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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 17 January 2012**

Crime situation in Hong Kong

Purpose

This paper summarizes past discussions by the Panel on Security ("the Panel") on the crime situation in Hong Kong.

Deliberations of the Panel on Security

2. It is the practice of the Panel to discuss the crime situation in Hong Kong at the beginning of each year.
3. In the past five years, during the course of discussing Hong Kong's overall crime situation at the meetings of the Panel on 25 January 2007, 31 January 2008, 21 January 2009, 27 January 2010 and 26 January 2011, members expressed concern over a number of issues. Members were particularly concerned about drug-related offences, Police's handling of public meetings and public processions, and the increasing number of cases relating to domestic violence, elder abuse, indecent assault, cyber crime and criminal intimidation in debt collection.

Drug-related offences

4. Concern was raised about the change in the crime pattern for drug-related offences in recent years, such as the trafficking and sale of drugs in a small quantity and the shift from the use of heroin to psychotropic substances. Information was sought on whether the Police had adjusted its enforcement strategies in the light of the latest changes in drug-related crimes and problems.

5. Members were advised that the enforcement strategies of the Police were reviewed from time to time, so as to maintain its vigour and impetus in combating drug-related crimes. In view of the latest changes in the crime pattern for drug-related offences, the Police had adopted suitable measures to address the problems, including -

- (a) making use of the established intelligence networks to monitor the locality of drug abuse and taking swift actions if there was any change in it;
- (b) taking rigorous enforcement actions at entertainment venues or establishments, such as discotheques, which allowed people to take drugs;
- (c) strengthening cyber patrols to combat activities related to the supply of drug;
- (d) increasing the frequency of school visits by School Liaison Officers ("SLOs") to enhance the communication with schools, parents and social workers, as well as to disseminate anti-drug messages to students; and
- (e) maintaining close liaison with other departments, including the Leisure and Cultural Services Department, in combating youth drug abuse in public places such as parks, playgrounds or public libraries.

6. Members were concerned about the effectiveness of the anti-drug measures adopted by the Administration in combating the drug abuse problem among students. Information was sought on the trend of youth drug abuse in 2010.

7. The Police advised the Panel of the following -

- (a) according to the Central Registry of Drug Abuse, the total number of reported drug abusers in Hong Kong aged under 21 in the first half of 2010 had decreased by some 20% as compared to the same period in 2009, representing a reversal of the rising trend since 2004. This might be a result of the much escalated anti-drug efforts in recent years in education and publicity, treatment and rehabilitation, legislation and enforcement, evidence-based research, and external cooperation, a five-pronged approach coupled with collaborative endeavours across different sectors of the community. In this regard, the Trial Scheme on School Drug

Testing in Tai Po District was an innovative element which the Administration had been pursuing, on top of its escalated efforts on various fronts; and

- (b) the Police actively pursued the School Liaison Programme to strengthen the communication with schools and to support schools in combating the youth drug abuse problem on campus. Under the programme, SLOs assisted schools in identifying early juvenile delinquency, preventing and tackling students' involvement in crime and illegal activities. Apart from liaising closely with the school community, including teachers, parents, students and school social workers, SLOs advised the school management on effective ways to handle undesirable behaviour of students in schools and organized seminars and talks in schools to enhance the knowledge of students and teachers on the harmful effects of drugs.

8. Concern was also raised about the increasing trend of cross-boundary drug abuse involving young people. There were suggestions that the Police should take vigorous enforcement actions against drug-related crimes and tackle the supply of drugs at source, and mount intelligence-led operations and cooperate with the Mainland and overseas law enforcement agencies to intercept drugs from being smuggled into Hong Kong.

9. Members were advised that -

- (a) comprehensive strategies had been adopted by the Police to combat drug trafficking activities. To tackle transnational drug traffickers and to combat dangerous drug offences at source, the Police cooperated with the Mainland and overseas law enforcement agencies and mounted intelligence-led operations to intercept drugs from being trafficked into Hong Kong;
- (b) the Police also worked closely with the Customs and Excise Department in the exchange of intelligence and conducting joint operations at various control points to intercept drugs;
- (c) alongside with enhanced efforts made to crack down on the manufacturing and cultivation of illicit narcotic crops and to smash drug distribution networks at all levels to cut off the supply of drugs, the Police had stepped up its anti-drug publicity at various boundary control points, in particular during festive periods and school holidays;

- (d) as young people taking drug predominantly took psychotropic substances, combating psychotropic substances was the premise of the Administration's renewed efforts in the anti-drug cause in recent years; and
- (e) an effective legislative and regulatory regime had been put in place by the Administration to provide stringent control over the import, export, manufacture, sale and supply of narcotic drugs, psychotropic substances and precursor chemicals. The related legislation and control regimes were constantly reviewed to ensure that they were up-to-date and effective in tackling the changing drug abuse and trafficking trends.

Police's handling of public meetings and public processions

10. Referring to a case on 27 December 2009 where a group of demonstrators staged a demonstration inside the Closed Area of the Lo Wu Boundary Control Point, an enquiry was raised over the reason that the Police did not take enforcement action earlier to disperse the demonstrators before they became out of control, especially given that it was a Closed Area with heavy passenger traffic.

11. According to the Police, it was fully aware of members' concern about the need to preserve law and order at boundary control points ("BCPs"). Given the special conditions of BCPs and the needs to ensure the safety of cross-boundary passengers as well as the smooth operation of BCPs, demonstrations should not be conducted within BCPs and the Lo Wu Boundary Control Point was no exception. The passenger flow of the Lo Wu Boundary Control Point was exceptionally heavy. It handled on average over 200 000 passengers daily, which was the highest among all BCPs.

12. Information was sought on the number of people who participated in public meetings and public processions and were arrested, prosecuted and convicted in 2010 for breaching the laws of Hong Kong.

13. Members were advised that in 2010, a total of 5 656 public order events were held in Hong Kong. The Police had taken arrest actions on 25 occasions, with 53 persons arrested and six of them prosecuted. As at January 2011, four cases had been heard at court of which two were convicted. The remaining two cases were pending trial.

14. Concerns were raised as to whether the Police had always handled public meetings and public processions in a fair and impartial manner, and whether it

would communicate with and secure the support of the event organizers to ensure that the public meetings and public processions were peacefully and orderly conducted.

15. According to the Police, it was a general practice to maintain close communication with the event organizers and discuss with them how order could be maintained in the public meeting or public procession. The event organizers were responsible for arranging wardens to maintain order during the public meeting or public procession. Apart from providing advice in advance and agreeing on certain arrangements in relation to the event, a Police Community Relations Officer might also be present during the event to act as a channel of communication between the organizer and the Field Commander. In assessing the crowd management measures and manpower required for maintaining public safety and public order during the event, the Police would make reference to the information provided by the organizer, past experience in handling similar events as well as other operational considerations.

16. Members were also advised that the Police respected the rights of the public to peaceful assemblies and processions and to express their views. However, it should be noted that large-scale public meetings and processions might affect other people or road users, and might have impacts on public safety and order. In this connection, it had been, and would continue to be the Police's policy to endeavour to facilitate, as far as possible, all peaceful public order events. While facilitating the expression of views by participants of processions, it was also the Police's responsibility to maintain public order, and at the same time strike a balance by ensuring the rights of other people to use the public place or road as well as their safety. Participants of public meetings or processions, in exercising their freedom of expression, should, under the premise of observing the law and without affecting public order, proceed in a peaceful and orderly manner.

17. Members noted that in recent years, petitions and demonstrations staged outside the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") often resulted in serious conflicts and confrontations between the Police and the demonstrators. There was a view that the increase in the number of reported conflicts was largely attributed to the narrowed through zone outside the Liaison Office. Information was sought on whether the Administration would consider removing the planter at the through zone on Connaught Road West outside the Liaison Office, so as to provide sufficient space for demonstration and press reporting outside the Liaison Office to facilitate the expression of opinions by members of the public.

18. According to the Police, its records indicated that the majority of the public order events conducted outside the Liaison Office proceeded in an orderly and peaceful manner. Disputes were usually triggered by the unruly behaviour of demonstrators. The width of the through zone on Connaught Road West outside the Liaison Office only affected the flow of the crowd during a procession.

19. Members noted that the way the Police handled and followed up the cases had aroused suspicion that the Police was selective in taking enforcement and prosecution actions in view of a few public order events which had resulted in the arrest of demonstrators. Concern was raised as to whether the Police had formed a biased view against certain groups of demonstrators.

20. According to the Administration, there was no question of the Police being selective in taking enforcement actions. Participants of public processions, in expressing their views to the public, should observe the law and public order. The Police would not tolerate violence during public order events. On occasions where the law was, or was likely to be, violated during public meetings or processions by acts of individuals (especially when there were acts which might cause danger to others or acts which led to a breach of the public order), the Police would, based on the assessment at scene and professional judgment, take appropriate actions at scene. These actions included issuing verbal warnings or orders at scene, collection of evidence for subsequent investigation, peaceful dispersal of the crowd or other law enforcement actions. If there were conflicts and confrontations, the Police would investigate the incidents concerned to ascertain whether there were reasonable grounds to arrest any persons for having breached the laws. The Police would consult the Department of Justice regarding whether there was sufficient evidence for instituting prosecution.

Domestic violence

21. Members were concerned about a substantial increase in domestic violence cases in 2007. Although there was a decrease in such cases in 2008, concern was raised as to whether there would be an upward pressure on this type of crime in the following year. Information was also sought on the measures to be taken by the Police in tackling such crimes.

22. Members were advised that the Police had invested resources in handling domestic violence cases including the deployment of a Police officer at Sergeant level or above to supervise initial police action at the scene and ensure that each case was handled appropriately according to the guidelines, and the designation of a Superintendent at the Police's headquarters to oversee domestic violence issues. The Police's work in the area aimed at providing protection for victims,

making referral to appropriate parties for follow-up, and conducting investigation and instituting prosecution against abusers.

23. Members were also advised that the Police, the Social Welfare Department and non-government organizations had established mechanisms for communication and liaison in handling domestic violence cases. 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 the Social Welfare Department and non-government organizations. It was noteworthy that the Police had since the end of 2008 adopted further measures to improve the Central Domestic Violence Database. Apart from information on domestic violence cases and other related cases such as Child Abuse, Elder Abuse and Missing Person reports, the enhanced Central Domestic Violence Database 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.

24. Members noted that the Domestic Violence Ordinance, which was amended and renamed as the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) in January 2010, had enhanced the protection for victims of domestic violence by extending the scope of protection to cover former spouses and former heterosexual cohabitants and their children, as well as other immediate and extended family members.

Elder abuse

25. Members noted a total of 359 recorded cases of elder abuse in 2010, representing an increase of 44 cases or 14% when compared with the preceding year. Information was sought on the identity of those persons who committed such offences and the measures taken by the Police to tackle the problem of elder abuse.

26. According to the Police, the majority of elder abuse cases involved physical abuse, which stood at 204 cases or 56.8% of the total number of elder

abuse cases in 2010. The remaining cases related to embezzlement of property and psychological abuse, which stood at 99 and 56 cases or 27.6% and 15.6% of the total number of elder abuse cases respectively. Victims under this category included elders abused by their spouses or children as well as elders abused by staff working in private residential care homes for the elderly ("RCHEs"). For cases which occurred in RCHEs, the Police would conduct a thorough investigation, including interviewing the victim, other elders who might have witnessed the abuse and the alleged offender, to identify all clues that might lead to the successful detection of the case.

27. Regarding the measures to tackle the problem of elder abuse, members were advised that the Administration had all along endeavoured to enhance the services and support for vulnerable elders and strengthen publicity and public education to promote a culture of caring for the elderly. Among others, the Labour and Welfare Bureau and the Elderly Commission had jointly launched the Neighbourhood Active Ageing Project to provide funding support to organizations to carry out district-based programmes for promoting care for the elderly and preventing elder abuse by improving community awareness. While the "caring for the elderly" policy was delivered through cross-sectoral cooperation, the Police had been working closely with various elderly organizations. It also made use of the television programme "Police Magazine" to bring the message to members of the public that they should report elder abuse cases to the Police for investigation.

Indecent assault

28. Members noted that 1 448 cases of indecent assault were recorded in 2010, representing an increase of 130 cases or 9.9% when compared with the preceding year. Information was sought on whether the Police had conducted any study to find out the reasons for the sharp increase in the number of cases involving indecent assault.

29. According to the Police, of all the cases of indecent assault recorded in 2010, 1 010 cases or 69.7% of the total took place at public places, such as streets, public spots or public transport. The remaining 438 cases occurred at private places, such as residential buildings, schools and commercial buildings. A possible reason for the increase in indecent assault cases was that the victims were more willing to report the crime to the Police. The Police stressed that it would continue to fight against such crime and to enhance public awareness through organizing education and publicity campaigns, especially at train platforms of the Mass Transit Railway ("MTR") during peak hours, with the aim of encouraging the public and victims to report the crime to the Police and to cooperate with the Police in providing crime information. This would enable the Police to detect and combat such offence more effectively. The

Police actively offered advice on personal safety to the public, including ways to avoid becoming victims of sexual offences.

30. Members noted with concern about an upward trend in the number of cases of indecent assault and sexual harassment in the compartments of MTR trains. As female passengers were more likely to be victim to indecent assault in crowded train compartments during peak hours, members suggested that the arrangement of "female-only compartments" could be introduced to reduce such crimes.

31. The Police advised the Panel that the arrangement of "female-only compartments" on MTR trains might be a practicable solution. However, it would be the prerogative of the MTR Corporation Limited ("MTRCL") to decide whether to adopt such a measure. The Police would continue to work closely with MTRCL to take all reasonable measures to prevent crime within the railway premises for the security of passengers.

Cyber crime

32. Concern was raised as to cyber crimes, such as compensated dating and illegal gambling, had become rampant in recent years. Information was sought on the Police's efforts in combating such crimes.

33. According to the Police, cyber crimes had been on the rise in 2009, with most of the cases related to unauthorized access to computer with criminal or dishonest intent, commercial fraud and obtaining property or service by deception. Regarding the measures it adopted to combat cyber crimes, the Police's Technology Crime Division ("TCD") was responsible for combating cyber crimes and conducting cyber patrols. To enhance its capability in the investigation of internet crimes, 26 additional posts had been created in 2009-2010 in TCD. Apart from enhancing the manpower of TCD, the Police was upgrading the information technology facilities of the Computer Forensics Laboratory to strengthen its capability in handling digital evidence. In addition to strengthened cyber patrols, the Police would provide training in the effective prevention and combat of technology crimes for officers of different ranks to enhance their knowledge of technology crimes and their professional ability in handling these crimes. A number of seminars relating to security on the internet had been held with the information technology professionals of major organizations and enterprises.

Criminal intimidation

34. Members were concerned about the reason for the increase in the number of criminal intimidation cases in 2007, and whether there was any new element

attributing to the increase.

35. According to the Police, over 50% of 1 960 criminal intimidation cases in 2007 were due to disputes arising from private relationships and money matters, whereas 389 cases were related to debt collection, representing a decrease of 5 cases over 2006. Only 2.8% of the total crime cases were related to triad activities. There was no indication of any new element contributing to the increase in criminal intimidation cases. Owing to the nature of such crimes, only 5.4% of the total cases were detected in 2007.

36. Members noted with grave concern that in 2009, 1 314 cases of criminal damage and 507 criminal intimidation cases were related to debt collection activities. Members also noted the enforcement difficulties currently faced by the Police in combating illegal practices of debt collection agencies ("DCAs"). Information was sought on whether the Police would, in view of the trend and seriousness of illegal practices employed by DCAs in recovering debts, consider introducing new enforcement measures to curb the improper practices of DCAs or suggesting the relevant policy bureau to introduce legislation to regulate debt collection activities of DCAs.

37. The Police advised the Panel of the following -

- (a) the number of crime reports related to debt collection activities received by the Police in 2009 was higher than that of the previous year;
- (b) the Police appreciated the public's concern about debt collection practices involving harassment, and had always attached importance to combating illegal debt collection activities. It adopted a multi-pronged approach and took rigorous enforcement action to crack down on loan-sharking syndicates and unscrupulous DCAs by closely monitoring the conduct of DCAs and mounting large-scale operations;
- (c) procedures for the handling of debt collection-related cases had been devised by the Police. Cases of criminal nature, such as criminal damage or intimidation, would be referred to the Criminal Investigation Teams for investigation. Enforcement actions would be taken depending on the circumstances and prosecutions would be instituted in accordance with the law. Non-crime reports assessed to be "high threat" cases would be referred to the Criminal Investigation Teams for follow-up. As regards "low threat" cases, although they did not involve criminal elements, the Police would continue to monitor them. Where there was

suspicion that a case might develop into one involving a criminal element, for example, the DCA concerned having a triad background, the Criminal Investigation Team would investigate the case; and

- (d) where there was suspicion that a DCA employed by a licensed money lender collected debts by improper means (including telephone harassment) or illegal acts, the Police investigation unit would inform the Police Licensing Office so that the Office would give appropriate consideration when handling the licence renewal application of the money lender concerned in future. Where a DCA engaged by any bank or financial institution was found to be collecting debts by improper or illegal means, the Police would inform the financial regulatory authority concerned so that it could take appropriate follow up action.

Relevant papers

38. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
10 January 2012

**Relevant papers on
Crime situation in Hong Kong**

Committee	Date of meeting	Paper
Panel on Security	25.1.2007 (Item III)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	31.1.2008 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	21.1.2009 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	27.1.2010 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	26.1.2011 (Item I)	<u>Agenda</u> <u>Minutes</u>

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