

立法會
Legislative Council

LC Paper No. CB(2) 1180/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Tuesday, 6 February 2001 at 10:45 am
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Ambrose LAU Hon-chuen, JP
Hon IP Kwok-him, JP
- Members attending** : Hon NG Leung-sing
Hon SIN Chung-kai
Hon Emily LAU Wai-hing, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon WONG Sing-chi
- Public Officers attending** : Item III
Mr David WONG
Principal Assistant Secretary for Security B

Mr MAK Kwai-pui, JP
Chief Ambulance Officer
Fire Services Department

Item IV

Mr Timothy TONG, JP
Deputy Secretary for Security 3

Mr Alan CHU
Principal Assistant Secretary for Security D

Miss May CHAN
Assistant Secretary for Security D

Mr T P WONG
Deputy Director of Immigration (Special Assignment)

Ms Helen CHAN
Assistant Principal Immigration Officer
Immigration Department

Ms Joyce TAM
Principal Assistant Secretary for Information Technology
and Broadcasting

Mr Alex MA
Assistant Director of Information Technology Services

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Jimmy MA, JP
Legal Adviser

Ms Eva LIU
Head (Research and Library Services)

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I. Matters arising

(LC Paper Nos. CB(2) 752/00-01(01) and (02))

List of follow-up actions required of the Administration

Members noted the list of follow-up actions required of the Administration.

Draft outline of research study on regulation of public meetings and public processions

2. Head (Research and Library Services) briefed members on the draft outline of the research study on regulation of public meetings and public processions.

3. As regards the cities to be studied, Mr James TO said that Seattle was a relatively small city in the United States and might not be representative. He suggested that New York be included in the research study instead. Miss Margaret NG shared the view of Mr TO. She said that as the Public Order Ordinance was intended for the regulation of peaceful public meetings and public processions, the research study should be focussed on the regulation of peaceful public meetings and public processions rather than the prevention of the development of these activities into riots. She suggested that the report of the Seattle authorities' review on regulation of public meetings and public processions might be attached to the research report as an annex. In this connection, Legal Adviser (LA) said that the review conducted by the Seattle authorities was mainly about the exercising of power by the police. Information on the review report would be circulated to members when it was available. Members agreed.

4. Mr James TO and Miss Margaret NG said that the verification exercise as referred to in paragraph 6 of the research outline would not be necessary. Miss NG suggested that information provided by the Administration regarding the regulation of public meetings and public processions be verified where possible in the course of the research study of the relevant cities.

5. Members endorsed the draft research outline, subject to the views expressed above.

II. Date of next meeting and items for discussion

(LC Paper No. CB(2) 752/00-01(03))

6. The Chairman said that the following items were originally scheduled for discussion at this meeting but subsequently deferred to give way for the discussion of items deferred from the meeting on 18 January 2001 -

- (a) progress of establishing an arrangement with the Mainland on surrender of fugitive offenders;

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- (b) European Union : visa-free access for Hong Kong Special Administrative Region passport holders; and
- (c) Review of Talents Admission Scheme and related matters.

He informed members that the Administration had advised that item (c) was not ready for discussion, while there was not yet any progress to report in respect of item (a).

7. Miss Margaret NG said that it was an important principle in establishing a rendition agreement with the Mainland that the fugitive offenders surrendered to the Mainland must be ensured a fair trial. However, the Secretary for Security (S for S) had at an earlier meeting with representatives of an organization, indicated that such assurance of fair trial would not be covered in the arrangements. She considered that S for S should be invited to explain whether this important principle was a basis for the discussion with the Mainland authorities, and if not, why not. Mr James TO said that the subject should be discussed even if the Administration had no progress to report. Members agreed that the subject be discussed at the April meeting.

8. Mr CHEUNG Man-kwong suggested that the Panel should discuss the Administration's policy on the handling of activities of Falun Gong, the recent explosion incidents and the Administration's policy on explosives, and measures to ease passenger congestion at border control points. Mr James TO said that as Falun Gong was an association registered under the Societies Ordinance (Cap. 151), it might be more appropriate to discuss the issue in the context of the Administration's policy and enforcement of the Societies Ordinance.

9. Members agreed that the Chairman would liaise with the Administration before determining the way forward in discussing the recent explosion incidents and the Administration's policy on explosives.

10. Members agreed that the following items be discussed at the next regular meeting to be held on 1 March 2001 at 2:30 pm -

- (a) Policy on handling activities of associations registered under the Societies Ordinance and enforcement of the Ordinance;
- (b) European Union : Visa-free access for Hong Kong Special Administrative Region passport holders; and
- (c) Measures to ease passenger congestion at border control points.

11. The Chairman suggested that the Administration should be invited to brief members on the work of the Customs and Excise Department in the last year, such as its work on anti-illegal immigrants, anti-drug trafficking etc, at a future meeting of the Panel.

III. Review of paramedic ambulance service

(LC Paper No. CB(2) 388/00-01(04))

12. At the invitation of the Chairman, Principal Assistant Secretary for Security B (PAS(S)B) briefed Members on the progress of the review on the further development of paramedic ambulance service in Hong Kong.

13. In response to Mr James TO's question about the cost for equipping all ambulances with paramedic equipment, PAS(S)B said that the cost would be about \$2 million.

14. Mr CHEUNG Man-kwong said that he had come across a complaint case in which the medical treatment of a child who fainted in his school was delayed due to traffic congestion and a lack of provision of paramedic care on the ambulance. As a result, the child had become having a mental age of three. He further said that after the upgrading of all ambulances, the key issue would be the adequacy of trained ambulance personnel at Emergency Medical Assistant (EMA) II level. He asked whether the major obstacle for the provision of paramedic care in all ambulances was a lack of adequate training capacity or a lack of ambulance personnel interested in undergoing EMA II training.

15. Chief Ambulance Officer (CAO) said that if 550 additional ambulance personnel were trained as EMA II in the coming four years, paramedic ambulance service could then be provided on all ambulances. He added that the paramedic training of ambulance personnel would inevitably take some time.

16. Referring to paragraph 4.2.2 of the Report on the Review of Paramedic Ambulance Service (the Report), Mr CHEUNG Man-kwong asked whether there would be sufficient number of ambulance personnel eligible for undergoing EMA II training. CAO responded that about half of the 532 non-EMA ambulance supervisors were aged over 50 or possessed academic qualifications of Form 2 level or below and therefore they were either not suitable or incapable for training. However, about 700 serving ambulancemen had achieved Form 5 or above standard and possessed over 10 years' experience. These ambulancemen were capable to receive EMA II training. He was therefore confident that the paramedic training of a sufficient number of ambulance personnel could be completed within four years.

17. Mr IP Kwok-him asked about the cost involved in the EMA II training of the 550 ambulance personnel. CAO responded that if the training was to be completed within four years, 136 persons would have to be trained in each year. This would require additional resources for providing four additional EMA II training courses in each year. A rough estimation indicated that additional financial commitments of about \$8 million, \$10 million, \$13 million and \$15 million would be required in the first, second, third and fourth years respectively. PAS(S)B said that financial resources would be required for areas such as training, recertification and the employment of trainers. Additional expenditure would be incurred in paying special allowance to more ambulance personnel performing paramedic duties.

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18. Mr IP Kwok-him asked whether EMA II level was the targeted skills level of ambulance personnel who provided paramedic ambulance service. He asked whether there were skills levels above EMA II. CAO responded that EMA II level was equivalent to an intermediate level in advanced countries. A higher skills level was the EMA III level. Some training instructors had already undergone training at EMA III level in Canada. In the longer term, the Administration would consider upgrading EMA II ambulance personnel to EMA III level. This would be one of the areas to be examined by the independent consultant to be appointed to look into the findings of the review.

19. Miss Margaret NG pointed out that there was a pressing need to improve the situation, especially when the situation would worsen in the coming years. She said that the Administration was too slow in addressing the problem of inadequate paramedic ambulance service, which was important to the rescue of lives. The upgrading of equipment in ambulances and the training of ambulance personnel should be expedited. She stressed that it was not necessary to wait for the consultant's report before such upgrading of equipment and training were conducted.

20. CAO responded that when some ambulance personnel were deployed as training instructors and EMA II trainees, other ambulance personnel would be required to work on their rest days on overtime pay to fill their absence if the same level of service was to be maintained. Expediting training would require the deployment of more training instructors and EMA trainees, which might affect daily operations and the service provided. Nevertheless, the consultant would be requested to examine whether training could be expedited. He informed Members that the consultancy study was expected to complete in three months' time. He added that funding request for measures recommended in the consultant's interim report would be submitted as soon as possible.

21. Dr LUI Ming-wah shared the view that should be addressed expeditiously. He said that the fact that the problem had remained unresolved for so many years reflected weaknesses in the management of ambulance service. He considered that there seemed to be no need to appoint a consultant to look into the findings of the review, as it was merely necessary for the Administration to identify the equipment as well as training needs and submit a funding request accordingly.

22. CAO disagreed with the view that there were weaknesses in the management of ambulance service. He explained that requests to upgrade the equipment of ambulances and strengthen paramedic ambulance service had been made since 20 years ago. Such requests had been turned down by the then Medical and Health Department, which considered it more important to ensure the earliest delivery of patients to hospitals. It was not until the Hospital Authority was formed when paramedic ambulance service was given more importance. He further explained that as the management and staff side held different views on a number of issues, it was necessary to appoint a consultant with the relevant expertise to assess objectively the full implications and resource requirements for providing paramedic care on all

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ambulances and develop a detailed implementation plan. He cited as an example that the management supported the granting of a special allowance to EMA II ambulance supervisors, while the staff side considered that EMA II skills should be reflected in the ranking or the salary of the ambulance personnel concerned. The consultant would also be expected to make recommendation on how to recognize the ambulance supervisors performing EMA duties.

23. PAS(S)B said that efforts had been concentrated on addressing more pressing issues in the past. There had been continuous improvement in ambulance service, such as the transfer of non-emergency ambulance service to the Hospital Authority in 1994. The number of ambulances, ambulance stations and staff had been increased in the past few years to cope with the demand for ambulance service, which had increased from about 347 600 emergency calls in 1996 to more than 459 600 emergency calls in 2000. There had also been improvement in the response time of emergency ambulance service.

24. Dr LUI Ming-wah commented that although there had been improvement in ambulance service in the past, such improvement could not meet the needs of the society. He said that the timetable for the EMA II training of ambulance personnel was unacceptable and should be expedited. PAS(S)B responded that the estimated training time of four years was a conservative one. He undertook to consider Members' views.

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25. Mr James TO considered that to complete EMA II training for ambulance personnel within a period of four years was a reasonable timeframe. Referring to paragraph 4.2.6 of the Report, he questioned whether a consultant was in a better position to conduct a study on the human resource requirement for the future development of paramedic ambulance service. He asked whether persons with EMA II qualifications could be recruited from outside the existing ambulancemen establishment. CAO responded that according to his experience, persons with EMA II qualifications could not be recruited from outside. Knowledge and previous experience in ambulance service was required before training in paramedic ambulance service could be provided.

26. Mr CHEUNG Man-kwong said that with a response time of within 12 minutes, it might take a total of 20 to 30 minutes for a patient to arrive at a hospital. The provision of paramedic ambulance service was therefore very important. Such service would be substantially hindered if ambulance personnel were reluctant to undergo paramedic training. The Administration should seek to resolve the differences between the management and staff side as soon as possible. He further said that if funding in the region of hundreds of millions could be sought for the development of a computerized mobilizing system for ambulances, there was no reason why additional funds could not be sought to resolve the difference between the management and staff side. He added that the problem had remained unresolved for more than five years. There might already have been a sufficient number of paramedic ambulance personnel, if the problem had been resolved early. Mr James TO considered that the key issue was not a reluctance of ambulance personnel to undergo paramedic training.

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27. CAO said that although the performance pledge was to respond to 92.5% of emergency calls within the 12-minute response time, about 50% of ambulances arrived at the scene within 7.5 minutes. The issue of response time would be one of the areas to be studied by the consultant. He added that as some trained personnel might fail in the re-certification tests conducted at three year intervals, it was more appropriate to grant special allowance to ambulance personnel performing EMA duties.

28. Miss Margaret NG considered that it was unacceptable for improvement in ambulance service to be delayed by the dispute between the management and the staff side. She said that the Security Bureau should work with all the relevant policy bureaux and government departments for an early solution to the problem. If necessary, the Panel could write to the relevant bureaux to convey its concerns. PAS(S)B said that the Security Bureau / Fire Services Department would proceed to appoint a consultant and seek funding from the Finance Bureau as soon as possible.

29. Miss Margaret NG and Mr CHEUNG Man-kwong considered that the Administration should revert to the Panel on the progress of providing paramedic service on all ambulances in about one month's time. Mr James TO considered that it was more appropriate for the Administration to provide a progress report in three months' time. Mr IP Kwok-him shared the same view. He said that more time should be allowed for the Administration to address the problems and provide a progress report. The Chairman suggested and members agreed that the Administration should provide a progress report regarding the implementation of providing paramedic service on all ambulances in March 2001.

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IV. Progress of the Hong Kong Special Administrative Region (HKSAR) Identity (ID) Card Project

(LC Paper Nos. CB(2) 752/00-01(04) and CB(2) 802/00-01(01))

30. Deputy Secretary for Security 3 (DS for S3) briefed Members on the two papers provided by the Administration. He said that it was the Administration's seventh meeting with the Panel on the HKSAR ID Card Project (the Project). There had also been a motion debate on "Smart Identity Card" at the Legislative Council (LegCo) meeting on 6 December 2000. The Administration had held 19 meetings with District Councils (DCs), participated in two public forums, launched seven exhibitions and attended more than 12 television or radio interviews. More than 110 000 persons had attended the exhibitions or visited the Identity Card web page of the Immigration Department. The Project had received widespread support from different sectors of the community, including DC members, academics, business sector and the public. A number of LegCo Members had also indicated support for a smart identity card at the motion debate on 6 December 2000. He further said that the views of the Administration and the Privacy Commissioner for Personal Data (Privacy Commissioner) were consistent. The Administration had undertaken to implement various data privacy protection measures. The Administration had also explained that legislative amendments would be introduced in parallel with the development of the

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new computer system. It planned to introduce legislative amendments in late 2001. He informed Members that the funding for the Project would be sought in two phases. The Administration intended to submit Phase 1 of the funding proposal for consideration by the Finance Committee on 23 February 2001.

31. DS for S3 informed Members that there were many precedents where funding was sought before the relevant legislative proposal was introduced. The following were some examples -

- (a) funding for the first re-issue of ID cards was approved by the Finance Committee in 1981, while the relevant legislation was enacted in 1983;
- (b) funding for the second re-issue of ID cards was approved in 1986, while the relevant legislation was enacted in 1987; and
- (c) funding for the establishment of the electronic data interchange system was approved in 1993, while the relevant legislation was enacted in 1996.

32. Referring to paragraph 5 of the same paper, Mr CHEUNG Man-kwong questioned whether the procurement of 2.5 million smart cards was a matter covered by existing legal and administrative powers. He said that as the Administration had stated in its paper regarding its initial views on legislative amendments that the Registration of Persons Ordinance (Cap. 177) would have to be amended to cover the "smart element" of an ID card, smart ID cards were obviously beyond the scope of existing legislation. DS for S3 responded that the Department of Justice had advised that the expenditure to be authorized under the funding request in question was confined to matters covered by existing legal and administrative powers. It was not necessary from a legal point of view to have the implementing legislation passed by LegCo prior to seeking/granting funding approval. The legal reason for the requirement to obtain funding approval at this time was not related to the need for new legislative backing. The use of a template for identification purposes would be important for maintaining the security of information stored in the card. Whether and how non-immigration applications would be incorporated had yet to be decided. Additional funding would have to be sought if multiple applications were to be incorporated in the smart ID cards. Assistant Principal Immigration Officer added that the matters as referred to in the paragraph included the signing of contracts with vendors and consultants.

33. LA said that the English version of the Administration's paper might give a clearer view on the issue. He pointed out that the word "legal" rather than "legislation" was used in the English version. The following observations could be noted from the paper -

- (a) under the Public Finance Ordinance (Cap. 2) (PFO), the Administration was required to seek approval from LegCo for all public expenditure chargeable on the general revenue, unless prior approval had been given

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under PFO or by the Finance Committee in accordance with the provisions in section 8 of the Ordinance. It was upon the granting of approval that the legal and administrative powers for implementing the tasks concerned were conferred; and

- (b) from a legal point of view, it was not necessary to have the implementing legislation passed by LegCo prior to the seeking and granting of funding approval. Where the Administration identified a need for funds in discharging its administrative duties, a funding request should be made in accordance with the provisions in PFO.

34. Miss Emily LAU disagreed with the view in the Administration's paper that the funding request would not pre-empt LegCo in examining the implementing legislation. She said that the procurement of 2.5 million smart cards was obviously paving way for the introduction of a smart ID card which supported multiple applications. She considered that it would be a waste of financial resources if it was decided after the purchase of the 2.5 million smart cards that the new ID card should not support multiple applications. She considered that the funding submission would pre-empt LegCo in examining the implementing legislation.

35. Deputy Director of Immigration (Special Assignment) (DD of Imm(SA)) responded that even without the use of a multiple application smart ID card, a smart card with a chip would still be needed for security reasons and for supporting the future automated immigration clearance system. As such, there was no question of a waste of the smart cards to be purchased. He stressed that the incorporation of multiple applications in the new ID card would require the enactment of legislation, which was subject to approval by LegCo.

36. LA said that whether a funding submission would pre-empt LegCo in the scrutiny of a legislative proposal might be examined in the context of whether the policy aspects of the legislative proposal could be meaningfully considered by LegCo where the corresponding decision for providing funding had already been taken by the Finance Committee. He added that besides examining the issue from a purely legal perspective, Members might also wish to examine the issue and the actual effect from other perspectives.

37. Referring to page 95 of the Initial Privacy Impact Assessment Report, Miss Emily LAU pointed out that the consultant had stated that unless the government was prepared to expressly rule out certain other applications and uses, there would be concern in some quarters about the possibility of increased level of monitoring and surveillance. She said that the Privacy Commissioner had stated in his letter dated 28 July 2000 to the Administration that members of his Office's Standing Committee on Technological Development had serious reservations about a "function creep" and strongly urged the Government to open other channels of communication to seek views from the community on the new ID card before concluding its strategy. She expressed concern that the Administration had set out in its paper that a person's driving licence would be incorporated in a smart ID card, when the LegCo Panel on

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Transport had not yet been consulted on the issue.

38. DD of Imm (SA) said that the Administration considered it very important to prevent any possible "function creep". In this connection, it had undertaken to adopt measures such as keeping minimum information in smart ID cards and preventing sharing of data among different government departments. Since July 2000, the Administration had held a number of meetings with the Privacy Commissioner on various privacy issues and undertaken to adopt various measures as set out in its paper for the meeting.

39. Miss Margaret NG said that she did not consider the questions raised by her at the previous meeting fully addressed in the Administration's paper. She pointed out that it could be noted from paragraph 6 of the Administration's paper that the Department of Justice had not indicated that the matters covered in the Administration's funding request were permitted under existing legislation. DS for S3 disagreed and said that the opposite was true.

40. Mr Albert HO said that while the Administration was empowered to do anything not prohibited by the law, LegCo Members had a responsibility to ensure that any funds approved by them would not be wasted. He asked whether funds would be wasted if it was subsequently decided that smart ID cards supporting multiple applications would not be adopted. DS for S3 assured Members that the funds would not be wasted. He said that even where it was decided that a multiple application smart ID card would not be adopted, a smart ID card supporting the Immigration Department's core business would still be needed owing to the requirement for a high level of security and data privacy protection.

41. In response to Mr Albert HO's question about paragraph 2(b) of the Administration's paper entitled "Amendment of legislation for implementing the HKSAR ID Card Project", DS for S3 said that the Administration could not afford to squeeze in an extra time slot ahead of the development of the new computer system for introducing legislative amendments. He said that the extent of legislative amendments could not be clear until the vendors were selected and the future work model determined.

42. Mr James TO said that the Administration gave him the impression that it was impatient with the Panel's discussions on the subject. As there were differences in the views of the Administration and the Privacy Commissioner, the Administration should not state that its views were consistent with those of the Privacy Commissioner. He hoped that the Administration would consider applying for funding approval for items as presently proposed under Phase I of the funding request in several phases having regard to the views of Members. DS for S3 responded that the Administration was not impatient with the Panel's discussions on the subject. However, time was becoming tight if there was to be a new ID card system in 2003. He added that apart from the procurement of a smaller quantity of smart cards where the discount would usually be less, application for funding approval for items covered under Phase I could not be split.

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43. Mr James TO said that the procurement of 2.5 million smart cards should be deferred. Miss Emily LAU added that Finland seemed to have launched a much smaller quantity of 50 000 smart cards in its first stage implementation of an electronic national ID card system. DD of Imm (SA) responded that reputable international vendors might not be willing to supply the smart cards, if the purchase quantity was too small and the data privacy and security requirements were so stringent. DS for S3 added that the smart cards were a part of the new ID card system. It was important for the smart cards to be developed with the new computer system concurrently so as to ensure compatibility.

44. Mr IP Kwok-him expressed support for the Administration's funding proposal. He said that there were a number of projects where funding was sought before the relevant legislative proposal was introduced. There was a general trend towards wider use of smart cards. He added that the Administration should regularly report the progress of the Project to the Panel.

45. Owing to time constraint, members agreed that a special meeting be scheduled for 14 February 2001 at 8:30 am to continue discussion on the subject.

46. The meeting ended at 1:30 pm.

Legislative Council Secretariat

7 March 2001