

立法會
Legislative Council

LC Paper No. CB(2)694/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

**Minutes of special meeting
held on Wednesday, 17 October 2007, at 9:00 am
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
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, 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 Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Item I
Mr Ambrose LEE, IDSM, JP
Secretary for Security

Mr Stanley YING, JP
Permanent Secretary for Security

Mrs Jessie TING, JP
Deputy Secretary for Security

Ms Carol YUEN
Deputy Secretary for Security

Ms Grace LUI
Deputy Secretary for Security

Ms Sally WONG, JP
Commissioner for Narcotics

Ms Maisie CHAN
Administrative Assistant to Secretary for Security

Item II

Mr Timothy TONG Hin-ming
Commissioner

Mr Daniel LI Ming-chak, IDS
Head of Operations

Mr Ricky CHU Man-kin
Director of Corruption Prevention

Mr Thomas CHAN Chi-sun, IDS
Director of Community Relations

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

Staff in attendance : Mrs Vivian KAM
Assistant Secretary General 2

Mr Raymond LAM
Senior Council Secretary (2)5

Ms Janet SHUM
Senior Council Secretary (2)8

Miss Helen DIN
Legislative Assistant (2)1

Action

I. Briefing by the Secretary for Security on the Chief Executive's 2007-2008 Policy Address
(LC Paper No. CB(2)41/07-08(01) to (04))

Secretary for Security (S for S) briefed Members on the new and ongoing initiatives of the Security Bureau in the 2007-2008 Policy Agenda.

Home Visit Permit

2. Mr WONG Kwok-hing said that the fee for a Home Visit Permit, especially that for a Home Visit Permit for children, was too high. This was especially obvious when the fee was compared with that for a Hong Kong Special Administrative Region (HKSAR) passport. He considered that the Administration should liaise with the relevant Mainland authorities with a view to lowering the fee of Home Visit Permits.

3. S for S responded that the fee for a Home Visit Permit and that for a HKSAR passport, which was not set at a full cost-recovery basis, were not comparable. He said that under the principle of "one country, two systems", it was inappropriate for the HKSAR Government to intervene in the determination of fee for a travel document issued by the Mainland. Nevertheless, he would convey Mr WONG Kwong-hing's views to the Constitutional and Mainland Affairs Bureau.

Immigration arrangements for cross-boundary students

4. Mr WONG Kwok-hing said that the procedures for immigration clearance of cross-boundary students should be simplified. S for S responded that the Administration was seeking to address the needs of cross-boundary students through the introduction of point-to-point cross-boundary school coach service.

Youth drug abuse

5. Mr WONG Yung-kan said that the Administration should combat the youth drug abuse problem in collaboration with the relevant Mainland authorities. He suggested that arrival checking similar to that for Mainland pregnant women should be conducted at boundary control points to identify Hong Kong residents who had abused drugs in the Mainland.

Action

6. S for S responded that the Administration was very concerned about the youth drug abuse problem. It was combating the problem through a "five pronged" approach, including launching intelligence-led operations and maintaining close communications with the Mainland authorities. As announced by the Chief Executive in his Policy Address on 10 October 2007, an inter-departmental Task Force on Youth Drug Abuse (the Task Force) to be led by the Secretary for Justice would be established to tackle the youth drug abuse problem. He added that he had recently met with the Director of the Shenzhen Municipal Bureau of Public Security, who indicated that the Shenzhen public security authorities would step up operations against drug abuse, with a view to achieving a drug-free environment in entertainment establishments.

7. Mr CHEUNG Man-kwong said that the Administration should obtain from the Mainland authorities a list of Hong Kong residents arrested for drug abuse in the Mainland, so that the cases concerned could be followed up by schools. He added that analysis of hair should be conducted, with the consent of parents, on students to identify those who abused drugs in the past few months. He pointed out that such analysis had already been adopted by some international schools in Hong Kong.

8. S for S responded that, for Hong Kong residents arrested for drug abuse in the Mainland, a mechanism had been established for the provision of services to those who were willing to receive such services when they returned to Hong Kong. For privacy reasons, the Administration was not in a position to disclose any list of Hong Kong residents arrested for drug abuse in the Mainland. The issue of conducting medical examination to identify students who abused drugs would be one of the issues that would be studied by the Task Force. He added that some schools appeared to be reluctant to organise anti-drug abuse activities for their students. There was a need to enhance cross-bureaux and interdepartmental efforts to combat youth drug abuse.

9. The Deputy Chairman and Ms Emily LAU expressed concern whether there would be duplication in the role and work between the Task Force and the Action Committee Against Narcotics (ACAN).

10. S for S responded that ACAN had contributed significantly towards anti-drug abuse work and the Administration was appreciative of its work. Building on the work of ACAN, the Task Force would focus on enhancing cross-bureaux and interdepartmental efforts at a strategic level. He added that ACAN mainly comprised non-government members, whereas the Task Force would comprise members from various bureaux and government departments.

Action

11. Ms Emily LAU considered that the government and non-government sectors should work together to combat drug abuse. The Deputy Chairman asked how the work of ACAN and the Task Force would be coordinated. He added that the Task Force should study issues referred from ACAN and draw up its proposals for consideration by ACAN.

12. S for S said that the Task Force would not be a standing committee. It would maintain a close partnership with ACAN and there was no question of the Task Force replacing ACAN. In response to the Deputy Chairman on whether papers submitted to the Task Force would also be submitted to ACAN, S for S said that the issue would be considered by the Task Force.

Admission of talents and professionals

13. Mr Howard YOUNG asked whether the Administration would allow more talents and professionals to come to Hong Kong under its various talent admission schemes to meet the demand for professionals arising from the commissioning of the major infrastructural projects referred to in the Chief Executive's 2007-2008 Policy Address.

14. S for S said that besides the Quality Migrant Admission Scheme, which was under review and had a quota of 1 000 per year, there were other talent admission schemes. Since reunification, about 200 000 talents/professionals had come to Hong Kong under various admission schemes, among which over 20 000 professionals had been admitted per year under the General Employment Policy and the Admission Scheme for Mainland Talents and Professionals.

Manpower deployment of the Immigration Department

15. Mr WONG Kwok-hing said that according to the submissions from two staff unions of the Immigration Department (ImmD), the shortage of immigration manpower would not be resolved with the addition of 500 staff. He asked how the Administration would address the problem of shortage in immigration manpower.

16. S for S responded that the Administration was aware of the increased volume of passengers crossing the boundary control points in recent years, and which had brought about economic benefits to Hong Kong. He pointed out that the number of uniformed immigration staff had increased by over 10% between 2002 and 2006, despite a reduction in size of the civil service as a whole during the same period. He said that ImmD was also addressing the manpower shortage problem through application of new technologies and more flexible deployment of staff.

Action

Extension of self-service immigration clearance to visitors

17. Referring to paragraph 12 of the Administration's paper, Mr Howard YOUNG asked whether the proposed extension of self-service immigration clearance to visitors would only be available to visitors with Asia-Pacific Economic Co-operation Business Travel Cards (APEC Cards). He asked whether the proposed extension would cover Mainland residents who visited Hong Kong under the Individual Visit Scheme (IVS).

18. S for S responded that the Administration intended to extend self-service immigration clearance for those visitors who visited Hong Kong more than three times in a year. It was not confined to visitors with APEC Cards. In response to the enquiry as to whether the proposed extension would cover Mainland residents visiting Hong Kong under IVS, S for S added that as Mainland residents were subject to exit control in accordance with the Mainland laws, the HKSAR Government could not unilaterally impose such an extension without prior discussion with the Mainland authorities.

Visa-free access for Mainland passport holders who had permanent residence in the Philippines

19. Miss CHOY So-yuk asked whether there was any progress regarding the granting of visa-free access to Mainland passport holders who had permanent residence in the Philippines.

20. S for S responded that the Administration had discussed with the Ministry of Foreign Affairs and the Chinese Embassy in the Philippines on how to distinguish Mainland passport holders who had permanent residence in the Philippines from those who merely held Mainland passports. If the permanent residence status could be distinguished, the Administration would consider introducing some form of travel convenience for such visitors.

Hong Kong residents detained in the Philippines

21. Miss CHOY So-yuk expressed concern that some fishermen who were Hong Kong residents had been detained in the Philippines for a long time, despite having been acquitted of the charge of unauthorised entry into the territorial waters of the Philippines. She considered that the Administration should work with the Mainland to seek the early release of these fishermen.

22. S for S responded that the Administration was concerned about the problems encountered by these fishermen and Hong Kong residents who encountered problems outside Hong Kong could approach the Assistance to Hong Kong Residents Unit of ImmD. He remarked that the Administration

Action

was following up the matter through the Ministry of Foreign Affairs to ascertain what sort of assistance could be provided to the fishermen.

Mainland domestic helpers

23. Miss CHOY So-yuk asked whether the Administration would consider allowing families with seniors who could not communicate in English to employ domestic helpers from the Mainland.

24. S for S responded that the issues of ensuring that such domestic helpers would not overstay in Hong Kong and prevention of abuse of the scheme for family reunion had yet to be resolved.

Joint development of the Lok Ma Chau Loop by Hong Kong and Shenzhen

25. Miss CHOY So-yuk asked whether there was information relating to the security and population of the proposed joint development of the Lok Ma Chau Loop by Hong Kong and Shenzhen.

26. S for S responded that the proposal to develop the Lok Ma Chau Loop was being studied by the relevant policy bureaux. The study would cover issues such as whether the area was suitable for development and, if so, how the area would be developed. The study and any subsequent planning would have to be completed before the Security Bureau could conduct a study on whether and how travel convenience could be provided for persons entering and leaving the area.

Enactment of legislation to implement Article 23 of the Basic Law

27. The Deputy Chairman said that President HU Jintao had recently referred to interference of Hong Kong affairs by external forces. He asked whether the Administration had any plans to reintroduce legislation to implement Article 23 of the Basic Law (BL23) or re-establish the Special Branch in the Police.

28. S for S responded that Hong Kong had a constitutional duty to enact legislation to implement BL23. However, the enactment of such legislation was currently not among the list of priority items of the Administration.

Action

II. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2007-2008 Policy Address
(LC Paper No. CB(2)41/07-08(05))

29. Commissioner, Independent Commission Against Corruption (C/ICAC) briefed Members on the policy initiatives of the Independent Commission Against Corruption (ICAC) in the year ahead. He informed Members that as at 15 October 2007, ICAC had received 26 complaints related to the District Council elections to be held in November 2007. The complaints were mainly related to bribery of electors, provision of entertainment to electors or dissemination of false information about candidates.

(Post-meeting note : The speaking note provided by ICAC was issued to members vide LC Paper No. CB(2)105/07-08 on 17 October 2007.)

Complaints against corruption in elections

30. Mr CHIM Pui-chung said that ICAC should consider revising the word "政" in its Chinese name to "正" to better reflect its work against corruption in both the public and private sectors. He said that the existing mechanism for lodging election-related complaints with ICAC was open to abuse in that a complaint could be lodged without sufficient information. A person could thus easily cause harm to a candidate in an election by lodging a complaint with ICAC. He considered that information about a complainant should be disclosed so that the person being complained could provide a response and, where ICAC considered the complaint groundless, consider whether a civil claim should be lodged against the complainant.

31. C/ICAC responded that about one-third of the corruption reports received by ICAC were related to government departments and public bodies. He said that it would be an offence under section 13B of the ICAC Ordinance (Cap. 204) for a person to -

- (a) knowingly make or cause to be made to an officer a false report of the commission of any offence; or
- (b) knowingly mislead an officer by giving false information or by making false statements or accusations.

32. Head of Operations, ICAC (HO/ICAC) informed Members that although ICAC would conduct investigation into complaints relating to the Prevention of Bribery Ordinance (Cap. 201) (POBO) or any election-related legislation, all investigation was conducted in confidence. He said that ICAC had always acted in accordance with the law and conducted investigations in a

Action

fair and just manner. He pointed out that a person who, without lawful authority or reasonable excuse, disclosed the identity or other information about a person under investigation would commit an offence under section 30 of POBO.

33. Mr WONG Kwok-hing asked whether all premises of ICAC would be returned to the Government after ICAC moved into its new headquarters.

34. C/ICAC responded that the existing ICAC headquarters and premises occupied by the Operations Department of ICAC would be returned to the Government.

Corruption in building management

35. Mr WONG Kwok-hing asked about the measures adopted by ICAC to combat collusive bidding among owners' corporations (OCs) in building management.

36. HO/ICAC responded that ICAC was aware of the problem and had specially deployed a dedicated team of staff to investigate corruption in the building management sector. Director of Corruption Prevention, ICAC and Director of Community Relations, ICAC added that besides district visits, a toolkit on building management was being developed by ICAC in collaboration with the Hong Kong Housing Society. The draft toolkit was expected to be submitted to the Corruption Prevention Advisory Committee of ICAC for consideration by the end of 2007. Relevant parties such as the Home Affairs Department (HAD), the Hong Kong Housing Society, the Hong Kong Institute of Architects and the Hong Kong Institution of Engineers would be consulted on the draft toolkit in early 2008. Workshops on building management would be organised for promotion of the toolkit and enhancement of the awareness of OCs in corruption prevention, especially in the selection and award of contracts.

37. The Deputy Chairman said that the key to corruption prevention in building management was the enhancement of the awareness and alertness of owners towards violations of procedures. He considered that corruption in tendering could be effectively minimised through the establishment of a platform for electronic tendering. He considered that ICAC should be more proactive in combating collusive bidding in building management. Undercover operations should be launched, where appropriate, to combat such activities.

38. C/ICAC responded that ICAC was aware that corruption in building management could not be prevented merely with law enforcement. ICAC was working closely with HAD to combat the problem. He undertook to provide Members with a paper on the subject in six months' time.

Action

39. The Deputy Chairman considered that liaison officers of HAD should be more proactive in giving advice on good building management practice. He said that the role of liaison officers should not be confined to promotion of community relations. His view was shared by the Chairman.

Corruption in the government sector

40. Mr CHEUNG Man-kwong enquired about the government departments with the largest number of corruption reports. He also asked whether there were any disciplined services among such government departments. Referring to paragraph 7 of the Administration's paper, he asked why association with undesirable characters was still found with disciplined services, despite ICAC's enhanced efforts against such activities.

ICAC

41. C/ICAC responded that the Hong Kong Police Force had the highest number of corruption reports for many years. However, the situation had improved progressively. Although the problem of association with undesirable characters had not been totally resolved, ICAC and the senior management of the Police Force had been working closely to combat the problem. At the request of Mr CHEUNG Man-kwong, C/ICAC undertook to provide Members with statistics on successful prosecutions against corruption relating to association with undesirable characters.

ICAC

42. C/ICAC informed Members that the second highest number of corruption reports was found with the Food and Environmental Hygiene Department. He undertook to provide Members with statistics on such corruption reports.

43. The meeting ended at 10:30 am.