

立法會
Legislative Council

LC Paper No. CB(2)546/12-13(02)

Ref : CB2/PL/SE

Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the special meeting on 29 January 2013**

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 receive at the beginning of each year a briefing by the Commissioner of Police on the overall law and order situation in Hong Kong in the preceding year. Members expressed particular concern about drug-related offences, Police's handling of public meetings and public processions, cases relating to domestic violence, elder abuse, indecent assault, cyber crime and criminal intimidation in debt collection.

Drug-related offences

3. Concerns were raised 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 as well as the increasing trend of cross-boundary drug abuse involving young people. Members were concerned whether the Police had adjusted its enforcement strategies in the light of the latest changes in drug-related crimes and problems.

4. According to the Police, it 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;
- (f) tackling transnational drug traffickers and combating dangerous drug offences at source. The Police cooperated with the Mainland and overseas law enforcement agencies and mounted intelligence-led operations to intercept drugs from being trafficked into Hong Kong; and
- (g) putting in place an effective legislative and regulatory regime to provide stringent control over the import, export, manufacture, sale and supply of narcotic drugs, psychotropic substances and precursor chemicals. The related legislation and control regimes were constantly reviewed to ensure that they were up-to-date and effective in tackling the changing drug abuse and trafficking trends.

Police's handling of public meetings and public processions

5. Members noted that 444 persons had been arrested during public order events in 2011. Among these, 54 persons had been prosecuted. Queries were raised over the need for the arrest of such a large number of people, given that only few persons were prosecuted in the end.

6. According to the Police, the arrests and prosecutions in 2011 were mainly due to unlawful and unauthorized assembly after three large-scale demonstrations, namely the anti-Budget demonstration on 6 March 2011 in

which 113 persons were arrested with four persons prosecuted, the public order event in the evening of 4 June 2011 in which 53 persons were arrested with nine persons prosecuted, and the rally on 1 July 2011, in which 232 persons were arrested with 18 persons prosecuted. The Police stressed that being the law enforcement agency in Hong Kong, it had the responsibility to uphold the law. The decision on prosecution rested with the Department of Justice.

7. Concerns were raised as to whether the Police had always handled public meetings and public processions in a fair and impartial manner, and whether it would communicate with and secure the support of the event organizers to ensure that the public meetings and public processions were peacefully and orderly conducted.

8. According to the Police, it was a general practice to maintain close communication with the event organizers and discuss with them how order could be maintained in the public meeting or public procession. The event organizers were responsible for arranging wardens to maintain order during the public meeting or public procession. Apart from providing advice in advance and agreeing on certain arrangements in relation to the event, a Police Community Relations Officer might also be present during the event to act as a channel of communication between the organizer and the Field Commander. In assessing the crowd management measures and manpower required for maintaining public safety and public order during the event, the Police would make reference to the information provided by the organizer, past experience in handling similar events as well as other operational considerations. It was the Police's policy to endeavour to facilitate, as far as possible, all peaceful public order events. While facilitating the expression of views by participants of 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 the public place or road as well as their safety.

9. Members noted with concern that in recent years, petitions and demonstrations staged outside the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") often resulted in serious conflicts and confrontations between the Police and the demonstrators. There was a view that the increase in the number of reported conflicts was largely attributed to the narrowed through zone outside the Liaison Office. Information was sought on whether the Administration would consider removing the planter at the through zone on Connaught Road West outside the Liaison Office, so as to provide sufficient space for demonstration and press reporting outside the Liaison Office to facilitate the expression of opinions by members of the public.

10. According to the Police, its records indicated that the majority of the public order events conducted outside the Liaison Office proceeded in an orderly and peaceful manner. Disputes were usually triggered by the unruly behaviour of demonstrators. The width of the through zone on Connaught Road West outside the Liaison Office only affected the flow of the crowd during a procession.

11. Members suggested that the Police should include statistics on public meetings and public processions in the paper on crime situation in future.

Domestic violence

12. Members were advised that the Police 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.

13. Members were also advised that the Police, the Social Welfare Department ("SWD") and non-governmental organizations ("NGOs") 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 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. The protocol sought to strengthen the support and safety assurance to victims throughout the case enquiry and legal proceedings, and to enhance communication and collaboration with SWD and NGOs. The Police had since the end of 2008 adopted further measures to improve the Central Domestic Violence Database including the installation of a database to draw the attention of police officers to repeated cases of domestic violence.

Elder abuse

14. Members noted a total of 381 recorded cases of elder abuse in 2011, representing an increase of 22 cases or 6.1% when compared with the preceding

year. Information was sought on the identity of those persons who committed such offences and the measures taken by the Police to tackle the problem of elder abuse.

15. According to the Police, of the 381 elder abuse cases recorded in 2011, physical abuse accounted for nearly 50% and about 40% related to embezzlement of property. Victims under this category included elders abused by their spouses or children as well as elders abused by staff working in private residential care homes for the elderly ("RCHes"). For cases which occurred in RCHes, the Police would conduct a thorough investigation, including interviewing the victim, other elders who might have witnessed the abuse and the alleged offender, to identify all clues that might lead to the successful detection of the case.

16. Regarding the measures to tackle the problem of elder abuse, members were advised that the Administration had all along endeavoured to enhance the services and support for vulnerable elders and strengthen publicity and public education to promote a culture of caring for the elderly. Among others, the Labour and Welfare Bureau and the Elderly Commission had jointly launched the Neighbourhood Active Ageing Project to provide funding support to organizations to carry out district-based programmes for promoting care for the elderly and preventing elder abuse by improving community awareness. While the "caring for the elderly" policy was delivered through cross-sectoral cooperation, the Police had been working closely with various elderly organizations. It also made use of the television programme "Police Magazine" to bring the message to members of the public that they should report elder abuse cases to the Police for investigation.

Indecent assault

17. Members noted that 1 448 cases of indecent assault were recorded in 2010, representing an increase of 130 cases or 9.9% when compared with the preceding year. While a drop of 33 cases of indecent assault was recorded in 2011, the total number of such cases stood at 1 415. Information was sought on whether the Police had conducted any study to find out the reasons for the increase in cases involving indecent assault.

18. According to the Police, most cases of indecent assault took place at public places, such as streets, public spots or public transport. The remaining cases occurred at private places, such as residential buildings, schools and commercial buildings. A possible reason for the increase in indecent assault cases was that the victims were more willing to report the crime to the Police. The Police stressed that it would continue to fight against such crime and to enhance public awareness through organizing education and publicity

campaigns, especially at train platforms during peak hours, with the aim of encouraging the public and victims to report the crime to the Police and to cooperate with the Police in providing crime information. This would enable the Police to detect and combat such offence more effectively. The Police actively offered advice on personal safety to the public, including ways to avoid becoming victims of sexual offences.

19. Members noted with concern about the upward trend in the number of cases of indecent assault and sexual harassment in train compartments. As female passengers were more likely to be victims to indecent assault in crowded train compartments during peak hours, members suggested that the arrangement of "female-only compartments" could be introduced to reduce such crimes.

20. According to the Police, the arrangement of "female-only compartments" on trains might be a practicable solution. However, it would be the prerogative of the MTR Corporation Limited ("MTRCL") to decide whether to adopt such a measure. The Police would continue to work closely with MTRCL to take all reasonable measures to prevent crime within the railway premises for the security of passengers.

Cyber crimes

21. Concern was raised over cyber crimes, such as compensated dating and illegal gambling, becoming rampant in recent years. Information was sought on the Police's efforts in combating such crimes.

22. According to the Police, 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. The Police's Technology Crime Division ("TCD") 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 TCD. The Police had also upgraded the information technology facilities of the Computer Forensics Laboratory to strengthen its capability in handling digital evidence. In addition to strengthening 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

23. Members noted with grave concern that most cases of criminal damage and criminal intimidation cases were related to debt collection activities. Concern was raised over the enforcement difficulties faced by the Police in combating illegal practices of debt collection agencies ("DCAs"). Information was sought on 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.

24. According to the Police, it had 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. 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. The Police would continue to monitor "low threat" cases even though they did not involve criminal elements. 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 initiate investigation. 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 advise the financial regulatory authority concerned so that it could take appropriate follow up action.

25. Members noted that debt collection cases involving either loansharking activities in Macau or continuous harassment had all along been treated as "high-threat" cases, and handled by crime investigation units. Loansharking activities were particularly serious in Macau, and a variety of new modus operandi had been emerging in the illegal money lending business. In order to more effectively combat cross-boundary money lending and debt collection activities relating to loan sharks in Macau, the Police and the Macau Judiciary Police had established a referral mechanism, whereby cases involving loansharking activities in Macau could be referred to the Macau Judiciary Police for follow-up and investigation. Priority would be given to those cases where

the victim was a young person or a student. Where there was an appropriate case for referral, the Police would activate the mechanism and arrange the victim to report the case, in the company of the investigating officers of the Police, to the Macau Judiciary Police for follow-up.

Relevant papers

26. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
23 January 2013

**Relevant papers on
Crime situation in Hong Kong**

Committee	Date of meeting	Paper
Panel on Security	31.1.2008 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	21.1.2009 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	27.1.2010 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	26.1.2011 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	17.1.2012 (Item I)	<u>Agenda</u> <u>Minutes</u>

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