

立法會
Legislative Council

LC Paper No. CB(2)348/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Monday, 27 October 2008, at 10:30 am
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 Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Yuk-man

Members attending : Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH

Members absent : Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP

Public Officers attending : Item IV
Mrs Apollonia LIU
Principal Assistant Secretary for Security (E)

Miss Phidias TAM
Assistant Secretary for Security (D1)

Mr Victor NG
Principal Assistant Secretary for Constitutional &
Mainland Affairs (4)

Mr Godfrey KAN
Senior Government Counsel
Department of Justice

Mr Corrado CHOW
Assistant Director (Enforcement & Litigation)
Immigration Department

Mr Austin KERRIGAN
Assistant Commissioner of Police (Support)

Mr YU Mun-wah
Chief Superintendent of Police (Support Branch)
(Support Wing)

Item V

Mr Paul CHENG Ching-wan
Principal Assistant Secretary for Security (B)

Mr WONG Sai-chuen
Chief Fire Officer (Headquarters)
Fire Services Department

Mr MAK Kwai-pui, FSDSM, JP
Chief Ambulance Officer
Fire Services Department

Item VI

Mrs Apollonia LIU
Principal Assistant Secretary for Security (E)

Miss Trista LIM
Assistant Secretary for Security (E3)

Mr Austin KERRIGAN
Assistant Commissioner of Police (Support)

Ms Queenie WONG
Superintendent of Police (Licensing Office) (Acting)

**Attendance
by invitation**

: Item IV

Migrant Support Network

Miss CHUNG Sze-wan
Staff

JJJ Association

Miss LEE Yuk-lan
Staff

Miss LAM Po-yee
Staff

Zi Teng

Miss LAM Yee-ling
Staff

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Miss TSUI Ka-wing
Project and Education Officer

Equal Opportunities Commission

Mr CHU Chung-man
Head, Policy and Research

Asylum Seekers' and Refugees' Voice

Ms Annie LIN
Community Organizer

Michael
Spokesperson

Society for Community Organization

Mr TSOI Yiu-cheong
Community Organizer

Mr WONG Chi-yuen
Community Organizer

Civil Human Rights Front

Mr Samuel IU Shing-chi
Representative

Item V

Hong Kong Fire Services Department Ambulancemen's
Union

Mr WAT Ki-on
Chairman

Mr BUI Sing-lee
Vice-Chairman

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

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

Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Camy YOONG
Clerical Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)130/08-09)

The minutes of the meeting held on 14 October 2008 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)99/08-09(01))

2. Members noted that a referral from Duty Roster Members on issues relating to Mainland women giving birth in Hong Kong had been issued since the last meeting.

Action

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)129/08-09(01) & (02))

3. Members agreed that the following items would be discussed at the next regular meeting to be held on 2 December 2008 at 2:30 pm -

- (a) Report of the Task Force on Youth Drug Abuse;
- (b) Admission arrangements for employment of talents and professionals; and
- (c) Proposed Rules of Court and Code of Practice to be made for the United Nations (Anti-Terrorism Measures) Ordinance.

IV. Fourth and Fifth Reports of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Part Two : Hong Kong Special Administrative Region

(LC Paper Nos. CB(2)129/08-09(03) & (04), CB(2)496/06-07(01), CB(2)2429/07-08(01) and LS7/08-09)

4. The Chairman reminded the deputations/individuals attending the meeting that they were not covered by the protection under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, eight deputations presented their views on the subject.

Views of deputations

Migrant Support Network

(LC Paper No. CB(2)129/08-09(05))

5. Miss CHUNG Sze-wan presented the views of Migrant Support Network as detailed in its submission. She said that the Migrant Support Network had received in the last 12 months a total of 117 complaint cases relating to unfair treatment by the Police. Over 80% of the complainants had been strip searched during their detention in Police stations. Some detainees were searched more than once. In an extreme case, a woman was searched 13 times during her detention.

JJJ Association

(LC Paper No. CB(2)129/08-09(06))

6. Miss LAM Po-yee and Miss LEE Yuk-lan presented the views of JJJ Association as detailed in its submission. They complained about police

Action

officers' misconduct and unfair treatment to sex workers operating "one sex worker apartments" during both undercover operations and in investigations and interrogations.

Zi Teng

(LC Paper No. CB(2)129/08-09(07))

7. Members noted a further submission from Zi Teng, which was tabled at the meeting and restricted to the reference of members only.

(Post-meeting note: The further submission tabled at the meeting was issued to members vide LC Paper No. CB(2)152/08-09(02) on 29 October 2008.)

8. Miss LAM Yee-ling presented the views of Zi Teng as detailed in its submissions. She in particular highlighted the following requests of Zi Teng -

- (a) the Police should make reference to international practices and revise its internal guidelines governing anti-vice operations. The revised guidelines should reinforce the key principle that in the process of gathering evidence, Police officers undertaking undercover operations were not allowed to receive sexual services of any kind; and
- (b) as sex workers had been subjected to a wide range of abuses, the Administration should put in place adequate safeguards to prevent abuse of power by Police officers.

Hong Kong Human Rights Monitor

(LC Paper No. CB(2)129/08-09(08))

9. Mr LAW Yuk-kai presented the views of Hong Kong Human Rights Monitor (HKHRM) as detailed in its submission. He cited a few cases in which the rights of detainees were not fully protected. He hoped that the Panel would follow up the matter to ensure that measures were adopted to prevent abuse of power by Police officers.

(Post-meeting note: The submission from HKHRM was circulated to members vide LC Paper No. CB(2)152/08-09 on 29 October 2008.)

Equal Opportunities Commission

(LC Paper No. CB(2)129/08-09(09))

10. Mr CHU Chung-man presented the views of Equal Opportunities Commission (EOC) as detailed in its submission. He said that EOC shared the public concern regarding the Police's guidelines/policies governing police

Action

officers undertaking undercover operations and handling of searches of detainees. EOC suggested that the Administration should consider making the Independent Police Complaint Council a statutory body for people to seek redress against Police officers.

Asylum Seekers' and Refugees' Voice
(LC Paper No. CB(2)129/08-09(10))

11. Michael cited his personal experience to illustrate inhuman or degrading treatment asylum seekers received during their detention. Ms Annie LIN considered that the Administration should investigate into complaints against members of law enforcement agencies, and the complaints had to be handled by an independent statutory body.

Society for Community Organization
(LC Paper Nos. CB(2)129/08-09(11) & (12))

12. Mr TSOI Yiu-cheong and Mr WONG Chi-yuen presented the views of Society for Community Organization (SOCO) as detailed in its submissions. They were surprised to note that the Police had conducted a total of 1 674 custody searches which involved removal of underwear (Level III searches) between the period 1 July to 30 September 2008. They questioned about the lawfulness of Police officers conducting searches on detainees. They also criticised the Administration for ignoring the recommendations made by the Law Reform Commission in early 1992 on arrest and detention procedures.

Civil Human Rights Front
(LC Paper No. CB(2)129/08-09(14))

13. Members noted a further submission from Civil Human Rights Front (CHRF), which was tabled at the meeting and restricted to the reference of members only.

(Post-meeting note: The further submission tabled at the meeting was issued to members vide LC Paper No. CB(2)152/08-09(01) on 29 October 2008.)

14. Mr Samuel IU presented the views of CHRF as detailed in its submissions. He strongly requested that the Administration should comply with the provisions in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) by taking concrete measures to prevent abuse of power by members of the Police Force.

Action

Discussion

15. The Deputy Chairman referred to *Brazil v Chief Constable of Surrey* [1983], a Court of Appeal case in England to which Mr TSOI Yiu-cheong of SOCO had referred during his oral presentation. The Deputy Chairman recalled that the Administration had, in response to the concerns raised by members of the Subcommittee on Police's Handling of Searches of Detainees, referred to *Lindley v Rutter* [1981] QB 128 to explain the common law on which the Commissioner of Police (CP)'s decision to search all persons to be detained in police custody was based. He noted with concern that the "reasonable suspicion" test was not a factor when determining whether a detainee should be searched prior to detention. He hoped that the Administration would look into these two cases again to ascertain whether it was legitimate under the common law for the Police to search all persons to be detained in police custody without the requirement of reasonable suspicion. He cautioned that the Police's existing practices in handling searches of detainees might not be able to withstand a challenge in court.

16. Referring to the statistics on the three levels of searches conducted by Police officers on detainees between July and September 2008, as set out in the Administration's paper on Police's handling of searches of detainees (LC Paper No. CB(2)144/08-09(01)), the Deputy Chairman and Ms Emily LAU considered the number of custody searches which involved removal of underwear (i.e. 1 674) unacceptably high. The Deputy Chairman asked about the nature and seriousness of the offences involved, and queried the necessity of conducting Level III searches on all detainees in these 1 674 cases. He requested the Administration to consider appointing a senior ranking Police officer at Assistant Commissioner of Police level to conduct sample checking of records filed in the Police's Communal Information System (CIS) in respect of these cases to ensure that all the searches were conducted with strong justifications.

17. In response, Principal Assistant Secretary for Security (E) (PAS(S)E) made the following points -

- (a) at common law, the Police had a duty to take all reasonable measures to ensure that detainees did not escape or assist others to do so, did not injure themselves or others, did not destroy or dispose of evidence, and did not commit further crime. The Administration's legal advice had confirmed that the search of a detainee, if properly conducted, with the scope of the search on each occasion to be determined having regard to the prevailing circumstances and on a case-by-case basis, would not be an unlawful or arbitrary interference with the detainee's privacy or personal integrity as the purpose of the search was legitimate;

Action

- (b) the Police's new arrangements for the handling of searches of detainees was implemented on 1 July 2008. Under the new arrangements, a search of a detainee might involve non-removal of clothing, removal of clothing or removal of underwear. The new arrangements emphasised that the Duty Officer should determine the scope of the searches on a case-by-case basis having regard to the prevailing circumstances. The scope of each search should be no more than what was rational and proportionate. The new arrangements also required the details of the searches, including the reasons for and the scope of the searches, be properly recorded in CIS; and
- (c) Police officers were prudent and cautious in carrying out searches involving removal of underwear. In view of the degree of intrusiveness that might cause to the detainees, Level III searches covered a range of actions including the removal/partial removal/looking into/search and request for removal of items of clothing usually worn to cover a person's private parts. Not all of the some 1 600 searches that were classified as Level III involved the actual removal of underwear.

Admin

18. Ms Emily LAU, Mr Albert HO, Ms Audrey EU and the Chairman all considered the inclusion of searches involving partial removal of/looking into clothing as Level III searches misleading. They cast doubt on whether the figure of 1 674 Level III searches could accurately reflect the actual situation of Police's conducting of strip searches. Mr HO requested the Administration to provide supplementary information enumerating the different forms of searches under Level III, with a breakdown of complaints received against the three levels of searches. Ms EU considered that the Administration should review and make improvement to the three-level classification system, say, by having an additional level of searches to differentiate strip searches which involved the complete removal of underwear from all other forms of searches under Level III.

19. PAS(S)E responded that the Administration would seriously consider members' suggestion when it conducted the Stage Two Review of Procedures for Searches of Detainees, which would be carried out upon the conclusion of the legal proceedings in respect of the Lee Tung Street case. Responding to the Deputy Chairman's enquiry about the nature of the offences involved in those 1 674 Level III searches, PAS(S)E advised that the Police had not kept such statistics, and it was very difficult for the Police to gather the information within a short period of time as the job had to be done manually due to limitations of CIS. PAS(S)E also reminded members that as reported previously, in view of the limitations of CIS, the Police had undertaken, as part of its feasibility study on the redevelopment of CIS, to explore the feasibility and consider necessary upgrading to enhance the functions of CIS for

Action

Admin

recording searches conducted on persons detained in Police custody, and for retrieving essential information and records on such searches as and when necessary. In this respect, the Chairman requested the Administration to provide after the meeting -

- (a) the timetable for system upgrading of CIS;
- (b) further information on the nature of the offences involved in those 1 674 Level III searches; and
- (c) a response on whether the Administration would consider appointing a senior ranking Police officer to conduct random checking of the search records in respect of those 1 674 cases.

20. Mr LEUNG Kwok-hung expressed strong dissatisfaction about the Administration's reply to the questions raised by the Deputy Chairman. Citing the Lee Tung Street case, he said that it was obvious that the Police had abused its power. He pointed out that although on that day, many persons involved in more serious offences were granted bail, all the arrested persons in the Lee Tung Street case, who were alleged of causing obstruction to a public place, were detained and strip searched after their lawyers had left the Police station. He asked about the development of the Lee Tung Street case.

21. In response, PAS(S)E stressed that law enforcement agencies, including the Police, had a need to conduct searches on all detainees for protection of the detainees' safety from self-harm. Any persons who felt aggrieved by any Police actions, including actions taken in anti-vice operations and body searches conducted on detainees, could make a formal complaint. All complaints against members of the Police Force were taken seriously. The relevant authorities would investigate into the complaints and take actions as appropriate. The Administration encouraged parties concerned to provide detailed information on alleged misconduct or abuse of power by Police officers so that necessary investigations could be carried out. As regards the Lee Tung Street case, PAS(S)E said that as the legal proceeding was in progress, it was not appropriate for the Administration to comment on the case.

22. Ms Emily LAU noted that the second periodic report on the Hong Kong Special Administrative Region (HKSAR) under CAT would be considered by the United Nation's Committee Against Torture (the CAT Committee) in Geneva on 7 and 10 November 2008, and a team of HKSAR Government officials would attend the hearing as part of the China delegation. She enquired about the composition of the delegation representing the HKSAR Government. She suggested that the Panel should further discuss the subject after the CAT Committee had issued its concluding observations on the HKSAR's second report.

Admin

Action

23. Ms Emily LAU expressed grave concern about the allegations made by some deputations about Police officers receiving free sexual services during undercover operations. She noted from the presentation made by Zi Teng that according to the results of a survey it made against seven overseas jurisdictions, Police officers were strictly prohibited from receiving sexual services. She asked whether the Administration had studied the practice of other countries in this respect and if the answer was affirmative, whether any jurisdictions allowed their police officers undertaking undercover operations to receive sexual services offered by sex workers.

Zi Teng

24. PAS(S)E responded that the Administration had attempted to acquire information from overseas jurisdictions, but the information obtained so far did not give full details of their practices. Members requested the representative of Zi Teng to provide further information on the practice of jurisdictions covered in its study.

(Post-meeting note: The further information provided by Zi Teng was circulated to members vide LC Paper No. CB(2)152/08-09(03) on 29 October 2008.)

25. Mr WONG Yuk-man recalled that the issue of Police's abuse of power had been discussed for some years by the Panel. He expressed disappointment that not much had been done on the part of the Administration to prevent abuse. Expressing concern over the allegations of unnecessary and intrusive strip searches and Police officers receiving free sexual services, Mr WONG sought information on the number of cases where Police officers undertaking undercover operations had received sexual services offered by sex workers, including oral sex, sexual intercourse or masturbation; and the number of cases recorded between July and September 2008 in which approval was granted for Police officers to receive sexual services, in particular masturbation. He questioned the necessity of allowing Police officers undertaking enforcement actions to receive sexual services, while such practice was specifically prohibited in other countries.

26. In response, PAS(S)E advised that as suggested by Members in the context of an earlier case conference on the subject, the Police started to collate statistics on the number of undercover operations against vice activities resulting in prosecution since late 2007. As reported to the Panel on Security previously, from October 2007 up to June 2008, the Police conducted 723 undercover operations which led to prosecution against vice activities. PAS(S)E emphasised that the aim of undercover anti-vice operations was confined to evidence gathering. The Police had drawn up stringent guidelines for such operations (including the scope and extent of the evidence to be gathered, and the extent of body contact with sex workers) to prevent abuse. Officers taking enforcement actions were required to strictly comply with the Police's internal guidelines governing anti-vice operations. The guidelines,

Action

Admin

revised and implemented in late 2007, reinforced the key principle that in the process of gathering evidence, Police officers undertaking undercover operations were not allowed to receive oral sex or sexual intercourse service offered by sex workers. Hence, no officer should have received oral sex or sexual intercourse during undercover operations. At the request of the Chairman, the Administration agreed to provide after the meeting a written response to the two other questions raised by Mr WONG Yuk-man relating to masturbation.

Clerk

27. Dr Margaret NG referred to a position paper prepared by the Hong Kong Bar Association (the Bar) on Police's practices in handling searches of detainees, which was released to the public on 16 October 2008. She highlighted the Bar's views on CP's decision to conduct search every time a person in Police custody entered into a police detention facility, as set out in paragraph 13 of the paper, that "an order that mandates searches removes discretion altogether and is on the face unreasonable". She enquired whether the Administration had studied the paper and if so, its response to this particular area of concern raised by the Bar. She asked the Clerk to obtain a copy of the position paper from the Bar for circulation to Panel members.

(Post-meeting note: The position paper of the Bar Association was circulated to members vide LC Paper No. CB(2)170/08-09 on 29 October 2008.)

Admin

28. Assistant Commissioner of Police (Support) replied that the Police had received a copy of the position paper and was studying the issues raised therein. PAS(S)E added that the Administration had sought legal advice on the lawfulness of CP's decision to search each and every person prior to his being detained in a Temporary Holding Area or police cell for the purpose of fulfilling the Police's duty of care to detainees and ensuring the safety of others who might come into contact with the detainees. Legal advice had confirmed that it was lawful for the Police to take such reasonable measures for the above-mentioned purposes, and that the search of a detainee, if properly conducted, with the scope of the search on each occasion to be determined having regard to the prevailing circumstances and on a case-by-case basis, would not be unlawful. Dr Margaret NG requested the Administration to provide a consolidated response including legal advice to the issues and views raised by the Bar.

29. Mr Albert HO noted from the statements taken in cases where prosecution was instituted that sex workers were incited by Police officers undertaking undercover operations to offer sexual services. He considered this practice unacceptable. Mr HO also noted that provision of complete masturbation service was considered by the Police as a very important piece of evidence, and officers undertaking undercover operations would complete the whole process for the purpose of gathering evidence. He considered it

Action

Admin unreasonable and requested the Administration to provide legal view on whether there were sufficient grounds for the Police to adopt such practice.

Clerk 30. Ms Emily LAU suggested that a subcommittee should be formed to study issues relating to the Police's practices in handling searches of detainees and enforcement in respect of vice activities impacting on sex workers. Members agreed. The Chairman requested the Clerk to proceed with the relevant procedural arrangements.

31. The Chairman requested the Administration to revert on the various issues raised by members, preferably before the hearing.

V. Replacement of emergency ambulances
(LC Paper Nos. CB(2)129/08-09(15) & (16))

Views of deputation

Hong Kong Fire Services Department Ambulancemen's Union
(LC Paper No. CB(2)137/08-09(01))

32. Mr WAT Ki-on presented the views and recommendations of Hong Kong Fire Services Department Ambulancemen's Union (the Union) as detailed in its submission.

Discussion

33. Ms LI Fung-ying referred to the Secretary for Security's reply to a Member's question raised at the Council meeting on 22 October 2008, which stated that replacement of emergency ambulances normally took two to three years to complete. She considered the lead time required for ambulance replacement far too long. She enquired whether the Administration would review the existing procedures for vehicle procurement, so as to shorten the lead time required and expedite the replacement of ambulances. Echoing Ms LI's view, Ms Audrey EU said that timely replacement of ambulances was essential in the light of the rapid developments in technology. She queried whether the vehicles, equipped with specialist supplies and paramedic ambulance equipment, would become outdated and incompatible by the time they were put into service.

34. Principal Assistant Secretary for Security (B) (PAS(S)B) explained that a period of six months was normally required for the preparation of specifications of requirements, and another six months for the submission, receipt, evaluation and awarding of contracts. Depending on the number of new vehicles to be purchased, it would probably take six months to one year for the suppliers to complete the manufacturing process and deliver the vehicles to

Action

the Fire Services Department (FSD). PAS(S)B said that there was not much room for expediting the replacement programme by compressing the time required for the tendering exercise. The Administration would endeavour to shorten the period for preparation of specifications of the requirements. PAS(S)B stressed that the Administration attached great importance to the quality of its emergency ambulance service (EAS). In deciding on the replacement schedule, the departments concerned would take into account a number of factors, which included the actual working condition of the vehicle, the vehicle's age, cumulative mileage, maintenance history, etc. With a view to further improving the reliability of the ambulance fleet, FSD would replace in batches a total of 196 aged ambulances, including those which only had a service life of five years at present. Of these new vehicles, the first 100 would enter service before the end of 2009, with the remaining 96 becoming available in the first half of 2010. By the time all these new vehicles arrived, the average age of FSD's ambulance fleet would be reduced from the current average of 8.4 years to 1.7 years.

35. Mr WONG Kwok-hing questioned the Administration's rationale in adopting the normal economic service life of a vehicle (i.e. seven years) as the shortlisting criteria for possible replacement. He hoped that the Administration could undertake to trigger the preparatory work required for replacement when an ambulance reached the age of five. Among the 196 aged ambulances to be replaced by 2009 and 2010, he asked about the number of vehicles which only had a service life of five years. Regarding the problem reported by the Union that only 30% to 50% of ambulances meeting the criteria for possible replacement were replaced, he asked about the reasons for not replacing all of them. Mr LEUNG Kwok-hung asked whether there were any objective assessment criteria for determining the replacement schedule of ambulances. He requested the Administration to provide more detailed information in this respect.

36. In response, PAS(S)B made the following points -

- (a) according to the Electrical and Mechanical Services Department (EMSD), the economic service life of an ambulance was normally seven years. This served as a general guide for shortlisting a vehicle for possible replacement. FSD had all along been replacing ambulances in accordance with the general guide and actual need. In deciding on the replacement schedule, the responsible departments, including EMSD and the Government Logistics Department, would take into account other essential factors including the actual working condition of the vehicle shortlisted, the vehicle's age, cumulative mileage, maintenance history, etc. The assessment criteria would be provided to Members as requested;

Action

- (b) in view of the long lead time required, the Administration had been working in full gear to advance the replacement of the 196 ambulances in question. The Administration took note of the views and suggestions of Members and the Union. It would review the assessment criteria and make adjustment, as and when necessary; and
- (c) among the 196 ambulances to be replaced by 2009 and 2010, three of them had a service life of five years.

37. Mr WAT Ki-on said that the assessment criteria mentioned in paragraph 36(a) above were too general and not applicable to ambulances, since over 50% of the ambulances in service were required to operate 24 hours a day. The Union held the view that the Administration should take into account the peculiarity of EAS and devise more specific criteria for assessing the replacement of ambulances.

Admin

38. In response, PAS(S)B clarified that emergency ambulances were regarded as specialised vehicles and there were specific criteria for determining the replacement schedule of ambulances. The Chairman requested the Administration to provide more information about the type and number of specialised vehicles in the service of the Government, and the criteria adopted for replacement of these vehicles.

39. The Deputy Chairman noted with concern that in the past few years, ambulance replacement had not been planned and carried out in an orderly manner. He enquired whether it was due to low vehicle breakdown rate or resource constraints of the Government, and whether the Administration would formulate a more structured plan on ambulance replacement.

40. PAS(S)B responded that -

- (a) the Administration had all along been replacing ambulances in accordance with the resource allocation mechanism, having regard to the actual need and the advice of the relevant departments. The criteria for determining the priority of ambulance replacement included the age, maintenance history and mileage of the vehicles;
- (b) the number of corrective maintenance arising from mechanical failure this summer was generally comparable to the figures in the past three years; and
- (c) among the 196 new ambulances to be procured, the funding for 123 ambulances was secured in previous years. The expenditure involved was around HK\$147 million. In this year's Resource

Action

Allocation Exercise, the Government had provided further funding of HK\$97 million for the procurement of a further 73 ambulances in batches, so as to speed up the replacement programme of aged ambulances.

41. The Chairman shared the deputation's view that the problem of ageing of emergency ambulances would recur in future, in particular after some six to seven years when the 196 new ambulances had been put into service. He called on the Administration to formulate a more structured plan on ambulance replacement.

42. Ms Audrey EU noted from the Administration's paper that around 92% of emergency calls could be met within the 12-minute target response time. Regarding those calls to which FSD failed to respond within 12 minutes, she sought information on how long the delay was and the reasons for it.

43. Chief Ambulance Officer, Fire Services Department (CAO/FSD) responded that FSD implemented a performance pledge of responding to at least 92.5% of all emergency ambulance calls within a response time of 12 minutes. In the past few years, there were only a small number of emergency ambulance calls where the performance target of 12 minutes was not met. According to FSD's records, response time could be affected by many factors, including travelling distance, traffic and weather conditions, etc. Generally speaking, the percentage of calls in the New Territories with response time exceeding 12 minutes was slightly higher than those of the other regions. FSD believed that this was mainly due to the comparatively larger geographical coverage of the New Territories region and hence the longer travelling time required. The Chairman requested the Administration to provide a breakdown of emergency calls with response time exceeding 12 minutes, by the duration of delay.

Admin

44. Mr CHAN Hak-kan noted with concern from the Union's submission that ambulance depots in the Hong Kong and Kowloon regions were allocated a higher number of new ambulances than depots in the New Territories. He enquired about the criteria for the allocation of new ambulances.

45. CAO/FSD responded that the allocation of the new ambulances would depend on the actual service needs at the time of commissioning of these ambulances. On the whole, FSD would flexibly deploy its ambulances to ambulance depots in different districts in view of the call distribution and demand profile of emergency ambulance service. In practice, upon receipt of an emergency ambulance call, the despatch system of the FSD would assign the ambulance that could reach the scene within the shortest time to attend to the call.

Action

46. Mr CHEUNG Man-kwong considered the requests and suggestions raised by the Union as detailed in its submission reasonable. He hoped that the Administration would take note of Members' and the Union's views, and consider improving the existing mechanism for replacement of ambulances.

47. PAS(S)B welcomed Members' views on the issue. He assured Members that the Administration would seriously consider such suggestions in reviewing the mechanism for allocation and replacement of ambulances.

48. The Chairman requested the Administration to revert to the Panel in the next legislative session on the latest development of the issue, including the results of its review.

VI. Proposed amendment to the Pawnbrokers Ordinance
(LC Paper No. CB(2)129/08-09(17))

49. Members noted the legislative proposal put forth by the Government to increase the maximum amount of loan as set out in the First Schedule to the Pawnbrokers Ordinance (Cap. 166) from the current limit of \$50,000 to \$100,000.

50. Members noted that the Administration intended to proceed with the legislative amendments to Cap. 166, with a view to implementing the legislative proposal in the first quarter of 2009.

51. Members did not raise any question on the proposal.

52. There being no other business, the meeting ended at 12:50 pm.