

立法會
Legislative Council

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Panel on Security

Minutes of special meeting
held on Tuesday, 27 January 2015, at 2:00 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon NG Leung-sing, SBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
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
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent : Dr Hon LAM Tai-fai, SBS, JP
Hon WONG Yuk-man
Hon Christopher CHEUNG Wah-fung, SBS, JP

Public Officers attending : Item I

Mr TSANG Wai-hung
Commissioner of Police

Mr LO Mung-hung
Director of Crime and Security
Hong Kong Police Force

Mr CHOW Yat-ming
Senior Superintendent of Police,
Crime Wing Headquarters
Hong Kong Police Force

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

Staff in attendance : Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Crime situation in 2014
(LC Paper Nos. CB(2)692/14-15(01) and (02))

Commissioner of Police ("CP") briefed members on the overall law and order situation of Hong Kong in 2014, as detailed in the paper provided by the Police.

2. Members noted the background brief entitled "Crime situation in Hong Kong" prepared by the Legislative Council Secretariat.

Action

Overall crime statistics

3. Dr CHIANG Lai-wan expressed concern about how the overall crime detection rate of 43.4% recorded in 2014 compared with those of previous years. CP responded that the overall crime detection rate and the violent crime detection rate, which was around 60% to 70%, were similar to those of previous years.

4. Mr CHAN Kam-lam considered that it had been difficult for the Police to maintain law and order in 2014, given that substantial resources had been redeployed for handling incidents relating to Occupy Central ("the Movement"). He expressed concern that the rule of law in Hong Kong had recently been undermined by the misinterpretation of some sectors of the community. He asked how arrests relating to the Movement were classified in the crime statistics for 2014.

5. CP responded that the maintenance of law and order required cooperation of the general public and their respect for the rule of law. He said that arrests relating to the Movement were classified in accordance with the nature of the crime involved.

6. Ms Cyd HO expressed concern that the paper provided by the Police did not contain information on the number of participants of the Movement who had been arrested, the respective reasons for arrest and the offences involved. CP responded that the crime statistics provided had been classified on the basis of nature of offences rather than any particular activity. He agreed to provide the statistics requested, if necessary.

7. Mr CHAN Chi-chuen asked whether the crime statistics for 2014 were based on the number of arrests or convictions.

8. Mr Paul TSE asked whether the crime statistics for 2014 covered participants of the Movement who surrendered themselves to the Police.

9. CP responded that such cases were included in the statistics upon classification. Regarding participants of the Movement who surrendered themselves to the Police, time was needed for the Police to carry out investigations and such cases would be included in the statistics when the case concerned was classified.

Action

Technology crime

10. Referring to paragraphs 13 and 18 of the paper provided by the Police, Dr CHIANG Lai-wan expressed concern about the increase in technology crime related to blackmail and deception. CP explained that the major hurdles in combating such crime included difficulties in gathering evidence, its cross-boundary nature and different jurisdictions. He stressed that the combating of technology crime required the cooperation of Internet service providers ("ISPs"), Internet content providers and online games providers.

11. Mr Charles MOK expressed concern that there were inconsistencies in the practice of seeking information from ISPs in the investigation of technology crime. Although the ISP sector was in discussion with the Security Bureau and the Police over the establishment of a mechanism for such provision of assistance, the progress had been slow. He hoped that such a mechanism would be established as soon as possible. CP responded that the establishment of the Cyber Security and Technology Crime Bureau in the Police was intended, among others, for strengthening partnership with local stakeholders to counter prevalent technology crime and cyber threats.

12. Mr Kenneth LEUNG sought information on the division of work between the Police and the Hong Kong Monetary Authority in the prevention and investigation of online business fraud. He also asked whether the Police would assist victims to recover their financial losses.

13. CP responded that the investigation of online business fraud, which were usually cross-boundary in nature, was generally difficult as the evidence might not have been preserved by victims. He said that the Police maintained liaison with banks for suspension of the transactions concerned, if and when necessary. The bank also had a duty to exercise due diligence in accordance with the guidelines issued by the Hong Kong Monetary Authority.

14. Mr Kenneth LEUNG asked whether cyber patrol was carried out by the Police. CP responded that cyber patrol was conducted by the Police on public platforms on the Internet for crime prevention and detection purpose.

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Issues relating to the Movement

15. Ms Claudia MO expressed concern about the progress of the Police investigation into a case of alleged assault of a subdued demonstrator by seven plain-clothed police officers and a case in which a police superintendent was alleged of using baton to hit the neck of demonstrators. Ms Cyd HO said that such cases and reports about the immediate release of some arrested persons had given one the impression that police officers were not impartial in their law enforcement work.

16. Mr LEUNG Kwok-hung considered that the Police should expedite its investigation into the case involving seven plain-clothed police officers. He added that the early retirement of the police superintendent allegedly used baton to hit the neck of demonstrators should not be approved. Mr CHAN Chi-chuen queried whether the Police was slow in the investigation of allegations against police officers.

17. CP responded that it was not appropriate to disclose information about individual cases. He said that the time taken for the Police investigation was subject to various factors, including but not limited to the nature of the case as well as the cooperation of the persons involved. He stressed that the Police had always acted in accordance with the law and would not delay the investigation of any case. The Chairman drew members' attention to the fact that it was not the practice of Panels to discuss individual cases.

18. Mr Paul TSE asked whether the deployment of a large number of police officers to handle public assemblies relating to the Movement had affected other areas of the Police's work. Mr MA Fung-kwok commended the Police for maintaining a low crime rate. Noting that the overall crime figure had dropped but the crime detection rate had remained at a similar level, he asked whether the redeployment of manpower to handle public assemblies relating to the Movement had affected the Police's efficiency in relation to crime detection.

19. CP responded that a large number of police officers had been redeployed from different police regions and divisions to handle incidents relating to the Movement. These police officers had already returned to their original formations upon the conclusion of the Movement. The impact of such redeployment was yet to be assessed.

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20. Mr Paul TSE asked whether prosecution to be instituted against a large number of participants of the Movement would be constrained by the Police manpower available for performing such work. CP responded that police officers might have to carry out overtime work, if necessary, for the prosecutorial work.

21. Dr Priscilla LEUNG said that many allegations against the Police were aimed at undermining its credibility. According to a report in a local weekly magazine in early 2013, an organiser of the Movement had said during an interview that the purpose of the Movement was to paralyse the Police's operations. Many participants of the Movement had deliberately provoked frontline police officers. She considered that the Police should carry out investigation into such acts. She said that the Police had been very restrained, especially in comparison with police officers of other countries, in handling public assemblies relating to the Movement. She expressed concern that a police officer had become unconscious and many female police officers had been indecently assaulted when handling the Movement. Some police officers had also been assaulted by participants of the Movement.

22. Ms Claudia MO disagreed with the view that organisers of the Movement had tried to paralyse the Police's operations.

23. CP responded that the Police had made greatest efforts to restore order in handling the Movement. He pointed out that the police officers responsible for such work had not only faced long working hours, but also suffered from cyber bullying and insulting languages. In this regard, the Police had provided appropriate counselling to police officers in need. He stressed that the Police was committed to maintaining law and order in Hong Kong.

24. Mr CHAN Kam-lam said there were indications that the Movement had been very organised as well as premeditated and the Police should carry out investigation into the matter. Mr LEUNG Che-cheung expressed concern that many people had breached the law in the Movement.

25. CP responded that the Police would carry out a comprehensive and thorough investigation into the cases concerned. He would not rule out the possibility of more arrests.

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26. Mr Michael TIEN said that the Movement had come to an end without serious casualties because the parties concerned, especially police officers, had been very restrained. He considered that the Police had deferred law enforcement against participants of the Movement because of concerns about possible reactions of the general public. He asked whether the Police would defer its law enforcement actions again in future when there were public order events involving a large number of people. He also asked whether difficulties encountered by police officers in law enforcement would pose difficulties to the recruitment exercises.

27. CP responded that in handling the Movement, the Police had been very restrained and tolerant to avoid confrontation of a large scale and massive casualties. He said that some members of the public had deliberately breached the law. Whether the sense of lawlessness would spread in the community would to a certain extent be influenced by the tolerance of the society towards such behaviour. He stressed that the Police would continue to act in accordance with the law.

28. Dr Fernando CHEUNG considered that some police officers had not been impartial in handling the Movement. He said that police officers should be politically neutral in the performance of their duties and those in breach of the law should be prosecuted.

29. CP responded that police officers had always performed their duties impartially and there was no political consideration in the discharge of their duties. He said that although some participants of the Movement were peaceful, a number of the participants had been violent and over 100 police officers had sustained injuries throughout the Movement.

30. The Chairman commended the Police for its hard work and exercising restraint in handling the Movement. He expressed concern about the refusal of bail by those participants who had been arrested by the Police during the Movement.

31. CP responded that in cases where Police investigation was not completed and there was not yet a decision on whether prosecution would be instituted, the arrested person might be released on bail and had to report to the Police later at a designated time. If such an arrested person refused bail, he might be released. However, such a release was not unconditional and the Police might take further actions at a later stage.

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Construction of the Police Kowloon East Regional Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station

32. Mr CHAN Kam-lam expressed regret that the Administration's financial proposal regarding the construction of the Police Kowloon East Regional Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station had been voted down by the Public Works Subcommittee. Dr Elizabeth QUAT expressed concern about its impact on the upgrading of Tseung Kwan O ("TKO") Police Division to a police district.

33. CP responded that as the Regional Crime Headquarters Kowloon East and Traffic Kowloon East were currently stationed in the TKO Divisional Police Station and the construction of the new Kowloon East Regional Headquarters had been voted down by the Public Works Subcommittee, it would be necessary to identify other venues for relocation of the regional headquarters before the office space could be released for the TKO Police Division to be upgraded to a police district. He said that the Administration's financial proposal regarding the construction of the Police Kowloon East Regional Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station had been drawn up having regard to the policing needs arising from the development of the Kowloon East region.

Financial fraud

34. Mr James TO expressed concern about financial fraud cases in relation to investment scams. He considered that the Police should strengthen public education on such fraud. CP said that although the number of Ponzi schemes fraud was small in Hong Kong. The Police would consider disseminating more information on the prevention of such scam through the platform of "Fight Scams Together".

Police-public relations

35. Ms Emily LAU said the findings of many recent opinion polls indicated that relations between the Police and the public had reached a record low level after the Movement. As the detection of crime required the cooperation of the general public, she asked how the Police would address the problem.

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36. CP responded that the Police had all along been enlisting public support through various programmes and projects with different age groups and sectors of the community. He said that mutual trust between the Police and the public was the foundation to good relations between the Police and the public.

Parallel trading activities

37. Mr CHAN Chi-chuen expressed concern that parallel trading activities, especially those in Sheung Shui and Tuen Mun districts, had caused serious impacts on the livelihood of residents in the area. There were also reports about some staff of the MTR Corporation Limited ("MTRCL") being threatened by parallel traders. He considered that the Police should step up enforcement actions against parallel trading activities.

38. Mr YIU Si-wing expressed concern that parallel trading activities in the northern part of New Territories had affected the daily life of residents in the area. He asked whether the Police would step up enforcement actions against such activities and sought information on the distribution of Mainland and Hong Kong residents among parallel traders.

39. CP responded that parallel trading activities per se was not an offence. The Police had been performing a supportive role in the enforcement actions of the Immigration Department and the Food and Environmental Hygiene Department against problems generated by parallel trading activities. Staff members of MTRCL who were threatened in their enforcement of MTRCL bylaws could immediately report the matter to the Police, which would take prompt actions as necessary. He pointed out that a majority of the persons engaged in parallel trading activities were Hong Kong residents.

Other issues

40. Referring to visitors arrested for crime in Hong Kong, Dr CHIANG Lai-wan sought information on the origins of these visitors and the nature of the crimes involved. CP responded that many of these visitors had been arrested for possession of firearms or shop theft, and they came from South Asia and Africa.

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41. Dr Elizabeth QUAT commended the Police for achieving a lower overall crime figure in 2014. She sought information on the Police measures against illegal gambling. CP responded that the problem was tackled at the district level as well as through various education and publicity campaigns, such as the Senior Police Call. Priority would be given to combating illegal gambling which involved triad activities.

42. Mr CHAN Chi-chuen sought information on statistics relating to police officers involved in crimes. CP responded that the Police was very concerned about the conduct of police officers and there were stringent guidelines in place. A lot of work had been done over the years to promote a corruption-free and law-abiding culture among police officers. He said that 30 and 23 police officers had been arrested for crime in 2013 and 2014 respectively.

43. In response to the Chairman's question regarding statistics on missing motor vehicles in the booklet on crime statistics for 2014, CP explained that the figures in parentheses represented the number of vehicles instead of the number of cases.

44. The Chairman expressed concern about the detection rate of wounding and serious assault cases, especially those involving media workers. CP responded that the detection rate of wounding and serious assault cases was about 60% to 70%. For the two wounding cases involving media workers in 2014, one case had been concluded with the persons concerned convicted, while the legal proceedings regarding the other case was expected to commence later in 2015.

45. There being no other business, the meeting ended at 4:00 pm.