

**立法會**  
**Legislative Council**

Ref : CB2/PL/SE/1

LC Paper No. CB(2) 1717/04-05  
(These minutes have been seen  
by the Administration)

**Panel on Security**

**Minutes of meeting held on Friday, 15 April 2005  
at 10:45 am in the Chamber of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon WONG Yung-kan, JP  
Hon Howard YOUNG, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LEUNG Kwok-hung  
Hon CHIM Pui-chung

**Members absent** : Dr Hon LUI Ming-wah, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon CHOY So-yuk  
Hon Andrew LEUNG Kwan-yuen, SBS, JP

**Public Officers attending** : Item IV  
  
Mr Michael WONG  
Deputy Secretary for Security 3  
  
Mr Alan CHU  
Principal Assistant Secretary for Security D  
  
Mr TSOI Hon-kuen  
Assistant Director (Personal Documentation)  
Immigration Department

Mr SHAM Hi-keung  
Principal Immigration Officer (Documents)  
Immigration Department

Item V

Miss CHEUNG Siu-hing  
Deputy Secretary for Security 1

Mrs Bonnie SMITH  
Assistant Commissioner of Police (Information Systems Wing)

Mr Victor LO  
Assistant Commissioner of Police (Crime)

Mr Isaac LO  
Senior Superintendent of Police (Identification Bureau)

Item VI

Miss CHEUNG Siu-hing  
Deputy Secretary for Security 1

Mr YAM Tat-wing  
Director of Operations  
Hong Kong Police Force

Mr AU Hok-lam  
Regional Commander (Marine)  
Hong Kong Police Force

Mr Roderick D G COLSON  
Senior Superintendent of Police (Support)  
(Marine Regional Headquarters)

Item VII

Mr Charles WONG  
Principal Assistant Secretary for Security B

Miss Agnes CHEUNG  
Assistant Secretary for Security

Mr LO Chun-hung  
Chief Fire Officer (Licensing and Certification Command)

Mr LEUNG Kwun-hong  
Divisional Officer (Policy)  
Fire Services Department

Mr LEE Ka-mo  
Assistant Director (Port Control)  
Marine Department

Mr Vincent TSE Siu-hung  
Chief Geotechnical Engineer (Mines)  
Civil Engineering and Development Department

Mr MAN Ka-fai  
Senior Geotechnical Engineer (Mines)  
Civil Engineering and Development Department

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

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

Mr Raymond LAM  
Senior Council Secretary (2) 5

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**I. Confirmation of minutes of previous meetings and matters arising**  
(LC Paper Nos. CB(2)1248/04-05 and CB(2)1249/04-05)

The minutes of the special meeting held on 19 January 2005 and the regular meeting held on 1 February 2005 were confirmed.

Proposed terms of reference of the Subcommittee on Review of Existing Statutory Provisions on Search and Seizure of Journalistic Material  
(LC Paper No. CB(2)1247/04-05(01))

2. Members endorsed the proposed terms of reference of the Subcommittee on Review of Existing Statutory Provisions on Search and Seizure of Journalistic Material, which had been agreed on by the Subcommittee at its meeting on 8 March 2005.

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

(LC Paper Nos. CB(2)1138/04-05(01) and (02))

3. Members noted that a referral from Duty Roster Members and a letter dated 25 February 2005 from Mr Ronny TONG on the employment service support for rehabilitated offenders and criteria for the issue of Security Personnel Permits had been issued since the last meeting.

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

(LC Paper Nos. CB(2)1247/04-05(02) and (03))

4. Members agreed that the following items would be discussed at the next meeting to be held on 3 May 2005 at 2:30 pm -

- (a) Security arrangements for the Sixth Ministerial Conference of the World Trade Organization to be held in Hong Kong in December 2005;
- (b) Employment service support for rehabilitated offenders, including the criteria for them to be issued Security Personnel Permits; and
- (c) Bilateral agreements on surrender of fugitive offenders : Article on offence.

5. Members agreed that the Administration should be requested to provide information, quoting the relevant legislation and precedent cases, on whether the period during which a person served sentence in a penal institution in Hong Kong would be counted as ordinary residence in Hong Kong in determining the person's permanent residency.

**IV. Appointment of civil celebrants of marriage : Proposal to amend the Marriage Ordinance (Cap. 181)**

(LC Paper No. CB(2)1247/04-05(04))

6. Members noted the Administration's presentation on its proposal to amend the Marriage Ordinance (MO) (Cap. 181) to provide for the appointment of civil celebrants of marriages (civil celebrants) and to enable marriages to be celebrated before them.

*(Post-meeting-note : The presentation materials provided by the Administration were circulated to members vide LC Paper No. CB(2)1326/04-05(01) on 20 April 2005.)*

7. Mr CHEUNG Man-kwong asked whether a civil celebrant who was a Legislative Council (LegCo) Member would be allowed to celebrate marriages at his

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office at no charge. The Chairman asked whether any requirements on the venue of celebration would be set out in legislation or code of practice.

8. Deputy Secretary for Security 3 (DS for S3) responded that, while a code of practice to provide guidance for civil celebrants would be drawn up, there would be no restriction in legislation on the place at which a marriage was to be celebrated. Whether marriages could be celebrated at a LegCo Member's office would depend on the permitted uses of the office concerned. While the Administration would continue to charge a fee for celebration of marriages at marriage registries, it would be up to the private sector to determine their own fees. A civil celebrant could provide service at no charge.

9. Mr CHEUNG Man-kwong asked why barristers were not proposed to be eligible for appointment as civil celebrants.

10. DS for S3 responded that solicitors with not less than seven years' post-qualification experience and notaries public holding relevant practicing certificates were proposed to be eligible for appointment as civil celebrants because their legal knowledge and familiarity with the administration of oaths and taking of declarations. To his knowledge, persons who wished to procure the service provided by a barrister had to do so through a solicitor. The Administration would not rule out the possibility of future inclusion of other categories of persons under those eligible for appointment as civil celebrants.

11. Mr CHEUNG Man-kwong asked whether any error of a civil celebrant, such as failure to exhibit a copy of the notice of intended marriage for at least 15 days, would render a marriage invalid.

12. DS for S3 responded that there would be provisions providing that a marriage would not be rendered invalid by errors which were merely of a technical nature. However, a marriage could be invalid regardless of whether the civil celebrant had apparently completed the technical requirements, if there was legal hindrance the effect of which was to invalidate the marriage. Briefing sessions would be provided by the Immigration Department for civil celebrants. He added that after the legislative proposal was implemented, the office of the Registrar of Marriages would still be responsible for exhibiting a copy of the notice of intended marriage for at least 15 days.

13. Mr CHIM Pui-chung expressed concern that the fees to be charged by civil celebrants might be very high. To avoid disputes about charges and to prevent corruption associated with free service provided by civil celebrants who were candidates of LegCo or District Council (DC) elections, he considered that a fixed fee should be set for the services to be provided by civil celebrants. The provision of free service by civil celebrants who were candidates of LegCo or DC elections should at least be prohibited within a certain period before the elections.

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14. DS for S3 responded that if the fees charged by civil celebrants were high, a couple could choose to use the service provided at marriage registries. He also opined that it might be more appropriate to set out provisions against corrupt practices in the relevant electoral legislation rather than MO.

15. Ms Margaret NG asked how the Administration's proposed scheme compared to those in other common law jurisdictions.

16. Assistant Director of Immigration (Personal Documentation) responded that the Administration had studied the practices in other common law jurisdictions and noted that similar arrangements had been introduced in Australia, Canada and New Zealand. A similar scheme was found in the recent proposals to modernise marriage-related legislation in the United Kingdom. Ms Margaret NG requested the Administration to provide information on jurisdictions where lawyers were allowed to serve as civil celebrants, quoting the relevant legislation and explaining whether there were any restrictions on the place of celebration and other matters.

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17. Ms Audrey EU asked about the existing fees for celebrating marriage at marriage registries. DS for S3 responded that the fee for celebrating marriage at marriage registries was about \$1,000 during normal office hours and about \$2,000 outside normal office hours.

18. Ms Audrey EU asked –

- (a) whether marriages could be celebrated in any place within Hong Kong;
- (b) whether there would be any quota on the number of couples allowed to celebrate their marriages on auspicious days before civil celebrants;
- (c) whether there would be any other eligibility requirement for civil celebrants besides the requirement of being a solicitor with not less than seven years' post-qualification experience or a notary public holding a relevant practising certificate;
- (d) whether the process of registration as a civil celebrant would take a very long time;
- (e) whether the legislative proposal would have any impact on the Government's revenue; and
- (f) whether there would be any restrictions on the celebration of marriages by civil celebrants for their own relatives.

19. DS for S3 responded that after the legislative proposal was passed, there would not be any quota on the number of couples allowed to celebrate marriages before civil celebrants on any particular day. He said that besides the seven-year

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post qualification experience requirement, an applicant would have to satisfy the requirement of not being the subject of disciplinary action by the professional bodies during the three years immediately preceding the date of application and the requirement of having completed such training as the Registrar of Marriages might specify.

Adm

20. Ms Audrey EU requested the Administration to provide information on the eligibility criteria for civil celebrants and the restrictions, if any, on the celebration of marriages by civil celebrants for their own relatives.

21. The Chairman asked whether the introduction of the legislative proposal mainly arose from inadequate marriage celebration service on auspicious days. DS for S3 responded that the legislative proposal mainly arose from the high demand for marriage celebration service on auspicious days and the fact that many couples wished to celebrate their marriages in special ways.

22. Ms Audrey EU expressed support in principle for the Administration's legislative proposal. The Deputy Chairman also expressed support for the Administration's legislative proposal. He hoped that the fees for celebration of marriages would be kept at a low level.

23. The Chairman concluded that members supported the legislative proposal in principle.

**V. Computer Assisted Palmprint and Fingerprint Identification System**  
(LC Paper No. CB(2)1247/04-05(05))

24. At the invitation of the Chairman, Deputy Secretary for Security 1 (DS for S1) and Assistant Commissioner of Police (Information Systems Wing) (ACP(IS)) briefed members on the Administration's proposal to replace the Police's Computer Assisted Fingerprint Identification System (CAFIS) by a Computer Assisted Palmprint and Fingerprint Identification System (CAPFIS).

25. Ms Audrey EU asked whether fingerprints and palmprints would be taken from all suspects after CAPFIS was fully implemented.

26. ACP(IS) responded that the Police was empowered under existing legislation to take palmprints. Since April 2003, the Police had been taking palmprints from sentenced and arrested persons. The palmprint record of an arrested person would be destroyed when he was not convicted. Ms Audrey EU asked whether such palmprint information would be returned, if requested, to arrested persons who were not convicted. Assistant Commissioner of Police (Crime) (ACP(C)) replied in the affirmative.

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27. Ms Audrey EU asked how CAFIS would be disposed of. She asked how the Administration would dispose of the records in the old system and whether environmental protection measures would be adopted in such disposal.

Adm

28. ACP(C) responded that the supplier of CAPFIS would be responsible for transferring data in the old system to the new system and removing the information stored in the old system. Ms Audrey EU requested the Administration to provide information on the disposal of the old system, including the environmental protection aspects of the disposal, in its paper for the Finance Committee (FC).

29. Ms Margaret NG asked how the Police would ensure that information stored in the old system would be completely removed.

30. ACP(C) responded that the Police was aware of members' concern and would take steps to ensure that all information in the old system would be completely removed before the old system was disposed of.

Adm

31. Ms Margaret NG requested the Administration to provide a written response on how records in the old system would be removed before the system was disposed of. Referring to paragraph 10 of the Administration's paper, the Chairman requested the Administration to provide members with the views of the Office of the Government Chief Information Officer on the replacement of CAFIS by CAPFIS.

32. Ms Audrey EU asked whether the Administration had selected any particular system for CAPFIS.

33. DS for S1 responded that the Administration had not selected any particular system for CAPFIS. After the funding proposal was approved by FC, the Administration would proceed with the usual tendering procedures.

34. Mr CHEUNG Man-kwong asked whether CAPFIS would be solely used for the Police's investigation of crime. He also asked whether there were plans to extend the application of CAPFIS to registration of persons (ROP).

35. DS for S1 responded that CAPFIS and the ROP system were different systems with different applications. The applications of CAPFIS were confined to those referred to in paragraph 3 of the Administration's paper.

36. Mr CHEUNG Man-kwong asked whether there would be a mechanism for the removal of a record from CAPFIS after a certain period of time for persons convicted of minor offences. He also asked whether such persons would be notified of the destruction of their records.

37. DS for S1 responded that records would be removed from CAPFIS, such as upon the death of the person concerned or in accordance with the requirements under the Rehabilitation of Offenders Ordinance (Cap. 297). The record of a juvenile

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offender cautioned under the Police Superintendent's Discretion Scheme would be destroyed two years after the date of caution or when the juvenile reached the age of 18, whichever was the latest.

Adm

38. The Chairman requested the Administration to provide a paper explaining the storage and destruction of records in CAPFIS for arrested persons, sentenced persons and young people cautioned under the Police Superintendent's Discretion Scheme.

39. In response to Mr LAU Kong-wah's question about the number of latent palmprints identified at crime scenes or on exhibits before 2004, DS for S1 said that the number of latent palmprints added to the archive were as follows –

<u>Year</u>	<u>Number of latent palmprints added to the archive</u>
2001	about 3 400
2002	about 3 600
2003	about 3 400
2004	about 3 300

40. Referring to paragraph 8 of the Administration's paper, Mr LAU Kong-wah asked whether the percentage of palmprints among unresolved latent marks was about 35% before 2004.

41. ACP(IS) responded that such information was not available, as the taking of palmprints from sentenced persons and arrested persons did not commence until April 2003.

42. Mr LAU Kong-wah asked whether the Police had obtained fingerprint information stored in the ROP system in the investigation of crime in the past.

43. ACP(C) responded that in the investigation of crime, the Police would try to obtain information about suspects as far as practicable, including information stored in the ROP system.

44. Mr LAU Kong-wah asked whether the Administration would consider taking palmprint information and storing such information in the ROP system.

45. DS for S1 responded that taking tenprints and palmprints of every person and storing such information in the ROP system might have privacy implications and the Administration had no plans to do so. She stressed that CAPFIS and the ROP system were different systems with different applications. ACP(IS) added that the Police was empowered under section 59 of the Police Force Ordinance (Cap. 232) to take fingerprints and palmprints from arrested persons but not other persons.

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46. Ms Margaret NG considered that the taking of palmprints from every person, which was related to individual freedom, should not be adopted merely because of spare capacity in the new system.

47. Mr LAU Kong-wah asked whether systems similar to CAPFIS were used in the Mainland and other countries. DS for S1 replied in the affirmative.

48. The Chairman asked about the legal basis on which the Police exchanged fingerprint and palmprint information with its counterparts in other jurisdictions in the investigation of crime.

49. DS for S1 responded that under the common law, different jurisdictions could exchange information for the prevention and investigation of crime. She stressed that such exchange of information would only be made in specific cases and in compliance with the Personal Data (Privacy) Ordinance (Cap. 486) (PD(P)O).

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50. The Chairman requested the Administration to provide a written response on –

- (a) the legal basis on which the Police exchanged fingerprint and palmprint information with its counterparts in other jurisdictions in the investigation of crime;
- (b) the Administration's internal guidelines, if any, on such exchange of information; and
- (c) the views of the Privacy Commissioner for Personal Data, if any, on the consistency between such exchange of information and PD(P)O.

51. DS for S1 said that the Administration intended to submit the proposal to FC, after providing the requested information to members. Mr LAU Kong-wah expressed support for the Administration's proposal. The Chairman said that it would be up to the Administration to decide whether to submit the proposal to FC. Although some members expressed support for the proposal, he had reservations about some aspects of the proposal, including the adequacy of legislation governing the exchange of information with other jurisdictions.

## **VI. Versatile Maritime Policing Response System**

(LC Paper Nos. CB(2)1247/04-05(06) and CB(2)1282/04-05(01))

52. At the invitation of the Chairman, DS for S1 briefed members on the Police's plan to enhance cost-effectiveness and operational efficiency in discharging its marine policing duties through the implementation of the Versatile Maritime Policing Response Strategy (VMPR).

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53. Members noted the PowerPoint presentation on VMPR by the Administration.

54. Mr LAU Kong-wah expressed support for the Police's new strategy of deploying faster crafts and launches to combat marine crime. He said that the staff establishment of the Marine Police was maintained at a level adequate for coping with massive influx of refugees or illegal immigrants in the past. He questioned whether it was appropriate to use such a staff establishment level as the starting point for determining the manpower requirements under VMPR. He asked whether there were statistics, such as marine crime statistics, justifying the fleet and manpower requirement proposed under VMPR. He also asked whether there was room for reducing the number of large launches.

55. DS for S1 responded that the patrol areas and duties as well as the future fleet requirements for each division were set out in Annex A to the supplementary paper provided by the Administration. Regional Commander (Marine), Hong Kong Police Force (RC(M)) said that under VMPR, a net reduction of about 200 posts, which represented a 15% reduction in frontline staff, would be achieved. There was no room for further reduction in the number of large launches.

56. The Deputy Chairman expressed support for the Administration's proposal. He expressed concern whether adequate support could be maintained with the reduced fleet and manpower proposed under VMPR.

57. RC(M) responded that VMPR was proposed only after a four-year study. The adequacy of frontline support was constantly reviewed by the Marine Police.

58. The Chairman asked the Administration to provide the reports of all surveys and studies conducted by the Police in the past few years relating to VMPR.

59. Dir of Operations, Hong Kong Police Force (Dir of Ops) responded that after approval was given by FC to the financial proposal, the justifications for the procurement of each launch or craft would be scrutinised by an internal committee comprising senior Police officers at senior assistant commissioner level and above. At the Chairman's request, DS for S1 agreed to provide information on the patrol coverage of the proposed fleet, the number of shifts and the manpower required under VMPR.

60. Mr WONG Yung-kan expressed support for the Administration's proposal. He asked whether the crafts proposed under VMPR would be adequate for intercepting the vast numbers of Mainland boats and crafts in Hong Kong waters.

61. Dir of Ops responded that the central command system and the fleet of small and versatile craft proposed under VMPR would enable the Police to identify suspicious boats and crafts in Hong Kong waters more easily and intercept such boats and crafts promptly.

Adm

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62. Mr WONG Yung-kan asked about the measures to be adopted to safeguard Police officers from hazards associated with the increased speed of Police launches and crafts.

63. RC(M) responded that a working group had been formed within the Marine Police to identify training needs and improvements needed for Police launches and crafts. The working group had made recommendations on the use of seats with safety design. Crew members were required to wear helmets, goggles and life jackets when performing their duties.

64. Mr LEUNG Kwok-hung asked whether the Administration had compared the manpower and fleet proposed under VMPR with those deployed in neighbouring places, such as Mainland cities, Taiwan and Singapore. The Chairman asked the Administration to provide information on the comparison done. Mr LEUNG also asked whether any external organisation had been appointed to conduct independent studies on VMPR.

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65. RC(M) responded that the Police had conducted studies on the manpower and fleet deployment of other places, including Singapore. The studies conducted by the Police were participated by representatives from the Marine Department and the Electrical and Mechanical Services Department. However, independent studies on VMPR was not considered appropriate and has not been pursued. DS for S1 cautioned that given the different circumstances facing each jurisdiction, it might not be appropriate to attempt a direct comparison. Nonetheless, she agreed to provide the information requested by the Chairman, if available.

66. Mr LEUNG Kwok-hung asked about the basis on which the proposed manpower saving of about 200 posts was calculated. He expressed concern whether the management would benefit at the expense of frontline/junior officers.

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67. DS for S1 responded that this would not be the case, as the main consideration was the need. The Chairman requested the Administration to provide a breakdown in terms of the grades of the 200 posts to be saved.

68. Mr LEUNG Kwok-hung asked whether the Administration had compared the prices of various crafts and launches available in the market. He said that the Administration should not procure crafts and launches built in Japan.

69. DS for S1 responded that the process of launch/craft selection had not yet commenced. However, it should be noted that for procurement exceeding a certain value, the Administration had to comply with the requirements laid down by the World Trade Organization.

70. Mr Howard YOUNG expressed support for the Administration's proposal, as it would incur less resources.

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71. The Chairman considered that the Administration should provide members with the reports of all the reviews referred to in paragraph 5 of the Administration's paper.

72. DS for S1 responded that many of the reviews conducted in the past few years were internal ones. There was not a consolidated report on the reviews and many of the documents concerned were internal ones. She said that the Administration was willing to consider providing members with further information, if requests for specific information were made by members. Dir of Ops added that many of the documents concerned were internal ones such as memorandums. The results of the reviews had been consolidated into the Administration's papers for the meeting.

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73. The Chairman reiterated his request that the Administration should provide the reports of all the reviews referred to in paragraph 5 of the Administration's paper. He said that the Administration could alternatively provide a full list of such reports so that members could request the Administration to provide any particular report in the list. His view was shared by Mr LEUNG Kwok-hung. The Chairman added that as the Administration was proposing a change in strategy for the Marine Police, members had to be convinced that the proposal was a right one.

74. The Chairman said that although some members were supportive of the Administration's proposal, he would need to study further information to be provided by the Administration before deciding whether the proposal should be supported.

**VII. Amendment to subsidiary legislation under the Dangerous Goods Ordinance (Cap. 295)**  
(LC Paper No. CB(2)1247/04-05(07))

75. At the invitation of the Chairman, Principal Assistant Secretary for Security B (PAS(S)B) briefed members on the Administration's proposal to amend the Dangerous Goods (General) Regulations, Dangerous Goods (Application and Exemption) Regulations and Dangerous Goods (Shipping) Regulations, and make the Dangerous Goods (Packing and Labelling) Regulation.

76. The Chairman asked whether the Administration had consulted the retail trade on the proposals in the regulations. He also asked whether any deputations had expressed strong views which had not been taken on board by the Administration.

77. PAS(S)B responded that during the scrutiny of the Dangerous Goods (Amendment) Bill 2000, the Administration had, after considering the views of the then Bills Committee to study the Bill and the Hong Kong Retail Management Association, appointed a consultant to review the regulatory regime for dangerous goods in consumer packs. The three-tier system of control for regulating the storage of dangerous goods in consumer packs recommended by the consultant and the Administration had been accepted by the Bills Committee. He added that the

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Administration had consulted the relevant trades on its proposal to amend the regulations since mid-2004.

78. Chief Fire Officer (Licensing and Certification Command) said that the trades were mainly concerned about the implementation details and the Administration had explained such details to them.

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79. The Chairman requested the Administration to provide the views received on the proposed regulations and the Administration's response.

80. There being no further business, the meeting ended at 1:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 May 2005