

立法會

Legislative Council

LC Paper No. CB(2)1953/18-19
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 7 May 2019, 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
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, 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 CHAN Han-pan, BBS, JP
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
Hon Jimmy NG Wing-ka, JP

Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon YUNG Hoi-yan
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

Members attending : Hon Tommy CHEUNG Yu-yan, GBS, JP
Dr Hon KWOK Ka-ki
Hon SHIU Ka-fai
Hon KWONG Chun-yu

Members absent : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon SHIU Ka-chun

Public Officers attending : Items IV and V

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

Mrs Apollonia LIU LEE Ho-kei, JP
Deputy Secretary for Security 2

Ms Amy WONG Pui-man
Deputy Secretary for the Civil Service 2

Ms Joey LAM Kam-ping, JP
Deputy Secretary for Development (Works) 1

Mr Thomas HUI Hoi-hon
Chief Assistant Secretary (Works) 5
Development Bureau

Mr Ricky WONG Chi-pan
Deputy Head of Civil Engineering Office (Port & Land)
Civil Engineering and Development Department

Mr LAU Shing-cheong
Assistant Director / Operations & Maintenance
Drainage Services Department

Mr LEE Kam-kwong
Principal Assistant Secretary (School Development)
Education Bureau

Mr WONG Chuen-fai
Assistant Director (Environmental Infrastructure)
Environmental Protection Department

Mr FORK Ping-lam
Assistant Director (Operations) 3
Food and Environmental Hygiene Department

Ms Eugenia CHUNG Nga-chi, JP
Assistant Director (2)
Home Affairs Department

Mr SHUN Chi-ming, JP
Director of the Hong Kong Observatory

Ms Melody LUK, JP
Assistant Commissioner for Labour (Labour Relations)

Mr Simon LIU Wai-shing
Assistant Director (Leisure Services) 3
Leisure and Cultural Services Department

Mr Kevin CHOI, JP
Deputy Secretary for Transport and Housing (Transport) 2

Mr NG Wa-keung
Deputy Director of Highways

Mr LEE Wai-ping
Chief Highway Engineer / New Territories West
Highways Department

Ms Candy KWOK Wai-ying
Assistant Commissioner / Management and Paratransit
Transport 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

Mr Terence MAK Chin-ho
Assistant Commissioner of Police (Operations)

Mr Joe IP Cheuk-fan
Chief Inspector of Police (Training Team 1)
(Police Tactical Unit)

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

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

Ms Gloria TSANG
Senior Council Secretary (2) 7

Mr Ronald LAU
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1328/18-19)

The minutes of the meeting held on 5 March 2019 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1237/18-19(01), CB(2)1280/18-19(01),
CB(2)1281/18-19(01), CB(2)1303/18-19(01) and CB(2)1322/18-19(01))

2. Members noted that the following papers had been issued since the last meeting:

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- (a) letter dated 8 April 2019 from Dr Elizabeth QUAT;
- (b) letter dated 11 April 2019 from Dr Elizabeth QUAT;
- (c) joint letter dated 17 April 2019 from Mr Charles MOK, Mr Dennis KWOK and Mr Alvin YEUNG;
- (d) letter dated 23 April 2019 from Dr KWOK Ka-ki; and
- (e) letter dated 25 April 2019 from Mr Alvin YEUNG.

3. Regarding paragraph 2(a) and (d) above, the Chairman said that the Administration had been requested to provide a response to the issues raised in the respective letters from Dr Elizabeth QUAT and Dr KWOK Ka-ki.

4. Regarding paragraph 2(b) and (c) above, the Chairman said that to his understanding, the issues raised in the letter from Dr Elizabeth QUAT and the joint letter from Mr Charles MOK, Mr Dennis KWOK and Mr Alvin YEUNG would be discussed at the June regular meeting of the Panel on Administration of Justice and Legal Services ("the AJLS Panel"). He would invite the Clerk to follow it up with the AJLS Panel to invite members of the Panel on Security to attend the June regular meeting of AJLS Panel when the relevant item was discussed.

Clerk

5. Regarding paragraph 2(e) above, the Chairman said that according to the established practice, he would arrange for the Panel to be briefed on the Member's Bill entitled "Offences against the Person (Amendment) (Extra-territoriality) Bill" proposed by Mr Alvin YEUNG at a future meeting.

(Post-meeting note: On the instruction of the Chairman, the item "Proposed Member's Bill entitled "Offences against the Person (Amendment) (Extra-territoriality) Bill 2019"" was included in the agenda for the special meeting on 31 May 2019.)

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1330/18-19(01) and (02))

Regular meeting in June 2019

6. Members agreed that the following items would be discussed at the next regular meeting on 4 June 2019 at 2:30 pm:

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- (a) Drug situation in Hong Kong in 2018;
- (b) Developing the Fire and Ambulance Services Academy as a regional training centre for emergency rescue and a local platform for community emergency preparedness education; and
- (c) The strategy of the Government Flying Service on making good use of retired aircraft.

(Post-meeting note: On the instruction of the Chairman, the item "Issues relating to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019" was included in the agenda for the meeting on 4 June 2019, and the three items referred to in paragraph 6 above were deferred to a future meeting.)

IV. Review of the Government's handling of super typhoon

(LC Paper Nos. CB(2)1330/18-19(03) to (04) and CB(2)1378/18-19(01))

V. Proposed Member's Bill entitled "State of Disaster Bill"

(LC Paper Nos. CB(2)1330/18-19(03) and (05))

7. The Chairman said that as the two agenda items involved common issues of concern, the discussion on the two items would be combined according to the past practice. Members raised no objection.

8. Under Secretary for Security ("US for S") briefed Members on the review of the Government's handling of super typhoons, as well as the Government's preparedness, emergency response and recovery work for future super typhoons. With the aid of powerpoint presentation, Deputy Secretary for Security 2 ("DS for S(2)") briefed Members on the key outcome of the review and the proposed measures to be implemented in the event of future super typhoons.

9. At the invitation of the Chairman, Mr Alvin YEUNG briefed Members on the background of and need for the proposed Member's Bill entitled "State of Disaster Bill" ("the proposed Member's Bill"). He said that the proposed Member's Bill sought to confer on the Chief Executive in Council power to declare a State of Disaster upon the occurrence of a major disaster and to provide for employment protection for civil servants as well as employees in private sectors under a State of Disaster. It would also necessitate

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mandatory suspension of the operation of the recognized exchange companies in Hong Kong under a State of Disaster.

10. Members noted a background brief entitled "Administration's preparedness for the approach of typhoon season and related natural disasters and emergency response" prepared by the Legislative Council ("LegCo") Secretariat.

Clearance of fallen trees and debris

11. Mr CHAN Chun-ying said that according to the Administration's reply to a written question raised during the examination of the Estimates of Expenditure 2019-2020, as at 31 March 2019, there were 588 locations where the clearance of fallen trees and debris remained outstanding. Noting that the Government would set up a Steering Committee under the chair of the Chief Secretary for Administration with relevant principal officials as members ("the Steering Committee") to handle super typhoons in future, Mr CHAN enquired whether the Administration would, through the Steering Committee, strengthen the supervision and coordination of the clearance work of various bureaux/government departments in case of super typhoons. Sharing a similar concern, Mr Tony TSE considered it not productive for bureaux/government departments to handle the clearance work under their own respective purview in post-super typhoon situations.

12. US for S responded that the Steering Committee, when formed, would oversee the Government's work throughout the preparedness, response and recovery stages in case of super typhoons in future. To enhance effective coordination and implementation of the recovery work after super typhoons, the Steering Committee would serve as a high-level body in coordinating government-wide resources and setting priority for the clearance efforts. The Government would also continue to deploy the "Emergency Command System" for the initial phase of the post-super typhoon clearance work, which had been operationally effective in assisting the Highways Department to expedite clearance of major thoroughfares in the immediate aftermath of Super Typhoon MANGKHUT ("MANGKHUT").

13. Referring to two clearance operations in the aftermath of MANGKHUT, Mr Michael TIEN expressed concern that the workers assigned by the government service contractors did not have sufficient experience to remove large fallen trees and were not provided with adequate tools/equipment and protective gears. Mr POON Siu-ping said that the clearance of huge amount of fallen trees after the passage of MANGKHUT

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had put extra burden on the outsourced cleansing workers whose daily workload was already very heavy. He enquired whether the Administration would consider requiring the government service contractors to provide suitable tools/equipment and grant special allowances to cleansing workers who had to undertake extra cleansing duties after super typhoons.

14. US for S responded that to better cope with the possibility of handling substantial number of fallen trees and allow for more speedy clearance in the future, relevant clearance departments had provided enhanced training to their staff and procured additional equipment (e.g. chainsaw). Works departments would also establish understanding with their contractors to mobilize more manpower and equipment to assist in clearance and recovery works in emergency situations.

15. Mr KWOK Wai-keung said that the manpower resources required for handling the substantial amount of clearance work in the wake of MANGKHUT was far beyond the normal capacity of various government departments. In his view, consideration should be given to seeking assistance from the People's Liberation Army Hong Kong Garrison ("the Garrison") to participate in the recovery efforts in case of future super typhoons. Mr Frankie YICK expressed a similar view.

16. US for S responded that apart from coordinating post-typhoon recovery efforts in accordance with the Contingency Plan For Natural Disasters ("CPND"), the Administration had mobilized over 16 000 workforce each day to handle clearance operations in the aftermath of MANGKHUT. With the implementation of the proposed enhanced measures and the concerted efforts of various government departments, the Administration believed that it would have adequate surge capacity to undertake the recovery efforts in the aftermath of future super typhoons. This notwithstanding, according to Article 14 of the Basic Law, the Government of the Hong Kong Special Administrative Region might, when necessary, ask the Central People's Government for assistance from the Garrison in the maintenance of public order and in disaster relief. US for S added that the Administration was grateful for the Garrison's participation as volunteers in a post-MANGKHUT community service activity.

17. Mr CHU Hoi-dick said that the Administration should consider organizing community efforts to assist in the recovery of rural areas. In his view, the Administration should provide subsidies for villagers to procure necessary machinery and equipment (e.g. power supply machines and saws) so that they could undertake minor repair works and clearance of road

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blockages. Mr AU Nok-hin suggested that the Administration should provide funding to District Councils for implementing repair works of damaged public facilities so that the recovery demands at district level could be addressed in a timely manner. Dr CHENG Chung-tai expressed concern about the slow progress of the repair works of damaged public facilities located on the outlying islands (e.g. Lamma Island and Peng Chau) undertaken by public utilities companies. He considered that the Administration should enhance its role in expediting such works.

18. US for S and Assistant Director (2), Home Affairs Department responded that the Government offered cash assistance through various funds, including amongst others the General Chinese Charities Fund ("GCCF") and the Special Aid Fund ("SAF") under the administration of the Home Affairs Department ("HAD"), to grant emergency relief to persons who were in need of financial assistance as a result of natural disasters. Applications for relief grant under GCCF and SAF could be submitted to District Offices and they would be vetted by respective District Officers. As far as MANGKHUT was concerned, HAD had approved over 900 applications arising from the passage of the super typhoon.

Work arrangements under "extreme conditions"

19. Mr POON Siu-ping noted that as a new measure formulated after the review of the Government's handling of super typhoons, the Administration would revise the existing "Code of Practice in times of Typhoons and Rainstorms" ("the Code of Practice") to provide reference guidelines on the work arrangements for "extreme conditions" caused by super typhoons. Pointing out that the Code of Practice was not legally binding, Mr POON queried how the Administration could ensure that employers would implement the work arrangements for "extreme conditions" in line with the relevant guidelines under the Code of Practice. He enquired whether the Administration would consider giving legal effect to the Code of Practice in order to better protect employees' rights and benefits in times of typhoons and adverse weather conditions.

20. Noting that the work arrangements for "extreme conditions" would be incorporated into the prevailing general guidelines for government employees, Mr KWOK Wai-keung considered that employees in the private sector should be treated equally in this regard. He called on the Administration to enact legislation to prohibit employers from deducting wages or requiring employees to take leave for absence of work for failure to report for duty following the passage of super typhoons.

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21. Assistant Commissioner for Labour (Labour Relations) advised that since the introduction of the Code of Practice more than a decade ago, it had become a common practice for employers to work out in advance with their employees the working arrangements for typhoons and adverse weather conditions. To introduce an across-the-board legislation governing work arrangements under "extreme conditions", pragmatic matters like the diversity in the nature and requirements of different jobs in various trades and industries should be taken into account. Some essential services (e.g. public transportation, public utilities, medical services, homes for the elderly or persons with disabilities, hotels and security, etc.) had to maintain different degrees of operation under inclement weather conditions. Applying some pre-set criteria universally to regulate employees' work arrangements as well as their rights and benefits during specific circumstances might not be the most suitable, as the operational needs of different trades or establishments and the community as a whole, as well as the varying impact brought by individual disaster or emergency situation, would be overlooked.

22. Mr Alvin YEUNG cast doubt about the effectiveness of the Code of Practice in safeguarding the rights and benefits of employees, as employers did not have to bear any legal liabilities for failure to comply with the relevant guidelines. He urged the Administration to enact legislation and draw reference to the proposed Member's Bill to protect employees' entitlement to absence from work after super typhoons or other natural disasters. Echoing Mr YEUNG's views, Dr CHENG Chung-tai enquired whether the Administration would review and update the Employment Ordinance (Cap. 57) in order to provide for a statutory buffer period for employees to resume work after super typhoons or other natural disasters. Mr AU Nok-hin suggested that consideration should be given to requiring employers to grant an alternative holiday to essential staff who had to work when "extreme conditions" were in force.

23. US for S responded that the Government had all along been very effective in handling the preparedness for and response to natural disasters in accordance with CPND through the concerted efforts of bureaux/government departments under committed leadership. While the Government had identified room for improvement in view of the experience of MANGKHUT, the Government considered that there was no genuine need at this stage to legislate on disastrous situations. With the proposed institutional enhancement, the Steering Committee would enhance the coordination of resources to manage the impacts on the resumption of work and operation of community under "extreme conditions". The Steering Committee would also implement the new arrangements for resumption of work after super

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typhoons and inform the public in advance in case "extreme conditions" were anticipated after cancellation of Typhoon Cyclone Signal no. 8 ("T8"). At the request of Mr Alvin YUENG, US for S agreed to provide his speaking note in response to the proposed Member's Bill after the meeting for members' reference.

24. In response to a case cited by Mr Alvin YEUNG where a government employee had been required to take leave for absence from work after the passage of MANGKHUT, Deputy Secretary for the Civil Service 2 advised that upon the Government's review of the handling of super typhoons, the Civil Service Bureau would amend the prevailing general guidelines for government employees on resumption of work arrangements after tropical cyclones to specify that supervisors might take into consideration the genuine circumstances of individual staff and flexibly exercise discretion not to require staff to take leave for absence from work due to road flooding, landslides, heavy rain, non-availability of public transport services, etc. after a typhoon or after the "extreme conditions" announcement.

25. Mr CHAN Chun-ying enquired as to how the announcement of "extreme conditions" would be issued, so that members of the public could easily recognize that the time for resumption of work after cancellation of T8 had been extended. Mr Frankie YICK said that some employees living in remote areas might begin travelling to work while "extreme conditions" were still in force. It might be too late for the Administration to advise the public by the end of the initial effective time of "extreme conditions" (i.e. two hours after cancellation of T8) whether the time for resumption of work would be further extended. In Mr YICK's view, the Administration should conduct early inspection of the traffic conditions across the territory before T8 was cancelled. Mr SHIU Ka-fai considered that the Administration should disseminate the latest information about the areas where public transport services were seriously disrupted through various channels (e.g. radio, television, etc.). He also suggested that the Administration should draw up clear criteria for determining whether "extreme conditions" applied, such as the extent of flooding and the scope of public transport services being affected.

26. DS for S(2) advised that the Steering Committee would review the impact of super typhoons on various aspects (e.g. public transportation) with the latest information available and announce to the public whether "extreme conditions" would apply and warrant extended hours for resumption of work after cancellation of T8. The announcement on "extreme conditions" would be issued in tandem with the announcement of the Hong Kong Observatory

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projecting T8 to be cancelled after two hours. Employees would be advised to stay in the places where they were currently in for two hours after cancellation of T8, instead of heading for work (or going out) immediately. During the initial two-hour period when the "extreme conditions" were in force, government departments and public transport operators would conduct road inspection and undertake repair works when necessary. The Steering Committee would continue to review the situation and advise the public again by the end of the initial two-hour period whether the "extreme conditions" would be extended or cancelled. Employers and employees would be advised to stay alert to further announcements to be issued by the Government.

Flood prevention

27. Mr KWONG Chun-yu expressed concern that residents living in coastal and low-lying locations had been seriously affected by severe flooding when Super Typhoon HATO and MANGKHUT hit Hong Kong in 2017 and 2018 respectively. He called on the Administration to adopt preventive and relief measures targeting flooding blackspots, including constructing breakwaters along the shoreline, stepping up clearance of drainage systems, and providing early notification on the opening of temporary shelters.

28. Expressing concern that some flood-prone areas (e.g. Siu Sai Wan, Heng Fa Chuen, Tseun Kwan O, South Horizons, etc.) had been heavily hit by MANGKHUT, Mr KWOK Wai-keung hoped that the Administration could expedite the consultancy study on the impacts of extreme weather on the low-lying coastal and windy locations, so that necessary infrastructure improvement works could be taken forward as early as possible. Mr Frankie YICK enquired whether the Administration would implement construction works to raise the level of breakwaters at the existing typhoon shelters, with a view to strengthening their resilience to huge waves brought by super typhoons.

29. Deputy Head of Civil Engineering Office (Port & Land), Civil Engineering and Development Department responded that after the passage of Super Typhoon HATO in 2017, various government departments joined hands to carry out a series of protective measures at the low-lying areas in Lei Yue Mun. Among them, the Civil Engineering and Development Department had constructed rock-armoured bunds/gabion walls along the seashore of Lei Yue Mun and HAD had built concrete wave walls behind the rock-armoured bunds along an existing footpath to alleviate the influx of wave into the villages. Before the onset of MANGKHUT, HAD had

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assisted residents in flood-prone areas of Lei Yue Mun to evacuate to the nearby temporary shelters. Assistant Director/Operations & Maintenance, Drainage Services Department supplemented that the Drainage Services Department had implemented relief measures (such as installing demountable flood barriers) at locations that were prone to storm surges and overtopping waves, including Lei Yue Mun, Luen On San Tsuen, Kar Wo Lei, etc. to alleviate the impact of flooding.

Tree management

30. Referring to paragraph 18 of the Administration's paper, Mr CHU Hoi-dick enquired whether the Administration would consider expanding the soil space of adjacent trees by connecting their planters so as to provide a better growing environment. Deputy Secretary for Development (Works) 1 ("DS/DEV(W)1") replied that tree management departments would seek to increase the soil volume for existing trees as far as practicable. As for the locations where trees had collapsed due to the onslaught of MANGKHUT, relevant departments would assess whether there was sufficient soil space for tree growth at those locations before re-planting.

31. Mr MA Fung-kwok said that many damaged young trees caused by MANGKHUT could have been preserved by pulling them back into upright position in a timely manner. However, he was given to understand that an inspection by a qualified arborist was required before any tree supporting works could be carried out. He considered it too rigid for the Administration to strictly follow the usual procedures when handling tree preservation work in post-super typhoon situations. DS/DEV(W)1 said that after the passage of MANGKHUT, tree management departments had made every effort to carry out tree remedial works such as guying and prodding unstable trees so as to preserve them. She added that according to the usual procedures, inspection by a qualified arborist was required only if a problematic tree had to be permanently removed.

32. Mr Tony TSE sought information on the progress on the review of the work (including duties, organization structure and staffing establishment) of the Greening, Landscape and Tree Management Section and the Tree Management Office under the Development Bureau. US for S undertook to provide a written response after the meeting.

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Information dissemination

33. Dr Elizabeth QUAT welcomed the inclusion of two more government departments in the Common Operational Picture ("COP") starting from the

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2019 typhoon season. She hoped that the Administration could expedite the integration process of emergency information from various departments into the COP's database and enhance the supervision of the operation of COP. As Hong Kong moved towards smart city development, Dr QUAT considered that the Administration should make better use of information technology and open up more government data to facilitate the assessment of the impacts of super typhoons.

34. US for S responded that the MANGKHUT experience indicated that the use of technology was important for situation appreciation after the passage of a super typhoon. In this regard, the Administration would put on trial a scheme to deploy drones for instant aerial monitoring to appreciate the aftermath of future super typhoons. The Transport Department ("TD") was also planning to install more closed-circuit televisions ("CCTVs") at strategic locations (e.g. access routes near bus depots) to expedite traffic assessment. The live-feed videos taken by the drones and the CCTV signals would be accessible to the Emergency Monitoring and Support Centre under the Security Bureau and the Emergency Transport Co-ordination Centre under TD for the monitoring of the overall situation in the territory and the better assessment of serviceability of roads and traffic conditions after super typhoons.

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35. At the request of Dr Elizabeth QUAT, US for S undertook to provide information about the application of the sharing of emergency information under COP in facilitating the prediction, prevention and instant monitoring of flooding and fallen tree incidents.

Other issues

36. Mr YIU Si-wing enquired whether the Administration had formulated any contingency measures in the event of the full closure of Tsing Ma Bridge due to severe damage brought by super typhoons. In his view, the Steering Committee should take the lead in coordinating with airlines and airport service providers to provide the necessary assistance to affected passengers.

37. Deputy Secretary for Transport and Housing (Transport) 2 responded that the Airport Authority Hong Kong ("AAHK") had put in place a mechanism in handling the full closure of Tsing Ma Bridge. AAHK would, in collaboration with TD, the MTR Corporation Limited and other public transport operators, monitor the situation and activate appropriate contingency plans to complement the operation of the airport.

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38. Mr YIU Si-wing suggested that the Steering Committee could organize community efforts to offer support to the needy after super typhoons with a view to minimizing the impact on the normal daily lives of the community. In response, US for S said that volunteers in various sectors, including the disciplined services, had joined hands to take part in post-typhoon recovery work (e.g. clearance of fallen trees and debris) after the passage of MANGKHUT. The Administration would encourage and be delighted to see a growing trend of community participation in helping the society recover from the onslaught of super typhoons. In this connection, the Steering Committee would keep in view the situation during super typhoons and organize community efforts to provide assistance whenever necessary.

Motion

39. The Chairman said that Mr Michael TIEN had indicated intention to move a motion under agenda item IV. He ruled that the motion was directly related to the agenda item in accordance with Rule 22(p) of the House Rules and members present agreed that the motion should be dealt with.

40. Mr Michael TIEN moved the following motion, which was seconded by Dr Junius HO:

"去年 9 月超級颱風山竹襲港，造成至少 6 萬宗塌樹個案，政府依賴各部門外判商清理塌樹，唯大部分外判工人沒有足夠經驗及裝備處理塌樹，清理進展緩慢，亦容易受傷。本委員會促請政府日後處理類似事件，應聘請具專業資格及裝備的外判商，政府相關部門特別是民眾安全服務隊和樹木管理辦事處同時購置相關裝置及訓練人員處理塌樹。"

(Translation)

"In September last year, super typhoon Mangkhut hit Hong Kong and caused at least 60 000 tree failure incidents. The Government has relied on the outsourced service contractors of various departments to remove fallen trees, but most of the outsourced workers have neither sufficient experience nor accoutrements to handle fallen trees, resulting in the slow progress of clearance and the situation where workers are prone to injuries. This Panel urges that the Government, when handling similar incidents in the future, should engage outsourced service contractors with professional qualification and accoutrements, while relevant government departments, in particular the Civil Aid

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Service and the Tree Management Office, should procure relevant devices and train staff to handle fallen trees concurrently."

41. The Chairman put Mr Michael TIEN's motion to vote. Twelve members voted in favour of the motion and no member voted against the motion or abstained from voting. The Chairman declared that the motion was carried.

VI. Specialized crowd management vehicles

(LC Paper Nos. CB(2)1330/18-19(06) and (07))

42. US for S briefed members on the principles on the Police's use of "Specialized Crowd Management Vehicles" ("SCMVs"), as detailed in the Administration's paper. He added that the Administration would be pleased to arrange a visit for members to gain first-hand information on SCMVs, if members so wished. With the aid of power-point presentation, Assistant Commissioner of Police (Operations) ("ACP(O)") elaborated on the main features and key equipment of SCMVs.

(Post-meeting note: The power-point presentation materials (Chinese version only) were issued to members vide LC Paper No. CB(2)1394/18-19(02) on 7 May 2019. A demonstration session of SCMVs was arranged for members on 12 August 2019.)

43. Members noted a background brief entitled "Specialized Crowd Management Vehicles" prepared by the LegCo Secretariat.

Logistical and staff arrangements for SCMVs

44. Mr YIU Si-wing, Mr POON Siu-ping and Dr Elizabeth QUAT enquired about the logistical and staff arrangements for SCMVs. In response, US for S and ACP(O) elaborated as follows:

- (a) three SCMVs had been delivered to the Police in September 2018 for testing and training, and the Police had finished drafting the operating guidelines on such vehicles in March 2019. The three SCMVs were stationing at the Police Tactical Unit Headquarters in Fanling. These vehicles were custom made to ensure that they would be suitable for use in Hong Kong;

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- (b) the two main water discharge devices on the top of the vehicles could discharge water jets in different modes for various purposes. Depending on operational needs, operators could choose fog or stream modes, and the vehicles could discharge pelargonic acid vanillylamide solution. In addition, the vehicles had protective water discharge devices and protective nozzles that could be used for defensive use and extinguishing fire for protection of the vehicles when necessary; and
- (c) each SCMV would be operated by four police officers, with one station sergeant being the vehicle commander, two sergeants respectively operating the left and right roof water discharge devices, and one constable being the driver. All SCMV operators would be required to undergo a five-day training programme before using the vehicles. It was expected that the vehicles could be put into operation in the latter half of 2019.

45. Mr YIU Si-wing noted that the Police would only consider deploying SCMVs in situations of widespread or significant public disorder. He considered that such situations would not frequently occur, and therefore, sufficient and regular training should be provided to SCMV operators to ensure that these operators, when called upon, could effectively operate SCMVs. Besides, Mr YIU suggested, and Mr CHAN Han-pan concurred, that the Administration could explore whether SCMVs could be put into other uses.

46. US for S said that the Administration welcomed members' views on the use of SCMVs, and would explore relevant issues as appropriate. ACP(O) added that SCMV operators would be given regular and periodical training to ensure that they would be familiar with the operation of SCMVs.

Guidelines on the use of SCMVs

47. Mr KWONG Chun-yu and Mr AU Nok-hin, referring to incidents involving the deployment of similar vehicles in overseas countries such as South Korea and Germany, expressed grave concern about the possibility that some members of the public might be seriously injured (e.g. causing blindness) or even be killed by the high-powered water jets discharged by SCMVs, particularly if their eyes or heads were hit. Mr KWONG sought information about the highest power of the water jets discharged by SCMVs. Mr AU said that the use of such vehicles had already been banned in London, the United Kingdom. He considered it necessary for the Administration to make public the operating guidelines on the use of SCMVs.

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48. US for S advised that the Police would pay attention to the potential risks in using the water discharge device of SCMV's during a public disorder situation. The Police would only use the water discharge devices to deal with violent charging acts, and would not target particular individuals. Besides, water jets would be discharged towards the lower limbs, and the Police would only gradually increase the power of the water jets and would cease using such device once the purpose had been achieved. US for S further advised that as the guidelines on the use of SCMV's involved operational details and the Police's tactical deployments, their disclosure was inappropriate as it might undermine the capability and efficacy of the Police's operations. Likewise, other details of SCMV's such as the highest power of the water jets would not be disclosed.

49. Mr POON Siu-ping enquired about the circumstances under which SCMV's would be deployed and different modes of water jets would be discharged. In response, US for S said that the the Police would only consider deploying SCMV's in situations of widespread or significant public disorder where there had already been at least one of the following consequences, or when a threat assessment suggested that there was potential for widespread or significant public disorder that might lead to at least one of the following consequences: (a) serious injury or loss of life; (b) widespread destruction of property; or (c) disruption or illegal blockage of traffic by occupation of major thoroughfares resulting in significant consequences on public order and/or public safety. Should such a situation occur, ACP(O) may authorize the deployment of SCMV's to stand by or turn out for operation. The field commander (not below the rank of Chief Superintendent) could also seek permission for the deployment of SCMV's in the light of the actual circumstances at scene.

50. Mr Christopher CHEUNG, Dr Elizabeth QUAT and Mr CHAN Han-pan expressed a similar view that given the experience in large-scale public assemblies in recent years, it was reasonable for the Police to be provided with SCMV's as an additional operation option. Mr CHEUNG considered it desirable for SCMV's to stand by when there was potential for widespread or significant public disorder. He asked whether there was relevant experience in overseas countries in the deployment of similar vehicles. Dr QUAT considered that SCMV's could effectively achieve the purpose of dispersing a radical crowd engaged in violent charging, creating and maintaining a safe distance between police officers and the crowd, thereby reducing the chance of injury to both due to direct confrontation. Mr CHAN took the view that the Police had all along exercised great restraint

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in the use of force, and demonstrators should follow the Police's advice/warnings so that discharge of water jets would not be necessary.

51. US for S said that based on information in the public domain, 17 of the 34 member countries of the Organisation for Economic Co-operation and Development ("OECD") were equipped with similar vehicles, and law enforcement agencies of such countries as France, Germany, Italy and Belgium had already used such vehicles when handling large-scale public assemblies. In handling large-scale public assemblies, SCMV's provided the Police with an operation option necessary for stopping behaviours that threatened public order and public safety. When the water discharge devices of SCMV's must be used, the Police would adhere to several important principles, including: (a) subject to the circumstances at the scene, police officers would give a warning in advance indicating that such devices would be used; (b) before using such devices, the Police would, where practicable, give the relevant persons opportunities to obey the Police's orders; (c) only a discharge mode reasonably necessary for achieving a lawful purpose would be used; and (d) the use of such devices must cease immediately once the purpose was achieved.

52. Mr KWOK Wai-keung and Mr Frankie YICK took the view that while it was desirable for the Police to adopt a prudent manner in the deployment of SCMV's, the Police should not hesitate to deploy SCMV's whenever situations so warranted, particularly when it was necessary to stop behaviours that threatened public order and public safety.

53. Ms Claudia MO expressed concern about the risk of injury to members of the public caused by the high-power water jets discharged by SCMV's. She considered that the field commander, before giving order to discharge water jets, should seek permission from the rank of Deputy/Assistant Commissioner of Police. In response, US for S said that it was necessary for the field commander to exercise professional judgement in light of the actual circumstances at scene and take appropriate actions.

54. Mr MA Fung-kwok considered that while it was reasonable for the Police to be equipped with SCMV's, a mechanism should be put in place to ensure that the Police would deploy such vehicles in a prudent manner. He enquired whether any guidelines had been issued to ensure that the water jets were discharged only when a certain level of violence had occurred at scene, as well as whether any written reports would be prepared following the discharge of water jets.

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55. US for S said that in order to film and record the scene of an event and the use of water discharge devices in real-time for review or investigation in future, digital video cameras were installed on SCMVs to take video of external situations. Such video cameras would be automatically turned on once the engines of the water discharge devices started. Furthermore, SCMV operators would be requested to submit a detailed report whenever the water discharge devices were used.

56. Ms Claudia MO, Mr CHAN Chi-chuen and Dr KWOK Ka-ki urged the Administration to make public the operation guidelines on the use of SCMVs. Mr CHAN considered that even if not the whole guidelines could be made public, those parts relating to the protection of human rights and personal safety should be disclosed. He added that the Police would then be more prudent in its use of SCMVs and the public could monitor the use of SCMVs more effectively. Dr KWOK considered it unreasonable for the Administration not to make public the operation guidelines, given that some overseas countries (e.g. the United States of America) had already done so. He queried whether SCMVs would be used to suppress peaceful public meetings or processions, as it was also possible that such meetings/processions might cause disruption or blockage of traffic by occupation of major thoroughfares. Ms MO and Mr CHAN also sought more details of SCMVs, such as the power of the water jets discharged by SCMVs and the model number of the three SCMVs.

57. US for S reiterated that the disclosure of the operation guidelines on the use of SCMVs was inappropriate as it might undermine the capability and efficacy of the Police's operations. For the same reason, the Administration had no plan to disclose further details of SCMVs. Furthermore, among the 17 member countries of OECD which had already been equipped with similar vehicles, the majority of them had not made public the operation guidelines. He further said that the Administration had all along respected the public's freedom of and right to assembly, and widespread or significant public disorder was a necessary condition in considering the deployment of SCMVs. ACP(O) added that the three SCMVs were custom made, and therefore, they did not have any model number from any suppliers in the market.

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