

立法會
Legislative Council

LC Paper No. CB(2) 2263/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Tuesday, 9 April 2002 at 8:30 am
in the Chamber of the Legislative Council Building

Members present : Hon James TO Kun-sun (Chairman)
Hon LAU Kong-wah (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members attending : Hon SIN Chung-kai
Hon Emily LAU Wai-hing, JP

Members absent : Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan

Public Officers attending : Item III

Mr Michael WONG
Deputy Secretary for Security 3

Mr Alan K M CHU
Principal Assistant Secretary for Security D

Miss May CHAN
Assistant Secretary for Security D1

Mr T P WONG
Deputy Director of Immigration

Mr Raymond W M WONG
Assistant Director of Immigration

Mr Albert LAI
Chief Systems Manager
Immigration Department

Mr TSOI Hon-kuen
Principal Immigration Officer

Mr Alex MA
Assistant Director
Information Technology Services Department

Item IV

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr Rick CHAN
Assistant Secretary for Security E3

Mr TANG King-shing
Director of Operations
Hong Kong Police Force

Mr WONG Pak-nin
District Commander, Central
Hong Kong Police Force

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

Staff in : Mr Watson CHAN
attendance Head, Research & Library Services

Mr Jackie WU
Research Officer 1

Mr Raymond LAM
Senior Assistant Secretary (2)5

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I. Confirmation of minutes of special meeting held on 5 February 2002 and matters arising
(LC Paper Nos. CB(2) 1478/01-02 and CB(2) 1481/01-02(01))

The minutes of the special meeting held on 5 February 2002 were confirmed.

List of follow-up actions required of the Administration

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

II. Date of next meeting and items for discussion
(LC Paper No. CB(2) 1481/01-02(02))

3. Members agreed to discuss the following items at the next regular meeting to be held on 2 May 2002 at 2:30 pm -

- (a) Public Consultation : Independent Police Complaints Council Bill;
- (b) Policy on the Frontier Closed Area; and
- (c) Further Development on Paramedic Ambulance Service.

4. As regards an item on "Immigration Service Training School and Perowne Immigration Centre at Castle Peak Road, Tuen Mun - Stage 2" proposed by the Administration, members agreed that the Administration be requested to provide an information paper on the item before deciding whether it should be discussed at the meeting on 2 May 2002.

III. Hong Kong Special Administrative Region Identity Card Project : Progress Report
(LC Paper Nos. CB(2) 1481/01-02 (03) and (04))

5. At the invitation of the Chairman, Deputy Secretary for Security 3 (DS for S3) and Deputy Director of Immigration (DD of Imm) briefed Members on the progress of the Hong Kong Special Administrative Region Identity (ID) Card Project (the Project), as detailed in the paper provided by the Administration. They informed Members that the Administration intended to submit the funding request in respect of Phase 2 of the

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Project to the Finance Committee on 26 April 2002.

6. Mr Howard YOUNG considered that members of the public should be allowed to make appointments through the Internet for the replacement of their ID cards and the method of appointment should be consistent with those of other government departments. He suggested that the New ID Card Issuing Offices (NICIOs) should be opened until late evening hours for the convenience of the general public. He asked whether the proposed four-year period for the replacement of ID cards was in line with the time required for the previous ID card replacement exercise in 1987.

7. DD of Imm responded that appointments for replacement of ID cards at the NICIOs could be reserved by telephone or via the Internet. To facilitate the working public, the NICIOs would be opened until late evening hours. As regards the duration of the ID card replacement exercise, those took place in 1983 and 1987, which involved about four million cards on both occasions, had taken 3.9 years and 4.25 years to complete respectively. The replacement of about six million ID cards within a period of four years would tie in with the timetable for the introduction of automated immigration clearance systems. It reflected that more ID cards would be replaced per day in comparison with the ID card replacement exercises in 1983 and 1987.

8. Mr Howard YOUNG asked about the latest position in respect of the inclusion of non-immigration related applications in the smart ID card. He also asked whether a cardholder would have the choice of whether to include non-immigration related applications in his or her ID card.

9. DD of Imm responded that the inclusion of non-immigration related applications in ID cards would be entirely voluntary. He informed Members that -

- (a) A digital certificate (e-Cert) would be embedded free of charge onto the smart ID card, if a cardholder so wished, in the ID card replacement exercise;
- (b) From 2005-06 onwards, the public would no longer be required to carry a driving licence for traffic enforcement purpose. Driving licence data would be stored at backend computer systems and could be accessed by inputting the ID card numbers. However, cardholders would have the option of having a physical driving licence, if they so wished, for employment purpose or driving abroad;
- (c) At the choice of the cardholders, their smart ID cards could be used as library cards;
- (d) Cardholders with an e-Cert embedded onto their smart ID cards would be able to notify government departments of any change of address by electronic means; and

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- (e) Capacity would be reserved in the chip of a smart ID card for the possible future incorporation of financial applications such as e-purse.

10. Ms Emily LAU asked about the respective quantity and cost of blank smart ID cards procured under Phases 1 and 2 of the Project. She also asked about the amount of savings achieved in Phase 1 of the Project and whether such savings would be carried forward to Phase 2.

11. DD of Imm responded that the procurement of blank smart ID cards was divided into two phases in response to Members' suggestions at previous meetings. 1.2 million blank smart ID cards had been procured under Phase 1 of the Project. Another 5.9 million blank smart ID cards would be procured under Phase 2 of the Project. The blank smart ID cards purchased under Phase 2 of the Project would cater for the consumption in the ID card replacement exercise from July 2003 to June 2007 and the normal issue of new identity cards by the Registration of Persons Offices between May and December 2003. DS for S3 added that in view of the low tender price for the blank smart cards procured under Phase 1 of the Project, the estimated cost for the procurement of customised blank smart cards under Phase 2 had been reduced accordingly. The Security Bureau was liaising with the Treasury regarding the treatment of the savings.

12. Ms Emily LAU asked whether Members would soon be informed of the results of the second Privacy Impact Assessment (PIA) study referred to in paragraph 7 of the Administration's paper. DD of Imm responded that although the second PIA study was expected to be concluded at end April 2002, some time would be needed for the Administration to study the draft report to see if it was comprehensive and practical. He undertook to brief Members on the results of the study within the current legislative session.

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13. Referring to the main tender for the supply of 1.2 million blank smart cards and its new supporting computer system recently awarded to a consortium led by PCCW Business e-Solutions Limited (PCCW), Ms Emily LAU expressed concern that some people had said that the price of blank smart ID cards procured in Phase 1 of the Project was exceptionally low. She asked whether the tender price of \$162,689,356 for the main tender awarded to PCCW included maintenance fee. She also asked whether the Administration had given consideration to future maintenance cost to ensure that benefits from the lower tender price would not be associated by a high maintenance cost in subsequent years.

14. DD of Imm responded that the contract had set out free maintenance for the first year and an annual maintenance cost of about \$20 million for the following nine years. This maintenance cost was the lowest among the four qualified tenderers. Assistant Director of Immigration (AD of Imm) added that the successful tenderer was required in the contract to provide training on maintenance of the system for the staff of the Immigration Department (ImmD).

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15. At the request of Ms Emily LAU, DS for S3 agreed to provide information about the recurrent costs related to the Project. The Chairman requested the Administration to also provide a response on whether it would be very difficult to identify another maintenance contractor for the systems supplied by PCCW, if the maintenance contract with PCCW was terminated.

16. DD of Imm informed Members that while the tender proposal submitted by PCCW was not the lowest in price among the 11 tender proposals received, it had a lowest price among the four tender proposals which met all mandatory requirements and required technical standards. In the tender evaluation process, the tender proposals were examined in detail to ensure that the necessary information had been provided and all the mandatory requirements had been met. The technical competence of the tenderers and the effectiveness of the proposed solutions were then prudently examined. Tenderers were required to conduct demonstrations and benchmark tests to prove their ability in meeting the specified requirements. To his knowledge, PCCW had submitted a lower tender price in the hope of securing the contract and using the experience as a reference in bidding for other international contracts.

17. DD of Imm informed Members that there were sufficient safeguards to ensure that contractual obligations were fully discharged by PCCW, including -

- (a) Requiring payment of damages to the Government for any loss or damages sustained by the Government resulting from any delay or termination of the contract;
- (b) Drawing up an implementation plan for the tasks to be achieved at different stages of the Project;
- (c) Dividing the contract into stages and making payment only upon successful completion of each stage; and
- (d) Closely monitoring the progress of works through a vigilant quality assurance and review programme.

18. DD of Imm said that PCCW was aware that it would not be entitled to any additional payment or excused from any liability under the contract as a consequence of any misinterpretation on the part of PCCW. It had undertaken to deploy additional resources, if necessary, at no additional cost to the Government to ensure compliance with the implementation plan.

19. Miss Margaret NG stressed that she was opposed to the introduction of smart ID cards, as the matching of records would become very easy with the storage of records in electronic form. She asked whether the Administration could provide a cardholder with a copy of his or her own personal data kept by the Administration.

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She also asked whether the Administration would consider establishing an independent body to manage the personal data collected.

20. DD of Imm responded that immigration information about a person was provided on request by ImmD upon the request of that person and upon payment of the necessary fee. He informed Members that records related to registration of persons (ROP) were currently stored in microfilms, the retrieval of which would take some time. With the conversion of microfilmed records into electronic images, the retrieval of old records, which was required in the ID card replacement exercise, would be much expedited and the processing time of ID card applications could then be shortened. He assured Members that there would be stringent control on access to such information. The approval of the Chief Secretary for Administration was required for the provision of ROP data to other government departments.

21. Miss Margaret NG asked whether a member of the public could have a checklist of all his personal data kept by government departments. The Chairman asked whether there was any sharing of information among different government departments.

22. DS for S3 responded that ImmD only maintained personal data related to immigration matters and ROP. There was no sharing of information among different government departments and therefore no checklist of all personal data related to a person. DD of Imm added that requests from members of the public for the ROP-related personal data were handled in accordance with the ROP Ordinance (Cap. 177), while requests for immigration-related information were handled in accordance with the relevant ordinances.

23. The Chairman stated that the Privacy Commissioner for Personal Data (the Privacy Commissioner) had expressed concern that under exemption provisions in the Personal Data (Privacy) Ordinance (Cap. 486) (PD(P)O), the Police could request ImmD to provide ROP information for the investigation of crimes. DS for S3 responded that even where the Police requested ImmD to provide ROP information for the investigation of crimes, sufficient grounds would be required in the request. The Chairman said that privacy-related issues might be further discussed when the results of the second PIA study were available.

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24. Miss Margaret NG requested the Administration to provide a written response on how and where a member of the public could obtain all his personal information kept by government departments under the purview of the Security Bureau.

25. Mrs Selina CHOW asked whether the Administration would draw up performance pledges for its appointment system for ID card replacement.

26. DD of Imm said that performance pledges for the appointment system would have to be drawn up some time after the ID card replacement exercise had commenced

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because some practical experience was needed before drawing up a realistic and achievable performance pledge.

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27. Mrs Selina CHOW said that setting a performance pledge for the appointment system would attract more people to use the system and hence facilitate a smooth card replacement exercise. She considered that a performance pledge should be drawn up before the commencement of the ID card replacement exercise. DS for S3 agreed to consider the suggestion.

28. Mrs Selina CHOW expressed concern about whether the low tender price submitted by PCCW reflected a compromise in the quality of the systems to be supplied. She asked whether the low tender price would be accompanied by substantially higher prices for subsequent contracts.

29. DD of Imm responded that the prices of a blank smart card as quoted by the four shortlisted tenderers were all around \$40. He said that according to the demonstrations and benchmark tests conducted by the successful tenderer and the results of the Government Laboratory's tests, the smart cards were of a good quality. He added that as contracts under the Project were awarded through tendering, a tenderer which had won a previous main contract but submitted a high tender price for subsequent contracts might not be awarded the subsequent contracts.

30. Mr SIN Chung-kai said that a competitor of the successful tenderer had expressed the view that the tender price submitted by PCCW was so low that it could not even meet the cost of hardware and smart cards, and that the proposed system did not deploy the latest technology.

31. DD of Imm responded that tender price was not the only consideration in the evaluation of tenders. Considerations were also given to the proposed system, technical competence and the quality of smart cards.

32. Mr SIN Chung-kai asked whether security against hacking was one of the major considerations in the evaluation of the systems to be supplied. AD of Imm responded that the tender evaluation process was a comprehensive one. Factors such as possible future development, ease of expansion and upgrade of the system were all taken into consideration in the evaluation of tenders.

33. Mr SIN Chung-kai asked whether the tender proposal submitted by PCCW had the highest score in security aspects among the four shortlisted tenderers. AD of Imm responded that the procedures and criteria for the evaluation of tenders had been set out in the tender document. However, he was not in a position to disclose detailed information about the tender proposals submitted. DD of Imm stressed that the Administration considered security an important element of the proposed system. The Administration had commissioned a consultancy study on the security aspects of the system in November 2001 and drawn up detailed security requirements. DS for S3 said that the successful tenderer had the highest overall score among the shortlisted

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tenderers and had met all the required standards in the tender evaluation exercise.

34. The Chairman asked whether a company could, with the consent of the holder of a smart ID card, make use of the blank portion of the chip in a smart ID card for commercial purpose.

35. DD of Imm responded that such use was prohibited. The information to be stored in a smart ID card would be set out in legislation.

36. The Chairman said that while a demonstration on smart identity cards and biometric identification technology had been made for Members in the previous year, Members might better understand the latest technology if another demonstration was arranged. DS for S3 agreed to arrange the suggested demonstration at an appropriate time.

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37. Ms Emily LAU said that she had written to the Administration in the previous month expressing the concern that the technology adopted in the MULTOS system proposed by PCCW was less advanced than the JAVA system. She suggested that the Administration should explain the difference between the two kinds of systems in the demonstration to be arranged. DD of Imm agreed. He said that the Administration did not consider the MULTOS system to be less advanced than the JAVA system.

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(Post-meeting note : The letter from Ms Emily LAU to the Administration and the Administration's reply was circulated to members vide LC Paper No. CB(2) 1551/01-02 on 10 April 2002.)

IV. Police policy on installation of closed-circuit television systems in public places

(Item I of LC Paper No. CB(2) 1444/01-02(01) and LC Paper Nos. CB(2)1481/01-02(05), (06) and (07))

38. At the invitation of the Chairman, Principal Assistant Secretary for Security E (PAS(S)E) briefed Members on the Police's plan, as a pilot scheme, to install closed-circuit television (CCTV) cameras in the Lan Kwai Fong area to facilitate crowd management and crime prevention, as detailed in the paper provided by the Administration.

39. Mr CHEUNG Man-kwong questioned whether there was a need to install nine CCTV cameras at Lan Kwai Fong on a permanent and round-the-clock basis, given that the crime situation at Lan Kwai Fong was not serious and the place was not crowded except during some festivals. He considered that the Administration's proposal would result in an unnecessary increase in the power of the Police. He expressed concern that although the Administration had consulted members of the Lan Kwai Fong Association, there were opposing voices in Legislative Council (LegCo),

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District Councils and some shop tenants in Lan Kwai Fong. He asked whether the Administration would further consult all shop tenants in Lan Kwai Fong and their customers on the proposal before deciding on the way forward.

40. Director of Operations, Hong Kong Police Force (Dir of Ops) responded that the Police had installed temporary CCTV systems at Lan Kwai Fong during festivals in the past. However, the system reliability and signal stability of a temporary system were sometimes not satisfactory. He said that as Lan Kwai Fong was a small place where accumulation of crowd could lead to serious accidents and it had been designated as a pedestrian zone in late 2001, it was a suitable place for launching the pilot scheme. He stressed that video records of the proposed CCTV system would not be monitored on a round-the-clock basis. The Police was aware of the concerns regarding privacy issues relating to the use of CCTV systems in Hong Kong. The Police would develop detailed and stringent procedures and guidelines to ensure that the recording, use and retention of the videotapes would be fully consistent with requirements in the PD(P)O. Any Police officer who failed to comply with the procedures and guidelines might face disciplinary actions or, in more serious cases, criminal charges.

41. Regarding the representation of the Lan Kwai Fong Association, Dir of Ops said that 30 out of a total of 55 shop tenants in the Lan Kwai Fong area were members of the Association. He added that further consultations would be made with the Lan Kwai Fong Association, District Councils and District Fight Crime Committees on the details of the pilot scheme. Shop tenants and members of the public were welcome to submit views through these or other existing channels of consultation.

42. Mr LAU Kong-wah said that he was not convinced about the need for the proposed CCTV system at Lan Kwai Fong. He asked whether there were statistics indicating a lower crime rate when temporary CCTV systems were installed at Lan Kwai Fong in the past. He expressed concern that if the scheme was rolled out to all other streets in Hong Kong, the video records might be used for the surveillance of the public. He said that although CCTV systems were widely used in shopping arcades and housing estates, Lan Kwai Fong differed in that it was a public place.

43. Dir of Ops responded that the statistics referred to by Mr LAU Kong-wah were not maintained by the Police, as temporary CCTV systems installed in the past had been used for monitoring the movement and build-up of crowds to enhance public safety during crowd management operations. However, overseas experience indicated that CCTV systems were useful for the prevention and detection of crime. He stressed that the Police had no plan and did not have the resources to install CCTV systems on all streets in Hong Kong.

44. Mr LAU Kong-wah said that to his knowledge, the cost for the installation of a temporary CCTV system in Lan Kwai Fong, which was about \$100,000 on each occasion, was the major reason for the proposal to install permanent CCTV cameras at Lan Kwai Fong.

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45. Dir of Ops responded that besides the cost for the installation of a temporary CCTV system, facilitating the management of crowd movement, crime prevention and detection were also reasons for the proposal.

46. Mr Albert HO expressed concern that if the pilot scheme in Lan Kwai Fong was successful and the scheme was rolled out to other public places and streets in Hong Kong, the CCTV systems might be used for the surveillance of the public. He said that as the matter involved a fundamental change in policy, he would consider proposing an amendment to delete the commitment for the proposed CCTV system from the Budget.

47. PAS(S)E responded that overseas law enforcement agencies had been making effective use of CCTV systems for crime prevention and detection purposes for some time. CCTV systems had also been widely used in privately owned buildings and during crowd management operations. In view of Members' concerns, further consultations would be made with shop tenants, District Councils and District Fight Crime Committees. The Administration was also working closely with the Privacy Commissioner to ensure that the personal data captured by the CCTV system would not be abused. She added that the Police's original plan to launch the pilot scheme in mid-2002 had already been deferred in view of wide public concern on the subject. She agreed to consider Mr Albert HO's suggestion of suspending the pilot scheme pending further consultations and discussions on the policy aspects. She stressed that the Administration would examine the results of the pilot scheme before determining the way forward.

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48. Mr SIN Chung-kai said that the Administration should launch further consultations on the details of the proposed CCTV system and ask individuals and organisations to submit their views in writing. Ms Emily LAU shared the view that written views should be sought. She added that no Member had so far expressed support at the meeting for the pilot scheme. She did not see any widespread support among LegCo Members or members of the public for the pilot scheme. She considered that the pilot scheme should be suspended.

49. Dir of Ops responded that the Administration would further consult relevant parties, including the Lan Kwai Fong Association, on further details of the proposed CCTV system, such as the number and location of CCTV cameras to be installed.

50. Referring to the fact sheet entitled "Policy on Installation of Closed Circuit Television Systems in Public Places : the United Kingdom" prepared by the Research and Library Services Division of the LegCo Secretariat, Ms Emily LAU said that although CCTV cameras were installed in many places in the United Kingdom (UK), the situation in UK was different in that most of the CCTV systems were owned by local authorities such as the city council, borough council or parish council and managed by a department or unit established under the data controller. She added that the views of the Privacy Commissioner should be sought on the Administration's

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proposal.

51. Dir of Ops reiterated that the proposed CCTV system would not be manned by Police officers on a round-the-clock basis. Access to the video records of the system would also be restricted to authorised Police officers only.

52. PAS(S)E said that as the fact sheet prepared by the Research and Library Services Division of the LegCo Secretariat reflected that CCTVs systems were installed in UK with the consent of city councils, it might be useful to study the relevant deliberations of these city councils, including that of London, in arriving at a decision to install CCTV systems. Mr CHEUNG Man-kwong considered that the situation in UK differed from that in Hong Kong in that there was the Irish Republic Army and many soccer fans who exhibited extreme behaviour in UK.

53. Mrs Selina CHOW said that the Administration's explanations failed to convince her of the need for the proposed CCTV system in Lan Kwai Fong. She was of the view that the implementation of the pilot scheme involved not just a matter of personal privacy but the freedom of individuals. She further said that it was sometimes stated in magazines that certain confidential information was supplied by Police officers. She asked whether the Police had examined whether such information had really been leaked by Police officers and whether disciplinary actions had been taken against such Police officers. Given that there were such incidents even though there were existing guidelines issued by the Police on the disclosure of confidential information, she also asked how the Administration could ensure that the procedures and guidelines to be established would be fully complied with.

54. Dir of Ops responded that unauthorised disclosure of information by Police officers was absolutely prohibited. He said that the Administration would take steps to ensure the consistency of the procedures and guidelines to be developed with provisions in the Hong Kong Bill of Rights Ordinance and the Data Protection Principles in PD(P)O.

55. Miss Margaret NG said that the concern over the pilot scheme was not only a question of privacy, but the surveillance of the public, which was only found in totalitarian countries. While the use of CCTV cameras for crowd control during festivals was acceptable, she objected to the use of CCTV cameras for surveillance of the public.

56. Referring to paragraph 15 of the Administration's paper, Miss Margaret NG said that although the Police would draw up procedures and guidelines on the use and retention of the video records of the CCTV system, the public had no knowledge of the extent to which such procedures and guidelines were complied with. She asked whether the Administration would consider establishing an independent body to manage the CCTV system and video records.

57. Dir of Ops responded that as procedures and guidelines on the use and retention

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of the video records would be drawn up in consultation with the Privacy Commissioner and compliance with such procedures and guidelines would be closely monitored by the Police, he did not see any need to establish such a body. He added that as signs would be erected in the area to inform the public that they were entering a zone installed with CCTV cameras intended for the protection of the general public, the public should feel secured at being in such a safe place.

58. Mr CHEUNG Man-kwong moved the following motion -

"本委員會促請警方撤回在蘭桂坊實施 24 小時運作的閉路電視系統的試驗計劃。"
(The translated version of the motion : That this Panel urges the Police to withdraw the pilot scheme of installing a closed-circuit television system operating round the clock in Lan Kwai Fong.)

The motion was passed by members present at the voting.

V. Follow-up on allegations of Mainland Public Security officials exercising jurisdiction in Hong Kong - the case of SU Zhi-yi

59. Owing to time constraint, Members agreed that discussion of the item be deferred to a special meeting.

(Post-meeting note : The special meeting was subsequently scheduled for 15 April 2002 at 10:45 am.)

60. The meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
11 June 2002