

立法會
Legislative Council

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by the Administration)

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Panel on Security

Minutes of special meeting
held on Tuesday, 26 January 2016, at 2:00 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon CHUNG Kwok-pan (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP

Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members attending : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon WU Chi-wai, MH
Dr Hon KWOK Ka-ki
Hon SIN Chung-kai, SBS, JP

Members absent : Dr Hon LAM Tai-fai, SBS, JP
Hon Frankie YICK Chi-ming, JP

Public Officers attending : Item I

Mr Stephen LO Wai-chung, PDSM, PMSM
Commissioner of Police

Mr LO Mung-hung
Director of Crime & Security
Hong Kong Police Force

Mr CHOW Yat-ming
Senior Superintendent, Crime Wing Headquarters
Hong Kong Police Force

Item II

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

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Ms Mimi LEE Mei-mei, JP
Deputy Secretary for Security 1

Mr Stephen LO Wai-chung, PDSM, PMSM
Commissioner of Police

Mr LO Mung-hung
Director of Crime & Security
Hong Kong Police Force

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Crime situation in 2015
(LC Paper Nos. CB(2)691/15-16(01) and (02))

Police Commissioner of Police ("CP") briefed Members on the overall law and order situation of Hong Kong in 2015, as detailed in the paper provided by the Police. At the request of Dr Hon KWOK Ka-ki, CP agreed to provide information on the crime rate of London, New York, Paris, Singapore, Tokyo and Toronto.

2. Members noted an updated background brief entitled "Crime situation in Hong Kong" prepared by the Legislative Council ("LegCo") Secretariat.

Involvement in Crime of non-refoulement claimants

3. Dr CHIANG Lai-wan expressed concern that the number of crimes committed by non-refoulement claimants had increased over the past five years. She considered that the Police should combat the problem at source. She also suggested that the Police should in future consider providing statistics on the crime rate of non-refoulement claimants.

Action

4. CP responded that the Police were aware of the rising trend and were combating the problem through stepping up patrol at the boundary as well as mounting intelligence-led operations to prevent illegal immigrants from entering Hong Kong. The Police were also cooperating with relevant Mainland authorities to combat the problem.

5. Dr Elizabeth QUAT expressed concern about the situation of non-refoulement claimants' involvement in crime, especially in the districts of Yuen Long, Sham Shui Po and Yau Tsim Mong. Dr QUAT and Mr CHAN Kam-lam expressed concern about reports regarding the involvement of some non-refoulement claimants in organized crime and triad activities.

6. CP responded that the non-ethnic Chinese recognisance holders, mostly non-refoulement claimants, were mainly arrested for shop theft, serious drug offences and miscellaneous theft. The number of such persons arrested for involvement in triad activities had also increased from three in 2014 to 23 in 2015. The Police were combating such crime through taking enforcement actions and mounting joint operations with the Immigration Department. He added that the Police were also maintaining communication with non-ethnic Chinese communities to promote a law-abiding culture.

Police

7. Dr Elizabeth QUAT requested the Police to provide information on the number of non-refoulement claimants arrested for undertaking illegal employment in Hong Kong.

Deception cases

8. Ms Claudia MO expressed concern about a significant increase in telephone deception cases involving fraudsters purported to be Mainland officials in making phone calls. She asked how the Administration would combat the problem. CP responded that the Police were combating the problem through stepping up publicity and education to enhance public awareness.

9. Dr KWOK Ka-ki said that there were reports that the proceeds from many deception cases had been transferred to banks in the Mainland. He asked whether the Police had followed up the problem with relevant Mainland authorities. CP responded that the Police had been cooperating with relevant Mainland authorities to combat deception and money laundering activities.

Action

Kidnapping cases

10. Dr KWOK Ka-ki sought information on cross-boundary kidnapping cases. He expressed concern about whether the alleged kidnap of a person to the Mainland would be counted as kidnapping, if the person subsequently said in a television footage that he had entered the Mainland on his own. CP responded that there were nine kidnapping cases reported between 2006 and 2015, which had all been detected. The Police had to elicit case details from the subject person before classification of a case.

Police

11. Ms Claudia MO requested the Police to provide statistics on cases of kidnap of Hong Kong residents by persons from the Mainland.

Crime committed by police officers

12. Mr Kenneth LEUNG expressed concern that rape cases had increased by 25% over the previous year and some sexual offences were committed by persons who were police officers. He asked whether the Police had examined whether it was related to the work pressure of police officers and whether special training was provided to police officers involved in handling sex workers. He also asked whether counselling was provided to police officers in need and the waiting time required.

13. CP said that 15 police officers had been arrested for crime offences in 2015, among whom five were arrested for sexual offences. He stressed that the Police were very concerned about the conduct of police officers and would not tolerate the commission of any offences, including sexual offences, by police officers. He said that the Police had set up a Force Committee on Integrity Management, which was chaired by a deputy commissioner, to formulate strategies and develop guidelines on integrity management. Psychological counselling was provided to police officers in need and the waiting time was subject to the circumstances of each case. He added that psychological quality training was provided to enhance the emotional fitness of police officers and facilitate their discharge of duties in a professional manner.

Malpractice of financial intermediaries

14. Mr James TO expressed concern about the malpractices of financial intermediaries and said that many victims had been persuaded by these financial intermediaries to remortgage their properties for a loan

Action

with a very high level of intermediary fees as well as high interest rate. He sought information on the chance of successful prosecution of such financial intermediaries under existing laws. Mr SIN Chung-kai said that to his knowledge, the Financial Services and the Treasury Bureau ("FSTB") had reservations regarding the effectiveness of introduction of legislative amendments relating to financial intermediaries. He asked whether the Police had any suggestions regarding the tackling of the problem.

15. CP responded that the Police were concerned about such malpractices of financial intermediaries and reported that 408 cases were recorded between August and December 2015, 115 of which were crime cases. As many victims had signed an agreement with financial intermediaries and it was difficult to prove that the financial intermediaries had colluded with money lenders to charge excessive intermediary fees, prosecution was usually difficult. The Police would maintain liaison with FSTB on the possibility of introduction of measures or legislative amendments to combat the problem.

Technology crime

16. Mr MA Fung-kwok expressed concern about blackmail cases involving "Naked Chat" and asked whether the majority of victims were young people. He sought information on the measures adopted by the Police to combat the problem and the publicity efforts of the Police to address the problem. He also expressed concern about the number of cases of such a nature which had not been reported.

17. CP responded that victims of blackmail cases involving "Naked Chat" were mostly male, among whom 21% were students, 39% were white-collar employees and 62% were aged between 20 and 30. The detection rate of such technology crime was low and the Police were combating the problem through cyber patrol, undertaking intelligence-led operations and cooperation with law enforcement agencies of other jurisdictions. Publicity on the prevention of such crime was launched through schools, the media and social media platforms. As 70% of the victims had not sustained losses, the number of unreported cases should be small.

18. Mr Paul TSE expressed concern about whether Police had allocated sufficient resources and provided adequate training to police officers in the handling of blackmail cases involving "Naked Chat" and technology crime.

Action

19. CP responded that the Police had established a Cyber Security and Technology Crime Bureau since 1 January 2015 to combat technology crime, which included cyber crime. The Police would strengthen corresponding training for frontline police officers.

Crime committed by visitors

20. Referring to paragraph 27 of the paper provided by the Police, Mr YIU Si-wing noted the crime rate of Mainland visitors on group tours were higher than those visited under the Individual Visitor Scheme and asked whether a large number of these arrested visitors had absconded. CP responded that there was no indication of a high crime rate for Mainland visitors on group tours. He added that as prosecution was generally instituted soon after arrest, there was a low likelihood of visitors to abscond.

Issues related to the Occupy Movement

21. Mr CHAN Kam-lam expressed concern about the progress of investigation and prosecution against persons who breached the law during the Occupy Movement. CP responded that 955 persons were arrested by the Police during the illegal Occupy Movement. Among them, 216 arrestees had undergone, were undergoing or would undergo judicial proceedings.

22. Ms Emily LAU expressed concern about the slow progress in relation to the actions taken against the alleged assault of a subdued demonstrator by seven plain-clothed police officers and the complaint against a former Police Superintendent. She said that the Police should handle the cases concerned impartially. Mr LEUNG Kwok-hung also expressed a similar concern.

23. CP stressed that the Police were impartial in its handling of all reports and complaints, regardless of whether the subject of complaint was a police officer. The cases concerned were handled by the Police in accordance with established procedures. He pointed out that prosecution had already been instituted against the seven plain-clothed police officers concerned. Regarding the complaint against the former Police Superintendent, legal advice was being sought from the Department of Justice.

Action

Other issues

Police

24. Ms Claudia MO suggested that the Police should include statistics on animal abuse in future crime statistics. CP agreed to consider the suggestion.

25. Mr WONG Yuk-man said that the annual expenditure of the Police amounted to about 5% of the total expenditure of the Government, which was a relatively high percentage among the world. He considered that as the overall crime figures had reached a new low level since 1979, there was no need for the Police to maintain such a high level of expenditure. Referring to paragraph 27 of the paper provided by the Police, he expressed concern that besides 1 398 Mainland visitors arrested for criminal offences in 2015, there was a large number of Mainland visitors among the parallel traders found near Sheung Shui Station who might have breached the law.

26. Mr KWOK Wai-keung expressed concern about serious drug offences committed by juveniles and young people and sought information on the measures adopted by the Police to combat the problem. CP responded that such juveniles and young people were mainly found abusing ketamine, methamphetamine and cocaine because of pressure from peers and boredom. He said that besides publicity and education in schools as well as the community, the Police had also stepped up enforcement to combat drug related offences.

II. Notification mechanism between the Mainland authorities and the Hong Kong Special Administrative Region Government and assistance to Hong Kong residents detained in the Mainland

(LC Paper Nos. CB(2)703/15-16(01), CB(2)727/15-16(01) and (02))

27. Secretary for Security ("S for S") briefed Members on the notification mechanism between the Mainland authorities and the Hong Kong Special Administrative Region ("HKSAR") Government ("the notification mechanism") and assistance to Hong Kong residents detained in the Mainland.

28. Members noted an information note entitled "Notification mechanism between the Mainland authorities and the Hong Kong Special Administrative Region Government and assistance to Hong Kong residents detained in the Mainland" prepared by the LegCo Secretariat.

Action

Notification mechanism

29. Ms Claudia MO asked whether there was a time limit within which notification had to be made under the notification mechanism.

30. Mr MA Fung-kwok expressed concern about whether there was a timeframe within which notification was to be made under the notification mechanism.

31. CP advised that there was not a time limit for notification. S for S supplemented that notification was in general made under the mechanism as soon as practicable. In the past, the time taken for notification varied from one case to another.

32. Mr Christopher CHEUNG sought information on the average time taken in the past for notification by the Mainland under the notification mechanism. CP responded that for about 90% of the notifications in the past, notification was received within 15 days.

Actions taken by the Administration and the Police in relation to the alleged missing of a shareholder of Causeway Bay Books

33. Regarding the incident of alleged missing of Mr LEE Po, a shareholder of Causeway Bay Books ("the incident"), Mr Dennis KWOK sought information on the type of compulsory measure under the Criminal Procedure Law of the People's Republic of China on which Mr LEE was imposed. He also asked whether the Administration had raised the matter with relevant Mainland authorities.

34. Ms Claudia MO said that among the kidnap cases reported in Hong Kong in the past, there had been a case in 2013 in which a couple were kidnapped to the Mainland and the male was later sentenced to about 17 years' imprisonment in the Mainland. She expressed concern about whether Mr LEE Po had been kidnapped to the Mainland and might later be sentenced to imprisonment in the Mainland. She asked whether the Administration would raise the matter with the Central People's Government ("CPG"). CP clarified that the case involving a couple referred to by Ms MO was not a kidnap case, but a case of false imprisonment. He said that nine kidnap cases had been reported in Hong Kong between 2006 and 2015 and all these cases had been detected.

Action

35. S for S advised that according to information on hand, Mr LEE Po was currently in the Mainland. However, there was no information indicating whether his situation fell within the scope of the notification mechanism. He said that the Police had requested the Guangdong Provincial Public Security Department to assist in arranging a meeting between Mr LEE Po and the Hong Kong Police.

36. Mr LEE Cheuk-yan said that the incident reflected that the HKSAR Government and the notification mechanism were both ineffective. He asked whether the Chief Executive ("CE") and S for S had raised the matter with CPG.

37. Ms Emily LAU expressed concern that there was so far very little information available about the incident. She queried how the public could be convinced about the Administration's ability to protect their rights under "one country, two systems".

38. Mr Alan LEONG expressed concern that the Administration possessed no information regarding the current situation of Mr LEE Po and his whereabouts. He asked whether CE would raise the matter with CPG.

39. Mr LEUNG Kwok-hung said that if the incident fell outside the scope of the notification mechanism, CE should raise the matter with CPG.

40. S for S advised that CE and the Administration had raised the matter and the concerns of the public with Mainland authorities at different levels and on different occasions. The Administration had been adopting a pragmatic approach in seeking assistance from Mainland authorities to identify the facts. He said that since the operation of the notification mechanism, notifications involving more than 9 400 Hong Kong residents had been received from the Mainland side.

41. Noting that the notification mechanism covered the imposition of criminal compulsory measures on Hong Kong residents by Mainland public security authorities, Mainland customs authorities, People's Procuratorates and the Ministry of State Security, Mr SIN Chung-kai asked whether the Administration had, besides contacting the Guangdong Provincial Public Security Department, contacted the People's Liberation Army ("PLA") to see if they could provide any information about the incident. S for S said that he did not see any relationship between the

Action

matter and PLA. He said that the Police had conveyed their request to the designated Mainland notification unit under the respective notification mechanism.

42. Mr James TO asked whether the Police had, after being informed by the wife of Mr LEE Po that she had met with Mr LEE Po at a guesthouse in the Mainland, asked Mrs LEE for information about the location of the guesthouse concerned and the name of the Mainland authority to which Mr LEE was providing assistance in relation to an investigation. CP responded that Mrs LEE did not reveal such information upon request.

43. Mr James TO asked whether Mr LEE Po was currently safe and not subject to any restriction on his freedom. CP responded that as the Police were still carrying out investigation into the matter, it was too early to draw a conclusion.

44. Mr Kenneth LEUNG asked why the Police had only contacted the Guangdong Provincial Public Security Department but not the public security department of other provinces. He also asked whether the Administration had sought information on the incident from other Mainland authorities. S for S responded that the Ministry of Public Security was the designated notification unit in the Mainland under the notification mechanism. CP further added that as initial information suggested that Mr LEE Po might be in Guangdong Province, the Police had contacted the Guangdong Provincial Public Security Department.

45. Mr Charles MOK said that as it was alleged that four of the five missing persons who were shareholders or staff of Causeway Bay Books had left Hong Kong by illegal means, the Police should consider issuing wanted notice for these persons and seek for the extradition of these persons to Hong Kong. He asked whether the incident had affected the morale of police officers.

46. S for S responded that according to the missing person reports received by the Police, three of the persons had been reported to have lost contact when they were in the Mainland. CP added that wanted notices were not issued to persons reported missing. There was also no extradition agreement between Hong Kong and the Mainland. There was not yet a conclusion on the matter and the morale of police officers had not been affected.

Action

47. Dr CHIANG Lai-wan said that although the wife of Mr LEE Po had withdrawn the missing person report regarding her husband, the Police should continue with their investigation to identify the facts to address public concerns regarding whether Mr LEE had been kidnapped to the Mainland or had entered the Mainland on his own.

48. Mr CHAN Kam-lam considered that the Police should continue with their investigation regarding the incident. He asked how Mr LEE Po should return to Hong Kong, given that he was claimed to have left Hong Kong by his own means without passing through any immigration control point. CP responded that he would not speculate how Mr LEE would return to Hong Kong. He stressed that the Police would continue with their investigation to elicit case details.

49. Mr Albert HO expressed concern about whether the Administration considered exceptions to the notification mechanism acceptable and whether a Mainland authority could decide whether notification would be given for a case. He asked whether the Administration had sought the assistance of the Hong Kong and Macao Affairs Office of the State Council in relation to information about Mr LEE Po. S for S reiterated that there was no information indicating whether the matter fell within the scope of the notification mechanism. It was inappropriate to disclose the authorities with which the Administration had raised the matter.

50. Dr Priscilla LEUNG said that according to information available so far, the incident did not fall within the scope of the notification mechanism and Mr LEE Po had said in a television footage that he had not been kidnapped to the Mainland. She considered that the Administration should seek to contact Mr LEE Po to identify the facts.

51. Mr KWOK Wai-keung sought information on the time needed for the Police to identify the facts regarding how Mr LEE Po had gone to the Mainland. CP responded that the Police had no information at present regarding how Mr LEE Po had gone to the Mainland. The Police had requested the Guangdong Provincial Public Security Department to assist in arranging an interview with Mr LEE Po.

52. Mr CHAN Chi-chuen expressed concern about the scope of information relating to the incident sought by the Administration from Mainland authorities. CP responded that besides requesting to arrange an interview with Mr LEE Po, the Police had also sought information on the whereabouts of Mr LEE Po and whether any criminal compulsory

Action

measure had been imposed. S for S supplemented that apart from the notification mechanism, there was a mechanism on police cooperation between the police authorities of Hong Kong and the Mainland.

53. Mr Paul TSE said that the incident had posed a challenge to the public's confidence in "one country, two systems". He asked what the Administration would do, if state security officials were found taking enforcement actions in Hong Kong. S for S responded that as there was no information on the facts about the incident, it was inappropriate to speculate on what had happened. He stressed that law enforcement officers of other jurisdictions were not allowed to take enforcement actions in Hong Kong.

54. Dr KWOK Ka-ki cast doubt as to whether Mr LEE Po was under duress when saying in a television footage that he was safe. He considered that the Police should seek to meet with Mr LEE Po and follow up the alleged missing of three staff of Causeway Bay Books.

55. Mr WONG Kwok-kin said that it was inappropriate to speculate on what had happened in relation to Mr LEE Po when the facts were not yet known.

56. CP responded that the Police had issued requests to the Guangdong Provincial Public Security Department to assist in arranging an interview with Mr LEE Po. The Police had also liaised with the Mainland public security authorities regarding the three other missing persons relating to the same bookstore and a reply was still awaited.

57. Mr WU Chi-wai asked whether Mr LEE Po had left Hong Kong illegally. He also asked how Mr LEE should return to Hong Kong. S for S responded that the Police was carrying out investigation into how Mr LEE had left Hong Kong and had requested for a meeting with Mr LEE. He said that a person leaving or entering Hong Kong had to undergo immigration clearance in accordance with the law at immigration control points, at which he had to produce his Hong Kong identity card or travel document.

58. Dr Kenneth CHAN said that some press releases regarding the incident were issued by the Police around midnight. He queried whether the Police had deliberately delayed the issue of such press releases. CP responded that the Police had already issued the press releases as soon as practicable upon the receipt and verification of information.

Action

59. Mr Michael TIEN expressed concern that the Police was still waiting for a reply from the Mainland side to the requests of the Police for an interview with Mr LEE Po. He asked whether there was a deadline for a reply from Mainland authorities. CP advised that the Police would continue to make efforts to follow up the request.

Handling of missing person reports by the Police

60. Dr CHIANG Lai-wan sought information on how missing person reports, which involved about 24 000 missing persons in the past five years, were handled by the Police.

61. CP stressed that the Police attached great importance to each missing person report, which was followed up by the Missing Persons Unit of the relevant Police region, including but not limited to visiting relevant places where the missing person frequented and was last seen, contacting relatives, friends and colleagues of the missing person as well as hospitals and the Immigration Department, and issuing photographs of missing persons to frontline police officers. He said that in 2015, the Police had received 3 702 missing person reports and 3 412 missing persons had been found.

Other issues

62. Mr MA Fung-kwok asked whether there had been any case of Mainland law enforcement officers taking enforcement actions in Hong Kong in the past. CP responded that since the People's Republic of China had resumed the exercise of sovereignty over Hong Kong, the Police had not identified any case of Mainland law enforcement officers taking enforcement actions in Hong Kong.

63. Mr LEUNG Che-cheung asked whether the Administration was aware of any channel for a person to leave Hong Kong illegally. S for S responded that tight immigration control was maintained in Hong Kong. While some people might seek to enter or leave Hong Kong illegally, the Police had made efforts to intercept such persons.

64. Ms Emily LAU expressed concern about whether the Administration had studied recent articles of the Washington Post and the Times which stated that the incident might be related to a "Guangdong Action Plan" aimed at restricting the freedom of speech and freedom of

Action

publication in Hong Kong. S for S responded that freedom of speech and freedom of publication were protected in Hong Kong. Information contained in one or two newspaper articles should not be taken as facts, especially when the newspapers concerned had not quoted the source of information.

65. Mr WONG Yuk-man referred to an article in the Global Times on 6 January 2016 and sought the Administration's interpretation of the term "Powerful departments" in the article. S for S responded that the media had their freedom to determine their media coverage.

66. There being no other business, the meeting ended at 4:36 pm.

Council Business Division 2
Legislative Council Secretariat
6 May 2016