

For discussion  
on 7 November 2002

## **Legislative Council Panel on Security**

### **Policy Agenda of the Security Bureau for 2002-03**

#### **Introduction**

This paper sets out major policy initiatives of the Security Bureau and our legislative programme for the coming year, and a general account of how the Bureau and its departments propose to achieve efficiency savings on operating expenditure.

#### **Major Policy Initiatives**

2. In the year ahead, the Security Bureau will continue to pursue an active policy agenda to keep Hong Kong a safe and secure city for its inhabitants to live, invest and do business. The following summarises our major policy initiatives.

#### ***Maintaining the HKSAR's stability, security and safety***

3. Hong Kong has long prided itself on being one of the safest cities in the world, with an overall crime rate lower than that of many other metropolitan cities, such as London and Tokyo. We are committed to maintaining Hong Kong's stability, security and safety, by constantly reviewing our capability in dealing with crimes whilst striking a balance between the need for effective enforcement and respect for individual rights, and by fulfilling our constitutional and international obligations. For this purpose, we are taking

on-going measures to maintain Hong Kong as a safe and secure city, and to counter the threat of terrorism. Specific initiatives are outlined below:

- (a) United Nations (Anti-Terrorism Measures)(Amendment) Bill - The United Nations (Anti-Terrorism Measures) Ordinance was enacted by the Legislative Council in July 2002 to implement the mandatory elements of United Nations Security Council Resolution 1373 which primarily targets the financing of terrorism, and certain of the Eight Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering (FATF). We have undertaken during the passage of the Ordinance that the Government would introduce a second stage legislative exercise to implement relevant international conventions against terrorism, and to provide the means for the Secretary for Security to effectively freeze terrorist assets which are not funds. We aim to introduce the bill in the 2002-03 legislative session.
- (b) Steering Group of the FATF - Hong Kong has been a member of FATF since 1990. After serving as its President from July 2001 to June 2002, Hong Kong continues to play an active role in FATF's anti-money laundering and countering terrorist financing efforts, and serves as a member of its Steering Group which sets the direction and priority of the work of the Task Force.
- (c) Review of the FATF Forty Recommendations - Under Hong Kong's presidency, the FATF has launched a comprehensive review of its Forty Recommendations recognised by the UN, IMF, World Bank, etc. as the international standards for combating money laundering. The review has reached its final stage with completion targeted for mid 2003. The revised recommendations will set the new world standards. The Narcotics Division of the Security Bureau is actively co-ordinating Hong Kong's input towards the review, and keeping in view the far-reaching implications which the review will have on Hong Kong's anti-money laundering regime.

- (d) Eight Special Recommendations on Terrorist Financing of the FATF - Under Hong Kong's presidency, in response to the September 11 attacks in the US, the FATF has formulated Eight Special Recommendations to combat the financing of terrorist activities. We are co-ordinating Hong Kong's efforts towards implementation of the Eight Special Recommendations. We also participate actively in the Working Group on Terrorist Financing of the FATF which has been tasked to work out the implementation details for the individual recommendations, including drawing up an interpretative note concerning the abuse of wire transfers and a best practices guide to help prevent non-profit organizations from being misused by terrorists. The Working Group is also tasked to identify countries which require technical assistance in combating terrorist financing and/or further assessment.
- (e) Article 23 of the Basic Law - The HKSAR is required under Article 23 of the Basic Law to enact legislation on its own to prohibit certain acts that endanger national security. The Government has proposed to fulfill this obligation by amending existing legislation, drawing on well-established common law principles and having full regard to international standards on the protection of human rights. A large-scale public consultation exercise has been launched on 24 September and will last for three months. The Administration is taking every opportunity to explain the proposals to the public and solicit comments from all sectors of the community. We are aiming to introduce a bill into the Legislative Council in early 2003 after taking into account the views received during the consultation period.
- (f) Independent Police Complaints Council (IPCC) Bill - The bill will enhance the credibility of the existing police complaints system by making IPCC a statutory body. The public consultation exercise was completed in April. Most of the views collected were in support of turning IPCC into a statutory body. The bill is being drafted and we hope to introduce it into the Legislative Council in early 2003.

### *Co-operation with other jurisdictions on law enforcement*

4. Hong Kong is committed to playing a full part in international co-operation on law enforcement and has embarked on its own programme to establish a network of bilateral agreements on Mutual Legal Assistance, Surrender of Fugitive Offenders and Transfer of Sentenced Persons with foreign jurisdictions. Domestic legislation is already in place to enable Hong Kong to implement agreements signed with these jurisdictions. We will press on with our efforts on this front:

- (a) Mutual Legal Assistance - We have signed 13 agreements (with Australia, USA, France, UK, New Zealand, Italy, South Korea, Switzerland, Canada, Philippines, Portugal, Ireland and Netherlands) and initialed eight (with Argentina, Brazil, Czech Republic, India, Israel, Poland, Singapore and Germany). Meanwhile, we are negotiating with another 21 jurisdictions.
- (b) Surrender of Fugitive Offenders - We have signed 13 agreements (with Netherlands, Canada, Australia, Philippines, Malaysia, USA, Indonesia, India, UK, Singapore, New Zealand, Sri Lanka and Portugal). We are negotiating with another 22 jurisdictions.
- (c) Transfer of Sentenced Persons - We have signed seven agreements (with USA, UK, Sri Lanka, Italy, Thailand, Philippines and Portugal) and initialed three (with France, Israel and Czech Republic). We are negotiating with another 29 jurisdictions.

5. We will continue discussions with the Mainland to establish arrangements for Surrender of Fugitive Offenders and Transfer of Sentenced Persons. We have also started to exchange views with Macau on arrangements for Mutual Legal Assistance and Transfer of Sentenced Persons.

## *Travel convenience*

6. With increasing mobility of people in a globalised environment, we will continue to take active steps to secure the ease of travel for Hong Kong people, both for trips overseas and across the boundary:

- (a) Visa-free access - At present, 121 countries/territories grant visa-free access for HKSAR passport holders. We will continue our lobbying efforts to further enhance their travel convenience.
- (b) Co-location - We are working on the initiative of co-locating immigration and customs facilities of Hong Kong and Shenzhen on the Shenzhen side, which will relief congestion and provide more convenience for cross-boundary commuters. As reported at the Panel meeting on 4 July 2002, the consensus reached with the Mainland is to first implement co-location of immigration and customs facilities for passenger clearance at Huanggang, and for both passenger and cargo clearance at a new control point to be set up at the Shenzhen Western Corridor in 2005-06. We are making best efforts with a view to starting detailed design and construction works for the co-location project at Huanggang as soon as possible.
- (c) Smart HKSAR Identity (ID) card - We will introduce a smart ID card with multi-application in mid-2003, to be followed by region-wide replacement exercise in July 2003. We have been submitting regular progress reports to the Panel. A Bills Committee is also examining the Registration of Persons (Amendment) Bill 2001. We will continue to update both the Panel and Bills Committee on latest developments. We have, for example, undertaken to conduct a demonstration of the new works processes after installation of the new ROP system in end 2002/early 2003.

- (d) Automated Passenger Clearance (APC) and Automated Vehicle Clearance (AVC) - To help increase the throughput capacity at control points, we plan to introduce self-service immigration clearance for Hong Kong residents and vehicles. To tie in with the introduction of smart ID cards in mid-2003, we plan to launch APC and AVC in 2004-05.
- (e) Installation of air-conditioning at Lo Wu Footbridge - We have reached agreement with the Mainland authorities to install air-conditioning at Lo Wu Footbridge and are in the process of selecting a conceptual design. This project will involve the construction of independent structures for supporting the cladding walls. We plan to seek funding approval of the Finance Committee in the first half of 2003.

### ***Maintaining an immigration regime conducive to our economic development***

7. We keep our immigration scheme under constant review to ensure that it meets the prevailing economic and manpower needs of our economy. In the coming year, we will pursue the following initiatives:

- (a) Admission of Mainland Professionals Scheme - We introduced this scheme in June 2002 to meet the operational need of local firms which face manpower shortage. The scheme is implemented on a sector-specific basis, initially targeting at the information technology and financial services sectors. We are working with other bureaux and departments on a comprehensive review to see whether there is any scope for expansion.
- (b) Capital Investment Entrant Scheme - In the context of the formulation of a population policy, we are working on a proposal to attract investors who would bring capital to Hong Kong and wish to settle here. We aim to finalise the proposals in 2003.

### *Correctional services*

8. The primary task of our correctional services is to detain persons committed to its custody in a manner secure to the public, safe for inmates and compatible with human dignity. Our work programme ahead is as follows:

- (a) Prison development plan - We will continue to work on the proposal for the building of a mid-sized co-located prison complex with 7,220 penal places at Hei Ling Chau to re-provision all the existing penal institutions on Hong Kong Island and in Kowloon. We plan to seek the funding approval of Legislative Council for carrying out a feasibility study as soon as possible, following preliminary but thorough consultation with this Council.
- (b) Female prison overcrowding - The female prisons are seriously overcrowded with an occupancy rate of persistently over 160% since January 2001. It is forecast that the situation will continue. Pending completion of the proposed mid-sized co-located prison complex scheduled for 2012-13, we need to address the problem by providing additional places in the interim.

### *Combating drug abuse and rehabilitating drug abusers*

9. Hong Kong adopts a multi-modality approach in providing drug treatment and rehabilitation services to meet the needs of drug abusers from varying backgrounds. We aim to remove drug abusers' dependence on drugs and re-integrate them into the community. Our work plan in the year ahead is outlined as follows:

- (a) Psychotropic substance abuse - The inter-departmental multi-disciplinary Task Force on Psychotropic Substance Abuse was formed in early 2000 to tackle the problem of psychotropic substance abuse. The Task Force has completed its work and issued a series of recommendations in June 2002. We are actively

co-coordinating the implementation of the recommendations, with regular progress reports being made to the Action Committee Against Narcotics.

- (b) Review of the Dangerous Drugs Ordinance (DDO) - The Task Force on Psychotropic Substance Abuse has recommended, amongst other things, a review of the DDO, Hong Kong's main ordinance dealing with offences related to narcotics and psychotropic substances. The Narcotics Division has formed an inter-departmental working group in October 2002 to comprehensively review the DDO with a view to identifying the need and means for improvement in order to help combat the problem of psychotropic substance abuse and trafficking.
- (c) Drug Dependent Persons Treatment & Rehabilitation Centres (Licensing) Scheme - The Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance establishes with effect from 1 April 2002 a licensing scheme to protect the well being of drug dependent persons undergoing treatment and rehabilitation. The Narcotics Division is co-ordinating relevant departments, including Buildings Department, Lands Department and Social Welfare Department in providing assistance to more than 40 treatment and rehabilitation centres to facilitate compliance with the licensing requirements.
- (d) Three-year plan on drug treatment and rehabilitation services in Hong Kong - The plan aims at reviewing the existing provision of drug treatment and rehabilitation services to drug dependent persons. It will also look at the direction to which such services should take in the coming years. Preparation of the next three-year plan (2003-05) will commence in the first quarter of 2003, with completion targeted for end 2003.



- (e) Co-operation and exchange activities with the Mainland and Macau to combat cross-boundary drug abuse and drug trafficking - In November 2001, the Action Committee Against Narcotics and the Narcotics Division co-hosted the "Guangdong, Hong Kong and Macau Conference on Policy to Tackle Drug Abuse and Trafficking". The Conference has mapped out a mechanism to facilitate cross-sectoral exchanges and co-operation amongst the three places on drug issues of mutual concern, including law enforcement, preventive education and publicity, and treatment and rehabilitation. We will continue to co-ordinate closely with the Mainland and Macau authorities to strengthen our co-operation on anti-drug work.
- (f) Preventive education and publicity - Preventive education and publicity is the most effective means to steer people away from drugs. The Narcotics Division will continue to step up its activities on this front, especially those targeting young people, through school talks, seminars for teachers, a revamped anti-drug homepage, new APIs and publicity materials, as well as territory wide campaigns. The Anti-Drug Volunteer Scheme will also be expanded to include more corporate volunteers in order to help spread anti-drug messages through the work place.
- (g) Drug InfoCentre - The Hong Kong Jockey Club Charities Trust has agreed to provide funding of \$50.9 million for the construction of a 900 square metres exhibition hall dedicated to drug preventive education. The Narcotics Division, in collaboration with the Architectural Services Department, is actively co-ordinating the construction and fitting-out works of the centre. When completed in late 2003, the centre will serve as a focal point for promoting anti-drug messages to the public. It will also be the first exhibition centre in the Region providing drug education through interactive exhibits.

- (h) Beat Drugs Fund (BDF) - With the primary objective of providing a regular source of funding for anti-drug initiatives from the community, the BDF was established by the Government in 1996 with a capital outlay of \$350 million. As the Secretariat of the Fund, the Narcotics Division co-ordinates the vetting of applications, distributes funding to successful applications and monitors progress of approved projects. The BDF has so far approved a total of 238 projects with \$113.7 million in grants. The 2002-03 funding exercise has commenced on 1 November 2002.

### **Legislative Work**

10. The Security Bureau keeps under review the various legislations within its portfolio to ensure that they meet the prevailing needs of society. We also study carefully the reports of the Law Reform Commission (LRC) which are referred to this Bureau, and take forward its recommendations as appropriate. For example, to follow up on the relevant LRC report, we have introduced the Juvenile Offender (Amendment) Bill 2001 to raise the existing minimum age of criminal responsibility from seven to ten years, and are undertaking a review on the regulation of interception of communications which includes in-depth studies on both policy and technical issues taking account of the latest technological changes and measures adopted overseas.

11. In the 2002-03 legislative session, the Security Bureau will continue to pursue a heavy legislative programme. We will work closely with this Council to press ahead with the following bills which have been introduced and are being scrutinised by Members:

- (a) Fire Services (Amendment) Bill - This bill seeks mainly to update the Fire Services Ordinance, empower the Fire Services Department to investigate into the cause of a fire, and strengthen the Department's enforcement powers in relation to fire hazard abatement and prevention with a view to enhancing the protection of the public from fire risks.

- (b) Juvenile Offenders (Amendment) Bill 2001 - The bill proposes to raise the existing minimum age of criminal responsibility from seven to ten years so that no child under the age of ten can be prosecuted and be guilty of an offence. The proposal can avoid subjecting children at tender age to full panoply of the criminal justice system, thereby better protect the interests of young children.
- (c) Registration of Persons (Amendment) Bill - The bill will provide for the introduction of the new smart ID card and the launching of a region-wide ID card replacement exercise in 2003. See also paragraph 6(c) above.
- (d) Prevention of Child Pornography Bill - This bill proposes to better protect children by strengthening the current legal framework against child pornography and providing the current legislation against sexual abuse of children under the Crimes Ordinance with extra-territorial effect.

12. In addition, we plan to introduce the following bills into the Legislative Council in the 2002-03 legislative session:

- (a) A Bill to implement Article 23 of the Basic Law - See paragraph 3(e) above.
- (b) A Bill to cater for the implementation of co-location of immigration and customs facilities on the Shenzhen side - See paragraph 6(b) above.
- (c) Independent Police Complaints Council Bill - See paragraph 3(f) above.
- (d) United Nations (Anti-Terrorism Measures)(Amendment) Bill - See paragraph 3(a) above.

## **Efficiency Savings**

13. Like other Bureaux, we are subject to the requirement to achieve efficiency savings in the next four years. We are committed to doing so without affecting our essential services and without jeopardizing our planned new initiatives. We will do this by deploying and using our provision in a more flexible and efficient manner. We are not in a position to announce specific plans or details now as we are still at an early stage of preparing the 2003-04 draft estimates. However, we, together with the disciplined services under our purview, are already actively looking for possible ways to further enhancing our productivity and efficiency. Our Expenditure Estimates will be published on Budget Day on 5 March 2003 and there will be an opportunity for Members to ask us questions on them during one of the Special Finance Committee Meetings scheduled for the latter part of March 2003.

14. In general, we plan to adopt the following measures in order to achieve the required efficiency savings:

- (a) We will strive to enhance our productivity by simplifying procedures and through the greater use of technology in place of manual operations.
- (b) We will rationalize the geographical distribution of our services in order to reduce the overall requirement for administrative and support services. In this connection, for example, we are considering plans to consolidate the operations of existing immigration office network.
- (c) We will tighten control of overtime and other allowances and the issue of stores and supplies.
- (d) We will review the job content of administrative and operational posts with a view to ensuring that any over-ranking or provision is avoided.
- (e) More outsourcing of services will, as far as possible, be considered.

The overall guiding principle for adopting these and other cost-saving measures is that our essential services to the public will not be affected. We will also consult staff unions and the public where necessary and appropriate before implementing some of these measures.

Security Bureau  
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