

立法會
Legislative Council

Ref : CB2/PL/SE/1

LC Paper No. CB(2)2938/05-06
(These minutes have been seen
by the Administration)

Panel on Security

Minutes of meeting held on Tuesday, 6 June 2006
at 2:30 pm in Conference Room A of the Legislative Council Building

Members present : Hon James TO Kun-sun (Chairman)
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon CHOY So-yuk, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

Members absent : Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon Philip WONG Yu-hong, GBS
Hon Audrey EU Yuet-mee, SC, JP

Public Officers attending : Item III
Mrs Rosanna URE
Commissioner for Narcotics

Ms Candy LAU
Assistant Secretary (Narcotics)²

Mr CHEUNG Hing-wah
Assistant Director (Youth & Corrections)
Social Welfare Department

Mrs Lily NG
Senior Social Work Officer (Youth)2
Social Welfare Department

Mr TSUI Ho, Patrick
Chief Building Surveyor (Rail & Licensing)
Buildings Department

Mr KWOK Yu-hung
Acting Deputy Chief Fire Officer
(Licensing & Certification Command)
Fire Services Department

Mr LING Chi-tack
Chief Town Planner / Town Planning Board Section (2)
Planning Department

Mr Edwin CHAN Wing-kin
Chief Estate Surveyor / Estate Management Section
Lands Department

Item IV

Miss CHEUNG Siu-hing
Deputy Secretary for Security

Miss Rosalind CHEUNG
Assistant Secretary for Security

Mr NG Sek-hon
Director of Finance, Administration and Planning
Hong Kong Police Force

Mrs Pauline NG
Assistant Commissioner of Police (Personnel) (Acting)
Hong Kong Police Force

Ms Barbara R. WILLISON
Chief Superintendent of Police
(Planning and Development Branch)
Hong Kong Police Force

Mr Stephen TANG
Project Director
Architectural Services Department

Item V

Miss CHEUNG Siu-hing
Deputy Secretary for Security

Ms Jane LEE
Assistant Secretary for Security

Mr Charles WONG
Assistant Commissioner of Police
(Service Quality Wing)
Hong Kong Police Force

Mr FAN Sik-ming
Chief Superintendent
(Complaints and Internal Investigations Branch)
Hong Kong Police Force

Mr CHO Ming-lung
Superintendent (Kowloon Office)
(Complaints Against Police Office)
Hong Kong Police Force

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

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Miss Helen DIN
Legislative Assistant (2) 1

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- I. Information papers issued since the last meeting**
(LC Paper Nos. CB(2)2086/05-06(01), CB(2)2087/05-06(01),
CB(2)2184/05-06(01) and CB(2)2234/05-06(01))

Members noted that the following papers had been issued since the last meeting –

- (a) a referral from a meeting on 11 May 2006 between Legislative Council

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Members and members of the North District Council regarding the coverage of the Frontier Closed Area;

- (b) a letter dated 8 May 2006 from the Estate Agent Association regarding measures to combat money laundering;
- (c) the Administration's reply to the Estate Agent Association regarding measures to combat money laundering; and
- (d) a letter dated 1 June 2006 from the Administration explaining the procedures for search of communications service providers by law enforcement agencies.

II. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)2200/05-06(01) and CB(2)2200/05-06(02))

2. Members agreed that the following items would be discussed at the next meeting to be held on 4 July 2006 at 2:30 pm –

- (a) Proposals to implement the requirements on extradition and mutual legal assistance under the United Nations International Convention for the Suppression of Terrorist Bombings, Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf;
- (b) Proposed legislation to implement the United Nations Convention Against Corruption in Hong Kong and related matters; and
- (c) Review of security arrangements for the Sixth Ministerial Conference of the World Trade Organization held in Hong Kong from 13 to 18 December 2005.

3. On item referred to in paragraph 2(c) above, the Chairman informed members that the Administration would provide a paper within this week.

III. Progress Report on the Implementation of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance

(LC Paper No. CB(2)2163/05-06(01))

4. Commissioner for Narcotics (C for N) updated members on the implementation of the licensing scheme for drug treatment and rehabilitation centres (treatment centres) since the progress report to the Panel in end May 2004.

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5. Referring to paragraph 20 of the Administration's paper, Mr LAU Kong-wah asked about the difficulties encountered by the five subvented treatment centres which were expected to satisfy the licensing requirements until two to three years later.

6. C for N informed members of the positions of the five subvented treatment centres as follows –

- (a) The Christian New Being Fellowship Limited was applying for permission under section 16 of the Town Planning Ordinance with a view to re-locating its Halfway House and Training Centre at an identified site;
- (b) Girl Centre and Dawn Island Drug Treatment and Rehabilitation Centre of Operation Dawn Limited were encountering technical problems in relation to fire service installations at the re-provisioned or re-developed sites, and seeking funding support; and
- (c) Shek Kwu Chau Treatment and Rehabilitation Centre of the Society for the Aid and Rehabilitation of Drug Abusers was applying for funding from the Lotteries Fund, and its upgrading works involved were complex and of a large scale.

7. Mr LAU Kong-wah asked why the Administration envisaged that the licensing requirements of the five subvented centres could be met within two to three years' time, if they were unable to satisfy the requirements in the past four years. He asked why Shek Kwu Chau Treatment and Rehabilitation Centre of the Society for the Aid and Rehabilitation of Drug Abusers took such a long time to apply for funding from the Lotteries Fund and how the Administration would assist Operation Dawn Limited to resolve the technical problems in relation to fire service installations at the re-provisioned or re-developed sites.

8. C for N responded that the Administration had been liaising with the five subvented treatment centres all along with a view to assisting them to secure licences. The major problem faced by Shek Kwu Chau Treatment and Rehabilitation Centre of the Society for the Aid and Rehabilitation of Drug Abusers was its large complex and the large number of structures involved. The Treatment Centre was first built in the 1960s and there were about 40 old structures/buildings which had been built without approved building plans and the records of building works were incomplete. It took time for the Society to engage an Authorised Person to carry out an assessment on the structural safety of all the structures/buildings concerned and draw up the necessary rectification works plan for compliance with the licensing requirements. The Treatment Centre had already applied for funding from the Lotteries Fund.

9. Acting Deputy Chief Fire Officer (Licensing & Certification Command) of the

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Fire Services Department (DCFO) explained that one centre of the Operation Dawn Limited would involve new buildings and another centre would be moved to a re-provisioned site, they were required to comply fully with the current fire safety standards. There were technical problems in relation to water supply and sprinkler installations. The Fire Services Department was working on how to resolve these problems.

10. Mr CHEUNG Man-kwong said that while the licensing scheme sought to protect the well-being of persons undergoing treatment in these centres, the licensing requirements should not be stringent to the extent that it would affect treatment centres to continue their operation. He cited for example that some treatment centres were located in remote areas for drug addicts to rehabilitate in an isolated environment. It would be too demanding if these treatment centres were required to comply with the same level of fire safety standards as those buildings in urban areas. He cautioned that given the difficulty to secure resources to finance improvements works, these centres might not be able to obtain the licence before the expiry of the grace period. Mr CHEUNG urged the Administration to be pragmatic in setting fire safety requirements for these centres.

11. C for N said that in relation to existing structures, relevant Government departments had adopted flexible arrangements to relax the requirements on a case-by-case basis. DCFO cited for example that the fire safety requirements for Ling Oi Tan Ka Wan Centre of the Finnish Evangelical Lutheran Mission had been lowered having regard to its physical characteristics. He said that for existing treatment centres not meeting the current fire safety construction standards, the departments concerned were prepared to consider the Authorised Person's proposal on upgrading the fire service installations, fire separation and fire safety management measures of the centre, so that an equivalent level of fire safety could be achieved. As regards new treatment centres at re-provisioned sites, they were required to comply with the current building and fire safety standards. But even so, the department was prepared to accept the provision of some fire service installations at a lower standard which should be decided upon having regard to individual site's constraints.

12. The Chairman asked whether treatment centres in re-provisioned sites had problems with meeting fire safety standards and licensing requirements in general. C for N explained that for existing structures that could not meet statutory planning requirements and in-situ upgrading works alone could not meet the licensing requirements, re-provisioning of centres to a new site would be the solution. While meeting fire safety standards were among the problems arising from re-provisioning, the major challenge was the difficulty in identifying suitable sites in the first place. In spite of the efforts taken by concerned Government departments in looking for sites, not many sites identified matched the needs of the centres because of constraints of the sites (e.g. slopes) or other technical obstacles such as unavailability of utilities and lack of vehicular access. In addition, local residents might not welcome the setting up of treatment centres in their vicinity, and the preferred sites might also fall within

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green belt zones whereby planning permission from the Town Planning Board would be required. Under the circumstances, the re-provisioning process was difficult and time-consuming.

13. Mr Howard YOUNG asked whether treatment centres had their own fire safety standard or they were required to follow the safety standards applicable to existing buildings. He further asked about the possibility of the merger of treatment centres to enhance cost efficiency.

14. C for N explained that the average bed space provided by a typical treatment centre was 30 to 40. The fire safety standards for these treatment centres were therefore lower than those for high rise buildings. She said that some organisations had considered merging their respective centres, such as merging its Training Centre and Halfway House by the Christian New Being Fellowship Limited. It would be for the organisations to consider how to rationalise the management of their respective centres.

15. Mr WONG Yung-kan expressed concern about the imminent expiry of the grace period for subvented treatment centres and asked about the assistance to be provided by the Administration. He also asked how the Administration would resolve differences between different interests groups in relation to potential sites for relocation.

16. C for N said that for treatment centres which were unable to meet all the licensing requirements at the moment, the Administration would provide the necessary assistance to ensure that they could continue to operate. Improvement measures had been stepped up to ensure that no imminent danger was posed to the residents at their premises through site inspections by technical departments and rectification of any identified irregularities by the centres. The Administration was satisfied that every effort had been made by the centres to ensure speedy and timely resolution of the issues concerned. Application for extension of the grace period would be considered on a case-by-case basis. As regards relocation of treatment centres, C for N admitted that it was not uncommon for local residents to oppose the setting up of treatment centres in their vicinity. The objection usually arose from a lack of understanding of the operation of treatment centres. Under the circumstances, the Administration would make the best effort to explain to and convince local representatives and residents. A successful example was the proposed relocation of a treatment centre in Cheung Chau.

17. Mr LAU Kong-wah and Mr CHEUNG Man-kwong expressed concern that non-subvented treatment centres were facing problems similar to those of subvented treatment centres and they might have difficulty in meeting all the licensing requirements before the expiry of the grace period in 2010-2011. Mr CHEUNG Man-kwong said that the Administration should appreciate the voluntary work of non-subvented treatment centres to improve drug treatment and rehabilitation services

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in Hong Kong. Given the limited resources, their position to secure licences should be even more difficult. He asked the Administration to set out in the next progress report the substantive assistance to be rendered to the 18 non-subvented treatment centres.

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18. C for N undertook to provide the information requested by Mr CHEUNG in the next progress report. She said that the Administration recognised the contributions of non-subvented treatment centres. The relevant Government departments had been rendering assistance to them in every possible way to enable them to comply with the licensing requirements. These included technical advice on building and fire safety issues related to licensing, land use issues, identification of re-provisioning sites/premises and funding support for upgrading/re-provisioning works.

19. C for N further said that although the expiry period of non-subvented treatment centres was not imminent, the Administration held the view that they should start their preparatory work as soon as possible. Having regard to the experience gained from subvented treatment centres, the Administration planned to hold an experience sharing session with non-subvented treatment centres to pass on the experience gained and impress upon these centres to start work as early as possible. This would help non-subvented treatment centres focus their improvement/upgrading works and to avoid possible waste of time and resources. To facilitate all treatment centres to obtain a licence, the Licensing Office of Drug Dependents Treatment Centres (LODTC) under the Social Welfare Department provided a one-stop service to coordinate efforts with the concerned Government departments. Assistant Director (Youth & Corrections) of the Social Welfare Department supplemented that the Administration had arranged briefings and consultation sessions for organisations and provided guidelines on the licensing scheme through the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centres issued to all treatment centres.

20. Mr LEUNG Kwok-hung asked the Administration to quantify the effectiveness of LODTC in providing a one-stop service to administer the licensing scheme. C for N explained that it was not possible to quantify the effectiveness of LODTC, given that there were no licensing requirements before the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance came into operation in April 2002.

21. Mr LEUNG Kwok-hung pointed out that non-subvented treatment centres were assisting the Government in rehabilitation work and not the other way round. In this connection, the Administration should render assistance to them in every possible way, in terms of land, manpower and financial resources. The Chairman asked about the budget for improvement works of treatment centres and the maximum amount of funding they could apply for.

22. C for N said that when the Drug Dependent Persons Treatment and

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Rehabilitation Centres (Licensing) Bill was introduced, the estimated budget for improvement/upgrading works for the 40 treatment centres was \$104 million. As of today, expenses incurred to enable the 10 treatment centres to meet the licensing requirements were \$19 million. As the improvement works for each centre varied and some centres would involve re-provisioning, it was difficult to give an accurate estimate on the budget. The treatment centres could apply for charitable funds such as the Lotteries Fund, or the Beat Drugs Fund, for upgrading or construction works to comply with the licensing requirements. There was basically no limit on the funding from the Lotteries Fund, and an application would be approved provided it was justified and met the criteria required of the funds concerned. The Administration assisted the applicants either by giving policy support, or by facilitating the applications, or by processing the applications in a flexible way.

23. As regards provision of land for non-subvented treatment centres, C for N said that if upgrading works would not be possible to meet the licensing requirements, the treatment centre concerned would need to decide whether to erect a new centre in the same location, or to re-provision the centre to a new site for continuous operation. If the latter was the case, the concerned Government departments would endeavour to look for possible sites based on the needs of the centre concerned. They would assist in identifying vacant Government land or vacant Government properties suitable for development of treatment centres and processing land grant, short term tenancy or planning applications where necessary.

24. The Chairman expressed concern that treatment centres which did not accept funding originated from gambling proceeds had difficulty to solicit funds to finance their projects. He hoped that the Administration would exercise discretion on extension of grace period for these centres with flexibility. He also hoped that the Administration would assist in resolving issues that could hinder progress in obtaining a licence. As regards non-subvented treatment centres, although the expiry of grace period was not imminent, the Chairman urged the Administration to provide assistance in every way possible for them to meet the licensing requirements.

IV. Junior Police Officers' Married Quarters at Area 44, Tuen Mun
(LC Paper No. CB(2)2200/05-06(03))

25. Deputy Secretary for Security (DSS) briefed members on the Administration's proposal to construct quarters for married Junior Police Officers (JPOs) at Area 44, Tuen Mun, i.e. Wu Hong Street, Castle Peak (the project).

26. Mr LAU Kong-wah asked about the distribution of married quarters for JPOs set out in Annex A to the Administration's paper, especially the relationship between New Territories North (NTN) and Northwest New Territories (NWNT). He also asked about the difference between the construction unit cost of the quarters in rural and urban areas, if any.

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27. The Director of Finance, Administration and Planning of the Hong Kong Police Force explained that the whole territory was divided into five land Police regions, namely Hong Kong Island, Kowloon East, Kowloon West, NTN and New Territories South. At present, there was a total of 11 687 married quarters for JPOs in the whole territory. NWNT, which was subsumed under NTN which had 1 537 units (i.e. 13.1% of the total JPO quarters), had 939 units (i.e. 8% of the total JPO quarters). Project Director of the Architectural Services Department (PD/ASD) confirmed that the construction unit cost of the quarters in rural and urban areas was the same.

28. The Chairman asked about the shortfall of JPO quarters. DSS explained that as at 31 March 2006, there were 12 751 JPOs eligible for married quarters and hence a shortfall of 1 064 quarters. While it was the policy of the Police Force to try and facilitate JPOs living and working in the same or adjacent Police region as far as possible, JPOs were allowed to apply for quarters in another region.

29. Mr LAU Kong-wah said that he could not see there was a great demand for JPO quarters in NWNT based on the statistics provided in the Administration's paper. Assistant Commissioner of Police (Personnel) (Acting) of the Hong Kong Police Force (ACP) explained that the number of JPOs working in each land region was more or less the same and it was the Police Force's policy to post officers near to their place of residence, it followed that an appropriate match would be for each region to have approximately 20% of JPO manpower and approximately 20% of police quarters. Referring to Annex A to the Administration's paper, the percentage of police quarters in NTN was 13.1% as at 31 March 2006. This was well below the norm, and was expected to drop to 11.1% in March 2007. Although Kowloon West appeared to have a low percentage, which was 9% as at 31 March 2006, it was in fact within the norm when viewed together with Kowloon East which was adjacent to it. The two regions accounted for 44.5% of the total JPO quarters.

30. DSS added that quarters in NWNT were popular among JPOs and they were practically fully taken up at the moment. At the same time, the various projects e.g., the Shenzhen Western Corridor, major boundary crossing facilities at Dongjiatou, Shekou and Sheung Shui to Lok Ma Chau Spur Line at the East Rail Extension, would give rise to a greater policing need in NWNT in the coming years. It was therefore necessary to provide additional quarters in NWNT to accommodate the increasing number of JPOs who would be working in the vicinity.

31. Mr LEUNG Kwok-hung appreciated the work pressure shouldered by JPOs and supported that they should be given quarters. He asked whether the provision of quarters was a housing benefit or part of the remuneration package. ACP confirmed that it was a housing benefit.

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32. The Chairman asked whether the moratorium on the production and sale of the Home Ownership Scheme flats had resulted in greater demand for JPO quarters and lengthened the average waiting time for a newly married JPO to be allocated a quarter. He also asked whether there were other housing benefits available.

33. ACP said that at present, the average waiting time for a married JPO to be allocated a quarter was 4.6 years. At the present rate, the projected waiting time would increase to 5.8 years by 2010. In the past 10 years, the shortest and longest waiting time were two and eight years respectively. These figures were somewhat distorted because of massive decanting exercise and little recruitment, averaging 300+ a year, between 1999-2000 and 2003-2004. With regard to other housing benefits, ACP explained that housing options for JPOs, other than police quarters, were limited. Therefore, the availability of JPO quarters meant a lot to them. JPO quarters were also an important means for the Police Force to attract and retain staff of good calibre.

34. Noting that the project comprised two 22-storey quarter blocks, Mr LAU Kong-wah asked whether consideration had been given to construct more units on the two blocks so as to shorten the waiting time. ACP and PD/ASD assured members that the existing design had maximised the land use at Area 44 of Tuen Mun.

35. Referring to paragraph 6 of the Administration's paper, the Chairman asked whether the provision of 101 vehicle and motor-cycle spaces for the project which comprised 336 quarters was in line with the established practice. PD/ASD replied in the affirmative.

36. The Chairman said that members present at the meeting generally expressed support for the proposal.

V. Administration's proposal to establish the Independent Police Complaints Council as a statutory body

(LC Paper Nos. CB(2)2200/05-06(04) and CB(2)2200/05-06(05))

37. DSS introduced the paper which set out the main legislative proposals to establish the Independent Police Complaints Council (IPCC) as a statutory body. Members noted that IPCC would be incorporated as a body corporate consisting of a Chairman, three Vice-Chairmen and not less than eight other members appointed by the Chief Executive. IPCC could appoint a Secretary, a Legal Adviser and such other employees as it required in assisting it to perform its functions.

38. Referring to the recent leakage of personal data kept by IPCC, Ms Margaret NG expressed concern that members of IPCC did not have the power to instruct staff of the IPCC Secretariat who was civil servants. In addition, their work was more of an advisory nature, and they worked on a part-time basis. Ms NG stressed that it was important for IPCC to be independent, as the public would have greater expectation

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on its work when it became a statutory body. She pointed out that in future, members of IPCC would be legally held liable for any claims to IPCC. She also expressed concern that the IPCC Members only worked on a part-time basis and it was important for the IPCC to have an independent Secretariat. She asked about the staff establishment of the future IPCC Secretariat, apart from the appointment of a Secretary and Legal Adviser.

39. DSS responded that the Administration had worked on the basis that the present mode of operation for IPCC should continue when it became a statutory body, i.e. Chairman, Vice-Chairmen and members of IPCC would work on a part-time basis with administrative support provided by the IPCC Secretariat. She assured members that IPCC would be given sufficient manpower to enable it to discharge its statutory functions effectively. At present, the IPCC Secretariat had some 20 members of staff and in future, the staff establishment would not be less than the present level. If given the same amount of resources, the future IPCC would have the flexibility to recruit more staff.

40. The Chairman held the view that the Complaints Against Police Office (CAPO) should be independent of the Police Force. He found the legislative proposals not meaningful because of three reasons. First, IPCC was not empowered to conduct primary or secondary investigation on complaints where IPCC was not satisfied with the results of the investigation of CAPO. Second, IPCC was not empowered to determine whether the complaints were genuine. Third, the power to determine the penalty for a valid complaint vested with the Commissioner of Police and not IPCC. IPCC did not even have the power to recommend penalty for a substantiated complaint.

41. Mr LEUNG Kwok-hung supported the views of the Chairman. He said that it was difficult for CAPO to remain fair, just and independent in investigating its colleagues in a complaint case. In his view, IPCC was a toothless tiger which lacked power and resources.

42. DSS explained that the Administration considered that CAPO should operate under the Police Force. Given that the Police Force was familiar with the work of Police officers and its operation at all levels, it could conduct investigation of complaints effectively. CAPO was an independent unit of the Police Force separate from other formations and it would abide by the principles of fairness and impartiality in handling and investigating complaint cases. Since the role of IPCC was to monitor and review the Police complaints system, it would be confusing for it to be given investigative power. If IPCC was not satisfied with the results of the investigation, it could demand CAPO to reinvestigate the case. It was the view of the Administration that the Police Force should be the one to determine whether a complaint was substantiated, based on the findings of the investigation, and taking into account IPCC's comments. As far as penalty for a substantiated complaint was concerned, IPCC could express views on the disciplinary action against the officer

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concerned.

43. Mr LAU Kong-wah said that one of the functions of IPCC proposed in paragraph 7 of the Administration's paper was to promote public awareness of its role, which, in his view, was too superficial. The recent leakage of personal data kept by IPCC illustrated that IPCC needed to have better communication with the public. DSS explained that paragraph 7(e) sought to bring out the need to enhance public awareness of the role of IPCC. It was not meant to be a trivial function of the IPCC.

44. Mr LAU Kong-wah and Ms Margaret NG asked about the remuneration of the Chairman, Vice-Chairmen and member of IPCC. They also expressed concern that the Chairman, Vice-Chairmen and members of IPCC were part-timers, given the voluminous complaints and sensitive information handled by IPCC. In this regard, they requested the Administration to provide information on the salaries and terms and conditions of appointment of Chairman, Vice Chairman and members of IPCC and with which organisations could IPCC draw comparison.

45. DSS responded that many statutory bodies (for example, the Consumer Council and Hospital Authority) had their council members appointed on a part-time basis. The arrangement for IPCC in this respect was therefore not unique. The Administration would ensure that on being established as a statutory body, the IPCC would be equipped with sufficient resources to discharge its duties.

46. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
18 August 2006