

立法會

Legislative Council

LC Paper No. CB(2)816/09-10
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 1 December 2009, 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
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
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 Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
- Public Officers attending** : Item IV
Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr CHOW Wing-hang
Principal Assistant Secretary for Security (D)

Mr Corrado CHOW
Assistant Director (Enforcement and Torture Claim
Assessment)
Immigration Department

Item V

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

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

Mr LEUNG Shiu-hong
Chief Ambulance Officer (Acting)
Fire Services Department

**Attendance
by invitation**

: Item IV

The Law Society of Hong Kong

Mr Peter BARNES
Member, Joint Profession Working Group on CAT

Mr Mark DALY
Member, Joint Profession Working Group on CAT

Hong Kong Bar Association

Mr Robert WHITEHEAD, SC
Council Member

Mr Philip DYKES, SC
Member, Joint Profession Working Group on CAT

**Clerk in
attendance**

: Mr Raymond LAM
Chief Council Secretary (2) 1

**Staff in
attendance**

: Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr Bonny LOO
Assistant Legal Adviser 3

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)371/09-10)

The minutes of the special meeting held on 20 October 2009 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)347/09-10(01))

2. Members noted that a referral from Duty Roster Members on employment service support for rehabilitated offenders had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)370/09-10(01) and (02))

Regular meeting in January 2010

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 5 January 2010 at 2:30 pm -

- (a) Subsidiary legislation relating to the Castle Peak Bay Immigration Centre;
- (b) Employment service support for rehabilitated offenders; and
- (c) Quality Migrant Admission Scheme.

4. Ms Audrey EU suggested that the Panel should discuss the Capital Investment Entrant Scheme in addition to the Quality Migrant Admission Scheme proposed by the Administration. Members agreed.

(Post-meeting note: At the request of the Administration and with the agreement of the Chairman, the item "Employment service support for rehabilitated offenders" was deferred to the meeting in February 2010.)

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Special meeting in December 2009

5. The Chairman reminded members that a special meeting would be held on Monday, 7 December 2009, at 2:30 pm to discuss the results of study of matters raised in the Annual Report 2008 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance.

IV. Torture claim screening : enhanced mechanism and way forward
(LC Paper Nos. CB(2)370/09-10(03) and (04))

Briefing by the Administration

6. Under Secretary for Security (US for S) briefed members on the latest progress of the enhancements to the torture claim screening mechanism put forth by the Administration and the proposed legislative framework for implementing a statutory screening mechanism, as set out in the Administration's paper.

7. US for S advised that -

- (a) after the enactment on 14 November 2009 of the Immigration (Amendment) Ordinance 2009 (the Amendment Ordinance) which specified that it was a criminal offence for illegal immigrants (IIs) and other persons not lawfully employable to take up employment, establish or join any business, the number of non-ethnic Chinese IIs intercepted at sea had dropped significantly by more than 60%, from 24 in the first two weeks of November 2009 to eight in the latter half of the same month;
- (b) in the first two weeks following the commencement of the Amendment Ordinance, 116 torture claimants withdrew their applications made under the United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and expressed willingness to be removed;
- (c) there were about 300 new torture claims per month. As at the end of October 2009, there were a total of 6 203 outstanding claims pending screening. To deal with the backlog of claims, the Administration saw a need to resume screening as soon as possible. It had reviewed the torture claim screening mechanism with reference to the experiences of other common law jurisdictions, and planned to enhance the existing screening mechanism by implementing a series of improvement measures by the end of 2009, with a view to achieving effective screening, ensuring procedural fairness and preventing abuses. The

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enhanced mechanism would be reviewed with experience gained in practice; and

- (d) the Administration also proposed to put in place a statutory regime for handling torture claims lodged under Article 3 of CAT.

Views of deputations

8. The Chairman reminded the representatives of the Law Society of Hong Kong (the Law Society) and the Hong Kong Bar Association (the Bar) that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, Mr Robert WHITEHEAD presented the views of the two legal professional bodies, as detailed in their joint submission.

9. Regarding the pilot scheme under which the Administration would provide publicly-funded legal assistance to torture claimants who met the means-test requirements, Mr Robert WHITEHEAD said that there were still a number of outstanding issues, including the guidelines on the scheme, the training arrangement for duty lawyers, the role of the United Nations High Commissioner for Refugees (UNHCR) in screening of CAT claims and the proposed fees rates for torture claim related work, which were not well addressed. The Law Society and the Bar had reservations about implementing the pilot scheme from December 2009.

Discussion

10. Dr Margaret NG and Ms Emily LAU expressed disappointment at the reluctance of the Administration to take heed of the views and suggestions of the two legal professional bodies. They enquired whether the Administration was prepared to reconsider the requests of the Law Society and the Bar in respect of the guidelines for handling of torture claims, the lawyer fees proposed for the new legal assistance scheme and the qualification and experience required for lawyers participating in the scheme.

11. Mr WONG Yuk-man and Mr IP Kwok-him noted with concern that, according to two surveys conducted by the Law Society and the Bar in October 2009, only a small number of lawyers had expressed their willingness to undertake torture claim related work at the rate of \$670 per hour. As the survey results showed a marked discrepancy with the figure provided by the Administration on duty lawyers enrolled for the pilot scheme, they asked about the latest progress regarding the recruitment of qualified lawyers for the new legal assistance scheme.

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12. Mr Robert WHITEHEAD said that the claim by the Administration that approximately 400 lawyers were willing to participate in the handling of CAT claim cases for \$670 per hour was incorrect. It was because the survey was not conducted in connection with any particular remuneration level, but was conducted in relation to a general enquiry as to how many lawyers might be willing to participate in CAT claim cases as a new area of specialty.

13. US for S said that the Administration noted the results of the two surveys conducted by the Law Society and the Bar in October 2009. Regarding the contention that remuneration paid to lawyers undertaking torture claim related work should be sufficient for attracting lawyers of the calibre and experience needed to competently handle the claims, US for S advised that the Administration considered that the adoption of the current payment rates under the Duty Lawyer Scheme, i.e. at \$670 per hour or \$2,710 per half day, was appropriate. It was because legal assistance was available to virtually all torture claimants, whether or not their claims involved legal issues or disputes in fact. The assistance to be provided in the screening process was not of the same nature as litigation work in High Court or District Court cases. Based on the existing duty lawyer rates and the proposed scope of assistance agreed by the legal professional bodies, the Administration estimated that the legal cost alone to assist a torture claimant in making his case up to the petition stage was in the region of \$51,000 for a simple case. Bearing in mind the current influx of 300 new claims per month and those 6 203 outstanding cases pending screening as at the end of October 2009, the proposed adoption of the current payment rates under the Duty Lawyer Scheme would already pose a significant financial burden to the Administration.

14. US for S and Principal Assistant Secretary for Security (D) (PAS(S)D) further advised that -

- (a) the Administration and the Duty Lawyer Service (DLS) had reached agreement in principle on launching the pilot scheme in December 2009 for a period of 12 months. Duty lawyers would provide legal advice in the screening process in respect of the grounds of claims and petitions as appropriate, and would represent eligible claimants at petition hearings. DLS had started the recruitment of qualified lawyers for the pilot scheme. As at 20 November 2009, about 400 lawyers, among whom over 50% were barristers having substantial experience in the field, had indicated interest to be enrolled as duty lawyers for the new scheme. The Administration hoped that more lawyers with the requisite qualifications and experience would join the scheme at a later stage;
- (b) the proposed fee rate, which was recently revised to \$720 per hour in line with the revision made to the duty lawyer rates, had

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been the fee rates adopted by DLS for its duty lawyer services;

- (c) in the light of the views expressed by the two legal professional bodies, the Administration had agreed to extend the time permitted for returning the completed questionnaire from 14 days to 28 days. The Administration was of the view that the 28-day time limit was a reasonable period that struck a balance between the need to ensure that a claimant was given a reasonable opportunity to establish his case and the requirement for early screening of a case without undue delay. This was in line with the Canadian practice in that an asylum claimant in Canada would be given 28 days to return the specified form containing the required information in support of his claim for assessment by the relevant authority and was longer than the United Kingdom practice where a claimant was given only 10 working days to complete a standard form in lodging his asylum claim. The Administration was prepared to allow for a time extension for returning the completed questionnaire, if the issues involved in a particular case were complicated and circumstances so justified; and
- (d) to clear the backlog, the screening of torture claims would resume before the end of 2009. The Administration would review the pilot scheme having regard to the practical experience gained and the views of relevant stakeholders, including those of the legal professional bodies.

15. US for S added that in the light of the Court of First Instance's judgment in a judicial review case on the screening procedures, the Administration had decided to improve the appeal mechanism by appointing retired judges and magistrates to handle petitions lodged against the decisions made in relation to screening by decision makers with a legal background and relevant experience.

16. Mr WONG Yung-kan asked about the legal cost for processing a single claim, if the rates for civil cases as proposed by the two legal professional bodies were to be adopted.

17. PAS(S)D replied that if the rates for civil cases, ranging from \$1,600 to \$4,000 per hour depending on the years of practice, proposed by the legal professional bodies were to be applied, the legal cost would shoot up to the region of \$120,000 to \$300,000 per case, which would not be viable and sustainable in the long term.

18. Mr WONG Yuk-man enquired about the reasons for not extending to Hong Kong the United Nations' 1951 Convention relating to the Status of Refugees (the Refugee Convention).

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19. US for S explained that Hong Kong's relative economic prosperity in the region and its liberal visa regime made the territory vulnerable to possible abuses if the Refugee Convention was to be extended to Hong Kong. Hence, the Government had a firm policy of not granting asylum and its established position on the Refugee Convention remained unchanged. Despite the non-application of the Refugee Convention to Hong Kong, asylum seekers might approach the Hong Kong Sub-office of UNHCR to lodge asylum/refugee claims.

20. The Deputy Chairman expressed worries whether the burden would be shifted to the Hong Kong Sub-office of UNHCR after the introduction of the legislation on the screening procedures of torture claims. He considered that this might result in IIs and overstayers lodging asylum/refugee claims instead of torture claims in the future.

21. PAS(S)D responded that according to the information provided by the Hong Kong Sub-office of UNHCR, the number of claims lodged in Hong Kong for refugee status had recorded a decrease in the past two years. Although refugee matters would remain the responsibility of UNHCR, the Administration noted the concern of the Deputy Chairman and would monitor the situation closely.

22. Referring to paragraph 21 of the background brief prepared by the Legislative Council Secretariat, Mr CHEUNG Man-kwong expressed concern about the progress of the Administration's study and discussion with the Mainland authorities regarding the definition of "place of first landing". He noted that the vast majority of those 6 203 torture claimants were IIs from South Asian countries coming to Hong Kong en route from the Mainland, and many of them lodged claim, including claim for refugee status, after having arrived at Hong Kong. He considered that a long term solution to address the problem was to reach an agreement with the Mainland on how to handle IIs sneaked into the territory from the Mainland and making refugee or CAT claims afterwards. Mr CHEUNG asked whether the Administration had set a timetable to achieve a consensus with the Mainland on this matter.

23. PAS(S)D responded that the Administration had ongoing discussions with the Mainland authorities on cooperation on intercepting non-ethnic Chinese IIs and their repatriation. The Administration noted that some overseas countries had entered into agreements on refugee status determination which stipulated that claims for refugee status had to be dealt with by the country where the claimants first landed. In drawing up the relevant legislative framework for handling torture claims lodged under Article 3 of CAT, the Administration would make reference to international practices and take into account views expressed by relevant parties.

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24. Mr LEUNG Kwok-hung emphasized that the Government should fulfill its obligations under CAT not to remove or deport a claimant to his place of origin where there were substantial grounds for believing that he would be in danger of being subjected to torture, until such risk had dissipated. Regarding the enhancements to the torture claim screening mechanism, Mr LEUNG held the view that the enhanced procedures should meet high standards of fairness and allow every reasonable opportunity for the claimant to establish his claim.

25. In response, US for S advised that the Administration had taken into account the court rulings in reviewing the screening mechanism. The enhanced procedures, in particular the new legal assistance scheme, were designed to meet high standards of fairness required by the court. Every reasonable opportunity was allowed for claimants to state their case.

26. Ms Audrey EU expressed concern about the suitability of extending the Duty Lawyer Scheme to undertake legal representation work for CAT claimants. She asked whether torture claim cases were by nature more complicated than those cases currently handled by duty lawyers and heard in Magistrates Courts, Juvenile Courts and Coroners Courts, and whether specialized training should be provided for lawyers before they participated in the new legal assistance scheme for torture claimants.

27. Mr Robert WHITEHEAD advised that torture claim cases were roughly akin to civil litigation cases. Given their gravity, there would be extremely serious potential consequences if not handled properly. As duty lawyers currently serving on the Duty Lawyer Scheme did not have much experience in the areas of refugee law, procedural fairness and management of clients with special needs, it was absolutely vital that lawyers acting for CAT claimants had received proper training before undertaking such work. The Law Society and the Bar had been actively involved in the design and implementation of a training course to be conducted by the Academy of Law, the first of which would take place from 14 to 17 December 2009.

28. In response to Ms Audrey EU's enquiry, PAS(S)D said that DLS would generally require and recruit qualified lawyers with a minimum of three years' post-qualification experience to be enrolled as duty lawyers for the new legal assistance scheme for torture claimants. They would also take into account the practical experience and training of the lawyers in the field in considering individual cases. It was noteworthy that this experience requirement was comparable to that of other common law jurisdictions. In New Zealand, for example, the experience required was one year.

29. PAS(S)D further said that the enhanced procedures for torture claim screening were made under a pilot scheme, which would last for 12 months. The Administration expected that the system would handle 400 claims in the first year, with a gradual increase in the number of claims processed in the next

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two years, increasing to around 1 000 or 2 000 cases per year.

30. US for S and PAS(S)D reiterated that the Administration appreciated the views put forth by the legal professional bodies on the proposed legal assistance scheme for torture claimants. The Administration had stretched reasonable flexibility and accepted the suggestions from the profession on certain issues of concern. The Administration would conduct a review on the enhanced screening mechanism and make necessary adjustments in the light of practical experience. The lawyer fees might also be reviewed in that context, including the issue on whether the fees were sufficiently attractive to lawyers with relevant qualifications to provide service as highlighted by the legal profession.

31. Mr Paul TSE said that it would be undesirable if the contention about the remuneration paid to lawyers undertaking torture claim related work would result in further delay in the implementation of the proposed legal representation scheme and resumption of the screening process. Regarding the proposal of the two legal professional bodies to apply the civil legal aid rates for different forms of professional services to be provided to torture claimants, Mr TSE questioned the appropriateness of adopting the civil litigation fee rates in CAT claims. He said that the gravity and complexity of civil cases was in no way commensurate with that of torture claim cases. He asked whether there were any other outstanding issues for concern than the remuneration for lawyers. In his view, if the enhancements to the torture claim screening mechanism to be implemented by the Administration had addressed those inadequacies indentified by the court, the Panel should support the implementation of the pilot scheme in December 2009.

32. Mr Robert WHITEHEAD responded that the paramount concern of the two legal professional bodies was that CAT claimants would receive competent advice and assistance from lawyers who had the necessary expertise. Hence, the remuneration that lawyers received for handling CAT claims should be sufficient to attract lawyers of the calibre and experience that was needed to competently handle the claims. The legal professional bodies had entered into detailed discussions with the Administration and offered their views on a number of issues, including the guidelines on the scheme and the training arrangement for duty lawyers, other than the proposed fees rates for torture claim related work. While they supported the implementation at the earliest possible time of a workable and sustainable screening mechanism, some serious and fundamental problems, as the two legal professional bodies explained earlier, remained unresolved.

Legal Adviser

33. The Deputy Chairman requested the legal adviser to the Panel to provide advice on whether the required standard of fairness would be met if the Government failed to provide experienced lawyers in the provision of free legal assistance to torture claimants.

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34. The Chairman concluded that the Administration should take note of the views and concerns expressed by members and the two legal professional bodies. As the Administration was prepared to review the screening mechanism after the launching of the pilot scheme in December 2009, he requested the Administration to revert to the Panel on the results of the review once available.

V. Replacement of emergency ambulances
(LC Paper Nos. CB(2)370/09-10(05) and (06))

35. Mr WONG Kwok-hing welcomed the measures adopted by the Administration to improve the reliability of the ambulance fleet. He however expressed concern about the lead time required for replacing emergency ambulances. Noting that the process of replacing aged ambulances normally took two to three years to complete, he enquired whether the lead time for the procurement of ambulances could be shortened.

36. In response, US for S made the following points -

- (a) in the long term, the Administration aimed to put in place a steadier and more predictable ambulance replacement programme with a view to facilitating the Fire Services Department (FSD) in planning and managing its replacement orders over a reasonable timeframe. Under the new replacement programme, FSD proposed to replace roughly one-seventh of its entire fleet on a routine basis annually. This should help maintain the average age of the ambulance fleet at a healthy level and improve the overall reliability of the fleet. If there was any unforeseen need to replace more ambulances in any particular year, FSD would put forward special requests with justifications;
- (b) with a view to shortening the lead time for the procurement of ambulances, discussion had been held among FSD, the Electrical and Mechanical Services Department (EMSD) and the Government Logistics Department (GLD). The following specific measures would be adopted by the three parties to expedite the procurement process -
 - (i) EMSD would start drawing up the design and specifications in collaboration with FSD when FSD was preparing funding bids under the annual resource allocation exercises (RAEs), with a view to completing the process, which take around four months, before the announcement of the RAE result;

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- (ii) GLD would in parallel start making pre-tender preparation upon the submission of the RAE bid by FSD, with a view to completing the preparatory work and inviting tender as soon as funding was secured; and
- (c) with the measures in paragraphs (a) and (b) above, the processes of bidding for fund, approval of fund, drawing up of design and specifications and tendering could be taken forward concurrently. The whole procurement process from the bidding of fund to the delivery of ambulances could thus be reduced, by eight months, to 25 months.

37. Ms Audrey EU remained of the view that the lead time of 25 months for ambulance procurement was far too long. She enquired about the reasons for taking such a long time for procuring an ambulance.

38. In response, Acting Chief Ambulance Officer, FSD (Atg CAO/FSD) gave an account of the length of time required in each step of the procurement process as follows -

- (a) a period of about four months was normally required for EMSD to draw up, in collaboration with FSD, the design and specifications of requirements of the new vehicles. Such duration of time was required as the ambulance was a "purpose-built" vehicle which had to meet special operational requirements, comply with the latest emission standards and be installed with various equipment;
- (b) upon completion of the design and specification process and allocation of funding, the ensuing tendering process normally took about four months to complete; and
- (c) construction and delivery of ambulances after award of contract normally took about 12 months. If a large number of ambulances were to be procured, a longer lead time might be required.

39. Ms Audrey EU expressed concern whether substantial modification work was required to strengthen the structure of the vehicles before they could be delivered for use as emergency ambulances. She requested the Administration to provide more detailed information on the design and specifications of the vehicles, and the reasons for taking such a long time to complete the whole process of procuring an ambulance.

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40. Mr WONG Kwok-hing and Mr CHAN Hak-kan said that according to media reports, some new ambulances had already experienced mechanical failure which had resulted in delay in the emergency conveyance of patients

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and casualties to hospitals. They expressed deep concern about the reliability of those 92 new ambulances which had already been delivered and commissioned to frontline service, and asked whether the performance of the new ambulances was satisfactory.

41. Atg CAO/FSD said that the cases to which Mr WONG Kwok-hing and Mr CHAN Hak-kan referred were isolated incidents involving minor mechanical failure, such as problems in starting up the engine, opening the rear door or adjusting the lifting platform. FSD and EMSD had taken prompt actions and followed up closely with the contractor. On the whole, the performance of the new ambulances was satisfactory.

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42. Mr CHAN Hak-kan said that it was difficult to understand why a new ambulance had engine start-up problem. He requested the Administration to provide more detailed information.

43. In response to Mr CHAN Hak-kan's enquiry about the distribution of the aged ambulances after all the 196 new ambulances had arrived, Atg CAO/FSD advised that the criteria for determining the replacement of existing ambulances would include the age, maintenance history and mileage of the vehicles, and depend on the actual service needs at the time of commissioning of these ambulances. In addition, FSD would also review and flexibly deploy its ambulances to ambulance depots in various districts in view of the call distribution and demand profile of emergency ambulance service. Atg CAO/FSD assured members that in any case, the Administration would avoid a high concentration of aged ambulances in any particular districts.

44. Mr CHEUNG Man-kwong said that according to Report No. 51 of the Director of Audit, FSD's bids for additional or replacement ambulances from 2005 to 2007 had all been rejected, either by the Security Bureau (SB) or the Financial Services and the Treasury Bureau (FSTB). It appeared to him that the huge number of ambulance breakdowns occurred in the summer of 2007 and 2008 was due to the ageing fleet and insufficient provision of ambulances. Mr CHEUNG asked whether the Administration had learned any lesson from these incidents and would like to apologize to the public for the belated replacement of ambulances.

45. In response, US for S made the following points -

- (a) the Administration attached great importance to the quality of its emergency ambulance service (EAS). To address the problem of ageing ambulances, the Administration was in the process of replacing 196 ambulances. As at 20 November 2009, 92 new ambulances had already been delivered and commissioned to frontline service. Another eight new ambulances were expected to be commissioned before the end of 2009. The remaining 96

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ambulances would be delivered in batches before the end of 2010, by which time over 80% of FSD's ambulance fleet would have been replaced by new vehicles bringing the average age of the entire ambulance fleet down to below two years;

- (b) there were generally more incidents of ambulance breakdown in the summer months from July to September. This could be attributed mainly to the adverse effect of the heat and humidity on battery life, and on the wear and tear of air-conditioner components and engine belts;
- (c) since the implementation of measures which sought to improve the reliability of the ambulance fleet as set out in paragraph 10 of the Administration's paper, the breakdown rate of ambulances had greatly improved. In the past six months from May to October 2009, the average number of breakdowns per month was reduced by over 65% as compared with figures for the same period of the previous two years; and
- (d) regarding the future arrangement for the replacement of ambulances, the Administration had decided to put in place a steadier and more predictable ambulance replacement programme to facilitate FSD in its planning of replacement orders over a reasonable timeframe. Under the programme, FSD would propose to replace roughly one-seventh of its entire fleet on a routine basis annually. This should help maintain the average age of the ambulance fleet at a healthy level and improve the overall reliability of the fleet.

46. The Deputy Chairman welcomed the Administration's proposal to put in place a steadier and more predictable ambulance replacement programme, as outlined in paragraphs 4 to 6 of the Administration's paper. He hoped that the Administration would stick to the planned schedule to replace the FSD's ambulance fleet, even in the face of other competing priorities for limited resources.

47. Ms Audrey EU asked whether the existing size of the ambulance fleet could meet the increasing demand for EAS. She noted that the Administration was examining the feasibility of implementing in Hong Kong the Medical Priority Dispatch System (MPDS). She enquired whether this new initiative had any correlation with or impact on the procurement of replacement and additional ambulances.

48. US for S responded that FSD currently operated a fleet of around 250 ambulances for its EAS. The existing performance pledge of FSD was to handle 92.5% of all emergency calls within 12 minutes from the time of call.

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According to FSD's record, the overall response time performance of the ambulance service in the past few years was quite steady, respectively at 92.7% in 2006, 92.8% in 2007 and 92.2% in 2008.

49. As regards the reason for introducing MPDS, US for S advised that the Administration was committed to providing effective and efficient EAS for all persons who needed to be conveyed to a hospital. Although the next-in-queue dispatch system was commonly used in most Asian countries and the performance of Hong Kong's existing ambulance service compared favourably with most overseas standards, the Administration noted that advanced ambulance services in over 20 countries had already adopted a priority dispatch system to prioritize their response to ambulance calls in accordance with their degree of urgency. To enhance EAS in the long run, the Administration considered that there was scope for introducing MPDS in Hong Kong with a view to facilitating priority response to critical or life-threatening cases.

50. Mr LEUNG Kwok-hung asked whether the Administration had conducted any user satisfaction survey on EAS provided by FSD.

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51. Atg CAO/FSD replied that a user satisfaction survey had been conducted in around 2005 to gauge the feedback and views from users of EAS. Over 90% of the respondents were satisfied with the service provided by FSD. Atg CAO/FSD undertook to provide the Panel with the findings of the report of the relevant user satisfaction survey.

Admin

52. Mr LEUNG Kwok-hung expressed concern as to whether FSD's bids for additional or replacement ambulances were often rejected by SB or FSTB. He requested the Administration to provide information on the RAE bids submitted by FSD which were not supported.

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53. Ms Audrey EU enquired about how FSD would dispose of the aged ambulances. She requested the Administration to provide supplementary information after the meeting.

VI. Manpower situation in the Independent Commission Against Corruption

(LC Paper No. CB(2)370/09-10(07))

54. Due to time constraint, members agreed to defer the discussion of the item to the next regular meeting on 5 January 2010.

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VII. Report of the Subcommittee on Police's Handling of Sex Workers and Searches of Detainees

(LC Paper No. CB(2)310/09-10)

55. The Chairman said that the Subcommittee had completed its work. Members endorsed the Subcommittee's report.

56. The meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
25 January 2010