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Legislative Council

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Panel on Security

Minutes of special meeting
held on Tuesday, 29 September 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon CHAN Hak-kan
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP

Members absent : Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon WONG Kwok-kin, BBS

Public Officers attending : Item I

Mr NGAI Wing-chit
Deputy Secretary for Security

Mr CHOW Wing-hang
Principal Assistant Secretary for Security

Mr Corrado CHOW
Assistant Director of Immigration (Enforcement and Torture Claim Assessment)

Item II

Miss Erica NG
Principal Assistant Secretary for Transport and Housing (Transport)

Mr Mike DEMAID-GROVES
Chief Superintendent of Police (Traffic)

Ms CHU Ming-po
Senior Superintendent of Police (Adm) (Traffic)

Attendance by invitation : Item I

The Law Society of Hong Kong

Mr Lester HUANG
Council Member

Mr Peter BARNES
Member, Joint Profession Working Group on CAT

Mr Mark DALY
Member, Joint Profession Working Group on CAT

Hong Kong Bar Association

Mr Robert WHITEHEAD, SC
Council Member

Mr P Y LO
Member, Joint Profession Working Group on CAT

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Kiwi NG
Legislative Assistant (2) 1

Action

I. Review of the torture claim screening mechanism
(LC Paper Nos. CB(2)2514/08-09(01) & (02), CB(2)2524/08-09(01) and CB(2)2558/08-09(01))

The Chairman recapped that at the Panel meeting on 6 July 2009, the Law Society of Hong Kong (the Law Society) and the Hong Kong Bar Association (the Bar) expressed concerns about whether the legal assistance to torture claimants should be provided through the Duty Lawyer Service (DLS). The Panel noted that since then, further discussions had taken place between the Administration and DLS.

Briefing by the Administration

2. At the invitation of the Chairman, Deputy Secretary for Security (DS(S)) briefed members on the latest progress of the enhancements to be made to the torture claim screening mechanism and the discussion between the Administration and DLS on the provision of free legal assistance to torture claimants, as set out in the Administration's paper.

3. DS(S) highlighted that the number of torture claims made under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) had continued to increase since the last meeting on 6 July 2009. The intake of new cases was about 300 per month in July and August 2009. The number of outstanding cases had also increased from 5 053 on 30 June to 5 638 on 31 August 2009.

4. DS(S) advised that the Administration considered the adoption of the current payment rates of $670 per hour or $2,710 per half day under the Duty Lawyer Scheme appropriate. It was because legal assistance was available to virtually all torture claimants, whether or not their claims involved legal issues or disputes in fact. Based on the existing duty lawyer rates and the proposed scope of assistance to be provided to torture claimants, the Administration estimated that the legal cost alone to assist a torture claimant in making his case up to the petition stage was about $50,000 for a simple case.

5. DS(S) said that the Administration and DLS had agreed in broad terms on the legal assistance scheme for torture claimants. The Administration hoped that a memorandum of administrative arrangements could be signed in due course so that it could resume the screening process as early as possible.

Views of deputations

6. Mr Lester HUANG presented the views of the Law Society and the Bar, as detailed in their joint submission. He informed members that the two legal professional bodies held the following views -

Action

(a) notwithstanding that torture claim cases involved determinations of the highest importance and gravity, the Administration did not truly appreciate the difficulties faced by torture claimants, and the heavy burden on the legal practitioner to present the claimant's case;

(b) the time permitted for returning the completed questionnaire within 28 days was insufficient;

(c) the Draft Guidelines on the new scheme provided that a case officer might request a torture claimant to undergo medical examination if it appeared to him that this might shed light on the credibility of the claim. The Administration proposed that the only medical examination to be conducted at public expense would be that conducted by a medical practitioner chosen by the Director of Immigration. The two legal professional bodies were concerned whether the Administration could achieve the highest standards of fairness required by the court, and whether the medical practitioner would observe the principle of confidentiality in the process;

(d) lawyers acting for torture claimants should be competent to do the work through proper training or should have acquired the relevant experience in undertaking such work. The Law Society and the Bar had been actively involved in the design and implementation of a training programme to be conducted by the Academy of Law, as DLS had admitted that it did not have the resources nor the expertise to train the profession;

(e) there was an imminent need for the Administration to introduce new legislation for implementation of a coherent and comprehensive system which catered for contemporaneous screening of torture claimants and determination of refugee status; and

(f) the remuneration paid to lawyers undertaking torture claim related work should be sufficient to attract lawyers of the calibre and experience needed to competently handle the claims. The present fees rates proposed by the Administration were far from adequate. The two legal professional bodies would not support the signing of any agreement by DLS on the basis of the current fee structure. They would support the signing by DLS of an agreement with the Administration after appropriate changes had been made to the system, and a reasonable fees structure had been implemented.

Action

Discussion

7. Dr Margaret NG said that the Duty Lawyer Scheme of DLS was established in 1979 to supplement the legal aid services provided by the Legal Aid Department under the Legal Aid Ordinance (Cap. 91). The Duty Lawyer Scheme mainly provided legal representation by qualified lawyers in private practice to eligible defendants appearing in all Magistrates' Courts, Juvenile Courts and Coroners' Courts. Expressing concern about the suitability of extending the Duty Lawyer Scheme to undertake legal representation work for torture claimants, she sought the views of the two legal professional bodies on the Administration's proposal to provide torture claimants with legal assistance through DLS.

8. Mr Lester HUANG and Mr Robert WHITEHEAD responded that torture claim cases were roughly akin to civil litigation cases. Given their gravity, there would be extremely serious potential consequences if not handled properly. As duty lawyers currently serving on the Duty Lawyer Scheme did not have much experience in the areas of refugee law, procedural fairness and management of clients with special needs, it was absolutely vital that lawyers acting for torture claimants should possess relevant experience or had received proper training before undertaking such work. In addition, the Administration should provide the lawyers doing torture claim related work with an appropriate level of pay to reflect the difficult nature of CAT claims.

9. Dr Margaret NG asked whether the Administrator of DLS or the Security Bureau (SB) would decide whether a lawyer was competent to do torture claim related work.

10. In response, DS(S) advised that -

(a) the Administration shared the view that lawyers acting for torture claimants should be competent to do the work through training or should have the relevant experience for undertaking such work;

(b) the Administration noted that the Academy of Law had been granted funding from the Government's Professional Services Development Assistance Scheme to organize courses for lawyers who were interested in enrolment as duty lawyers for torture claimants. The Administration would also support the arrangement of relevant training by DLS;

(c) in its discussion with DLS, the Administration understood that duty lawyers would provide appropriate legal assistance to torture claimants considering the circumstances of each case. For duty lawyers who provided legal assistance under the new scheme, the Administration preliminarily intended to set the remuneration at the same level as that under the existing Duty Lawyer Scheme, i.e.

Action

at $670 per hour or $2,710 per half day. Based on the Administration's rough estimation, the expenditure incurred in the provision of legal assistance to torture claimants was about $180 million per year if the number of torture claims received continued to stand at the existing high level of 300 cases per month; and

(d) if the memorandum of administrative arrangements could be signed with DLS, DLS would recruit local qualified lawyers with minimum three years' experience to enrol as duty lawyers for the new scheme of legal assistance to torture claimants.

11. The Deputy Chairman shared the views and concerns of the two legal professional bodies that the time permitted for completion of the questionnaire was inadequate. Given the onus on the CAT claimant to supply evidence and the complexity of the work involved in the process of gathering relevant information, the Deputy Chairman considered that a more reasonable period for returning the completed questionnaire would be 90 days to allow the claimant an opportunity to establish his case. Regarding the requirement of undergoing medical examination by a medical practitioner chosen by the Director of Immigration, he asked whether it was due to cost consideration that the Administration decided not to allow claimants to have private medical examinations. In his view, to enhance the credibility of the medical examinations, the Administration should consider shouldering the expenses incurred by a claimant in having private medical examination if the examination was relevant to the decision on the claim.

12. Ms Emily LAU expressed dissatisfaction that despite the views and concerns expressed by members and the two legal professional bodies, the Administration refused to compromise its stances on various issues raised. She urged the Administration to seriously consider the suggestions made by members and the two legal professional bodies, including the extension of the United Nations' 1951 Convention relating to the Status of Refugees (the Refugee Convention) to Hong Kong.

13. Responding to the Deputy Chairman and Ms Emily LAU, DS(S) and Principal Assistant Secretary for Security made the following points -

(a) the Administration, after taking into account the views of the two legal professional bodies, had already agreed to extend the time limit for returning the completed questionnaire from 14 days to 28 days. The Administration considered that it was a reasonable period that could strike a balance between the need to ensure a claimant being given a reasonable opportunity to establish his case and the requirement for early screening of a case with no undue delay. This was in line with the Canadian practice in that an asylum claimant in Canada would be given 28 days to return

Action

the specified form containing the required information in support of his claim for assessment by the relevant authority and the period was longer than the previous UK practice where a claimant was given only 10 days to complete a standard form to lodge his asylum claim;

(b) the information required to be given in the questionnaire in a torture claim basically related to personal information about the claimant himself and factual information about his past experience of having been tortured, of which a claimant should have personal knowledge. There should not be any difficulty for him to give the required information which was within his own knowledge. As such, it was not necessary for a claimant or his legal representative to make data access request etc. for information from authorities in Hong Kong before he was in a position to complete the questionnaire. In addition, a case officer was required to take into account all the relevant information of the case which included objective information in deciding the credibility issue, and the information provided in the questionnaire might always be rectified or clarified at the subsequent interview or by way of supplementary information given in writing;

(c) the Administration appreciated the arrangement of training for duty lawyers by the two legal professional bodies to ensure the quality of legal services to torture claimants. It agreed that lawyers acting for torture claimants should be competent to do the work. This however did not necessarily mean that lawyers must attend the training course organized by the Academy of Law before they might act for torture claimants. Whether a lawyer was competent to do the work depended on the training he had received and his relevant experience either in Hong Kong or elsewhere. The Administration would further negotiate with the two legal professional bodies with a view to securing their support to permit a small number of lawyers with the relevant experience to take up the work before the commencement of the training by the Academy of Law in December 2009. The Administration was aware that there were some lawyers in Hong Kong who were competent to do torture claim related work without attending any training course, for example, those who had been actively involved in the relevant torture claim litigation cases in Hong Kong; and

(d) given that the Refugee Convention did not apply to Hong Kong, the Administration had no obligation to conduct asylum screening and refugee matters would remain the responsibility of the Hong Kong Sub-Office of the United Nations High Commissioner for

Action

Refugees (UNHCR). The Administration's firm policy of not granting asylum and its established position on the Refugee Convention remained unchanged. The secondment of officers from the Immigration Department to work in the Hong Kong Office of UNHCR under the Memorandum of Understanding signed between the Government of the Hong Kong Special Administrative Region and UNHCR was solely for the purpose of staff training. As such, the fact that government officers were seconded to work in the Hong Kong Office of UNHCR should not be construed as a factor which would undermine the Administration's position that it would not conduct asylum screening nor extend the application of the Refugee Convention to Hong Kong.

14. Mr WONG Yung-kan expressed concern about the possible financial burden on the Administration if free legal assistance was provided to torture claimants. He sought information on the estimated cost for each case. He said that it had come to his notice that many foreign domestic helpers (FDHs) lodged torture claims upon expiry of their employment contracts in order to prolong their stay in Hong Kong. He enquired whether the situation was serious and if so, the measures taken by the Administration to address the problem.

15. In response, DS(S) confirmed that in recent months, there were cases where FDHs lodged torture claims under Article 3 of CAT. As at the end of August 2009, there were a total of 5 638 outstanding claims pending screening. To deal with the backlog of claims, the Administration saw a need to resume screening as soon as possible. Based on the existing rates for duty lawyer and the proposed scope of assistance agreed by the legal professional bodies, the Administration estimated that the legal cost alone to assist a torture claimant in making his case up to the petition stage was in the region of $51,000 for a simple case, apart from other incidental expenses such as expenses on medical examinations, interpreter's cost and translation. Bearing in mind the current influx of 300 new claims per month and those 5 638 outstanding cases pending determination as at the end of August 2009, the proposed adoption of the current payment rates under the Duty Lawyer Scheme would already pose a significant financial burden on the Government.

16. Responding to Dr Margaret NG's enquiry, Mr Lester HUANG said that the Law Society and the Bar had informed SB that the rates of duty lawyer fees proposed by the Administration were not sufficient to attract lawyers of the calibre and experience needed to competently handle the claims. The two legal professional bodies were willing to consider compromise rates, subject to the completion of the training process. Such rates should be somewhere between the High Court party-and-party civil rates for solicitors of three or more years' experience and the current payment rates of $670 per hour proposed by the Administration.

Action

17. Mr CHEUNG Man-kwong considered that the Administration should apply due flexibility in determining the remuneration for lawyers participating in the scheme, so that more experienced lawyers would get a higher pay rate should they provide legal services in more serious or complicated cases.

18. The Deputy Chairman echoed Mr CHEUNG Man-kwong's view, and said that the Administration should ensure that all information provided to the Hong Kong Sub-Office of UNHCR in support of a claim for refugee status under the Refugee Convention would be made accessible to immigration officers for the purpose of assessing the torture claim made by the same applicant, or vice versa.

19. In response, DS(S) advised that the Administration was of the view that the adoption of the current payment rates under the Duty Lawyer Scheme was appropriate based on the following reasons -

(a) legal assistance was available to virtually all torture claimants, whether or not their claims involved legal issues or disputes in fact;

(b) having taken into account the views of the two legal professional bodies as well as DLS, the Administration had adopted reasonable flexibility and accepted the suggestion from the profession that no cap should be imposed on the number of sessions for a case. Indeed, the package proposed by the Administration compared favourably to the remuneration in other countries for lawyers assisting asylum seekers; and

(c) the arrangements would operate under a 12-month pilot scheme. A review of the pilot scheme would be conducted and if necessary, adjustments might be made in the light of practical experience. The lawyer fees might also be reviewed in that context, including the issue on whether the fees were sufficiently attractive to lawyers with relevant qualifications to provide the service as highlighted by the legal profession.

20. Mr CHEUNG Man-kwong and Ms Emily LAU considered that the Administration should continue its discussion with the two legal professional bodies on various issues of concern, including the guidelines on the scheme, the training arrangement for duty lawyers and the proposed fees rates for torture claim related work. Ms LAU requested the Administration to revert to the Panel on the latest development of the issue before its implementation of the enhanced torture claim screening mechanism.

Action

II. Law enforcement against illegal car racing
(LC Paper Nos. CB(2)2514/08-09(03) & (04))

21. Chief Superintendent of Police (Traffic) (CSP) briefed members on the Police's policy on illegal road racing, as set out in the Administration's paper.

22. The Deputy Chairman expressed grave concern about the Police's deployment of civilian vehicles to form a roadblock on 13 July 2009 for stopping illegal road racers on the Kwun Tong Bypass (KTB). He considered that in this incident, the Police had totally neglected the safety of members of the public. He said that if it was really not the Police's policy to put the public at risk or to use vehicles belonging to members of the public to block the road during illegal road racing operations, as pointed out by the Administration in paragraph 2 of its paper, the incident in question should not have happened. Noting that the Commissioner of Police (CP) had, the next day after the incident, apologized to the citizens, car owners and drivers affected and described the operation as "erroneous", the Deputy Chairman asked what the errors were and how the Police would rectify such errors. As the Police had set up a Working Group to review the orders and instructions on the Police's practice and procedures in setting up roadblocks, he enquired whether the Police would adopt a firm position during the interim period before the completion of the review in October 2009 not to deploy vehicles belonging to members of the public in the formation of roadblocks during illegal road racing operations.

23. In response, CSP emphasized that it was not the Police's policy to put the public at risk or to use vehicles of members of the public to form a roadblock during illegal road racing operations. Prior to July 2009, a Working Group chaired by a Chief Superintendent was set up to thoroughly review the Force Procedures Manual (FPM) Chapter 41 which delineated the command and control, the safety equipment, the manpower and the tactics of roadblocks. The Working Group intended to specify clearly the Police's policy against illegal road racing in all relevant orders and instructions. It also planned to recommend that the roadblock location and the task to be carried out would be separately risk-assessed, and the identified risks must be managed before a roadblock operation could take place. Meanwhile, the review was underway and would be completed in October 2009. Regarding the incident on KTB, CSP advised that the Police was conducting an investigation. Hence, he was not in a position to comment on or disclose details about the incident.

24. The Deputy Chairman expressed dissatisfaction about the Administration's response. He insisted on a reply to his question as to whether the Police had made a mistake on 13 July 2009 in setting up a "human roadblock" to stop illegal road racers on KTB, and whether there was any deficiency regarding the Police's guidelines on roadblock operation.

Action

25. CSP responded that CP had stated that the Police officers in charge of the operation on KTB appeared to have made, while acting in good faith, an error of judgment. The involvement of members of the public in the operation and the deployment of civilian vehicles to form a roadblock were not in line with the prevailing policy. Besides, the Police officers seemed to have under-estimated how reckless the road racers were. With hindsight, the decision was not a correct course of action to take.

26. Mr CHEUNG Man-kwong quoted CSP's responses to enquiries raised by members of the Independent Police Complaints Council (IPCC) at a meeting between IPCC and the Police on 4 September 2009. He questioned whether CSP's reply that "under common law, the Police had the power to seek assistance from members of the public. Failing to provide such assistance might constitute an offence" was inconsistent with the Police's policy of not using vehicles of members of the public to form roadblocks.

27. In response, CSP made the following points -

(a) the statement to which Mr CHEUNG Man-kwong referred to was a reply to an IPCC member's general question as to whether the Police had power to seek assistance from members of the public;

(b) when asked whether there were any guidelines under which the Police could request a member of the public to assist Police officers and the legal basis of such guidelines, he had provided IPCC with the answer that under section 63 of the Police Force Ordinance (Cap. 232), it was an offence to refuse to assist a police officer in the execution of his duty when called upon to do so. Nevertheless, the use of the police power would be subject to careful consideration and the Police had no intention to put members of the public at risk; and

(c) under section 60 of the Road Traffic Ordinance (Cap. 374), a Police officer in uniform could direct a driver to stop a vehicle on a road regardless of whether a roadblock was formed. It was permissible for a Police officer to stop a vehicle for a purpose, and whether or not to do so would depend on the judgment of individual officers. There was no definite rule in that regard and officers were required to use their judgement, their experience and training to ensure that vehicles were stopped at appropriate time and manner.

28. Mr CHEUNG Man-kwong considered that the requested party should be well informed of the possible consequences. If a request, such as forming part of the roadblock to stop vehicles involved in road racing, would put a person in danger, the requested party should have the right to refuse to assist the Police.

Action

29. Mr CHAN Hak-kan said that the way the Police conducted the anti-illegal road racing operation on KTB was totally unacceptable. Noting that there were reactive and proactive modes of operations to tackle road racing, he sought further information on the reactive mode of operations, particularly when the Police was informed via emergency calls from the public that cars were racing. He also asked about the reason why it was difficult for the Police to prove the offence of illegal road racing. He queried whether the existing penalty for illegal road racing was proportionate to the gravity of the offence.

30. Echoing the view of Mr CHAN Hak-kan, Ms Audrey EU asked whether the Police would consider proposing to the Administration that the penalty for road racing be increased.

31. In response, CSP advised that -

(a) there were reactive and proactive modes of operations to tackle illegal road racing. Under the proactive mode, pre-planned operations were organized to deter and disrupt road racing or to make arrest. On the contrary, the reactive mode would be applied when the Police was informed via emergency calls from the public that cars were racing or Police officers on patrol saw cars travelling together at high speed. In the latter case, the officer in charge had to make a speedy decision under great stress;

(b) to set up a roadblock, the authorization of an officer at the rank of Chief Inspector would be required in line with the statutory requirement of the Road Traffic Ordinance regarding the use of statutory signs. A sergeant must be present throughout the roadblock operation for supervision. Other supervisory officers at the rank of Station Sergeant and Inspector were also required to conduct supervisory checks on regular basis;

(c) illegal road racing was an offence under section 55 of the Road Traffic Ordinance. Any person convicted of an offence under the section was liable to a fine of $10,000, disqualification from driving for a period of 12 months and 12 months' imprisonment. In addition, he would incur 10 driving-offence points in respect of the offence under the Road Traffic (Driving-offence Points) Ordinance (Cap. 375). The Police considered that illegal road racing was a serious offence as it involved wilful actions by racers who showed a complete disregard for public safety. The Police would not tolerate illegal road racing and would prevent and disrupt such activities whenever it was safe to do so. The safety of innocent members of the public and Police officers was of paramount concern in the detection and investigation of such offences;

Action

(d) road racing normally involved the trial of speed between vehicles. It was not easy for the Police to reasonably conclude that cars were racing unless they were seen travelling in close proximity at very high speed, overtaking each other from time to time or crossing double white lines. Besides, it was noticed that there was a growing tendency of car racers adopting the mode of "time trial" in the competition. There were some difficulties in proving and instituting prosecution against illegal road racing;

(e) the penalty of the offence was also out of line when compared to other traffic offences, such as dangerous driving which carried a maximum penalty of imprisonment of three years, a fine of $25,000 and disqualification for driving for at least six months. The lack of a deterrent effect from the legislation and the level of the penalties were areas of concern. The Police had already raised the matters of illegal road racing and the penalties to the Transport and Housing Bureau. The Police suggested raising the penalties to exceed those set for dangerous driving, as the offence of illegal road racing was considered more serious in view of the deliberate and continuous nature of the offence; and

(f) overseas experiences suggested that there was no simple and safe method to stop illegal road racing or other anti-social driving behaviours such as drag racing, drifting and burnouts. Law enforcement officers found themselves in a very difficult situation when dealing with road racing in progress. While Police actions in an attempt to stop the road racing might result in serious consequences, innocent members of the public might lose their lives if such reckless racers were not stopped. In some countries, legislation deterring road racing had shifted from placing emphasis on the driver to placing emphasis on both the driver and the vehicle. For instance, the vehicles involved in illegal road racing might be confiscated and destroyed without the conviction of the drivers or the owners.

32. Ms Audrey EU expressed concern about the slow progress of the review undertaken by the Police on all orders and instructions relating to roadblocks. She enquired about the measures currently adopted by the Police for prevention and detection of illegal road racing.

33. CSP responded that as explained earlier, the Working Group would conduct a comprehensive review of all orders and instructions relating to anti-illegal road racing, including roadblocks as laid down in FPM Chapter 41, with a view to identifying the best practices and promulgating a Commissioner's Order to ensure standardization. Since the Working Group intended to provide the frontline officers with clear procedural guidelines, it would need some time to complete the review which was planned to conclude by October 2009. In

Action

the meantime, the Police would continue to conduct proactive operations to combat illegal road racing.

34. Mr WONG Yuk-man commented that the existing Police's guidelines and instructions were far from satisfactory. While it was not the Police's policy to use vehicles of members of the public to intercept illegal road racers, there was no order to prohibit officers from doing so. While the existing guidelines had highlighted the danger of intercepting racing vehicles and asked officers not to take risk to stop the vehicles, the Police should not allow frontline officers to exercise their own judgment on whether or not to request members of the public to assist the Police in intercepting such vehicles. He urged the Police to speed up the review and to make sure that the new Commissioner's Order would specify clearly the Police's policy.

35. Mr Albert HO and the Deputy Chairman echoed the view of Mr WONG Yuk-man. Mr HO said that the Police should state explicitly in the new Commissioner's Order its policy of not using vehicles of members of the public to form roadblocks.

36. In response, CSP reiterated that it was not the Police's policy to use the vehicles of members of the public to form roadblocks, and the Police would endeavour not to put the public at risk during operations including operations on the roads and roadblocks. He advised that the current review on FPM entailed careful consideration on safety issues and future instructions would require risk assessment on the location with reference to the purposes of the roadblock. Before the promulgation of the new Commissioner's Order, the existing guidelines and instructions would continue to have effect.

37. Responding to the Deputy Chairman's enquiry, CSP confirmed that the Department of Justice would follow up on claims for compensation lodged by the car owners and drivers affected in the incident on KTB. The Deputy Chairman said that the Administration should process the applications expeditiously.

38. Ms Audrey EU enquired about the Police's enforcement relating to traffic violations on certain road sections mentioned in some recent media reports. She requested the Administration to provide a written response on enforcement against speeding on those roads where there was confusion over the applicable speed limits.

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39. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
8 February 2010