

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2794/07-08  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE/1

**Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 3 June 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  
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 Martin LEE Chu-ming, SC, JP
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon Howard YOUNG, SBS, JP
- Public Officers attending** : Item IV  
Mrs Apollonia LIU  
Principal Assistant Secretary for Security

Miss Linda LEUNG  
Assistant Secretary for Security

Item V

Ms Carol YUEN  
Deputy Secretary for Security

Ms Ivy CHENG  
Government Security Officer

Mrs Agnes ALLCOCK, JP  
Deputy Secretary for Home Affairs

Mr Bill SUEN  
Assistant Commissioner of Police (Operations)

Mr Tony WONG  
Commandant (Police Tactical Unit)

Mr W K LAM  
Chief Executive Officer  
Equestrian Events (Hong Kong) of the Games of the  
XXIX Olympiad Company Limited

Mr W K NG  
Director (Security & Support)  
Equestrian Events (Hong Kong) of the Games of the  
XXIX Olympiad Company Limited

Item VI

Ms Carol YUEN  
Deputy Secretary for Security

Mr YING Kwok-ching, CSMSM  
Deputy Commissioner of Correctional Services

Mr YAU Chi-chiu  
Assistant Commissioner of Correctional Services  
(Operations)

Mr LEE Sheung  
Assistant Commissioner of Correctional Services  
(Rehabilitation)

Item VII

Ms Carol YUEN  
Deputy Secretary for Security

Mr Paul CHENG  
Principal Assistant Secretary for Security

Mr Andy CHAN  
Acting Director of Fire Services

Mr WONG Sai-chuen  
Deputy Chief Fire Officer (Headquarters)

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

**Staff in attendance** : Mr Watson CHAN  
Head (Research & Library Services)

Mr Thomas WONG  
Research Officer 4

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)2087/07-08)

The minutes of the meeting held on 4 March 2008 were confirmed.

**II. Information papers issued since the last meeting**

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

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3. Referring to the Administration's response dated 16 April 2008 to issues raised by members at the meeting on 8 January 2008 on two cases of Marine Police officers dropping their guns in 2007, the Deputy Chairman said that although the Administration's response indicated that investigation did not reveal any criminal intent or indication of foul play, he was concerned whether the dropping of guns in the cases arose from the negligence of any Police officers. He suggested that the Administration be requested to provide further information regarding whether any negligence on the part of any Police officers or any other causes were identified in the two cases. Members agreed.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. 2086/07-08(01) & (02))

4. Members agreed that the following items would be discussed at the next regular meeting to be held on 8 July 2008 at 10:45 am -

- (a) Anti-smuggling work of the Customs and Excise Department;
- (b) Latest development in the provision of rehabilitation services by the Correctional Services Department; and
- (c) Review of legislation relating to "one-woman brothel".

5. Members noted that the 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 on 30 June 2008 from 11:00 am to 12:30 pm.

6. Members noted that issues relating to the recent online leakage of confidential information held by the Immigration Department and the Police had been discussed at the special meeting of the Panel on Information Technology and Broadcasting on 30 May 2008 and members of the Panel on Security had been invited to join the meeting. Members also noted that the subject would be discussed again at a meeting of the Panel on Information Technology and Forecasting in July 2008 and members of the Panel on Security would be invited to join the meeting.

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7. Ms Emily LAU and Mr Albert HO expressed concern about a recent incident at the Castle Peak Bay Centre where some detainees refused to collect food in protest of the delayed processing of their requests, including release on recognizance in lieu of detention, return to their own countries, claim for refugee status and reversal of deportation order. Members agreed that the Administration be requested to provide an account of the incident and the requests of the detainees.

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**IV. Research report on parliamentary monitoring mechanism on intelligence agencies in selected places**  
(LC Paper No. RP06/07-08)

8. With the aid of PowerPoint, Head, (Research & Library Services) (H/RL) briefed Members on the main findings of the research report on the parliamentary monitoring mechanism on intelligence agencies in selected places (the Report).

9. Ms Emily LAU said that the Report revealed that there were established mechanisms in civilised places for the legislature to establish a committee for monitoring government intelligence agencies. She considered that a similar mechanism should be established in Hong Kong to enable the Legislative Council (LegCo) to establish a committee for monitoring government intelligence agencies.

10. The Deputy Chairman said that some functions of the Police were similar to those of overseas intelligence agencies. He considered that a mechanism should be established to enable LegCo to form a committee, which could hold meetings in camera and the members of which could be required to sign a confidentiality order, for monitoring the Police's intelligence work to prevent any possible political monitoring.

11. Principal Assistant Secretary for Security (PAS(S)) responded that the establishment of committees was a matter within the purview of LegCo. On the Report, notwithstanding the limited time to study it in detail, the Administration noted the following -

- (a) the monitoring mechanism, the legal basis and the scope of intelligence activities being monitored in the places studied differed from one place to another;
- (b) the oversight bodies in the places studied focused on the security services at a national level, and there was no comparable set-up in Hong Kong;
- (c) the constitutional set-ups of the places studied were quite different from that in Hong Kong. For instance, we did not have a ruling political party in the parliament as in some overseas jurisdictions; and
- (d) the conduct of intrusive surveillance operations by law enforcement agencies in Hong Kong was already governed by the Interception of Communications and Surveillance Ordinance (ICSO) (Cap. 589) and monitored by the Commissioner on

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Interception of Communications and Surveillance (the Commissioner).

12. The Deputy Chairman said that the establishment of a monitoring mechanism was not only an internal matter of LegCo. A statutory body similar to that in the United Kingdom could be established, for example, for monitoring government intelligence agencies. He pointed out that a common aspect among the mechanisms studied was that monitoring work was carried out by a non-government agency. He expressed concern that interception of communications was only one of the many areas of the Police's intelligence work and the Commissioner was not elected by members of the public. He added that interception of communications could be conducted on the ground of protection of the security of Hong Kong, which was not defined under ICSO. The Deputy Chairman and Ms Margaret NG requested the Administration to study the Report and provide a written response on the applicability of overseas monitoring mechanisms in Hong Kong.

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13. Mr LEUNG Kwok-hung asked whether state security officials were undertaking intelligence work in Hong Kong and whether assistance was provided by law enforcement agencies to such state security officials. The Deputy Chairman added that it was possible for law enforcement agencies to carry out political monitoring without breach of the law.

14. PAS(S) responded that the Administration had already stated during the scrutiny of the Interception of Communications and Surveillance Bill that the public security ground under ICSO would not be used for political purposes nor for suppressing the right to freedom of expression. She stressed that law enforcement agencies had always acted in accordance with the law.

**V. Security arrangements for the 2008 Olympic Equestrian Events**  
(LC Paper No. CB(2)2086/07-08(03))

15. Deputy Secretary for Security (DS for S) briefed Members on the security arrangements for the 2008 Olympic Equestrian Events and Paralympic Equestrian Events (the Equestrian Events) to be held in Hong Kong in August and September 2008.

16. Referring to paragraph 11 of the Administration's paper, the Deputy Chairman queried whether the Police had sought to facilitate all lawful and peaceful public order events as far as possible in the Olympic Torch Relay on 2 May 2008 where confrontation was found between a group of demonstrators and a large number of other persons in Tsim Sha Tsui. He queried why the Police had removed the demonstrators which included Miss CHAN Hau-man from the scene but had not taken actions against other persons whose acts

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seemed threatening. He expressed concern about the freedom of expression of minority groups.

17. Assistant Commissioner of Police (Operations) (ACP(O)) responded that as Miss CHAN Hau-man had lodged a complaint with the Complaints Against Police Office (CAPO) in relation to the case, he was not in a position to disclose further information about the case. He stressed that the Police valued highly the freedoms of expression and assembly of the general public. It had always sought to facilitate all lawful and peaceful public order events as far as possible, protect the safety of demonstrators and the public at large and maintain public order. The Police had sought to contact the demonstrators at an early stage to understand their needs. He said that the demonstrators were not arrested but only arranged to leave the scene for their personal safety reasons.

18. Miss CHOY So-yuk asked whether any measures would be introduced to ensure the safety of competition horses and maintain the quality of air as well as water in Shing Mun River.

19. Chief Executive Officer, Equestrian Events (Hong Kong) of the Games of the XXIX Olympiad Company Limited (CEO/EqCo) said that all horses arriving at Hong Kong would be transferred immediately at the airport to special vehicles provided by the Hong Kong Jockey Club. The process would be monitored by the Police, security guards and veterinary officers. Such horses would be transported directly to the stables in the Hong Kong Olympic Equestrian Venue in Shatin Tin (the Sha Tin Venue). He informed Members that while the Police would be in charge of overall security, the EqCo would be responsible for all guarding and house rule enforcement duties in the two Competition Venues. Where law enforcement was required, the assistance of Police officers at the venue would be sought.

20. Deputy Secretary for Home Affairs said that arrangements had been made for the quality of air and water in the venues concerned to be closely monitored by the Hong Kong Observatory, the Environmental Protection Department and the Drainage Services Department. CEO/EqCo added that EqCo had studied the impact of air quality on horses and consulted specialists of the Federation Equestre Internationale on the issue. According to the experience of other competition venues, there was no clinical evidence suggesting that poor air quality had an impact on horses. He added that all the horses would not have any contact with water in Shing Mun River.

21. Ms Emily LAU asked whether the Police had reviewed its handling of public order events relating to Miss CHAN Hau-man during the Olympic Torch Relay on 2 May 2008.

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22. ACP(O) responded that it was the Police's practice to conduct a review after each major event. He said that Miss CHAN Hau-man had chosen to stage her demonstration at a location where there were many people whose views differed from hers. As there was a threat to her personal safety and the public order at the scene, the Police officers at the scene had arranged Miss CHAN to leave the scene.

23. Ms Emily LAU said that there were reports that the security guards and drivers of EqCo were required to undergo integrity checking. She queried why such checking was required and asked whether it was conducted by the Police. She also asked about the number of persons who had undergone such integrity checking and the number of persons who failed to pass the checking.

24. CEO/EqCo responded that he was not in a position to disclose the requested statistics. He informed Members that it was a requirement of the Beijing Organizing Committee for the Games of the XXIX Olympiad and International Olympic Committee to conduct security checking on all persons providing service in Olympic events. Such checking was conducted with the assistance of the Police.

25. Dr LUI Ming-wah asked about the measures adopted by the Police against any possible terrorist attack during the Equestrian Events.

26. ACP(O) responded that the Police's anti-terrorism measures could be divided into the following areas -

- (a) exchange of intelligence with Mainland and overseas law enforcement agencies;
- (b) devising and implementing security measures in accordance with the threat assessment as well as the identified threat level; and
- (c) exercising these contingency plans drawn up by EqCo and 26 bureaux and government departments for the Equestrian Events.

27. Mr Martin LEE said that the Police had a responsibility to protect the freedom of expression of every person. He considered that the Police should be aware of Miss CHAN Hau-man's intention to stage a demonstration during the Olympic Torch Relay on 2 May 2008. He queried why the Police had removed Miss CHAN from the scene when she might not have wished to leave the scene. He asked how the Police would handle similar cases in the future.

28. ACP(O) responded that as the case was being investigated by CAPO, he was not in a position to disclose further details about the case. He stressed that the Police had discharged its duty to ensure the personal safety of demonstrators and maintain public order at the scene. How a similar case



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would be handled in future would depend on the circumstances of the case concerned.

29. Mr LEUNG Kwok-hung said that the Police should issue warning to persons who threatened others and protect demonstrators who were being threatened. He considered that the Police had not struck a proper balance between protecting the freedom of expression of demonstrators and maintaining public order during the Olympic Torch Relay. He asked whether the Police would designate Designated Public Activity Areas (DPAAs) at locations which could be seen by political figures attending the Equestrian Events.

30. ACP(O) responded that whenever a major event was held in Hong Kong, the Police would proactively communicate with any persons who had indicated intention to stage demonstrations in order to better appreciate their needs. He stressed that it was the Police's policy to facilitate lawful and peaceful public order events. He said that the location of DPAAs were determined having regard to a number of factors, including the number of persons who intended to stage demonstrations and the volume of pedestrian and vehicular traffic in the area.

31. Ms Margaret NG said that some academics had expressed concern that the Police was harsh towards demonstrators but tolerant towards persons who were waving red flags and threatened the demonstrators during the Olympic Torch Relay. She asked whether the Police would at least inform persons who threatened the demonstrators to respect the freedom of expression of others.

32. ACP(O) responded that there were some 70 000 to 80 000 people at the scene and confrontation was found between a small group of demonstrators and the vast majority who were supportive of the Olympic Torch Relay. The Police had persuaded both sides to express their opinions in a peaceful manner. It was however necessary for the Police to take further steps to protect the persons at the scene and maintain public order when the confrontation could not be resolved after such persuasion.

**VI. Prison development**

(LC Paper Nos. CB(2) CB(2)1748/07-08(05) & (06))

33. Mr Daniel LAM expressed support for the prison development plans as outlined in the Administration's paper. He suggested that the Administration should improve in one go or by stages the facilities of institutions which were facing with the problem of ageing penal facilities, so as to ensure that all penal institutions could meet the changing demands in prison management and offender rehabilitation. Noting that the Correctional Services Department (CSD) had identified the existing Chi Ma Wan prison area as its next major

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redevelopment project, he expressed concern about the possible security risks, as the penal institutions in Chi Ma Wan were close to village settlements and residential areas. He enquired whether the manpower support therein was adequate to cope with the demands in prison management during the time of redevelopment.

34. Deputy Commissioner of Correctional Services (DC of CS) responded that in planning improvement works at existing institutions and the redevelopment of the Chi Ma Wan prison area, the Administration would assess the manpower support required for various tasks, with a view to maintaining CSD's standards in prison management, security and rehabilitation work.

35. Ms Emily LAU noted with concern that despite the provision of additional penal places after the re-opening of Lai King Training Centre (LKTC) and the completion of the Lai Chi Kok Reception Centre (LCKRC) extension project and the Lo Wu Correctional Institution redevelopment project, there would still be a projected shortfall of 262 places in 2015, and 15 penal institutions would be over 40 years old by the year 2015. Apart from those set out in paragraph 7 of the Administration's paper, she asked whether the Administration had looked into other options to address the problems of overcrowding and outdated facilities in penal institutions. She considered that the Administration should critically re-examine its prison development plans in the light of the latest situation at different penal institutions, and revert to the Panel on its long-term plan to improve the outdated facilities in penal institutions.

36. DC of CS responded that according to CSD's latest projection conducted earlier this year, the penal population was expected to increase to 11 960 by 2010 and to 12 970 by 2015. Amongst the 23 existing penal institutions, 10 of them would be over 40 years old by the year 2010. DC of CS advised that the penal policy was reviewed regularly and the Administration adopted a practical approach in addressing the issues. To relieve the overcrowding situation and to upgrade the outdated facilities in some penal institutions, CSD had taken steps to launch a series of smaller-scale projects that could be achieved relatively quickly to meet the immediate demand, and would continue to explore other options for further development to meet the rising demand in the long run. In addition to the construction of an extension block at LCKRC and the utilisation of penal places by swapping the functions of LKTC and the Tai Tam Gap Correctional Institution, the Administration was exploring other measures, including the redevelopment of Chi Ma Wan prison area. At present, an Archaeological Impact Assessment was being carried out to ascertain the archaeological potential of the Chi Ma Wan prison area. Subject to the outcome of the Assessment, the Administration planned to consult the public on the redevelopment proposal in the fourth quarter of 2008. It would revert to

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the Panel with the results of the public consultation and details of the works project before seeking funding approval from the Finance Committee.

37. Miss CHOY So-yuk agreed with the need to improve the outdated facilities in penal institutions. On the need to provide for additional penal places, she considered that the shortfall in penal places could be resolved if mutually agreed arrangements could be implemented for transferring prisoners who were non-Hong Kong residents and currently serving their sentence in Hong Kong back to their country of origin. She asked whether there was any progress in this regard.

38. DS for S responded that the Transfer of Sentenced Persons Ordinance (Cap. 513) provided a legal basis for the transfer of sentenced persons between the Hong Kong Special Administrative Region (HKSAR) and other jurisdictions. Under the model agreement on the transfer of sentenced persons, a transfer required the agreement of the transferring and receiving parties as well as that of the sentenced person. Since the enactment of the Ordinance in June 1997 and up to the first quarter of 2008, 47 sentenced persons had been transferred from other countries to Hong Kong. However, the number of sentenced persons transferred back to their home countries for serving their remaining terms of sentence was only 12. Although the Administration would continue discussion with other jurisdictions on bilateral legal co-operation in matters relating to transfer of sentenced persons, the establishment of transfer of sentenced persons arrangements might not necessarily help relieve the overcrowding situation in penal institutions, as evidenced by the small number of prisoners transferring out of Hong Kong during the past ten years.

39. The Deputy Chairman asked whether the Administration had drawn reference to overseas experience in exploring wider use of advanced technology in penal institutions to strengthen security control and to improve the efficiency of prison management. Regarding the existing closed circuit television (CCTV) systems installed in various institutions, he was of the view that the Administration should ensure that a secure and well-managed environment was maintained such that the video recording could be suitably done and no tampering would be made to the video segment after the recording.

40. DC of CS responded that the Administration aimed to apply advanced technology to help enhance the efficiency of prison operation. Notwithstanding that some overseas countries might have adopted more advanced technology (e.g. electronic monitoring) to relieve the burden among frontline staff in prison management, such practice was considered not desirable in Hong Kong as the supervision staff of CSD were required to perform duties related to rehabilitation of offenders. The Administration was of the view that the level of technology currently applied to prison management had been duly balanced against the operational needs. As regards the CCTV systems at existing institutions, DC of CS explained that the apparatuses were

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supported by digital technology which offered better protection against interference and high recording quality.

41. Taking into account the staff strength required for discharging the functions of CSD, Dr LUI Ming-wah said that the Administration should make use of more advanced technology, e.g. the Global Positioning System and the Request-for-Information technology, in prison management and operation in order to achieve staff savings. He asked whether the Administration had any plans in this regard. Dr LUI considered that to relieve the pressure on penal places, non-Hong Kong residents engaging in vice activities or taking up illegal employment should be repatriated to their country of origin upon conviction rather than imprisoned, and the Administration should expedite the transfer of the sentenced persons. He also asked about the number of non-Hong Kong residents who were currently serving sentences in Hong Kong and their length of sentence.

42. In response, DS for S and DC of CS made the following points -

- (a) it had been the mission of CSD to provide a safe and humane environment for the detention of prisoners and persons on remand. The Department also placed increasing emphasis on correction and rehabilitation of offenders to facilitate their reintegration into society. Rehabilitation Officers of CSD looked after the welfare of prisoners and inmates who were in custody or on remand by providing assistance and guidance to help them solve their personal problems and cope with difficulties arising from detention. Hence, the idea of replacing or reducing the number of CSD's staff by adopting more advanced technology did not align with its mission to provide comprehensive rehabilitative services which included pre-sentence assessment services, prisoners' welfare and counselling services, psychological services, education programme, vocational training and supervision services. In the course of interaction with prisoners, Rehabilitation Officers could collect information/intelligence which might also be useful and valuable to strengthen security control and to improve the efficiency of prison management;
- (b) at present, Hong Kong residents had taken up some 60% of the total penal population, with the percentage of Mainlanders serving sentences in Hong Kong standing at about 25% and the remaining 15% being people from other countries. The percentage of Mainlanders in the penal population had already decreased from one-third in the past to the present level of about 25%;
- (c) the majority of non-Hong Kong residents imprisoned in Hong

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Kong were serving a sentence much shorter than that of Hong Kong residents; and

- (d) under the Immigration Ordinance (Chapter 115) and the Immigration Regulations (Cap. 115A), any person who landed in Hong Kong as a visitor would breach his condition of stay if he took up any employment without the prior permission of the Director of Immigration. It was the Government's policy for illegal immigrants to be repatriated in general and for illegal immigrants who took up illegal employment or committed other offences to be prosecuted. As an integral part of the Hong Kong criminal justice system, CSD detained persons committed to its custody/sentenced to imprisonment by the court.

43. Pointing out that the HKSAR Government had not yet reached an agreement with the Mainland authorities on the arrangements for the transfer of sentenced persons, Ms Margaret NG said that the Administration should expedite the establishment of such arrangements. She added that a number of inmates who had applied for transfer for serving their remaining sentences in their country of origin had complained about the slow progress of transfer. She called on the Administration to speed up the processing of transfer applications.

44. DS for S responded that over the years, the HKSAR Government had been extending its network of bilateral agreements with other jurisdictions on specific arrangements and issues related to the transfer of sentenced persons. It would continue the discussions with the Mainland authorities and other jurisdictions on the matter, taking full account of the differences in the legal and judicial systems between the two places and the complexities of the issues involved in the process, with a view to reaching agreements at an early date.

45. Ms Margaret NG expressed concern about the exceedingly high occupancy rate recorded for female institutions and remand facilities. She asked whether the number of female prisoners had significantly dropped in recent years, and suggested that the Administration should analyse the offences on which the female prisoners were commonly convicted and review whether such offences should lead to an imprisonment.

46. DC of CS responded that in 2004, the percentage of Mainland female prisoners in the penal population was 66.3%, and the figure had decreased to about 50% in 2007.

47. Responding to Ms Margaret NG's enquiry on rehabilitation services, support and assistance provided for inmates who were on remand, Assistant Commissioner of Correctional Services (Rehabilitation) (AC/CS(R)) advised that prisoners and inmates could engage in industrial work. While compulsory education, which included general and practical subjects, were arranged for

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young inmates, tutorial groups and hobby classes conducted by volunteer tutors were run in adult institutions, where prisoners or persons on remand could enrol voluntarily. They were also encouraged to participate in self-study courses or distance learning for tertiary education by making use of the resources and expertise of external accredited educational organisations. As far as religious services were concerned, many volunteers and voluntary organisations also provided a wide range of spiritual and social services in institutions. As prisoners awaiting trial were normally not prepared to serve their sentences, formal vocational training and Reintegration Orientation Courses which sought to prepare them for release were not provided for these people.

48. Ms Margaret NG requested the Administration to provide information on the total number of persons on remand and details of the services referred to in paragraph 47 above that were currently provided in penal institutions. AC/CS(R) agreed.

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**VII. Redevelopment plan for the Fire Services Training School**  
(LC Paper No. CB(2)2086/07-08(04))

49. Mr CHEUNG Man-kwong said that it was pointed out in a media report of 10 April 2008 that the proposed redevelopment of the Fire Services Training School (FSTS) would cost about \$2 billion and was expected to be completed in 2012. He queried why such information was not included in the Administration's paper.

50. DS for S responded that the redevelopment plan was only at an initial stage and viable sites for the redevelopment were still being identified. Director of Fire Services (Acting) added that the Fire Services Department was still determining the facilities to be installed in the redeveloped FSTS and a feasibility study on the redevelopment was still being conducted by the Architectural Services Department. The redevelopment cost of \$2 billion was only a very preliminary estimate.

51. The Chairman requested the Administration to brief the Panel on further details about the redevelopment of FSTS before submitting the proposal to the Public Works Subcommittee.

52. The meeting ended at 4:35 pm.