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Panel on Security

**Updated background brief prepared by the Legislative Council Secretariat
for the special meeting on 26 January 2016**

Crime situation in Hong Kong

Purpose

This paper summarises past discussions by the Panel on Security ("the Panel") on the crime situation in Hong Kong.

Deliberations of the Panel on Security

2. It has been the standing arrangement for the Commissioner of Police to brief the Panel at the beginning of each year on the overall law and order situation in Hong Kong in the preceding year. The major concerns expressed by members are summarised in the ensuing paragraphs.

Drug-related crime

3. Members noted with concern 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. 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 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;
- (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; 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.

Sexual offence

5. Concern was also raised about the measures taken by the Police to prevent indecent assault, "under skirt photo-taking" within the Mass Transit Railway ("MTR") stations.

6. According to the Police, crowded railway stations with high passenger flow often created an environment conducive to crimes, including indecent assault and "under skirt photo-taking". There was an increasing number of these two types of crimes at MTR premises. With the co-operation of the public and station staff, the detection rate of crimes committed at MTR premises was 44.7%, which was higher than the overall detection rate of 43.6%.

Cyber crime

7. Members expressed concern about the Police's efforts in combating cyber crime, such as blackmail cases involving "Naked Chat" and cases of e-mail scam, online business fraud and social media fraud.

8. According to the Police, the detection of such cyber crime was difficult as it required the assistance of the internet service providers concerned, the victims' awareness of the need to preserve evidence and the cooperation of law enforcement agencies of other jurisdictions. The Police was addressing the

problem through strengthening publicity, producing Announcements of Public Interests and giving talks at schools to enhance the awareness of members of the public.

9. Some members also expressed concern about cross-boundary cyber crimes involving fake business offers to deceive local traders into transferring money to the Mainland. These members asked whether the Police would formulate measures with the Hong Kong Monetary Authority ("HKMA") to reduce losses inflicted on the victims under such circumstances.

10. Members were informed that in the investigation of on-line business fraud cases, the Police had to track the transaction with the assistance of the bank concerned first, and could instruct the bank to stop processing the transaction only after it was tracked. The Police would strengthen its investigation capabilities and continue to explore measures with the banking sector to expedite the investigation of cyber crime.

11. On the division of work between the Police and HKMA in the prevention and investigation of online business fraud, members were advised that the investigation of online business fraud, which was usually cross-boundary in nature, was generally difficult as the evidence might not have been preserved by victims. 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 HKMA.

Criminal intimidation

12. Members noted with grave concern that most cases of criminal damage and criminal intimidation 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.

13. Members were advised that the Police 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.

Public order and handling of public meetings and public processions

14. Some members enquired whether public meetings and public processions could be arranged to be held at different places and time in order to minimise the impact on other road users. Members were advised that the Commissioner of Police might impose conditions under the Public Order Ordinance (Cap. 245) on a notified public meeting or procession to ensure public order and public safety as well as minimise impact on other road users. Where there were road closure or traffic diversion arrangements, the Administration would inform members of the public through different means, including issuing press releases and disseminating such information during press conferences. The Police would also upload the procession route and the conditions imposed on a public order event to the Police webpage.

15. Concern was also raised over situations in which public order events organised by various social groups with different views on a subject matter were held at the same time as well as at same venue and later developed into confrontations and conflicts between the groups.

16. Members were advised that when there was confrontation between various social groups at a public meeting or procession, the Police would try to calm down the confronting groups and separate them from each other. Where necessary, the Police might arrange people whose personal safety was under threat to leave the scene. In the event that groups with different positions held public order events at the same place, the Police would adopt appropriate segregation measures, including the designation of "public activity areas" for various groups, to facilitate their expression of views.

17. Members noted that the Police's enforcement policy was to strike a balance by striving to facilitate the smooth conduct of lawful and peaceful public meetings and processions on one hand, while on the other, minimising the impact of such events on other members of the public and road users, as well as ensuring public order and public safety. Although the Police would take immediate steps to separate groups with different positions when there was confrontation, it should not assume that confrontation would occur between the groups. If the Police assessed that the situation could be kept under control when confrontation occurred, groups with different positions would be allowed to hold public order events at the same venue.

18. Some members were of the view that some police officers had not been impartial in handling the Occupy Movement ("the Movement"). These members considered that police officers should be politically neutral in the performance of their duties and those in breach of the law should be prosecuted.

Some other members, however, expressed concern whether the Police had deferred taking law enforcement actions against participants of the Movement.

19. According to the Police, police officers had always performed their duties impartially and there was no political consideration in the discharge of their duties. In handling the Movement, the Police had been very restrained and tolerant to avoid confrontation of a large scale and massive casualties. The Police stressed that it would continue to act in accordance with the law.

Police-public relations

20. Some members expressed concern that 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, these members were concerned how the Police would address the problem.

21. Members were advised that the Police had all along been enlisting public support through various programmes and projects with different age groups and sectors of the community. Mutual trust between the Police and the public was the foundation to good relations between the Police and the public.

Relevant papers

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

**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>
Panel on Security	29.1.2013 (Item I)	<u>Agenda</u> <u>Minutes</u>
Legislative Council	30.10.2013	<u>Official Record of Proceedings</u> <u>(Question 8)</u>
Panel on Security	28.1.2014 (Item I)	<u>Agenda</u> <u>Minutes</u>
Panel on Security	27.1.2015 (item I)	<u>Agenda</u> <u>Minutes</u>