

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1464/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

### **Panel on Security**

**Minutes of meeting**  
**held on Friday, 13 April 2018, at 10:30 am**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon CHAN Hak-kan, BBS, JP (Chairman)  
Hon James TO Kun-sun (Deputy Chairman)  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon MA Fung-kuok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick

Hon Jimmy NG Wing-ka, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon AU Nok-hin

**Members attending** : Hon HO Kai-ming  
Hon SHIU Ka-fai  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai

**Members absent** : Hon Jeffrey LAM Kin-fung, GBS, JP  
Dr Hon Junius HO Kwan-yiu, JP

**Public Officers attending** : Item IV  
  
Mr Sonny AU Chi-kwong, PDSM, PMSM, JP  
Under Secretary for Security  
  
Mr Andrew TSANG Yue-tung  
Principal Assistant Secretary for Security E  
  
Dr Raymond SO Wai-man, BBS, JP  
Under Secretary for Transport and Housing  
  
Mr Tony LI Yeuk-yue  
Principal Assistant Secretary for Transport & Housing  
(Transport) 2  
  
Mr Martin CADMAN  
Chief Superintendent of Police (Traffic Headquarters)  
  
Mr Eric TSANG Moon-lun  
Superintendent of Police (Traffic Headquarters)

Item V

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP  
Under Secretary for Security

Ms Manda CHAN Wing-man  
Commissioner for Narcotics  
Security Bureau

Mr Kevin LAI Ming-fai  
Principal Assistant Secretary for Security (Narcotics) 1

Dr Billy LI Yeuk-goat  
Senior Statistician (Security)  
Security Bureau

Item VI

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP  
Under Secretary for Security

Ms Iris LEE Ho-ki  
Principal Assistant Secretary for Security A

Mr NGAN Hing-cheung  
Assistant Commissioner (Administration and Human  
Resource Development)  
Customs and Excise Department

Mr Simon LEE Chi-ming  
Staff Officer (Staff Relations)  
Customs and Excise Department

Mr David CHAK Wing-pong  
Project Director 2  
Architectural Services Department

Mr MOK Chung-keung  
Chief Project Manager 203  
Architectural Services Department

Ms Donna TAM Yin-ping  
District Planning Officer / Sai Kung & Islands  
Planning Department

Mr Tom YIP Chi-kwai  
District Planning Officer / Kowloon  
Planning Department

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

**Staff in attendance** : Mr Timothy TSO  
Senior Assistant Legal Adviser 1

Mr Raymond LAM  
Senior Council Secretary (2) 7

Ms Gloria TSANG  
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)1108/17-18 and CB(2)1178/17-18)

The minutes of the meetings held on 23 January and 6 February 2018 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)996/17-18(01), CB(2)1010/17-18(01) and CB(2)1186/17-18(01))

2. Members noted that the following papers had been issued since the last meeting:

- (a) email dated 5 March 2018 from Mr CHU Hoi-dick and Administration's response to the issues raised in email; and
- (b) Administration's response to the issues raised in letters dated 12 and 15 February 2018 respectively from Mr Alvin YEUNG, Dr CHENG Chung-tai and Hon LAM Cheuk-ting.

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**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)1180/17-18(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 4 May 2018 at 8:30 am:

- (a) Strengthening Hong Kong's counter-terrorism preparedness and public education;
- (b) Combatting bogus marriage; and
- (c) Police's handling of cases involving mentally incapacitated persons.

4. Mr LAM Cheuk-ting expressed concern that in three months' time, the post of Head of Operations of the Independent Commission Against Corruption ("ICAC") would have been consecutively filled by an acting staff for three years. This was unprecedented among the law enforcement agencies in Hong Kong and would affect the formulation of long term anti-corruption strategy by ICAC. He was concerned when ICAC could brief the Panel on management succession in ICAC. The Deputy Chairman expressed concern about whether the Chairman had raised with ICAC regarding the timing for discussion of the item. The Chairman said that he had liaised with the Administration and ICAC regarding the timing for discussion of the items in the Panel's list of outstanding items for discussion, among which two of the items proposed by members would be discussed at the next meeting in May 2018. He would follow up Mr LAM's concerns with ICAC.

**IV. Law enforcement against moving traffic offences**  
(LC Paper Nos. CB(2)1180/17-18(03) and (04))

5. Under Secretary for Security ("US for S") and Under Secretary for Transport and Housing ("US for TH") briefed Members on the Administration's law enforcement against moving traffic offences.

6. Members noted an information note entitled "Law enforcement against moving traffic offences" prepared by the Legislative Council ("LegCo") Secretariat.

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7. The Chairman reminded Members that Rule 41(2) of the Rules of Procedure provided that reference should not be made to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case.

Factors considered by police officers when instructing drivers to stop their vehicles

8. The Deputy Chairman strongly considered that drivers should not be forced to stop or slow down their vehicles for forming a roadblock, as this would put the life of the drivers at risk. He expressed grave concern that the drivers who had been instructed to stop their vehicles to form a roadblock and sustained injuries in the traffic accident on Fanling Highway on 11 February 2018 ("the traffic accident concerned") had received a "Notice of Intended Prosecution" from frontline staff of the Police who claimed that the issue of such a notice was a standard procedure.

9. Dr Elizabeth QUAT sought information on the factors considered by police officers in relation to instructing drivers to stop their vehicles on the road.

10. Mr LEUNG Che-cheung asked whether it was appropriate for police officers to instruct drivers to stop their vehicles on an expressway.

11. Dr Fernando CHEUNG said that police officers should not instruct drivers to stop their vehicles on an expressway to form a roadblock, which would put the lives of the drivers at risk.

12. Chief Superintendent of Police (Traffic Headquarters) ("CSP(TH)") responded that police officers would not deliberately risk the lives of members of the public when taking law enforcement actions. There were various situations in which there was a need for police officers to impose temporary traffic control measures to slow down traffic on an expressway or road. In deciding on the measures to be taken, a police officer had to assess, having regard to the circumstances, the risks that could be posed by the measures, including the risks that could be posed to the driver concerned, other road users and the police officer himself, and whether more serious casualties would result if the measures were not taken.

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13. CSP(TH) stressed that the Police's objectives of law enforcement against moving traffic offences were to reduce road traffic accidents and safeguard the safety of drivers and pedestrians. When a police officer instructed a driver to stop his vehicle, the driver stopped his vehicle in most cases. In a minority of the cases where the driver concerned try to escape with his vehicle, the police officers at the scene had to decide whether to conduct pursuit. Before pursuit, the police officer must, in accordance with the circumstances, consider the nature of the offence involved and the risks that could be brought about by the pursuit. After the pursuit had started, the police officers concerned would continue to reassess the risks involved and the safety of members of the public was always a prime consideration.

14. Referring to the traffic accident concerned, Ms Claudia MO expressed concern about whether police officers had instructed members of the public to stop their vehicles for the purpose of forming a roadblock.

15. Mr SHIU Ka-fai said that the traffic accident concerned arose from furious driving of the driver under pursuit who did not stop his vehicle at the instruction of the police officers concerned. Even if the police officers concerned had abandoned pursuit, the vehicle concerned could still have crashed into slow traffic ahead. He said that there could be a victim of crime inside an escaping vehicle and the persons inside a vehicle which had escaped might commit further crime.

16. Mr WONG Kwok-kin said that the traffic accident concerned arose from furious driving of the driver under pursuit. Even if the police officers concerned had abandoned pursuit, the escaping vehicle concerned could still have crashed into the vehicles ahead.

17. Dr CHENG Chung-tai queried why the meeting was not attended by Police representatives at the rank of Commissioner or Deputy Commissioner, although discussion was focused on the traffic accident concerned.

18. US for S responded that it was the established practice for subject officers from relevant bureaux and government departments to attend the discussion of an agenda item. Besides representatives from the Security Bureau ("SB") and the Transport and Housing Bureau, the meeting was attended by representatives from the Police's Traffic Branch who conducted the review referred to in paragraph 13 of the Administration's paper. He informed Members that the traffic accident concerned was still under investigation and there was not yet a conclusion.

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Guidelines for the setting up of roadblocks

19. Mr LAM Cheuk-ting asked whether the Police had issued guidelines for the setting up of roadblocks and whether such guidelines prohibited the deployment of civilian vehicles to form a roadblock.

20. Mr Jeremy TAM asked whether the Police's guidelines on setting up of roadblocks explicitly allowed police officers to instruct members of the public to slow down or stop their vehicles to form a roadblock.

21. Mr AU Nok-hin said that according to previous media reports, the Police had reviewed and revised their guidelines relating to roadblocks in 2009. The Administration should provide members with its latest guidelines relating to roadblocks and information on the factors considered by police officers in risk assessment. He queried why civilian cars were used to form roadblocks despite the revision of guidelines in 2009. He considered that the Police should not risk the lives of members of the public by using their vehicles to form a roadblock.

22. CSP(TH) responded that the Police had established guidelines on the setting up of roadblocks, covering areas such as the physical setup of roadblocks, equipment, signs, cones, lighting, vehicles and manpower deployment. He said that relevant guidelines for police officers stressed the importance of safety and risk assessment as well as the need for risk taken to be commensurate with the danger imposed. The guidelines did not set out whether any particular course of action should or should not be taken. The review conducted in 2009 arose from law enforcement against illegal road racing. The review referred to in paragraph 13 of the Administration's paper had a wider ambit, covering such areas as pursuit, illegal road racing, setting up of roadblocks and relevant international practices.

23. Mr CHU Hoi-dick said that drivers should not be forced to stop or slow down their vehicles for forming a roadblock. If police officers had followed the revised guidelines of 2009, civilian cars would not have been used for forming roadblocks in the traffic accident concerned. He asked whether the Police's guidelines on the setting up of roadblocks included the option of abandoning pursuit and identifying the vehicle afterwards with its registration number.



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24. Mr WONG Kwok-kin said that it was the duty of police officers to enforce the law. If police officers abandoned pursuit, any drug or hostages inside a vehicle under pursuit would have been removed when the vehicle was found afterwards.

25. CSP(TH) responded that in cases where risk assessment indicated that it was not appropriate to continue with the pursuit of a vehicle, the registration number of the vehicle concerned, if available, would be recorded for future identification of the driver concerned and follow-up. He stressed that there were cases in which there was a need to intercept the vehicle for the gathering and preservation of evidence or to prevent other road users from being endangered, such as in cases of drink driving or drug driving.

Review on law enforcement against moving traffic offences

26. Mr CHAN Chun-ying sought information on the timetable for completion of the review referred to in paragraph 13 of the Administration's paper. CSP(TH) responded that the Review Committee would examine areas such as guidelines on the stopping of vehicles, setting up of roadblocks, pursuit of vehicles. Although there was no timetable for completion of the review, the Review Committee would take action on any issues identified that required immediate action rather than waiting for the entire review to be completed, if this was appropriate.

27. Referring to paragraph 13 of the Administration's paper, the Deputy Chairman said that the Review Committee should not be chaired by an officer at the rank of Chief Superintendent of Police who might have drawn up the existing guidelines, but by a more senior officer at the rank of Assistant Commissioner of Police or above.

28. Dr Priscilla LEUNG said that she had full confidence in police officers discharging their duties professionally. She asked whether the Police had studied the international practice in the setting up of roadblocks by police officers. She said that electronic information panels should be erected along expressways to display information about the need to slow down or stop at the road section ahead.

29. US for S responded that the Review Committee, which was chaired by CSP(TH), was studying international practice in the setting up of roadblocks. CSP(TH) added that the study on relevant international

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practice covered the measures and technology employed in other jurisdictions. Some of the tactics employed by overseas police officers were more aggressive and not suitable for implementation in Hong Kong. In some jurisdictions, there were legislation against failure to stop a vehicle at the instruction of a police officer.

Penalties for serious driving offences

30. Mr Michael TIEN quoted the imprisonment terms in some convicted cases relating to serious driving offences in recent years and said that the penalties for serious driving offences, including drink driving and drug driving, were too light. He expressed concern that the maximum penalty for the offence of dangerous driving causing death was only an imprisonment term of 10 years, which was the same as that for theft. He asked when penalties for serious driving offences were last reviewed by the Administration and said that heavier penalties should be imposed for serious driving offences. Mr WONG Kwok-kin shared the view that the penalties for serious driving offences should be increased.

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31. US for TH responded that timely review was conducted by the Transport and Housing Bureau on penalties for different traffic offences. He undertook to follow up the penalty level for serious driving offences and provide information on when penalties for serious driving offences were last reviewed by the Administration.

Other issues

32. Mr CHAN Chun-ying asked whether there was a mechanism in place for handling compensation claims from drivers who sustained injuries or damage to their vehicles as a result of complying with the instructions of police officers to stop on the road. He also asked about the average time taken between completion of investigation and settlement of compensation payment. CSP(TH) responded that compensation claims arising from traffic accidents involving the Police were dealt with by the Police in consultation with the Department of Justice. Where appropriate, compensation would be paid to the parties concerned and the time taken between completion of investigation and settlement of compensation payment varied from one case to another.

33. Mr YIU Si-wing sought information on law enforcement against cross-boundary vehicles from the Mainland. CSP(TH) responded that there was no difference in law enforcement against local vehicles and

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cross-boundary vehicles although there were certain exemptions for those operating under an "International Circulation Permit". A registration number issued by the Transport Department ("TD") was required for a cross boundary vehicle from the Mainland and the vehicle owner was required to provide a Hong Kong address to facilitate law enforcement.

34. Mr YIU Si-wing sought information on the measures adopted by the Police to combat noise nuisance caused by illegal road racing at night. CSP(TH) responded that the Police tackled the problem with attention to black spots of illegal road racing. The Police also worked with TD to tackle noise nuisance arising from illegally modified vehicles.

**V. Drug situation in Hong Kong in 2017**

(LC Paper Nos. CB(2)1180/17-18(05) and (06))

35. US for S briefed Members on the drug situation in Hong Kong in 2017 and the Administration's anti-drug strategy. With the aid of powerpoint presentation, Principal Assistant Secretary for Security (Narcotics) 1 briefed Members on the key statistics on drug abusers reported to the Central Registry of Drug Abuse in 2017 and the Administration's anti-drug efforts.

36. Members noted an updated background brief entitled "Anti-drug efforts in Hong Kong" prepared by the LegCo Secretariat.

Publicity and education

37. Mr CHAN Chi-chuen expressed concern that although there was a decline in the total number of reported drug abusers in 2017, the problem of abuse of Methamphetamine and hidden drug abuse might have worsened. He asked whether publicity and education was launched by the Administration in relation to drug abuse in homosexual activities. Commissioner for Narcotics ("C for N") responded that the Three-year Plan on Drug Treatment and Rehabilitation Services in Hong Kong for 2018-2020 had covered strategic drug treatment and rehabilitation ("T&R") directions for drug abusers of sexual minorities, recommending experience sharing and collaborative efforts among anti-drug service providers for better delivery of T&R programmes to this specific group. The Beat Drugs Fund had supported projects to help sexual minorities quit "Chem Sex" involving drug abuse.

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38. Dr Elizabeth QUAT expressed concern about the problem of hidden drug abuse by young persons. She said that more should be done in publicity and education for parents to strengthen their knowledge and skills in identifying drug abuse by their children and what they could do to address the problem. Referring to paragraph 10 of the Administration's paper, she expressed concern about how the Administration would address the issue of young persons abusing drug in order to identify with peers.

39. C for N responded that the Administration would continue to enhance community awareness of the drug problem, promote early identification of hidden drug abusers, and encourage early help-seeking. Specifically, it would continue to promote anti-drug messages through different media platforms, including electronic platforms such as popular websites and social media, to maximize access to different target groups, especially the youth and young adults. For parents, the Hong Kong Jockey Club Drug InfoCentre as an anti-drug publicity and education hub would continue to launch different programmes for individual target groups, including talks and sharing sessions for parents. Parents of drug abusers could also obtain advice and assistance through the 24-hour helpline "186 186".

Drug addiction treatment and rehabilitation

40. Mr SHIU Ka-chun asked whether the Administration would consider introducing a harm-reduction scheme in the provision of drug addiction treatment service to drug abusers. He added that more support, such as the provision of job counselling service, should be provided to help drug abusers to quit drugs.

41. C for N responded that the Administration adopted a multi-modality approach in facilitating the provision of drug T&R services to drug abusers with individual needs. Regarding harm reduction, the existing outpatient methadone treatment programme of the Department of Health had been provided in a harm-reduction approach for heroin abusers. The T&R services provided by some non-governmental organizations had also included harm reduction elements as therapeutic means to engage and support drug abusers to quit drugs, including sports therapy, art therapy, family support and occupational therapy. However, for psychotropic substance abuse, there was presently no clinically proven safe substitute. The Administration would keep in view the development of harm-reduction measures in other places as well as their applicability in Hong Kong.

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42. Mr CHUNG Kwok-pan asked whether there was still a strong demand for methadone treatment, given the trend towards abuse of psychotropic substance in recent years. Referring to paragraph (i) of the Annex to the Administration's paper, C for N responded that heroin was still the most popular type of drug abused among reported abusers.

43. Mr SHIU Ka-chun asked whether the manpower for Substance Abuse Clinics ("SACs") of the Hospital Authority ("HA") would be increased to shorten the waiting time for medical consultation. C for N responded that the waiting time for first time medical consultation at SACs was about one to four weeks, which suggested that SACs could cope with service demand. The Administration in coordination with HA would look into the manpower of SACs when necessary.

*[To allow sufficient time for discussion, the Chairman advised that the meeting would be extended to 12:45 pm.]*

**VI. Construction of departmental quarters for Customs and Excise Department at Tseung Kwan O Area 123 (Po Lam Road) and No. 57 Sheung Fung Street, Tsz Wan Shan**  
(LC Paper Nos. CB(2)1173/17-18(01) and CB(2)1180/17-18(07))

44. The Chairman drew Members' attention to Rule 83A of the Rules of Procedure concerning the requirement of disclosing personal pecuniary interest.

45. US for S and Assistant Commissioner (Administration and Human Resource Development), Customs and Excise Department ("AC/C&ED") briefed Members on the Administration's proposal to upgrade the construction project of departmental quarters ("DQs") for C&ED at Tseung Kwan O Area 123 (Po Lam Road) and No. 57 Sheung Fung Street, Tsz Wan Shan to Category A.

46. Members noted an updated background brief entitled "Construction and provision of departmental quarters for disciplined services departments" prepared by the LegCo Secretariat.

Shortfall of DQs

47. Mr POON Siu-ping expressed support for the construction of DQs for C&ED and hoped that the project would be commenced as soon as possible. In view of the shortfall of DQs and the increasing number of

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staff in C&ED, he sought information on the Administration's plan regarding the provision of DQs for disciplined services staff. US for S responded that apart from the two proposed projects, some other sites were in the pipeline for DQs. As the demand for DQs was high, both the Planning Department ("PlanD") and disciplined services departments were identifying suitable sites for the construction of DQs. SB would closely monitor the developments.

48. Mr CHAN Chun-ying asked whether the Administration had considered liaising with PlanD to increase the plot ratio for the construction of DQs. District Planning Officer/Kowloon, Planning Department explained that the plot ratio of a particular site would be determined with regard to transport, planning, environmental, landscape and other technical considerations. If a higher plot ratio was required, relevant departments were required to conduct relevant assessments to support the increased plot ratio and such proposals/applications would be handled and considered by the Town Planning Board in accordance with the Town Planning Ordinance (Cap. 131).

Inadequacy of parking spaces

49. Mr HO Kai-ming expressed support for the construction of DQs for C&ED. He was concerned about the limited parking spaces at the new DQs and asked whether the Administration would consider installing double-decker parking system to increase the car parking spaces. Dr Elizabeth QUAT shared a similar view. AC/C&ED responded that the demand for parking spaces, based on departmental statistics, was not very high. The users of the DQs were rank and file staff working mainly on shift at various control points and their commuting time were mostly non-peak hours. Besides, the department had arranged shuttle bus service at certain major public traffic interchanges to facilitate its staff to travel to and from work. During the communication with its staff associations, the primary concern was the provision of more DQ units. US for S added that according to the standard on provision of parking spaces in private residential development as stipulated in the Hong Kong Planning Standards and Guidelines ("HKPSG"), the number of residents' parking spaces had been maximized under the land use and planning of the projects. He further said that double-decker parking system could be considered if there was a revision in HKPSG in future, provided that other technical issues were viable.

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50. Mr Gary FAN asked whether there were any precedent cases not to follow the standards in HKPSG when determining the number of parking spaces. To address the concerns on the inadequate parking spaces raised by the residents in Tseung Kwan O, he asked whether the SB could liaise with the Government Property Agency and TD with an attempt to increase the number of parking spaces for DQs. US for S responded that PlanD and the Architectural Services Department had put great efforts to address the issue on parking spaces. C&ED had also consulted and obtained support from the respective District Councils, the residents nearby and staff members of C&ED regarding the construction projects. Nevertheless, SB would keep Mr FAN's suggestion under study. The Chairman requested the Administration to provide detailed information on the provision of parking spaces to the Public Works Subcommittee ("PWSC").

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Disciplined services quarters for joint departments

51. Mr CHAN Chun-ying expressed support for the construction of DQs for C&ED. Noting the estimated total cost of the two projects in the Administration's paper, he suggested that a breakdown of the project cost be provided to PWSC to facilitate its discussion. He also asked whether the Administration would consider the construction of disciplined services quarters for joint departments. US for S responded that the sites of these two projects were not large enough for such purpose. As C&ED had the highest shortfall rate of DQs among the disciplined services departments, the two sites were allocated to C&ED.

52. The Chairman concluded that members had no objection to the Administration's submission of its proposals to PWSC.

53. There being no other business, the meeting ended at 12:41 pm.