

立法會

Legislative Council

LC Paper No. CB(2)1749/17-18
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Friday, 4 May 2018, at 8:30 am
in Conference Room 1 of the Legislative Council Complex

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP

Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon AU Nok-hin

**Members
absent** : Hon CHAN Han-pan, JP
Hon Dennis KWOK Wing-hang
Hon Jimmy NG Wing-ka, JP
Hon HUI Chi-fung

**Public Officers
attending** : Item IV

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

Ms Iris LEE Ho-ki
Principal Assistant Secretary for Security A

Mr Nelson CHENG Yiu-mo
Assistant Commissioner of Police (Operations)

Mr Terrance TSANG Wing-hung
Assistant Director (Fire Safety)
Fire Services Department

Item V

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

Miss Winnie CHUI Hiu-lo
Principal Assistant Secretary for Security C

Mr William FUNG Pak-ho
Assistant Director (Enforcement)
Immigration Department

Mr Stephen LAU Wing-kei
Chief Immigration Officer (Special Investigation)
Immigration Department

Item VI

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

Mr Andrew TSANG Yue-tung
Principal Assistant Secretary for Security E

Ms Rebecca LAM Hiu-tong
Assistant Commissioner of Police (Support), Support Wing

Mr Joseph AU Chin-chau
Chief Superintendent, Crime Wing Headquarters
Hong Kong Police Force

Ms Alexandra IP Sau-lan
Acting Superintendent, Crime Wing Headquarters
Hong Kong Police Force

Mr Dennis CHENG Wai-kin
Superintendent (Field), Support Branch
Hong Kong Police Force

Mr Michael FUNG Ho-kin
Clinical Psychologist, Psychological Services Group
Hong Kong Police Force

Mr Charles LEUNG Sai-cheong
Chief Social Work Officer (RM) 2
Social Welfare Department

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

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1275/17-18)

The minutes of the meeting held on 6 March 2018 were confirmed.

II. Information paper issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1298/17-18(01) and (02))

Regular meeting in June 2018

3. Members agreed that the following items would be discussed at the next regular meeting on 5 June 2018 at 2:30 pm:

- (a) Action plan to tackle trafficking in persons and to enhance protection of foreign domestic helpers in Hong Kong;
- (b) Proposed Members' Bill entitled "Modern Slavery Bill" to criminalize all forms of human trafficking in Hong Kong; and
- (c) Government's preparedness for the approach of typhoon season and related natural disasters and emergency response.

Management succession in the Independent Commission Against Corruption

4. The Deputy Chairman said that the subject of management succession in the Independent Commission Against Corruption ("ICAC") should be discussed at the next meeting.

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5. The Chairman said that he had conveyed to ICAC the concerns raised by Mr LAM Cheuk-ting at the meeting on 13 April 2018 regarding acting arrangements in ICAC. The response received from ICAC had been tabled at the meeting.

(Post-meeting note: The letter from ICAC tabled at the meeting was circulated to members vide LC Paper No. CB(2)1344/17-18(01) on 4 May 2018.)

6. Mr YIU Si-wing said that it was inappropriate to interfere into the internal management of ICAC, which was an independent organization. Mr CHAN Chun-ying declared that he was a member of the Operations Review Committee of ICAC. He considered it inappropriate for the Panel to interfere into manpower deployment matters of ICAC. Mr CHEUNG Kwok-kwan said that the Panel should not open the precedent of discussing acting arrangements for individual posts in law enforcement agencies ("LEAs"). Mr CHAN Kin-por said that it was inappropriate to interfere into acting arrangements and promotion matters in ICAC, which was an independent organization.

7. Mr CHAN Chi-chuen said that the Panel was the most appropriate platform for discussing acting arrangements in ICAC. The Deputy Chairman said that it was appropriate to discuss the subject concerned, as the post concerned was an important one in ICAC and had been consecutively filled by an acting staff for a long period of three years.

8. The Chairman concluded that the subject concerned would not be discussed at the next meeting, but would be retained in the Panel's list of outstanding items for discussion. He added that Mr LAM Cheuk-ting had also been following up the issue concerned through other channels, such as at special meetings of the Finance Committee and at the meeting of the Panel when the subject of "Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2017 Policy Address" was discussed.

Cooperation between Hong Kong and other places on juridical assistance in criminal matters

9. Dr Priscilla LEUNG said that consideration should be given to discussing issues relating to cooperation between Hong Kong and other places, such as Taiwan, on juridical assistance in criminal matters. The Chairman said that the subject would be incorporated into the Panel's list of outstanding items for discussion.

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IV. Strengthening Hong Kong's counter-terrorism preparedness and public education

(LC Paper Nos. CB(2)1298/17-18(03) and (04))

10. Secretary for Security ("S for S") briefed members on the latest counter-terrorism ("CT") situation and the Administration's efforts in strengthening CT preparedness and public education.

11. Members noted a background brief entitled "Strengthening Hong Kong's counter-terrorism preparedness and public education" prepared by the Legislative Council ("LegCo") Secretariat.

Counter-terrorism drills and public education

12. Mr CHAN Chun-ying referred to a research publication of the LegCo Secretariat on public preparedness for terrorist attacks and asked whether consideration would be given to the participation of members of the public in CT drills, which was the practice in Singapore.

13. Mr MA Fung-kwok asked whether the Administration would conduct CT drills against "lone-wolf" terrorist attacks with the use of vehicles. He recalled that when he was a visitor in Singapore, a CT drill was being conducted in the vicinity of the hotel and members of the public were allowed to remain in the hotel and observe the drill. He said that consideration should be given to conducting CT drills in a similar manner in Hong Kong.

14. S for S responded that the Administration had been strengthening CT preparedness through providing frontline law enforcement officers with appropriate equipment and training as well as conducting drills. Over 100 members of the public had participated in a CT drill in 2017. The Police and the Fire Services Department ("FSD") had also strengthened public education on what they should do in the event of a terrorist attack.

15. Referring to paragraph 8 of the Administration's paper, Mr CHAN Chun-ying expressed concern about how Immediate Tactical Intervention was conducted. Assistant Commissioner of Police (Operations) responded that having regard to the prevalence of "lone-wolf" terrorist attacks in other countries, training was focused on ensuring that officers arriving earliest at the scene were capable of making swift responses. The Police had also procured modular vehicle barriers, which had been

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deployed during large public events such as the fireworks displays at festivals, for preventing terrorist attacks using vehicles.

16. Dr Elizabeth QUAT said that according to a research publication of the LegCo Secretariat on public preparedness for terrorist attacks, a 400-people Home Team had been formed in Singapore for carrying out countrywide home visits aimed at getting households prepared and equipped with the knowledge and skills to keep their families safe in case of terrorist attacks. She asked whether the Administration would enhance the knowledge of members of the public on what they should do in case of terrorist attacks. Referring to paragraph 14 of the Administration's paper, Mr KWOK Wai-keung said that the Administration should step up publicity on the essential actions to be taken when encountering a terrorist attack.

17. Ms Claudia MO said that the Administration should conduct more CT drills and educate members of the public on what they should do when encountering terrorist attacks.

18. S for S responded that one of the objectives of the Inter-departmental Counter-terrorism Unit ("ICTU"), which had been set up in April 2018, was to monitor the global terrorism trend as well as to strengthen CT measures and public education accordingly. The Administration was promoting safety awareness and enhancing knowledge of the public through public education.

Inter-departmental Counter-terrorism Unit

19. Mr POON Siu-ping expressed support for the establishment of ICTU. Referring to paragraph 13 of the Administration's paper, he expressed concern about the number of large-scale CT drills to be conducted in 2018 and whether private organizations would be invited to participate in the drills. S for S responded that the MTR Corporation Limited, airline and transportation companies, etc. had participated in CT drills and would continue to do so.

20. Referring to paragraphs 8 and 9 of the Administration's paper, Mr Paul TSE expressed concern whether adequate manpower and equipment would be provided to support ICTU and CT law enforcement officers. Mr Jeffrey LAM said that adequate manpower and technological support should be provided to ICTU.

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21. S for S responded that adequate manpower was provided to ICTU. It was the Administration's policy to keep track of the latest technology for timely procurement of suitable equipment to meet CT needs.

22. Referring to paragraph 6 of the Administration's paper, the Deputy Chairman sought information on how inter-departmental coordination on CT work was conducted before ICTU was established. He also asked whether a similar task force was found in other countries. S for S responded that CT work was formerly performed respectively by relevant LEAs. ICTU provided an inter-departmental CT platform on top of the existing CT framework to enhance coordination among LEAs as well as coordinated analysis of CT intelligence and information. Similar task forces or designated government departments had been established in overseas countries.

23. Mr YIU Si-wing sought information on the difference in duties between ICTU and the response team to be set up under the Police Railway District. Mr KWOK Wai-keung asked whether CT intelligence was exchanged between LEAs of Hong Kong and their counterparts in other jurisdictions.

24. S for S responded that while different LEAs exchanged intelligence with their respective counterparts in other jurisdictions, ICTU provided an inter-departmental CT platform on top of the existing CT framework to enhance coordination as well as analysis of CT intelligence and information. The response team to be set up under the Police Railway District would carry out patrol and respond quickly to incidents along the railways, including terrorist attacks.

Preparation for different forms of possible terrorist attacks

25. Dr CHENG Chung-tai expressed concern about a recent incident in the United Kingdom in which a former Russian agent and other persons suffered from poisoning by nerve agent. He asked whether ICTU had prepared for possible terrorist attacks deploying nerve agent. S for S responded that the Administration had formulated contingency plans against attacks using chemical, biological, radiological or nuclear agents. It had set up the Standing Chemical, Biological, Radiological and Nuclear Planning Group ("the Group"), which comprised specialists from the Security Bureau, the Police, FSD, Department of Health, the Hospital Authority, Government Laboratory, the Hong Kong Observatory ("HKO") and Civil Aid Service. Assistant Director (Fire Safety), Fire

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Services Department ("AD(FS)/FSD") added that FSD had established the Hazardous Materials ("HazMat") Team and the HazMat Support Unit in 2012 and 2017 respectively. These teams were specialists in handling incidents involving hazardous materials including those involving chemical, biological, radiological or nuclear agents.

26. Mr Paul TSE said that terrorist attacks were not confined to physical attacks causing massive injuries and deaths, but also physical or cyber attacks which sought to paralyze the community or economy. He asked whether the Administration was prepared for such kinds of attacks. Mr Jeffrey LAM said that the Administration should prepare for attacks on critical infrastructures in the finance sector.

27. S for S responded that the Administration was aware that terrorist attacks could take the form of physical or cyber attacks. In face of the threat of terrorist attacks on critical infrastructures of the banking, finance and information technology sectors, the Police had established the Critical Infrastructure Security Coordination Centre ("CISCC"), which sought to strengthen self-protection and self-restoration capabilities of these infrastructures through public-private cooperation, risk management, on-site security inspections, promotion of restoration plans and security designs. The Police's Cyber Security and Technology Crime Bureau ("CSTCB") also monitored network data flow and analyzed relevant intelligence to assist these infrastructures in guarding against network attacks. Communication between CISCC and CSTCB was maintained on a 24-hour basis.

28. Mr CHAN Chi-chuen said that the risk of a terrorist attack at the West Kowloon Station ("WKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") was high. He asked whether there were limitations on conducting drills inside train compartments and at the platforms of XRL. He said that attention should be paid to the CT design of facilities at WKS, such as garbage bins with transparent sidewalls. S for S responded that the Administration and relevant Mainland authorities would draw up emergency response plans and conduct drills. The Administration welcomed suggestions on the CT design of facilities.

29. Ms Claudia MO expressed concern about the Administration's preparation for possible terrorist attacks in the form of biochemical, radiological or magnetic attacks. AD(FS)/FSD responded that FSD was supported by adequate manpower resources, advanced equipment and

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professional training to handle incidents related to terrorist attacks. Where dangerous goods or hazardous substances (such as chemical, biological, radiological or nuclear agents) were involved, FSD would deploy HazMat Team and HazMat Support Unit to support frontline operational personnel in handling these incidents.

30. Referring to paragraph 6 of the Administration's paper, Ms Claudia MO asked whether the Group comprised representatives from HKO. S for S responded that the Group comprised specialists in different streams, including those from HKO who were responsible for radiation monitoring.

Other issues

31. Mr CHAN Chi-chuen said that there was a 59% increase in the Police's provision for rewards and special services in 2018-2019 and expressed concern about the percentage of such provision for CT rewards and services. S for S responded that the financial provision concerned involved provision for rewards and special services for combating terrorist activities as well as other serious crimes.

32. Referring to paragraph 15 of the Administration's paper, Mr POON Siu-ping sought information on the details of reorganization of the existing Community Relations Section of FSD. AD(FS)/FSD responded that in 2018-2019, FSD would re-organize the existing Community Relations Section to form a new unit for introducing new elements into public education not only on fire prevention and ambulance service, but also to enhance public awareness of emergency preparedness, strengthen self-rescue/self-protection capability and survival skills of members of the public in emergencies such as terrorist attacks or natural disasters. FSD would also promote better public understanding of dangerous goods, hazardous materials, cardiopulmonary resuscitation, automated defibrillation, etc. Regular seminars, lectures and other promotional activities would be provided to the public to further strengthen their emergency preparedness capabilities.

33. Dr Elizabeth QUAT asked whether the Administration would consider installing more closed-circuit television ("CCTV") cameras and deploy artificial intelligence technology to assist in combating terrorist activities, having regard to privacy considerations. S for S responded that while CCTV cameras would facilitate law enforcement, a balance had to be struck between the deployment of CCTV cameras and protection of privacy.

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34. Mr YIU Si-wing expressed concern as to how the Administration would tackle situations in which a person disseminated rumours on terrorist attacks which sought to create panic in the community. Mr KWOK Wai-keung also expressed concern that there was information available online on the making of bombs or incited others to carry out terrorist attacks. S for S responded that there was established mechanism for the gathering of intelligence to combat cyber crime, including the dissemination of false information which sought to create panic among members of the public.

V. Combating bogus marriage

(LC Paper Nos. CB(2)1298/17-18(05) and (06))

35. Under Secretary for Security ("US for S") briefed members on the measures of the Immigration Department ("ImmD") to combat offences relating to "bogus marriage".

36. Members noted an information note entitled "Combating bogus marriage" prepared by the LegCo Secretariat.

Administration's measures to combat "bogus marriage"

37. Mr CHAN Chi-chuen sought information on the definition of "bogus marriage". Assistant Director (Enforcement), Immigration Department ("AD(E)/ImmD") responded that a "bogus marriage" was a bogus matrimonial relationship in which a non-local resident obtained residence status or service in Hong Kong through such marriage by means of conspiracy to defraud, making false statement to immigration officers, making false oath or bigamy.

38. Mr Alvin YEUNG expressed concern that there was a low conviction rate of persons arrested for offences relating to "bogus marriage", which had dropped from about 28.5% in 2008 to 5.19% in the first three months of 2018. He suggested that the Administration should encourage members of the public to report "bogus marriage".

39. Ms Claudia MO said that although more than 10 000 persons had been arrested for offences relating to "bogus marriage" in the past 10 years, only 1 700 persons had been convicted. She expressed concern whether the Administration would follow the practice of Canada and the United States of America to conduct surprise home visits when investigating suspected cases of "bogus marriage".

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40. US for S responded that cases of "bogus marriage" were largely obscure and had no apparent victims. He stated that ImmD had been doing its best to combat "bogus marriage" on different fronts, including stepping up immigration examination at control points, enforcement against intermediaries and deploying officers as undercover agents to collect evidence. He said that although a bogus matrimonial relationship was not easy to substantiate, ImmD had put much effort in detecting "bogus marriage" cases. As the court required the prosecution to prove "beyond reasonable doubt" in criminal cases, not every case would end up with successful prosecution. Also, as the investigation of some cases in the past two years were still ongoing, more prosecution might be made. Operations against "bogus marriage" were under constant review.

41. Ms YUNG Hoi-yan sought information on identification of "bogus marriage" by ImmD and the manpower deployed by ImmD for combating offences related to "bogus marriage". Mr POON Siu-ping expressed concern whether the manpower deployed by ImmD for combating "bogus marriage" was adequate.

42. Mr YIU Si-wing asked whether joint efforts were made by the Administration and Mainland authorities to combat intermediaries and whether investigation was conducted into cases of consecutive marriage and divorce in Hong Kong and on the Mainland.

43. AD(E)/ImmD responded that information about cases of suspected "bogus marriage" were provided to ImmD by Mainland authorities when processing One-way Permit ("OWP") applications. Suspected cases identified by Marriage Registries of ImmD were referred to the Enforcement Division of ImmD for intelligence analysis and in-depth investigation. A task force comprising 22 immigration staff was deployed by ImmD for combating offences related to "bogus marriage".

44. Mr YIU Si-wing sought information on the respective percentages of Mainland and Hong Kong residents among intermediaries of "bogus marriage".

45. US for S responded that 12 persons who were masterminds or core members of syndicates had been arrested in four major cases of "bogus marriage". Two of the cases involved Mainland intermediaries and the information concerned had been provided to Mainland authorities for

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follow-up. AD(E)/ImmD added that the two cases involving Mainland intermediaries had been investigated by Mainland authorities and the intermediary company involved in one of the cases had ceased operation. Arrests had been made by ImmD and Mainland authorities in the other case and the persons arrested in Hong Kong were pending for a trial in court. In addition, ImmD had provided Mainland enforcement authorities with information of Mainland residents who were suspected to have committed offences related to "bogus marriage". This enabled strict scrutiny of their future applications for exit endorsements and OWP. Mainland authorities had also referred cases of suspected "bogus marriages" to ImmD for investigation.

Penalties for offences relating to "bogus marriage"

46. Dr CHENG Chung-tai said that the imprisonment terms of convicted intermediaries and syndicates were too light. Consideration should be given to raising the penalty level on such persons.

47. Mr POON Siu-ping expressed concern whether application would be made to the court for imposing a heavier sentence in serious cases.

48. US for S responded that head of syndicates had been sentenced to two to four years' imprisonment. Aiders and abettors had been sentenced to about one to two years' imprisonment and persons engaged in "bogus marriage" had been sentenced to eight to 15 months' imprisonment. The maximum penalty for offences relating to "bogus marriage" was an imprisonment term of 14 years. He said that the existing penalty levels were adequate. Application would be made to the court for imposing a heavier sentence when necessary. US for S added that young people should be vigilant and not fall into traps of "bogus marriage", given the serious consequences.

Measures to combat "bogus marriage" advertisements

49. Dr CHENG Chung-tai expressed concern whether actions were taken by the Administration to combat "bogus marriage" advertisements on social networking mobile applications.

50. Dr Elizabeth QUAT said that there were many advertisements on social networking and instant messaging mobile applications, as well as newspapers and web pages to allure people to engage in "bogus marriage". Many young people had been persuaded to commit the

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offence for monetary rewards by syndicates who claimed that contracting such marriage was not an offence. She expressed concern about the Administration's measures to crack down on "bogus marriage" syndicates and said that the Administration should step up publicity to educate the public on the consequences of engaging in "bogus marriage".

51. AD(E)/ImmD responded that ImmD had set up a special task force in 2006 to strengthen enforcement actions against persons seeking entry into Hong Kong through "bogus marriages" and intermediaries facilitating such an offence. ImmD was aware that some criminal syndicates had recently published advertisements to allure people to engage in "bogus marriage" through various media, including instant messaging software and social networking mobile applications. ImmD was deploying officers in disguise to meet with "bogus marriage" intermediaries to collect evidence, so as to combat the illegal activities more effectively. The intermediary arrested during the decoy operation was successfully prosecuted and convicted of the related offence.

52. Mr CHAN Chi-chuen sought information on the number of Mainland residents convicted of offences relating to "bogus marriage" on the Mainland and the penalty levels concerned. US for S responded that as such cases were followed up by Mainland authorities, the Administration did not have the relevant statistics.

[To allow sufficient time for discussion, members agreed that the meeting would be extended to 11:00 am.]

Other issues

53. Mr Alvin YEUNG sought information on the number of cases in which the residence status of a person was revoked for offences relating to bogus marriage. US for S responded that the Hong Kong identity cards and residence status of 29 persons convicted of offences relating to "bogus marriage" had been invalidated.

54. Mr Kenneth LEUNG queried why the percentage of persons whose Hong Kong identity cards and residence status had been invalidated for offences relating to "bogus marriage" was very small. US for S responded that a Mainland resident who was married to a Hong Kong resident had to wait for about four years in general before being granted an OWP. The percentage was small because most cases of "bogus marriage" had been detected within the four-year waiting period.

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55. Ms Claudia MO asked whether law enforcement against "bogus marriage" would be easier, if applications for OWPs were assessed by the Administration. US for S responded that there was no relationship between combating "bogus marriage" and the assessment of OWP applications.

56. Referring to the Annex to the Administration's paper, Mr Kenneth LEUNG asked whether there were cases involving human trafficking of Mainland residents to Hong Kong through "bogus marriage" for taking up sex work or forced labour in Hong Kong. AD(E)/ImmD responded that special attention was paid by ImmD to Mainland residents arrested for taking up sex work in Hong Kong to see whether they had entered Hong Kong on the strength of "exit endorsements for visiting relatives" issued on the basis of "bogus marriage". ImmD had conducted debriefings on persons arrested for taking up illegal employment in Hong Kong to detect any human trafficking elements. There was so far no indication of human trafficking to Hong Kong for forced labour by means of "bogus marriage".

57. Mr AU Nok-hin said that the Macao Special Administrative Region had enacted legislation against "bogus marriage". Consideration should be given to enacting similar legislation in Hong Kong. He added that the Administration should at least seek for taking part in the processing of OWP applications from Mainland residents so as to facilitate identification of "bogus marriage" at an early stage. US for S responded that there was not a relationship between "bogus marriage" and the OWP Scheme, which was a family reunion scheme.

VI. Police's handling of cases involving mentally incapacitated persons

(LC Paper Nos. CB(2)1298/17-18(07) and (08))

58. US for S briefed members on the Police's procedures and initiatives for handling cases involving mentally incapacitated persons ("MIPs").

59. Members noted an information note entitled "Police's handling of cases involving mentally incapacitated persons" prepared by the LegCo Secretariat.

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[To allow sufficient time for discussion, members agreed that the meeting be further extended until all business on the agenda had been dealt with.]

Training for police officers on the handling of mentally incapacitated persons

60. Noting that training on the handling of MIPs was arranged for police officers since 2016, Mr Alvin YEUNG sought information on the number of training hours involved and whether adequate training on the handling of MIPs was provided to frontline police officers.

61. US for S responded that training on the handling of MIPs was provided to new recruits and serving officers through induction training and continuation training programmes, including the Standard Criminal Investigation Course and the Advanced Criminal Investigation Course. While 56 training sessions with a total of 42 hours were provided by the Police College to 1 143 recruit police constables, 47 training sessions with a total of 35.25 hours were provided to 174 probationary inspectors in 2017-2018. Eight training sessions with a total of 7.5 hours were also provided to serving police constables.

Handling of mentally incapacitated persons by police officers

62. Referring to paragraph 15 of the Administration's paper, Mr Kenneth LEUNG enquired how a police interview with a MIP would be conducted, if an Appropriate Adult ("AA") was not present. Chief Social Work Officer (RM) 2, Social Welfare Department responded that if an AA could not be identified by the Police for accompanying a MIP during a police interview, a volunteer AA would be provided through the pool of registered volunteer parents of MIPs or social workers of Integrated Community Centres for Mental Wellness / Social Welfare Department ("SWD") as far as possible. Appropriate training was provided to volunteer AAs by SWD.

63. Referring to paragraph 18 of the Administration's paper, Mr Kenneth LEUNG asked whether it was the existing practice for all interviews with suspects to be video recorded. US for S responded that it was the existing practice to video record police interviews with persons suspected of committing serious offences to be tried at a district court or above. For MIPs, all police interviews would be video recorded irrespective of the offence involved.

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64. Mr CHU Hoi-dick asked whether the Police had reviewed the handling by police officers of a case in which a secondary student was alleged of theft in Sham Shui Po on 27 February 2018.

65. US for S and Assistant Commissioner of Police (Support), Support Wing ("ACP(S)") responded that police officers patrolling in Sham Shui Po on the afternoon of 27 February 2018 saw a woman running after a boy on the street and shouting "snatching". During police investigation of the two persons, the boy became emotionally agitated. The police officers managed to contact the boy's mother, who came to the scene. The matter was clarified not being snatching and was settled. In response to Ms Claudia MO's question as to whether the Administration could assure that similar incidents would not occur in future, US for S said that MIPs were difficult to identify, as different types of MIPs might exhibit different characteristics. Such difficulties were also reflected in the relevant guidelines issued by the Equal Opportunities Commission for law enforcement officers.

Care Card Scheme

66. Mr AU Nok-hin sought information on the number of Care Cards issued under the Care Card Scheme ("the Scheme"). He said that many members of the public and social workers might not be aware of the Scheme. Consideration should also be given to introducing other means of identifying MIPs, such as identification wristbands for MIPs.

67. Dr CHENG Chung-tai said that the introduction of the Scheme and other initiatives in 2016 arose from an incident involving a MIP in 2015. He said that the Police should establish a data base of MIPs. The Police's internal guidelines on the handling of MIPs should be made public.

68. Dr Elizabeth QUAT said that while many parents supported the establishment of a data base of MIPs, many people had expressed concern about the labelling effect of establishing such a data base. She considered that the Police should strengthen training on the identification of MIPs for frontline police officers.

69. Mr CHAN Chi-chuen said that the behavioural indicators in Annex B to the Administration's paper were subjective. He asked whether a system could be established for storage of Care Card information to facilitate identification of MIPs by police officers with authorized access.

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70. US for S responded that the Scheme was a voluntary one under which persons with needs, including MIPs, wrote down their medical and communication needs and emergency contacts on their Care Cards and carry them voluntarily to facilitate identification by law enforcement officers. He stressed that the Administration attached great importance to the rights of MIPs. The Police was conducting a review on the initiatives implemented since the end of 2016 to enhance protection of MIPs, including the Scheme, and had held meetings with relevant parents' groups to collect their views. He added that police officers handled many MIPs in their daily work. Many commendations about their handling of MIPs had been received from members of the public. ACP(S) added that members' views on the Scheme would be considered in the review in conjunction with privacy considerations.

71. There being no other business, the meeting ended at 11:05 am.

Council Business Division 2
Legislative Council Secretariat
4 July 2018