

立法會
Legislative Council

LC Paper No. CB(2)275/12-13
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 6 November 2012, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan
- Members absent** : Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

**Public Officers
attending** : Item IV

The Administration

Mr John LEE, JP
Under Secretary for Security

Ms Amy WONG
Principal Assistant Secretary for Security C

Mr Jose YAM
Principal Assistant Secretary for
Transport & Housing (Transport)

Mr Ken WONG
Head of Rail and Ferry Command
Customs and Excise Department

Mr William FUNG
Assistant Director of Immigration
(Enforcement and Torture Claim Assessment)

Mr Alfred CHAU
Regional Commander (New Territories North)
Hong Kong Police Force

Mr Robert LAU, FSMSM
Deputy Chief Fire Officer
(Licensing & Certification)
Fire Services Department

Ms Bonnie YAU
Senior Manager - Corporate Relations
MTR Corporation Limited

Item V

The Administration

Mr John LEE, JP
Under Secretary for Security

Miss Bella MUI Bun-ngai
Principal Assistant Secretary for Security B

Mr TANG Ping-ming
Assistant Commissioner of
Correctional Services (Rehabilitation)
Correctional Services Department

Mr CHAN Chi-keung
Superintendent (Rehabilitation Unit 1)
Correctional Services Department

Item VI

Independent Commission Against Corruption

Mr Ryan WONG, IDS
Deputy Commissioner and
Head of Operations

Mr Ricky YAU
Assistant Director / 4
Operations Department

Ms Sally KWAN
Chief Staff Officer /
Management & Administration

The Administration

Mr John LEE, JP
Under Secretary for Security

Mrs Erika HUI, JP
Commissioner for Narcotics

Miss Mandy WONG
Principal Assistant Secretary for
Security (Narcotics) 2

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

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

Ms Ivy CHENG
Research Officer (2) 2

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Mina CHAN
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)120/12-13)

The minutes of the meeting held on 16 October 2012 were confirmed.

II. Information papers issued since the last meeting

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

- (a) letter from Hong Kong Human Rights Monitor to the Chief Secretary for Administration, which was copied to the Panel, regarding the Flag Raising Ceremony on 1 October 2012; and
- (b) reply from the Director of Public Prosecutions to Hong Kong Human Rights Monitor, which was copied to the Panel, regarding prosecution policy and practice on offences of assaulting police officers.

Action

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)138/12-13(01) and (02))

List of outstanding items for discussion

3. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2012-2013 session with the Secretary for Security on 26 October 2012. The list of outstanding items of the Panel had been updated accordingly. He invited members to note the updated information provided by the Administration in the list of outstanding items.

Regular meeting in December 2012

4. Members agreed that the following items would be discussed at the next regular meeting on 4 December 2012 at 2:30 pm -

- (a) Results of study of matters raised in the Annual Report 2011 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance; and
- (b) New Immigration Control System to support control point operation of the Immigration Department.

Regarding item (a), the Chairman informed members that in line with past practice, the Commissioner on Interception of Communications and Surveillance would be invited to attend the discussion of the item.

Management succession in the Independent Commission Against Corruption

5. Members noted that in response to the request of the Panel, the Independent Commission Against Corruption ("ICAC") had provided a paper on its appointment of a former director to succeed the Head of Operations. Ms Emily LAU suggested that the subject of management succession in ICAC be discussed by the Panel at a future meeting.

Devices used by the Police in handling public meetings and public processions

6. The Deputy Chairman expressed concern about press reports regarding the procurement of long range acoustic devices by the Police for handling public meetings and public processions. Members agreed

Action

that the Administration should be requested to provide information on the devices deployed or to be procured by the Police for such a purpose, including a list of such devices, their functions and effects, and the monitoring of the use of these devices.

Progress of the Police's investigation into complaints relating to the handling of a reporter on 30 June 2012

7. Mr Albert HO expressed concern about the progress of the Police's investigation into complaints regarding an incident on 30 June 2012 in which a Police officer had taken away a reporter for a 15-minute enquiry when the reporter asked President HU Jintao a question at the cruise terminal site in Kowloon Bay. Members agreed that the Administration should be requested to provide information on the progress in respect of the Police's investigation into the complaints and the findings, if available.

National Day Flag Raising Ceremony on 1 October 2012

8. Ms Emily LAU said that the Panel should follow up the removal of some members of the public from the Golden Bauhinia Square on 1 October 2012 before the National Day Flag Raising Ceremony. Noting that issues relating to the National Day Flag Raising Ceremony were under the purview of the Home Affairs Bureau, members agreed that the issue be referred to the Panel on Home Affairs for follow-up. Ms Emily LAU suggested that members of the Panel on Security be invited to attend when the subject was discussed by the Panel on Home Affairs.

IV. Measures to combat parallel trading activities

(LC Paper Nos. CB(2)138/12-13(03) and FS09/12-13)

9. Under Secretary for Security ("US for S") briefed members on the measures taken by the Administration to combat parallel trading activities, details of which were set out in the Administration's paper. He informed members that between 19 September and 2 November 2012, 380 Mainland residents suspected of contravening conditions of stay by involving in parallel trading activities had been arrested in the operations. Among these, 42 persons had been prosecuted with 31 persons convicted and sentenced to imprisonment of two months. 331 of these Mainland residents who were not prosecuted had been repatriated to the Mainland. Five Hong Kong residents had been arrested for -

Action

- (a) Aiding and abetting others to contravene conditions of stay; or
- (b) employing persons who were not lawfully employable.

10. Mr WONG Yuk-man said that with the expansion of the Individual Visit Scheme ("IVS"), an increase in parallel trading activities should have been anticipated. He considered that there was a lack of vision on the part of the Administration and the measures referred to in the Administration's paper did not tackle the problems caused by parallel trading activities at root. Referring to paragraph 2 of the Administration's paper, he queried how the Administration could combat the problem at source, if undertaking parallel trading activities did not constitute an offence. He also queried how a parallel trader could be distinguished from a bona fide Mainland visitor who purchased goods for his own use. Noting that 331 Mainland residents suspected of contravening conditions of stay had been repatriated to the Mainland without prosecution, he queried the prosecution policy in respect of such cases.

11. Mr CHAN Hak-kan said that the problems caused by parallel trading activities, which had been in existence for a long time, had been of grave concern to the District Councils concerned for many years. Referring to paragraph 5 of the Administration's paper, he expressed concern that about 90% of 372 Mainland residents involved in parallel trading activities and suspected of contravening conditions of stay in Hong Kong had not been prosecuted but only repatriated. He pointed out that since various government departments had stepped up their enforcement efforts in Sheung Shui, parallel traders were found dispersed to other East Rail Line stations, such as the University Station, and handling parallel trading goods inside the train compartments. He asked whether and how the problem was addressed by the Administration.

12. US for S responded that unless a passenger carried prohibited or controlled items, parallel trading activities *per se* was not an offence. Law enforcement agencies ("LEAs") were tackling problems caused by parallel trading activities through law enforcement against activities which caused obstruction of public places, against activities which presented hazard or nuisance to others, against persons who contravened conditions of stay, as well as against persons who aided or abetted others to contravene conditions of stay and employed persons who were not lawfully employable. Whether an arrested person would be prosecuted in a case would depend on whether there was sufficient evidence for prosecution. In this connection, he pointed out that the standard of proof required for prosecution against contravening conditions of stay was high.

Action

13. Mr CHAN Kam-lam pointed out that parallel trading activities around Sheung Shui Station had recently declined following the joint operations of various government departments. He asked whether the requirements imposed by the MTR Corporation Limited ("MTRCL") on the size and weight of passenger luggage could be further tightened.

14. US for S responded that various government departments would continue to take enforcement actions to tackle the obstruction and nuisance caused by parallel trading activities and gather intelligence on such activities. Senior Manager, Corporate Relations of the MTR Corporation Limited ("SM/MTRCL") added that the implementation of the new weight restriction trial scheme at the East Rail Line had been smooth and the order in stations had improved. She stressed that the restriction was not targeting at any particular group of passengers and the objective was to stop people from bringing overweight luggage, which might cause hazard to other passengers, into the stations. MTRCL had strengthened the manpower of its By-laws Inspection Unit from 29 to 39 staff members.

15. Ms Emily LAU said that parallel trading activities had caused much nuisance to residents in New Territories North and caused inflation in the price of daily necessities in the area. She queried whether the situation had improved after the Administration's enforcement work and asked whether there was any coordination of the enforcement work of various government departments to address such problems.

16. US for S responded that the Security Bureau was responsible for coordinating the law enforcement work of different government departments against parallel trading activities. In addition, MTRCL also rendered support for the Government's enforcement actions. He displayed photographs taken inside Lo Wu Boundary Control Point and outside Sheung Shui Station before and after enforcement actions were taken and explained that the situation had improved. He stressed that the cooperation of the Mainland authorities was important to success in tackling the problems caused by parallel trading activities.

17. Mr WONG Kwok-kin said that he had been living next to Sheung Shui Station for a long period of time and parallel trading activities had been found in the area for many years. In the early years, parallel traders were Hong Kong residents. Their activities were less frequent and mostly confined to the mornings. After the introduction of multiple-entry endorsements under IVS, most parallel trading activities had been taken

Action

up by Mainland residents. Their activities were more frequent and lasted from the early morning to the very late hours of a day. Their luggage was usually bulky, causing hazard and nuisance to other passengers and residents in the area. He considered that to tackle the problem at root, the Mainland authorities should be requested to step up enforcement actions against parallel trading activities and the Administration should convey such a request through a high level to the Central authorities. The Deputy Chairman shared the view that the Administration should convey through a high level to the Central authorities the request for Mainland authorities to step up enforcement actions against parallel trading activities.

18. Mr WONG Kwok-kin pointed out that to his knowledge, the goods involved in parallel trading activities were not bought from shops in Sheung Shui but transported from other districts and divided up or distributed near Sheung Shui Station. Mainland residents who purchased goods from shops in the area were mostly visitors. Imposing restrictions on such business activities might affect the business of small shop owners and the employment opportunities in the area.

19. The Deputy Chairman asked whether any employer had been prosecuted for employment of persons not employable in Hong Kong. US for S responded that five Hong Kong residents had been arrested for such an offence and investigation was still being underway.

20. The Deputy Chairman said that he and some columnists considered the Administration's recent enforcement actions against parallel trading activities unfair. Referring to paragraph 5 of the Administration's paper, he asked whether only those Mainland residents who admitted the charges had been convicted whereas there was insufficient evidence to prosecute the others who remained silent or denied the charges. Regarding the convicted cases, he asked whether there were cases where the accused was convicted not because of admission statement but circumstantial evidence.

21. Assistant Director of Immigration (Enforcement and Torture Claim Assessment) responded that among the convicted cases referred to in paragraph 5 of the Administration's paper, there were cases in which the accused was convicted because of circumstantial evidence. The Deputy Chairman requested the Administration to provide information, with personal data excised, on the respective process of conviction in these cases.

Admin

Action

22. Dr LAM Tai-fai queried the basis for the Administration's work to combat parallel trading activities, if such activities did not constitute an offence. He said that if parallel trading was not an offence, consideration might be given to exploring whether it could be regulated to generate more business opportunities and job opportunities, by, say, restricting such activities to certain non-peak hours of a day and conducting in an orderly manner without causing hazard and nuisance to other passengers and nearby residents.

23. US for S responded that the Administration's enforcement work on parallel trading activities was confined to those which caused hazards and nuisance to other passengers and residents. Such enforcement work was carried out in accordance with the relevant legislation.

24. Mr YIU Si-wing expressed support for the Administration's continued enforcement actions against parallel trading activities which caused hazard and nuisance to others. He asked whether there would be any special measures to combat such activities during the Christmas and New Year holidays when there was heavy passenger flow at boundary control points.

25. US for S responded that LEAs were focusing their efforts on combating the supply of parallel trading goods. He informed members that the Mainland authorities in the Guangdong Province had formed a dedicated command unit to coordinate the efforts of various departments in combating smuggling activities by parallel traders. The LEAs of the two places would maintain close intelligence exchange to combat such activities.

26. While noting that parallel trading activities had caused nuisance to passengers and residents in the vicinity of the East Rail Line stations, Mr Albert HO queried whether it was proportionate to prosecute the parallel traders for criminal offences. He suggested that the Administration should consider the alternative of limiting Mainland visitors from entering Hong Kong more than once in a day.

27. US for S noted the views and suggestion of Mr Albert HO. He pointed out that the Immigration Department might refuse entry of any visitors, if their purposes of visit were in doubt. He stressed that LEAs would continue to adopt the strategy of cracking down from the source and made arrests only after gathering of intelligence, analysis and observations.

Action

28. Mr Frankie YICK expressed concern about reports that some cross-boundary vehicles were used for smuggling parallel trading goods to the Mainland. He asked whether there were any measures in place to combat such activities.

29. Head of Rail and Ferry Command, Customs and Excise Department responded that an increased number of parallel traders had recently been found to smuggle goods to the Mainland with cross-boundary vehicles. In this connection, the Customs and Excise Department would step up intelligence exchange and enforcement actions against such activities.

30. The Chairman asked whether nuisance caused by parallel trading activities were found at train stations other than those near the boundary in New Territories North. He noted that passengers found undertaking parallel trading activities three times within a year by the Mainland customs authorities could face prosecution in the Mainland. He asked whether MTRCL had noticed any parallel traders handling their goods inside train compartments and causing nuisance to other passengers.

31. SM/MTRCL responded that MTRCL had put up large notices at Lo Wu and Sheung Shui stations to remind passengers that they should not cause nuisance to other passengers by reorganizing their luggage. Heavy-duty ground scales had been installed at Sheung Shui, Fanling, Lo Wu and Lok Ma Chau stations. Although there was so far no indication of the dispersion of parallel trading activities to other stations, MTRCL would continue to monitor the situation closely.

Admin

32. The Chairman requested the Administration to provide statistics on prosecution relating to parallel trading activities involving dividing up and distributing goods inside train compartments.

V. Post release supervision of rehabilitated offenders and related testing arrangements for urine sample

(LC Paper Nos. CB(2)138/12-13(04) and FS10/12-13)

33. US for S briefed members on the post release supervision provided by the Correctional Services Department ("CSD") for rehabilitated offenders and the related urine sample testing arrangements, as detailed in the paper provided by the Administration.

Action

34. Mr WONG Yuk-man commented that the Administration's paper lacked information on when urine sample testing was first introduced, the success rate of inmates discharged from drug addiction treatment centres ("DATCs") before 2009, and information on the number of recall orders issued to supervisees. He referred to paragraph 7 of the Administration's paper and expressed concern that the success rate of inmates discharged from DATCs had decreased from 64.7% in 2009 to 49.7% in 2010 and 42.2% in 2011. He considered that this might reflect a common practice among CSD officers that the provision of false urine samples with a view to increasing the success rate of DATCs and the management or senior officers of CSD had not sought to address the problem in the past. In this regard, he supported the proposed improvement measures as detailed in paragraph 11 of the Administration's paper. Noting that the two CSD officers referred to in paragraph 10 of the Administration's paper had lodged an appeal in respect of the judgment of the court, Mr WONG said that the Administration should update members on its latest measures regarding urine sample testing after the appeal was concluded.

35. US for S responded that after full investigation by ICAC, prosecution was instituted against the two CSD officers only. As indicated in the judgment concerned, the judge did not believe the management or senior officers of CSD had acquiesced to the practice of providing false urine samples with a view to increasing the success rate of DATCs. He informed members that urine sample testing was first introduced in 1969.

36. Mr YIU Si-wing asked whether the Administration had sought to identify the reasons for the decreasing success rates of DATCs as shown in paragraph 7 of the Administration's paper, although the Administration had not set any targets for the success rates of DATCs.

37. US for S explained that the success rates of DATCs were affected by a number of personal and social factors, including the criminal background and drug abuse history of supervisees, the motivation and determination of supervisees to stay away from drugs, the support of the community and family members, as well as the prevalence of the drug problem in the community.

Action

38. Referring to paragraph 8 of the Administration's paper, Mr YIU Si-wing asked how CSD dealt with cases where the supervisees failed to comply with the requirements of remaining drug-free or not having conviction record again because of incitement by other persons.

39. US for S responded that supervisees found in violation of supervision requirements would be recalled for counselling and, if necessary, further drug addiction treatment or rehabilitation. Where a supervisee was found incited by others to abuse drug or commit an offence, the matter would be referred to the Police for follow-up, if crime was involved.

40. Ms Emily LAU said that CSD should review its internal guidelines to prevent the possibility of senior staff exerting pressure on its staff to maintain a high success rate of DATCs. She considered that whether a discharged DATC inmate would remain drug-free and have no conviction record again would depend largely on the support service provided by the Administration. She expressed concern about the adequacy of such support services for rehabilitated offenders.

41. US for S responded that various rehabilitative services were provided by CSD, including vocational training, employment support, education and various psychological counselling services. The purposes were to improve inmates' vocational skills, help them secure gainful employment after release, and assist them to correct their delinquent behaviour and address psychological problems. Non-governmental organizations such as the Society of Rehabilitation and Crime Prevention, under the subvention of the Social Welfare Department, also provided various supportive services for rehabilitated offenders. He added that the Administration had updated the Panel on the latest development of rehabilitative services for persons in custody when the subject was discussed by the Panel on 13 March 2012.

42. The Chairman requested the Administration to provide statistics on surprise collection of urine samples of supervisees conducted by CSD and the results of such surprise collection. AC of CS stated that disclosing the statistics was not appropriate due to security reasons but reiterated that CSD had an established mechanism in carrying out the surprise checks.

Action

VI. Staffing proposals

(a) Creation of supernumerary Assistant Director, Commission Against Corruption post in the Independent Commission Against Corruption

(LC Paper No. CB(2)138/12-13(05))

43. Deputy Commissioner and Head of Operations, Independent Commission Against Corruption ("DC&H/Ops, ICAC") briefed members on the proposal to create a supernumerary Assistant Director, Commission Against Corruption ("AD, CAC") post in the Operations Department of ICAC for a period of 30 months with effect from 12 December 2012, i.e. upon the lapse of the existing supernumerary post of Assistant Director/Special Duty in the Operations Department on the same date. DC&H/Ops, ICAC explained that there was a need to create a supernumerary post of AD, CAC to spearhead corruption investigations and preparation for criminal proceedings of major public interest, notably the case ESCC 2530/2012 (HKSARG v HUI Rafael Junior & four others).

44. The Chairman advised that the Commissioner, ICAC had extended his apology for not being able to attend the meeting due to prior commitments. The Chairman further advised that the Department of Justice ("DoJ") had recently sought the support of the Panel on Administration of Justice and Legal Services ("AJLS Panel") for the proposed creation of a supernumerary post of Deputy Principal Government Counsel ("DPGC") in its Prosecutions Division for a period of five years to handle the same case ESCC 2530/2012.

[To allow sufficient time for discussion, the Chairman directed the meeting be extended for 15 minutes.]

45. Mr WONG Yuk-man said that at the meeting of the AJLS Panel on 30 October 2012, he queried the lack of transparency in filling the supernumerary DPGC post in DoJ and criticized the Administration for treating the Panel members as a rubber stamp. Referring to paragraph 10 of the Administration's paper, Mr WONG questioned why the 16 non-directorate posts, except one time-limited Personal Secretary I post, were not provided on a supernumerary basis. He cautioned that it remained uncertain whether the Government would be successful in the court case in question, but the staff cost to be incurred was so tremendously high that the Administration must be prudent in spending the public money.

Action

46. Noting that the supernumerary DPGC post in DoJ was proposed to be created for five years, Mr CHUNG Kwok-pan asked whether the court case would merely be followed up by DoJ upon the lapse of the proposed supernumerary AD, CAC post in ICAC after 30 months of its creation.

47. DC&H/Ops, ICAC responded that the period of 30 months was proposed after taking into account the role and involvement of ICAC in the court case. The post would be deleted before the expiry of 30-month period if it was considered no longer in need. On the contrary, if the future development of the case suggested a need to retain the supernumerary post for a longer period, the approval of the Legislative Council ("LegCo") would be sought for further extension.

48. While supporting that adequate manpower resources should be provided to uphold justice, Mr MA Fung-kwok took the view that the Administration should fully justify the need for additional staff. Considering that ICAC had already laid charges on 13 July 2012 against the parties involved in the corruption case, Mr MA presumed that ICAC should have almost concluded its investigation work and had sufficient evidence to substantiate its prosecution. The Administration should explain why a creation of a supernumerary post for 30 months was required to pursue the investigations and preparation for related criminal proceedings. Mr MA sought clarification on the progress of the investigation conducted by ICAC.

49. DC&H/Ops, ICAC advised that though the case was *sub judice*, the investigation was still underway. The pre-trial preparation was so extensive and daunting that further investigation might be needed to strengthen the evidence before and during the trial. DC&H/Ops, ICAC further advised that the court proceedings would be time-consuming. Notably, the case had been adjourned to end-January 2013 for mention.

50. The Deputy Chairman said that when the AJLS Panel discussed the proposed creation of a supernumerary post of DPGC in the Prosecutions Division of DoJ, the Administration described that the complexity of the court case in question might be on a par with the Carrian fraud case. While supporting that sufficient resources had to be allocated to uphold public confidence in ICAC's anti-corruption work, he sought clarification on the complexity of the case concerned.

Action

51. DC&H/Ops, ICAC pointed out that it was difficult to compare one case with another as each individual case had its own uniqueness in nature. With reference to the case ESCC 2530/2012, DC&H/Ops, ICAC advised that the seriousness and complexity of the case was unprecedented in the light of the parties involved, including the former Chief Secretary for Administration and voluminous documents of a sensitive nature and transactions stretched over a prolonged period of time.

52. Ms Emily LAU expressed support for the proposal to create a supernumerary AD, CAC post in ICAC to meet the high public expectations of ICAC's efforts in anti-corruption. Ms LAU also expressed concern about the succession problem of ICAC management and was of the view that the issue should be discussed at a future meeting of the Panel.

53. Mr Michael TIEN considered that the paper provided by ICAC failed to articulate the importance of the proposed supernumerary post for the case. He sought more information on the downside of not creating the AD post.

54. DC&H/Ops, ICAC responded that it was operationally infeasible and undesirable if the staffing proposal was not supported. As explained in its paper, there were at present four ADs on permanent establishment in the Operations Department of ICAC overseeing the heavy investigation work within their specific areas of responsibility. If the proposed supernumerary post was not created, the tasks of the AD, CAC post would have to be taken up by one of the four ADs in addition to his own commitments. This would adversely affect the operational efficiency and compromise the quality of work.

55. Mr Michael TIEN was given the impression that the court case in question was unprecedented. He asked whether the creation of the supernumerary AD post would establish a precedent for conducting investigation into cases of great sensitivity and complexity.

56. DC&H/Ops, ICAC answered in the negative. He explained that whether a supernumerary directorate post was needed depended on the uniqueness, nature and complexity of individual cases. While the corruption investigation of the Carrian case was not headed by an AD in ICAC, it had sought approval from LegCo for the creation of an AD post to head the corruption investigation conducted in 1980s on the then Chairman of the Hong Kong Stock Exchange and several members of the listing committee.

Action

57. Mr Paul TSE enquired whether an open recruitment exercise would be conducted to fill the supernumerary AD post; and if not, he asked about the staffing arrangements for filling the proposed supernumerary post and the consequential staff deployment as well as the impact on the workforce of ICAC.

58. DC&H/Ops, ICAC said that it was considered infeasible to fill the proposed supernumerary AD post by open recruitment as the incumbent of the post had to possess years of relevant experience and professional training in corruption investigations before he could assume the full range of tasks involved. DC&H/Ops, ICAC further said that the investigations into the case concerned were being undertaken by the Special Duty Group which was headed by a substantive AD. To ensure the continuity, the subject officer would be deployed to fill the supernumerary post upon its creation, and his consequential vacancy would be temporarily filled by a Principal Investigator acting for administrative convenience. In view of the time-limited nature of the supernumerary post, no promotion exercise would be conducted in this respect.

59. Sharing similar concerns raised by the Deputy Chairman and Mr MA Fung-kwok about the progress of investigation for the corruption case, Mr Paul TSE asked whether the case was on hold or ICAC was still expecting a heavy workload in terms of investigation. He questioned whether ICAC had already passed the peak of the investigation work and the major follow-up duties would then be dealt with by DoJ.

60. DC&H/Ops, ICAC reiterated that the case was still under investigation and pre-trial preparation, the Special Duty Group would actively engage in, among others, liaising with local and overseas law enforcement agencies on evidence collection, handling voluminous documents and assisting the prosecution team.

(b) **Proposal for a two-year extension of a supernumerary Administrative Officer Staff Grade C Post in Narcotics Division of Security Bureau**

(LC Paper Nos. CB(2)138/12-13(06) and (07))

61. Under Secretary for Security ("US for S") briefed members on the proposal to extend a supernumerary post of Principal Assistant Secretary (Narcotics) 2 ("PAS(N)2") in the Narcotics Division of the Security Bureau ("SB") for two years from 17 February 2013 to 16 February 2015 to provide the Commissioner for Narcotics ("C for N") with the necessary

Action

support at the directorate level to combat the drug problem, particularly in respect of treatment and rehabilitation services, as well as drug testing policies and programmes.

62. With reference to her experience in providing assistance to 80 drug abuse cases in the Kwai Chung Hospital, Dr Elizabeth QUAT said that psychotropic substance abuse caused serious harm to the health of drug abusers. This could at times be irreversible even with a short drug history. While recognizing that publicity efforts had been stepped up to promote anti-drug messages, she noted with concern about the increasingly hidden nature of drug abuse. Dr QUAT sought more information on the work plan of PAS(N)2 in discharging one of the major areas of duties to explore further options for facilitating early identification of drug abusers.

63. C for N advised that the increasingly hidden nature of drug abusers was a major area of concern, and hence the Administration had examined issues concerning the introduction of a community-based drug testing ("CDT") scheme as a tool to facilitate early identification and early intervention to help drug abusers. In the light of the sensitivity of the subject, the Administration had engaged different stakeholders in discussion of issues of concern over the past few months. Diverse views were expressed over the CDT scheme. C for N added that along with the plan to consult the public on the subject of a CDT scheme, the Administration had continued to tackle the problem of youth drug abuse along the five-pronged strategy. Apart from drug treatment, legislation and law enforcement, the Administration also sought to raise public awareness of the drug problem through preventive education and publicity. In particular, during the past few months, the Administration had also stepped up promotion of the hotline 186 186 to encourage hidden drug abusers to seek help, and had enhanced the service to the hotline to provide round-the-clock service.

64. Referring to paragraph 26 of the Administration's paper, Ms Emily LAU was pleased to note that the Trial Scheme of School Drug Testing in Tai Po was so successful that 53 schools would implement the Healthy School Programme with a drug testing component ("HSP(DT)") in the 2012-2013 school year with the support by the Beat Drugs Fund. She, however, considered the scale of HSP(DT) insignificant relative to the total number of schools in Hong Kong. Given that the proposed extension of the supernumerary post in the Narcotics Division of SB lasted for two years only, Ms LAU enquired about the Administration's long-term plan for the implementation of HSP(DT) and asked whether the programme would be extended to all schools.

Action

65. C for N emphasized that HSP(DT) was conducted on a voluntary basis. Apart from this scheme, the Administration had made various anti-drug efforts to help young people, including increased manpower resources over the years for outreaching and school social work services for supporting young people with drug problems. The Administration also provided additional resources through different channels for non-government organizations to work with schools and reach out to parents. On the long-term plan for HSP(DT), C for N said that the Administration would constantly review the effectiveness of the school-based programme, with the support of PAS(N)2.

66. Ms Emily LAU said that the Administration should revert to the Panel on the effectiveness of HSP(DT). She called on the Administration to critically examine the need for the supernumerary PAS(N)2 post before the expiry of the proposed two-year period.

67. The Chairman concluded that the Panel supported in principle the submission of the aforesaid staffing proposals as set out in the LC Paper Nos. CB(2)138/12-13(05) and (06) for consideration by the Establishment Subcommittee.

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

Council Business Division 2
Legislative Council Secretariat
30 November 2012