

**立法會**  
***Legislative Council***

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LC Paper No. CB(2) 3183/03-04

(These minutes have been seen by the  
Administration)

**Panel on Security**

**Minutes of meeting held on Thursday, 10 June 2004  
at 2:30 pm in Conference Room A of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Albert HO Chun-yan  
Hon Margaret NG  
Hon Andrew WONG Wang-fat, JP  
Hon Howard YOUNG, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon WONG Yung-kan (Deputy Chairman)  
Dr Hon LUI Ming-wah, JP  
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP  
Hon CHEUNG Man-kwong  
Hon Michael MAK Kwok-fung  
Hon IP Kwok-him, JP

**Public Officers attending** : Item IV

Ms Winnie NG  
Principal Assistant Secretary for Security (E)

Mr Philip WONG  
Chief Superintendent of Police (Crime) (Headquarters)

Item V

Mr Stanley YING Yiu-hong  
Permanent Secretary for Security

Mr Charles WONG  
Principal Assistant Secretary for Security

Mr HA Yung-kuen  
Assistant Director (Regulatory)  
Office of the Telecommunications Authority

Dr WONG Fook-yee  
Assistant Director (Country and Marine Parks)  
Agriculture, Fisheries and Conservation Department

Mr LO Chun-hung  
Acting Chief Fire Officer (Headquarters)  
Fire Services Department

Mr FOK Man-kwan  
Assistant Commissioner of Police (Operations)

Item VI

Mr Ambrose LEE  
Secretary for Security

Mr Stanley YING Yiu-hong  
Permanent Secretary for Security

Miss CHEUNG Siu-hing  
Deputy Secretary for Security 1

Mr Ian WINGFIELD  
Law Officer (International Law)

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

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

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Action

**I. Information papers issued since the last meeting**

(LC Paper Nos. CB(2)2401/03-04(01), CB(2)2409/03-04(01), CB(2)2561/03-04(01) and CB(2)2585/03-04(01))

Members noted that the following papers had been issued since the last meeting -

- (a) The Independent Commission Against Corruption's (ICAC's) response to issues raised by the Chairman regarding a letter from "a group of investigators" and the statement issued by ICAC on 11 February 2004;
- (b) Submission from a member of the public regarding vice activities in Yau Ma Tei; and
- (c) A note from Mr Tommy CHEUNG Yu-yan on the Police's power of seizure of property from karaoke establishments.

2. Members agreed that the submission from a member of the public regarding vice activities in Yau Ma Tei be referred to the Administration for follow-up. Members also agreed that the Administration be requested to provide a response on the issues raised in the note from Mr Tommy CHEUNG Yu-yan.

3. Members noted that the Administration had provided a progress report on the implementation of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566). Members did not suggest discussing the subject matter at a Panel meeting.

**II. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)2641/03-04(01) and (02))

4. Members noted that the last Council meeting for the session was scheduled for 7 July 2004 at 2:30 pm. As it was highly likely that the business for the last Council meeting could not be finished on the same day and the meeting would continue on the following day, members agreed that the regular meeting originally scheduled for 8 July 2004 be rescheduled to 6 July 2004 at 10:45 am to discuss the following items -

- (a) Progress of implementation of proposals of the Interdepartmental Working Group on the Law Reform Commission Report on Arrest; and
- (b) Personal safety problems encountered by Hong Kong residents in the Mainland.

Action

5. The Chairman requested the Clerk to prepare a background brief on the item in paragraph 4(a) above.

**III. Draft report of the Panel on Security for submission to the Legislative Council**

(LC Paper No. CB(2)2641/03-04(03))

6. Members endorsed the draft report which gave an account of the work of the Panel during the 2003-04 legislative session. Members noted that the report would be revised to incorporate issues discussed at this meeting and tabled at the Council meeting on 30 June 2004.

**IV. Police's measures to combat crime directed at visitors**

(LC Paper No. CB(2)2641/03-04(06))

7. At the invitation of the Chairman, Principal Assistant Secretary for Security (E) (PAS(S)E) briefed members on the Administration's measures to combat crime directed at visitors.

8. Mr Howard YOUNG said that most of the complaints received from visitors were related to malpractices of retail shops. He asked whether the Police had encountered any resistance when taking actions against malpractices of retail shops.

9. Chief Superintendent of Police (Crime) (Headquarters) (CSP(C)(H)) responded that as actions were taken by the Police outside the shops, there was no resistance from retail shops.

10. The Chairman asked about the Police's criteria for selecting shops for taking actions and the number of shops selected.

11. CSP(C)(H) responded that the Police acted on complaints. There were about 20 selected shops.

12. PAS(S)E said that measures adopted by the Police had effectively curbed malpractices. Regarding complaints against malpractices of audio-visual shops, she informed members that there had been a downward trend in the number of cases recorded : 89 complaints in the first quarter of 2003, 57 complaints in the first quarter of 2004, 25 complaints in March 2004 and seven complaints in April 2004.

13. Mr Howard YOUNG pointed out that some people considered that a high profile publicity on the precautions against pickpocketing would give visitors the impression that the crime situation in Hong Kong was poor. However, some people supported launching such a high profile publicity to remind visitors. He asked whether the Administration had conducted any studies on the issue.

Action

Regarding reminders for visitors, he said that asking visitors to take care of their belongings might be better than asking them to be beware of pickpockets, which might give one the impression that there were pickpockets all around.

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14. PAS(S)E responded that the Security Bureau and the Police had not conducted any study on the issue. She undertook to refer the views and suggestion of Mr Howard YOUNG to the Economic Development and Labour Bureau for consideration. She said that in many cases, the victims did not know the exact time and location where the belongings were lifted. Thus, the adoption of preventive measures, including publicity and education, was important. In this connection, the Police had produced anti-crime leaflets which were made available at places such as the immigration checkpoints, the airport, popular shopping locations and the visa-issuing offices in the Mainland. The Hong Kong Tourism Board (HKTB) had also published information leaflets and guidebooks providing visitors with smart shopping tips.

15. Mr Ambrose LAU asked about the preventive measures adopted by the Administration especially in view of the increasing number of Mainlanders visiting under the Individual Visit Scheme. He also asked whether HKTB had any input in drawing up the preventive measures.

16. PAS(S)E responded that besides preventive measures adopted by the Police, HKTB had launched a Quality Tourism Services Scheme. HKTB had also launched a scheme under which visitors were entitled to a 100% refund of goods sold within 14 days. With the assistance of the Travel Industry Council of Hong Kong, about 90% of complaints from visitors had been resolved. The Consumer Council also organised talks to enhance the quality of employees in the relevant sectors.

17. The Chairman asked about the preventive actions taken by the Police. CSP(C)(H) said that dedicated Police teams had enhanced patrol around selected shops in tourist areas to see whether there were complaints from shoppers who had patronised these shops. Special task forces were deployed to combat pickpocketing.

18. The Chairman asked whether there was any indication of more crime directed at visitors from the Mainland than visitors from other countries. CSP(C)(H) responded that the Police had noted such a situation, as visitors from the Mainland generally brought more cash with them in comparison with visitors from other countries.

19. Regarding the 57 complaints against malpractices of audio-visual shops in the first quarter of 2004, Mr LAU Kong-wah asked about the types of shops involved, the number of cases detected and the penalty level involved in the cases concerned. Regarding the 224 persons arrested on suspicion of participating in pickpocketing in the first quarter of 2004, he asked about the breakdown of the

Action

arrested persons and victims among Hong Kong residents and Mainlanders. The Chairman asked about the number of prosecution instituted in the 57 cases.

Adm

20. CSP(C)(H) undertook to provide a written response. He said that most of the cases were settled through refund or exchange of items.

21. PAS(S)E said that more than 90% of the audio-visual shops against which complaints had been lodged were in Tsim Sha Tsui District. Most of the complaints were related to over-charging or “hard selling” of expensive products. She added that disputes involving sales and purchases might not necessarily involve criminal offences.

22. The Chairman said that the decrease in the number of complaints might be due to the recent opening of some sizable retail chains. He hoped that the Police would continue its efforts against malpractices of shops.

**V. Measures to combat robbery of hikers and provision of emergency assistance to hikers**

(LC Paper Nos. CB(2)2641/03-04(04) and (05))

23. At the invitation of the Chairman, Permanent Secretary for Security (PS for S) briefed members on the Administration's measures to combat robbery of hikers and provision of emergency assistance to hikers. He informed members that -

- (a) in the first five months of 2004, there were 13 cases of robbery of hikers;
- (b) among 624 mountain rescue calls received by the Fire Services Department between April 2003 and March 2004, 219 were false alarms or cases not in need of service, 225 were cases in need of assistance, 60 were cases where hikers lost their way and 119 were cases where hikers were stranded at dangerous locations; and
- (c) over 90% of hiking trails were covered by mobile phone networks. The areas not covered were only found in eastern Sai Kung, south-western Lantau and northern part of the New Territories. The coverage problem was being addressed through building more mobile base stations and the deployment of new technology.

24. Mr LAU Kong-wah expressed concern about the increase in the number of robberies of hikers. Regarding the 13 cases of robbery of hikers, he asked about the number of victims involved, the number of cases detected, the number of persons arrested and the identity documents held by the arrested persons.

25. Assistant Commissioner of Police (Operations) (ACP(O)) responded that

Action

among the 13 robbery cases, four had been detected. One of the four cases involved robbery by illegal immigrants, while the remaining three cases involved robbery by the same Two-way Permit (TWP) holder. Although there was no information on hand about the number of victims involved, most of the cases involved one or two victims. PS for S cautioned that as the figures were relatively small, it might not be appropriate to draw any conclusion from the statistics.

26. The Chairman asked whether most robbers were illegal immigrants. ACP(O) responded that most of the persons arrested in 2003 for robbery of hikers were illegal immigrants, while the recently arrested robber was a TWP holder.

27. Mr LAU Kong-wah asked whether the Administration had any information about the geographical distribution of robbers who were illegal immigrants. He also asked about the measures adopted by the Police to encourage hikers to report robberies.

28. ACP(O) responded that large-scale "sweeping operations" were launched in country parks from time to time to detect illegal immigrants and suspected offenders. No specific pattern was discovered on the geographical distribution of these robbers. During these operations and other publicity campaigns, the Police urged the hikers to report to the Police of any suspicious persons.

29. Mr Howard YOUNG asked whether signposts would be erected to draw the public's attention that an area was not covered by mobile phone networks. He also asked whether there was any relationship between areas not covered by mobile phone networks and crime rate.

30. Assistant Director (Country and Marine Parks), Agriculture, Fisheries and Conservation Department (AD(C&MP)/AFCD) responded that the Agriculture, Fisheries and Conservation Department (AFCD) was arranging to upload information about areas not covered by mobile phone networks onto its homepage. He said that the areas not covered by mobile phone networks were usually remote and thus unrelated to robberies in country parks. ACP(O) said that in most cases, the mobile phones of victims were taken away by robbers. Thus, the coverage of mobile phone networks was not an issue in such robbery cases.

31. The Chairman commended that park wardens of AFCD had stepped up patrols in country parks. He asked whether such a measure was a short-term or long-term one and whether additional staff cost was incurred. He also asked about the other alternatives referred to in paragraph 10 of the Administration's paper.

32. AD(C&MP)/AFCD responded that AFCD had stepped up patrols in country parks on a long-term basis through redeployment of staff without any additional staff cost.

33. PS for S said that the key was to find the most cost-effective and appropriate

Action

way to address the mobile phone network coverage problem. To this end, the Administration would continue to encourage mobile phone operators to improve their services coverage in country parks. He added that the mobile phone network coverage in the Shing Mun area had substantially improved recently. Two new mobile base stations were being planned.

34. Assistant Director (Regulatory), Office of the Telecommunications Authority (AD(R)/OFTA) responded that one of the two new mobile base stations being planned would be in the High Island Reservoir area. The mobile phone network coverage around the reservoir should be improved should the project materialize. He said that some mobile base stations could not be constructed because of opposition from residents or the high cost involved. He informed members that the Hong Kong Amateur Radio Association had recently written to the Telecommunications Authority suggesting that with the increasing popularity of 409 MHz walkie-talkies, the Administration should consider specifying certain frequency channels for emergency use and promote the use of such equipment to hikers. The Association suggested that the frequency band of 27 MHz should also be made available for public use. The suggestion was being studied by the Administration.

Adm

35. The Chairman said that certain areas not covered by local mobile phone networks were covered by some mobile phone networks of the Mainland. He suggested that the Administration could provide such information to the public. PS for S agreed to consider the suggestion.

36. Mr LAU Kong-wah said that the adequacy of Emergency Helplines was very important, given that most robbers took away the mobile phones of victims. He asked whether the Administration would encourage fixed telecommunication network service operators to install more Emergency Helplines, especially in areas not covered by mobile phone networks.

37. AD(R)/OFTA responded that Emergency Helplines were installed and operated by PCCW, which was the only fixed telecommunications network operator with a universal service obligation (USO). Given their nature, the Emergency Helplines did not generate any revenue and incurred substantial operational loss. Under the USO, all service operators that operated IDD services were required to contribute towards the loss so incurred by PCCW. With the intensifying competition in the telecommunications market and the rapid decrease of IDD charges, such a compensatory scheme was no longer sustainable. Understandably PCCW was also reluctant to provide additional Emergency Helplines under the USO.

Adm

38. The Chairman requested the Administration to consider seeking sponsorship from enterprises for the installation of more Emergency Helplines and report to the Panel in six months' time.



**VI. Progress of review of the Interception of Communications Ordinance - follow-up issues**

(LC Paper Nos. CB(2)1873/03-04(04), CB(2)1987/03-04(01) and CB(2)2641/03-04(01))

39. At the invitation of the Chairman, Secretary for Security (S for S) briefed members on the latest progress on the Administration's review of the Interception of Communications Ordinance (IOCO), as detailed in the speaking note tabled at the meeting.

*(Post-meeting note : The speaking note tabled at the meeting was issued to members vide LC Paper No. CB(2)2749/03-04 on 11 June 2004.)*

40. Miss Margaret NG thanked S for S for attending the meeting in person. She said that the Administration should not keep deferring the implementation of a piece of legislation which had been passed by the legislature. She considered that legislation on the interception of communications should keep up with the development of human rights and privacy in the society. She asked whether there were provisions in IOCO that were not acceptable to the Administration.

41. S for S responded that the Administration had no intention to defer indefinitely the implementation of IOCO. Interception of communications had been important to the work of the Police and the Independent Commission Against Corruption (ICAC) in combating crime and corruption. The Police and ICAC needed sufficient powers to intercept communications while respecting human rights. He said that there would be enforcement difficulties with IOCO, which had not been studied by a Bills Committee before its enactment. For security reasons, he was not in a position to disclose the details of these enforcement difficulties.

42. Miss Margaret NG asked whether there were currently any restrictions on interception of communications.

43. S for S responded that each request for interception of communications had to be approved in person by the Chief Executive (CE) on a case-by-case basis. It was necessary to justify in the request that the information to be obtained by interception of communications could not be reasonably obtained by other means.

44. The Chairman asked whether guidelines had been issued by law enforcement agencies on the requirement that interception of communications had to be approved in person by CE on a case-by-case basis.

45. S for S responded that the guidelines were internal ones. However, he did not have the detailed guidelines on hand. His understanding was that interception of communications was carried out by two law enforcement agencies - the Police

Action

and ICAC.

Adm

46. The Chairman requested the Administration -

- (a) to advise the year from which requests for interception of communications had to be approved by CE on a case-by-case basis; and
- (b) to confirm whether internal guidelines had been issued by the Police and ICAC on the requirement referred to in paragraph 44 above.

47. Law Officer (International Law) (LO(IL)) said that under section 33 of the Telecommunications Ordinance, which did not expressly refer to such guidelines, CE had to consider whether it was in the interest of the public to approve interception of communications in a particular case. The power of CE to order interception of communications was not unfettered, as Article 30 of the Basic Law provided that no department or individual might, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities might inspect communication in accordance with legal procedures to meet the needs of public security or of investigation into criminal offences.

48. Miss Margaret NG asked about the differences between the provisions in the existing laws and the provisions in IOCO.

49. LO(IL) responded that the main differences included the authorisation for interception of communications, whether the grounds on which an application would be made were to be set out, whether the basis on which an order was terminated was to be set out, the disclosure and admissibility of intercepted materials and remedies for unlawful interception of communications.

50. Miss Margaret NG said that there was not much difference between the proposal in IOCO and that in the Administration's white bill regarding authorisation for interception of communications. She questioned why the provisions in IOCO relating to the authorisation for interception of communications had not been implemented.

51. S for S responded that it might not be appropriate to merely look at one provision of an ordinance. He said that the Administration considered that the implementation of IOCO in its current form would pose serious operational difficulties to the Police and ICAC and thus would be prejudicial to the security of Hong Kong. It had strongly opposed the bill at the time of enactment. He stressed that the Administration would take a number of matters into consideration in its review, including the provisions in IOCO, the white bill, overseas practices and technological development. LO(IL) added that until the question of admissibility of interception material had been resolved, it would not be possible to implement provisions relating to authorization for interception since the safeguards

Action

necessary on the use of material depended upon whether or not the material was admissible.

52. The Chairman asked whether the Administration would consider having interception of communications authorised by the court instead of by CE. S for S responded that he would not rule out this possibility.

53. Mr LAU Kong-wah said that it was important to strike a balance between the rights of an individual and law enforcement power. He considered that it would not be in order if a piece of legislation had not undergone study by a Bills Committee and consultation with law enforcement agencies. He asked whether there had been fundamental changes in the area of interception of communications in the United Kingdom (UK) and the United States (US) in recent years.

54. S for S responded that after the "911" incident, many countries were very concerned about terrorist activities. Australia and New Zealand had introduced legislative amendments in the area of interception of communications. Countries such as Canada, UK and US had introduced new elements in the authorisation for interception of communications. US had introduced legislative amendments to provide for the interception of communications for the purpose of preventing terrorist activities. Some countries had strengthened the requirements on and protection for telecommunication service providers.

55. The Chairman asked whether there was any international trend in the authorisation for interception of communications. He also asked whether interception of communications was authorised by the court in most countries.

56. S for S responded that interception of communications was authorised by the court in some countries. However, in some other countries, it was authorised by the executive authorities. The Administration would have regard to overseas experience and seek to strike a balance between effective law enforcement and human rights.

57. Mr LAU Kong-wah asked whether the Administration's review would also cover protection against non-government interception of communications.

58. S for S responded that any non-government interception of communications was illegal in Hong Kong, regardless of the purpose of interception.

59. The Chairman said that it was very difficult to discover any abuse of power in the interception of communications. Thus, it was important to have a monitoring mechanism in place. He said that in US, interception of communications by the Central Intelligence Agency had to be approved by the Foreign Intelligence Court. He asked whether the Administration would seriously consider having interception of communications authorised by the court. Miss Margaret NG added that the work of the Secret Intelligence Service in UK, which

Action

was commonly known as MI6, was monitored by a committee.

60. S for S responded that as the matter was under review, the Administration was not in a position to advise whether it would or would not adopt certain suggestions. However, the Administration would certainly have regard to proposals in the white bill in its review.

61. The Chairman asked about the number and categories of cases of interception of communications authorised by CE in a year. Miss Margaret NG asked about the average number of targets involved in a case.

62. S for S responded that disclosing such information might expose the capability of the Police or ICAC in the intercept of communications. This might affect the law enforcement power of the Police and ICAC. He said that about one target was involved in a case.

63. Miss Margaret NG said that as the public was concerned whether there was any secret police, transparency in the monitoring mechanism was very important. S for S undertook to consider Miss NG's view.

64. The Chairman asked whether the Administration had to deal with other more pressing issues in the next legislative session.

65. S for S responded that he was not in a position to predict the situation in the future. He said that the Administration would strive to complete the review and revert to the Panel within the next legislative session.

66. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 July 2004

Adm