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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

Director of Bureau : Secretary for Security

Session No. : 10

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**CONTROLLING OFFICER'S REPLY TO
ORAL QUESTION**

(Question Serial No. SV012)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (-) Not Specified

Programme: (2) Prevention and Detection of Crime

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

The Government is requested to provide information on the number of public complaints received against the 7 police officers who allegedly assaulted Mr Ken Tsang Kin-chiu during the occupy movement.

Asked by: Hon LEUNG Kwok-hung

Reply:

Regarding the case on the 7 police officers who allegedly assaulted a protester in October 2014, the Complaints Against Police Office of the Police Force has received complaints from a total of 687 complainants, including the protester who was allegedly assaulted. The Force is now proceeding with the investigation as a criminal matter. All of the remaining 686 complainants claimed that they made the complaints after they had known about the case online or from the media.

- End -

CONTROLLING OFFICER'S REPLY

S-SB01

(Question Serial No. S0040)

Head: (151) Government Secretariat: Security Bureau

Subhead (No. & title):

Programme: (3) Immigration Control

Controlling Officer: Permanent Secretary for Security (Joshua LAW)

Director of Bureau: Secretary for Security

Question:

In respect of the abuse of the legal assistance scheme for torture claims (the headline news report of the Oriental Daily dated 30 March 2015), the Government is requested to conduct a comprehensive review on the above-mentioned abuse of the loophole in the legal assistance scheme to achieve the aims of illegal immigration and permanently staying in Hong Kong. I also urge the Government to conduct an investigation on this news report and give the Legislative Council an account of the investigation results.

Asked by: Hon Wong Kwok-hing

Reply:

In December 2008, the Court of First Instance ruled in *FB v the Director of Immigration* that the Government must provide publicly-funded legal assistance to claimants during the screening process for torture claims. The Government commenced operating an enhanced administrative mechanism in December 2009 to screen torture claims to ensure that the procedures met with the high standards of fairness required by law. The statutory procedures underpinning the enhanced administrative mechanism commenced in early December 2012. Subsequently, pursuant to two relevant rulings by the Court of Final Appeal (CFA) in December 2012 and March 2013, the Government commenced operating a unified screening mechanism (USM) (the procedure of which follows those of the statutory screening mechanism for torture claims) to screen non-refoulement claims lodged by foreigners subject or liable to be removed from Hong Kong to another country on applicable grounds. Apart from torture, these applicable grounds include (i) cruel, inhuman, or degrading treatment or punishment (CIDTP) under Article 3 of the Hong Kong Bill of Rights, and (ii) persecution drawing reference to Article 33 of the 1951 Convention relating to the Status of Refugees (the Refugee Convention). Torture claims lodged before the commencement of the USM in March 2014 have become non-refoulement claims under applicable transitional arrangements.

After commencement of the USM, non-refoulement claimants continue to receive publicly-funded legal assistance through the Duty Lawyer Service (DLS) during the whole screening process. To this end, at the commencement of the screening process, the Immigration Department (ImmD) would refer a non-refoulement claimant to the DLS, which would assign a duty lawyer to the claimant under the prevailing assignment system.

Having regard to operating experience, the Government is reviewing the existing screening procedures, as well as the workflow, manpower deployment, legal cost, and interpretation and translation costs under the publicly-funded legal assistance scheme so that the screening process can be more efficient while maintaining the high standards of fairness. The Government is currently consulting the Hong Kong Bar Association, the Law Society of Hong Kong, and the DLS to this end, and will also communicate with relevant non-governmental organisations at an appropriate juncture.

As regards legal aid, the Legal Aid Department (LAD) provides eligible applicants who have passed the means and merits tests specified under the Legal Aid Ordinance (Cap. 91) with legal representation by a solicitor or a barrister for civil or criminal proceedings in the District Court or higher courts. The procedures under the USM followed by the ImmD or the Torture Claims Appeal Board to screen non-refoulement claims are not legal proceedings in court, and are outside the ambit of the LAD.

--End--

CONTROLLING OFFICER'S REPLY

S-SB02

(Question Serial No. S0050)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (-) Not specified

Programme: (2) Prevention and Detection of Crime

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

1. Regarding the Police's classification of 3 categories of cases, namely Domestic Violence (Crime), Domestic Violence (Miscellaneous) and Domestic Incidents, what mechanism do the Police have to seek immediate support from the Social Welfare Department (SWD)? What manpower does the SWD have to provide immediate support for the Police? Who is to make such a decision? Is the decision made by "an officer of the rank of Sergeant or above" who is in charge of the scene?
2. In some districts such as Kowloon East, Kowloon West, New Territories North, etc. where the problems of domestic violence are more serious, will the Government increase the proportion of manpower for handling such cases?
3. Among the cases of Domestic Violence (Crime), Domestic Violence (Miscellaneous) and Domestic Incidents in various districts, how many of the cases involve elders aged 60 or above and how many of the cases involve families with minors aged under 18?
4. In fact, although domestic violence cases are similar in various districts, the problems involved may be different. For example, the cases may involve elder abuse or mainly involve child abuse. Has the Government studied the characteristics and conditions of domestic violence cases in various districts so as to adopt different measures and provide various support services?

Asked by: Hon CHAN Yuen-han

Reply:

1. When handling Domestic Conflict Reports (DCRs), the Police Force will consider whether any party involved needs the follow-up services of the Social Welfare Department (SWD). If a subject needs the SWD's assistance and gives consent for

referral by the Police, the case (irrespective of its category) will be referred to the SWD for follow-up. In case any persons refuse the referral service, the Police will provide a “Family Support Service Information Card” to facilitate them to contact the service agencies at any time for enquiries. Besides, the Police will make referrals by taking into account the risk of violence recurrence on individual merits. If the initial risk assessment conducted by the Police indicates that the family concerned needs immediate welfare support services, including arrangement of admission to refuge centres and immediate intervention of outreaching social workers, etc., the Police will make urgent referrals through the designated 24-hour hotline for outreaching service provided by the SWD. For cases considered by the Police to be of high risk, the Police will also take the initiative to refer them to the SWD for follow-up, irrespective of the subjects’ consent for referral by the Police.

Referral of the family concerned to the SWD for welfare support services can be decided by any police officers in light of the circumstances of the case. Officers of the rank of Sergeant or above have responsibility for supervision.

2. The Police have always monitored closely the trends of DCRs in various Police Districts. There is sufficient manpower to handle domestic violence cases.
3. The Police Force does not maintain the information on the relevant categories of statistics mentioned in the question.
4. The Police attach great importance to problems of violence among family members, and the combat against domestic violence continues to be one of the Commissioner’s Operational Priorities in 2015. Police officers will handle and investigate each case with empathy, professionalism, fairness and impartiality. To handle cases of domestic violence effectively, the Police Force has formulated a set of policies and procedures, covering the measures and support services for cases involving elder and child abuses, so as to strive for reducing the risk of domestic violence and strengthening the protection of victims. Through training, the Police also enhance frontline officers’ response ability and professional sensitivity in handling cases of domestic violence in order to meet the needs of different types of victims.

- End -

CONTROLLING OFFICER'S REPLY

S-SB03

(Question Serial No. S0044)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (603) Plant, vehicles and equipment

Programme: (4) Operations

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

Regarding Question Serial No. 2306 in the Examination of Estimates of Expenditure 2015-16, it was stated in Reply Serial No. SB086 that the “specialised crowd management vehicles” helped “to reduce the chance of injury caused to the protestors and the Police” and “the vehicles can also spray liquid dye”,

- (a) However, according to the Statement on the medical implications of the use of the Somati RCV9000 Vehicle Mounted Water Cannon submitted to the UK Parliament in 2004 by the Defence Scientific Advisory Council Sub-committee on the Medical Implications of Less Lethal Weapons (DOMILL), the firing of water cannons might cause harms to the human body, which is contradictory to the Police’s statement. Please inform this Committee how “to reduce the chance of injury caused to the protestors and the Police” when the above vehicles are used; and
- (b) Please inform this Committee of the chemical elements contained in the “liquid dye” and the impacts on and harms to the human body.

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 40)

Reply:

It has been the Police Force’s practice to study the experience of foreign countries in handling large-scale public assemblies. In some countries/regions, including the UK, Belgium, Singapore, Korea, and even Macau, etc., pressurised water is used to disperse protesters who launch violent attacks, by creating a safe distance between the protesters and the Police so as to reduce the chance of injury caused to the protesters and the Police and stop the behaviours that jeopardise public safety and public order.

The Force will formulate strict operating guidelines for “specialised crowd management vehicles” and provide stringent training in driving and operation for the relevant officers.

The “liquid dye” is water-soluble and does not have harmful impacts on the human body.

- End -

CONTROLLING OFFICER'S REPLY

S-SB04

(Question Serial No. S0045)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (603) Plant, vehicles and equipment

Programme: (4) Operations

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

Regarding Question Serial No. 2306 in the Examination of Estimates of Expenditure 2015-16, it was stated in Reply Serial No. SB086 that the experience of using the “specialised crowd management vehicles” by the UK, Belgium, Singapore, Korea, and even Macau has been studied. Please inform this Committee of the differences in the equipment and models of the “specialised crowd management vehicles” used by the 5 countries/regions according to the Police Force’s study.

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 41)

Reply:

“Specialised crowd management vehicles” are generally equipped with water spray device. When handling the illegal behaviours that may emerge during large-scale and prolonged public assemblies, pressurised water is discharged to disperse protesters who launch violent attacks, by creating a safe distance between the protesters and the Police so as to reduce the chance of injury caused to the protesters and the Police and stop the behaviours that jeopardise public safety and order. The vehicles are also equipped with public address systems and large display screens, which can facilitate the Police to effectively put across advice, warnings or other messages to the protesters. The vehicles can also spray liquid dye for identification of related offenders to facilitate follow-up investigations in the future.

The Police Force is now collecting and studying the detailed information on “specialised crowd management vehicles” used by other countries.

- End -

CONTROLLING OFFICER'S REPLY

S-SB05

(Question Serial No. S0046)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not specified

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

Regarding Question Serial No. 2304 in the Examination of Estimates of Expenditure 2015-16, Reply Serial No. SB084 provided the numbers of police officers and police officers (auxiliary) interdicted from duty, re-instated and those who left the Force in the past 5 years. Please inform this Committee of the major criminal or disciplinary offences committed by the police officers and police officers (auxiliary) interdicted from duty and those who left the Force in the past 5 years. Please list in a table the numbers of police officers and police officers (auxiliary) interdicted from duty or those who left the Force for committing various types of crimes or disciplinary offences.

Asked by: Hon HO Sau-lan, Cyd

Reply:

The criminal offences committed by police officers interdicted from duty or those who left the Force in the past 5 years mainly involved misconduct in public office, soliciting or accepting an advantage, fraud, theft and assault occasioning bodily harm, etc. The disciplinary offences committed by police officers interdicted from duty or those who left the Force mainly involved contravention of police orders.

The criminal offences committed by police officers (auxiliary) interdicted from duty or those who left the Force mainly involved soliciting or accepting an advantage in public office, fraud, theft and offence against the person, etc. The disciplinary offences committed by police officers (auxiliary) interdicted from duty or those who left the Force mainly involved conduct calculated to bring the Auxiliary Police Force into disrepute, neglect of duty and failure to obey any lawful order.

The Police Force does not maintain the statistical figures mentioned in the question.

- End -

CONTROLLING OFFICER'S REPLY

S-SB06

(Question Serial No. S0056)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (000) Operational expenses

Programme: (4) Operations

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

Regarding Question Serial No. 2301 in the Examination of Estimates of Expenditure 2015-16, Reply Serial No. SB082 provided the information on the 402 posts to be increased under the Programme of "Operations". Please further inform this Committee of the work positions and locations that these 402 posts will be allocated to, and the numbers of officers to be allocated to various positions.

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 52)

Reply:

Under the Programme of "Operations", the Police Force will increase 402 posts in 2015-16, mainly for increasing the establishments of the Police Tactical Unit and back-end support service to strengthen the frontline operational capability and support the management of major security and crowd management events. These new posts include 3 Superintendents, 5 Chief Inspectors, 30 Inspectors/Senior Inspectors, 11 Station Sergeants, 83 Sergeants, 258 Police Constables and 12 civilian staff.

- End -

CONTROLLING OFFICER'S REPLY

S-SB07

(Question Serial No. S0052)

Head: (122) Hong Kong Police Force
Subhead (No. & title): (000) Operational expenses
Programme: (-) Not specified
Controlling Officer: Commissioner of Police (TSANG Wai-hung)
Director of Bureau: Secretary for Security

Question:

The revised estimate for operational expenses for 2014-15 increased by almost \$1 billion over the original estimate. This was mainly due to the allocation of \$700 million for 2014-15 Civil Service Pay Adjustment and the allocation of about \$300 million for the disciplined services overtime allowance arising from the handling of the illegal Occupy Movement last year. In this connection, will the Government inform this Committee whether the overtime allowance has already been disbursed or whether it will be disbursed after the passage of the Appropriation Bill?

Asked by: Hon KWOK Wai-keung (Member Question No. 48)

Reply:

To handle the illegal Occupy Movement which lasted for 79 days last year, it was necessary for police officers of the Police Force to work overtime to maintain police presence. The revised estimate for operational expenses for 2014-15 has included the allocation of about \$300 million for the disciplined services overtime allowance arising from the handling of the illegal Occupy Movement in 2014. In 2014-15, the Police Force already disbursed \$220 million for the disciplined services overtime allowance arising from police officers' overtime work during the illegal Occupy Movement.

- End -

CONTROLLING OFFICER'S REPLY

S-SB08

(Question Serial No. S0053)

Head: (122) Hong Kong Police Force
Subhead (No. & title): (000) Operational expenses
Programme: (-) Not specified
Controlling Officer: Commissioner of Police (TSANG Wai-hung)
Director of Bureau: Secretary for Security

Question:

According to Reply Serial No. SJ028, the Department of Justice (DoJ) represented the Police in a total of 432 civil action cases in the past 5 years. The cases were related to civil claims for damages arising from actions taken in the course of duties by the Commissioner of Police or police officers. According to the DoJ's Reply, the total court costs were \$2.22 million and the amount of damages was \$6.72 million for these cases in the past 5 years. Besides, 131 cases are still in progress. In this connection, will the Police Force reply to this Committee:

- (1) Please list the types of these civil action cases (such as personal injury, mental impairment, false imprisonment, etc.) with a breakdown of the figures. Please provide a breakdown of the types of cases by year and outcome of proceedings. If these records are not available, what are the reasons?
- (2) Did the Police review the Force's operations to avoid the commission of a tort or civil claims for damages arising from the Police's operations?
- (3) Regarding the police officers involved in these civil action cases, were complaints against them lodged with the Complaints Against Police Office (CAPO) or were they subject to criminal prosecution due to their behaviour in the cases? If so, please give a breakdown of the cases each year. Please provide the case summaries, CAPO's investigation results and outcomes of the criminal prosecution.
- (4) Among the cases in which the DoJ represented the Commissioner of Police or police officers in civil claims for damages against them in the past 5 years, nearly half of the cases were settled. What principles and considerations did the Police adopt when deciding to settle the cases? Among the cases settled each year, in how many cases did the Police impose a "confidential agreement" as a condition for settlement?

Asked by: Hon LEUNG Kenneth

Reply:

- (1) and (3) The Police Force does not have relevant statistical records of civil action cases. Neither does the Force have the statistics of complaints lodged or criminal prosecutions instituted against the police officers involved due to their behaviour in the cases.
- (2) The Force reviews its operations from time to time for appropriate follow-up actions so as to ensure that the operations are implemented more efficiently.
- (4) The Force seeks the DoJ's advice in handling civil action cases. In light of the DoJ's advice (generally including justifications for claims for damages and the relevant evidence, etc.), the Force considers how to handle the cases, including reaching an agreement with the claimant to settle the case.

The confidentiality clause has to be agreed by both parties prior to incorporation into a settlement agreement. The Force does not have the statistics of the number of cases settled with the inclusion of a confidentiality clause.

- End -

CONTROLLING OFFICER'S REPLY

S-SB09

(Question Serial No. S0054)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (000) Operational expenses

Programme: (2) Prevention and Detection of Crime
(4) Operations

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

In the Government's Reply SB126, the Police have listed the figures of the Police's use of Digital Camcorders for taking video records of public order events (POEs) from 2011 to 2014. Will the Police answer the following questions:

(1) The Police stated that some of the videos were retained for lawful purposes. Besides internal review, what purposes do the said lawful purposes include? Did the Police identify and record the identity of POE participants through these videos? If so, what are the reasons and details? Will the videos retained for lawful purposes be eventually destroyed? Please provide the relevant figures in the following table:

Year	Number of video clips involving POEs retained for more than 31 days for other lawful purposes	Number of these video clips retained for more than 6 months	Number of video clips still retained as at 28 February 2015
2011	168		
2012	127		
2013	25		
2014	27		

(2) The Police stated that some of the video records were retained for investigation or as evidence. Please provide further figures in the following table:

Year	Number of video clips involving POEs retained for more than 31 days for investigation/as evidence	Number of video clips retained for more than 6 months for investigation	Number of video clips retained for more than 12 months for investigation	Number of video clips still retained for investigation as at 28 February 2015

2011	65			
2012	52			
2013	98			
2014	238			

(3) Regarding the clips retained by the Police for investigation or as evidence, please provide further figures in the following table:

Year	Number of video clips involving POEs retained for more than 31 days for investigation/as evidence	Number of videos used as evidence for prosecution purpose as at 28 February 2015
2011	65	
2012	52	
2013	98	
2014	238	

Asked by: Hon LEUNG Kenneth (Member Question No. 50)

Reply:

The figures of the Police Force's use of Digital Camcorders are as follows:

Year	Number of video clips involving public order events (POEs)	Number of video clips still maintained after 31 days from the date of recording	Reasons for maintaining the video clips	
			Investigation/As evidence	Other lawful purposes (e.g. internal review)
2011	273	233	65	168
2012	234	179	52	127
2013	225	123	98	25
2014*	559	265	238	27

*Not including the number of video clips taken in the illegal Occupy Movement. As the incident lasted for a prolonged period, longer time is required to collate and compile the statistics.

The Police Force does not maintain the information on the categories of statistics mentioned in the question.

The Police do not take video records of POEs regularly. The Force may take video records of individual POEs on a need basis, such as video recording the overall movement of a public procession. The video records are used for internal review with a view to continuously enhancing the management and response capability of the Force in handling POEs.

The Force does not target at individual participants during video recording. Only when there are signs of a breach or a possible breach of public peace or public order, or when there are persons suspected of committing criminal offences, will the behaviour of such

persons suspected of causing a breach of the public peace and the course of the incident become the subject of video-filming. It is reasonable and lawful for the Force to take evidence by video-filming those who are suspected of having violated the law.

The Force has clear and strict guidelines and procedures for handling the recorded information in order to ensure, inter alia, its proper handling and custody and timely destruction. In addition, the Police will ensure compliance with the Personal Data (Privacy) Ordinance when handling video clips containing personal data.

Video clips with investigative or evidential value will be treated as case exhibit and be retained until the relevant investigation and judicial procedures are completed. Video clips without investigative or evidential value will be deleted after 31 days from the date of recording. If it is necessary to keep the video clips for over 31 days, authorisation from a Senior Superintendent must be obtained and such authorisation should be reviewed on a monthly basis by the authorising officer.

- End -

CONTROLLING OFFICER'S REPLY

S-SB10

(Question Serial No. S0055)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (603) Plant, vehicles and equipment

Programme: (4) Operations

Controlling Officer: Commissioner of Police (TSANG Wai-hung)

Director of Bureau: Secretary for Security

Question:

According to the Government's reply in SB129, please reply to the following questions:

- (1) Regarding the "specialised crowd management vehicles" that are now planned to be procured by the Police, what are the data on the maximum volume of water discharged and pressure generated? If the Police do not maintain the relevant data, have the Police noted the equipment data on vehicles with water cannons used by the law enforcement forces in foreign countries? If so, what are the details?
- (2) Regarding the use of the "specialised crowd management vehicles" by the Police, what are the details of manpower training, authorisation of use and monitoring?
- (3) When did the Police commence the study on the introduction of the "specialised crowd management vehicles"? When did the Police decide to submit to the Security Bureau the request for procuring the "specialised crowd management vehicles"?
- (4) If the funding application for the Police's procurement of the "specialised crowd management vehicles" is approved, what are the subsequent procurement procedures? What is the Police's expected time for completion of the procurement? What is the earliest commissioning time for the "specialised crowd management vehicles"?

Asked by: Hon LEUNG Kenneth (Member Question No. 51)

Reply:

- (1) "Specialised crowd management vehicles" are equipped with water spray devices. The range of water jets and volume of water discharged may change in response to different pressures.

- (2) The Police Force will formulate strict operating guidelines for these specialised vehicles and provide stringent training in driving and operation for the relevant officers. The Police will also review the equipment and manpower deployment for large-scale public order events (POEs) from time to time to strengthen the Police's capability in handling POEs so as to ensure public safety and public order.
- (3) The Police will, as always, review the equipment and manpower deployment for large-scale POEs from time to time to maintain public order and safeguard public safety.
- (4) The Police Force will select the manufacturer according to the established procedures and tender mechanism.

- End -

CONTROLLING OFFICER'S REPLY

S-SB11

(Question Serial No. S0057)

Head: (122) Hong Kong Police Force
Subhead (No. & title): (000) Operational expenses
Programme: (4) Operations
Controlling Officer: Commissioner of Police (TSANG Wai-hung)
Director of Bureau: Secretary for Security

Question:

According to the Government's reply in SB127, please reply to the following question:

In the reply to me on 6 November 2013, the Government provided the numbers of various types of body searches conducted on arrestees or detainees. Why did the Police Force claim that the Force did not maintain the statistics for various types of body searches? Please provide in the following table the statistics for various types of searches conducted on arrestees or detainees in the past 5 years:

Year	Level 1: Non-removal of clothing	Level 2: Removal of clothing	Level 3(a): Removal of underwear - lifting underwear for examination	Level 3(b): Removal of underwear - partial removal of underwear	Level 3(c): Removal of underwear - complete removal of underwear
2010-11					
2011-12					
2012-13					
2013-14					
2014-15					

Asked by: Hon LEUNG Kenneth

Reply:

In the reply in SB127, the Government has provided the statistics of the custody search at "level 3(c): Removal of underwear - complete removal of underwear". In reply to a question raised by Hon LEUNG Kenneth in the Legislative Council on 6 November 2013,

the Government also provided on a one-off basis the total numbers of various types of body searches conducted on arrestees or detainees by the Police Force between 2009 and 2012.

The Police Force does not regularly maintain the statistics for various types of body searches conducted on detainees calculated by financial year. As requested in the question, the Police Force has re-compiled the statistics by financial year. The relevant figures are provided as follows:

Financial year	Level 1: Non-removal of clothing	Level 2: Removal of clothing	Level 3(a): Removal of underwear - lifting underwear for examination	Level 3(b): Removal of underwear - partial removal of underwear	Level 3(c): Removal of underwear - complete removal of underwear
2010-11	43 136	8 491	1 659	257	419
2011-12	43 024	7 012	1 641	351	253
2012-13	43 947	7 050	1 806	364	117
2013-14	41 635	6 969	2 171	263	174
2014-15	38 509	6 355	1 760	215	135

- End -

CONTROLLING OFFICER'S REPLY

S-SB12

(Question Serial No. S0049)

Head: (122) Hong Kong Police Force
Subhead (No. & title): (-) Not specified
Programme: (1) Maintenance of Law and Order in the Community
Controlling Officer: Commissioner of Police (TSANG Wai-hung)
Director of Bureau: Secretary for Security

Question:

The Department will have an increase of 442 posts in 2015-16. How many recruitment exercises will be conducted? After the "Occupy Movement", were there difficulties in recruiting new police constables, such as a decrease in the number of applications?

Asked by: Hon WONG Kwok-hing (Member Question No. 45)

Reply:

The Police Force conducts the recruitment and selection exercises throughout the year. The recruitment target in 2014-15 was 1 340 officers, comprising 230 probationary inspectors and 1 110 recruit police constables. The Force's recruitment showed smooth progress and the recruitment target was attained by the end of 2014-15.

- End -

CONTROLLING OFFICER'S REPLY

S-SB13

(Question Serial No. S0043)

Head: (70) Immigration Department

Subhead (No. & title): ()

Programme: (1) Pre-entry Control, (2) Control upon Entry

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

Regarding the number of refused entries provided in Question Serial No. 2306 / Reply Serial No. SB086 in the Examination of Estimates of Expenditure 2015-16, please further inform this Committee of the following:

- (a) In the past year, how many people from Taiwan were refused entry for being considered as having a “doubtful purpose of visit”?
- (b) How many people from Mainland China with a “doubtful purpose of visit” were handled by various control points?

Asked by: Hon HO Sau-lan, Cyd

Reply:

In 2014, the number of refused entries of visitors and seamen for doubtful purpose of visit is tabulated by region as follows:

Reason for refusal \ Region	Africa	Asia-Pacific (excluding Mainland China)	Europe	Mainland China	North America	South America	Total
Doubtful purpose of visit	1 089	4 270	58	32 060	6	233	37 716

The number of refused entries of visitors and seamen for doubtful purpose of visit at various control points is as follows:

Reason for refusal Control Point	Doubtful purpose of visit
Airport	2 729
Lo Wu	15 012
Hung Hom	356
Lok Ma Chau Spur Line	6 626
Lok Ma Chau	3 672
Man Kam To	1 586
Sha Tau Kok	400
Shenzhen Bay	5 407
Harbour Control	114
Macau Ferry Terminal	1 072
China Ferry Terminal	680
Tuen Mun Ferry Terminal ^{Note 1}	0
River Trade Terminal	62
Kai Tak Cruise Terminal ^{Note 2}	0
Total	37 716

Note 1: The Tuen Mun Ferry Terminal has been temporarily suspended since 1 July 2012.

Note 2: The first berth of the Kai Tak Cruise Terminal was commissioned in June 2013. The second berth came into operation in September 2014. The numbers also included passengers of cruise liners berthing at other anchorages as well as visitors on board Hong Kong-based passenger liners running regular daily high seas trips.

The Immigration Department does not maintain other breakdown statistics mentioned in the question.

- End -

CONTROLLING OFFICER'S REPLY

S-SB14

(Question Serial No. S0047)

Head: (70) Immigration Department

Subhead (No. & title): ()

Programme: (2) Control upon Entry

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

Regarding the numbers of inbound and outbound passengers provided in the reply to Question Serial No. 2315 / Reply Serial No. SB013 in the Examination of Estimates of Expenditure 2015-16, please provide the following breakdowns:

- (a) inbound Hong Kong permanent residents via various control points;
- (b) inbound non-Hong Kong permanent residents via various control points (please list the arrival figures by the nationalities of the passengers);
- (c) outbound Hong Kong permanent residents via various control points; and
- (b) outbound non-Hong Kong permanent residents via various control points (please list the arrival figures by the nationalities of the passengers);

Asked by: Hon HO Sau-lan, Cyd

Reply:

The Immigration Department does not maintain the breakdown statistics mentioned in the question.

-End-

CONTROLLING OFFICER'S REPLY

S-SB15

(Question Serial No. S0051)

Head: (70) Immigration Department

Subhead (No. & title): ()

Programme: (2) Control upon Entry

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

The numbers of visitors prosecuted and convicted for breach of conditions of stay by engaging in parallel trading activities decreased substantially almost by half as compared with the previous year. Have the authorities looked into the reasons? If yes, what were the reasons?

Asked by: Hon KWOK Wai-keung

Reply:

In 2014, the Immigration Department (ImmD) and other law enforcement agencies jointly conducted a total of 78 operations codenamed "Windsand", in which 670 Mainlanders suspected of breaching their conditions of stay by engaging in parallel trading activities were arrested. This is similar to the situation in 2013 where 56 operations were conducted and 594 persons arrested. In processing each case of suspected parallel traders, the ImmD will conduct thorough investigation. The ImmD will instigate prosecution where there is sufficient evidence of contravention of conditions of stay. Given this being criminal prosecution, the ImmD will only consider instigating prosecution when the evidence collected satisfies the high standard of "beyond reasonable doubt". For persons who are not successfully prosecuted, when they come to Hong Kong in the future, the ImmD will thoroughly examine their purposes of visit and may refuse their entry if their purposes of visit are in doubt.

- End -

CONTROLLING OFFICER'S REPLY

S-SB16

(Question Serial No. S0063)

Head: (70) Immigration Department

Subhead (No. & title): (000) Operational Expenses

Programme: (2) Control upon Entry

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

Would the Immigration Department provide in the following table the statistics for various types of searches conducted on arrested persons or detainees in the past 5 years?

Year	Level 1: Non-removal of clothing	Level 2: Removal of clothing	Level 3(a): Removal of underwear – lifting underwear for examination	Level 3(b): Removal of underwear – partial removal of underwear	Level 3(c): Removal of underwear – complete removal of underwear
2010-11					
2011-12					
2012-13					
2013-14					
2014-15					

Asked by: Hon LEUNG Kenneth

Reply:

The statistics on searches conducted by the Immigration Department (ImmD) on arrested persons or detainees in the past 5 years are as follows:

Year	Level 1: Non-removal of clothing	Level 2: Removal of clothing	Level 3: Removal of underwear
2010	1 988	11 877	4 043
2011	1 554	10 017	4 460
2012	3 111	9 668	4 513
2013	3 467	9 762	4 952
2014	4 131	8 082	5 015

-End-

CONTROLLING OFFICER'S REPLY

S-SB17

(Question Serial No. S0061)

Head: (70) Immigration Department

Subhead (No. & title): ()

Programme: (1) Pre-entry Control

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

Please provide breakdowns on the number of persons currently staying in Hong Kong and the number of persons who have obtained the right of abode in the past 5 years after residing in Hong Kong for more than 7 years by the following categories:

- (a) General Employment Policy
- (b) Admission Scheme for Mainland Talents and Professionals
- (c) Immigration Arrangements for Non-local Graduates
- (d) Supplementary Labour Scheme
- (e) Foreign Domestic Helpers

Asked by: Hon WONG Kwok-kin

Reply:

The Immigration Department does not maintain the breakdown statistics mentioned in the question.

- End -

CONTROLLING OFFICER'S REPLY

S-SB18

(Question Serial No. S0062)

Head: (70) Immigration Department

Subhead (No. & title): ()

Programme: (3) Control after Entry

Controlling Officer: Director of Immigration (Mr Eric K K CHAN)

Director of Bureau: Secretary for Security

Question:

1. In the past 3 years, the numbers of successful prosecutions were less than half of those of arrests. What were the reasons for this?
2. The Immigration Department does not maintain a detailed breakdown of the industries engaged by the illegal workers concerned in Hong Kong. Will the authorities maintain such statistics so as to facilitate law enforcement in future?

Asked by: Hon WONG Kwok-kin

Reply:

1. In processing each case of illegal workers, the Immigration Department (ImmD) will conduct thorough investigation. Generally, evidence collection will focus on whether the persons concerned take any employment or establish or join in any business. The ImmD will instigate prosecution against the arrested persons where there is sufficient evidence of contravention of conditions of stay. Given this being criminal prosecution, the ImmD will only consider instigating prosecution when the evidence collected satisfies the high standard of "beyond reasonable doubt".
2. The ImmD will actively consider maintaining the relevant breakdown statistics so as to strengthen intelligence analysis.

- End -

CONTROLLING OFFICER'S REPLY

S-SB19

(Question Serial No. S0065)

Head: (31) Customs and Excise Department

Subhead (No. & title): (000) Operational expenses

Programme: (1) Control and Enforcement

Controlling Officer: Commissioner of Customs and Excise (Clement CHEUNG)

Director of Bureau: Secretary for Security / Secretary for Financial Services and the Treasury / Secretary for Commerce and Economic Development

Question:

Would the Customs and Excise Department please provide, in the following table, the statistics on various categories of searches conducted on arrested persons or detainees in the past 5 years:

Year	Level I: Non-removal of clothing	Level II: Removal of clothing	Level III(a): Removal of underwear – looking into underwear	Level III(b): Removal of underwear – partial removal of underwear	Level III(c): Removal of underwear – full removal of underwear
2010-11					
2011-12					
2012-13					
2013-14					
2014-15					

Asked by: Hon LEUNG Kenneth (Member Question No.)

Reply:

The details of the searches conducted on arrested persons or detainees by the Customs and Excise Department in the past 5 years¹ are as follows:

Year ²	Removal of clothing not required	Removal of some clothing	Removal of all clothing ³
2010	567	1 476	336
2011	501	1 358	149
2012	427	1 179	222
2013	476	1 179	207
2014	514	1 228	239

Remarks:

¹ Information in relation to control points is not available.

² Statistics is collected on a calendar year basis.

³ A breakdown of figures by the categories specified in the question is not available.

- End -

CONTROLLING OFFICER'S REPLY

S-SB20

(Question Serial No.: S0048)

Head: (31) Customs and Excise Department

Subhead: ()

Programme: (1) Control and Enforcement

Controlling Officer: Commissioner of Customs and Excise (Clement CHEUNG)

Director of Bureau: Secretary for Security / Secretary for Financial Services and the Treasury / Secretary for Commerce and Economic Development

Question:

1. The numbers of seizure cases in respect of foodstuff and drinks, as well as pets, animals and plants have increased substantially in recent years. What are the reasons? What are the new policies formulated to combat the related activities?

Asked by: Hon TANG Ka-piu (Member Question No.:)

Reply:

The number of seizure cases in respect of foodstuff and drinks has increased significantly since the Import and Export (General) (Amendment) Regulation 2013 came into effect on 1 March 2013 restricting the export of powdered formula for infants under 36 months from Hong Kong. The number of seizure cases in respect of animals and plants has also gone up as a result of a series of operations against smuggling of endangered species.

The Customs and Excise Department will continue to conduct random checks on passengers, cargoes and postal packets at boundary control points with the help of risk assessment and intelligence analysis, and proactively collaborate with other law enforcement agencies to combat various criminal activities.

- End -

CONTROLLING OFFICER'S REPLY**S-SB21****(Question Serial No. S0064)**Head: (30) Correctional Services DepartmentSubhead (No. & title): (000) Operational ExpensesProgramme: (1) Prison ManagementControlling Officer: Commissioner of Correctional Services (YAU Chi-chiu)Director of Bureau: Secretary for SecurityQuestion:

Will the Correctional Services Department please provide in the table below statistics for different kinds of searches conducted on arrested or detained persons in the past 5 years?

Year	Grade 1: Without removal of clothing	Grade 2: Removal of clothing	Grade 3(a): Removal of underclothing — pulling up underclothing for inspection	Grade 3(b): Removal of underclothing — partial removal of underclothing	Grade 3(c): Removal of underclothing — complete removal of underclothing	Body Cavity Searches
2010-11						
2011-12						
2012-13						
2013-14						
2014-15						

Asked by: Hon LEUNG Kenneth (Member Question No.)Reply:

Rules 9 and 10 of the Prison Rules (Cap. 234A) authorise the staff of the Correctional Services Department (CSD) to conduct search on every person in custody (PIC) upon his/her admission to correctional institutions and at such times subsequently as the Superintendent or other officers in charge may direct. There are two kinds of searches, namely the “general search” and “special search”. Whenever PICs leave or enter an institution or any location in an institution and after they finish work, they have to undergo “general search”¹. Since the “general search” is a part of the daily routine duties, CSD has not kept the relevant statistics.

¹ PICs who have left the institution and have direct contact with outsiders will be arranged to undergo strip search.

“Special search” refers to the specially authorised search which aims at detecting the existence of contrabands inside the institutions. CSD will decide whether strip search on PICs is necessary according to the actual needs of individual cases. All special searches must be authorised by the Superintendent or other officers in charge and they have to be properly recorded. According to the record, the Department conducted a total of 233 030 special searches without removal of PICs’ clothing and 12 043 special searches with removal of all clothing of PICs in the past 5 years (2010 to 2014).

To ensure good order in correctional institutions and maintain a “drug-free” custodial environment, CSD is committed to adopting preventive measures to intercept the smuggling of drugs and unauthorised articles into the institutions. Therefore, it is necessary for CSD to arrange newly admitted PICs to undergo examination of the nostrils, ears and oral cavity etc. so as to prevent them from smuggling drugs into the institutions by internal concealment. As such searches are a part of the daily routine duties, CSD has not kept any relevant statistics. From December 2012 onwards, CSD has started using X-ray body scanner to replace manual rectal search at Lai Chi Kok Reception Centre, Pik Uk Correctional Institution and Lo Wu Correctional Institution gradually. In the past 2 years (2013 and 2014), a total of 39 003 persons underwent body scanning.

- End -