-July 2007.

*(Post-meeting note : The Administration subsequently advised in its letter dated 8 June 2007 that the item "First Annual Report of the Commissioner on Interception of Communications and Surveillance" would unlikely be ready for discussion in the next couple of months, given the steps involved. With the concurrence of the Chairman, the item had been removed from the agenda for the meeting on 3 July 2007 and the meeting would commence at 2:30 pm. The Administration's letter was circulated to members vide LC Paper No. CB(2)2147/06-07 on 12 June 2007.)*

5. Regarding the item "Legislative proposal to implement the extradition requirements under the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia" proposed by the Administration, the Deputy Chairman suggested that the Administration should be requested to provide an information paper before a decision was made on whether the item should be discussed by the Panel.

6. Ms Emily LAU expressed concern about reports that there was manpower shortage and low morale in the Fire Services Department (FSD). She suggested that the issue should be discussed by the Panel. The Deputy Chairman, however, considered that FSD had been allocated more resources in comparison with other government departments in the past few years. Members agreed that the Administration should be requested to provide a paper on the issues raised by Ms Emily LAU. Mr LEUNG Kwok-hung said that the Administration should also be requested to provide a comparison of the firemen-to-population ratio of Hong Kong and other places.

**IV. Outline of research study on the parliamentary monitoring mechanism on intelligence agencies in selected places**  
(LC Paper No. CB(2)2018/06-07(04))

7. At the invitation of the Chairman, Head (Research and Library Services) briefed members on the draft outline of the research study on the parliamentary monitoring mechanism on intelligence agencies in selected places.

8. Members endorsed the research outline, subject to the incorporation of a study of the relevant committee of the Senate of the United States Congress.

Action

**V. Issues relating to the merging of Tseung Kwan O and Sai Kung Police Divisions into a Police District**

(LC Paper No. CB(2)2018/06-07(05))

9. Principal Assistant Secretary for Security (PAS(S)) and Regional Commander (Kowloon East) (RC(KE)) briefed members on the Police's consideration of the proposed merger of the Tseung Kwan O Division and Sai Kung Division into a Police District.

10. Ms Emily LAU queried why the delineation of Police Districts in the Police Region of Kowloon East was different from the delineation of districts for District Councils within the Region.

11. RC(KE) responded that the Police was looking at all possible alternatives for the future delineation of Police Districts in the Kowloon East Region, having regard to, inter alia, the possible alignment with boundaries of District Councils to achieve better synergy. The merger of the Tseung Kwan O Division and Sai Kung Division into a Police District was one of the options under consideration.

12. Ms Emily LAU said that the proposal of merging the Tseung Kwan O Division and Sai Kung Division into a Police District had been discussed many times at meetings between Legislative Council Members and Sai Kung District Council members. She asked whether the Police had any timetable for the merger.

13. RC(KE) responded that consideration had to be given to the future developments in Kowloon East as outlined in the Administration's paper. To his knowledge, approval of the draft Kai Tak Outline Zoning Plan would be sought in the fourth quarter of 2007. The Kwun Tong Town Centre Redevelopment Project was still subject to the approval of the Town Planning Board. The Police would work out the details of the boundary realignment exercise for the Kowloon East Region soon after decisions were taken on the key urban development plans.

14. Ms Emily LAU asked why the Sai Kung Division had a higher crime rate.

15. RC(KE) responded that although the crime rate in the Sai Kung Division was relatively high, the actual number of crime cases in the Division, which was about 500 in 2006, was low. He informed members that the law and order situation in Sai Kung Division was relatively stable. PAS(S) added that the crime rate was calculated on the basis of the residential population in the Division. In this connection, it should be noted that Sai Kung had a small residential population but a large transient population.

Action

16. Ms Emily LAU asked why the Sai Kung Division had a low crime detection rate. Mr LEUNG Kwok-hung asked whether the low detection rate was due to a large transient population in Sai Kung, more cross-boundary crime or a large number of transitory visitors.

17. RC(KE) responded that among crime cases reported in the Sai Kung Division in 2006, there were 128 cases of miscellaneous theft, 92 cases of burglary with breaking and 42 cases of burglary without breaking. Such cases were difficult to detect given the lack of witnesses and physical evidence. He added that the Division was combating cross-boundary crime, which was relatively more serious in the Division than in other Divisions, in association with the marine Police. The number of illegal immigrants arrested in the Division was, however, relatively small.

18. The Deputy Chairman considered that as the law and order situation in Tseung Kwan O was generally stable, there was no pressing need or strong reason for a merging of the Tseung Kwan O Division with another Police Division into a Police District. He said that the Administration should rather focus on the formulation of crime prevention measures, having regard to the past trend in the development of new towns.

19. The Chairman said that the proposal of merging the Tseung Kwan O Division and Sai Kung Division into a Police District had been raised many times by the Sai Kung District Board. As the police-to-population ratio of Tseung Kwan O Division was particularly low, he considered that there was a genuine need for the proposed merger. He hoped that a plan for the merger could be drawn up within the current financial year.

20. RC(KE) said that the Police would, in its boundary realignment exercise for the Kowloon East Region, consider all the views and suggestions expressed by members.

**VI. Police's support for the enforcement work of other government departments**

(LC Paper No. CB(2)2018/06-07(6))

21. Members noted a submission from Mr OR Wah and a statement issued by Miss CHOY So-yuk on issues raised in the submission from Mr OR Wah, which were tabled at the meeting.

*(Post-meeting note : The submission from Mr OR Wah and the statement issued by Miss CHOY So-yuk were circulated to members vide LC Paper No. CB(2)2090/06-07 on 6 June 2007.)*

Action

22. PAS(S) and Assistant Commissioner of Police (Support) (ACP(S)) briefed members on the support provided by the Police to the enforcement work of other government departments.

23. Miss CHOY So-yuk highlighted the main points in her statement on the issues raised in the submission from Mr OR Wah. She said that some of the issues raised in the submission were irrelevant to the agenda item and the allegations against her in the submission were groundless.

24. The Deputy Chairman suggested that if any person related to the case of Mr OR Wah (the case) had approached Miss CHOY So-yuk, Miss CHOY should supply any information she had on the case to the Police to facilitate investigation. He said that Miss CHOY's statement seemed to suggest that the Police had not contacted her. Mr LEUNG Kwok-hung asked whether the Police would invite Miss CHOY to assist in its investigation of the case.

25. ACP(S) responded that he would pass Mr OR Wah's statement on to the investigating unit and request that they make contact with Miss CHOY to ascertain if she had any information of relevance to the investigation.

26. Referring to paragraph 7 of the Administration's paper, the Deputy Chairman asked whether a Police officer could be deployed to accompany each team of Tobacco Control Inspectors (TCIs) during the first three months of implementation of the Smoking (Public Health) Ordinance (the Ordinance).

27. ACP(S) responded that, to his knowledge, TCIs had not encountered any particular problem in their enforcement work. He stressed that where TCIs encountered violence or intimidation, or where there was specific information indicating a breach of the peace was expected to occur as a result of TCI's enforcement work, the Police would provide assistance upon request within a short time. The Deputy Chairman requested the Administration to provide information on cases, if any, where TCIs had encountered resistance or violence in its enforcement of the Ordinance and sought the assistance of the Police.

Adm

28. The Deputy Chairman asked whether a member of the public, who had become involved in a dispute with a person smoking in a statutory no smoking area, but had not been attacked by the person, should contact the Police instead of reporting the matter to the Tobacco Control Office (TCO). Mr LEUNG Kwok-hung said that a member of the public in such a situation should not be required to contact TCO first.

29. ACP(S) replied that it was not possible for the Police to respond to every situation where a member of the public was in dispute with another person. To avoid unnecessary conflict, he advised that a member of the public should first report the smoking offence to the venue manager who was empowered under the Ordinance to require a smoker to stop smoking in the no

Action

smoking area. Where an offender failed to comply with the venue manager's directions, the venue manager could seek the assistance of the Police. Any person who encountered a threat to his personal safety could also contact the Police.

30. Miss Emily LAU considered that the Administration should strictly enforce the Ordinance. She said that she had written to the Secretary for Security and the Secretary for Health, Welfare and Food conveying her concerns about the case. However, there was so far no indication that the Administration had attached great importance to the case.

Adm

31. PAS(S) undertook to convey the views of Ms Emily LAU to the Health, Welfare and Food Bureau. She said that the Panel on Health Services had discussed at its special meeting on 1 June 2007 the Administration's effort in enforcing the smoking prohibition under the Ordinance and the Administration's proposal to introduce a fixed penalty system for smoking offence. ACP(S) added that the Administration had, in its reply to Ms Emily LAU, stressed that the Police was committed to fighting violence and such behaviour would not be tolerated. He assured members that the Police would continue to do its best to ensure the safety of the community.

**VII. Processing of notification of public meetings and processions under the Public Order Ordinance**

(LC Paper Nos. CB(2)1736/06-07(12) and (13))

32. PAS(S) and ACP(S) briefed members on the Police's processing of notification of public meetings and public processions under the Public Order Ordinance (POO).

33. Referring to paragraph 10 of the Administration's paper, Mr LEUNG Kwok-hung said that he was one of the organisers of one of the 11 public meetings and public processions which the Police had prohibited/objected to. He considered that the major problem with POO was that it empowered the Commissioner of Police (CP) to prohibit/object to the holding of a public meeting or public procession at will. He recalled that he had asked the Police in early March 2007 to provide information on the number of public processions held in the evening between 1989 and March 2007 and the Deputy Commissioner of Police (Operations) had replied that the Police did not possess such information. He queried whether the Police were really not in possession of such information.

34. ACP(S) responded that, to his knowledge, the Police did not possess comprehensive statistics relating to public order events dating back to 1989.



Action

35. Mr LEUNG Kwok-hung queried why the Police, which possessed all his criminal records since 1979, was not in possession of records about public meetings and public processions held before 1997. The Deputy Chairman said that as an objection to the holding of a public meeting or public procession involved restriction of the freedom of a person, proper records should be kept by the Police.

36. PAS(S) responded that it was practically difficult to keep all details relating to each public meeting and public procession indefinitely, given the large number of public meetings and public processions held each year.

37. Referring to the reply given by the Secretary for Security to an oral question asked by Mr LEUNG Kwok-hung at the Council meeting on 25 April 2007 on the Police's objection to a public procession of the League of Social Democrats scheduled to start in the evening of 10 March 2007, the Deputy Chairman queried why the objection was made on the ground of low visibility at night. He pointed out that the number of participants of the public meeting eventually turned out to be substantially smaller than the number of Police officers. He queried why the Police could not have reviewed the situation on the spot and allowed the public procession to take place, if the Police endeavoured to facilitate peaceful public processions.

38. ACP(S) responded that the Police objected to the public procession as the proposed routing would run through very busy road sections and the procession was scheduled to start during peak shopping hours on a Saturday evening. The objection was based on a number of reasons, including the place and time of the public procession, rather than solely on the number of participants. He added that the organisers of the public procession scheduled by the League of Social Democrats had lodged an appeal in respect of the Police's decision to the Appeal Board on Public Meetings and Processions (the Appeal Board) and the appeal had been dismissed.

39. Mr Albert HO questioned why records on applications for public meetings and public processions were not kept by the Police, given that the reasons for prohibition/objection should be kept for future reference.

40. ACP(S) responded that the Police's database had been developed on a need basis. He understood that the current statistical database on public order events had been maintained since 1997. ACP(S) informed members that between January 1997 and April 2007, 6 393 notified public meetings and 7 416 notified public processions had been held in Hong Kong, representing an average of 3.6 notified events per day.

41. Mr Albert HO asked whether the Police would object to all future applications for holding public processions along the same route and around the same time of the day.

Action

42. ACP(S) responded that each case had to be considered on its own merits and circumstances. Ms Emily LAU considered that this would give one the impression that CP could object to the holding of any public procession at his own will.

Adm

43. Mr Albert HO queried whether no record was maintained by the Police on any public order events held before 1997, even where there were conflicts or confrontations between the demonstrators and the Police. He requested the Administration to provide information on whether the Police had any record on public meetings and public processions held before 1997. ACP(S) agreed to look into whether any such information before 1997 was available.

44. Ms Emily LAU asked whether visibility was one of the factors considered when CP determined whether to prohibit/object to an application for public meeting or public procession. She said that the Korean farmers had staged a number of public meetings and public processions at night when the Sixth Ministerial Conference of the World Trade Organization was held in Hong Kong in December 2005. Mr Albert HO also recalled that he had participated in public processions held at night.

Adm

45. ACP(S) responded that the routing of all public processions held during the period when the Sixth Ministerial Conference of the World Trade Organization was held in Hong Kong in December 2005 had been agreed between the organisers and the Police before the public processions were held. Deputy Regional Commander (HK Island) (DRC(HKI)) added that visibility was only one of the factors affecting public safety. He said that the Police also had to take into consideration any disruption that the public procession might cause. He informed members that for the case of the League of Social Democrats, the Police had suggested that the organisers could advance the public procession to an earlier time. However, the suggestion was not accepted by the organisers. Ms Emily LAU requested the Administration to provide information on whether the issue of low visibility had been raised in the Police's previous objections to the holding of public processions.

46. Mr CHEUNG Man-kwong said that he was the organiser of a number of lawful public processions with a large number of participants held before 1997, many of which were held at night and some even finished after 11:00 pm. He considered that there were also visibility and public safety concerns in such public processions. He queried why the Police had particularly objected to the public procession scheduled by the League of Social Democrats.

47. DRC(HKI) responded that each application for a public meeting or public procession would be considered on its merits and circumstances. Each organisation was treated fairly and equally. It could be noted from the rising number of public meetings and public processions held after 1997 that the

Action

Police was committed to facilitating the conduct of lawful and peaceful public meetings and public processions.

48. The Deputy Chairman said that the decision of the Appeal Board to dismiss the appeal lodged by the League of Social Democrats had seriously undermined the creditability of the Appeal Board. He considered that the alleged personal decision of the Deputy Commissioner of Police (Operations), Mr Peter YAM, to object to the public procession scheduled by the League of Social Democrats was an unreasonable restriction on human rights.

49. ACP(S) disagreed with the view of Mr James TO. In particular, he pointed out that the Police's objection to the holding of the public procession in question was not a personal decision of the Deputy Commissioner of Police (Operations).

50. The meeting ended at 4:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
3 August 2007