

立法會
Legislative Council

LC Paper No. CB(2)494/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

**Minutes of meeting held on Thursday, 7 November 2002
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
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members attending : Hon Cyd HO Sau-lan
Hon Miriam LAU Kin-ye, JP
Hon LEUNG Fu-wah, MH, JP

Public Officers attending : Item III

Mrs Regina IP
Secretary for Security

Mr Timothy TONG
Acting Permanent Secretary for Security

Mrs Jennie CHOK
Deputy Secretary for Security 2

Mr Michael WONG
Deputy Secretary for Security 3

Mrs Clarie LO
Commissioner for Narcotics

Ms Winnie NG
Administrative Assistant to Secretary for Security

Item IV

Miss Eliza YAU
Principal Assistant Secretary for Security (E)

Miss Angela LEE
Assistant Secretary for Security (E)

Mrs Marina CHAN
Chief Executive Officer (Security and Guarding Services)
Security Bureau

Mr Roger WONG
Superintendent (Licensing)
Hong Kong Police Force

Item V

Miss Eliza YAU
Principal Assistant Secretary for Security (E)

Mr S G Chandler
Assistant Commissioner of Police (Support)

Mr LEE Wai-lam
Chief Superintendent (Support)
Hong Kong Police Force

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

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Dora WAI
Senior Assistant Secretary (2) 4

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I. Confirmation of minutes of previous meeting and matters arising
(LC Paper No. CB(2)162/02-03)

The minutes of the meeting held on 10 October 2002 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)235/02-03(01) and (02))

2. Members noted the list of follow-up actions required of the Administration.
3. Members agreed that the following items be discussed at the next meeting to be held on 5 December 2002 at 2:30 pm -
 - (a) Implementation of Phase II of the updated Information Systems Strategy in the Immigration Department - Automated Passenger Clearance System and Automated Vehicle Clearance System; and
 - (b) Measures to combat terrorist activities in Hong Kong.
4. Members also agreed to the following arrangements -
 - (a) the regular meeting on 2 January 2003 be re-scheduled to 16 January 2003 at 10:45 am to allow more time for the Police to compile the crime statistics in 2002 for the briefing to the Panel;
 - (b) the regular meeting on 3 April 2003 be re-scheduled to 10 April 2003 at 2:30 pm to avoid a clash with the Council meeting; and
 - (c) the regular meeting on 1 May 2003 be re-scheduled to 6 May 2003 at 2:30 pm as it was a public holiday.
5. The Chairman suggested that the vacated slot on 2 January 2003 at 2:30 pm be used for holding a special meeting to follow up on issues relating to the death of an inmate in Siu Lam Psychiatric Centre in November 2001.

III. Briefing by Secretary for Security on her policy initiatives and work plans for the year ahead
(LC Paper No. CB(2)235/02-03(03))

6. Secretary for Security (S for S) briefed members on the major policy initiatives of the Security Bureau (SB) and its legislative programme for the coming year, and how SB and its departments proposed to achieve efficiency savings on operating expenditure as detailed in the Administration's paper.

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7. Mr CHEUNG Man-kwong noted that discussion between the Administration and the Mainland authorities to establish arrangements for surrender of fugitive offenders was underway. He enquired whether persons accused or convicted of offences of a political character in the Mainland would be surrendered by the Hong Kong Special Administrative Region (HKSAR) Government to the Mainland.

8. S for S pointed out that neither the Mainland nor Hong Kong had offences of a political character. Under the principle of double criminality, a requested person would be surrendered only if the offence in question would have been an offence had it been committed in Hong Kong. Against this background, there was no question of the HKSAR Government surrendering a fugitive offender to the Mainland on grounds of his commission of an offence of a political character.

9. Mr CHEUNG Man-kwong pointed out that the seven types of offences referred to in Article 23 of the Basic Law (BL23) might become offences in the laws of Hong Kong upon enactment of legislation to implement BL23. He asked whether he was correct in assuming that in the case where a fugitive offender requested by the Mainland had committed any of the abovementioned offences, which was found to be a similar or identical offence under the laws of Hong Kong and the Mainland, HKSAR Government would have the obligation to surrender the fugitive offender to the Mainland.

10. S for S responded that Mr CHEUNG's assumption was correct in theory. However, as the discussion of the arrangements for surrender of fugitive offenders between the HKSAR Government and the Mainland authorities was still underway, it was too early to tell the specific details of the future arrangements. She added that as the existing Fugitive Offenders Ordinance (FOO) did not apply to the Mainland, the arrangements for surrender of fugitive offenders between the two places had to be underpinned by local legislation. The Legislative Council would be consulted on the related proposals once the HKSAR Government and the Mainland authorities had completed discussions on the arrangements for surrender of fugitive offenders.

11. Mr James TO noted the request from the United States (US) for extraditing the three men recently arrested by the Hong Kong Police for allegedly plotting to supply missiles to a terrorist organisation. With the United Nations (Anti-Terrorism Measures) Ordinance in place, he questioned why the three men were not tried in Hong Kong. He expressed worry that this might undermine the dignity of Hong Kong's judiciary system.

12. S for S said that she was not a position to give details of the case as it was being heard by the Court. However, she explained that in cases where both the requesting and requested parties had concurrent jurisdiction over the offence committed by the person being requested, it was a common practice that the requested party would consider the following factors in determining whether or not to accede to the extradition request of the requesting party -

- (a) which party had initiated the investigation and/or gathered more evidence

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on the case;

- (b) whether the crime was plotted in the territory of the requested party; and
- (c) whether the crime was targeted at the requested party.

13. Mr James TO asked how the Administration could prove to the public that the case in question was only an isolated incident and that Hong Kong was not a hub for terrorist arms trading. S for S said that based on the assessment made by SB, there was no sign of Hong Kong being used as a place for trading terrorist arms. There was also no information showing that the target of the plot of the three men, being two Pakistanis and one Indian-born American, was Hong Kong. They had only come here on transit.

14. S for S further said that since Hong Kong was an open city with free flow of people, funds and goods, the Government could not rule out absolutely the possibility of inflow of people or funds with possible connection to terrorist activities. Law enforcement officers at immigration control points had always been on the alert to help prevent any possible crimes. Effective measures would continue to be put in place to ensure the safety and security of Hong Kong.

15. Mr Albert HO asked whether the HKSAR Government had requested the US Government to give an assurance that the death penalty would not be imposed on the three men in question after surrender. He also expressed concern about the situation of prolonged detention of ethnic minorities offenders without trial in US. In this connection, he asked whether the HKSAR Government, in surrendering the three men, had an obligation to ensure that their basic human rights would not be jeopardised after surrender.

16. S for S pointed out that the HKSAR Government had not yet acceded to US's request to surrender the three men. Whether they would be surrendered would depend on whether the Court was satisfied that the US Government had sufficient evidence to prove the case. She further pointed out that the existing FOO already provided safeguards against death penalty, i.e. where the offence for which surrender was requested was punishable by death penalty under the laws of the requesting party, extradition might be refused unless the requesting party gave assurance that the death penalty would not be carried out. Such safeguards also existed in the Agreement between the HKSAR Government and the US Government on surrender of fugitive offenders. However, safeguards of basic human rights of a fugitive offender after surrender were not covered in FOO.

17. In response to the Chairman's enquiry about the Admission of Mainland Professionals Scheme (the Professionals Scheme), Deputy Secretary for Security 3 (DS for S3) said that the Professionals Scheme had been introduced in June 2001 and a review was currently underway. It was observed that the admitted Mainland professionals had brought about positive impacts on local trades and industries, which had helped improve employment. Since the Scheme presently only targeted at the information technology

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and financial services sectors, the Administration would take into account the views of the community at large and examine whether there was any scope for expansion.

18. Given that there were insufficient employment opportunities for local professionals and managerial personnel, Mr Albert HO asked whether the Administration could ensure that the employment opportunities of local people would not be affected by the expansion, if considered necessary, of the Professionals Scheme.

19. S for S pointed out the prerequisite of the Scheme was that only those who possessed the required skills and knowledge which were either not available or in shortage locally would be allowed for admission to Hong Kong. So far, both the numbers of applications and approved cases under the Scheme were not large. The Administration would consider the views from different sectors in determining whether the Scheme should be expanded. She added that the review of the Professionals Scheme was dealt with under the population policy exercise spearheaded by the Chief Secretary for Administration (CS).

20. The Chairman asked whether the Administration was prepared to adopt a multi-pronged approach in launching the Capital Investment Entrant Scheme. DS for S3 said that the Scheme was also one of the initiatives being studied under the population policy exercise. As the work relating to this exercise was led by CS, he was not in a position to comment on the Scheme at this stage.

21. Mr Albert HO asked whether legislative amendment was required in implementing the Capital Investment Entrant Scheme. If the answer was in the negative, he asked whether consultation on the Scheme would be carried out under the context of the population policy and, if so, the timing for the consultation. He also asked whether discussion with the Mainland authorities of the Scheme would be held.

22. S for S responded that legislative amendment was not required for implementing the Scheme. She informed members that the Scheme would allow people from outside Hong Kong, who brought in a certain amount of capital for investment in certain specified instruments, to remain in Hong Kong. However, the granting of right of abode to these people would follow the requirements stipulated in the Basic Law. Therefore, they would not be granted immediate right of abode in Hong Kong. She added that the relevant Mainland authorities would be consulted on the Scheme.

23. S for S said that although the Capital Investment Entrant Scheme would not directly create job opportunities, it was believed that the entrants, once settled down in Hong Kong, might run their own businesses or purchase properties. They would also help stimulate the domestic economy through daily consumption and entertainment, etc. She pointed out that similar immigration policies were found in many other places such as Canada, Australia, the United Kingdom and Singapore. In fact, the existing immigration policy also allowed people to bring in capital and remain in Hong Kong. However, there was a requirement that they must run their own businesses locally.

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24. S for S further said that as the population policy exercise spearheaded by CS involved a great number of initiatives in a wide range of policy aspects, she believed that the Panel would be consulted on the proposals in relation to immigration policies, such as the Capital Investment Entrant Scheme, once they were available. The exercise was planned to be completed by end 2002.

25. Mr IP Kwok-him enquired whether the Administration would consider implementing co-location of immigration and customs facilities in other locations apart from Huanggang and Shenzhen Western Corridor, and whether the proposed co-location would include both passenger and cargo clearance. He also asked whether the Administration's plan to introduce a bill to cater for the implementation of co-location of immigration and customs facilities on the Shenzhen side (the Bill) in the 2002-03 session was firm.

26. S for S said that co-location of immigration and customs facilities would first be implemented at Huanggang for passenger clearance, while another longer-term plan was to set up a new control point at Shenzhen Western Corridor for both passenger and cargo clearance. For co-location at Huanggang, clearance checks for passenger vehicles would be carried out separately by officers from Hong Kong and Shenzhen on the Shenzhen side. This arrangement could free all vehicle inspection kiosks at the Lok Ma Chau Control Point for clearance of goods vehicles. The Administration's objective was to introduce the bill in mid-2003 to enable Hong Kong law enforcement officers to carry out their duties in the designated areas outside Hong Kong in future.

27. Mr James TO appreciated that there had been communications among all levels of staff within the Police in exploring measures to achieve efficiency savings but not affecting the essential services to the public. He asked whether the other disciplined forces under SB's purview had adopted the same approach in this respect.

28. S for S responded that the five disciplined forces under SB's purview all adopted the same approach in carrying out staff consultation on possible ways to achieve efficiency savings as they fully understood that the implementation of unfeasible and impractical measures would create negative impacts on staff and would in turn affect the quality of service. Such consultation exercises would enable the management to know whether the proposed new measures were feasible and acceptable to the staff concerned before implementation.

29. In response to Mr James TO's enquiry about the measures to be put in place by the Police in achieving efficiency savings, S for S said that the guiding principle in conducting the exercise was that the essential services to the public should not be affected. To this end, the Police would avoid reducing the strength of frontline officers in order not to affect the crime-combating work. Redundancies would also be avoided as far as possible. In cases where negative impacts on individual grades or ranks were inevitable if the necessary cost-saving measures were to be implemented, consultation with the staff to be affected would be carried out with a view to enabling them to understand the underlying reason for the changes.

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30. S for S further said that other measures to be adopted by the Police for achieving efficiency savings included reducing the number of posts, re-ranking of certain posts, streamlining the work procedures, enhancing the greater use of information technology, outsourcing supporting services, reviewing the provision of internal and external non-essential services, promoting better use of resources, and considering the merging of police stations, etc.

31. Mr James TO said that he agreed to the Police's direction in achieving efficiency savings. However, he expressed concern about the issue of Certificate of No Criminal Conviction by the Police for citizens in need. According to his understanding, this Certificate would only be issued on emigration grounds. He said that although this service might not be considered as an essential service by the Police, it might be important to some people, e.g. job seekers, to prove their "clean" records. Therefore, he hoped that the Police would carefully consider the public's need for this service when determining whether it should be continued. S for S noted his views.

IV. Proposed amendments to the criteria for issuing Security Personnel Permits
(LC Paper No. CB(2)235/02-03(04) and Consultation paper on proposal to replace the "Certification of Employment by Prospective Employer" criterion for issuing a Security Personnel Permit (Ref: SGS/7/81(02))

32. Principal Assistant Secretary for Security (E) (PAS for S(E)) briefed members on the proposals made by the Security and Guarding Services Industry Authority (the Authority) to amend the existing criteria for issuing a security personnel permit (SPP) as set out in the Administration's paper.

33. Mr CHEUNG Man-kwong noted the proposed amendment that no SPP would normally be granted to a person convicted of sexual and related offences with any penalty imposed within five years before submitting his SPP application. Given that the degree of seriousness of different sexual offences might vary considerably, he questioned whether a person who had a conviction for rape would be subject to the same five-year requirement and considered on the same basis as the one who had a conviction for indecent assault.

34. PAS for S(E) pointed out that section 17 of the Security and Guarding Services Ordinance (SGSO) empowered the Commissioner of Police (the Commissioner), as the licensing authority for SPP, to revoke an SPP if the holder of the SPP was convicted of any sexual offence specified in Schedule 2 to SGSO and the penalty imposed for that offence was imprisonment. Similar provision also applied to SPP applications as it was considered that an SPP applicant convicted of any sexual offence with an imprisonment penalty imposed should not be considered as a fit and proper person to serve in the security industry.

35. PAS for S(E) said that following demands for a review of the policy governing the

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issue of SPPs to persons with criminal records, the Authority conducted a consultation exercise in 2001. A general concern of Owners Corporations and Residents Associations was that persons convicted of sexual offences, even only indecent assault, were not suitable for security work. Given that imprisonment was usually not imposed for less serious sexual offences such as indecent assault, the Administration considered it necessary and reasonable to tighten up the "Good Character" criterion for granting an SPP by amending Schedule 2 to SGSO to change the specified penalty for sexual and related offences from "imprisonment" to "any penalty". With this amendment in place, no SPP would be granted to a person convicted of sexual and related offences with any penalty imposed within five years before submitting his SPP application. The concerned parties, including labour unions, had been consulted on and agreed to the proposed amendment.

36. PAS for S(E) further pointed out that in practice, apart from the need to satisfy the basic criteria and conditions for the issue of an SPP, the Commissioner would, by exercising the powers vested in him under SGSO, assess the suitability of an applicant in performing security-related duties before deciding whether he should be granted an SPP. In assessing the suitability of an applicant, the Commissioner might make reference to the applicant's conviction history, if any, where considered necessary. The Commissioner would also have regard to the fact that security personnel were relied upon to discharge important functions of safeguarding lives and properties of others as well as preventing or detecting occurrence of offence. Therefore, the granting of an SPP to a person with a previous criminal conviction for an offence of a serious nature, such as rape, would normally be refused. She added that according to past records, the issue of SPPs to persons who had been convicted of rape was very rare.

37. Superintendent (Licensing), Hong Kong Police Force supplemented that applications for SPPs where applicants had conviction history would be assessed by a Chief Inspector. Full conviction records of these applicants would also be assessed where considered necessary and appropriate. In the event that the nature of the offence convicted of was serious in nature or where there was any doubt about the suitability of an applicant in carrying out security-related duties, an SPP would not be granted to him even if he had satisfied the five-year requirement.

38. Mr CHEUNG Man-kwong considered that the criteria and conditions for the granting of an SPP to a person who had a conviction for rape should be much more stringent than those convicted of offences of a less serious nature. He hoped that the Commissioner, in assessing the suitability of an SPP in discharging security-related duties, would have due regard to the public's concern over the criminal background of security personnel. It was important to ensure that only fit and proper persons would be allowed to serve in the security industry so that the confidence of the public in security personnel could be enhanced.

39. Ms Miriam LAU declared interest as the Chairman of the Authority. She highlighted that the five-year requirement under the "Good Character" criterion was only a minimum requirement, which served as a "sanitation period" for offenders. It should not be taken to mean that any applicant who met the five-year requirement would be

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granted an SPP to perform security work. She also pointed out that there had been divergent views on whether the "Good Character" criterion should be tightened. In order to more accurately assess the public's concern over the matter, the Authority had carried out a wide consultation exercise. The existing proposal, which had taken into account the views received during the consultation, had been drawn up after much discussions within the Authority. She believed that the proposal had struck a right balance between providing reasonable rehabilitation opportunities for offenders and rendering adequate protection for the public at large.

40. Mr James TO noted that under the existing "Good Character" criterion, no person convicted of a criminal offence would normally be granted an SPP if he was within two years of release from a term of imprisonment. However, the Administration had proposed to raise the required minimum number of years of release from a term of imprisonment of two to three. In this connection, he enquired whether there were any concerned groups/organisations on the rights of ex-convicts had any views on the proposal.

41. PAS for S(E) responded that concerned groups/organisations on the rights of ex-convicts did not have specific views on the proposal. While they understood that some offenders might not be suitable in performing security work, they in general hoped that the rehabilitation opportunities for these offenders would not be jeopardised after this review and that the criteria and conditions for the issue of SPPs to ex-convicts could be broadly maintained at the existing levels.

42. Mr James TO noted that 8.1% of SPP holders with criminal convictions before obtaining SPP were re-convicted after obtaining it, whereas only 1.3% of SPP holders with clean records were convicted after obtaining SPP. In the absence of details of the conviction records of these 8.1% of SPP holders, e.g. when they were convicted, he said that the percentages of re-conviction of SPP holders who obtained an SPP two years after their release from imprisonment and those who obtained it three years after the release might not be as high as 8.1%. He enquired whether these figures were available as they might provide useful reference in considering whether the proposed change from "two years" of release from a term of imprisonment to "three years" was justified. He also asked about the rationale for the proposal.

43. PAS for S(E) explained that the main objective of the proposal was to provide ex-convicts a longer period of time to adapt to the outside environment after serving an imprisonment sentence and enable them to take the opportunity to prove their repentance. The number of years that SPP holders with conviction records would usually be re-convicted after obtaining SPPs was not a major consideration for determining the minimum number of years of release from a term of imprisonment before a person's SPP application would be considered. She undertook to explore if the Administration could provide the figures requested by Mr James TO. Ms Miriam LAU recalled that information as to when an SPP holder had been re-convicted after release from imprisonment might not be available.

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44. The Chairman noted that upper age limits of 55 and 65 years had been imposed for certain types of guarding work. In view of the fact that nowadays a lot of people aged over 55 or 65 still had working ability, he asked whether the Administration would consider allowing people who had exceeded the upper age limit for a particular type of guarding work to perform that type of work if he was certified by a registered medical practitioner to be physically fit to perform it.

45. PAS for S(E) pointed out that although SGSO had been implemented for six years, the exercise to replace the former watchman's permits by SPPs had only been completed in April 2002. A long transitional period had been provided for ensuring a smooth and orderly transition. At present, the relevant parties as well as the general public had adapted to the existing arrangements in respect of the issue of an SPP. Managers of premises or properties had also found no difficulty in meeting the criteria of engaging Category B SPP holders, i.e. those aged 65 or below, to perform security work in their premises or properties.

46. PAS for S(E) further said that the Administration considered it appropriate to set 65 years as the upper age limits for guarding work which did not require the carrying of arms and ammunition, considering that 60 or 65 years was a common retirement age in today's society. The upper age limit for performing guarding work which required the carrying of arms and ammunition was 55 years. She pointed out that a person aged above 65 who still had working ability and was interested to work in the security industry might also be granted a Category A SPP for performing security work in a single private residential building provided that he could meet the criteria for issuing an SPP. In such case, a medical certificate certifying his fitness to undertake security-related duties was required. She added that individual blocks of large-scale residential estates might also be regarded as single private residential buildings as long as these blocks had only one main access point.

V. Public access to the Police General Orders

(LC Paper Nos. CB(2)235/02-03(05) and (06))

47. PAS for S(E) and Assistant Commissioner of Police (Support) (AC of P(S)) briefed members on the policy of the Hong Kong Police Force (the Force) on providing access to information and the Administration's response to members' queries regarding the plan to make Police General Orders (PGO) available for direct public access in all police stations as set out in the Administration's paper.

48. Mr CHEUNG Man-kwong said that the following issue was raised on behalf of Mr James TO. Mr CHEUNG pointed out that the former Secretary for Security (the former S for S), when answering an oral question at the Council sitting on 8 January 1997, had promised to deposit PGO in all police stations for "direct" access by the public. This promise had been clearly recorded in the Official Record of Proceedings of the Council sitting in question which read "I would like to take this opportunity to inform Members of our plan ... to deposit ... the Police General Orders in the report rooms of all

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police stations to facilitate direct access by the public". However, this arrangement had only been in place for three years and had subsequently been discontinued in 2000 on the ground that the public had already been provided with access to information of the Force since its application of the Code on Access to Information (the Code).

49. Mr CHEUNG Man-kwong considered that the Force's discontinuation in providing access of PGO to the public had in substance departed from the promise made by the former S for S. He pointed out that under the present arrangement, the right of access to PGO by the public became a discretion of the Force whereas, if PGO were deposited in police stations, the right of access to PGO would rest with the public. It was obvious that the public's right of direct access to PGO was deprived of under the current arrangement. He questioned why such right, which had previously been provided to the public, had been removed after the handover of sovereignty. He added that if the Administration considered it more efficient and effective to provide the public with direct access to PGO via electronic means, he saw no reason why it should not be done.

50. PAS for S(E) said that the policy of Government bureaux and departments on providing access to information had been explicitly set out in the Code. In principle, the Government would make available as much information as possible to the public unless there were valid reasons for declining the provision of the requested information. In normal circumstances, requests might only be declined under the conditions stipulated in Part 2 of the Code where disclosure might harm or prejudice the enforcement of law; the prevention, investigation and detection of crime and offences; and the preservation of the peace, public safety or order, etc.

51. PAS for S(E) further said that there had been 11 requests for access to PGO since the application of the Code to the Force. Of these, eight were fully met, one partly met and two withdrawn. These figures had demonstrated that the Force had acceded to an absolute majority of requests it received. The reason why one of these requests could only be partly met was that the requestor had failed to provide a clear and understandable request to the Force. She also pointed out that PGO was a set of internal orders written for use by trained police officers and thus the public might not be able to comprehend it fully. Coupled with the fact that it was a voluminous document containing some several hundred pages, it was considered to be a more pragmatic approach for the Force to provide a service to the public in search of information contained in PGO on a request basis.

52. AC of P(S) supplemented that PGO was an administrative document setting out in detail the internal housekeeping instructions, to be frequently updated on a regular basis, for reference by trained police officers. In view of its large volume, it might not be cost-effective to maintain a full set of PGO in each police station. To provide a better service, the Force considered it appropriate to extend the Code to public requests for access to PGO with a view to enhancing its assistance to the public in obtaining the information they required.

53. Mr CHEUNG Man-kwong pointed out that the effect of the present arrangement in

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respect of provision of access to PGO by the public was in conflict with the intended objective of the original arrangement to deposit PGO in all police stations for direct access by the public as undertaken by the former S for S in 1997. The argument was that the present arrangement would allow the Force to refuse a request for access to PGO or withhold certain parts of it whenever the Force considered that there was a valid reason, while the original arrangement had imposed no restriction on the public in accessing to PGO.

54. Mr CHEUNG Man-kwong considered that the application of the Code in handling public requests for access to PGO might only be a pretext for the Administration to impose restrictions on the disclosure of certain parts of PGO for public inspection. Such intention could also be reflected by the Administration's remarks that unrestricted public access to the full set of PGO might run the risk of being misused or misinterpreted and in extreme cases the efficient conduct of the Force's operations might be hindered or prejudiced. The Administration's failure in keeping its promise over this incident had suggested that the transparency and accountability of the Government had worsened after reunification.

55. Mr CHEUNG Man-kwong held the view that if the Force had considered it necessary to change the original arrangement promised by the former S for S at a Council sitting, the Administration should have consulted the Council on the proposed change before implementation. If this had not been done, the Administration should do so as soon as possible. Otherwise, the original arrangement should be resumed regardless of whether PGO was understandable by the general public.

56. The Chairman asked whether the promise made by the former S for S in 1997 to deposit PGO in all police stations was still valid, and whether the Administration had ever considered to consult the Council on the intended change to the original arrangement.

57. AC of P(S) responded that the Administration might have mistaken that the depositing of PGO in all police stations was only a plan rather than a firm commitment. Therefore, the Force had not been aware of the need to obtain the Council's consent before implementing the new arrangement in 2000. For this, he extended apologies to members.

58. AC of P(S) added that the crux of the issue was that the Force had all along been providing access to information to the public. Refusal of requests for access to information would only be made on a lawful basis. In handling such requests, the Force would, on the one hand, endeavour to provide the public with the required information and would, on the other hand, ensure that the interests of the Force were properly protected.

59. Ms Cyd HO shared similar views of Mr CHEUNG Man-kwong. She considered that the depositing of PGO in all police stations for direct access by the public was important as it would help enhance the public's monitoring of the Force's performance.

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Given that only about one million of the population in Hong Kong had internet access, she suggested that PGO should not be made available through electronic means only.

60. Miss Margaret NG also expressed similar views of Mr CHEUNG Man-kwong. She suggested that if the Administration did consider that there was a need to restrict the disclosure of certain parts of PGO to the public for the reasons stated in paragraph 7 of its paper, it should formally consult the Council on its proposal. Subject to the Council's endorsement on which parts of PGO were to be restricted for internal use, the Force should make arrangements to deposit the remaining parts in all police stations for direct access by the public.

61. AC of P(S) said that having regard to the views expressed by members, the Administration would be happy to reconsider the issue of making PGO directly available to the public in Police Station Report Rooms. However, operationally sensitive information would need to be removed. He opined that it was unreasonable to suggest that the sections of PGO that had restricted access due to operational considerations should be debated in LegCo first before they were removed.

62. Dr LUI Ming-wah shared the view that the Administration should honour the commitment made by the former S for S. However, in view of the small number of public requests made so far for access to PGO and the frequent updating required, he said that the Administration should consider uploading PGO onto a computer system instead of displaying the full set of hard copies in all police stations. In such case, updating work for PGO in all police stations would only need to be done once through the computer system. Members of the public who were interested to read PGO might view it from the computer workstations located in police stations. On-site assistance to the public would be provided where necessary. He believed that this arrangement would bring about administrative convenience and lower maintenance cost. AC of P(S) undertook to look into the matter.

63. Mr WONG Yung-kan shared the views of members. He said that the Administration should keep the Council informed of the developments in respect of the arrangements for depositing PGO in police stations for public access.

64. Ms Cyd HO asked whether the Force would make arrangements to deposit the full set of PGO in all police stations for direct public access. If the answer was in the positive, she enquired about the timing for doing so and the means of display of PGO to be adopted.

65. PAS for S(E) said that subsequent to the Council meeting on 8 January 1997, the Force had made PGO available for public access at all police report rooms. This arrangement had been discontinued after the review of the need and efficiency of displaying PGO in police report rooms conducted in 2000 under the Station Improvement Project. Given the large volume of PGO which required frequent updating and the small number of public requests for access to it, she considered that displaying hard copies of

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PGO in all police stations might not be the best way to provide access to such information. She said that the Administration would carefully consider the views of members and further examine the issue.

Adm 66. The Chairman suggested that the Administration's response on the issue be provided for members' consideration at the next meeting scheduled for 5 December 2002 at 2:30 pm. PAS for S(E) and AC of P(S) agreed.

VI. Any other business

67. There being no other business, the meeting ended at 4:15 pm.

Council Business Division 2
Legislative Council Secretariat
4 December 2002