

立法會
Legislative Council

LC Paper No. CB(2)2744/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 6 May 2008, 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
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 Daniel LAM Wai-keung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
- Member attending** : Hon CHAN Kam-lam, 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 TAM Yiu-keung, C.M.S.M.
Assistant Commissioner (Intelligence and Investigation)
Customs and Excise Department

Mr HO Ka-ying
Senior Staff Officer (Planning and Development)
Customs and Excise Department

Mr WONG Wai-man, William
Electronics & Data Communication Manager
Electrical & Mechanical Services Department

Mr. WONG Chun-kau, Jolly
Chief Telecom Engineer (Communications Branch)
Hong Kong Police Force

Item V

Mrs Jessie TING, JP
Deputy Secretary for Security 1

Mrs Apollonia LIU
Principal Assistant Secretary for Security

Mr Vincent WONG
Assistant Commissioner of Police (Crime)

Mr Clarence TO
Assistant Commissioner of Police (Information Systems Wing)

Mr HUI Kai-ling
Chief Systems Manager (Information Technology Branch)
Hong Kong Police Force

Dr Teresa CHOI
Principal Medical & Health Officer (Surveillance Section)
Department of Health

Item VI

Ms Grace LUI
Deputy Secretary for Security 3

Mr M L CHAN
Assistant Director of Immigration (Control)

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

Staff in attendance : Mr Raymond LAM
Senior Council Secretary (2)5

Miss Josephine SO
Council Secretary (2)1

Miss Helen DIN
Legislative Assistant (2)1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1749/07-08)

The minutes of the meeting held on 19 February 2008 were confirmed.

II. Information paper issued since the last meeting
(LC Paper Nos. CB(2)1741/07-08(01) and CB(2)1767/07-08)

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

- (a) Administration's paper explaining its policy and way forward in respect of the regulation of debt collection practices; and
- (b) Extract from the draft minutes of the meeting on 10 April 2008 between Legislative Council Members and Wong Tai Sin District Council members regarding the difficulties encountered by owners of old buildings in meeting the requirements under the Fire Safety (Buildings) Ordinance (Cap. 572), the Administration's paper on the progress of implementation of the Ordinance and the speech given by the Secretary for Security at the resumption of Second Reading debate on the Fire Safety (Buildings) Bill.

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III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1748/07-08(01) & (02))

Regular meeting in June 2008

3. Members agreed that the following items would be discussed at the next regular meeting to be held on 3 June 2008 at 2:30 pm -

- (a) Security arrangements for the 2008 Olympic Equestrian Events;
- (b) Prison development; and
- (c) Redevelopment Plan for the Fire Services Training School.

Regular meeting in July 2008

4. Members agreed that the item "Anti-smuggling work of the Customs and Excise Department" proposed by the Administration would be discussed at the regular meeting in July 2008.

5. Members also agreed that the review of legislation relating to "one-woman brothel" would be discussed at the regular meeting in July 2008.

Closed-door briefing by the Police on the updated triad situation in Hong Kong.

6. Members agreed that a closed-door briefing by the Police on the updated triad situation in Hong Kong, which was suggested at the special meeting on 31 January 2008, would be held in late June 2008.

IV. Replacement of Radio Communications System of the Customs and Excise Department

(LC Paper No. CB(2)1748/07-08(03))

7. Deputy Secretary for Security 1 (DS for S1) briefed Members on the Administration's proposal to replace the existing analogue radio communications system of the Customs and Excise Department (C&ED) by making use of the Unified Digital Communications Platform (UDCP) built on the Third Generation Command and Control Communications System (CCIII) of the Hong Kong Police Force (HKPF), as detailed in the Administration's paper.

8. The Deputy Chairman noted the benefits for C&ED to make use of UDCP built on CCIII operated by HKPF, as this arrangement could achieve economies of scale and cost-effectiveness. He, however, expressed concern about the security of the proposed radio system and enquired about the

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possibility for C&ED to develop a separate radio communications system which provided interface, if required, with HKPF's communications system.

9. DS for S1 and Chief Telecommunication Engineer (Communications Branch), HKPF (CTE(CB)/HKPF) explained the benefits of using UDCP built on CCIII operated by HKPF as follows -

- (a) CCIII was a communications infrastructure fully rolled out in 2006 by HKPF to cater primarily for communication among frontline police officers. With an aim to improve the overall response of relevant agencies to emergencies and the effectiveness of enforcement operations, HKPF planned to open up CCIII's voice and short data services to other government departments on a common platform known as UDCP. UDCP, which provided reliable and territory-wide radio network coverage (there were more than 100 network stations at present), operated in digital mode;
- (b) the infrastructure of UDCP was based on open technological standards, which allowed the system to be further enhanced and developed in future in the light of the changing needs of the user departments. UDCP offered a common communication platform for all participating law enforcement departments. After C&ED's participation in UDCP, C&ED would operate its news system with designated frequency talkgroups under normal circumstances. C&ED would operate on the common talkgroups only when joint enforcement operations with HKPF or other law enforcement agencies were conducted;
- (c) technically speaking, CCIII was run with cluster technology which provided a flexible and effective computing platform. Such platform offered scalability and high availability of applications or services in the event of a tremendous increase in the number of users and operations; and
- (d) during the design stage of UDCP, the Electrical and Mechanical Services Department (EMSD) had taken account of unforeseen urgent service demands and ensured that the capacity of the new radio communications system would be able to cope with any sudden increase in the number of users. Citing the Beijing 2008 Olympic Torch Relay in Hong Kong held on 2 May 2008 as an example, the CCIII system had functioned effectively.

10. The Deputy Chairman believed that the Police should have gained some valuable experience in the operation of UDCP. He asked what lessons had

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been learned, and how HKPF would pass its experience to C&ED for reference so that the latter might avoid similar problems.

11. CTE(CB)/HKPF responded that HKPF had installed a 24-hour real time network monitoring system to monitor the operation of UDCP. Based on actual experience, the Administration considered that there was scope for improvement in the capacity of the system and the coverage of the radio network. As the infrastructure of UDCP allowed the system to be further enhanced and developed in future in the light of the changing needs of the user departments, the Administration would consider expanding the capacity of and making modification to the system, if so required.

12. Mr Daniel LAM expressed support for the Administration's proposal. In view of rapid technology advancement, Mr LAM considered that the radio communications system of C&ED should be regularly upgraded to meet its changing operational needs. He asked whether C&ED was facing difficulties in carrying out the necessary maintenance of the existing system, which was designed in the late 1970s.

13. Assistant Commissioner (Intelligence and Investigation), C&ED (AC(II)/C&ED) and Electronics & Data Communication Manager, EMSD said that the existing analogue radio communications system of C&ED had a very serious ageing problem. As the analogue technology was becoming obsolete, the system could not be upgraded to cater for the operational needs of C&ED. It was also increasingly difficult to find suitable spare parts for servicing the system, thus adversely affecting the operations of the department.

14. Responding to the Chairman's enquiry, AC(II)/C&ED said that the problem of system maintenance first emerged some years ago and had compounded over the years to the extent that most of the spare parts for the system were of obsolete models, some of which were unavailable in the market. Hence, there was a pressing need to replace the existing analogue radio communications system of C&ED.

15. The Chairman said that it was far too long for the Administration to use three years to finalise the proposal, when the study conducted by EMSD in 2005 on the existing system had already revealed the problems. He held the view that the Administration should shorten the time on system analysis and design, so as to leverage on continuing technology advancement.

16. DS for S1 explained that due to fiscal deficits in the past few years, the proposal was not submitted to Members earlier. The proposal of making use of UDCP built on the existing CCIII operated by HKPF could facilitate C&ED's expeditious migration to the new system. DS for S1 further said that EMSD recommended C&ED to replace its existing analogue radio communications

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system by making use of UDCP built on CCIII operated by HKPF based on the following reasons -

- (a) as CCIII had been rolled out for two years, UDCP, supported by digital technology, was mature with reliable, territory-wide radio network coverage; and
- (b) it was more cost-effective, in terms of investment in infrastructure and maintenance costs, for C&ED to make use of UDCP than developing a separate radio system on its own.

DS for S1 added that subject to members' support, the Administration would submit the proposal to the Finance Committee (FC) for funding approval in June 2008 with a view to commissioning the proposed system by 2010.

17. Expressing concern about the security of UDCP, the Deputy Chairman sought information on the safeguards to be put in place to ensure the confidentiality of C&ED's enforcement operations.

18. CTE(CB)/HKPF explained that as CCIII adopted the TETRA encryption standard, UDCP was built with strict security standards. Notwithstanding that UDCP offered a common communication platform for all participating law enforcement departments to facilitate multi-department communication during joint operations, C&ED would operate with its designated talkgroups under normal circumstances. The adoption of digital technology provided a more secure encryption element and the enhanced security capability of UDCP, e.g. end-to-end encryption for the entire radio system as well as additional encryption keys available within the system, could safeguard the confidentiality of C&ED's enforcement operations by preventing eavesdropping or unauthorised access to the system.

19. The Deputy Chairman said that he was concerned about the independence of the operation of C&ED's system when used in enforcement duties and the confidentiality of the enforcement operations. He considered that the benefits of using UDCP in joint operations should not be over-stated. Noting the encryption and decryption functions available on UDCP, he enquired about the security requirements, including those on user authentication and access control, for using the common communication platform.

20. AC(II)/C&ED responded that if joint operations were required in future, only the operation commanders would be provided with the encryption keys to the common communication talkgroup. At present, depending on the scale and complexity of joint operations, the approval of a senior officer had to be obtained before conducting the operations. For routine joint operations related to anti-smuggling, anti-narcotics and protection of intellectual property rights,

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the approval of an officer not below the rank of assistant superintendent was required. For large-scale operations, a higher level of authorisation from officers up to the directorate level would be sought.

21. Mr WONG Yung-kan expressed concern about the problems of the existing analogue radio communications system of C&ED, such as radio blind spots and possible interference by other radio communications systems operating in adjacent frequency bands and interception by ill-intentioned persons. He asked whether the proposed radio system could address these problems.

22. DS for S1 responded that with the introduction of the proposed system, the radio coverage would be further improved with the installation of radio repeaters at strategic locations. DS for S1 added that as explained earlier, a series of security measures would be put in place to prevent eavesdropping and unauthorised access to the system.

23. Mr WONG Yung-kan said that Members of the Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal.

24. Concluding the discussion, the Chairman said that the funding proposal was ready for submission to FC for consideration in June 2008.

V. Developing the Third Generation of Major Incident Investigation and Disaster Support System

(LC Paper No. CB(2)1748/07-08(04))

25. DS for S1 took Members through the Administration's paper which set out the proposal to develop the Third Generation of Major Incident Investigation and Disaster Support System (MIIDSS3) for HKPF to replace the existing Second Generation of Major Incident Investigation and Disaster Support System (MIIDSS2), which was becoming obsolescent and was unable to effectively cope with the increasingly complex demands arising from major incident investigations and disaster support operations.

26. Mr Daniel LAM sought information on the increasing complex demands arising from major incident investigations and disaster support operations.

27. DS for S1 explained that the function of MIIDSS3 was to analyse and process a large volume of raw data in order to assist users in identifying useful information and data correlation therefrom. It would have an updated design with advanced technologies to support the investigation of serious and complex crimes, such as fraud and bookmaking. The availability of free text search and data mining capability would enhance the effectiveness in identifying leads in crime investigation. In major epidemic outbreaks involving a large number of

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people, MIIDSS3 would be able to perform complicated data analysis to facilitate contact tracing.

28. Assistant Commissioner of Police (Crime) supplemented that MIIDSS2 was deployed to support the Centre for Health Protection and the Department of Health in contact tracing analysis during the Severe Acute Respiratory Syndrome outbreak in 2003. During that incident, personal records of some 17 000 people and some 30 000 sets of other related data were entered into the system. Some 120 000 relationship records were generated, thus enabling source tracking. The system had performed well in terms of efficiency and accuracy in data capture and data correlation. The system could also be deployed for investigation of serious crimes (e.g. commercial crime or serious fraud cases) involving a large amount of information on people and the movement of funds in bank accounts.

29. Mr Daniel LAM expressed support for the Administration's proposal to redevelop the existing MIIDSS2.

30. Concluding the discussion, the Chairman said that the funding proposal was ready for submission to FC for consideration in June 2008.

VI. Processing of entry applications
(LC Paper No. CB(2)1789/07-08(01))

31. Deputy Secretary for Security 3 (DS for S3) and Assistant Director of Immigration (Control) (AD of Imm) briefed Members on the Administration's paper on the processing of entry applications.

32. Mr CHEUNG Man-kwong said that freedom of entry and exit was one of the basic elements of the implementation of the "one country, two systems" principle in Hong Kong. He said that Mr Jens GALSCHIOT, who had expressed support for the Beijing 2008 Olympic Games and had not committed any crime in his previous visits to Hong Kong, had stated that the purpose of his recent visit to Hong Kong was to paint the Pillar of Shame into orange colour, which would not pose any threat to the security of Hong Kong. He queried why Mr GALSCHIOT and some members of the International Pen Association were recently refused entry into Hong Kong, whereas Ms Mia FARROW, who had called for a boycott of the Beijing 2008 Olympic Games but had assured verbally that she would not disrupt the torch relay in Hong Kong, was permitted entry in the previous week. He considered that the adoption of double standards in the processing of entry applications was prejudicial to the implementation of the "one country, two systems" principle.

33. DS for S3 responded that it was the Administration's position not to comment on individual cases or any speculations. She stressed that each case

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was considered on its individual merits and there was no question of double standards in the processing of entry applications.

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34. Dr Philip WONG considered that freedom of expression was well respected in Hong Kong. He said that provisions empowering the immigration authorities to refuse the entry of a visitor without giving explanations were commonly found in the relevant legislation of many other jurisdictions. He requested the Administration to provide a written response explaining why the immigration authority was not bound to give explanations when refusing the entry of visitors.

35. Ms Emily LAU said that according to media reports, Mr Jens GALSCHIOT and his two sons as well as persons belonging to the Students for a Free Tibet, Free Tibet Campaign and Independent Chinese Pen Centre were recently refused entry into Hong Kong. She expressed deep concern about the freedom of expression in Hong Kong.

36. DS for S3 responded that the Administration fully respected the freedom of speech and freedom of holding peaceful public processions which were fully protected by law in Hong Kong. She stressed that the Administration also had a duty to maintain public order and security in Hong Kong.

37. Ms Emily LAU asked when the "watchlist" and "black-list" referred to in paragraph 7 of the Administration's paper were first established. She also asked about the criteria for the inclusion of names in the "watchlist".

38. DS for S3 responded that the "watchlist" had been established for a long time and it was not a so-called "black-list". She stressed that the "watchlist" was by no means a list of persons not allowed to enter Hong Kong. The "watchlist" was established to facilitate staff of the Immigration Department (ImmD) to identify relevant persons from the large number of passengers. For security reasons, she was not in a position to disclose further information about the "watchlist".

39. Referring to paragraph 6 of the Administration's paper, Ms Emily LAU requested the Administration to provide information about the number of persons refused entry into Hong Kong in 2008 and whether many persons were refused entry in April and May of 2008.

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40. DS for S3 agreed to provide a written response. AD of Imm added that about 11 000 persons had been refused entry in the first four months of 2008. This figure was generally in line as that for the corresponding period in the previous year.

41. Referring to paragraph 4 of the Administration's paper, Ms Margaret NG said that any power conferred by legislation had to be exercised in compliance

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with the law. She considered that paragraph 10 of the Administration's paper implied that the refusal of the entry of the persons referred to by some Members was related to the Beijing 2008 Olympic Torch Relay in Hong Kong. She said that it was unlawful to refuse a person's entry for the purpose of restricting the person's freedom of expression.

42. DS for S3 responded that a person would not be refused entry for exercising his freedom of speech. The circumstances under which a person might be refused entry were set out in paragraph 4 of the Administration's paper. However, it was the Administration's position not to comment on individual cases. She reiterated that freedom of expression was fully protected by law in Hong Kong.

43. The Deputy Chairman asked whether the activities referred to in the last sentence of paragraph 10 of the Administration's paper fell within the scope of not being conducive to the public good of Hong Kong. He asked whether a person who sought to damage the solemnity of the Olympics or disrupt the smooth proceeding of the relevant Olympic activities in Hong Kong without a breach of the law would be allowed to enter Hong Kong. He considered that a person should be allowed to enter Hong Kong as long as the person would not breach the law in Hong Kong.

44. DS for S3 responded that in exercising immigration control, due regard would also have to be given to threats to public order and the risk assessments of major events that were taking place in Hong Kong. Ensuring that the relevant Olympic activities would proceed in a safe, peaceful and smooth manner was one of the factors relevant to the consideration of whether a person's entry would not be conducive to the public good of Hong Kong. She stressed that security and public order were among the major considerations and a person would not be refused entry merely for his political belief. Each case was considered by the ImmD on its own merits.

45. Mr Albert HO declared that he was the legal representative of Mr Jens GALSCHIOT. He pointed out that ImmD had refused the entry of Mr GALSCHIOT on the ground that his presence in Hong Kong might not be conducive to the public good of Hong Kong. He considered that the Administration should explain the specific reasons for refusal of Mr GALSCHIOT's entry. Referring to paragraph 6 of the Administration's paper, he asked about the number of persons refused entry on the ground that permitting the persons' entry would not be conducive to the public good of Hong Kong.

46. DS for S3 responded that immigration decisions had to be made in strict compliance with the law. Any person aggrieved by the decision of ImmD to refuse his entry application could lodge an objection under section 53 of the Immigration Ordinance with the Chief Secretary for Administration against the

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decision or seek leave from the court for a judicial review of the relevant decision. Broadly speaking, visitors refused entry into Hong Kong were all on the reason that their presence in Hong Kong might not be conducive to the public good of Hong Kong. AD of Imm added that among 39 508 persons refused entry in 2007, 25 641 were refused on the ground of purpose of entry in doubt, 12 976 were refused on the ground of using improper travel document and 891 were refused on the ground of use of forged travel document. No person had been refused entry for public health reasons in the past three years.

47. Ms Audrey EU asked whether the refusal of entry of a person on the ground that the person's presence in Hong Kong might not be conducive to the public good of Hong Kong were confined to the reasons referred to in paragraph 6 of the Administration's paper.

48. DS for S3 said that the ground that the person's presence in Hong Kong might not be conducive to the public good of Hong Kong was only a general description. In the past, ImmD had categorised refusal cases into the three categories of "purpose of entry in doubt", "using improper travel document" and "use of forged travel document". She affirmed that for cases refused entry in the past three years, the ground fell only under the above three categories.

49. Ms Audrey EU asked whether the two sons of Mr Jens GALSCHIOT were recently refused entry into Hong Kong and whether Mr GALSCHIOT was not allowed to make any telephone call or contact the Royal Danish Consulate General in Hong Kong. She asked whether the ground on which Mr GALSCHIOT was refused entry fell within the category of "purpose of entry in doubt" or "public safety reasons".

50. DS for S3 reiterated that it was the Administration's position not to comment on individual cases. She added that the Secretary for Security had, in a recent meeting with the Consul-General of the Royal Danish Consulate General in Hong Kong, explained the immigration policy of Hong Kong. She stressed that it was the Administration's policy to allow any person being questioned to contact his/her legal representative, local consulate or diplomatic representative.

51. Mr LEUNG Kwok-hung said that international human rights treaties prohibited the restriction of freedom of speech, except those necessary for the protection of national security, public order, public health or the rights and freedoms of others. He queried whether the Administration had considered the requirements under Article 39 of the Basic Law and international human rights treaties when refusing the entry of visitors.

52. DS for S3 responded that entry applications were processed in accordance with the law and prevailing policy having regard to the circumstances of the case concerned.

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53. Mr CHAN Kam-lam asked whether the persons who had been refused entry recently were not allowed to make phone calls or contact their local consulate or diplomatic representatives. Referring to paragraph 9 of the Administration's paper, he also asked whether any person refused entry in the previous week had lodged an objection under IO or sought leave from the court for a judicial review of the relevant decision.

54. DS for S3 responded that it was the Administration's position not to comment or provide information on individual cases. She stressed that immigration personnel had a responsibility to inform a person pending removal of his rights, such as contacting his legal representative, local consulate or diplomatic representative. She informed Members that the Administration was not aware of any leave sought from the court for a judicial review in the previous week on ImmD's decisions to refuse entry applications.

55. Mr CHEUNG Man-kwong asked whether Mr Jens GALSCHLOT was recently refused entry into Hong Kong for the reasons referred to in the last sentence of paragraph 10 of the paper. DS for S3 reiterated that it was the Administration's position not to comment on individual cases.

56. Ms Emily LAU said that many people were concerned whether there was any change in the immigration policy towards the entry of visitors. She asked about the number of consulates which had expressed to the Administration in the last two weeks their concerns on the Administration's immigration policy towards the entry of visitors.

57. DS for S3 responded that in the past two weeks, the consulates of four countries had met with the Secretary for Security to exchange views on the subject of entry applications.

58. Referring to paragraph 10 of the Administration's paper, Ms Margaret NG asked whether it was the Administration's policy to tighten immigration control and restrict freedom of expression when major events were taking place in Hong Kong. Mr Albert HO asked how immigration control was tightened when major events were taking place in Hong Kong.

59. DS for S3 responded that it was not the Administration's policy to restrict the freedom of expression in a peaceful manner. Paragraph 10 of the Administration's paper only set out some of the factors that would be considered when assessing whether a person should be permitted entry into Hong Kong. It should not be interpreted as a restriction of the freedom of expression.

60. Referring to paragraph 6 of the Administration's paper, Mr Albert HO asked whether there were persons refused entry on the grounds of public safety

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or national security. AD of Imm responded that persons posing security threats would have been grouped under the category of "purpose of entry in doubt".

61. The meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
26 August 2008