

立法會

Legislative Council

LC Paper No. CB(2)1749/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 19 February 2008, at 10:45 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 Howard YOUNG, SBS, 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** : Hon Emily LAU Wai-hing, JP
Hon WONG Yung-kan, SBS, JP
- Public Officers attending** : Item IV
Mrs Jessie TING, JP
Deputy Secretary for Security 1

Ms Manda CHAN
Principal Assistant Secretary for Security

Mr LING Kar-kan
Principal Assistant Secretary for Development
(Planning & Lands)

Mr Vincent TANG
Assistant Director (Nature Conservation &
Infrastructure Planning)
Environmental Protection Department

Mr WONG Hon-meng
Principal Environmental Protection Officer
Environmental Protection Department

Mr LAY Chik-chuen
Assistant Director (Conservation)
Agriculture, Fisheries and Conservation Department

Mr SUEN Kwai-leung
Assistant Commissioner of Police (Operations)

Ms Rebecca LAM
Deputy District Commander (Border)
Hong Kong Police Force

Mr Charles CHOW
Project Director
Architectural Services Department

Mr Raymond LEE
Chief Town Planner/Studies and Research
Planning Department

Item V

Ms Grace LUI
Deputy Secretary for Security 3

Ms Helen CHAN
Assistant Director of Immigration (Visa & Policies)

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

Miss Helen DIN
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1031/07-08)

The minutes of the meeting held on 4 December 2007 were confirmed.

II. Information papers issued since the last meeting

2. Members noted that no information paper had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1060/07-08(01) & (02))

Meeting on 29 February 2008

3. The Chairman reminded members that a special meeting had been scheduled for 29 February 2008 at 10:45 am to continue discussion on the Police's handling of reports or complaints about press articles.

4. Members agreed that the item "Law enforcement against cyber crimes relating to obscene and indecent articles and Internet security issues" would also be discussed at the special meeting on 29 February 2008 and the meeting time would be extended to start at 10:00 am and end at 1:00 pm. Members also agreed that all other Members would be invited to join the discussion on the item. Ms Margaret NG informed members that the Panel on Administration of Justice and Legal Services would follow up the prosecution aspects of the case concerned.

Meeting on 4 March 2008

5. The Chairman reminded members that, as agreed at the meeting on 8 January 2008, the meeting in March 2008 would be held on 4 March 2008 at 2:30 pm to discuss the Police's review of the existing practices regarding

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handling of searches of detainees and the entire meeting would be dedicated to the discussion of the item.

Issues related to the use of laser guns for detection of speeding

6. Ms Audrey EU said that there were reports that the Police had recently completed a review of its guidelines on the use of laser guns for detection of speeding. She suggested that the issue should be discussed by the Panel. The Chairman said that as the issue was already being followed up by the Panel on Transport and members of the Panel on Security had been invited to join the discussions concerned, it would be more appropriate for the Panel on Transport to continue following up the issue.

IV. Review of the Frontier Closed Area

(LC Paper Nos. CB(2)818/07-08(01) and CB(2)1060/07-08(03))

7. Deputy Secretary for Security 1 (DS for S1) briefed members on the finalised plan for reducing the coverage of the Frontier Closed Area (FCA).

8. Mr Howard YOUNG asked whether more advanced devices could be installed at the primary boundary fence (PBF) to prevent illegal immigration. He also asked whether the Administration had assessed in conjunction with the relevant Mainland authorities the effectiveness of the existing PBF in preventing illegal immigration at the boundary.

9. DS for S1 responded that the existing PBF was already equipped with advanced electronic detection devices. The Administration had always been concerned about illegal immigration at the boundary and considered PBF effective in preventing such activities. Mr Howard YOUNG said that the Administration should maintain close liaison with the Mainland authorities so that if the restrictions on the movement of residents from other parts of the Mainland to Shenzhen was relaxed, the prevention of illegal immigration at FCA would be strengthened.

10. Mr Howard YOUNG said that, with the reduction in the coverage of FCA, the closed road permits for certain cross-boundary vehicles no longer be needed. DS for S1 agreed to convey the view to the relevant government bureau/department. She said that the ancillary road network for the area to be released from FCA would be examined in the planning study for the area.

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11. Mr CHEUNG Man-kwong said that the Administration's proposal might be worth supporting, if the problems of illegal immigration and smuggling in the reduced FCA could be adequately addressed. With the opening up of the part of FCA outside Lo Wu Control Point, he asked whether cross-boundary

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students would be allowed to get on their school coaches at a short distance outside the Lo Wu Control Point after crossing the boundary.

12. DS for S1 responded that under the finalised plan for the reduced FCA, Lo Wu Station Road would be excluded from FCA. However, the Administration considered that the long-term solution to address the needs of cross-boundary students should be the introduction of cross-boundary school coach service. In this connection, the Education Bureau and other relevant government departments were following up the issue with parents and school coach operators.

13. Mr CHEUNG Man-kwong said that although he would not object to the provision of cross-boundary school coach service, he considered that the Administration should facilitate travel convenience for cross-boundary students by allowing them to get on their school coaches at a short distance outside the Lo Wu Control Point.

Admin

14. DS for S1 responded that Lo Wu Station Road had a limited capacity and it was the only emergency access road for the Lo Wu Station. Nevertheless, she would convey the views of Mr CHEUNG Man-kwong to the Education Bureau.

15. Mr Howard YOUNG said that, to his knowledge, there were cross-boundary school coaches operating between Vancouver and Seattle. He suggested that the Administration should study the experience of the two cities.

16. Ms Audrey EU asked whether the planning study referred to in the Administration's paper was a comprehensive one covering aspects such as travel convenience for cross-boundary students, restrictions on the carriage of less environmentally friendly fuel on vehicles returning from the Mainland, potential environmental impact and building height restrictions. She also asked when the public would be consulted on the draft conceptual plan for the area to be released from FCA.

17. Chief Town Planner/Studies and Research (CTP/SR) responded that the planning study was a comprehensive land use planning study aiming at formulating a planning framework to guide the conservation and development of the area to be released from FCA. A draft conceptual plan was expected to be ready for public consultation before mid-2008. The planning study was scheduled for completion in mid-2009.

18. Referring to paragraph 13 of the Administration's paper, the Deputy Chairman said that the Administration should draw up town plans before releasing any area from FCA. He also said that the Administration should consider whether restrictions such as that on building height should be imposed on areas in the vicinity of the secondary boundary fence (SBF). Consideration

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should be given to whether it was appropriate to allow a theme park or a large shopping mall to be constructed too close to SBF.

19. DS for S1 said that it was the Administration's intention to ensure that the areas to be released from FCA would be covered by statutory town plans before the new FCA boundary was formally implemented.

20. Dr LUI Ming-wah expressed concern about the security of the reduced FCA. He asked whether there would be any buffer zone to the south of the boundary patrol road.

21. Referring to Annex B to the Administration's paper, DS for S1 responded that the boundary patrol road and the land to its north, the Starling Inlet and the areas with points of boundary-crossing would remain within FCA.

22. The Deputy Chairman asked about the policing strategy for the reduced FCA.

23. Assistant Commissioner of Police (Operations) responded that the Police would continue to deploy its resources and manpower flexibly to ensure boundary security and integrity, having regard to its topography and the changing needs of the policing environment in the boundary area. The Police would continue to make use of the effective boundary fence protection system, coupled with the advanced detection devices and a centralised boundary command centre, and deploy frontline police officers, including Quick Reaction Force, to deal with any incidents that occurred along the boundary.

24. Dr LUI Ming-wah asked whether the ownership and right to use the Lok Ma Chau Loop (the Loop) belonged to the Hong Kong Special Administrative Region (HKSAR) Government. He also asked whether the HKSAR Government had the right to develop the Loop on its own.

25. Principal Assistant Secretary for Development (Planning and Lands) (PAS(D)) responded that Hong Kong and Shenzhen had recently signed the Cooperation Agreement on Recently Initiated Major Infrastructural Projects (the Agreement). Under the Agreement, a Hong Kong-Shenzhen Joint Task Force (JTF) on Boundary District Development would be set up to explore the feasibility of developing the Loop on the basis of mutual benefit. He said that as the Loop now fell within the administrative boundary of Hong Kong, the HKSAR Government had all the public authorities over the future development of the Loop.

26. Dr LUI Ming-wah asked whether the Administration had any plans on the development of the Loop.

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27. PAS(D) responded that a number of proposals on the future development of the Loop had been raised by the public. These were being considered by the Administration. Any plan and issues regarding the future development of the Loop would be studied and considered by JTF.

28. Mr CHEUNG Man-kwong asked whether only the laws of Hong Kong applied in the Loop, regardless of the arrangements for the management and development of the Loop.

29. PAS(D) responded that as the Loop was part of the HKSAR, only the laws of Hong Kong applied in the Loop.

30. The Chairman said that he had always been concerned about the security of the boundary area and the conservation of heritage there, some of which dated back to the Sung Dynasty. He hoped that a balance could be struck between the conservation of heritage and the views of residents regarding development of the area. He considered that although the coverage of FCA would be reduced, the security of the boundary would be enhanced with the construction of SBF.

31. The Chairman said that Sha Tau Kok (STK) town should not be kept within the reduced FCA. It was unreasonable to isolate STK town and require people to apply for a closed area permit merely for visiting their relatives in STK town. He considered that the Administration should address the problem and draw up a timetable for releasing STK town from FCA.

32. DS for S1 responded that, given the security risks associated with the lack of proper boundary control point facilities and a physical barrier to delineate the boundary between Hong Kong and the Mainland at Chung Ying Street, it was necessary to maintain the FCA restrictions at STK town. The Administration was aware of the local community's request for opening up STK town to tourists on a limited scale and would continue the discussion with the local community on the issue. The Chairman requested the Administration to provide a timetable for releasing STK town from FCA when submitting its funding request for the secondary boundary fence and associated works to the Finance Committee.

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33. The Chairman expressed concern that as the proposed reduction of the coverage of FCA would be implemented in phases, the opening up of the part of FCA near Lo Wu Station would fall under the last phase. He considered that the part of FCA near Lo Wu Station should be opened up in the first phase so that different forms of transport, including school coaches, could access Lo Wu Station. He added that the proposed reduction of the coverage of FCA should be implemented at one go rather than in phases. His view was shared by Miss CHOY So-yuk. Miss CHOY considered that the Administration should seek to

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open up the part of FCA near Lo Wu Station with priority so that passenger transport services to Lo Wu would no longer be monopolised by railways.

34. DS for S1 responded that to take forward the proposed construction of the secondary boundary fence and associated works, the Administration would need to complete the necessary steps required under the relevant legislation, such as conducting an environmental impact assessment in accordance with the Environmental Impact Assessment Ordinance (Cap. 499). The section of the works covering Lo Wu would necessitate land resumption. Thus, a phased approach was recommended to expedite the process of reducing the FCA coverage.

35. Miss CHOY So-yuk considered that the development of the released land and environmental protection were not mutually exclusive and could be balanced through measures such as the exchange of land. She asked whether measures would be adopted by the Administration to maintain biodiversity in the released land.

36. DS for S1 responded that the planning study would seek to achieve a balance between development of the area and environmental protection.

37. Assistant Director (Nature Conservation & Infrastructure Planning), Environmental Protection Department said that areas identified to be of high ecological and conservation value would be designated as a conservation area, which was subject to the protection under the Town Planning Ordinance (Cap. 131) and the Environmental Impact Assessment Ordinance (Cap. 499).

38. Mr Howard YOUNG said that the tourism industry in STK town should only be opened to licensed travel agents, which were regulated by the Travel Industry Council of Hong Kong.

39. The Chairman asked when funding for the proposed secondary boundary fence and associated works would be sought by the Administration. DS for S1 responded that the Administration planned to seek funding for the first phase of the works in 2009, after the environmental impact assessment had been completed.

V. Review of the Quality Migrant Admission Scheme

(LegCo Brief Ref. SBCR/6/2091/04 and LC Paper No. CB(2)1060/07-08(04))

40. The Deputy Chairman referred to paragraph 5 of the Legislative Council (LegCo) Brief and asked whether there was any category of persons who could be admitted under the revised Quality Migrant Admission Scheme (QMAS) but not under the original QMAS.

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41. Deputy Secretary for Security 3 (DS for S3) responded that under the revised QMAS, persons with less working experience would be able to meet the passing mark under the General Points Test (the passing mark) for further assessment. Assistant Director of Immigration (Visa & Policies) (AD of Imm) said that it could be noted that some applicants who could not attain the passing mark in the past could do so under the revised QMAS and were granted quota. Some of these were graduates from topnotch Mainland universities who had furthered their studies overseas and whose expertise was needed in Hong Kong though they possessed less working experience.

42. The Deputy Chairman considered that the Administration should step up its publicity on QMAS through its overseas Economic and Trade Offices (ETOs) as well as Mainland and overseas universities.

43. AD of Imm responded that the Administration had planned a series of publicity programmes on QMAS, which would be launched through ETOs, Mainland and overseas universities as well as local universities.

44. Dr LUI Ming-wah said that more talents should be admitted under QMAS. He asked about the number of applications under QMAS, the number of successful applicants and their period of stay in Hong Kong.

45. DS for S3 responded that over 200 000 talents and professionals had been admitted to Hong Kong in the past 10 years under various admission schemes. QMAS was a relatively new scheme introduced in June 2006. Since introduction, 1 350 applications had been received under QMAS. AD of Imm added that applications under QMAS were considered on a quarterly basis by the Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee). At as 2 February 2008, 974 applications had been processed. Among these, 578 had been submitted to the Advisory Committee for further assessment and 398 had been allocated quota, representing a success rate of about 69%.

46. Dr LUI Ming-wah asked why the success rate of applications sent to the Advisory Committee for further assessment was low.

47. AD of Imm responded that some applicants could not produce documentary proof of their academic qualifications or working experience. Some applicants had withdrawn their applications after being requested to produce such proof.

48. Mr CHEUNG Man-kwong expressed concern that under the revised QMAS, a young Mainland university graduate proficient in Chinese only and with two years' working experience would already be qualified for admission under QMAS. He considered that such a loose requirement would have a

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negative impact on the employment opportunities of young people in Hong Kong, especially given that a large number of sub-degree holders in Hong Kong had no opportunity to acquire a degree. His view was shared by the Chairman.

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49. DS for S3 undertook to convey the concerns of Mr CHEUNG Man-kwong regarding sub-degree holders to the Education Bureau. She said that the review of QMAS aimed to cast the net wider for talent from places all over the world and enhance the pool of candidates for selection. An applicant who attained the passing mark was only eligible for further assessment and would still have to compete with other applicants for the allocation of quota.

50. AD of Imm stressed that the attainment of the passing mark did not guarantee admission under QMAS. Each application with a score above the passing mark would be assessed by the Advisory Committee. The Advisory Committee would consider factors such as the university at which the applicant had graduated, whether the applicant had furthered his studies overseas, proficiency in languages other than Chinese and English, the expertise of the applicant, whether the applicant had other achievements in school or at work before determining whether the applicant was a talent needed in Hong Kong. In the recent selection exercise conducted by the Advisory Committee on 2 February 2008 after QMAS was revised, 127 applications were submitted to the Advisory Committee for further assessment and only 76 had been allocated quota, representing a success rate of about 60%, which was lower than that in the past.

51. Mr Howard YOUNG expressed concern that the number of talents admitted under QMAS was low. He considered that the General Points Test should be revised to reflect the need in Hong Kong for talents who had received overseas education and possess working experience in the Mainland. More points should also be awarded for proficiency in languages other than Chinese and English. He asked whether local employers were required to submit any application for the employment of a person admitted under QMAS. DS for S3 responded that local employers were not required to submit any application of such a nature.

52. The Chairman asked whether an applicant was required to indicate in the application form a short paragraph why he wished to come to Hong Kong.

53. AD of Imm responded that there was a section in the application form in which the applicant was required to summarise in not more than 500 words his future plan of development in Hong Kong.

54. Mr LEUNG Kwok-hung said that if Hong Kong residents were not required to apply for a work permit before working in the Mainland, Mainland residents should not be required to apply for any permit for working in Hong

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Kong. He expressed concern whether QMAS would be open to abuse for some Mainland residents to come to Hong Kong for purposes other than working in Hong Kong.

55. Mr Albert HO considered that the purpose of QMAS would be defeated, if the minimum requirement for admission was too low. He said that the Administration should allocate more resources for the training and creation of jobs for local youth. He asked about the selection criteria adopted by the Advisory Committee.

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56. DS for S3 agreed to provide information on the process of selection of applicants by the Advisory Committee, the selection criteria adopted and information on the profile of successful applicants under the original QMAS.

57. The Chairman asked whether different selection criteria were adopted for different categories of applicants. AD of Imm replied in the negative.

58. The Chairman asked whether applicants under QMAS were required to attend any interview with the Advisory Committee.

59. AD of Imm responded that each application was separately considered by the Advisory Committee having regard to factors such as academic and professional qualifications, working experience and language proficiency. Applicants who were allotted a quota would be issued with an approval-in-principal letter and invited to come to Hong Kong for an interview in person for verification of documents submitted.

60. Referring to Annex A to the LegCo Brief, the Deputy Chairman and Mr CHEUNG Man-kwong said that the revision to the points score under the General Points Test was radical, with the score of a young applicant proficient in written and spoken Chinese who possess a bachelor degree and two years' experience being increased from 20 to 80. They queried whether the Administration had assessed the increase in the number of applicants that might result from the revision. Mr CHEUNG added that an influx of a large number of such young graduates from the Mainland might create more social problems in Hong Kong. The Chairman shared the concerns of the Deputy Chairman and Mr CHEUNG. He said that the Administration should have first examined whether the low number of admissions under QMAS was due to over-stringent requirements or inadequate publicity. The Administration should not look at the issue from the immigration perspective only.

61. DS for S3 responded that a number of government departments were playing a role in attracting talent and making Hong Kong a more attractive place for talent. As far as the Security Bureau and Immigration Department were concerned, they endeavored to provide an immigration channel to facilitate the entry of talent and professionals. The Security Bureau and other

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relevant departments, such as the Information Services Department, had drawn up plans to step up publicity on QMAS. She stressed that a score above the passing mark did not guarantee admission. Each application with a score above the passing mark had to be assessed by the Advisory Committee.

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62. Ms Audrey EU considered that whether there was a need for revision of QMAS should not be merely based on a comparison of the actual number of persons admitted and the annual quota. She said that the Administration should conduct an analysis of why talent was attracted/not attracted to Hong Kong and provide members with the results. Ms EU added that points should be awarded for more factors than those listed in Annex A of the LegCo Brief.

63. AD of Imm responded that persons admitted to Hong Kong under QMAS were requested to complete a questionnaire of such a nature. As the persons admitted under QMAS were small in number, the questionnaires had yet to be analysed.

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64. Ms Audrey EU suggested that the questionnaire should be completed at the time of application. DS for S3 agreed to consider the suggestion.

Admin

65. The Chairman and Mr LEUNG Kwok-hung requested the Administration to provide information on the reasons for success/failure of different categories of applicants and the average score of successful applicants under the original QMAS. The Chairman requested the Administration to provide members with the application form for QMAS and a comparison of the number of applications received and number of successful applicants before and after the implementation of the revised QMAS. He also requested the Administration to update the Panel in January 2009 the latest position in respect of the implementation of QMAS.

VI. Civil claims against law enforcement agencies

66. Owing to time constraint, members agreed that the item would be deferred to the meeting in April 2008.

67. The meeting ended at 12:55 pm.