

立法會
Legislative Council

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Panel on Security

**Minutes of special meeting
held on Wednesday, 21 January 2009, at 10:45 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
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, 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 Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
- Public Officers attending** : Item I
Mr TANG King-shing
Commissioner of Police

Mr John LEE Ka-chiu
Director of Crime and Security

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

Staff in attendance : Miss Josephine SO
Senior Council Secretary (2) 1

Miss Helen DIN
Legislative Assistant (2) 1

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I. Crime situation in 2008

(LC Paper Nos. CB(2)678/08-09(01) to (03), CB(2)672/08-09(01) and CB(2)473/08-09(01))

Commissioner of Police (CP) briefed members on the overall law and order situation of Hong Kong in 2008, as detailed in the paper provided by the Police (LC Paper No. CB(2)678/08-09(01)).

Alleged rape inside a Police station

2. Mr CHEUNG Man-kwong referred to a reported case in which a Police officer was alleged to have raped a young woman inside a Police station, and asked whether this particular case had been counted in those 105 cases of rape recorded in 2008. He said that the incident had aroused wide public concern about the management and security of Police stations and tarnished the reputation of the Police Force. He called on the Police to take immediate actions to address the matter. In his view, measures should be taken to restore and enhance the public confidence in the Police Force, in particular, the conduct and integrity of Police officers. His view was echoed by Mr IP Kwok-him and Mr WONG Yuk-man.

3. In response, CP made the following points -

- (a) the alleged rape case cited by Mr CHEUNG Man-kwong had already been included in the number of rape cases recorded for the whole year of 2008;
- (b) the Force was deeply concerned about this allegation of rape against a serving Police officer, as it had affected the public confidence in the Force. The Force would not condone such behaviour by any of its officers and had taken prompt action in

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the criminal investigation, arrest and subsequent prosecution in respect of the incident. The Force would take forward this case in a serious, professional and impartial manner;

- (c) the Force's latest internal communication report had revealed that many officers were also concerned about the severe damage the rape allegation had done to their image built over decades of hard work;
- (d) the above-mentioned case, albeit serious, was an isolated incident. The Force was fully committed to upholding a high standard of conduct and discipline among all officers, and had in place a well-established and effective system to deal with any breach of discipline. Where misconduct or non-compliance with the Police's internal procedures was involved, disciplinary action would be instituted against the officer concerned. Where criminal offences were involved, the Police would bring him to justice; and
- (e) the Police placed great emphasis on the integrity of its members. Integrity, as one of the core values of the Police Force, played a central role in the inculcation of trainees and featured prominently in police training throughout the career of Police officers.

4. On the issue of security of Police stations, CP highlighted the following points -

- (a) a Police officer had access only to his or her respective Police station;
- (b) access to a Police station was strictly controlled by the Duty Officer (DO); and entrances of Police stations were usually covered by closed-circuit television systems;
- (c) all visitors to a Police station were required to register at the report room on arrival. Throughout the visitor's stay in the Police station, he/she should be escorted by an officer assigned to handle the visitor; and
- (d) unoccupied offices and rooms were kept locked. Police officers working in a Police station were provided with keys to offices/rooms which they worked in. Keys for other areas of the station were held in a secure location by either DO or administration support staff. Officers who needed to access these areas had to sign for the keys.

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5. Mr WONG Yuk-man considered CP's response vague and general. He said that CP owed the public an apology.

6. In response, CP advised that as legal proceedings were underway, it was not appropriate to discuss the details of the rape case at this meeting. He said that the Police would owe the victim an apology if the officer concerned was proved guilty.

7. Dr Margaret NG considered that the Police should adopt a "Sunshine Policy" to further enhance the credibility of Police officers and the transparency of police work. She suggested that the annual report on Hong Kong's law and order situation should include the figures and overall trend of the crimes committed by Police officers. Apart from ensuring the security of Police stations, the Force should endeavour to create an unthreatened environment in each station, so as to make all visitors to a Police station or arrested persons feel assured that they would not be maltreated or exploited during their stay or detention in Police station.

8. CP said that he noted and would consider seriously the suggestions of Dr Margaret NG. He advised that over the past 10 years, the Police had implemented service quality improvement measures, such as streamlining reporting procedures and improving report room facilities, to facilitate the reporting of cases by members of the public. The Police would identify areas for further improvement and continue to enhance its services, if resources permitted. CP also stressed that the Police was fully committed to upholding a high ethical standard among all officers. Any breach of discipline or contravention of police orders or regulations would be dealt with in a fair and just manner in accordance with existing laws and regulations.

Police officers committing criminal offences

9. Mr CHAN Hak-kan and Ms Emily LAU expressed concern about Police officers committing criminal offences and its adverse impact on the Force's reputation. They stressed the need for putting in place concrete measures to restore public confidence in the Force after a series of incidents which had tarnished the Force's reputation. Mr CHAN questioned whether it was due to the psychological qualities of individual officers and sought details about the measures taken by the Administration to foster correct values and good conduct among Police officers.

10. The Deputy Chairman shared Mr CHAN Hak-kan's concern about the personal qualities and conduct of Police officers. He said that officers might have showed abnormal traits such as character defect or criminal tendency before they committed serious criminal crimes. In his view, the Force management should consider putting in place early intervention initiatives to

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identify officers with psychological or integrity problems. He also shared members' view that the Police should step up its efforts to better monitor and enhance the integrity of Police officers.

11. In response, CP said that -

- (a) the Police was fully aware of the community concern over the alleged rape case which occurred inside a Police station. Although the incident, together with the recent cases of Police officers committing crimes, had affected the public confidence in the Force, most people in Hong Kong were still supportive of the work of the Police Force;
- (b) the Police attached importance to engaging the community in carrying out its duties to maintain Hong Kong as a safe city, and had made considerable efforts to seek contributions from the public and various stakeholders in enhancing mutual communication and understanding. It was noteworthy that engaging the community was one of the Force's strategic directions, with a number of high-level projects underway to examine how to build on the many community-oriented policing initiatives that were in operation;
- (c) the Force management fully recognized the stress associated with police work and had been taking positive actions to assist Police officers to cope with stress and to seek professional care when necessary. Besides counselling services for Police officers with psychological problems, the Police promoted a healthy lifestyle among Police officers through a variety of activities such as sports, recreation, voluntary work, and physical fitness and health management. It encouraged officers to lead a normal family life and to keep away from bad habits, such as gambling, so that they were in a better position to handle pressure generated from their work. As the unique nature and demanding requirement of police duties produced great pressure on Police officers, the Police planned to strengthen its Psychological Services Group shortly by creation of one additional post of Police Clinical Psychologist so as to provide a better service to Police officers in need;
- (d) the Police had arranged a wide range of training courses through welfare officers or training and staff relation officers so as to, on one hand, help Police officers to face high-pressure work, and on the other hand, help the middle management of the Force as supervisory officers to be alert to the conditions of their subordinates. The supervisory officers would maintain a close watch over their subordinates' performance and behaviour, e.g.

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frequent requests for leave, so as to assess whether the latter were under stress or were encountering psychological or financial problems;

- (e) the Police was considering the implementation of psychometric test on new recruits in order to assess whether the applicants were suitable in terms of their personality traits and personal values;
- (f) the Police also attached great importance to ensuring that Police officers had the correct values and ethics. In addition to its existing training programmes for Police officers instilling the Force's values, the Force would continue to allocate resources to implement a number of projects with a view to enhancing the standard of ethics, probity and integrity among officers. In particular, a Force Committee on Integrity Management would be established. The Committee would review and coordinate the Force's policies on officers' conduct. It would also be responsible for implementing the Force's integrity management strategies such as education, prevention and supervision, with emphasis placed on leadership and individual responsibility; and
- (g) to take forward the initiatives to enhance Police officers' awareness/understanding of the Force's values and to strengthen the professionalism of the Force, the Force Committee on Integrity Management to be established within the Force would be chaired by the Deputy Commissioner (Management) with major Formation Commanders from Policy Wings and Regions as members. A Formation Integrity Officer would be appointed in all Police Districts to be responsible for implementing departmental policies on integrity management.

12. Noting its plan to establish the Force Committee on Integrity Management, Ms Emily LAU asked whether the Police would review and update the integrity-related training for new recruits and serving officers.

13. CP responded that the Force placed great emphasis on the integrity of its members. Integrity and honesty, among others, were the Force's core values. They played a central role in the inculcation of trainees, featured prominently in police training throughout the career of police officers, and formed part of the foundation training for the Force's new recruits and probationary inspectors. The Force Committee on Integrity Management would be tasked to review and improve, if necessary, the integrity-related training for new recruits and serving officers.

Police

14. The Chairman requested the Police to provide detailed information about the Force's integrity management initiatives, including the

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implementation of the Integrated Integrity Management Framework, and a written response on whether and how the Police would review and update the integrity-related training for new recruits and serving officers.

Youth drug abuse

15. Mr CHAN Hak-kan and Mr WONG Kwok-kin noted with concern that there was an increase in the number of young persons arrested for offences in connection with serious narcotics cases. Mr WONG asked whether the Administration had analyzed the causes for the increase. Mr CHAN held the view that the upsurge in serious narcotics offences committed by youth showed that it was becoming more prevalent for drug traffickers to exploit young persons in their illegal trade. He sought information about the Police's anti-drug work in combating youth drug abuse, in particular drug activities on campus or those involving students. He also asked about the measures taken by the Police in combating the problems of drug trafficking and drug abuse among the non-engaged youth, who dropped out of school and remained out of reach of the existing help networks provided by the School Liaison Officers of the Police.

16. In response, CP made the following points -

- (a) the Administration was aware of the serious and increasing trend of youth drug abuse in Hong Kong, in particular abuse of psychotropic substances. Among the psychotropic substance abuse cases, those involving ketamine recorded the largest increase. The increased supply and low retail price of Ketamine could be the main reasons accounting for the substantial increase in the number of youth drug abusers and the increase of the overall serious narcotics offences;
- (b) contrary to common misconceptions, psychotropic substances were both harmful and addictive;
- (c) unlike some traditional drugs such as heroin, many psychotropic substances could simply be sniffed or swallowed, rather than injected. The discomfort of withdrawal symptoms was not obvious initially and their harmful effects on the body, like the development of permanent damages to the functions of internal organs, might not be immediate or apparent;
- (d) a proportion of the young drug abusers were non-engaged (not studying or unemployed). There was a tendency for them to abuse drugs at home while many of them also frequented places outside Hong Kong to seek drugs;

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- (e) although scheduled as a dangerous drug in Hong Kong, ketamine was currently not subject to control under international drug conventions. This made the monitoring of the international supply and trafficking more difficult. The availability of such common psychotropic substances made them relatively more affordable or accessible to youngsters;
- (f) the Administration noted the hidden nature of psychotropic substance abuse, and attached great importance to tackling the youth drug abuse problem. A high level inter-departmental task force led by the Secretary for Justice was formed in 2007 to consolidate strategies to combat the problem from a holistic perspective. In November 2008, the Task Force on Youth Drug Abuse (the Task Force) published its report which set out some 70 recommendations to combat youth drug abuse in a holistic and sustainable manner. The Task Force recommended strengthening the five prongs of the anti-drug strategy, namely, preventive education and publicity, treatment and rehabilitation, legislation and law enforcement, external cooperation, and research;
- (g) in respect of education and publicity, the focus of the Police was on reducing the demand for illicit drugs by imparting knowledge on drugs to different stakeholders, dispelling any misconceptions, strengthening young people's life skills and resistance to adversity and temptations, and mobilizing the whole community to join the anti-drug cause. The school sector was an important platform for enhancing such efforts;
- (h) among others, the School Liaison Officer Scheme was an integral part of the community policing strategy to assist schools in preventing young people from falling prey to crime and involving in drug or crime activities. All the School Liaison Officers under the scheme were officers at Sergeant rank; they served all primary and secondary schools in the territory under the supervision of the Police Community Relations Officers in their respective districts. The School Liaison Officers paid regular visits to schools and organized anti-drug and fight crime seminars from time to time in collaboration with the school community, including teachers, school social workers and school youth organizations, to enhance the knowledge of students on the harmful effects of drugs and other juvenile crimes. For youth who had dropped out of school, Police Community Relations Officers and non-government organizations (NGOs) would also visit premises frequented by young people, including entertainment venues and game centres, to reach out to a wider spectrum of young people to disseminate anti-drug messages;

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- (i) in respect of external cooperation, the Police had implemented comprehensive strategies for combating drug trafficking activities. It also worked closely with anti-drug agencies in the Mainland and overseas to tackle transnational drug traffickers and intercept drugs at their origins;
- (j) on legislation and law enforcement, the Police would apply to the Court for enhanced sentences in the cases involving the exploitation of young people for committing drug offences. In addition, the Police would conduct joint operations with other law enforcement agencies, including the Immigration Department (ImmD) and the Customs and Excise Department, against the trafficking of drugs into Hong Kong via the boundary. In 2008, 70 Hong Kong people were arrested for cross-boundary drug trafficking with a total of 35 kilogrammes of various drugs seized;
- (k) the Police had been cracking down hard on the establishments which allowed young people to take drugs. As a result, a few entertainment venues in Kowloon West closed down in the last 10 odd months; and
- (l) the Police had also strengthened cyber patrols to combat activities related to the supply of drugs. Extra Police resources had been deployed to commence the cyber patrol.

Child abuse

17. Mr IP Kwok-him noted with concern that of those 1 643 cases involving crimes against children, 981 were cases of sexual abuse against children, representing an increase of 108 or 12.4%. He enquired whether the Police had conducted any study to find out the reasons for the sharp increase in the number of cases involving unlawful sexual intercourse with underage girl and indecent assault.

18. CP said that according to the Police's analysis, many of those arrested for having unlawful sexual intercourse with underage girl were found to be the close friends or relatives or neighbours of the affected persons. In some cases, the affected person and the person committing the crime knew each other through the Internet and made friends afterwards. In the light of the impact of Internet information on children and youngsters, the Police would work closely with schools through the School Liaison Officers to provide timely support and assistance to students regarding making friends through the Internet. CP stressed that the concerted efforts of schools teachers, parents and friends, etc. were required to protect the children from sexual abuse.

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Mainland visitors arrested for criminal offences

19. Noting that during the report period, there were a total of 1 528 Mainland visitors arrested for criminal offences in Hong Kong, an increase of 113 persons or 8% when compared with the number in the preceding year, Mr IP Kwok-him asked about the nature and seriousness of the offences involved. He queried whether the increase in the number of Mainland visitors arrested for committing crimes in Hong Kong had anything to do with the implementation of the Individual Visit Scheme (IVS).

20. CP advised that -

- (a) among those 1 528 Mainland visitors arrested for committing crimes in 2008, the most prevalent offences were miscellaneous thefts, forged travel documents and wounding and serious assault;
- (b) in 2008, there were 16.61 million arrivals from the Mainland, a rise of 1.35 million or 8.8%, 9.62 million of which were under IVS, an increase of 1.03 million arrivals or 11.9%. Of those 1 528 Mainland visitors arrested for committing criminal offences, the number of persons under IVS was 531, a drop of 34 or 6% when compared with 2007. Regarding the crime rates, 9.3 and 9.2 out of every 100 000 Mainland visitors committed crimes in 2007 and 2008 respectively. These figures reflected that the number of Mainland visitors involved in criminal offences in Hong Kong continued to remain at a low level; and
- (c) it was believed that the decrease in the number of crimes involving Mainland visitors was due to the effectiveness of law enforcement actions taken by the Police and other departments concerned. The Police would continue to maintain close liaison and co-operation with ImmD and the Mainland law enforcement authorities to conduct effective operations to tackle crimes involving visitors from the Mainland. ImmD would continue to maintain close liaison with the Mainland authorities to ensure that Mainland visitors convicted of criminal offences in Hong Kong would be subject to strict scrutiny in their future applications for exit endorsement for entry into Hong Kong.

Domestic violence

21. Dr Margaret NG noted that in 2008, a total of 7 278 cases of domestic violence were recorded, representing a decrease of 231 cases or 3.1% when compared with 7 509 cases in the previous year. In view of the deteriorating global economic and financial conditions, she expressed concern whether there would be an upward pressure on this type of crime in the coming year, and

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enquired about the measures to be taken by the Police in tackling such crimes.

22. CP advised that the Administration was committed to preventing and tackling domestic violence and had adopted a series of measures to combat domestic violence and strengthen services for victims of domestic violence. The Police, the Social Welfare Department (SWD) and NGOs had established mechanisms for communication and liaison in handling domestic violence. Where necessary, multi-disciplinary case conferences would be conducted by caseworkers, and subject to individual case, representatives from the Police (police officers-in-charge of investigation) and the professionals concerned would be invited to attend the meeting to share information on the case and work together in formulating the most appropriate welfare plans for the victims and their families. In May 2008, the Police implemented a new protocol of Victim Management for victims of serious domestic violence crime cases which was further expanded in January 2009 to victims of non-serious crime and non-crime high-threat domestic violence cases with a view to strengthening the support and safety assurance to victims throughout the case enquiry and legal proceedings, and to enhance communication and collaboration with SWD and NGOs. It was noteworthy that the Police had since the end of 2008 adopted further measures to improve the Central Domestic Violence Database (CDVD). Apart from information on domestic violence cases and other related cases such as Child Abuse, Elder Abuse and Missing Person reports, the enhanced CDVD also electronically captured reports of Domestic Incident, and Family Violence Crime cases in relation to the familial relationships covered under the Domestic Violence (Amendment) Ordinance 2008. Officers-in-charge of investigation would be able to have better overall assessments.

Police

23. At the request of Dr Margaret NG, the Police agreed to provide the Panel with detailed information about the new measures adopted by the Police in handling domestic violence cases, including the programme which sought to support victims and enhancement measures to improve CDVD.

Fraud and deception

24. Mr Albert HO expressed concern about the detection capability of the Police in handling syndicated criminal activities, in particular complicated fraudulent cases involving varied tricks and large number of victims, such as frauds related to London gold, model agencies and sale of time sharing facilities. He noticed that in many fraudulent cases, financial institutions and debt collection agencies were involved. He took the view that it was in the best interest of the community if the Police investigated into cases reported by the public and initiated prosecution against the alleged offenders as soon as it had sufficient evidence to press charges. Citing a dispute case which happened in a private housing estate where Police officers were alleged to have refused to handle and follow up the case reported by the residents, Mr HO asked about the

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criteria of the Police in its classification between criminal and civil cases, the reasons for the long lead time required for investigation and prosecution, and whether frontline Police officers had adequate ability to make good judgment that there was sufficient evidence to prove that a case had all the elements that constituted a certain crime. He further enquired whether the detection and investigation work of the Police was provided with adequate legal support.

25. CP responded that it was the Police's responsibility to follow up reported cases which might have involved criminal element. Where appropriate, the Police would seek advice from DoJ on whether elements of crime existed and prosecution should be instituted. In the case mentioned by Mr Albert HO, the officer-in-charge of the investigation should have made an independent decision on whether to institute prosecution, based on the circumstances of the case concerned. The Police was aware of Mr HO's concern about the criteria adopted by Police officers in the classification of criminal and civil cases. The officer-in-charge would be prepared to reconsider the case as appropriate. CP hoped that Mr HO could provide further information in this regard. For deception involving organized crime syndicates, CP said that given the complexity of the cases involved and the varied tricks employed by the criminals, the Police needed more time to conduct an in-depth investigation and intensive gathering of evidence. The Police had all along invested a considerable amount of resources to expedite detection of deception cases. For example, the Police had a team at headquarters level to coordinate analysis of modus operandi and trends of telephone deception, so as to enable timely formulation of suitable and effective enforcement strategies against such crime.

26. The Deputy Chairman shared Mr Albert HO's concern over the prevalence of deception cases where members of the public were compelled to buy goods or services, e.g. the sale of time sharing facilities. He called on the Police to step up investigation and prosecution actions against such crimes.

Participants of public meetings or public processions prosecuted for assaulting Police officers

27. Mr WONG Yuk-man referred to recently reported incidents in which some participants of unauthorized public meetings or public processions were arrested and prosecuted for assault on Police officers. He expressed concern whether these were attempts of the Police to restrict the freedom of expression, and asked about the number of participants of unauthorized public meetings or public processions prosecuted for assaulting Police officers in 2008.

Police

28. CP responded that he did not have the information in hand and would provide the figure after the meeting.

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Extortion cases among businesses and shops

29. Mr WONG Kwok-kin said that he was pleased to note that Hong Kong had consistently remained as one of the safest cities with a low crime rate when compared with other major cities in the world. He, however, expressed concern about reports of extortion made by businesses and shops. Since most of the cases of extortion were triad-related, he enquired about the measures taken by the Police to combat such illegal activities.

30. CP informed members that combating triad activities had always been a operational priority of the Police. As part of its efforts against triad-related crimes, including extortion activities of this nature, the Police conducted regular visits to business operators and owners to encourage them to report cases of extortion and to solicit their co-operation in combating such activities. The Police considered extortion and the involvement of triads in this sort of offence a very serious problem. Although the number of reported extortion related to shops had been relatively stable in the past few years, the Police would stay vigilant in monitoring such activities and proactively take enforcement action.

31. The meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
7 May 2009