

立法會
Legislative Council

LC Paper No. CB(2)576/12-13
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by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Friday, 4 January 2013, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon CHAN Kam-lam, SBS, 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 Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Elizabeth QUAT, JP

Members absent : Hon Albert HO Chun-yan
Hon LAU Wong-fat, GBM, GBS, JP
Hon LEUNG Kwok-hung
Hon Frankie YICK Chi-ming
Hon Christopher CHEUNG Wah-fung, JP
Hon CHUNG Kwok-pan

Public Officers attending : Item IV

Mr LAI Tung-kwok, SBS, IDSM, JP
Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary for Security E

Ms Edwina LAU Chi-wai
Deputy Regional Commander (Kowloon East)
Hong Kong Police Force

Item V

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary for Security E

Ms Evelyn LAM Man-sai
District Commander (Wan Chai)
Hong Kong Police Force

Mr Thomas WONG Kin-yee
Superintendent (Licensing)
Hong Kong Police Force

Ms Vicky TONG Sze-mun
Police Community Relation Officer
(Wan Chai District)
Hong Kong Police Force

Item VI

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

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

Mr LAM Kwok-leung
Assistant Commissioner of
Correctional Services (Operations)

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

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)404/12-13)

The minutes of the meeting held on 4 December 2012 were confirmed.

II. Information paper issued since the last meeting

2. Members noted that the final report of the Independent Police Complaints Council ("IPCC") on complaint cases arising from the visit by the Vice Premier Mr LI Keqiang had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)406/12-13(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 5 February 2013 at 2:30 pm -

- (a) Final report of IPCC on complaint cases arising from the visit by the Vice Premier Mr LI Keqiang ("the Final Report"); and
- (b) Replacement of a Jackless Snorkel for the Airport Fire Contingent.

Action

4. Members agreed that the Police's handling of members of the media performing their reporting duties, which was on the list of outstanding items for discussion, would also be discussed under the item in paragraph 3(a) above.

Visit to better understand the Police's Long Range Acoustic Device

5. The Chairman reminded members that a visit would be made on 14 January 2013 from 10:00 am to 1:00 pm to the Police Tactical Unit Headquarters in Fanling to better understand the Police's Long Range Acoustic Device ("LRAD"). Ms Cyd HO said that the Police should be requested to arrange demonstrations on the application of portable and vehicle-mounted LRADs.

Special meetings on 28 and 29 January 2013

6. The Chairman reminded members that a special meeting would be held on 28 January 2013 at 8:30 am to receive briefings by the Secretary for Security and the Commissioner, Independent Commission Against Corruption ("ICAC") on the Chief Executive's 2013 Policy Address. Another special meeting would be held on 29 January 2013 at 2:30 pm to receive a briefing by the Commissioner of Police ("CP") on the crime situation in 2012.

Rescheduling of regular meeting in March 2013

7. Members agreed that the regular meeting in March 2013, which was originally scheduled for 5 March 2012 at 2:30 pm, would be rescheduled to 1 March 2013 at 10:45 am.

Management succession in the Independent Commission Against Corruption

8. Referring to item 8 of the list of outstanding items for discussion, Ms Emily LAU said that the subject of management succession in ICAC should be discussed at the Panel's meeting in March 2013.

Police's handling of public meetings and public processions

9. The Chairman informed members that non-Panel Member Mr Albert CHAN had expressed concern over the Police's handling of demonstrators on 1 January 2013 and suggested that the Police's handling of public meetings and public processions be discussed by the Panel.

Action

The Chairman said that as some part of the Final Report was related to the Police's handling of public meetings and processions, the issue could be discussed at the next regular meeting in February 2013 under the item in paragraph 3(a) above. Mr WONG Yuk-man considered that the Police's handling of public meetings and public processions should be discussed under a separate agenda item. The Chairman said that the issue would be included in the Panel's list of outstanding items for discussion.

IV. Upgrading of the Tseung Kwan O Police Division to a Police District

(LC Paper Nos. CB(2)402/12-13(01) and CB(2)406/12-13(03))

10. At the invitation of the Chairman, Secretary for Security ("S for S") briefed members on the Police's plan to upgrade the Tseung Kwan O Police Division ("TKO Division") to a police district.

11. Members also noted the background brief entitled "Upgrading of Tseung Kwan O Police Division to a police district" prepared by the LegCo Secretariat.

12. Mr KWOK Wai-keung expressed concern that the police-to-population ratio for the TKO Division was about one to 1 600, whereas the overall ratio for the entire territory of Hong Kong was about one to 250. He expressed support for the proposed upgrading of the TKO Division to a police district and called for its early completion. He asked whether the Administration would increase the manpower of the TKO Division in the interim before it was upgraded to a police district.

13. S for S responded that the upgrading exercise would take some time to complete, as it would require the creation of a new directorate post of Chief Superintendent of Police to serve as the District Commander of TKO District and relocation of the Crime Kowloon East Regional Headquarters and Traffic Kowloon East which were currently stationed in the TKO Divisional Police Station. Besides the police-to-population ratio, other factors such as population structure and the prevailing crime rate of a district were taken into consideration in assessing the need to upgrade a police division to a police district. He assured members that the Police would closely monitor the manpower needs of the TKO Division and meet its operational needs through flexible redeployment of other officers of the Police's Kowloon East Region ("KE Region"). Where necessary, request for additional resources would be made under the annual resource allocation exercise.

Action

He pointed out that as some units of the Kowloon East Regional Headquarters were currently stationed in the TKO Divisional Police Station, police officers of such units could actually arrive at a scene in TKO within a shorter time.

14. Deputy Regional Commander (Kowloon East), Hong Kong Police Force ("DRC") informed members that apart from the manpower of the TKO Division, the Police had been meeting its operational needs through internal redeployment of other manpower resources of the KE Region, including the Emergency Unit, the Police Tactical Unit and the Crime Squad, as well as uniformed and crime officers of the Kwun Tong Police District. Uniformed and plain clothed police officers were deployed to perform high profiled operations at black spots of youth crime. The Police had set up an anti-youth crime team under the Anti-triad Section of the Kwun Tong Police District in April 2011 to combat youth crime in TKO. The Police had also set up a hotline for the reporting of triad activities in TKO and strengthened triad-related intelligence gathering work.

15. Mr YIU Si-wing sought information on the criteria for determining whether a police division should be upgraded to a police district. He asked whether additional manpower and other resources would be allocated to the upgraded police district.

16. S for S responded that a police division would in general be established for an area with a population of 100 000 to 200 000. Besides population size, other factors such as whether the area was mainly residential or commercial in nature were taken into consideration in determining whether a police division or police district should be established. The manpower establishment of a police station was determined having regard to the characteristics and policing needs of the area. He stressed that besides the manpower allocated to a police station, police officers of the emergency unit, police tactical unit and other units of the same police region were deployed flexibly to meet operational needs.

17. DRC informed members that according to the Hong Kong Planning Standards and Guidelines, consideration should be given to the establishment of a police district for an area with a population size of 200 000 to 500 000. Besides population size, other factors including the distribution of population in the area, crime situation and trend, prevailing infrastructural development in the district and operational effectiveness were also taken into consideration.

Action

18. Mr WONG Yuk-man said that he had no objection in principle to the proposed upgrading of the TKO Police Division. Noting that the manpower establishment of the TKO Division had already increased from 196 in 2002 to the current level of 275 without upgrading the division, he asked about the merits of the proposed upgrading exercise. He queried whether there were any objective criteria and established mechanism for determining the upgrading of a police division. He considered that the Administration should not increase police manpower unnecessarily.

19. S for S responded that the population in TKO had increased substantially over the past 10 years. For many years, local residents and groups in TKO had raised concerns over law and order in TKO and requested the upgrading of the TKO Division to a police district. He stressed that members belonging to different political parties/groupings in the Sai Kung District Council were generally supportive of the proposed upgrading exercise.

20. Mr WONG Yuk-man queried the need for bringing the delineation of police districts in line with that of district councils ("DCs").

21. The Chairman pointed out that with the current difference in the delineation of police districts and DCs, police district commanders of more than one police district were frequently required to attend a DC meeting. He considered this arrangement undesirable and a waste of police resources. He expressed support for the upgrading of the TKO Division to a police district.

22. S for S said that given the change in population size and characteristics of different districts over time, there was a need to review the demarcation of current boundaries of police divisions for better utilization of resources and meeting the latest policing needs of different areas.

23. The Deputy Chairman considered that the proposed upgrading arose from political considerations. However, with the merging of the TKO Police Division and Sai Kung Police Division to form a police district, the proposed upgrading was unlikely to result in a substantial increase in police manpower. If local residents supported the proposed upgrading, he had no objection in principle to the upgrading.

Action

24. Dr Elizabeth QUAT welcomed the upgrading of the TKO Police Division to a police district to meet the demands of local residents. She asked whether the proposed upgrading would be completed in early 2015. Noting that TKO residents were mainly clustered in shopping centres in the area and the streets were comparatively quiet, she expressed concern about youth crime and triad activities in TKO.

25. DRC responded that the proposed upgrading would involve the relocation of the Crime Kowloon East Regional Headquarters and Traffic Kowloon East which were currently stationed in the TKO Divisional Police Station. It would also involve installation of computer network and construction of video interview rooms in their relocated offices. The Police aimed to complete the upgrading exercise as soon as possible in 2015. At the request of Dr Elizabeth QUAT, DRC agreed to consider strengthening up patrol in quiet areas and crime black spots in TKO in the interim before the proposed upgrading was completed.

26. Ms Emily LAU said that TKO residents had demanded the proposed upgrading for many years. She asked whether TKO residents who made reports to the Police were currently required to do so under some circumstances in a police station in Kwun Tong. DRC responded that members of the public could report crimes at any police stations, regardless of the district in which the crimes occurred. Ms Emily LAU requested the Administration to provide information on whether there had been any cases where members of the public in the TKO district were requested to report crimes in a police station in another district.

Admin

27. Ms Emily LAU considered that the problem of youth crime should not only be tackled by law enforcement by the Police. The Administration should also tackle the problem through strengthening social and community services for the youth in the area and extending the opening hours of sports and recreational facilities.

28. S for S responded that the Police was tackling the problem of youth crime through the work of School Liaison Officers and stepping up patrol in school areas. Besides the Police, the problem was tackled through the joint efforts of DCs, district fight crime committees, the Social Welfare Department, the Education Department and non-governmental organizations ("NGOs"). At the request of Ms Emily LAU, S for S agreed to provide information on the social and community services provided by other bureaux/departments for the youth in the area and feasibility of extending the opening hours of sports and recreational facilities in TKO.

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Action

29. Mr CHAN Hak-kan said that residents of TKO had been demanding the upgrading of the TKO Division to a police district for many years. He suggested that the Police should step up patrol at areas with a higher crime rate, such as Metro City, Hau Tak Estate and Choi Ming Court. DRC agreed to consider the suggestion.

30. Mr CHAN Hak-kan asked whether the police-to-population ratio for TKO district would improve after the proposed upgrading exercise. DRC responded that the issue was still being studied by the Police. She envisaged that the police-to-population ratio for the TKO district after the upgrading exercise would be similar to that for the Wong Tai Sin district, where there was a population of about 400 000 and a police-to-population of about one to 600.

31. Referring to paragraph 6 of the Administration's paper, Mr CHAN Hak-kan asked whether the manpower of the anti-youth crime team would be increased and its work would be strengthened after the upgrading exercise.

32. DRC responded that there would be an increase in manpower after the TKO Division was upgraded to a police district. Special task forces would be set up for specific purposes, such as combating drug-related crime. The future police district in TKO would have its own traffic unit and community relations unit.

33. The Chairman concluded that members in general supported the Administration's proposal to upgrade the TKO Division to a police district.

V. Police to consult District Council on the road closure and traffic diversion arrangements in relation to large scale public order events

(LC Paper Nos. CB(2)403/12-13(01) and CB(2)406/12-13(04))

34. At the invitation of the Chairman, Under Secretary for Security ("US for S") briefed members on the Police's consultation with DC on road closure and traffic diversion arrangements in relation to large scale public order events.

Action

35. Members also noted the background brief entitled "Police's crowd control arrangements in relation to public meetings and public processions" prepared by the LegCo Secretariat.

36. Mr Michael TIEN asked how the Police would determine whether a public order event was of a large scale. He asked whether it was based on the number of participants, the theme of the public order event or the background of the organizers. Noting that the organizers of a public order event should give no less than seven days' prior notice to CP, he queried whether it would be viable in practice for the DC concerned to hold a meeting to discuss the matter within a few days.

37. US for S said that the general factors to be considered as large-scale public order events included the number of participants and length of procession route, the extent of road closure and traffic diversion and the impact on the general public. He further stressed that the Police had no plans to consult DC on the road closure and traffic diversion arrangements for each public order event. He informed members that at the last Wan Chai DC meeting, DC members were of the view that CP should consider their views on road closure and traffic diversion arrangements for large scale public order events. The Police considered that hearing the views of stakeholders of the affected district would allow them to consider the road closure and traffic diversion arrangements in relation to such events in a more comprehensive manner. Arrangements had been made for the Police to hear the views of Wan Chai DC members at its next meeting on 15 January 2013.

38. Mr YIU Si-wing asked whether the Police would issue a "letter of no objection" in relation to a public procession, if DC objected to the public procession route.

39. US for S stressed that the Police would not consult DC on the issuance of "letter of no objection" in respect of individual public order events. The Police's consultation with DC was mainly on the road closure and traffic diversion arrangements for large scale public order events. The Police would strike a balance between respecting the freedom and rights of expression of the event participants, and safeguarding the freedom and rights of other members of the public in its decision regarding the issuance of a "letter of no objection" and the relevant conditions.

Action

40. Mr YIU Si-wing asked whether the Police intended to make such consultation with DC a standing practice and whether similar consultation was conducted in the past. US for S responded that there was no plan to make such consultation with DC a standing practice for each and every event. In the past, District Fight Crime Committees had discussed road closure arrangements and noise problems in relation to large scale public order events.

41. The Deputy Chairman said that DC mainly comprised pro-government members. He expressed concern that the Police might make use of the objection of DC as a means to refuse road closure or traffic diversion for public order events.

42. US for S responded that under the Public Order Ordinance (Cap. 245) ("POO"), CP had to consider public order and public safety and strike a balance between respecting the freedom and rights of expression of the event participants, and safeguarding the freedom and rights of other members of the public in the issuance of a "letter of no objection". If the organizers considered the Police's decision unreasonable, they could lodge an appeal to the statutory Appeal Board on Public Meetings and Processions ("Appeal Board").

43. Mr WONG Yuk-man said that legislative amendments passed by the Provisional Legislative Council to POO had restricted the rights of the public to hold public meetings and public processions. He considered that there was no need for the Police to consult DC on the road closure and traffic diversion arrangements for large scale public order events. He said that prosecution against participants of public meetings and public processions had substantially increased after the incumbent CP had assumed his post. He expressed concern that a number of conditions were imposed and laid down in the "letter of no objection" and prosecution was instituted once there was a breach of the conditions.

44. Mr Dennis KWOK said that according to the judgment of the Court of Final Appeal ("CFA") on the case of *Leung Kwok Hung & Others v. HKSAR* in 2005, CP's statutory discretion to restrict the right of peaceful assembly for the purpose of "public order (*ordre public*)" was very narrow and the scope of that discretion was merely in relation to public safety. Thus, the Police could not restrict large scale public order events with the road closure and traffic diversion arrangements for such activities. He considered that under Article 97 of the Basic Law, the functions of DC were confined to advising the Government on matters in

Action

such fields as welfare, culture, recreation and environmental sanitation and did not cover security or public safety matters. Thus, there was no need for the Police to consult DC on public meetings or public processions.

45. Ms Emily LAU said that the Police had not consulted DC on such matters in the past. She considered that instead of consulting DC, which mainly comprised pro-government members, the Police should consult IPCC on such matters.

46. US for S responded that DC comprised members from different background and political parties/groupings. Consultation with DC would facilitate the Police's consideration of various views of the local community in a comprehensive manner. He stressed that besides respecting the freedom and rights of expression of the event participants, the Police had a responsibility to safeguard the freedom and rights of other members of the public. In the case of *Yeung May Wan & ors v. HKSAR*, the judge had stated that "the law calls upon demonstrators to accommodate other people's rights".

47. Mr Paul TSE considered that if the Police would not object to the holding of a public order event merely because of objection from DC, it would be appropriate for the Police to consult DC on road closure and traffic diversion arrangements. He said that as members had all along supported consultation, he could not understand why consultation should not be made with DC on such matters. He asked why the Administration had to seek the Panel's views on whether the Police should consult DC on such matters.

48. US for S responded that the discussion of the subject was proposed by the Panel. He stressed that the Police's consultation with DC on such matters was arranged upon the request of DC members.

49. Mr Alan LEONG queried why there was a need for the Police to consult DC on the road closure and traffic diversion arrangements, if there was no particular problem with its existing mechanism for handling public meetings and public processions which had been in operation for many years. He questioned whether the Police intended to make use of the objection of DC as a means for diverting public order events into quiet streets or areas.

Action

50. US for S stressed that there was no question of the Police intending to use the comments of DC as a means for diverting public order events into quiet streets or areas. He said that public order event organizers who were aggrieved with the Police's decision could lodge an appeal with the Appeal Board. Among seven appeals lodged with the Appeal Board since 2007, the Police's decision had been altered by the Appeal Board in four of these cases.

51. Mr KWOK Wai-keung said that he was a resident of Southern District. When a large scale public procession was held on 1 January 2013, he had to walk from Causeway Bay to a bus stop located near the racecourse before he could take a bus to Southern District. He noticed that many members of the public had found it difficult to find the bus stops for the diverted bus routes. He considered that people affected by the road closure and traffic diversion arrangements in relation to public order events should be given the opportunity to express their views. As the Administration had stressed that the Police would not consult DC regarding the issuance of "letter of no objection" for individual public order events, he supported the Police's consultation with DC on the road closure and traffic diversion arrangements in relation to large scale public order events.

52. Mr NG Leung-sing said that many members of the public had complained of encountering unexpectedly heavy traffic congestion or traffic diversion because of public order events. He considered that a telephone hotline should be set up for members of the public to express views on the road closure and traffic diversion arrangements when public order events were held.

53. US for S noted the views of Mr NG Leung-sing. He said that the Police's consultation with DC was consistent with the principle of listening to various views in a comprehensive manner. He pointed out that press briefings on road closure arrangements were held for large scale public order events.

54. Regarding Mr Dennis KWOK's remarks about the functions of DCs, the Chairman said that the functions of DCs were not confined to providing advice on matters in such fields as district welfare, culture and recreation. DCs were important platform for consultation and collection of views on district matters, including law and order, traffic matters and district projects. The majority of their members were returned by direct election. DCs were representative of public opinion and its views should

Action

be respected. He was surprised that some members considered consultation with DCs unnecessary. He pointed out that according to paragraph 6 of the Administration's paper, the Police only intended to consult DC on the road closure and traffic diversion arrangements but not the issuance of "letter of no objection". He considered it appropriate for the Police to do so. He asked whether any DCs other than Wan Chai DC had requested the Police to consult them on such matters.

55. US for S responded that Wan Chai DC was so far the only DC which had made such a request. The Police would, after the meeting with Wan Chai DC on 15 January 2013, examine the opinions and results before considering what they would do in future.

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

VI. Guidelines on application of necessary force on inmates by Correctional Services Staff
(LC Paper Nos. CB(2)406/12-13(05) to (07))

56. The Chairman reminded members that when discussing the subject, reference should not be made to cases pending in court. In this connection, he informed members that the three officers of the Correctional Services Department ("CSD") referred to in paragraph 2 of the Administration's paper had lodged appeal against the conviction and sentence concerned. He added that the Panel's discussion should focus on policy matters and not individual cases.

57. At the invitation of the Chairman, US for S briefed members on the guidelines of CSD on application of necessary force on inmates and the provision of related training for its frontline officers, as detailed in the Administration's paper.

58. Members also noted the information note entitled "Application of necessary force on inmates by Correctional Services Staff" prepared by the LegCo Secretariat.

59. Referring to the first table in paragraph 12 of the Administration's paper, Mr YIU Si-wing sought information on the reasons for the increase in the number of cases involving empty-hand control and use of oleoresin capsicum foam in recent years.

Action

60. US for S responded that CSD was closely monitoring the trend in the use of necessary force by CSD officers on inmates. He informed members that according to a study conducted by CSD in 2012 to analyze cases involving the use of necessary force on inmates, more than 20% of inmates involved had history of suffering from psychiatric problems and more than 30% of inmates involved had history of drug abuse within the preceding four weeks. While CSD could not draw conclusion that the above factors had direct relationship with the incidents, it could make reference to the study findings to take appropriate follow up actions. US for S added that some newly admitted inmates who could not adapt to the environment of penal institutions were found to exhibit confrontational behaviour.

61. Referring to the second table in paragraph 12 of the Administration's paper, Mr YIU Si-wing asked why there was not a breakdown of the cases involving "other act of violence". Assistant Commissioner of Correctional Services (Operations) responded that those cases mainly involved non-serious violence such as throwing of objects or vandalism of public property, which had a potential to develop into serious problems if no action was taken immediately.

Admin

62. Regarding the tables in paragraph 12 of the Administration's paper, Ms Emily LAU requested the Administration to provide, in relation to cases where CSD officers used necessary force on inmates in the past five years, information on the number of injuries and deaths involved, if any, the follow-up actions taken in these cases, and a breakdown of cases under the category of "other act of violence".

63. Referring to the second table in paragraph 12 of the Administration's paper, Mr NG Leung-sing asked why there was a substantial decrease in the number of cases of "staff members and/or other persons being attacked" in 2012.

64. US for S responded that CSD had attached great importance to the professional standard of CSD officers. Newly recruited CSD officers were provided induction training comprising more than 80 hours of comprehensive tactical training. The resistance behaviour of inmates was classified into five different levels and the maximum force to be used against inmates at each level had been clearly specified. CSD had made considerable efforts to enhance the culture, professional conduct and service quality of its officers. In recent years, CSD had launched the Total Ethics Assurance Management to enhance the ethical standard of its officers. Mr NG Leung-sing said that if such measures were found effective, they should be promoted to other disciplined forces.

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65. There being no other business, the meeting ended at 12:48 pm.

Council Business Division 2
Legislative Council Secretariat
4 February 2013