

立法會
Legislative Council

LC Paper No. CB(2) 1202/99-00
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 6 January 2000 at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon James TO Kun-sun (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Deputy Chairman)
Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon Gary CHENG Kai-nam, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah

Member absent : Hon Andrew CHENG Kar-foo

Public Officers attending : Item III
Mr K O HUI
Commissioner of Police

Mr C S LAU
Director of Crime and Security
Hong Kong Police Force

Item IV

Miss Stoney POON
Acting Principal Assistant Secretary for Security B

Mr S Y PANG, Kelvin
Assistant Commissioner of Correctional Services (Rehabilitation)

Item V

Mrs Regina IP, JP
Secretary for Security

Mr K S SO
Principal Assistant Secretary for Security D

Mr P T CHOY
Deputy Director of Immigration

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2) 5

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I. Matters arising
(LC Paper Nos. CB(2) 748/99-00(01))

List of follow-up actions required of the Administration

Members noted the list of follow-up actions required of the Administration.

2. The Chairman informed members that the Administration had advised that its review on the integration of the Hong Kong Auxiliary Police Force with the regular Police Force would probably be completed by March 2000.

3. Members noted that the Administration's response in respect of provision of video-interview rooms in police stations was still awaited. The Chairman asked the Clerk to follow-up the issue with the Administration.

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(*Post-meeting note* : The Administration was reminded to provide the relevant information as soon as possible.)

Migrant trafficking using container vessels

4. Mr CHEUNG Man-kwong expressed concern about the recent reports on migrant trafficking from the Mainland to the United States and Canada by container vessels. The Chairman suggested and members agreed that written information be sought from the Administration on the measures it had adopted to combat the problem before members decide whether to follow-up the issue at a future Panel meeting.

(*Post-meeting note* : An information note on the subject provided by the Administration was circulated to members vide LC Paper No. CB(2) 980/99-00 on 28 January 2000.)

Panel's overseas duty visit

5. For the purpose of financial planning, the Chairman invited members' views as to whether there was any need for the Panel to conduct a duty visit overseas for the remainder of the current legislative session. Members did not propose any overseas duty visit.

Withdrawal of Mr WONG Yung-kan from the Panel

6. Members noted the withdrawal of Mr WONG Yung-kan from the Panel with effect from 30 December 1999.

II. Date of next meeting and items for discussion

(LC Paper No. CB(2) 748/99-00(02))

7. Members agreed to reschedule the next meeting for 28 January 2000 at 2:30 pm to discuss the following items proposed by the Administration -

- (a) New Command and Control Communication System for Operations Wing of Hong Kong Police Force;
- (b) Replacement of the Criminal Intelligence Computer System and Enhanced Police Operational Nominal Index Computer System of Hong Kong Police Force; and
- (c) Review of response time and performance target for emergency ambulance service.

As items (a) and (b) were funding proposals, the Chairman suggested that a visit be made to the Police Headquarters on the systems concerned. Members agreed.

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(*Post-meeting note* : The visit to the Police Headquarters was made on 24 January 2000. An item on "Proposed creation of a Chief Chemist Post in the Government Laboratory" was subsequently added at the request of the Administration.)

III. Crime Situation in 1999

8. At the invitation of the Chairman, Commissioner of Police (CP) gave an account of the crime situation in 1999. He took members through the statistical information tabled at the meeting and provided the following supplementary information -

- (a) out of 24 bank robberies in 1999, no money loss was reported in 12 of the robberies;
- (b) there were 74 missing container trucks as compared to 90 for the previous year. The recovery rate was 58%;
- (c) apart from 1997, the crime rate for burglary was the lowest among the past ten years;
- (d) the crime rate for homicide was the lowest among the past ten years. About 50% of the cases were related to family disputes;
- (e) among the wounding and assault cases, 67% were related to family disputes and 11% were related to unlawful societies;
- (f) about half of the rape cases occurred in residential buildings;
- (g) about 66% of indecent assault cases occurred in crowded public places and public transport;
- (h) 2 200 kg of drugs were seized outside Hong Kong in 1999;
- (i) since the enactment of the Drug Trafficking (Recovery of Proceeds) Ordinance, about \$285 million worth of assets had been recovered. Another \$242 million worth of assets had been identified and were awaiting recovery; and
- (j) 12 179 illegal immigrants were arrested in 1999, representing a decrease of 16% over 1998. 1 160 illegal immigrants were arrested for various crimes, representing a decrease of 14% over 1998. In comparison with 1998, robbery, burglary and possession of weapons by illegal immigrants had decreased by 27%, 17.3% and 30% respectively.

(*Post-meeting note* : The crime statistics were circulated to absent members vide LC Paper No. CB(2) 793/99-00 on 7 January 2000.)

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9. CP said that the crime statistics reflected the recent economic downturn in Hong Kong. As the economic situation had improved towards the end of the year, the increase in crime rate had slowed down towards the end of 1999. The increase in the overall crime rate was mainly due to increase in crimes associated with debt collection activities and quick cash crimes. However, the crime rates in respect of key crimes had not demonstrated any substantial increase.

10. In response to Mr Howard YOUNG, CP said that crime statistics of 1996 were used for comparison since the crime rates of 1997 were the lowest among the past 20 years.

Drug seizures

11. In response to Mr CHENG Kai-nam, CP said that provisional statistics on drug seizures were provided because the actual figures would not be available until laboratory tests were completed.

Serious Commercial Crime

12. As regards serious commercial crime, CP provided members with the following statistics -

<u>Year</u>	<u>Number of reported cases</u>	<u>Dollar amount involved</u>
1997	108	\$1.6 billion
1998	144	\$3.8 billion
1999	91	\$3 billion

Adm 13. Mr CHENG Kai-nam requested the Administration to provide members with statistics on serious commercial crime. CP agreed.

Computer-related crimes

14. Mr CHEUNG Man-kwong expressed concern about reports that computer-related crimes for the first 11 months of 1999 had increased by more than five times over that of 1998. He asked whether the Administration had formulated plans for addressing the problem. He also asked about the detection rate of computer-related crimes. CP responded that in 1999, there were 266 reported cases of computer-related crime, among which 189 cases were related to unauthorized access to information stored inside computers. This reflected a substantial increase over the 34 reported cases of computer-related crime in 1998, among which 13 cases were related to unauthorized access to information stored inside computers. To deal with computer-related crimes, a special task force had been formed under the Commercial Crimes Bureau. An 80-person team comprising members from different Divisions of the Force had also been formed to combat such crimes whenever necessary. Courses on forensic computer examination were being organized jointly with the Hong Kong University of Science and Technology as well as the Independent Commission Against

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Corruption. The Administration would also step-up publicity and education in the prevention of computer-related crimes. He added that computer-related crimes broadly involved two types, namely, the use of computer technology in committing crimes and crimes that took place in the virtual or electronic environment of computer systems, otherwise known as cyber world. Crimes of the former type could be adequately dealt with by existing legislation. The Force was collaborating with the police forces of other places in combating cross-territory computer-related crimes. He undertook to provide members with information on the detection rate of computer-related crimes. The Chairman requested the Administration to provide an information paper on the strategy to deal with computer-related crimes and the related crime detection rates. CP agreed to liaise with the relevant policy bureaux on the preparation of the requested paper.

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Detection rate

15. Mr LAU Kong-wah expressed concern about the decrease in detection rate and asked whether it was related to economic downturn. He also asked whether the detection rate of 42.5% was a low one among the past ten years, and whether it was due to a decrease in the number of Police officers deployed on beat duties. CP responded that the detection rate of key crimes had not demonstrated any substantial decrease. With the economic downturn, crimes associated with debt-collection activities had increased. The detection rate of such crimes was usually low. On the other hand, serious narcotics crimes and crimes committed by illegal immigrants, the detection rate of which was 100% in previous years, had decreased. All these had resulted in a lower detection rate. He said that at members' request at the last meeting, the Administration was compiling a breakdown of detection rates in 1998 and 1999 by category of crimes and the respective number of cases. Mr LUI Ming-wah suggested that the Administration should also include detection rates in crime statistics provided to members in the future.

Number of Police officers on beat duties

16. As regards the change in the number of Police officers on beat duties after the change in the role of Auxiliary Police officers, CP said that although the daily number of Auxiliary Police officers deployed on beat duties had decreased by 750, there had been an additional 2 000 regular Police officers deployed on beat duties each day. As Auxiliary Police officers were formerly deployed for beat duties mainly in the middle shift, the number of Police officers on beat duties had decreased in the middle shift but increased in other shifts. The Chairman requested the Administration to provide information on the change in the number of Police officers on beat duties at each shift of a day after the change in the role of Auxiliary Police officers. Mr LAU Kong-wah suggested that the issue be followed up by the Panel when the review on the integration of the Auxilliary Police with the regular Police was discussed.

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Criminal damage

17. CP said that the increase in crime rate for criminal damage was due to a

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substantial increase in the number of cases related to debt collection, which was in turn due to the economic downturn.

Organized and serious crimes

18. Mrs Selina CHOW asked whether there was a trend of increased organized crime. She also asked whether the Organized and Serious Crimes Ordinance (Cap. 455) (OSCO) was an effective tool to combat organized crimes. CP responded that the crime rate of crimes relating to unlawful societies had remained fairly stable at 3.7% for 1999, as compared to 3.6% for 1998, 3.9% for 1997 and 4% for 1996. OSCO had proven to be useful in combating organized and serious crimes and unlawful societies were now existing in smaller units on a district basis.

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19. The Chairman said that it had been a few years since confidential briefing on triad situation in various districts was given by the Police to the former LegCo Panel on Security. He requested and CP agreed that such a briefing would be arranged for the Panel again. Mr Albert HO added that the Administration should provide information on the three districts with the highest number of cases of serious crimes.

Crimes associated with debt collection activities

20. As regards crimes associated with debt collection activities, CP said that 95% of the crimes were involved in criminal intimidation, criminal damage and blackmail. He made the following points -

- (a) the number of reported cases of criminal damage had substantially increased to 2 443, representing an increase of 130% over that of 1998;
- (b) the number of reported cases of criminal intimidation was 639, an increase of 57% over 1998; and
- (c) the number of reported cases of blackmail was 51, an increase of 13.3% over 1998.

21. CP said that the total number of cases related to debt collection activities was 3 353, as compared to 1 671 of 1998. This was due to the economic downturn and a large increase in the number of people reporting such crimes after the Police changed its method of handling such cases.

22. Mr Albert HO asked about the measures adopted by the Administration to combat the increase in crime rate, such as by enacting legislation to regulate debt collection companies. CP responded that the issue of debt collection had been discussed by the Law Reform Commission (LRC) as well as the Fight Crime Committee. The major problem was the difficulty in collecting debts by legal means. It was suggested that LRC should examine the possible legislative amendments to enable the easier collection of debts by financial institutions so that there would not be a need to engage debt collection companies. He added that the number of debt collection

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companies had rapidly increased from 43 in 1997 to 77 in 1999. The Administration was considering the suggestion of introducing a registration system for debt collection companies. To combat crime, the Police was concentrating its effort on operations by front-line Police officers. A Special Duty Unit was deployed to combat pick-pocketing. Publicity in respect of prevention against shop theft were also launched in schools and through televisions.

Fraud cases

23. Mr Albert HO said that he had recently received a large number of complaints about fraud cases relating to subscription for hotel room units which were non-existent. He expressed concern that in the past, actions were usually taken after a large number of similar fraud cases, such as those involving "Loco London Gold", had been reported. He asked whether the Police would form designated teams to deal with fraud cases. CP responded that a mechanism had already been established by the Commercial Crimes Bureau to identify new patterns of crime. Once such crime pattern was identified, publicity would be launched to educate the public. He added that there had been much discussion and publicity about fraud cases involving "Loco London Gold". Unfortunately, the public had not paid attention to such publicity. Director of Crime and Security added that victims should report suspected fraud cases to the Police station of the relevant district. He undertook to follow-up the issue relating to subscription of hotel room units.

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Youth Crime

24. As regards youth crime, CP said that 5 486 persons aged below 16 and 7 038 persons aged between 16 and 20 were arrested in 1999, representing a decrease of 6% and an increase of 6.4% over 1998 respectively. Most of them were involved in shop theft. In 1999, 1 106 youth were arrested for drugs-related crimes, as compared to 1 498 of the year 1998.

25. In response to Mr David CHU, CP said that the crime rate for persons aged below 16 had decreased by 6%, while that for persons aged between 16 and 20 had increased by 6.4%.

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26. Members requested the Administration to provide more detailed statistics on youth crime in writing.

IV. Development in rehabilitation service for offenders
(LC Paper No. CB(2) 748/99-00(03))

27. At the invitation of the Chairman, Assistant Commissioner of Correctional Services (Rehabilitation) (ACCS) introduced the Administration's paper on the latest development in rehabilitation service for offenders under the custody of the

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Correctional Services Department since the establishment of the Rehabilitation Division in January 1998.

28. Mrs Selina CHOW suggested that the prison industry for adult offenders could be extended to young offenders. As regards education, she said that as some young offenders might not be interested in mainstream education, consideration should be given to developing their skills in areas such as performing arts. ACCS responded that the training for young offenders was mainly focussed on the development of skills which would enable them to make a living in the future. Inmates who completed vocational training could also further their training in courses offered by the Vocational Training Council. Although the products produced by young offenders would not be launched in the market, they were put on sale in charity events, the proceeds from which were donated to charitable organizations. He added that besides receiving training in mainstream education, interest groups in areas such as performing arts and music were organized for young offenders. Young offenders identified to be talents in particular areas would be encouraged to further their study or training in that area.

29. Mrs Selina CHOW asked whether young offenders would have access to religions. ACCS responded that young offenders were given access to different religions. They were free to participate in religious activities which were usually organized on a weekly basis.

30. Mr CHEUNG Man-kwong asked whether young offenders had the opportunity to receive training in information technology. He said that computer technology was developing rapidly and one can learn a lot through the computer. He asked whether young offenders were allowed to communicate with his family, friends or social workers through the Internet. ACCS responded that there were computer rooms and multi-media centres inside each young offender institution and information technology training was provided to young offenders. For security reason, young offenders could not be allowed to communicate with the external world by electronic means. An appropriate balance had to be maintained between security and the learning of young offenders. If necessary, the teachers could assist students in obtaining information through the computer. He added that communication through the computer could not achieve the same results as face-to-face communication. The Chairman requested the Administration to consider allowing young offenders to have access to information in the Internet without compromising security.

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31. Mr David CHU said that young offenders had a higher chance of committing crime again. He said that social workers should follow-up the development of young offenders after they left the detention centres or training centres. ACCS responded that there were established mechanisms to follow-up the development of young offenders who left detention centres and training centres. The Supervision Order also prohibited a young offender to make friends with undesirable persons.

V. Immigration policy and procedures in respect of applications for entry permits

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(LC Paper No. CB(2) 748/99-00(04))

32. Members noted the Administration's paper on its immigration policy and procedure in respect of application for visit visas and entry permits. They also noted a series of correspondences provided by Mr Albert HO regarding an application by 11 persons for review of the decision of the Director of Immigration (D of Imm) under section 53 of the Immigration Ordinance (Cap. 115) (IO). Mr Albert HO said that although he was a legal representative of the 11 persons applying for the review, he was providing the service on a honorary basis and therefore had no pecuniary interest to declare. Secretary for Security (S for S) considered that although there was no pecuniary interest involved, there was a conflict of interest in that besides being a member of the Panel, Mr HO was a legal representative of the persons concerned as well as the agent for the event organizer. She stressed that the Panel meeting should be a forum for discussion of the Administration's policy, not a forum for review of individual cases. Members agreed that discussion of the issue should be confined to policy aspects and the case quoted by Mr Albert HO would only be discussed in the context of an example of an application for review of D of Imm's decision.

33. Referring paragraph 12 of the Administration's paper, Mr CHEUNG Man-kwong questioned why the applications for visit visas or entry permits of the 11 persons to participate in a lawful event in Hong Kong were refused by D of Imm even though at least five of them had been permitted to enter Hong Kong before reunification with the same travel documents they were holding now. He questioned how the Administration had come to the conclusion in paragraph 14 of its paper that there was no change in the Administration's immigration policy after reunification. He also questioned why the presence of the applicants in Hong Kong was not conducive to Hong Kong's interests and asked whether the local event in which 11 applicants would have participated was the only reason for refusal of their entry into Hong Kong.

34. S for S responded that immigration legislation in Hong Kong originated from that of the United Kingdom (UK). In the UK, there was a wide consensus that immigration policy should be based on public policy needs. The Secretary of State responsible for the Home Office was given wide discretion in determining immigration matters. Similarly, D of Imm was given wide discretion in determining immigration matters. This was reflected in sections such as 11, 13, 18 and 19 of IO. The immigration legislation in UK did not require the Home Secretary to give reasons for the refusal of an application for entry. Similarly, the immigration legislation in Hong Kong also did not require D of Imm to give reasons for refusal of an application. She said that the main consideration in assessing an application was public interest, which in turn depended on the circumstances, time and purpose of each application. The courts had also accepted that the criteria for assessing applications could not be simplified into a rigid formula. The decision on whether to allow an applicant to enter Hong Kong should not be merely based on the travel document held by the applicant. Otherwise criminals would be able to enter a country or territory for unlawful activities by holding travel documents commonly regarded as reliable. On the participation of activities, she quoted the example that a singer who was a drug addict might be refused

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entry into a country which was fighting hard against drug addiction. However, the same singer might be permitted to enter the country a few years later when drug addiction was no longer a serious problem in the country. Thus, permitting a person to enter Hong Kong in the past did not necessarily mean that the same person should be permitted to enter Hong Kong again on another occasion.

35. Mr Albert HO said that if D of Imm was not required to provide reasons for his refusal of entry into Hong Kong, an appeal for a review of D of Imm's decision would not be meaningful. Referring to the case of the 11 applicants, he asked whether information provided by D of Imm to the Chief Executive (CE) in Council was the same as those which he was aware of. He added that CE in Council refused to hold a hearing on the review. As the legal representative of these applicants, he would not have the opportunity to clarify any misunderstandings and answer queries raised by Members of CE in Council. He expressed concern that there was no transparency in the review mechanism.

36. S for S responded that she had studied a large number of precedents and publications in UK and other common law jurisdictions. She noted that there were many case laws in which the court took the view that the Home Secretary had no obligation to give his or her reasons for refusing an application. This was evident from the statement of a judge in an Australian court that "There is no general rule of the common law of principle of natural justice that required reasons to be given for administrative decisions, even decisions which have been made in the exercise of a statutory discretion, and which may adversely affect the interests or defeat the legitimate or reasonable expectations of other people.". In UK, the discretion for the Home Secretary to determine whether to accept a person's application for entry into the country was a royal prerogative. She did not see any need for the introduction of legislative amendment to require D of Imm to provide reasons for his refusal of an application. As regards an application for review under section 53 of IO, she assured members that if an appeal case was brought to CE in Council, D of Imm would provide his reasons and judgment for refusal of the application to CE in Council. The mechanism had already allowed both parties to present their arguments to CE in Council, which would have regard to all relevant information before making its decision on the appeal. She added that as public interest inevitably involved subjective judgment, allowing both parties to debate before CE in Council might not be appropriate.

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37. At members' request, S for S undertook to provide information on the mechanism in respect of applications for entry permits and the handling of appeals in other common law jurisdictions.

38. There being no other business, the meeting ended at 4:55 pm.

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Legislative Council Secretariat
14 February 2000