

立法會
Legislative Council

LC Paper No. CB(2)1711/06-07
(These minutes have been seen
by the Administration)

Ref: CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 6 March 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (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 Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
- Public officers attending** : Item IV
Ms Manda CHAN
Principal Assistant Secretary (Security) A

Mr CHOW Kwong
Assistant Commissioner (Boundary and Ports)
Customs and Exercise Department

Mr LAM Chi-keung
Divisional Commander (Marine Enforcement)
Customs and Excise Department

Mr WONG Chi-kin
Senior Surveyor of Ships/Government New Construction
Section
Marine Department

Item V

Miss CHEUNG Siu-hing
Deputy Secretary for Security

Miss Rosalind CHEUNG
Assistant Secretary for Security

Mr Henrique KOO
Assistant Commissioner of Police (Operations)

Mr Duncan Stuart McCOSH
Deputy Commandant, Police Tactical Unit

Mr Jolly WONG
Chief Telecommunication Engineer, Communications
Hong Kong Police Force

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

Staff in attendance : Mr Chris LAI
Senior Council Secretary (2) 7

Miss Helen DIN
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
[LC Paper No. CB(2)1177/06-07]

The minutes of the meeting held on 25 January 2007 were confirmed.

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II. Information papers issued since the last meeting

[LC Paper Nos. CB(2)1130/06-07(01) and CB(2)1156/06-07(01)]

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

- (a) a paper provided by the Administration on the implementation of the new obstetric service arrangements and complementary immigration measures; and
- (b) a paper provided by the Administration on the results of public consultation on the recommendations arising from the review of the coverage of the Frontier Closed Area.

III. Date of next meeting and items for discussion

[LC Paper Nos. CB(2)1179/06-07(01) and (02)]

3. Members agreed to discuss the following items at the next regular meeting to be held on 3 April 2007 at 2:30 pm -

- (a) review of Civil Celebrants of Marriages Scheme;
- (b) the handling of guns by Police officers; and
- (c) prison development.

4. Regarding the item "Interception of communications and covert surveillance", the Chairman informed members that the Administration had advised that the Commissioner on Interception of Communications and Surveillance (the Commissioner) would submit to CE his first report covering the period of 9 August to 31 December 2006 before 30 June 007. As the Administration had not yet received the Commissioner's report, it was not in a position to report to the Panel the results of the Administration's review on issues raised in the Commissioner's report in March 2007. The Administration would report to the Panel the results of the review when ready.

5. Noting with concern that the Commissioner had also been appointed by CE to conduct an inquiry into the recent allegations of government officials' improper interference with the Institute of Education's academic freedom and autonomy, Ms Emily LAU cast doubt on whether the Commissioner would have sufficient time to complete the report by 30 June 2007.

6. The Deputy Chairman expressed concern that as the Commissioner had been heavily engaged with different duties, it would have an adverse impact on

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the quality and efficiency of monitoring the law enforcement agencies in the implementation of the Interception of Communications and Surveillance Ordinance (the Ordinance). The Deputy Chairman said that while awaiting the Commissioner's report, the Administration should be requested to report to the Panel the progress of implementation of the Ordinance at a future meeting.

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7. Members agreed that members' concerns should be conveyed to the Administration. The Administration should advise the Panel on the progress of the Commissioner's report.

Visit to the Hong Kong Police College

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8. Members noted that a visit would be made to the Hong Kong Police College on 20 March 2007 from 10:50 am to 12:50 pm to better understand the provision of training in moral education for Police officers. To facilitate members' discussion during the visit, the Chairman requested the Administration to provide information about crimes committed by Police officers, if any, in the past year.

Visit to better understand the operations of the Customs sector patrol launches

9. Members agreed that a visit would be made to better understand the operations of the Customs sector patrol launches (SPLs).

10. Principal Assistant Secretary for Security A (PAS(S)A) advised that the visiting party would be arranged to visit both the Damen Type III (DMIII) and Challenger SPLs which had served for about 20 and 6 years respectively. The visit would be completed in about one and half hours.

Visit to better understand the importance of radio communications in the operations of the Police's Special Duties Unit

11. Members agreed that a visit would be made to better understand the importance of radio communications in the operations of the Police's Special Duties Unit (SDU).

12. Deputy Secretary for Security (DSS) and Assistant Commissioner of Police (Operations) (ACP(O)) informed members that the visit would take place in the Police Tactical Headquarters in Fanling and last for about three hours.

13. As the visits referred to in paragraphs 9 and 11 above were related to the Administration's funding proposals to be submitted for approval by the Finance Committee (FC), members agreed that FC members should also be invited to join the visits.

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(Post-meeting note: With the concurrence of Panel Chairman, the visit to the Police's SDU has been scheduled for 12 April 2007.)

IV. Replacement of Customs patrol launches

[LC Paper No. CB(2)1179/06-07(03)]

14. PAS(S)A briefed members on the Administration's proposal to procure three new SPLs with enhanced features to replace the three existing DMIII SPLs for the Customs and Excise Department (C&ED).

15. Mr Howard YOUNG expressed support for the Administration's proposal to procure three new SPLs. Noting that the replacement vessels could operate at a higher speed, Mr YOUNG asked whether it was because they had smaller displacement weights.

16. Senior Surveyor of Ships, Government New Construction Section of Marine Department (Senior Surveyor) responded that the displacement weights of the replacement vessels would be roughly the same as those of the existing DMIII SPLs, but the replacement vessels would be four to five metres longer than the existing ones. The new vessels could operate at a higher speed mainly because they had higher engine power.

17. Responding to Mr Howard YOUNG's enquiry, Senior Surveyor said that the cost for each DMIII SPL was about \$8.5 million in 1986. The estimated cost of procuring the replacement vessels was based on the cost of about \$35 million of procuring a Challenger SPL in 2000 and had taken into account inflationary adjustments.

18. Mr Daniel LAM expressed support for the Administration's proposal to procure three new SPLs to enhance enforcement efficiency and effectiveness in anti-smuggling duties of the Customs. Mr LAM asked whether there would be savings in manpower as a result of enhancement in equipment and facilities of the new SPLs.

19. Assistant Commissioner (Boundary and Ports), Customs and Exercise Department (AC(B&P)) responded that the manpower for each SPL would be maintained at the existing level after the three replacement vessels had been commissioned.

20. Ms Emily LAU expressed concern about the severity of sea smuggling activities in Hong Kong waters, particularly the recent problem of smuggling unmanifested freshwater fishes into Hong Kong. Ms LAU asked whether C&ED had sufficient resources and manpower to put sea smuggling activities under control.

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21. AC(B&P) responded that the Customs and the Police worked closely in the exchange of intelligence and information about sea smuggling activities and would undertake joint anti-smuggling operations where necessary. Cases detected by the Police would also be referred to the Customs for follow-up investigations. As regards the smuggling of unmanifested freshwater fishes into Hong Kong, the Customs, Food and Environmental Hygiene Department and Mainland law enforcement agencies had strengthened their exchange of intelligence in combating these smuggling activities. Given the long shoreline of Hong Kong and the price differences in respect of frequently smuggled items between Hong Kong and the Mainland, attempts at sea smuggling activities would likely continue. AC(B&P) added that through the efforts of various parties, sea smuggling activities were kept under control. C&ED would maintain its vigorous enforcement on vessels in Hong Kong waters to combat smuggling activities. In 2006, C&ED had intercepted some 13 000 vessels for inspection.

22. Ms Emily LAU noted that in 2006, there were 173 sea smuggling cases detected by Customs and the Police, in which 405 persons were arrested. She enquired about the maximum fines and imprisonment terms imposed on persons who had been successfully prosecuted.

23. AC(B&P) responded that the fines and imprisonment terms imposed on persons who had been successfully prosecuted for smuggling activities depended on the seriousness of the crimes committed and whether it was a repeated offence. The Administration would provide the more detailed information requested by Ms Emily LAU after the meeting.

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24. Responding to Ms Emily LAU's concern about the smuggling of marked oil into the Mainland, AC(B&P) explained that the reason for smuggling of marked oil could be attributed to the gap between the price of diesel oil in the Mainland and that of marked oil in Hong Kong. Furthermore, information from the trade indicated that there might be occasional periods of tight supply of diesel oil in certain areas of the Mainland near Hong Kong. Therefore, there was incentive for smuggling of marked oil into the Mainland.

25. Miss CHOY So-yuk believed that, in view of the long shoreline of Hong Kong and the price difference between Hong Kong and the Mainland, sea smuggling cases would remain on the high side. While supporting the Administration's proposal to procure three replacement SPLs, Miss CHOY considered that the three existing SPLs should be retained to strengthen the Customs fleet. If the three existing vessels would be beyond economical repair, the Administration should consider the need for further procurement of new SPLs.

26. PAS(S)A responded that SPLs were supported by other types of vessels in

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anti-smuggling, and each type of the Customs vessels played a specific role in detecting and suppressing smuggling activities. For example, SPLs performed round-the-clock anti-smuggling patrols in Hong Kong waters while the inflatable craft attached to them were for near-shore sea patrols and diving operations. PAS(S)A said that the three existing DMIII SPLs would have reached the end of their serviceable life by end of 2009 and no longer be able to provide reliable support. Having reviewed the latest sea smuggling trend and anti-smuggling strategy and measures, C&ED considered that maintaining the present size of its fleet should be able to continue to keep smuggling activities under control. The Customs would also regularly review its operational needs. If there was a need for further enhancement in C&ED's facilities and equipment, the Panel would be briefed and consulted.

27. Mr WONG Yung-kan supported the Administration's proposal. He said that as the existing DMIII SPLs had served for about 20 years, it would be increasingly costly to maintain them in good operating condition. Mr WONG asked whether the replacement vessels would act as the Customs command centre during anti-smuggling operations. Noting that the replacement SPLs could operate at a speed of 25 knots, Mr WONG asked whether this speed was sufficient to meet the operational needs of anti-smuggling operations.

28. AC(B&P) responded that as with the existing SPLs, the replacement vessels would act as the Customs command centre during anti-smuggling operations. The new SPLs, which could operate at a speed of 25 knots, would be able to pursue and intercept fishing vessels and river trade vessels in Hong Kong waters which normally travelled at a speed of not more than 20 knots. C&ED's high speed pursuit crafts and shallow water speed boats, which could reach a speed of 49 and 39 knots respectively, would conduct pursuit and interception of target speed boats and mechanised sampans during anti-smuggling operations. This mode of operation had proven to be effective in curbing sea smuggling activities.

29. Given the fact that the Customs vessels might be exposed to strong wind and rough sea waves during operations, Mr WONG Yung-kan enquired about the design wind load of the replacement vessels.

30. Senior Surveyor responded that while the Government vessels in general could operate under strong wind of Force 6, the replacement SPLs for C&ED could operate under gale wind of Force 12 on the Beaufort Scale, which was roughly equivalent to the wind condition when Typhoon Signal Number 8 was hoisted. In other words, the replacement vessels could undertake operations even under strong wind and rough sea conditions.

31. The Deputy Chairman considered that the Administration's proposal to replace three of the five existing SPLs was a major revamp in the Customs fleet.

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The Deputy Chairman recalled that the Marine Police had conducted a comprehensive review of the current and future operational requirements of its fleet before coming up with the Versatile Maritime Policing Response Strategy in 2005. He asked whether a similar review had been conducted by C&ED.

32. AC(B&P) responded that C&ED had conducted an internal review on the current and future operational needs of its fleet before coming up with the replacement proposal. When compared to the Marine Police fleet, the Customs fleet was smaller in size. While the Police had a wide range of law enforcement responsibilities in Hong Kong waters, C&ED's enforcement actions on sea would focus on anti-smuggling operations. After taking into account the relevant factors, C&ED considered that maintaining the present size of its fleet was appropriate to meet its operational requirements.

33. The Deputy Chairman said that according to the information provided by the Police, there was a decrease in the number of fast moving vessels in Hong Kong waters. He asked whether C&ED also observed a similar trend; and if so, whether it was still justifiable to procure the replacement SPLs.

34. AC(B&P) responded that the number of sea smuggling cases detected by C&ED slightly decreased from 139 in 2005 to 101 in 2006. The decreasing trend was partly attributable to the enhanced enforcement and prosecution efforts made by C&ED and the Police. The present enforcement resources should be maintained to keep sea smuggling activities under control.

35. PAS(S)A added that the total number of sea smuggling cases detected by C&ED and the Police in 2005 and 2006 were 220 and 173 respectively. Of the sea smuggling cases detected in 2006, 72 were referred by the Police to C&ED for follow-up actions. While there was a slight decrease in the number of cases, the value of seized goods surged from some \$109.3 million in 2005 to \$215.2 million in 2006, which suggested that anti-smuggling efforts should continue.

36. The Chairman concluded that as members had raised various concerns about the Administration's proposal, including the current and future operational needs for procuring replacement SPLs, the Administration should provide more information and justifications when submitting the proposal to FC.

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37. PAS(S)A said that the Administration would provide more information about the internal review conducted by C&ED on the current and future operational needs of the Customs fleet and the considerations for procuring the three replacement SPLs when submitting the proposal to FC.

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V. Replacement of the radio system of the Operations Wing of the Hong Kong Police Force

[LC Paper No. CB(2)1179/06-07(04)]

38. DSS and ACP(O) briefed members on the Administration's proposal to replace the existing analog radio system of the Operations Wing of the Hong Kong Police Force (HKPF) with a new digital one with enhanced functions and the critical support provided by the radio system to the work of the Operations Wing.

39. Mr Daniel LAM expressed support for the Administration's proposal. In view of rapid technology advancement, Mr LAM considered that the radio system should be regularly upgraded to meet the changing operational needs. Mr LAM asked whether the proposed radio system was the most advanced model currently available in the market.

40. ACP(O) responded that the proposed radio system was the most advanced model in the market. The proposed system would also meet open and proven digital technology standards to allow equipment sourcing and future upgrading from multi-vendors.

41. Expressing concern about the security of the proposed radio system, Mr WONG Yung-kan asked whether a third party who owned the same radio system as the Police would be able to intercept and receive messages of the Police transmitted through the system.

42. ACP(O) said that the Police attached great importance to the security of the radio system. A series of security measures would be put in place to ensure a stronger and more secure encryption than that of the existing analog radio system.

43. Chief Telecommunication Engineer, Communications of HKPF (CTE) added that the proposed radio system would adopt full digital technology. End to end encryption for the entire radio system as well as additional encryption keys within the system would be available. Additional encryption keys would be used to cater for multi-channel operations to enhance protection against eavesdropping or unauthorised access. The Office of the Telecommunications Authority would also provide a designated frequency channel for the sole use by SDU. With all these security measures, a third party would not be able to intercept and receive the messages transmitted through the new radio system even if they owned the same system as the Police.

44. The Deputy Chairman noted that the costs for radio repeaters and radio terminals were broadly the same and estimated to be around \$10 million. He enquired about the number of radio repeaters and radio terminals to be procured

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in this replacement exercise.

45. CTE responded that 38 fixed and 8 mobile radio repeaters and about 200 sets of radio terminals would be procured in this replacement programme.

46. The Deputy Chairman said that with the advancement of technologies, SDU could share the same radio system with other divisions of the Police by setting aside a designated frequency channel for SDU and using additional encryption keys. This arrangement could achieve economies of scale and better cost-efficiency. The Deputy Chairman asked whether consideration had been given to this proposed arrangement.

47. CTE responded that given its operational needs and demanding challenges, SDU had very high security requirements and quick access time of the radio system. With the introduction of the proposed system, radio repeaters could be installed at strategic locations to provide territory-wide coverage prior to operations. This enhanced feature could greatly enhance access to the radio system. Sharing the same radio system with other divisions of the Police would unavoidably reduce the access time and increase the risks of interception. Having regard to the above considerations, the Police considered that it would be appropriate to maintain the current practice and provide a separate radio system for SDU.

48. ACP(O) added that access time was one of the most important considerations in designing the radio system for SDU. While sharing the radio system with other divisions of the Police was technically feasible, it would greatly slow down the access time of communications, hence creating problems to the work of SDU. In most overseas places, the police force would provide a separate radio system for their units of similar nature as SDU in Hong Kong.

49. Referring to the incident of leakage on the Internet of personal data held by the Independent Police Complaints Council, Mr WONG Yung-kan expressed concern about the security threats brought by the proposed arrangement of outsourcing the maintenance service of the proposed radio system. Mr WONG enquired about the measures to prevent leakage of information held by SDU during maintenance.

50. ACP(O) responded that since end to end encryption would be adopted for the entire radio system, any person not in possession of valid encryption keys could not intercept and access the information transmitted through the system. Therefore, the possibility of leakage of information during maintenance was minimal, irrespective of whether the maintenance was outsourced or carried out by in-house staff of the Police. The encryption keys would also be changed regularly as an additional security measure.

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51. Having regard to the highly sensitive nature of the information held by SDU, the Chairman expressed worry about the security threats arising from outsourcing the maintenance service for the proposed radio system. While outsourcing the maintenance service would create a saving of about \$320,000, the Chairman held the view that it might not be worth doing so from the security perspective.

52. CTE explained that cost-effectiveness was not the only consideration in outsourcing the maintenance work for the proposed radio system. Given the fact that the component parts and devices of the system were of high-technology nature, their maintenance would be best carried out by the supplier who had the relevant expertise and facilities. As the encryption keys would only be available to the Police itself, the relevant service staff of the supplier company would not be able to retrieve information from the component parts and devices of the radio system when carrying out the maintenance.

53. Mr LEUNG Kwok-hung said that he had no objection to outsourcing the maintenance service for the proposed radio system to the supplier company, if the Police found it technically infeasible for its in-house personnel to carry out the maintenance work. However, as outsourcing the maintenance service for the radio system could expose the devices of the system to malicious damage, Mr LEUNG suggested that integrity checking for the relevant service staff of the supplier company should be conducted to ensure the security of the radio system.

54. The Deputy Chairman said that he was not too worried about the leakage of information held by the Police as a result of outsourcing the maintenance service for the proposed radio system, since the obligations and responsibilities of the maintenance service would be clearly stipulated in the service agreement. The Deputy Chairman however echoed the concerns expressed by members that if the devices of the radio system were deliberately damaged, the system might not be able to function effectively. He said that efforts should be made to reduce these security threats into manageable risks.

55. CTE responded that the devices of the proposed radio system would be carefully kept by the Police and should not be easily accessed by the general public. Maintenance on these devices was necessary because of normal wear and tear. The Police would implement various measures as set out in paragraph 43 above to ensure that the new radio system was secure and free from malicious damages.

56. DSS reassured members that service staff of the supplier company would not be able to retrieve information from the radio system when carrying out maintenance on the devices of the system. Taking into account that a comprehensive set of measures would be introduced to ensure the security of the proposed radio system, the Administration considered that the need to conduct

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integrity checking on the staff of the maintenance service company would not arise.

57. Mr LEUNG Kwok-hung was not convinced of the Administration's explanation for not conducting integrity checking on the staff of the maintenance service company. He considered that the Police should come up with concrete measures to plug potential security loopholes of the proposed radio system.

58. The Chairman concluded that as members had expressed concerns about the Administration's proposal, particularly the security of the proposed radio system, the Administration should re-consider these security issues and address members' concerns when submitting the proposal to FC. The Administration should also make reference to the experience of relevant departments in outsourcing the maintenance service for similar communication systems.

59. DSS responded that the Police had considered various security issues relating to the proposed radio system and suggested a comprehensive set of measures to minimize the potential security threats. Nevertheless, the Administration would study carefully the views and concerns expressed by members, especially the security issues associated with outsourcing the maintenance service of the radio system, and provide a response to members' views and concerns before submitting the proposal to FC.

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VI. Any other business

60. The meeting ended at 4:18 pm.

Council Business Division 2
Legislative Council Secretariat
27 April 2007