

立法會

Legislative Council

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Report of the Panel on Security for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Security during the 2006-2007 session of the Legislative Council. It will be tabled at the meeting of the Council on 11 July 2007 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 and 9 October 2002 for the purpose of monitoring and examining Government policies and issues of public concern relating to security, public order, corruption-related matters and nationality and immigration matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 16 members in the 2006-2007 session. Hon LAU Kong-wah and Hon James TO were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major Work

Manpower Resources of the Immigration Department

4. The Panel discussed the manpower deployment of the Immigration Department (ImmD) and received views from the staff associations/unions of the Department.

5. Members expressed concern whether the existing establishment of ImmD was sufficient to cope with the increased workload at control points arising

from the growth in visitors to Hong Kong. Members noted with concern about the accumulated leave balance of frontline immigration staff. According to ImmD, as at September 2006, the average number of accumulated leave of all immigration staff of the rank of Chief Immigration Officer and below amounted to 116 days, and the average number of accumulated leave of officers with longer years of service (including Chief Immigration Officers, Senior Immigration Officers, Chief Immigration Assistants and Senior Immigration Assistants) stood at about 129 days. The accumulated leave balance of about 45% of rank and file staff and about 65% of staff of officer grade were close to the upper limit.

6. The Administration responded that it was aware of the heavy pressure experienced by frontline immigration staff. Although the civil service had been subject to a general recruitment freeze since 2003, exceptional approval had been given for ImmD to recruit 607 uniformed staff and about 500 additional uniformed staff in 2007-2008, giving a total increase in staff strength of about 25%. The Administration stressed that ImmD was always concerned about the accumulation of leave and health of immigration staff. So far, no rank and file staff had forfeited their leave.

7. The Administration assured members that it would continue to ensure the smooth operation of control points by means such as exploring the possibility of allowing further categories of passengers to use e-Channels. The Administration believed that the two new control points, namely the Shenzhen Bay Control Point and the Lok Ma Chau Spur Line Control Point, which would be commissioned in mid-2007, would significantly increase ImmD's capacity and relieve traffic at the existing land control points.

8. Members pointed out that with the opening of the two new control points, the recruitment of 500 additional immigration staff might still be inadequate, as experience indicated that the opening of more control points tended to attract more passengers. Members considered that approval should be given to recruit additional staff when the circumstances warranted.

9. Regarding the facilities at control points, members shared the concern of staff association/unions of ImmD that many immigration counter staff had been suffering from strain disorder of the arms and shoulders, and suggested that improvement to the design of the immigration counters should be made. Members also suggested that improvements should be made as far as possible to create a more comfortable environment at the arrival hall of control points, for instance, improvement to the aged air-conditioning system, provision of green areas, etc. in order to alleviate the impatience of waiting passengers.

10. The Panel also took note of the various suggestions made by the staff associations/unions of ImmD. These included improvement to the existing mechanism to assess the manpower resources required, recruiting sufficient

staff in order to relieve staff for training and to cope with emergencies, and improvement to working conditions and facilities.

The latest drug abuse situation and anti-drug strategies

11. Upon the Panel's request, the Administration briefed the Panel on the latest drug abuse situation and the Administration's strategies to tackle the drug abuse problem.

12. Members expressed concern that the age of young drug abusers was getting lower and there was an increasing number of persons crossing the boundary to abuse drugs in the Mainland. Members were also concerned that Hong Kong residents who abused drugs in the Mainland might not have a chance of receiving treatment and rehabilitation in Hong Kong. They enquired whether the Administration had established any mechanism to provide rehabilitation service to Hong Kong residents arrested for drug abuse in the Mainland.

13. The Administration responded that the statistics regarding the average age of young drug abusers for the first three quarters of 2006 were comparable to the corresponding period in 2005. The Administration advised that the Police had been working closely with the Mainland authorities to combat the problem of Hong Kong residents crossing the boundary to abuse drugs on the Mainland. 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. A mechanism had been established whereby the Police would liaise with social workers, if necessary and practicable, to provide service to Hong Kong residents arrested for drug abuse on the Mainland when they returned to Hong Kong.

The handling of guns by Police officers

14. The incident on 9 February 2007 where a Police officer dropped his handgun while protecting the Chief Executive during a visit in Yaumatei attracted public concern. The Panel was briefed on the policy on the handling of guns by Police officers.

15. A member pointed out that there had not been any incident of officer of the disciplined forces dropping his gun in an alert situation in the past 20 years. The member asked whether the Police officer concerned had intended to draw his gun from the holster at that time and the reason for such an incident.

16. The Administration responded that to date there was no complaint or evidence that the officer concerned deliberately drew his pistol. The Administration explained that 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. 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. The pistol might come out of the holster, if there was some force compromising the restraining feature.

17. Members queried whether the Police would conduct an investigation into the incident, even if no complaint was received. They considered that the Administration should provide the Panel with the investigation results.

18. The Administration assured the Panel that it attached great importance to the incident and more generally, stringent control on the use of handguns by Police officers. The Administration would have started an investigation into the incident and a review of relevant matters even if no members of the public had lodged a complaint. The Police had received a complaint on specific aspects of the incident and had started an investigation. The Police was also conducting a review on related matters including any improvements which should be made to minimise the chance of recurrence of similar incidents, improvements to the existing Force procedures and practices on areas such as safety standards for firearms used by Force members as well as holster and other accessories, guidelines regarding such use, and training relating thereto. The Administration undertook to report to the Panel the outcome when available.

Prison development

19. Members expressed concern about the serious shortfall in penal places in maximum security prisons, female institutions and remand facilities. According to the Administration, as at 16 March 2007, the total penal population was 11 211. The total number of penal places in all 23 penal institutions was 11 538. In the case of male institutions, the occupancy rate was 95%; however, there was a shortfall of 462 places in remand facilities and maximum security prisons. In the case of female institutions, the occupancy rate was 106%, a shortfall of 114 places. The situation was more serious in remand facilities and maximum security prisons, with a total shortfall of 264 places. Given that the proposal to co-locate penal institutions had been shelved, members enquired about the Administration's plan to address the problems of overcrowding and outdated facilities in penal institutions.

20. The Administration advised 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 developing 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. The Administration was continuing to identify and work on further possibilities, including the addition of an extension block to the existing Lai Chi Kok Reception Centre to provide 144 additional remand facilities for adult males, swapping of the functions of the Lai King Training Centre (which was a penal institution for young male inmates) and the Tai Tam Gap Correctional Institution (which was for young females) to provide 80 additional places for female inmates, and further swapping possibilities in different types of penal institutions. The Administration undertook to report to the Panel the findings of its feasibility study on the redevelopment of penal institutions at Chi Ma Wan.

21. Members also noted with concern the number of Mainlanders in the penal population. According to the Administration, about 28% of the average daily penal population in 2006 was Mainlanders. Some members pointed out that many sentenced Mainlanders were convicted of engaging in vice activities or illegal employment. They considered that the Administration should review its prosecution policy in respect of overstayers or illegal immigrants who committed minor offences so that these persons would be repatriated rather than imprisoned. However, a member was of the view that the present prosecution policy in respect of illegal immigrants and overstayers engaging in vice activities and taking up illegal employment was appropriate.

22. The Administration responded that it was the Government's policy to prosecute illegal immigrants and overstayers who took up illegal employment or committed other offences. An Inter-departmental Task Force had been established 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 in March 2007. The total percentage of Mainlanders in the penal population had decreased from 33% in the past to the present level of about 25.5%.

Implementation of the new obstetric service arrangements and complementary immigration measures

23. On 16 January 2007, the Administration announced new measures, which would take effect on 1 February 2007, on obstetric services and immigration control on non-local women giving birth in Hong Kong. The Panel was briefed on the updated position on the new measures since implementation.

24. Members expressed concern about the effectiveness of the complementary immigration measures. Some members were concerned about

media reports that some Mainland pregnant women who possessed proof of booking arrangements with local hospitals were required to show their bank account balance at the immigration control points. They were of the view that obstetric service charges for non-eligible persons should not be applied to Mainland pregnant women whose spouses were permanent residents of Hong Kong.

25. Some members considered that a family should be treated as a unit in the determination of immigration policy and policy on obstetric service charges. Mainland pregnant women whose spouses were permanent residents of Hong Kong should be allowed to come to settle in Hong Kong at the same time as their children. Members also enquired whether it was the Government's policy to allow more Mainland pregnant women to give birth in Hong Kong, if local private hospitals could increase their capacities.

26. The Administration responded that the information gathered so far reflected that the complementary immigration measures were effective. As at the end of April 2007, the daily average number of non-local pregnant women who sought admission through Accident and Emergency Departments had decreased to 3.3, a decrease of 85% over the same period in the previous year. The Administration pointed out that it was an established immigration policy that visitors, including Mainland pregnant women, who did not possess sufficient funds for their stay in Hong Kong could be refused entry into Hong Kong. It was also an international practice that a visitor would not be allowed to enter a place without sufficient funds for staying in the place.

27. The Administration informed the Panel that its existing policy was to allow Mainland pregnant women to give birth in Hong Kong, subject to the capacity of local hospitals. The Census and Statistics Department was gathering relevant data to facilitate the Administration's consideration of its long-term policy in this respect. The Administration considered that the capability of Hong Kong to cope with an influx of new arrivals within a short period of time should be carefully assessed.

Proposed merger of Tseung Kwan O and Sai Kung Police Divisions into a Police District

28. Some members pointed out 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 Members and Sai Kung District members. As the police-to-population ratio of Tseung Kwan O Division was particularly low, they considered that there was genuine need for the proposed merger. They hoped that a plan for the merger could be drawn up within the current financial year.

29. A member, however, 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 merger of the Tseung Kwan O Division with another Police Division into a Police District. In his view, the Administration should focus on the formulation of preventive measures, having regard to the past trend in the development of new towns.

30. The Administration responded that in view of Tseung Kwan O's relatively large and growing population in absolute terms, the Police saw a prima facie case of eventually merging the Tseung Kwan O Division with an adjoining area and upgrading the combined area into a Police District. The Police would draw up the implementation plan by taking into account the future developments in the Kowloon East Region as a whole. The Police would continue to press ahead with its consideration of the most appropriate boundaries within the Kowloon East Police Region, having regard to the urban development plans (including the Kai Tak Development, development of the Sai Kung area as the "Leisure Garden of Hong Kong", housing developments in Choi Wan Road, Jordan Valley and Anderson Road, and Kwun Tong Town Centre Redevelopment), as well as the possible alignment of police region, district and division boundaries with those of the District Councils. The Police aimed to work out the details of the boundary realignment exercise for the Kowloon East Region soon after decisions had been taken on the key urban development plans. The Police would then be able to decide how the Tseung Kwan O Division should be merged with other adjoining area(s) to form a Police District. The Administration assured the Panel that the Police would, in its boundary realignment exercise for the Kowloon East Region, consider all the views and suggestions of members.

Processing of notification of public meetings and processions

31. Arising from the Police's objection to the League of Social Democrats holding a public procession in the evening of 10 March 2007, the Panel discussed how the Police processed notifications for public meetings and processions.

32. Some members queried why objection to the holding of the public procession on 10 March 2007 was made on the ground of low visibility at night. They asked whether visibility was one of the factors considered when the Commissioner of Police determined whether to object to an application for public meeting or public procession. They also pointed out 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 (MC6) was held in Hong Kong in December 2005.

33. The Administration responded that as the proposed routing would run through very busy road sections and the procession was scheduled to start in

the evening peak hours, the Police objected to the public procession on public safety and public order grounds. Visibility was only one of the factors affecting public safety. The Police had to give regard to the rights and freedom of other members of the public as well as the disruption that the public procession might cause. The Police had suggested that the organisers could advance the public procession to the afternoon of the day but this was not accepted by the organisers. The Administration also informed members that the routing of all public processions held during the MC6 period had been agreed between the organisers and the Police before the public processions were held.

34. On some members' further query as to 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, the Administration advised that each application had to be considered on its merits and circumstances. Some members expressed concern that this would give an impression that the Commissioner of Police could object to the holding of any public procession at his own will.

35. Some members considered that records on public meetings and public processions should be kept by the Police, as objection to the holding of public meeting or public procession involved restriction of the freedom of people. The Administration responded that the Police's database was developed on a need basis. The Police had been keeping records on public order events since 1997. Between January 1997 and April 2007, 6 393 notified public meetings and 7 416 notified public processions had been held in Hong Kong, an average of 3.6 public order events per day.

36. The Panel 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, and whether the Police had any record on public meetings and public processions held before 1997.

Other issues

37. The Panel had also discussed other issues with the Administration. These included the Police's handling of cases of violence against well known personalities and civil servants in their performance of duties, review of Civil Celebrants of Marriages Scheme, measures adopted by the Police in combating street deception, and the crime situation in 2006.

38. The Panel was also briefed on a number of legislative and financial proposals. These included the legislative proposals to implement the obligations on extradition and mutual legal assistance under the International Convention for the Suppression of the Financing of Terrorism, legislative

proposals to implement the obligations under the United Nations Convention Against Corruption, and funding proposals to replace Customs patrol launches and to replace the radio system of the Operations Wing of the Police.

Meetings held

39. Between October 2006 and June 2007, the Panel held a total of 10 meetings and conducted five visits.

Council Business Division 2
Legislative Council Secretariat
5 July 2007

**Legislative Council
Panel on Security**

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to security, public order, public safety, corruption-related matters and nationality and immigration matters.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Security**

Membership list for 2006-2007 session

Chairman Hon LAU Kong-wah, JP

Deputy Chairman Hon James TO Kun-sun

Members Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
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 Daniel LAM Wai-keung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

(Total : 16 Members)

Clerk Mrs Sharon TONG LEE Yin-ping

Legal adviser Mr LEE Yu-sung

Date 12 October 2006