

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1969/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

### **Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 10 July 2018, at 2:30 pm**  
**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 CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
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, JP  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon AU Nok-hin

**Member attending** : Hon SHIU Ka-fai

**Members absent** : Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Jimmy NG Wing-ka, JP

**Public Officers attending** : Item III

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

Ms Maggie WONG, JP  
Deputy Secretary for Security 3

Mr Billy WOO Tak-ying  
Principal Assistant Secretary for Security (Review)

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

Mr FUNG Ngai-wa  
Assistant Director of Immigration  
(Removal Assessment and Litigation)

Item IV

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

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

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

Mr Tony CHOW Shek-kin  
Senior Bomb Disposal Officer  
(Explosive Ordnance Disposal Bureau)  
(Operations Wing)  
Hong Kong Police Force

Item V

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

Mr Joe CHAN Chi-yung  
Assistant Secretary for Security E

Mr Joseph AU Chin-chau  
Chief Superintendent of Police  
(Crime Wing Headquarters)

Mr Terry CHEUNG Tin-lok  
Superintendent of Police (Crime Wing Headquarters)

**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)1749/17-18)

The minutes of the meeting held on 4 May 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. An update on the comprehensive review of the strategy of handling non-refoulement claims**  
(LC Paper Nos. CB(2)1751/17-18(01) and (02))

3. Secretary for Security ("S for S") briefed Members on the Administration's comprehensive review of the strategy of handling non-refoulement claims and the amendment proposals to the Immigration Ordinance (Cap. 115) being considered.

4. Members noted an updated background brief entitled "An update on the comprehensive review of the strategy of handling non-refoulement claims" prepared by the Legislative Council ("LegCo") Secretariat.

Timing for introduction of the proposed legislative amendments and consultation with relevant parties

5. Mr Michael TIEN commended the Security Bureau ("SB") and the Immigration Department ("ImmD") for their efforts in expediting the screening of non-refoulement claims, which had resulted in a decrease in the number of claims pending screening from a peak level of over 10 000 to the current level of about 3 000. He sought information on when the Administration would introduce the proposed legislative amendments relating to the screening of non-refoulement claims into LegCo. S for S responded that the Administration planned to introduce its proposed legislative amendments in the next legislative session.

6. Mr Alvin YEUNG asked whether the Administration had consulted the United Nations Higher Commissioner on Refugees ("UNHCR"), non-governmental organizations ("NGOs") which provided service to non-refoulement claimants and relevant professional bodies on its proposed legislative amendments.

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7. S for S responded that it was the Administration's plan to consult the Panel first before consulting other stakeholders, including the Law Society of Hong Kong and the Hong Kong Bar Association, on the proposed legislative amendments.

Measures to expedite the screening of non-refoulement claims

8. Referring to paragraph 8 of the Administration's paper, Mr Alvin YEUNG sought information on the meaning of "exceptional" and "uncontrollable" circumstances.

9. Referring to paragraph 8 of the Administration's paper, Mr POON Siu-ping expressed concern that allowing a claimant to request for an extension of the timeframe for returning a claim form on the ground of "exceptional" and "uncontrollable" circumstances might be open to abuse. He asked about the length of an extension to be granted for returning a claim form under such circumstances.

10. Referring to paragraph 14 of the Administration's paper, Dr Elizabeth QUAT expressed concern that allowing a claimant to apply for re-scheduling an interview on the ground of "exceptional" and "uncontrollable" circumstances might be open to abuse.

11. S for S responded that examples of circumstances which would be considered as "exceptional" and "uncontrollable" included situations in which the claimant was arrested by another law enforcement agency ("LEA") or suffered from serious illness. Such an arrangement, which sought to ensure the high standards of fairness, had been drawn up having regard to relevant overseas practice and the operational experience of the Unified Screening Mechanism. To avoid abuse, documentary proof of the "exceptional" and "uncontrollable" circumstances would be required. The length of extension to be granted for returning a claim form would depend on the circumstances of each case.

12. Mr Dennis KWOK said that the Civic Party had no objection in principle to increasing the efficiency and transparency in the determination of non-refoulement claims and appeals. He said that it was important for the legislative amendments to be introduced to meet the high standards of fairness laid down by the court in *Secretary for Security v Sakthevel Prabakar*.

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13. S for S responded that the existing regime for the screening of non-refoulement claims, which incorporated publicly-funded legal assistance, free interpretation service and free medical examination, as well as an appeal mechanism, met the high standards of fairness required by the court. The proposed legislative amendments also adhered to such standards.

14. Mr POON Siu-ping asked about the extent to which the screening of non-refoulement claims could be expedited after the Administration's proposals were implemented.

15. S for S responded that under the legislative amendments proposed in the Administration's paper, the average time needed for determining a claim by ImmD would be shortened from the current 10 weeks to about five weeks, and the average time needed for determining an appeal would be shortened from 16 weeks to about 11 weeks. In short, the entire process of determining a claim, including appeal, would be reduced from about 26 weeks to about 16 weeks.

16. Mr SHIU Ka-fai commended SB as well as ImmD for expediting the screening of non-refoulement claims and expressed support for the proposals in the Administration's paper. He said that the small percentage of substantiated non-refoulement claims reflected that most claimants were not subject to torture at their home countries. The large number of claimants on the streets of Hong Kong was posing a threat to security in Hong Kong. Noting that the number of claims pending screening had dropped from over 10 000 in the past few years to the current level of about 3 000, he asked whether the number of claimants in Hong Kong had decreased by about 7 000.

17. Mr MA Fung-kwok said that while assistance should be provided to people subject to torture in their home countries, the existing mechanism for the lodging of non-refoulement claims was being abused.

18. S for S agreed that there were many cases of abuse of the present system, as could be seen in comments made by the court in some cases. For example, it had been stated in a judgment of the Court of First Instance that "..... more needs to be done to weed out promptly the unmeritorious and unworthy claims ..... this is becoming a serious problem for the courts and the legal system in general, as well as for the community, and there is the added risk that the system in place is being abused not only by unmeritorious claimants but possibly by claimants with a more sinister purpose in mind". ImmD had over the past years

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introduced administrative measures to speed up screening and minimize undue delays while maintaining the high standards of fairness. With an appeal mechanism in place, he said that a large number of claimants whose claims had been rejected by ImmD had lodged appeals with the Torture Claims Appeal Board ("TCAB"). A claimant could also seek judicial review on the determination regarding his claim.

19. Mr Dennis KWOK said that while it was reasonable to cancel the administrative arrangement of allowing an additional 21 days for returning a claim form, there should be discretion for extending the deadline under special circumstances for the legal representative of a claimant to return a claim form. He said that the reduction of the statutory timeframe for lodging an appeal from 14 days to seven days might cause difficulties for many legal representatives of claimants.

20. Mr AU Nok-hin said that the United Nations Committee Against Torture had previously commented that measures introduced to expedite the processing of claims might have a negative impact on the fairness and thoroughness in the handling of claims. The Hong Kong Bar Association had commented in 2014 that a timeframe of 28 days for submission of claim forms was impractical. He considered that the shortening of timeframe for submission of claim forms to 14 days was unreasonable. Referring to paragraph 36 of the Administration's paper, he queried whether the proposed legislative amendment to specify that the duties of ImmD and TCAB did not include assisting the claimants to substantiate their claims or appeals was consistent with the high standards of fairness required by court.

21. S for S responded that it was the requirement in relevant legislation of Canada and the United Kingdom ("UK") that the burden of proving a claim rested with the claimant. Besides, the proposal to shorten the timeframe for submission of a claim form from 28 to 14 days had been drawn up having regard to the timeframes adopted overseas. For instance, the timeframe adopted in Canada had been shortened from 28 days in the past to 15 days. He stressed that the screening procedures in Hong Kong, which had been drawn up having regard to the high standards of fairness required by the court, relevant overseas legislation and practice, as well as the circumstances of Hong Kong, offered better protection of the rights of claimants than many other jurisdictions. For example, an average of 57 hours of publicly-funded legal assistance was provided to a claimant in Hong Kong, as compared to an average of 13 to 23 hours for a claimant in other countries.

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22. Dr Fernando CHEUNG said that the Administration's proposed legislative amendments were in the right direction and all non-refoulement claims should be processed as soon as possible, given that claimants were not allowed to work in Hong Kong and the in-kind assistance provided to claimants was minimal. Referring to Annex B to the Administration's paper, he said that the Administration should also indicate the average time needed for each step. He expressed concern about whether a claimant's basic rights would be affected by the Administration's proposed legislative amendments regarding the language used in screening interviews, the statutory timeframe for submission of claim forms and liaising with the relevant authorities on the repatriation arrangements for a rejected claimant when his appeal was still pending.

23. S for S responded that liaison with relevant overseas authorities on the repatriation arrangements for a rejected claimant while the appeal concerned was pending would only be conducted on the prerequisite of not disclosing whether the person concerned had filed a claim. On the language of screening interviews, he said that as far as what was known to SB, in other countries like Germany and the UK, screening interviews also needed not to be conducted in the claimant's most proficient language or dialect, but only in languages in which the claimant could reasonably communicate. He stressed that besides maintaining the high standards of fairness in handling claims, the Administration had to safeguard the overall interests of Hong Kong.

24. Mr Kenneth LEUNG sought information on the major languages used by claimants and asked whether there were sufficient numbers of interpreters. S for S responded that ImmD had established 22 posts relating to interpretation service, covering the languages used by about 80% of non-refoulement claimants including Hindi, Urdu, Bengali, Punjabi, Indonesia and Vietnamese. There was also a small percentage of claimants who used minority languages such as African languages. ImmD had also hired part-time interpreters on a case-by-case basis including 12 interpreters for languages used by the minority of non-refoulement claimants.

Torture Claims Appeal Board

25. Referring to paragraph 23 of the Administration's paper, Mr Alvin YEUNG expressed concern about whether TCAB had a sufficient number of members to hear and determine appeals. S for S responded that the Administration was aware of the need for a sufficient number of TCAB members to hear and determine appeals. The number



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of TCAB members had been increased from 28 to 102. The establishment of the TCAB secretariat had also been increased from 12 to 20 posts, with a further increase of 15 new time-limited posts in 2018-2019. The Administration would further increase the number of TCAB members and staff of the TCAB secretariat as and when necessary, so as to clear up the appeal backlog as soon as practicable.

26. Mr Kenneth LEUNG said that he had no objection in principle to the proposals in the Administration's paper. He sought information on the average time taken for the determination of an appeal. Mr Alvin YEUNG expressed concern about the average time taken between the receipt and hearing of an appeal.

27. S for S responded that upon assignment of an appeal to a TCAB member, the average time for determination of the appeal was currently around 33 weeks. After preliminary assessment of an appeal case, an assigned TCAB member would decide whether there was a need to conduct an oral hearing. If an oral hearing was to be held, TCAB had to serve a notice on the relevant parties not less than 28 days before the date of hearing as required by law. Currently, the time for scheduling/conducting a hearing generally took about 14 weeks, and some 13 weeks were normally required for the issuance of the decision. He said that consideration was being given by the Administration to tightening the timeframe for serving a notice of hearing on an appellant.

28. Dr Elizabeth QUAT welcomed the proposals in the Administration's paper. Referring to paragraph 2 of the Administration's paper, she asked when the 6 200 outstanding appeals were expected to be determined. She also sought information on the number of rejected claimants who were still in Hong Kong owing to their home countries being uncooperative.

29. S for S responded that if the number of new claims and appeals received per month remained at the existing level, TCAB should be able to handle the pending appeals in about two to three years' time. He said that about 2 500 claimants were repatriated in 2017. Among the claimants whose claims and appeals had been rejected/withdrawn, about 1 900 were currently pending removal while some 2 000 were still in Hong Kong for various reasons, including being imprisoned or prosecuted, seeking judicial review, etc. The Administration would provide further information on the number of rejected claimants who were still in Hong Kong and the reasons concerned, if available.

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Crime committed by non-refoulement claimants

30. Mr Michael TIEN expressed concern that there were about 1 500 cases of crime committed by non-refoulement claimants on recognizance in the previous year. He also expressed concern that there were more than 200 unauthorized wooden building structures, in which weapons and drug were found, occupied by non-refoulement claimants along a street in Shamshuipo. He said that closed detention centres should be established for accommodation of non-refoulement claimants to address the security threat on residents and prevent non-refoulement claimants from taking up illegal employment.

31. Mr WONG Kwok-kin expressed concern about the prevalence of crime committed by non-refoulement claimants in certain districts. He asked whether consideration would be given to accommodating claimants in closed detention centres.

32. S for S responded that according to a relevant court ruling, ImmD could continue to detain an illegal immigrant only if it was believed that the illegal immigrant could be removed within a reasonable period. As there were still around 3 000 claims pending screening and a number of appeals pending determination at present, the issue of whether all non-refoulement claimants should be detained could be further considered after the tightened timeframe and procedures had come into operation with the implementation of the proposed legislative amendments, by then screening of claimants and removal of unsubstantiated claimants were expected to be executed within a reasonable period.

33. Noting that there were 1 542 and 207 non-ethnic Chinese persons on recognizance arrested for criminal offences in 2017 and the first two months of 2018 respectively, Dr CHENG Chung-tai asked whether there was any indication of increased involvement of non-refoulement claimants in serious crime.

34. Mr WONG Kwok-kin expressed support for the legislative amendments proposed in the Administration's paper. He sought information on the latest trend of claimants' involvement in serious crime and illegal employment.

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35. S for S responded that about 1 500 claimants had been arrested for committing crime in Hong Kong in the previous two years respectively. The offences involved included wounding and serious assault, indecent assault, robbery, drug offences and theft. He said that the Administration was very concerned about the crime committed by claimants. The Police had established a dedicated team under the Organized Crime and Triad Bureau to combat such crime.

Provision of in-kind assistance to non-refoulement claimants

36. While acknowledging the efforts of ImmD in expediting the handling of non-refoulement claims, Mr SHIU Ka-chun said that the monthly in-kind assistance for a non-refoulement claimant, which comprised \$1,500 rent allowance, \$1,200 food coupons, \$300 utilities allowance and transportation allowance in the range of \$200 to \$420, was inadequate. He said that the Administration should review the level of in-kind assistance and allow non-refoulement claimants to take up employment in Hong Kong.

37. S for S responded that less than 1% of the non-refoulement claims were substantiated. Most non-refoulement claimants had been found coming to Hong Kong for the purpose of taking up illegal employment. Allowing claimants to take up employment in Hong Kong would result in a surge in the number of illegal immigrants and claimants given the higher economic incentive. He said that the provision of in-kind assistance to claimants was monitored by the Social Welfare Department and improvements had been made over the years.

Repatriation of persons whose claims were not substantiated

38. Mr MA Fung-kwok asked whether there were difficulties in the repatriation of a rejected claimant. S for S responded that before repatriation of a rejected claimant, ImmD had to contact the claimant's home country for verification of the claimant's identity and issue of travel document. While the work required cooperation of the home country of the claimant, it had been observed that many authorities had accorded a rather low priority to such work. Complications might arise in the repatriation arrangements if there was no direct flight from Hong Kong to the claimant's home country.

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39. Mr MA Fung-kwok asked whether there were claimants who had absconded before repatriation. He expressed concern that claimants who had absconded might pose a security threat to Hong Kong. S for S responded that there were cases where claimants had absconded. In this connection, the Administration had proposed in its paper that if a claimant had absconded or lost contact before commencement of the screening procedures, his claim would be deemed withdrawn automatically.

Other issues

40. Dr CHENG Chung-tai asked whether syndicates were found involved in the smuggling of illegal immigrants into Hong Kong. He also sought information on the joint operations with the Mainland to combat illegal immigration at source. S for S responded that since February 2016, eight joint operations had been conducted with LEAs of four Mainland provinces to combat such activities. Over 67 000 non-ethnic Chinese illegal immigrants had been intercepted in the Mainland, and over 400 related persons were arrested in the said joint operations.

41. Dr Fernando CHEUNG expressed concern that the percentage of substantiated non-refoulement claims was very low. He also expressed concern that although UNHCR had said that persons from Yemen should not be repatriated, the non-refoulement claims of persons from Yemen had been rejected by ImmD. S for S responded that the Administration would not comment on individual cases. Although the percentage of substantiated claims in Hong Kong was currently 0.8%, it should be noted that the percentage of substantiated refugee claims in Japan and South Korea were also very low at around 0.3% and 1% respectively according to available information. In European countries where the percentage of substantiated claims was higher, the claimants mainly came from countries such as Syria, Afghanistan, Iran, Iraq, Sudan, Haiti and Albania. However, the claimants in Hong Kong mainly came from countries in South Asia and South-East Asia.

42. Referring to paragraph 40 of the Administration's paper, Mr POON Siu-ping asked whether there would be any change to the penalty level for the offence concerned. S for S responded that there would not be any change to the penalty level according to the current proposal.

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**IV. Police's handling of explosive objects and matters requiring public attention**

(LC Paper Nos. CB(2)1751/17-18(03) and (04))

43. Under Secretary for Security ("US for S") briefed Members on the Police's work in handling explosive objects and relevant matters requiring public attention. With the aid of powerpoint presentation, Senior Bomb Disposal Officer (Explosive Ordnance Disposal Bureau) (Operations Wing), Hong Kong Police Force ("SBDO") briefed Members on details of the Police's operations in handling explosive objects.

44. Members noted an information note entitled "Police's handling of explosive objects and matters requiring public attention" prepared by the LegCo Secretariat.

Manpower and training

45. Mr POON Siu-ping asked whether the manpower establishment of the Explosive Ordnance Disposal Bureau ("EOD") was adequate. SBDO responded that the manpower establishment of EOD was adequate.

46. Mr Kenneth LEUNG sought information on the process of selection and training for EOD officers. SBDO responded that a selected EOD officer had to undergo seven years' training, including three years' training as a cadre bomb disposal officer and four-years' formal training which covered overseas training.

Education of members of the public and the construction industry on how to handle suspicious explosive objects

47. Referring to paragraph 16 of the Administration's paper, Mr CHAN Chun-ying said that a member of the public who found a suspected explosive object would normally report the matter to the Police immediately with a mobile phone. He considered that the Administration should remind members of the public not to use mobile phone within 25 metres of the object. SBDO responded that a person who identified a suspected explosive object should leave the scene and keep away from it at a distance of at least 25 metres before using a mobile phone to report the matter to the Police.

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48. Dr Elizabeth QUAT commended officers of EOD for their professional work. She said that the Police should consider making use of social media platforms and the new electronic platform Common Operational Picture ("COP") to disseminate information on how to handle suspicious explosive objects.

49. US for S responded that SB and the Development Bureau were working on the dissemination of information through COP. Assistant Commissioner of Police (Operations) added that information was disseminated by the Police to members of the public through social media platforms, such as the Hong Kong Police Facebook Page. Consideration would be given to the dissemination of information through other social media platforms and telecommunication networks.

50. Referring to paragraph 18 of the Administration's paper, Mr POON Siu-ping asked whether training on the identification of wartime bombs buried underground at construction sites was provided by EOD to construction workers.

51. Mr AU Nok-hin sought information on the average number of briefings conducted by EOD for the construction industry in a year. He also asked whether such briefings were conducted for the construction industry in a structured pattern.

52. SBDO responded that EOD was mainly involved in duties such as the handling of explosive objects and the training of EOD officers. About 15% of the time of EOD was spent on conducting briefings on the identification and proper handling of suspicious explosive objects, including wartime bombs buried at construction sites. As wartime bombs had been mainly found at certain regions in Hong Kong, construction companies usually sought information from EOD and assessed the risk before commencing construction works. Mr AU Nok-hin said that the Police should consider producing booklets on the identification and handling of suspicious explosive objects for contractors and supervisors of construction sites.

Other issues

53. Mr CHAN Chun-ying sought information on the countries from which the Police's bomb disposal equipment was procured. SBDO responded that the Police's bomb disposal equipment was proven product procured from the UK and the United States of America.

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54. Mr Kenneth LEUNG asked whether there had been any case since the establishment of EOD in 1972 in which an explosive object had to be detonated. SBDO responded that many explosive objects had been rendered safe by EOD since 1972 and there had not been any case requiring detonation of a bomb.

55. Mr Kenneth LEUNG sought information on the use of the EOD base at Jardine's Lookout on the eastern part of Hong Kong Island. SBDO responded that the EOD base concerned was mainly used for storage of explosives and training.

*[To allow sufficient time for discussion, members agreed that the meeting would be extended by 15 minutes.]*

**V. Combating illegal prostitution activities**  
(LC Paper Nos. CB(2)1751/17-18(05) and (06))

56. US for S briefed Members on the Administration's policy and measures to combat illegal prostitution activities and the corresponding law enforcement actions.

57. Members noted a background brief entitled "Combating illegal prostitution activities" prepared by the LegCo Secretariat.

Combating illegal prostitution activities

58. Mr CHAN Han-pan expressed concern about nuisance caused by prostitution activities in residential buildings to residents. Noting that the operation of "one sex worker apartment" was not prohibited under the law, he asked whether the operation of "one sex worker apartments" in sub-divided units was prohibited under the law. Chief Superintendent of Police (Crime Wing Headquarters) ("CSP(C/HQ)") responded that the Police would take prompt actions if there was evidence indicating the operation of "one sex worker apartments" in sub-divided units by syndicates.

59. Noting that the particulars of convicted Mainland residents who took up unlawful employment involving sex work in Hong Kong were passed to the relevant Mainland authorities for prohibiting them from visiting Hong Kong for two years, Mr CHAN Han-pan said that the

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two-year period was too short and should be extended. US for S responded that the two-year period was determined after discussions between ImmD and Mainland Exit and Entry Administration Offices. The number of Mainland residents arrested for being suspected of taking up unlawful employment involving sex work had remained at around 4 000 in the past five years. The Police would monitor the situation and review the need to extend the two-year period, when necessary, for further deliberation by ImmD with the Mainland Exit and Entry Administration Offices.

Admin

60. Referring to paragraph 15 of the Administration's paper, Mr AU Nok-hin sought information on the average number of persons prosecuted and convicted of "soliciting for an immoral purpose" in relation to compensated dating. US for S responded that the number of such persons had decreased from nearly 500 in 2013 to 168 in 2017. The decrease might be due to a change in the mode of operation of vice activities. Mr CHAN Chi-chuen requested the Administration to provide statistics on the respective number of cases and persons prosecuted and convicted of "soliciting for an immoral purpose" between 2013 and 2017.

61. Mr AU Nok-hin said that instead of taking action against sex workers "soliciting for an immoral purpose" in public places, the Police should focus its work on combating intermediaries and triads who controlled sex workers for prostitution and kept vice establishments. He added that legislative amendments should be introduced to the offence of "soliciting for an immoral purpose". US for S responded that the primary objectives in combating illegal prostitution activities were to prevent control, exploitation or threatening of others for the purposes of prostitution, combat organized prostitution activities and lessen the nuisance caused by vice activities to members of the public. Amending the offence concerned might have a negative impact on the accomplishment of such objectives.

Compensated dating

62. Mr CHAN Chi-chuen asked whether "compensated dating" which did not involve any prostitution activities and sexual transactions were in breach of the law. CSP(C/HQ) responded that "compensated dating" which did not involve any sexual transaction and illegal activities were not in breach of the law.



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63. Referring to enforcement actions codenamed "Whalediver" referred to in paragraph 15 of the Administration's paper, Mr CHAN Chi-chuen expressed concern that a person providing compensated dating service might be incited by undercover police officers to engage in sexual transaction. CSP(C/HQ) responded that the purpose of an undercover operation was to gather evidence for prosecution and the operation should cease once the objective was achieved. Undercover police officers were not allowed to incite a person to provide sex service.

64. Dr Elizabeth QUAT expressed concern that despite publicity talks conducted by the Police at schools, the problem of compensated dating involving young people was still serious. She considered that the Police should step up publicity and education to remind young people not to participate in such activities. CSP(C/HQ) responded that the Police had been disseminating such information through the Police's website, Hong Kong Police Facebook page and Hong Kong Police Instagram. Dr QUAT said that the Police should also disseminate such information through websites frequently visited by young people.

65. Referring to paragraphs 13 to 15 of the Administration's paper, Mr Holden CHOW sought information on whether young people were found abetted to engage in prostitution activities under the guise of "compensated dating" and the Police's measures to combat the problem. He also asked whether students were found involved in organizing "compensated dating" involving prostitution activities. CSP(C/HQ) responded that the Police had established a special team under the Kowloon West Regional Crime Unit in 2008 to combat crime related to such activities. The Police also carried out cyber patrol and mounted intelligence-led operations to combat such activities. In March 2018, the Police had arrested 19 persons, including a middleman, six customers of prostitution under the guise of "compensated dating", and 12 persons who provided relevant sex service, among whom two were foreign domestic helpers and 10 young persons aged between 16 and 23.

Admin

66. Mr SHIU Ka-chun requested the Administration to provide information on the number of young persons participating in "compensated dating" who were victims of blackmail, rape and sexual violence and had sought assistance from the Police. He also requested the Police to provide the number of such cases that were referred to NGOs for further supportive services.

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Other issues

67. Dr Elizabeth QUAT expressed concern that although intercourse with a girl under 16 years of age was an offence under existing legislation, a defendant was acquitted in a recent case involving oral sex by a girl aged under 16. She considered that the Administration should speed up its review on legislation relating to sex offences, which was outdated. US for S responded that a relevant review was being conducted by the Law Reform Commission. The Administration would take appropriate follow-up actions, if necessary, after the review was completed.

68. Referring to Annex III to the Administration's paper, Mr Kenneth LEUNG sought information on the number of victims of trafficking in persons ("TIPs") among the persons arrested for taking up unlawful employment involving sex work. He also sought information on the support provided to TIP victims. US for S responded that nine TIP victims had been identified in 2017, among whom two were involved in prostitution. One TIP victim in relation to prostitution had been identified so far in 2018. Sufficient protection and support was provided by various government departments to TIP victims. Depending on the circumstances of individual cases, such protection and support included protection under the witness protection programme and requesting overseas LEAs to provide assistance to victims and families in their home country.

69. Mr Kenneth LEUNG asked whether actions were taken by the Administration to monitor the trend in TIP-related activities. US for S responded that the number of TIP victims identified so far in Hong Kong was small. The Administration had established the Steering Committee to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong and launched the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong. A TIP victim screening mechanism had also been introduced.

70. Mr SHIU Ka-chun expressed concern about the measures adopted by the Administration to protect sex workers. US for S responded that the Police maintained close liaison with five sex worker concern groups through various channels such as regular meetings and dedicated 24-hour telephone hotline.

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71. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 August 2018