

立法會
Legislative Council

LC Paper No. CB(2)1619/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 8 April 2014, at 4:30 pm
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 Cyd HO Sau-lan
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Member attending : Hon Steven HO Chun-yin

Members absent : Hon Emily LAU Wai-hing, JP
Hon Frankie YICK Chi-ming
Dr Hon Elizabeth QUAT, JP

Public Officers attending : Item IV

Mrs Erika HUI LAM Yin-ming, JP
Commissioner for Narcotics

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

Ms Josephine TSE Shuk-yee
Senior Statistician
Security Bureau

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

Mr Edwin LAM Man-wing
Assistant Commissioner of Police (Support)

Mr Fred TSE Sau-kong
Senior Superintendent (Support) (Support Branch)
Hong Kong Police Force

Item VI

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

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

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

Mr Sunny PANG Kwok-keung
Senior Engineer
Electrical & Mechanical Services Department

Item VII

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

Mr Ray NG Shan-ho
Government Security Officer
Security Bureau

Mr LAI Chi-tung
Assistant Director / Port Control (Acting)
Marine Department

Mr CHAN Kwok-wai
Senior Marine Officer / Search and Rescue
Marine Department

Mr YUEN Wai-yip
Senior Electronics Engineer / Engineering and Systems
Marine Department

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 Mina CHAN
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper Nos. CB(2)1210/13-14 and CB(2)1218/13-14)

The minutes of the special meetings held on 20 and 28 January 2014 were confirmed.

II. Information paper(s) issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1224/13-14(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 13 May 2014 at 4:30 pm -

- (a) Measures against cross-boundary corruption;
- (b) Police's efforts in engaging the district community in crime prevention;
- (c) Amendments to the schedules to the Dangerous Drugs Ordinance (Cap. 134) and Control of Chemicals Ordinance (Cap. 145);
- (d) Replacement of a Crash Fire Tender for the Airport Fire Contingent; and
- (e) Replacement of 18 Police Launches.

(Post-meeting note: On the instruction of the Chairman, the item "Police's efforts in engaging the district community in crime prevention" was subsequently replaced by the item "Follow-up on the incident in the Philippines on 23 August 2010 involving a tour group from Hong Kong".)

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4. The Chairman reminded members that a visit to the Lok Ma Chau Spur Line Control Point would be held in the morning of 24 April 2014 to better understand immigration clearance of passengers and operation of e-Channels at control points.

5. The Deputy Chairman said that some Mainland academics specialised in law and members of the legal profession in Hong Kong had recently made respective comments relating to the enactment of legislation to implement Article 23 of the Basic Law. He considered that the Administration should be requested to provide a written response to these comments. Mr WONG Yuk-man considered that the issue should be discussed by the Panel. The Chairman said that he would request the Administration to provide a written response on the issue.

IV. Drug Situation in Hong Kong in 2013

(LC Paper Nos. CB(2)1224/13-14(03) and (04))

6. Commissioner for Narcotics ("C for N") briefed Members on the drug situation in 2013, the latest progress of the Administration's anti-drug efforts and the way forward in response to the latest drug situation, as detailed in the paper provided by the Administration.

7. Members noted the updated background brief entitled "Anti-drug efforts in Hong Kong" prepared by the Legislative Council ("LegCo") Secretariat.

Statistics on drug abusers and latest drug abuse situation

8. Referring to paragraph 2 of the Administration's paper, Mr WONG Yuk-man queried why the reporting of statistics on drug abusers under the Central Registry of Drug Abuse ("CRDA") was voluntary instead of mandatory.

9. C for N responded that the reporting of such information was voluntary because of the sensitive nature of information about drug abusers. Apart from CRDA statistics, the Administration would monitor different sources of information to ensure a more comprehensive picture of the drug trend in Hong Kong. An example was a large-scale survey conducted once every three years on the drug abuse situation of all students in Hong Kong.

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10. Mr YIU Si-wing asked whether the Administration had analysed whether reported drug abusers were mainly identified by law enforcement agencies ("LEAs").

11. C for N responded that close to 50% of drug abusers were reported by LEAs. It was noted that drug abusers reported by LEAs had a generally shorter drug abuse history than those reported by other reporting agencies, including treatment and welfare agencies, hospitals and clinics.

12. Mr YIU Si-wing asked about the role of social workers and parents in tackling the problem of drug abuse. C for N responded that the social welfare and medical sectors played an important role in tackling the problem. The alertness of parents was also a key factor to the early identification of drug abuse by their children.

13. Mr KWOK Wai-keung said that according to information provided by the Administration to the Finance Committee ("FC"), only 3 220 Ecstasy-type tablets had been seized in 2013, among which 220 tablets had been seized at various boundary control points. He asked why the quantity of Ecstasy-type tablets seized in 2013, especially those seized at boundary control points, was much smaller than those of other types of drugs.

14. C for N responded that CRDA figures showed that the abuse of Ecstasy-type of drugs was less common in Hong Kong. The quantities of the types of drug seized, however, might not be directly related to the popularity of the drugs abused.

15. Mr MA Fung-kwok asked whether the Administration had analysed the statistics and researches referred to in the Administration's paper and came to any conclusion regarding the latest situation and trend of drug abuse.

16. C for N responded that it could be noted from the statistics of CRDA for 2013 that the total number of drug abusers had continued to drop but the drug history of newly reported cases had continued to rise. There was a general trend among drug abusers, in particular the young ones, towards abuse of synthetic drugs and the most common types of drugs abused included ketamine, methamphetamine and cocaine. The substantial decline in the number of reported young drug abusers aged under 21 reflected the success over the past few years in combating the youth drug abuse problem. The serious and irreversible harm to health

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caused by prolonged psychotropic substance abuse indicated that more resources would be needed in the years ahead for medical treatment of drug abusers.

17. The Chairman said that he had been a member of the Action Committee Against Narcotics ("ACAN") and a member of the Beat Drugs Fund for six years respectively. He expressed concern that half of the newly reported drug abusers had abused drug for 4.6 years or more and called for the Administration to address the problem of increased use of private premises for drug-taking.

Healthy School Programme with a Drug Testing Component ("HSP(DT)")

18. Mr CHUNG Kwok-pan asked about the progress of implementation of school drug testing and whether HSP(DT) covered all schools in Hong Kong.

19. C for N responded that with the aim of progressively rolling out HSP(DT) to more schools, 63 schools together with their partner non-governmental organisations had participated in HSP(DT) in 2013-2014. HSP(DT) comprised a voluntary drug testing component and diversified personal growth programmes.

20. Referring to paragraph 18 of the Administration's paper, Mr WONG Yuk-man queried how high-risk students would be identified under HSP(DT). He expressed concern about a possible labeling effect on the students thus identified.

21. Mr CHUNG Kwok-pan expressed concern how high-risk students would be identified under HSP(DT). C for N responded that HSP(DT) did not involve identification of any particular individuals. High-risk students were generally referred to by schools and social workers as those who experienced problems in adapting to the school environment, had little interest in study and displayed behavioural problems. It was generally found in sociological studies that the launching of personal growth programmes for such students would help to promote their self-esteem and strengthen their resolve to stay away from drugs and other problems.

22. Mr CHAN Chi-chuen asked about the number of students who had taken part in the voluntary drug testing component of HSP(DT), the number of students whose test results were positive and how the Administration would assess the effectiveness of the scheme.

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23. C for N said that HSP(DT) was launched in 2011 upon the completion of the trial scheme on school drug testing in Tai Po District. The Panel was briefed on the findings of the evaluation research on the trial scheme in 2012. C for N further said that about 20 000 students had participated in HSP(DT) in the 2012-2013 school year.

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24. The Chairman requested the Administration to provide members with the report of the evaluation research on the trial scheme on school drug testing.

RESCUE Drug Testing Scheme ("RDT")

25. Mr KWOK Wai-keung said that according to the Chairman of ACAN, the number of unreported drug abusers was three to four times the number of reported drug abusers. He asked whether the Administration had assessed the effectiveness of RDT in the identification of hidden drug abusers.

26. C for N responded that the Administration had sought to identify drug abusers through all possible channels. The proposed RDT, intended to facilitate the early identification of drug abusers, would be one of these.

27. Mr CHAN Chi-chuen said that he supported stepping up publicity against drug abuse but had reservation about drug testing. He considered that the former school drug testing scheme had not been successful and sought information on the way forward regarding RDT.

28. C for N responded that ACAN was evaluating the views gathered in the public consultation exercise which ended in late January 2014 on RDT and would recommend the way forward as soon as possible. According to the report of a relevant evaluation research, a majority of school teachers, students and parents considered the trial scheme on school drug testing successful.

29. Mr CHUNG Kwok-pan sought information on the "new services of good quality" in paragraph 20 of the Administration's paper regarding treatment and rehabilitation. C for N explained that the services referred to those tailored to tackle the latest trend of drug abuse, which was characterised by the severe health impact of prolonged drug abuse and reluctance of drug abusers to seek treatment and rehabilitation.

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V. Police's handling of abusive or uncooperative behaviour of members of the public

(LC Paper Nos. CB(2)1149/13-14(01), CB(2)1224/13-14(05) and (06))

30. Under Secretary for Security ("US for S") briefed Members on the principles adopted by the Police in handling abusive or uncooperative behaviour by members of the public.

31. Members noted the information note entitled "Police's handling of abusive or uncooperative behaviour of members of the public" prepared by the LegCo Secretariat.

Purpose of issuing the guidelines

32. Noting that internal guidelines on handling abusive behaviour by members of the public ("the guidelines") did not involve enactment of any new offences, Ms Claudia MO queried why there was a need to issue the guidelines. She expressed concern that there was not a definition of public order events and the guidelines might cause a person to suspect being arrested for other offences because of the use of abusive language against police officers.

33. US for S responded that although abusive behaviour towards police officers did not constitute an offence under existing legislation, there was a trend of increased abusive behaviour towards police officers and thus there was a need to issue the guidelines to assist police officers in handling the situation and discharging their duties efficiently and effectively in accordance with the law.

34. Ms Cyd HO queried the purpose of issuing the guidelines to police officers, given that it was not unlawful for a person to use abusive language continuously. US for S responded that the guidelines sought to remind a police officer who faced abusive or uncooperative behaviour by members of the public when discharging his daily duties, such as responding to requests for assistance from the public, conducting stop and search and taking traffic enforcement actions, to have a clear mind and focus on whether the subject's act constituted an offence.

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35. Mr CHUNG Kwok-pan considered it appropriate to issue the guidelines and police officers should not be insulted for discharging their duties. He asked whether the Police would review the application of the guidelines under different situations.

36. US for S responded that there was established mechanism for the regular review of guidelines for police officers. The Police would study the operational problems, if any, reflected by frontline officers and staff associations in relation to the guidelines.

Effect of the guidelines

37. Mr CHAN Kin-por expressed concern that police officers were reminded in the guidelines to remain calm and pay attention to their own speech and body language to prevent the situation from worsening. It was also pointed out in the guidelines that abusive behaviour towards police officers did not constitute an offence under existing legislation. This might encourage abusive behaviour of members of the public. He considered that the Police should study overseas experience in handling abusive behaviour and review the guidelines after they had been implemented for some time.

38. US for S responded that the guidelines were formulated on the basis of existing legal framework. It did not involve enactment of any new offences or increase in the power of the Police. The guidelines were drawn up primarily to assist police officers in discharging their daily duties. He stressed that the spirit of freedom of speech did not cover the use of abusive language to insult others. He pointed out that it was in breach of existing laws for a person to use abusive language in the compartments of public transports and premises such as the airport and hospitals.

39. Dr Kenneth CHAN expressed concern that the guidelines might cause a person to suspect that he would be arrested for other offences because of his abusive manner. US for S reiterated that the guidelines were drawn up primarily to assist police officers in discharging their duties efficiently and effectively. It drew police officers' attention to the need to focus on whether the subject's act constituted an offence rather than wasting time on debating with unreasonable persons. He pointed out that the guidelines were supported by various staff associations.

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40. Mr Michael TIEN expressed concern that there would be more confrontation between members of the public and the Police in the year ahead. He had received complaints from frontline police officers and considered that it was hard for a person to tolerate being insulted by others a few times a day. He said that the act of insulting police officers was an offence in many other jurisdictions such as the United Kingdom and the United States of America. He queried why the Administration did not enact legislation against the offence of insulting police officers.

41. US for S responded that there were about 60 cases of insulting police officers in a year and there was already other existing legislation, such as criminal intimidation or obstructing a police officer in the due execution of his duties, which assisted a police officer to discharge his duties.

42. Mr CHAN Kam-lam said that abusive behaviour against police officers should not be tolerated, especially when there was an increasing possibility of social instability and confrontation. He said that as police officers were responsible for enforcing the law, abusive behaviour towards police officers was no different from contempt of the rule of law.

43. Mr NG Leung-sing said that the majority of members of the public were supportive of the Police's enforcement of the law to protect public order and public safety. He considered that the Administration should study overseas legislation and guidelines regarding the handling of abusive behaviour against police officers. He asked whether the Administration would consider recruiting volunteers to assist in maintaining order at public order events and reduce conflicts.

44. US for S responded that there was overseas legislation on abusive behaviour against public officers rather than merely against police officers. He said that organisers of public order events would usually deploy marshals to remind participants to proceed in a safe manner. He stressed that the Police possessed the experience and capability in maintaining public safety and public order at public order events.

45. Mr YIU Si-wing shared the view that abusive behaviour towards police officers was no different from contempt of the rule of law. He queried why insulting a judge was an offence but insulting police officers was not an offence. He considered that the Administration should enact legislation against the offence of insulting police officers. He asked whether there was a decrease in prosecution statistics after the guidelines were issued. US for S responded that there was no correlation between the issuance of new guidelines and prosecution statistics.

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46. Mr KWOK Wai-keung said that many members of the public supported the enactment of legislation against insulting police officers to uphold the rule of law. He considered it important to uphold the rule of law at a time when the organisers and supporters of Occupy Central called for a breach of the law. He queried whether the guidelines would be of any assistance to police officers. He considered that if there was legislation against insulting police officers in other jurisdictions, there was no reason why such legislation should not be enacted in Hong Kong. He asked whether the act of continuously scolding a police officer with abusive language while walking alongside the police officer would amount to the offence of obstructing a police officer in the due execution of his duties. US for S responded that whether an act was in breach of the law would depend on the circumstances and facts of the case concerned.

47. Mr LEUNG Kwok-hung said that there was no need to enact legislation against the offence of insulting police officers. He considered that if legislation was enacted against the offence of insulting police officers, legislation should also be enacted against police officers who insulted other persons.

48. Mr Kenneth LEUNG expressed concern that the guidelines might force a police officer to arrest a person who exhibited abusive behaviour for other offences. US for S responded that the guidelines reminded police officers to act in accordance with the law. If no offence was committed or likely to be committed by the subject while he was acting in an abusive manner, and there was no longer any constabulary purpose to be served in remaining at the scene, the officer would leave the scene and resume his duties after finishing his tasks on the spot. The guidelines reminded officers to avoid entering into debate with persons who exhibited abusive behaviour.

49. Mr LEUNG Che-cheung expressed support for the guidelines. He queried whether the guidelines could effectively assist police officers in handling abusive behaviour. He asked whether less abusive behaviour were encountered by police officers when taking traffic enforcement actions after the guidelines had been issued. US for S responded that the guidelines mainly reminded police officers to act in accordance with the law and avoid entering into debate with persons acting in an abusive manner but committed no offence.

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Disclosure of the guidelines

50. Ms Claudia MO said that as different people might have different perception of what constituted abusive behaviour, the Administration should provide members with a copy of the guidelines.

51. Mr WONG Yuk-man said that the Police should fully disclose the guidelines and other internal guidelines such as those on conducting body search. The meaning of public order events should also be clarified.

52. US for S responded that it was not appropriate to disclose the guidelines as they related to the Police's operational details.

53. Mr CHAN Chi-chuen queried why the Administration considered it not appropriate to disclose the guidelines but still posted some part of the guidelines on its website.

54. US for S responded that there was a practice for the Police to provide on its website a summary of matters that were of special interest. In addition, the Independent Police Complaints Council ("IPCC"), had suggested the Police to disclose information about the guidelines to the public when they were briefed on the matter. The Police therefore uploaded information about the guidelines onto its website.

55. Mr Kenneth LEUNG declared that he was a member of IPCC. He asked whether the Police would disclose the guidelines in full to IPCC. US for S responded that before the guidelines were issued, the Police had briefed IPCC on its draft guidelines. They had taken into account the views expressed by IPCC when they finalised the guidelines. He pointed out that there was established mechanism regarding the provision of information by the Complaints Against Police Office ("CAPO") to IPCC.

Provision of training on the guidelines for police officers

56. Mr Kenneth LEUNG asked whether the Police had conducted any training on the guidelines for police officers. US for S responded that the Police had explained the guidelines to representatives of all police regions, who had briefed police officers of their respective police regions on the guidelines. The guidelines had also been incorporated into the training programmes for police officers.

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Channels for lodging complaints against police officers who abused the guidelines

57. Mr CHUNG Kwok-pan asked about the channels for lodging complaints against police officers who abused the guidelines. US for S responded that a complaint might be lodged through CAPO. Acts of abuse might also be identified by the Department of Justice or the court when the case went for trial. He added that police officers who encountered abusive behaviour were required to report the matter to their supervisors.

58. Mr CHAN Chi-chuen asked when the requirement for police officers who encountered abusive behaviour to report the matter to their supervisors was first introduced. He also asked whether there was any channel for lodging complaint against use of abusive language by police officers.

59. US for S responded that the requirement had been in place much earlier than the introduction of the guidelines. He said that members of the public who wished to lodge a complaint regarding the language used by a police officer could do so with CAPO.

[To allow sufficient time for discussion, members agreed that the meeting be extended by 15 minutes.]

VI. Replacement and enhancement of close-circuit television systems for Stanley Prison
(LC Paper No. CB(2)1224/13-14(07))

60. The Chairman drew Members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed. He said that Members had noted the condition of the existing close-circuit television systems at Stanley Prison during the Panel's visit to the prison on 25 November 2013.

61. US for S briefed Members on the Administration's proposal to replace and enhance the close-circuit television systems at Stanley Prison.

62. Members did not raise any question or view on the Administration's proposal. The Chairman concluded that members had no objection to the Administration's submission of its proposal to FC.

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VII. Proposed procurement of Ground Receiving Station of the Medium Earth Orbit Search and Rescue Satellite System for the Hong Kong Maritime Rescue Coordination Centre by Marine Department
(LC Paper No. CB(2)1224/13-14(08))

63. The Chairman drew Members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

64. US for S briefed Members on the Administration's proposal to procure and install the Cospas-Sarsat Medium Earth Orbit Search and Rescue ("MEOSAR") satellites ground receiving station to replace the existing Cospas-Sarsat Low Earth Orbit Search and Rescue ("LEOSAR") satellites ground receiving station.

65. Mr Christopher CHUNG sought information on the coverage of the proposed MEOSAR system. He asked whether the MEOSAR system could detect distress signals transmitted from vessels and whether the MEOSAR system was compatible with the search and rescue systems in the Mainland.

66. US for S responded that the MEOSAR system had a global coverage. The United States of America, Russia and European Union had pledged to send a total of more than 70 MEOSAR satellites into the medium earth orbit to substitute the existing LEOSAR satellites. Depending on the location of a vessel or aircraft in distress, distress signals would be received by the rescue coordination centres concerned as well as the country or place at which the vessel or aircraft was registered. A total of 41 countries including the People's Republic of China and two places including Hong Kong were members of the Cospas-Sarsat Programme.

67. Mr Christopher CHUNG asked whether the MEOSAR system could provide useful rescue information in incidents such as the recent disappearance of a Malaysia Airlines aircraft bound for Beijing. US for S replied in the affirmative but added that there was indication the positioning systems of the missing aircraft had been turned off during the incident.

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68. Mr Christopher CHUNG asked whether the proposed MEOSAR system would facilitate the identification of fishing vessels in distress. US for S and Assistant Director/Port Control (Acting), Marine Department ("AD/PC(Atg)") responded that a vessel had to be equipped with the Emergency Position Indicating Radio Beacon ("EPIRB"); and turned on EPIRB before its distress signals could be detected by the MEOSAR system. It was currently mandatory for ocean-going vessels and passenger ships to carry EPIRB on board. Fishing vessels were not required to be equipped with EPIRB.

69. Mr LEUNG Che-cheung sought information on the service life expectancy of the existing LEOSAR system and the proposed MEOSAR system.

70. AD/PC(Atg) responded that among six existing LEOSAR satellites, five were operating beyond their designed life. Senior Marine Officer/Search and Rescue, Marine Department added that Cospas-Sarsat would gradually phase out the existing LEOSAR system after the MEOSAR system became fully operational. There was no information available on the service life expectancy of the proposed MEOSAR system.

71. The Chairman concluded that members supported in principle the Administration's submission of its proposal to FC.

72. There being no other business, the meeting ended at 6:48 pm.

Council Business Division 2
Legislative Council Secretariat
28 May 2014