

立法會
Legislative Council

LC Paper No. CB(2)1556/18-19
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Ref : CB2/PL/SE

Panel on Security

Minutes of special meeting
held on Tuesday, 29 January 2019, at 2:00 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 Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
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 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 CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS

**Member
attending**

: Hon SHIU Ka-fai

**Members
absent**

: Hon Paul TSE Wai-chun, JP
Hon CHAN Han-pan, BBS, JP
Hon Jimmy NG Wing-ka, JP
Hon YUNG Hoi-yan

**Public Officers
attending**

: Item I

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

Mr AU Chin-chau
Acting Assistant Commissioner of Police (Crime)

Miss CHUNG Wing-man
Senior Superintendent of Police, Crime Wing Headquarters

**Clerk in
attendance**

: Miss Betty MA
Chief Council Secretary (2) 1

**Staff in
attendance**

: Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Gloria TSANG
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Crime situation in 2018

(LC Paper Nos. CB(2)676/18-19(01) and (02))

Commissioner of Police ("CP") briefed Members on the overall law and order situation of Hong Kong in 2018, as detailed in the paper provided by the Police.

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

Deception

3. Mr YIU Si-wing commended the Police for maintaining Hong Kong as one of the safest city in the world. Referring to paragraph 22 of the Police's paper, he sought information on the breakdown of internet deception made from local, Mainland and overseas as well as the Police's cooperation with Mainland law enforcement agencies ("LEAs") to combat such crime. CP responded that approximately 60% of email scam victims were foreign organizations remitting money to Hong Kong. He stressed that the Police had maintained close cooperation and communication with Mainland and overseas LEAs for relevant intelligence gathering work and joint operations. For example, a joint operation with Singapore and Malaysia police was mounted last year in which a "romance scam" syndicate based in Malaysia was neutralized.

4. Mr CHAN Chun-ying and Mr Christopher CHEUNG commended the Police for maintaining Hong Kong as a safe city. Noting that a rise of 18.1% of deception cases was recorded in 2018, they requested the Police to provide a breakdown of the cases by their nature, the pecuniary loss involved, and percentage. CP agreed to provide the requested information in writing. Mr CHAN further asked about the Police's collaboration with the Hong Kong Monetary Authority ("HKMA") to combat cases of fraudulent bank websites, phishing emails and similar scams. CP responded that HKMA was a key partner of the Police and they worked closely with each other to devise publicity and education strategies to fight against investment fraud.

Police

5. Mr LAM Cheuk-ting expressed concern about the rise of deception cases in 2018, in particular investment fraud. Pointing out that Loco London gold fraud had been frequently reported for many years, he sought information on the Police's strategy to fight against it.

Action

6. Mr Christopher CHEUNG considered that Loco London gold fraud had posed a negative impact to Hong Kong as a financial centre, as well as setting a bad precedent for the financial cooperation with the Mainland. He asked whether the Administration would introduce legislation to regulate the Loco London gold market and safeguard the interests of investors.

7. CP responded that Loco London gold trading activities were conducted through direct negotiation between buyers and sellers over-the-counter and was not regulated by the Securities and Futures Commission. The greatest challenge involving London gold fraud was contractual disputes in which victims were persuaded to sign a customer contract, authorizing the companies concerned to trade gold on their behalf. As such, the most effective way to deal with London gold fraud was to enhance public education and remind members of the public of the relevant risks when engaging in Loco London gold trading. CP stressed that the Police would actively follow up with deceptive and fraudulent acts with sufficient evidence. In addition, the Investment Fraud Focus Group under the Commercial Crime Bureau ("CCB") would investigate and analyze intelligence collected, so as to combat against cases involving London gold fraud. Mr LAM suggested the Police to strengthen relevant intelligence gathering work and tackle corresponding financial companies as early as practicable.

8. Mr Holden CHOW commended the Police's efforts for maintaining a low crime rate in Hong Kong. He expressed concern about the deception cases in relation to virtual currencies and asked about the measures taken by the Police to prevent such crime. CP said that as there was no regulation over virtual currencies for the time being, the Police would collaborate with HKMA to monitor the trend and development, as well as remind members of the public of the relevant risks engaged with such products.

9. Mr Tony TSE commended the Police for maintaining a low crime rate in Hong Kong. He asked about the preventive measures taken by the Police to combat internet and social media crime. Ms Alice MAK also expressed concern about the large-scale deception via WeChat and sought information on the Police's action against it.

Action

10. CP pointed out that enhancing cyber security and combating technology crime was one of the operational priorities of the Police. A multi-agency approach was adopted to promote public awareness of computer and cyber security as well as the risks associated with social media. Apart from investigating internet deception cases, the Police would launch various publicity and education activities to enhance public awareness and educate them on the prevention of such crime. Besides, the Anti-Deception Coordination Centre ("ADCC") of CCB aimed to consolidate all the relevant efforts of the Police in fighting and preventing deception. Anti-crime messages had been disseminated via "Fight Scams Together" platform, Police Facebook, Police Instagram, as well as the newly launched Police Weibo and Police Twitter. CP added that members of the public could dial the Anti-Scam Helpline at 18222 for assistance when necessary. Ms Alice MAK hoped that the Police would set up a dedicated team, by making reference to the specialized team in investigating malpractices of financial intermediaries a few years before, to combat such crime.

11. Mr POON Siu-ping commended the Police for maintaining a low crime rate in Hong Kong and asked about the operation of ADCC. CP responded that ADCC mainly dealt with public enquiry and rendered timely assistance to those in need. Since establishment in July 2017, it had cooperated with banks to intercept payment of over \$1.4 billion made by victims.

12. Mr James TO hoped that the Police would closely and proactively monitor the development and transformation of deception syndicates. CP responded that the Investment Fraud Focus Group under CCB had been analyzing intelligence collected and operational units of Police would take enforcement actions accordingly.

Triad-related crime

13. While the overall triad-related cases had dropped in 2018, Mr Kenneth LEUNG noted with concern that the triad-related wounding and serious assault offences had been on the rise. He sought information on the Police's measures currently in place to fight against crime involving triad and violence.

14. Mr CHU Hoi-dick asked whether the Police had maintained a breakdown of triad-related wounding and serious assault offences, among others, the nature of the cases and the geographical distribution. He further requested elaboration on the reasons of the rise in such offences.

Action

15. CP said that the overall triad situation had not been worsened off. He noted that the recent disputes of two triad societies aroused public concern. Enforcement actions by Organized Crime and Triad Bureau ("OCTB") and Regional Crime Units had resulted in 58 arrests. Pointing out that 2 351 and 1 715 triad-related cases were recorded in 2009 and 2018 respectively, CP advised that the overall situation had instead been improving. He stressed that the Police had adopted a zero tolerance approach in tackling triad-related crime.

16. The Chairman commended the Police for maintaining a low crime rate in Hong Kong. Noting that the number of juveniles and young persons arrested for wounding and serious assault had increased by 18.9% in 2018, he asked whether the cases were triad-related and school-based. CP said that although the number of juveniles and young persons arrested for wounding and serious assault had risen, the number of crime involving triad had actually dropped. The Police would keep monitoring the crime situation of juveniles and young persons, as well as the statistics on triad-related crime. He also highlighted the Police School Liaison Programme in which various publicity campaigns and promotion activities were implemented to educate students not to go astray.

Child abuse

17. Dr Elizabeth QUAT commended the Police for their efforts over the years to maintain Hong Kong as a safe city. Dr QUAT and Mr Tony TSE noted with concern about the rising number of child abuse cases. Dr QUAT considered that the existing penalty for child abuse, which had been in place for over 20 years, was too lenient and asked whether a review of the relevant legislation would be carried out. Mr TSE asked about the Police's measures to prevent child abuse.

18. CP advised that although there were 893 child abuse cases recorded in 2018, which represented a rise of 5.4% when compared with that of 2017, it was noteworthy that the overall child abuse cases from 2012 to 2018 illustrated a decreasing trend (i.e. from 1 298 cases in 2012 to 893 cases in 2018). The Police attached great importance to child abuse reports and the respective investigations were conducted by the Regional Child Abuse Investigation Units. The major tasks at present were enhancing support service to the families concerned by making referrals to the Social Welfare Department, and encouraging relevant

Action

organizations, such as schools, to report suspected cases to the Police earlier. As regards the penalty for child abuse, CP considered that the existing penalty was not lenient and added that any suggestion to review the relevant legislation could be raised to the Law Reform Commission of Hong Kong for further study.

Police

19. Dr Fernando CHEUNG was concerned about the rise in physical abuse cases against children in 2018. He also noted the substantial increase of over 100% from 2013 to 2016 in the age group under two. He requested the Police to provide prosecution and conviction figures of sexual abuse cases against children. CP agreed to provide the requested information in writing. Dr CHEUNG also asked about the difficulties in prosecuting and convicting abusers in child abuse cases, as well as ways to improve the corresponding rate of prosecution and conviction. CP responded that the difficulties encountered included the victims being too young to express themselves. Hence circumstantial evidence would be crucial. The Police would make every effort to handle such cases in a professional manner.

Rape

20. Mr SHIU Ka-chun said that despite the drop in number of rape cases, it did not necessarily imply that the situation had been improved. Considering that the repeated statement-taking procedures would be another psychological trauma to victims of rape cases, he urged the Police to be more sensitive to victims concerned. Mr SHIU sought information on the statistics in respect of the withdrawal of report by victims during the course of investigation and asked whether the Police would streamline relevant procedures so as to lessen the stress and psychological trauma encountered by these victims. CP said that the Police did not maintain figures on the withdrawal of report by victims of rape cases. To reduce repeated description of traumatic experience by victims and protect their rights and privacy, he said that one-stop-service in which statement-taking, forensic examination and support service by social workers for victims would be conducted in the same public hospital where they were receiving treatment as far as practicable. Besides, comprehensive training was provided to police officers to equip them with the skills and knowledge of handling victims of sexual violence cases.

Action

Indecent assault

21. Dr Elizabeth QUAT expressed concern about the rising number of indecent assault cases and asked about the measures in place to prevent indecent assault. CP responded that the Police had stepped up patrol at public transport, train stations and compartments, as well as cooperating with relevant parties to remind members of the public to be more vigilant and encourage victims to report their cases to the Police.

22. On Mr POON Siu-ping's enquiry regarding the gender of victims of indecent assault cases, CP said that there were both male and female victims.

Homicide

23. Dr CHENG Chung-tai expressed concern that although the overall crime rate had decreased, the degree of violence was getting more serious. He pointed out that 42 cases of homicide were recorded from January to October 2018, represented a significant rise of 18 cases when compared with the same period in 2017. Moreover, physical abuse against children and cruelty to animals were increased by about 20% to 30% in 2018. CP clarified that the surge in homicide cases was due to the serious bus accident in February 2018 on Tai Po Road which claimed the life of 19 victims. The bus driver was subsequently charged with 19 counts of manslaughter and hence 19 homicide cases were registered accordingly. The remaining homicide cases were mainly related to disputes among family members, couples, friends and residential care home residents. Two cases were triad-related.

Serious drugs offences

24. Mr POON Siu-ping expressed concern about the trend of new drugs and asked about the corresponding measures taken by the Police to tackle the prevalence of new drugs. CP said that the Narcotics Bureau had been closely monitoring the development of new drugs and would include relevant substances to the list of dangerous drugs stipulated in Schedule 1 to the Dangerous Drugs Ordinance (Cap. 134) as appropriate.

25. Referring to paragraph 11 of the Police's paper, Mr CHAN Chun-ying sought information as to whether there was any correlation between the 15.8% increase in cases involved cannabis and the relaxation of the control on recreational cannabis in Canada since

Action

October 2018. He also asked about the Police's publicity efforts in reminding members of the public of the different legislative control of cannabis in Hong Kong and that in Canada. CP responded that the Police had been monitoring the change in the figures of cannabis-related offences since October 2018. While the number of cannabis-related cases had been on the rise, the quantity seized was reduced. The Police and other counterpart LEAs had strengthened relevant publicity and education to remind members of the public to pay attention to the packaging labels of the products concerned as well as the relevant legislation in relation to cannabis, so as to avoid breaching the law inadvertently.

Criminal intimidation and criminal damage

26. Noting that a relatively high proportion of cases of criminal intimidation and criminal damage was related to debt collection, Mr Holden CHOW asked about the detection rate in this regard. CP responded that the detection rate of debt collection-related cases was 14.3%. Pointing out that the statistics on criminal intimidation and criminal damage involving debt collection had improved in 2018, CP said that the Police would continue to monitor the situation including illicit money lending activities, step up patrols, and conduct intelligence-led enforcement operations.

Mainland visitors arrested for crime

27. Referring to paragraph 32 of the Police's paper, Mr YIU Si-wing asked whether Mainland visitors arrested for crime, other than those visiting under the Individual Visitor Scheme, were illegal immigrants. CP said that illegal immigrants were not classified as visitors in the Police's crime statistics. Apart from visiting under the Individual Visitor Scheme, Mainland visitors also included those joining tour and those with endorsement for business visits.

28. Mr CHAN Chi-chuen said that although the number of persons arrested out of every 100 000 Mainland visitor arrivals was lower than that in 2017, the actual figure was not low. He requested the Police to provide a breakdown of the types of crime committed by Mainland visitors. CP agreed to provide the requested information after the meeting. Mr CHAN further asked about the definition of serious immigration offences. CP advised that examples of serious immigration offences included using forged travel documents and arranging passage

Action

of unauthorized entrants to Hong Kong. Considering that the commissioning of new boundary control points in recent years would result in a higher flow of Mainland visitors as well as an increase in the corresponding crime rate, Mr CHAN asked whether the Police would seek additional resources to ensure public safety. CP responded that there was so far not much increase in the crime rate despite a rise of 6.61 million Mainland visitors was recorded in 2018. That said, the Police had sought additional manpower resources in accordance with the established mechanism. The Police would closely monitor the relevant crime rate and maintain close collaboration with Mainland LEAs to fight against crime committed by Mainland visitors. Besides, CP noted Mr CHAN's suggestion of providing crime statistics committed by new arrivals and said that consideration would be given to including such figures if they were found to be threatening the public order and safety.

29. Considering that the number of Mainland visitors arrested for crime was high, Mr LEUNG Che-cheung asked whether the Police had any actions or publicity to enhance their understanding of laws of Hong Kong before entering and thus prevent them from committing crime in Hong Kong. CP pointed out that the publicity activities were largely on alerting visitors not to become victims instead. Mr LEUNG asked about the breakdown of offences committed by Mainland visitors and suggested that consideration should be given to enhancing relevant publicity at border control points to prevent Mainland visitors from breaching local legislation inadvertently. CP responded that the Mainland visitors were mainly arrested for shop theft, serious immigration offences and forgery and coinage. Mr LEUNG further suggested that the Police's report on the law and order situation regarding Mainland visitors' purpose of visiting Hong Kong could be beefed up in future. CP expressed that it was difficult to ascertain visitors' genuine purpose of visit. Hence, such breakdown might not be possible.

Crime committed by non-ethnic Chinese persons released on recognizance

30. Dr Elizabeth QUAT and Mr Tony TSE sought information on number of crime committed by non-ethnic Chinese ("NEC") persons released on recognizance. CP responded that 1 150 NEC persons released on recognizance were arrested in 2018, represented a drop of 392 persons when compared with 2017, and a majority of them were non-refoulement claimants.

Action

31. Mr SHIU Ka-fai commended the Police's efforts to maintain a low crime rate in Hong Kong and asked about the measures currently in place to combat crime committed by non-refoulement claimants. CP said that the Police had stepped up patrol and enhanced their intelligence gathering work at district level. A working group was also set up under OCTB to combat such crime.

Crime committed by police officers

32. Mr Alvin YEUNG expressed concern about the crime committed by police officers and asked about the number of police officers arrested in 2018. CP responded that 45 police officers were arrested in 2018, represented an increase of 55% as compared with 29 arrested police officers in 2017. The Police were very concerned about the rising trend of police officers committing crime and would not tolerate any breach of the law by police officers. Every case was treated under a fair and impartial manner. Mr LAM Cheuk-ting hoped that the Police would attach great importance to the overall situation of crime committed by police officers. Dr CHENG Chung-tai requested the Police to provide a breakdown on the number of off-duty police officers who were arrested for crime. CP agreed to provide the requested information in writing.

Police

33. Mr Alvin YEUNG sought information on the work progress of the Special Working Group on Integrity Management ("the working group") and asked whether a review of the working group would be carried out. Dr CHENG Chung-tai cast doubt about the effectiveness of early intervention in preventing police officers from committing crime. CP said that the working group, chaired by Deputy Commissioner of Police (Management) focused on four areas, including education, governance, enforcement and reintegration. In 2018, the working group issued guidelines entitled "Pointers on Aberrant Behaviours & Timely Intervention", with a view to intervening any aberrant behaviour of the police officers at an early stage. It also launched promotional campaigns to remind police officers of their sense of duty and honour. As the reasons for committing crime varied, CP pointed out that it might not be appropriate to judge the effectiveness of the working group by merely looking at the number of police officers being arrested.

Cruelty to animals

34. Dr Elizabeth QUAT sought information on the number of animal cruelty cases. CP responded that there were 105 cases in 2018, represented an increase of 31% compared with 80 cases in 2017.

Action

35. Ms Claudia MO sought the Police's view on the increasing trend of cruelty to animals. CP said that the increase might be attributed to the raising public awareness on prevention of cruelty to animals. While welcoming the setting up of dedicated investigation teams in the 22 police districts to handle animal cruelty cases, Ms MO asked whether the Police would consider setting up additional investigation teams or providing extra manpower support for the current teams and further consider the viability of establishing an animal police team. CP responded that the setting up of an animal police team specifically for handling animal cruelty cases might not be an effective use of police resources. He further said that the dedicated investigation teams had been expanded from 13 to 22 police districts in the past two years. As a new initiative in the 2018 Policy Address, the Police were going to implement the "Animal Watchers" Scheme in the financial year 2019-2020 to enlist public support and participation in their work to fight against cruelty to animals, as well as disseminate the message of caring for animals to the community. Ms MO further suggested that, to increase public awareness on animal caring, publicity campaigns could be launched to allow the general public to get familiar with the work and members of the investigation team.

36. The Chairman expressed concern about the inconsistent handling of animal cruelty cases due to staff changes of the dedicated investigation teams. CP responded that the Police would take this into account in making staffing deployment of the investigation teams as far as possible. Responding to the Chairman's further enquiry regarding the Police's training on caring for animals, CP said that the foundation training would be strengthened so that officers would gain better knowledge on the subject.

Issues related to the registration of society

37. Mr AU Nok-hin considered that the prohibition of the operation of the Hong Kong National Party by the Secretary for Society ("S for S") in accordance with the Societies Ordinance (Cap. 151) was contradictory to the Siracusa principles. He asked about Police's considerations of processing the registration and revocation of a society and which unit of the Police handled the prohibition case. CP said that the prohibition was recommended by the Support Wing of the Police to S for S. As the relevant appeal proceedings were on-going, he would not comment on the case. Nevertheless, CP stressed that the handling of the case had been acted in accordance with the law.

Action

Other issues

38. Mr POON Siu-ping sought information on the calculation of the detection rate, which was 46.5% as stated in paragraph 3 of the Police's paper. CP clarified that the detection rate was calculated based on the overall crime figure in the same year.

39. Mr AU Nok-hin asked about the figures and thresholds for prosecution in relation to public meetings and public processions. CP responded that seven persons were prosecuted in 2018 and stressed that advice of the Department of Justice would be sought.

40. Mr James TO sought information on "粵港澳大灣區警察交流中心" as reported in a newspaper. CP said that he had not heard of the aforesaid centre, but the Police would continue to work closely with LEAs in Guangdong Province.

41. Noting that the Police had encouraged and recruited ethnic minorities ("EM") to join the Police Force, Mr CHU Hoi-dick asked whether consideration would be given to recruiting more EM. CP responded that relevant support and outreaching activities had been organized to encourage NEC to join the Police Force, such as the Project Gemstone and Project Himalaya. From 2011 to 2018, 468 NEC applicants were received and 76 of them were recruited.

42. Mr SHIU Ka-fai asked about the latest progress of using body-worn video cameras ("BWVCs") by the Police. CP responded that the Police had, up to the time being, purchased 2 260 BWVCs for frontline police officers including those of the Emergency Unit and the Police Tactical Unit to use under confrontational scenarios. In the long run, the Police would equip all frontline officers with BWVCs by phase, so as to enhance the capability and accuracy in gathering evidence. CP added that the Fourth Generation Command and Control Communications System would hopefully be implemented in 2021 such that BWVCs would be incorporated in the 1 000 new beat radios to further enhance Police's efficiency and capability in discharging their duties.

Action

II. Any other business

Modern Slavery Project: Legislative Drafting Seminar to be held from 26 to 29 March 2019
(LC Paper No. CB(2)597/18-19)

43. The Chairman advised that members of the Panel on Security ("the Panel") had been invited vide LC Paper No. CB(2)597/18-19 on 14 January 2019 to indicate their views on whether to accept the invitation from the Commonwealth Parliamentary Association, United Kingdom ("CPA UK") to LegCo for nomination of two Members to attend the Modern Slavery Project: Legislative Drafting Seminar ("the Seminar") to be held in London from 26 to 29 March 2019 and open the invitation to all other LegCo Members. As less than half of the members of the Panel had replied and some members had signified disagreement, he considered that the matter should be discussed at the meeting today.

44. Members agreed to accept the invitation from CPA UK. Members further agreed that the Seminar would be open to all LegCo Members. If more than two Members had indicated interest in attending the Seminar, a ballot would be conducted by the Chairman for determining the two nominations to attend the Seminar, and priority would be given to members of the Panel. Members would be informed of the nominations by circulation.

45. There being no other business, the meeting ended at 4:10 pm.

Council Business Division 2
Legislative Council Secretariat
28 May 2019