

Panel on Security

List of outstanding items for discussion

(position as at 31 May 2005)

**Proposed timing
for discussion**

Items proposed by members

1. Hong Kong Special Administrative Region Identity Card Project

At the special meeting on 14 February 2001, the Administration undertook to report the progress of the Hong Kong Special Administrative Region Identity Card Project to the Panel on a regular basis. The Administration briefed members on the results of the second Privacy Impact Assessment study and the latest developments on non-immigration applications for incorporation into the smart identity card at the meeting on 10 July 2002. The Bills Committee on Registration of Persons (Amendment) Bill 2001 and other interested Members visited the Immigration Department on 8 March 2003 to view a demonstration on the new work process of the Smart Identity Card System.

To be confirmed

In the course of deliberations of the Registration of Persons (Amendment) Bill 2001, the Administration undertook -

- (a) to brief the Panel on Security on the progress of the implementation of the System before the Commissioner of Registration specifies the date on which the System comes into operation;

(Note : A demonstration to Members in a live production environment was conducted on 17 June 2003.)

- (b) to draw up a code of practice in consultation with the Privacy Commissioner setting out the rules on the collection, use of and access to smart ID card data and the conduct of privacy compliance audit;

**Proposed timing
for discussion**

(Note : Following the completion of the fourth Privacy Impact Assessment, the Director of Immigration, in consultation with the Privacy Commissioner, is finalising a code of practice.)

- (c) to provide a copy of the privacy compliance audit report to LegCo after the audit is completed;
- (d) to brief the relevant Panels before introducing subsidiary legislation providing for the incorporation of new non-registration of persons related applications in the chip of a smart ID card; and
- (e) to launch publicity programmes through overseas Economic and Trade Offices to notify overseas HKSAR permanent residents of the ID card replacement exercise and the requirement to apply for a new card within 30 days of their return to Hong Kong.

(Note : The Administration has advised that relevant publicity including placing advertisements in newspapers, distributing leaflets and displaying posters, has been launched since August 2003 with the assistance of Hong Kong Economic and Trade Offices overseas.)

The Registration of Persons (Amendment) Bill 2001 was passed by the Legislative Council on 19 March 2003 and commenced operation on 12 May 2003. The Administration's progress report on the Project, which also covered the findings and recommendations in the Fourth Privacy Impact Assessment and the Administration's responses, was circulated to members vide LC Paper No. CB(2)858/04-05 on 14 February 2005.

The territory-wide replacement exercise commenced on 18 August 2003. To prepare for the first to fourth cycles of the replacement exercise, the Secretary for Security had made Orders under the Registration of Persons Ordinance (Cap. 177) to direct certain persons including those born in 1943 to 1973 and cross boundary drivers to apply for new identity cards in the nine Smart Identity Card Centres.

**Proposed timing
for discussion**

2. Commencement of the Fire Safety (Buildings) Bill

In the course of examination of the commencement clause of the Fire Safety (Buildings) Bill, the Bills Committee considered that the Bill should not come into operation before the amendments to the Building Management Ordinance to empower owners' corporations to borrow from the Building Safety Loan Scheme had been enacted. The Administration would, when time was ripe and circumstances permit, prepare a paper setting out its views and proposal for bringing the Bill into force for discussion by the Panel. The Administration undertook not to bring the Bill into operation without first obtaining the support of a great majority of members of the Panel.

To be confirmed

The Administration provided a paper (LC Paper No. CB(2)104/04-05(01) issued on 27 October 2004) advising that subject to the passage of the Building Management (Amendment) Bill, which was expected to be introduced into the Legislative Council in April 2005, and related subsidiary legislation, the Administration would in due course prepare a paper to consult the Panel on the timing for bringing the Fire Safety (Buildings) Ordinance into force.

3. Guidelines in the Force Procedures Manual on the seizure of property

In the course of deliberation concerning the time for the return of seized property, the Bills Committee on Karaoke Establishments Bill made reference to the general guidelines in the Force Procedures Manual. A member of the Bills Committee took the view that the guidelines in the Force Procedures Manual should set out more information such as whether the seizure was absolutely necessary, the quantity of items which should be seized and whether quantity seized would have a punitive effect. The Bills Committee agreed that the matter should be referred to the Panel for follow-up. A note dated 17 May 2004 from Hon Tommy CHEUNG Yu-yan was circulated to members vide LC Paper No. CB(2)2561/03-04(01) on 28 May 2004 and the Administration's response was circulated to members vide LC Paper No. CB(2)3067/03-04 on 12 July 2004.

To be confirmed

**Proposed timing
for discussion**

4. Monitoring of anti-terrorism measures by the Administration

In the course of deliberations of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Administration undertook to review periodically the anti-terrorism measures set out in legislation to ensure that they were in line with the international trend. The Bills Committee agreed that the monitoring of anti-terrorism measures should be referred to the Panel for follow-up. The Administration provided updated information on the anti-terrorism laws of a number of overseas jurisdictions at the Panel meeting on 20 February 2003 vide LC Paper No. CB(2)1113/02-03(03).

To be confirmed

A submission from the Amnesty International, Hong Kong Section Limited on the United Nations (Anti-Terrorism Measures) Ordinance was circulated vide LC Paper No. CB(2)170/02-03 on 25 October 2002 for members' information. The Administration's response to the submission was circulated to members vide LC Paper No. CB(2)411/02-03 on 19 November 2002.

At the suggestion of members, the subject of "Measures to combat terrorist activities in Hong Kong" was discussed at the meeting on 5 December 2002.

At the meetings on 16 January 2003 and 20 February 2003, the Panel was consulted on the proposals in the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003, which sought 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. The Administration subsequently introduced the Bill on 21 May 2003. A Bills Committee formed to study the Bill had completed its work and the Bill was passed at the Council meeting on 30 June 2004. During the resumption of Second Reading debate on the Bill, the Administration stated that it would review the reporting requirements under section 12 of the Ordinance and section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance in the context of the exercise to put in place the Financial

**Proposed timing
for discussion**

Action Task Force on Money Laundering's Forty Recommendations which was scheduled to start in 2004-05.

In its letter dated 27 October 2004 (LC Paper No. CB(2)110/04-05(01) issued on 28 October 2004), the Administration advised that it planned to launch the proposed review of the suspicious transaction reporting requirements in the first quarter of 2005.

A progress report provided by the Administration was circulated to members vide LC Paper No. CB(2)875/04-05 on 16 February 2005.

5. Follow-up on issues relating to the Police's List of Recordable Offences

Issues relating to the Police's List of Recordable Offences and Certificate of No Criminal Conviction were discussed at the meeting on 2 April 2004. Members were concerned that besides some 167 recordable offences which might be recordable by the Police, offences where a heavier sentence would be imposed on conviction would also be recorded. They considered that the criteria for recording a conviction should be set out clearly and the records of convictions maintained by the Police should be separated from the system for issuing Certificate of No Criminal Conviction. The Administration stated that it would examine the issue having regard to the practice in other countries. Hon James TO proposed that the matter be followed up by the Panel.

To be confirmed

6. Police cooperation on exchange of information in the detection of crime

Hon James TO proposed on 15 April 2005 that Police cooperation with its counterparts in other jurisdictions on exchange of information, including data obtained under mandatory and non-mandatory requirements, in the detection of crime should be discussed by the Panel. The discussion will also cover the legal basis for such exchange of information and international practice.

To be confirmed

**Proposed timing
for discussion**

Items likely to be proposed by the Administration

7. Independent Police Complaints Council Bill

The Administration intends to consult the Panel on the legislative proposal to establish the Independent Police Complaints Council as a statutory body.

Third/Fourth
quarter of 2005

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

The Administration intends to consult the Panel on its plans to –

Third/Fourth
quarter of
2005

- (a) prepare a code of practice for the exercise of the powers under section 12A of the United Nations (Anti-Terrorism Measures) Ordinance;
- (b) make Mutual Legal Assistance (Terrorist Bombings) Order and Fugitive Offenders (Terrorist Bombings) and (Maritime Safety) Orders to implement the obligations under the Conventions and the Protocol, subject to the Central People's Government's extension of the Maritime Convention and Protocol to Hong Kong; and
- (c) make Rules of Court to allow for a number of provisions in the Ordinance to be brought into effect.

9. Review of the Capital Investment Entrant Scheme

The Administration intends to consult the Panel on the review of the Capital Investment Entrant Scheme.

Second quarter
of 2005

**Proposed timing
for discussion**

10. Hong Kong Management Areas Bill

The Administration intends to consult the Panel on the legislative proposal to provide statutory backing to underpin the implementation of “co-location” arrangement at the new control point at Shekou in Shenzhen for the Hong Kong-Shenzhen Western Corridor.

End 2005/early 2006 (subject to the progress of addressing the complex jurisdictional issues involved)

11. Amendment bill on computer crime

The Administration intends to consult the Panel on the legislative proposal to improve current provisions on computer offences, including penalty levels, and to extend jurisdiction for certain computer offences.

Subject to availability of a legislative slot

12. Law Reform Commission Report on Arrest

The Administration intends to report to the Panel the progress on the Law Reform Commission Report on Arrest.

Third/Fourth quarter of 2005

13. Interception of Communications

The Administration intends to consult the Panel on its proposals on interception of communications.

Third/Fourth quarter of 2005

14. United Nations Convention Against Transnational Organized Crime

The Administration intends to consult the Panel on its proposals to implement the Convention Against Transnational Organized Crime in domestic legislation. The Convention provided by the Administration was issued to members vide LC Paper No. CB(2)267/04-05 on 23 November 2004.

Third quarter of 2005

**Proposed timing
for discussion**

15. Revised Forty Recommendations of the Financial Action Task Force on Money Laundering

The Administration intends to consult the Panel on its proposals to implement the revised recommendations in order to strengthen its regime against money laundering. The revised recommendations provided by the Administration was issued to members vide LC Paper No. CB(2)267/04-05 on 23 November 2004. A progress report provided by the Administration was issued to members vide LC Paper No. CB(2)875/04-05 on 16 February 2005.

Fourth quarter of
2005

16. Long-term Prison Development

The Administration intends to consult the Panel on the alternative long-term prison development plan.

To be confirmed