

**立法會**  
**Legislative Council**

LC Paper No. CB(2) 391/00-01  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE/1

**LegCo Panel on Security**

**Minutes of special meeting  
held on Tuesday, 24 October 2000 at 2:30 pm  
in the Chamber of the Legislative Council Building**

**Members present** : Hon LAU Kong-wah (Chairman)  
Hon James TO Kun-sun (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon CHEUNG Man-kwong  
Hon Andrew WONG Wang-fat, JP  
Hon Howard YOUNG, JP  
Hon Ambrose LAU Hon-chuen, JP  
Hon IP Kwok-him, JP

**Members attending** : Hon Eric LI Ka-cheung, JP  
Hon CHAN Yuen-han  
Hon SIN Chung-kai  
Hon Emily LAU Wai-hing, JP  
Hon Henry WU King-cheong, BBS

**Members absent** : Dr Hon LUI Ming-wah, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, JP  
Hon WONG Sing-chi

**Public Officers attending** : Item II  
Mr Timothy TONG, JP  
Deputy Secretary for Security 3

Mr Alan CHU  
Principal Assistant Secretary for Security

Mr Alan SIU  
Deputy Secretary for Information Technology and Broadcasting

Mr Alex MA  
Assistant Director (Departmental Services)  
Information Technology Services Department

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

Ms Helen CHAN  
Assistant Principal Immigration Officer  
Immigration Department

Item III

Mr Timothy TONG, JP  
Deputy Secretary for Security 3

Ms Linda SO  
Principal Assistant Secretary for Security

Mr Raymond LAU  
Assistant Secretary for Security

Mr P T CHOY, JP  
Deputy Director of Immigration (Administration and Operation)  
Immigration Department

Mr M K TANG  
Senior Principal Immigration Officer  
Immigration Department

Mr William LEE  
Chief Superintendent  
Hong Kong Police Force

Mr YU Mun-wah  
Superintendent  
Hong Kong Police Force

Item IV

Mr Timothy TONG, JP  
Deputy Secretary for Security 3

Ms Linda SO  
Principal Assistant Secretary for Security

Mr Raymond LAU  
Assistant Secretary for Security

Mr T K LAI  
Assistant Director of Immigration  
Immigration Department

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

**Staff in attendance** : Mr Raymond LAM  
Senior Assistant Secretary (2)5

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**I. Matters arising**

The Chairman informed members about the progress in respect of the discussion items proposed by members at the meeting on 10 October 2000 as follows -

(a) The case of LIN Qiaoying

The Administration advised that as some officers of the Immigration Department (ImmD) involved in the case of LIN Qiaoying had been prosecuted, it was inappropriate to discuss the case at this stage. The Administration proposed to brief members on the improvement measures for handling cases where possession of forged travel documents were suspected in a close-door session.

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(b) The "26 June incident"

The Administration advised that as the Department of Justice was still examining whether prosecutions should be instituted against the persons concerned, it was not in a position to provide the report on the incident at this stage.

(c) The riot at the Hei Ling Chau Addiction Treatment Centre on 4 June 2000

The Administration proposed to brief members on the improvement measures adopted after the riot at the Panel meeting on 2 November 2000.

(d) The case of SU Zhi-yi

The Administration advised that the Police's investigation into the case was not yet completed.

(e) Genetic test arrangements for verification of parentage of persons claiming right of abode in the Hong Kong Special Administrative Region (HKSAR)

The Immigration (Amendment) Bill 2000, which empowered the Director of Immigration to require genetic tests to be conducted to establish claimed parentage in applications for Certificates of Entitlement, was introduced into the Legislative Council (LegCo) on 18 October 2000. A Bills Committee had been formed on 20 October 2000 to study the Bill.

2. Members agreed that the following two items be discussed at the meeting on 2 November 2000 -

- (a) Management improvement measures for the Hei Ling Chau Addiction Treatment Centre; and
- (b) Improvement measures on procedures for handling suspected cases of forged travel documents.

3. Members also agreed that the meeting on 2 November 2000 be extended and that discussion of the item as referred to in paragraph 2(b) above be conducted in-camera.

4. Members also agreed to discuss the review of the Public Order Ordinance at the Panel meeting in December 2000.

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Visit to Independent Commission Against Corruption (ICAC)

5. The Chairman informed members that ICAC had extended any invitation to the Panel to visit the ICAC on a Saturday in November 2000. Members agreed that the visit to ICAC be deferred until the next legislative session.

**II. Progress report on the HKSAR Identity Card Project**  
(LegCo Brief Ref. SBCR 1/1486/81)

6. Members noted the Administration's supplementary note on the progress of the HKSAR Identity Card Project and a leaflet on the proposed HKSAR identity card (ID card) tabled at the meeting.

*(Post-meeting note : The supplementary note and the leaflet tabled were issued to absent members vide LC Paper No. CB(2) 121/00-01 on 25 October 2000.)*

7. At the invitation of the Chairman, Deputy Secretary for Security 3 (DS for S3) briefed members on the progress of the HKSAR Identity Card Project. He stressed that the proposed smart ID card would help strengthen the information technology (IT) infrastructure in Hong Kong. If the proposed use of a smart ID card was not adopted, it would be necessary to wait for ten years or more for the next opportunity to introduce a smart ID card. He informed Members that the Administration would submit a proposal to the Establishment Subcommittee for the retention of the present supernumerary Deputy Director of Immigration post for a further period of six months. The Administration would brief members on further details of the proposed retention of the post at the Panel meeting on 2 November 2000, if members so wished.

8. Members noted the Administration's presentation on the security and privacy aspects of the proposed smart ID card.

9. Mr CHEUNG Man-kwong said that at the meeting of the LegCo Panel on Security on 1 June 2000, members had requested the Administration to brief the Panel again before deciding the way forward in respect of the ID Card Project. The Panel had also requested the Administration to provide members with the feasibility study report on the new ID card and its new computer supporting system. He further said that the Administration had already formulated its proposal and sought approval from the Executive Council. He asked whether the Administration would provide members with the full consultancy report and allow more time for public consultation.

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10. DS for S3 said that the Administration had started launching a consultation exercise following the announcement of the proposed ID card at the briefing by S for S at the Panel meeting on 19 October 2000. While the Administration appreciated the need to allow sufficient time for public consultation, the existing Registration of Persons system would reach the end of its life expectancy by 2002 and had to be replaced by that time. Deputy Director of Immigration (Special Assignment) (DD of Imm(SA)) added that the current proposals had already incorporated, where appropriate, members' suggestions at previous meetings of the Panel. He said that the key recommendations of the feasibility study report had been reported to members in writing on 1 June, followed by a power-point presentation. However, there might be difficulties in providing the full feasibility study report to the Panel, as some parts of the report contained sensitive information, such as the operations of the ImmD or cost estimates which might affect the future tendering exercise. He considered it more appropriate to provide the main points of the report to members. Mr James TO suggested that the full feasibility study report could be provided to members, such as in confidential cover or with confidential information covered up. DD of Imm (SA) agreed to consider the suggestion.

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11. Miss Emily LAU said that the Frontier had reservations about the proposed introduction of a smart ID card. She expressed disappointment that the views of the Privacy Commissioner for Personal Data (Privacy Commissioner) had not been set out in the LegCo Brief. Referring to paragraph 9 of the LegCo Brief, she questioned why the privacy aspects were not among the issues considered by the Steering Committee on Multi-application smart ID card (the Steering Committee). She said that as only two countries had adopted a multi-application smart ID card, the desirability of adopting such a kind of card was questionable. She recalled that a plan to introduce an identity card in Australia had been delayed for many years.

12. DD of Imm (SA) said that only essential immigration-related data would be stored in the proposed smart ID card. More sensitive data would be kept at the back-end computer system. Thumbprints would be stored in the smart card in the form of a set of digits which could not be used to reconstruct the original thumbprints. The data in each smart ID card would be separately encrypted to prevent unauthorized access. Success in breaking into the security system of a smart card, which was very difficult and unlikely, would not mean that there would be success in breaking through the security system of other smart cards. The Administration would lay down the requirement that the new ID card system should be upgradable, so that it could make use of the latest technology available.

13. Deputy Secretary for Information Technology and Broadcasting (DS for ITB) said that the Steering Committee had considered the general concerns about protection of data privacy when examining the level of community

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acceptance of potential applications and their technical feasibility. He added that smart ID cards were used in a few countries only since ID cards were not used in many countries. In countries such as the United States (US), the differences in the systems of different States had made it difficult to introduce a smart card on comprehensive basis. Miss Emily LAU requested the Administration to provide information on the number of countries where ID cards were issued.

14. Mr CHEUNG Man-kwong said that the Administration should clarify whether it needed a new ID card or a smart card. If it needed a new ID card, the storing of information such as photograph and thumbprints in the card would already be adequate. He considered that major information should be stored in the back-end computer system. He disagreed with the storage of too much information, such as credit card information, in a smart ID card. He questioned why the Administration wished to introduce a smart ID card in which much information was stored when many other places did not even issue an ID card.

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15. DS for S3 said that there were three options for the new ID card. These included a non-smart ID card, a smart ID card capable of supporting ImmD's core business only, and a smart ID card which supported multiple applications. A feature of smart ID card was the adoption of thumbprint identification technology to verify the identity of the cardholder which would facilitate immigration clearance. In anti-illegal immigration operations, law enforcement officers in the field could use a card-reading device to confirm instantly if a person's permission to stay was valid without holding him for further checks. The use of a smart ID card would facilitate long term IT development in Hong Kong. He undertook to provide detailed information about Privacy Commissioner's views and further information about the experience of other places in the use of smart ID cards. Mr SIN Chung-kai said that the Administration should also provide information on the experience of Malaysia, Finland and Taiwan in the use of smart ID cards.

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16. Mr SIN Chung-kai said that the Administration should provide a paper on the legislative amendments which would be introduced for the adoption of the proposed smart ID card. He considered that the smart ID card should not contain more immigration-related information than the existing ID card. He said that a smart ID card might be more acceptable if consent had to be sought from a cardholder for storing of non-immigration related information in the card. Any addition of a new type of information in the smart ID card should be made by subsidiary legislation subject to the scrutiny of LegCo.

17. DS for S3 said that, with the exception of a driving licence, a cardholder would have the choice of whether to include non-immigration related applications on the card. He added that wide consultation would be conducted in respect of whether the new ID card should be capable of non-immigration

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related applications. DD of Imm (SA) said that data to be printed on a smart ID card would be no more than that on the existing ID card. DS for ITB added that amendments would have to be made to the Registration of Persons Ordinance (Cap. 177) and the Road Traffic Ordinance (Cap. 374) if the ID card would also serve as driving licence.

18. Mr Albert HO expressed concern that if too much information was stored in a smart ID card, it might be used for social control. He said that it would be unwise to store all sorts of information in one single card. In the event of a card loss, it would be complicated for different government departments to store their respective information in the replacement card. He said that if a card-reading device indicated that a person had overstayed and the person had to be immediately repatriated, there would be no opportunity for appeal or challenge against the accuracy of the card-reading device. He asked about the additional cost for a smart ID card in comparison with a non-smart ID card. He also asked about the additional cost incurred for the replacement of a smart ID card in comparison with a non-smart ID card.

19. DS for S3 said that information would not be stored in the proposed smart ID card unless it was strictly necessary. There would not be any sharing of database by government departments. Card-holders would also be able to know about the data stored in their smart ID cards. They would have the choice of whether to have the non-immigration related applications available on their cards. He informed Members that the cost for the new ID cards would be subject to vetting by the Finance Bureau. He said that 80% of the cost of a smart ID card were basic costs required regardless of the type of card used. 10% of the cost belonged to the additional cost for the use of a smart ID card with immigration-related information. Another 10% of the cost belonged to the cost for a multi-function smart card. He further said that the issue of a replacement card would not be complicated. A one-stop replacement service would be provided. He added that the current cost for the replacement of an existing ID card was already \$395, but no fee would be levied for cards issued under the region-wide ID card replacement exercise.

20. Referring to the card design proposals in Annex B of the LegCo Brief, Mr Howard YOUNG asked whether the name of the cardholder would be printed on a new smart ID card. He also asked whether a cardholder would still be issued a separate driving licence after a multi-purpose smart ID card was issued. He said that a recognizable driving licence would be particularly useful for car rental in other countries. There was also a trend in other countries, such as US and the United Kingdom, to use a driving licence as an ID card. DS for S3 assured Members that the name of the cardholder and other essential data would be printed on a smart ID card.

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21. DS for ITB said that the Administration intended that the smart ID card could be used as a driving licence. As regards the need for a separate driving licence for purposes such as car rental in other countries, the Transport Department was studying the issue. Possible solutions included issuing a certificate confirming the person's eligibility to drive or incorporating a remark on the smart ID card that it also served as a driving licence.

22. Mr Henry WU asked about the size of a card-reading device. As such a device might eventually be available in the market, he suggested that unauthorized possession of such a reading device should be made an offence. DS for S3 agreed to consider the suggestion of Mr WU. DD of Imm (SA) said that the reading device would be kept in Police vehicles or Police stations or carried by immigration officers in anti-immigration operations. The Administration would appoint an expert to examine the security aspects of smart ID cards.

23. Mr Andrew WONG asked about the security between different segments of data stored inside the chip of a smart ID card. He also asked whether a person could use a reading device to access the back-end computer system. DS for S3 said that the data for different purposes were completely separated from each other using sophisticated security techniques. Procedures would also be refined to ensure compliance with the Personal Data (Privacy) Ordinance (Cap. 486). Assistant Principal Immigration Officer said that technology had developed to a stage where a smart ID card could authenticate the card-reading device with which it interacted. Even an original reading-device produced by the manufacturer could not be used to read the information on each segment of a chip. She pointed out that access to data would be restricted to authorized persons only. Access to different segments of the chip would be restricted to the individual department concerned, and access to back-end computer system would also be restricted to authorized departments and persons only.

24. Mr Andrew WONG asked why the proposed use of the smart ID card in an automatic voter registration system was not mentioned in the LegCo Brief. DS for ITB said that discussions had been held with the relevant government departments. As the ID card replacement exercise would begin in 2003 and complete in 2007, not every citizen would possess smart ID card in the next voter registration exercise. Nevertheless, the application would be examined in the future development of the smart ID card.

25. On the question of whether the Administration's proposal to retain the present supernumerary DD of Imm post for a further period of six months should be discussed at the next meeting on 2 November 2000, Mr IP Kwok-him said that further consultation with the Panel on the proposal might not be necessary, as there had already been sufficient discussion to facilitate Members' decision of whether to support the proposal. Mr James TO suggested that a

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meeting should be held to receive views on the proposed ID card. He also suggested that smart card associations and academics in the relevant field be invited to give views. Miss Emily LAU supported the suggestion. She said that an invitation for submission should be placed in the LegCo homepage. She suggested that the Privacy Commissioner should be invited to attend the meeting to present his views, especially about the privacy aspects. She would consider the Administration's proposal of retaining the present supernumerary DD of Imm post only after the meeting was held. Mr CHEUNG Man-kwong and Mr SIN Chung-kai shared the same view.

26. Members agreed that a special meeting be held on 11 November 2000 at 10:00 am to receive public views on the proposed ID card.

**III. Report on the incident of YU Man-hon**

(LC Paper Nos. CB(2) 64/00-01(01), CB(2) 84/00-01(01) and CB(2)86/00-01(01))

27. Members noted a letter from Society for Community Organization, a further letter from YU Man-hon's mother and a submission from the Hong Kong Joint Council of Parents of the Mentally Handicapped tabled at the meeting. The Chairman informed Members that after receiving the request of YU Man-hon's mother for attending the meeting, he had discussed the request with the Deputy Chairman and the Clerk to the Panel. It was noted that the Panel was involved in the discussion of policy matters and there had not been a precedent where a victim of the case concerned was invited to attend a Panel meeting. Mrs YU was therefore suggested to approach the Complaints Division of LegCo. He was aware that Mrs YU had lodged a complaint with the Complaints Division.

*(Post-meeting note : The papers tabled were issued to absent members vide LC Paper No. CB(2) 121/00-01 on 25 October 2000.)*

28. DS for S3 conveyed S for S's regards to Mrs YU and her families. He briefed Members on the latest progress of the case of YU Man-hon and highlighted the following -

- (a) The Administration was very concerned about the case of YU Man-hon. It had directed ImmD and the Police to conduct thorough investigations into the incident and introduce improvement measures in the light of experience gained from the incident. ImmD had set up a joint study group with the Equal Opportunities Commission to review ImmD's training programmes and internal guidelines for dealing with persons with mental disabilities;

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- (b) Continued efforts had been made to locate YU Man-hon. In the preceding Saturday, a boy suspected to be YU Man-hon was found in Shanwei but subsequently confirmed to be not YU Man-hon; and
- (c) Under the principle of One Country Two Systems, it was not within the purview of the Administration to send officers to the Mainland to search for the missing boy. Searching work was therefore carried out by relevant Mainland authorities.

29. Deputy Director of Immigration (Administration and Operation) (DD of Imm (AO)) conveyed the sincere apologies of ImmD to Mrs YU and her families. He said that D of Imm, who was currently on official visit to Guangdong and Fujian, would raise the matter with the Deputy Director-General of the Bureau of Exit Entry Administration of the Ministry of Public Security and the Director-General of Guangdong Provincial Public Security Bureau. He assured Members that the search for YU Man-hon would continue.

30. As regards the progress of searching work for YU Man-hon, Senior Principal Immigration Officer (SPIO) said that according to information provided by Mainland authorities, a series of search operations involving some 23 000 staffers had been launched. About 12 600 staffers had been deployed for search operations in Dongguan, Zhuhai and Foshan. About 11 900 posters had been put up at various locations in Guangdong. The Shenzhen Public Security Bureau had held a number of meetings and issued a number of directives on the search for the missing boy. The search for YU Man-hon had been extended from Shenzhen in the early stage to other cities and areas in Guangdong. The Mainland side had reaffirmed their continued effort to search for YU Man-hon.

31. Mr CHEUNG Man-kwong said that the search for the missing boy was more important than the identification of responsibilities for the incident and the introduction of improvement measures. He informed Members that YU Man-hon's mother was requesting the Administration to -

- (a) request the relevant Mainland authorities to appeal for locating the missing boy in the population census to be conducted in the Mainland from 1 to 10 November 2000;
- (b) place continued "missing person" advertisements in Mainland newspapers; and
- (c) persuade the Mainland authorities to allow voluntary organizations to assist the parents of YU Man-hon in locating

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their son in the Mainland.

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32. DS for S3 agreed to convey to the relevant Mainland authorities Mrs YU's requests to appeal for locating her son in the Mainland population census. DD of Imm(AO) added that to his knowledge, population census in the Mainland was under the purview of the Public Security Bureau, Civil Affairs Bureau and some other departments. He undertook to discuss the request with the Mainland authorities.

33. DS for S3 said that there had been wide coverage on the search for the missing boy in the media, including newspapers, television and radio channels. The Administration would continue to use the most effective means to disseminate the news. Regarding the placing of "missing person" advertisements in Mainland newspapers, SPIO said that discussions with relevant government departments revealed that there was currently no mechanism for seeking public money to finance such advertisements. Advertisements placed in the Yangcheng Evening News had been funded by voluntary organizations such as the Po Leung Kuk and individual donors. The Immigration Service Officers' Association (ISOA) was currently seeking donations to finance a further eight days' advertisements in the Yangcheng Evening News. Mr CHEUNG Man-kwong said that the Administration should be responsible for financing the advertisements. He said that although there was no mechanism for seeking public money for fireworks in major festivals, sponsors had always been secured for the fireworks. The Chairman said that as some public officers involved in the incident were default of their duties, the Administration should be responsible for providing financial assistance to meet the advertising expenses.

34. DD of Imm(AO) said that the decision on whether to allow voluntary organizations to assist the parents of YU Man-hon in locating their son in the Mainland rested with the respective public security authorities concerned. He envisaged that the Mainland Public Security authorities would not prohibit the search by voluntary organizations if they abided by the laws in the Mainland.

35. Miss Emily LAU expressed disappointment that the parents of YU Man-hon did not have the opportunity to attend the meeting. She said that as some public officers involved in the incident were default of their duties, the Administration should be responsible for financing the advertisements. She was told that the Administration had not arranged meetings to regularly brief the parents of YU Man-hon on the progress of work in locating YU Man-hon.

36. DS for S3 said that the Chief Executive and Acting Secretary for Security had met Mrs and Mr YU respectively in September 2000. Members of the special task force of ImmD had made regular visits to and maintained daily telephone contacts with the parents of YU Man-hon. The Security

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Bureau had also arranged a meeting with Mrs YU on 27 October 2000.

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37. DS for S3 stressed that no pressure had been exerted on ISOA for seeking donation to support the advertising expenses. Although there was no precedent or established practice for using public money to provide financial assistance for settling the advertising expenses, financial assistance were being sought through other channels. Miss Emily LAU suggested that special approval be sought from the Executive Council for providing financial assistance to meet advertising expenses. DS for S3 agreed to consider the suggestion.

38. In response to Mr James TO's question about the improvement to existing procedures on the searching of missing persons, Chief Superintendent of Police said that the Police had, from mid-September 2000 onwards, designated the Headquarters Command and Control Centre (HQCCC) as the focal point of contact for enquiries about missing persons from other government departments. Upon receipt of such enquiries, the duty officer at HQCCC would contact the appropriate Regional Command and Control Centre (RCCC). The Police had also issued a reminder to all RCCCs and all duty officers in Police stations on the importance of real time monitoring and dissemination of information relating to missing persons. The Police had also reviewed the procedures and facilities of Regional Missing Persons Units (RMPUs). It had developed standard operating procedures for RMPUs in the dissemination of information about missing persons.

39. Mr Howard YOUNG agreed that the most important task was the search for YU Man-hon. He said that requesting the relevant Mainland authorities to appeal for locating the missing boy in the population census of November 2000 might not be very useful, if the missing boy was still on the streets. He considered that ISOA should not be asked to seek donations to meet the advertising expenses. The Administration should be responsible for providing financial assistance in placing "missing person" advertisements. He believed that LegCo would support any financial proposal for such a purpose. He considered that broadcasting the "missing person" message through television channels might be more effective than newspapers.

40. Miss CHAN Yuen-han shared the view that the most important task was to locate YU Man-hon. She considered that coverage in the electronic media was the most effective means to appeal for locating the missing boy. She said that the Security Bureau or the Office of the Government of the Hong Kong Special Administrative Region in Beijing should seek to disseminate the message through the China Central Television.

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41. DS for S3 undertook to continue to use the most effective means to disseminate messages appealing for the search of YU Man-hon.

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42. The Chairman requested the Administration to provide written response to the requests of Members within the same week.

*(Post-meeting note : The Administration's responses to issues raised by Members were issued vide LC Paper Nos. CB(2) 141/00-01 and CB(2) 179/00-01 on 30 October 2000 and 2 November 2000 respectively.)*

**IV. Establishment of a reciprocal notification mechanism between the Mainland Public Security Authorities and the Hong Kong Police**  
(LC Paper No. CB(2)86/00-01(02))

43. At the invitation of the Chairman, DS for S3 briefed Members on the establishment of a reciprocal notification mechanism between the Police and the Mainland Public Security authorities. He informed Members that operation of the notification mechanism would commence on 1 January 2001. He added that there was already a well-established mechanism for the provision of assistance to Hong Kong residents detained in the Mainland.

44. Mr Howard YOUNG expressed support for the establishment of a reciprocal notification mechanism. He said that in the Mainland, the families of detainees who were Chinese nationals were not allowed to visit detainees. However, foreign nationals detained in the Mainland were not subject to such a restriction. As investors from Hong Kong were treated the same as foreign investors in the Mainland, he asked whether families of Hong Kong residents detained in the Mainland could also be allowed to visit detainees.

45. DS for S3 said that Hong Kong residents were treated the same as Chinese nationals in the Mainland. Under the Mainland laws, families of detainees had no right to visit the detainees. However, communication with, visits to and the supply of medication by family members to the detainee could be allowed if consent was given by the relevant Public Security authorities. To his knowledge, ImmD had referred a number of requests from the families of detainees for visits to the relevant Mainland authorities. Visits had been allowed in some cases. He added that detainees in the Mainland had the right to meet their lawyers. Assistant Director of Immigration (AD of Imm) said that under the Mainland laws, representatives of foreign embassies were allowed to visit detainees who were nationals of their own countries. As HKSAR was a part of China, residents of Hong Kong were treated the same as Mainland residents under the Mainland laws. Such visits were therefore not allowed.

46. Mr CHEUNG Man-kwong said that there had been many cases where Hong Kong residents were unlawfully detained by Mainland authorities and their families in Hong Kong were required to pay a certain sum of money before the detained persons could be released. He said that he was told that in some

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of the cases, even lodging complaints with the central authorities in the Mainland could not yield any result. He considered that the proposed arrangements should cover the establishment of a complaint channel in addition to notification.

47. DS for S3 said that there were established channels for lodging complaints against Mainland authorities. The notification mechanism would be reviewed regularly through discussion and agreement by both parties. The Administration attached great importance to each and every request for assistance from Hong Kong residents detained in the Mainland or from their families. AD of Imm said that the families of detainees could lodge complaints against the relevant Mainland authorities for unlawful detention. The names and telephone numbers of the Mainland authorities to which such complaints should be lodged were contained in a booklet produced jointly by HKSAR Government and the Supreme People's Procuratorate in the Mainland. Besides directly lodging complaints to these authorities, families of detainees could forward their complaints to ImmD. Upon the receipt of such a complaint, ImmD would refer it to the relevant Mainland authorities responsible for handling such complaints. Where there was no reply from the latter, the Beijing Office would continue to follow up the matter until a reply was received. There were currently 48 outstanding cases of Hong Kong residents being detained in the Mainland. Among these, 19 replies had been received from relevant Mainland authorities. Replies were still awaited in respect of 29 cases and the Beijing Office was following up these cases.

48. The meeting ended at 5:05 pm.

Legislative Council Secretariat

21 November 2000