

立法會
Legislative Council

LC Paper No. CB(2)831/10-11(02)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 26 January 2011**

Crime situation in Hong Kong

Purpose

This paper summarizes past discussions by the Panel on Security ("the Panel") on the crime situation in Hong Kong.

Deliberations of the Panel on Security

2. It is the practice of the Panel to discuss the crime situation in Hong Kong at the beginning of each year.
3. In the past five years, during the course of discussing Hong Kong's overall crime situation at the meetings of the Panel on 24 January 2006, 25 January 2007, 31 January 2008, 21 January 2009 and 27 January 2010, members expressed concern over a number of issues. Members were particularly concerned about the incidents of corrosive fluid being thrown from height, Police's handling of public meetings and public processions, and the increasing number of cases relating to domestic violence, cyber crime, criminal intimidation in debt collection and drug-related offences.

Corrosive fluid being thrown from height

4. Some members expressed deep concern about cases in which bottles containing corrosive fluid were thrown from height onto the pedestrian precincts in Mongkok, Shamshuipo and Causeway Bay, causing injuries to dozens of passers-by and posing serious threats to the lives and safety of the public. They asked about the measures adopted by the Police to prevent such crimes, and the difficulties faced by the Police in investigating such cases.

5. The Police advised that it attached great importance to incidents of objects being thrown from height, particularly cases involving the throwing of corrosive fluid which had put public safety in great peril. It was comparatively difficult for the Police to investigate and detect such crimes, as it was difficult to identify witnesses and the exact location where the culprits committed the crimes. Besides, the motive of the culprits committing such crimes very often remained unknown and they usually bore no relationship with the victims whereas in cases of assault, murder or cases of other nature, there might usually be clues arising from the relationship between the victims and the assailants. To prevent such incidents, the Police and District Offices had stepped up publicity and public education campaigns, including joining hands with the District Councils, owners' and residents' organizations, and property management agents to distribute leaflets educating the general public of the need to develop a caring neighbourhood culture, to be more vigilant and to pay attention to any suspicious figures entering and leaving buildings. Owners' corporations, mutual aid committees and residents' groups were also encouraged to strengthen their building security facilities. The Police also arranged School Liaison Officers to advise students of the harm and serious consequences of throwing objects from height.

6. The Police also advised that it had referred all cases involving the throwing of corrosive fluid causing injuries to passers-by to their criminal investigation units for follow-up and investigation on all fronts. In the course of investigation, the Police would contact caretakers and view the videotaped footage captured by the closed-circuit television systems of the buildings located near the crime scenes and, depending on the circumstances of each case, conduct door-to-door visits to and questionnaire surveys with residents and shop operators in the buildings concerned to collect information relating to the cases. The Police would input the collected data into its supercomputer for analyses.

7. The Police informed the Panel that it would step up ground patrols in the vicinity of the crime scenes and remind beat officers to pay particular attention to suspicious persons. To prevent the further commission of such crimes by culprits and to protect the safety of the public, the Police would enhance the deployment of Police officers at places which were more prone to such incidents, such as pedestrian precincts. In view of the heavy pedestrian flow in pedestrian precincts during festive days and the previous incidents of objects being thrown from height, Police rooftop observation posts had been set up in all crowded and busy areas across the territory.

Police's handling of public meetings and public processions

8. A member expressed concern about the violent actions taken by some

young demonstrators, as evidenced by incidents of violence in some public order events held in the last few months of 2009. The member asked about the legal responsibilities of demonstrators if they made attempts to challenge the Police, such as by pushing or climbing over the mills barriers set up by the Police as a crowd management measure, how the Police handled violent demonstrators and whether the Police would tighten its policy on public meetings and processions.

9. The Police advised that -

- (a) it respected the rights of the public to peaceful assemblies and processions and to express their views. As Hong Kong was a crowded place, large-scale public meetings and processions might affect other people or road users and impact on public safety and order. In this connection, it had been, and would continue to be the Police's policy to endeavour to facilitate, as far as possible, all lawful and peaceful public order events. While facilitating the expression of views by participants of public meetings and processions, it was also the Police's responsibility to maintain public order, and at the same time strike a balance by ensuring the rights of other people to use public place or road as well as their safety. Participants of public meetings or processions, in expressing their views to the public, should also observe the Hong Kong law and proceed in a peaceful and safe manner;
- (b) it was a general practice of the Police to maintain close communication with the event organizers and discuss with them how order could be maintained on the day of the public meeting or public procession. Where a public procession involving a large number of participants was held, the Police would, based on past experience, give advice and liaise with the organizer on the date, time and route of the proposed procession to ensure public safety and order would be preserved during the event. The event organizers would normally arrange wardens to maintain order during the public meetings or public processions. In assessing the crowd management measures and manpower required for maintaining public safety and public order during the event, the Police would have regard to the information provided by the organizer, past experience in handling similar events as well as other operational considerations;
- (c) whenever a large-scale public meeting or procession was held, the Police would carry out a review after the event. The aim of the

review was to ensure that the tactics deployed and the use of force in the demonstrations and public assemblies concerned were justified and complied with the Police's operational guidelines for regulating public order events;

- (d) if there were conflicts and confrontations between the Police and the demonstrators, the Police would investigate into the incidents concerned to ascertain whether there were reasonable grounds to arrest any persons for having breached the laws. The Police would consult the Department of Justice as to whether there was sufficient evidence for instituting prosecution; and
- (e) given the increasing trend of young demonstrators taking radical actions in public meetings and processions, the Police would strive to enhance communication with young demonstrators in future, to clarify what they intended to do and make it clear that the Police was prepared to provide them with the necessary support and assistance in staging lawful and peaceful public order events.

10. Referring to a case on 27 December 2009 where a group of demonstrators staged a demonstration inside the Closed Area of the Lo Wu Boundary Control Point, a member queried why the Police did not take enforcement action earlier to disperse the demonstrators before they became out of control, especially given that it was a Closed Area with heavy passenger traffic.

11. The Police advised that it was fully aware of members' concern about the need to preserve law and order at boundary control points ("BCPs"). Given the special conditions of BCPs and the needs to ensure the safety of cross-boundary passengers as well as the smooth operation of BCPs, demonstrations should not be conducted within BCPs and the Lo Wu Boundary Control Point was no exception. The passenger flow of the Lo Wu Boundary Control Point was exceptionally heavy. It handled on average over 200 000 passengers daily, which was the highest among all BCPs.

Domestic violence

12. Some members expressed concern about a substantial increase in domestic violence cases in 2007. A member indicated that although there was a decrease in such cases in 2008, she was concerned whether there would be an upward pressure on this type of crime in the following year, and enquired about the measures to be taken by the Police in tackling such crimes.

13. The Police advised that it had invested resources in handling domestic violence cases including the deployment of a Police officer at Sergeant level or above to supervise initial police action at the scene and ensure that each case was handled appropriately according to the guidelines, and the designation of a Superintendent at the Police's headquarters to oversee domestic violence issues. The Police's work in the area aimed at providing protection for victims, making referral to appropriate parties for follow-up, and conducting investigation and instituting prosecution against abusers.

14. The Police, the Social Welfare Department and non-government organizations had established mechanisms for communication and liaison in handling domestic violence cases. Where necessary, multi-disciplinary case conferences would be conducted by caseworkers, and subject to individual case, representatives from the Police (police officers-in-charge of investigation) and the professionals concerned would be invited to attend the meeting to share information on the case and work together in formulating the most appropriate welfare plans for the victims and their families. In May 2008, the Police implemented a new protocol of Victim Management for victims of serious domestic violence crime cases which was further expanded in January 2009 to victims of non-serious crime and non-crime high-threat domestic violence cases with a view to strengthening the support and safety assurance to victims throughout the case enquiry and legal proceedings, and to enhance communication and collaboration with the Social Welfare Department and non-government organizations. It was noteworthy that the Police had since the end of 2008 adopted further measures to improve the Central Domestic Violence Database. Apart from information on domestic violence cases and other related cases such as Child Abuse, Elder Abuse and Missing Person reports, the enhanced Central Domestic Violence Database also electronically captured reports of Domestic Incident, and Family Violence Crime cases in relation to the familial relationships covered under the Domestic Violence (Amendment) Ordinance 2008. Officers-in-charge of investigation would be able to have better overall assessments.

15. The Police added that the public's increased awareness of the need to report domestic violence cases to the Police as well as an increase in confidence in seeking help from the Police or other authorities concerned might encourage more victims to report their cases to the Police.

Cyber crime

16. A member expressed concern that cyber crimes, such as compensated dating and illegal gambling, had become rampant in recent years. The member enquired about the Police's efforts in combating such crimes.

17. The Police explained that cyber crimes had been on the rise in 2009, with most of the cases related to unauthorized access to computer with criminal or dishonest intent, commercial fraud and obtaining property or service by deception. Regarding the measures it adopted to combat cyber crimes, the Police advised that its Technology Crime Division was responsible for combating cyber crimes and conducting cyber patrols. To enhance its capability in the investigation of internet crimes, 26 additional posts had been created in 2009-2010 in the Technology Crime Division. Apart from enhancing the manpower of the Technology Crime Division, the Police was upgrading the information technology facilities of the Computer Forensics Laboratory to strengthen its capability in handling digital evidence. In addition to strengthened cyber patrols, the Police would provide training in the effective prevention and combat of technology crimes for officers of different ranks to enhance their knowledge of technology crimes and their professional ability in handling these crimes. A number of seminars relating to security on the internet had been held with the information technology professionals of major organizations and enterprises.

Criminal intimidation

18. Some members asked about the reason for the increase in the number of criminal intimidation cases in 2007, and whether there was any new element attributing to the increase.

19. The Police explained that over 50% of 1 960 criminal intimidation cases in 2007 were due to disputes arising from private relationships and money matters, whereas 389 cases were related to debt collection, representing a decrease of 5 cases over 2006. The Police added that only 2.8% of the total crime cases were related to triad activities. There was no indication of any new element contributing to the increase in criminal intimidation cases. Owing to the nature of such crimes, only 5.4% of the total cases were detected in 2007.

20. A member noted with grave concern that in 2009, 1 314 cases of criminal damage and 507 criminal intimidation cases were related to debt collection activities. Noting the enforcement difficulties currently faced by the Police in combating illegal practices of debt collection agencies ("DCAs"), the member asked whether the Police would, in view of the trend and seriousness of illegal practices employed by DCAs in recovering debts, consider introducing new enforcement measures to curb the improper practices of DCAs or suggesting the relevant policy bureau to introduce legislation to regulate debt collection activities of DCAs.

21. The Police advised that -

- (a) the number of crime reports related to debt collection activities received by the Police in 2009 was higher than that of the previous year;
- (b) the Police appreciated the public's concern about debt collection practices involving harassment, and had always attached importance to combating illegal debt collection activities. It adopted a multi-pronged approach and took rigorous enforcement action to crack down on loan-sharking syndicates and unscrupulous DCAs by closely monitoring the conduct of DCAs and mounting large-scale operations;
- (c) the Police had devised procedures for the handling of debt collection-related cases. Cases of criminal nature, such as criminal damage or intimidation, would be referred to the Criminal Investigation Teams for investigation. Enforcement actions would be taken depending on the circumstances and prosecutions would be instituted in accordance with the law. Non-crime reports assessed to be "high threat" cases would be referred to the Criminal Investigation Teams for follow-up. As regards "low threat" cases, although they did not involve criminal elements, the Police would continue to monitor them. Where there was suspicion that a case might develop into one involving a criminal element, for example, the DCA concerned having a triad background, the Criminal Investigation Team would investigate the case; and
- (d) where there was suspicion that a DCA employed by a licensed money lender collected debts by improper means (including telephone harassment) or illegal acts, the Police investigation unit would inform the Police Licensing Office so that the Office would give appropriate consideration when handling the licence renewal application of the money lender concerned in future. Where a DCA engaged by any bank or financial institution was found to be collecting debts by improper or illegal means, the Police would inform the financial regulatory authority concerned so that it could take appropriate follow up action.

Drug-related offences

22. Some members expressed concern about the Police's anti-drug work, in

particular how it tackled the drug abuse problem among students and the sharp rise in drug abuse cases involving drivers driving on the road. They noted that unlike drink driving which was regulated by the Road Traffic Ordinance (Cap. 374) and the Road Traffic (Driving-offence Points) Ordinance (Cap. 375), the Police had no authority to require a person to provide body fluid specimens for the purpose of drug testing, even if there was a reasonable cause to suspect that the person was under the influence of drugs when driving a motor vehicle.

23. The Police advised that -

- (a) among the 2 929 serious narcotics offences recorded in 2009, although representing a slight drop of 37 cases or 1.2% when compared with the figure of the preceding year, 2 520 cases involved psychotropic drugs, making up 86% of the overall serious narcotics offences. Cases involving Ketamine still shared a considerable proportion of about 63% of cases involving psychotropic drugs;
- (b) youth drug abuse had been in the limelight, as statistics revealed an increase in 2009 in youngsters between 10 to 15 years of age committing serious narcotics offences; and
- (c) the Administration was very concerned about the supply and availability of illicit drugs within the territory and the problem of psychotropic substance abuse among the youth. While the Task Force on Youth Drug Abuse had set out over 70 recommendations to combat the youth drug abuse problem in a holistic and sustainable manner, the Police would continue to combat drug trafficking and drug abuse in 2010 through various measures, including the following -
 - (i) in respect of external cooperation, the Police had adopted comprehensive strategies for combating drug trafficking activities. To tackle transnational drug traffickers and to combat the problem at source, the Police cooperated with the Mainland and overseas law enforcement agencies and mounted intelligence-led operations to intercept drugs from trafficking into Hong Kong;
 - (ii) the Police also worked closely with the Customs and Excise Department in the exchange of intelligence and conducting joint operations at various control points to intercept drugs;

- (iii) the Narcotics Bureau of the Police continued to launch intelligence-led operations against drug trafficking activities within the territory;
- (iv) enhanced efforts would also be made to crack down on the manufacturing of drugs and cultivation of illicit narcotic crops, and to smash drug distribution networks at all levels to cut off the supply of drugs;
- (v) the Police would make good use of the 27 additional School Liaison Officer posts created in 2008-2009 to strengthen the Police School Liaison Officer Scheme as a communication platform for the Police, teachers, school social workers, school management and the community to support the anti-drug initiatives in schools; and
- (vi) to tie in with the territory-wide campaign against youth drug abuse launched by the Task Force on Youth Drug Abuse, the Publicity Sub-committee under the Fight Crime Committee would continue to work with various District Fight Crime Committees, local organizations and the Junior Police Call in organizing publicity programmes in districts to disseminate the anti-drug message to the community at large, especially the youth.

24. Regarding members' concern about drug driving, the Police advised that although existing legislation did not empower the Police to require a suspected driver to provide body fluid specimens for the purpose of drug testing, the Police would spare no efforts in combating drug driving having regard to the imminent danger that driving under the influence of drugs would pose to the driver himself and other road users. The Police advised that if drug driving was involved in an accident, or an accident with personal injury or fatality, the relevant driver might be charged with dangerous driving, or dangerous driving causing death. In 2008 and 2009, three cases had been successfully prosecuted each year for driving under the influence of drugs and causing traffic accidents. In performing his daily duties, if a Police officer had reasonable cause to suspect that a driver was under the influence of drugs, the Police officer would ask the driver whether he had taken drugs. The Police officer would also search the driver and the vehicle concerned to ascertain whether the driver was in possession of dangerous drugs. If the driver admitted that he had taken drugs or the Police officer found dangerous drugs when searching the vehicle or the driver, the Police officer would arrest the driver. As a guiding principle, the Police officer would stop the driver from driving the motor vehicle if the

driver was incapable of having proper control of the motor vehicle.

25. A member considered that the escalated efforts of the Police in combating drug abuse and drug-related crime had faded out since the summer of 2009, especially after the implementation of the drug testing scheme in schools. The member asked why the Police adopted a much-relaxed approach in its work when drug-related statistics, including drug arrests and conviction, drug seizure and abusers of different types of drugs, continued to increase in 2009.

26. The Police stressed that it attached great importance to tackling the drug abuse problem in schools. There was no question of the Police adopting a lax approach in combating drug trafficking, drug abuse and related crimes. The territory-wide anti-drug campaign had been escalated to reinforce community awareness and encourage active participation by all sectors. To strengthen young people's resistance to temptations, intensified publicity programmes targeted at students were specifically conducted in the summer, and efforts were stepped up to provide education and training to parents and school teachers to equip them with the knowledge and skills to deal with drug abuse by students. To combat the problem of youth drug abuse at the supply side, it would continue to spearhead major enforcement actions, step up joint operations with the Customs and Excise Department, and enhance intelligence exchange and publicity efforts at boundary control points in order to deter and detect cross boundary drug abuse and trafficking.

27. Members expressed concern about the change in the crime pattern for drug-related offences in recent years, such as the trafficking and sale of drugs in a small quantity and the shift from the use of heroin to psychotropic substances. They asked whether the Police had adjusted its enforcement strategies in the light of the latest changes in drug-related crimes and problems.

28. The Police advised that its enforcement strategies were reviewed from time to time, so as to maintain its vigour and impetus in combating drug-related crimes. In view of the latest changes in the crime pattern for drug-related offences, the Police had adopted suitable measures to address the problems, including -

- (a) making use of the established intelligence networks to monitor the locality of drug abuse and taking swift actions if there was any change in it;
- (b) taking rigorous enforcement actions at entertainment venues or establishments, such as discotheques, which allowed people to take drugs;

- (c) strengthening cyber patrols to combat activities related to the supply of drug;
- (d) increasing the frequency of school visits by School Liaison Officers to enhance the communication with schools, parents and social workers, as well as to disseminate anti-drug messages to students; and
- (e) maintaining close liaison with other departments, including the Leisure and Cultural Services Department, in combating youth drug abuse in public places such as parks, playgrounds or public libraries.

Relevant papers

29. Members may wish to refer to the following minutes of meetings for details of the discussions -

- (a) minutes of special meeting of the Panel on Security on 24 January 2006 (LC Paper No. CB(2)2059/05-06);
- (b) minutes of meeting of the Panel on Security on 25 January 2007 (LC Paper No. CB(2)1177/06-07);
- (c) minutes of special meeting of the Panel on Security on 31 January 2008 (LC Paper No. CB(2)1777/07-08);
- (d) minutes of special meeting of the Panel on Security on 21 January 2009 (LC Paper No. CB(2)1497/08-09); and
- (e) minutes of special meeting of the Panel on Security on 27 January 2010 (LC Paper No. CB(2)1365/09-10).

30. The above minutes are available on the website of the Legislative Council (<http://www.legco.gov.hk>).