

Legislative Council Panel on Security

Policy Initiatives of Security Bureau

The 2005 Policy Agenda sets out the Government's new and on-going initiatives until 2007. This note elaborates on the initiatives of the Security Bureau in the 2005 Policy Agenda.

Effective Governance

Continuing discussions with the Mainland and other jurisdictions on bilateral cooperation in criminal matters relating to Mutual Legal Assistance (MLA), Surrender of Fugitive Offenders (SFO), and Transfer of Sentenced Persons (TSP).

Discussions with Other Jurisdictions

2. Continued efforts have been made to extend the HKSAR's international network of cooperation in law enforcement. To date, Hong Kong has signed 17 agreements on MLA, 13 agreements on SFO and seven agreements on TSP with foreign jurisdictions.

3. The MLA Agreements with Belgium and Denmark were signed in late 2004. We are preparing the necessary subsidiary legislation to implement these two Agreements. The Transfer of Sentenced Persons (Amendment) (Macau) Bill has been introduced into the Legislative Council on 5 January 2005. Subject to the passage of the Bill by the Legislative Council, the TSP Arrangement between the Macau SAR and HKSAR will be signed and brought into force this year.

Discussions with the Mainland

4. We will continue to discuss with the Mainland authorities on setting up rendition and TSP arrangements between the HKSAR and the Mainland. Given the significant differences in the legal systems of the two places and the complexities of the issues involved, the discussions have to be conducted with great care.

Taking active steps to introduce a new type of passport featuring biometric capability in 2006-07 to tie in with the first tide of applications for renewal of HKSAR passport valid for 10 years from July 1997.

5. In order to enhance the security of the HKSAR passport and to safeguard the travel convenience enjoyed by its holders, we have been monitoring the technology and standards applicable to the development of biometric passports in the international community.

6. The feasibility study conducted by the Immigration Department shows that it is technically feasible to introduce a new type of passport (biometric HKSAR passport) containing facial image as the biometric identifier as specified by the International Civil Aviation Organisation. Subject to funding arrangements, we plan to introduce biometric HKSAR passports in early 2007 to tie in with the first tide of applications for renewal of HKSAR passports issued in 1997.

Taking steps to implement a pilot facial recognition system at control points to facilitate the verification of identity of suspect arrivals upon their entry.

7. The Immigration Department launched in early December 2004 a pilot Facial Recognition System to facilitate the verification of the identity of doubtful visitors who may seek to circumvent immigration control and enter Hong Kong in different identities.

Put into effect, through legislation and other means, the revised Forty Recommendations of the Financial Action Task Force on Money Laundering to further enhance our anti-money laundering and counter-terrorist financing regime.

8. We will continue to put in place the Financial Action Task Force on Money Laundering's Forty Recommendations to combat money laundering and terrorist financing.

9. We are carrying out consultations with the designated non-financial businesses and professions¹ which have been recruited to join in the fight against money laundering and terrorist financing. The majority of initial

¹ These include: casinos (since there are no casinos in Hong Kong, no consultation is required), dealers in precious metals and stones, real estate agents, company and trust service providers, lawyers and accountants.

responses have been positive. We will continue to discuss with the various parties on arrangements for implementation.

10. Regarding those recommendations the implementation of which do not require legislative amendments, we plan to effect them through administrative guidelines issued by relevant financial regulators, i.e. the Hong Kong Monetary Authority, Securities and Futures Commission and Office of the Commissioner of Insurance. We aim to have the guidelines issued by mid-2005.

11. As regards those recommendations which need to be put in place through new legislation, we are studying the legislative amendments required in consultation with the Department of Justice. We plan to consult the Legislative Council Panel on Security on the proposed amendments during the first half of 2005 and then introduce a Bill into the Legislative Council.

Introducing legislative amendments to enhance the capacity of law enforcement agencies to combat terrorism and transnational organised crimes

United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004

12. The United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004, which implements internationally agreed commitments and conventions² and provides for the necessary law enforcement powers for the purpose of combating terrorism, was passed in July 2004. A number of its provisions have commenced operation with effect from 7 January 2005.

13. We are preparing the required subsidiary legislation to give effect to the requirements in respect of extradition and provision of mutual legal assistance under the relevant international conventions, the necessary rules of court to provide for the procedural matters as well as a code of practice in connection with the exercise of the relevant law enforcement powers. We will consult the Panel on Security on the proposals later.

² The Amendment Ordinance seeks to implement the requirements under United Nations Security Council Resolution 1373 and the Special Recommendations of the Financial Action Task Force on Money Laundering to freeze non-fund terrorist property, the International Convention for the Suppression of Terrorist Bombings, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

United Nations Convention Against Transnational Organised Crime

14. The United Nations Convention Against Transnational Organised Crime seeks to strengthen the power of governments in combating serious crimes by providing a basis for common actions against organized crimes, money laundering, corruption and obstruction of justice. It also promotes greater ease of extradition, enhances judicial cooperation, mutual legal assistance and law enforcement cooperation.

15. We are formulating legislative proposals to implement the Convention in Hong Kong, and will seek the views of the Panel on Security on the proposals.

Continuing to seek long-term solutions to address the problems of overcrowding and outdated facilities in our penal facilities

16. In October 2004, we decided to shelve the Hei Ling Chau prison proposal in view of strong public objection and the call for the Administration to explore alternative development plans to address the problems of prison overcrowding and outdated penal facilities.

17. In exploring such alternative development plans, we will first consider the feasibility of maximising the redevelopment potential of certain existing penal sites. For example, we are studying the feasibility of redeveloping the Lo Wu Correctional Institution (with a current capacity of 182) to provide about 800 additional penal places.

18. Meanwhile, short-term measures are being put in place to relieve prison over-crowding, in particular with regard to female prisons, through, for example, conversion of existing facilities and construction of temporary places for female prisoners.

Issuing the Smart ID card in phases starting from mid-2003 to enhance security, facilitate boundary crossing, and provide other value-added services.

19. A territory-wide replacement exercise under which Hong Kong residents replace their old identity cards by age groups commenced on 18 August 2003. To date, the Secretary for Security has by orders directed certain categories of persons including Hong Kong residents born in 1943 to 1973 to apply for new identity cards. As at the end of 2004, 1.9 million

residents had applied for new identity cards under the replacement exercise.

20. Taking into account the experience gained so far and the actual turnout rates, we have brought forward the completion date of the replacement exercise by three months to March 2007. The revised programme will result in savings of around \$36 million on staff costs and overheads in maintaining the nine Smart ID Card Centres.

21. The use of Smart ID card and fingerprint recognition technologies have enabled the Immigration Department to introduce automated passenger and automated vehicle clearance systems in phases since end 2004.

Providing a legal basis for the existing police complaints system by making the Independent Police Complaints Council a statutory body

22. We have been working on the proposal to provide a legal basis for the existing police complaints system by making the Independent Police Complaints Council (IPCC) a statutory body. The composition, functions and powers of the IPCC will be specified in law.

23. Under the proposal, all investigations conducted by Complaints Against Police Office (CAPO) of the Police Force will be reviewed and monitored by an independent statutory body. The IPCC will be able to exercise statutory powers to interview witnesses, complainants and complainees in connection with its review of CAPO investigations, conduct scheduled and surprise visits to observe CAPO investigations and require CAPO to re-investigate any complaint.

24. We will continue to work on the proposal, taking into account public views and issues arising from further consultations with the IPCC.

Continuing to work on the implementation of Article 23 of the Basic Law

25. There is a clear constitutional duty for the HKSAR to implement Article 23 of the Basic Law. On the other hand, we appreciate that public understanding and support would be essential for such an important piece of legislation.

26. While we will re-examine the issues in relation to the implementation of Basic Law Article 23, there is no pre-determined timetable for the legislative exercise. The Chief Executive has said that we would

consider the matter only after the community has reached a basic consensus on this question and after we have satisfactorily dealt with economy recovery, economic restructuring and constitutional arrangements.

Vibrant Economy

Pursuing a series of measures to facilitate the movement of people and goods across the boundary including the establishment of a new boundary control point on the Hong Kong-Shenzhen Western Corridor and installation of automated passenger clearance and automated vehicle clearance systems.

27. The Government will continue to facilitate the movement of people and goods across the boundary through various measures, such as flexible deployment of staff, streamlining of procedures, use of new technologies and the establishment of a new control point for the Hong Kong-Shenzhen Western Corridor.

28. We will endeavour to ensure the timely completion of the new control point for the Hong Kong-Shenzhen Western Corridor by July 2006. In the meantime, we will press ahead with other related work, including preparation of the Hong Kong Management Areas Bill to underpin the “co-location” arrangement to be implemented at the new control point.

29. In order to enhance immigration clearance efficiency, three Automated Passenger Clearance channels (e-Channels) were installed at the departure hall of the Lo Wu Control Point on 16 December 2004. We aim to install a total of 270 e-Channels at our control points by mid-2006. They will enable Hong Kong permanent residents aged 11 or above holding Smart ID cards to perform self-service immigration clearance. Our plan is to extend e-channels to non-permanent residents and frequent visitors holding travel passes later when necessary legislative amendments are put in place.

30. The Immigration Department also plans to roll out, in phases, Automated Vehicle Clearance to facilitate movement of cross-boundary vehicles at the Lok Ma Chau, Man Kam To and Sha Tau Kok Control Points in the first quarter of 2005.

Taking steps to facilitate private sector participation in the solemnisation of marriages and to provide greater flexibility and convenience to members of the public.

31. In order to provide more diversified services to the public and following an in-depth study, we believe that it is feasible to allow the private sector to provide services relating to celebration of marriages. Conceptually, it involves appointing suitable persons (e.g. solicitors) as celebrants of marriages so that marrying parties can choose to celebrate their marriages at places other than marriage registries or licensed places of public worship.

32. Implementation of the above proposal would require amendments to the Marriage Ordinance, Cap. 181. We intend to consult the Panel on Security on the proposed legislative amendments in the first or second quarter of 2005.

Stepping up enforcement action and publicity to combat illegal employment.

33. The Government have been sparing no effort in combating illegal employment so as to protect job opportunities for the local workforce. We will continue to take a three-pronged approach to combat illegal employment through tackling the problem at source, ensuring effective law enforcement and stepping up publicity and education.

34. The law enforcement departments will continue with effective cooperation and communication with Mainland authorities to minimise entry of doubtful visitors. Particulars of Mainland visitors found or suspected of having worked illegally in Hong Kong are passed to Mainland authorities so that their subsequent applications to visit Hong Kong can be subject to closer scrutiny. Where the situation warrants, Mainland authorities may reject an application for a period of two to five years. Furthermore, frontline officers of Immigration Department at various control points will carry out close examinations to prevent persons with dubious intentions from entering Hong Kong.

35. The Immigration Department, the Labour Department and the Police have stepped up enforcement actions against illegal employment, including more frequent inspections at factories, restaurants, business establishments and black spots of illegal employment. To enhance coordination amongst various departments and take more effective actions against Mainlanders working illegally or engaging in other unlawful activities in Hong Kong, the

Government established an Inter-departmental Task Force in April 2003. The Inter-departmental Task Force devises proactive and pre-emptive strategies, facilitates regular exchange of information and coordinates enforcement efforts amongst departments.

36. Apart from taking enforcement actions, the Government proactively carries out publicity programmes against illegal employment. TV and Radio Announcement of Public Interest, Government websites, posters and leaflets are used to raise public awareness of the serious consequence of employing illegal workers and undertaking unapproved employment. We will continue to work with the relevant industries to disseminate the message. The public is encouraged to provide information on illegal employment.

37. At its meeting in December 2004, the Security Panel gave us useful advice and suggestions on where we may be able to do more to combat illegal employment. We will take them into account in our future effort.

Security Bureau
January 2005

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