

## Panel on Security

### List of outstanding items for discussion

(position as at 8 October 2007)

**Proposed timing  
for discussion**

#### Items proposed by members

#### **1. Monitoring of anti-terrorism measures by the Administration**

In the course of deliberations of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Administration undertook to review periodically the anti-terrorism measures set out in legislation to ensure that they were in line with the international trend. The Bills Committee agreed that the monitoring of anti-terrorism measures should be referred to the Panel for follow-up. The Administration provided updated information on the anti-terrorism laws of a number of overseas jurisdictions at the Panel meeting on 20 February 2003 vide LC Paper No. CB(2)1113/02-03(03).

To be confirmed

A submission from the Amnesty International, Hong Kong Section Limited on the United Nations (Anti-Terrorism Measures) Ordinance was circulated vide LC Paper No. CB(2)170/02-03 on 25 October 2002 for members' information. The Administration's response to the submission was circulated to members vide LC Paper No. CB(2)411/02-03 on 19 November 2002.

At the suggestion of members, the subject of "Measures to combat terrorist activities in Hong Kong" was discussed at the meeting on 5 December 2002.

At the meetings on 16 January 2003 and 20 February 2003, the Panel was consulted on the proposals in the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003, which sought to implement relevant international conventions against terrorism, and to provide the means for the Secretary for Security to effectively freeze terrorist assets which are not funds. The Administration subsequently introduced the Bill on 21 May 2003. A Bills Committee formed to study the Bill had completed its work and the Bill was passed at the Council meeting on 30 June 2004.

**Proposed timing  
for discussion**

During the resumption of Second Reading debate on the Bill, the Administration stated that it would review the reporting requirements under section 12 of the Ordinance and section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance in the context of the exercise to put in place the Financial Action Task Force on Money Laundering's Forty Recommendations which was scheduled to start in 2004-2005.

In its letter dated 27 October 2004 (LC Paper No. CB(2)110/04-05(01) issued on 28 October 2004), the Administration advised that it planned to launch the proposed review of the suspicious transaction reporting requirements in the first quarter of 2005.

Progress reports provided by the Administration were circulated to members vide LC Paper Nos. CB(2)875/04-05, CB(2)751/05-06 and CB(2)973/05-06 on 16 February 2005, 23 December 2005 and 25 January 2006 respectively.

The review of the suspicious transaction reporting requirements was launched in the first quarter of 2005 and is still underway. The Administration will inform the Panel of the result of the review in the course of the preparation of the legislation for implementing the FATF Recommendations.

**2. Follow-up on issues relating to the Police's List of Recordable Offences**

Issues relating to the Police's List of Recordable Offences and Certificate of No Criminal Conviction were discussed at the meeting on 2 April 2004. Members were concerned that besides some 167 recordable offences which might be recordable by the Police, offences where a heavier sentence would be imposed on conviction would also be recorded. They considered that the criteria for recording a conviction should be set out clearly and the records of convictions maintained by the Police should be separated from the system for issuing Certificate of No Criminal Conviction. The Administration stated that it would examine the issue having regard to the practice in other countries. Hon James TO proposed that the matter be followed up by the Panel.

To be confirmed

**Proposed timing  
for discussion**

**3. Provision of emergency ambulance service**

The provision of emergency ambulance service was discussed at the Panel meeting on 7 June 2005. Members agreed at the meeting on 5 July 2005 that the subject matter be followed up by the Panel.

To be confirmed

A submission from the Hong Kong Fire Services Department Ambulancemen's Union and the Administration's response were circulated to members vide LC Paper No. CB(1)915/05-06 on 15 February 2006.

(See also item 11.)

**4. Legislative amendments to the Public Order Ordinance and Police's internal guidelines**

At its meeting on 1 November 2005, the Panel discussed issues arising from the judgment delivered by the Court of Final Appeal on the case of *LEUNG Kwok-hung and others v. the Hong Kong Special Administrative Region*. In April 2007, the State Law (Miscellaneous Provisions) Bill 2007, which incorporated legislative amendments to the Public Order Ordinance in the light of the judgment, was introduced into the Legislative Council. A Bills Committee was formed to consider the Bill.

To be confirmed

Separately, the Administration informed the Panel that the Police would, in consultation with the Department of Justice, review the internal guidelines for dealing with notifications of public meetings and processions. A copy of a set of new guidelines adopted by the Police on the approach to the Public Order Ordinance in relation to public meetings and public processions, as well as a related note prepared by the Police, were issued to Members vide LC Paper No. CB(2)1224/05-06 on 23 February 2006 for reference.

The processing of notification of public meetings and processions under the Public Order Ordinance was discussed at the Panel meeting on 5 June 2007.

**Proposed timing  
for discussion**

**5. Police's undercover operations against vice activities**

Item discussed at the meeting on 4 April 2006. Hon James TO suggested that the subject should be discussed again at a future meeting. To be confirmed

Supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(2)3021/05-06 on 13 September 2006.

**6. Interception of Communications and Covert Surveillance**

In the course of examination of the Interception of Communications and Surveillance Bill, the Bills Committee suggested that the following matters should be followed up by the Panel on Security - To be confirmed

- (a) the proposed research study on monitoring the work of law enforcement agencies in covert operations by legislatures in overseas jurisdictions, including the provision of confidential information to the legislatures in this regard; and
- (b) the suggestion that the Commissioner on Interception of Communications and Surveillance (the Commissioner) should take into account the views of Legislative Council Members in making his comments or recommendations on the code of practice to the Secretary for Security.

The Administration also undertook to -

- (a) provide the Panel with an updated version of the code of practice from time to time;
- (b) report to the Panel the outcome of the review of the intelligence management system of law enforcement agencies;
- (c) report to the Panel the results of the Administration's review on issues raised in the Commissioner's annual report to the Chief Executive (CE); and

**Proposed timing  
for discussion**

- (d) provide by the end of 2009 the Administration's report on its comprehensive review on the implementation of the Bill, after the Commissioner submitted his second full-year report to CE by end June 2009.

Regarding paragraph (c) above, Hon James TO suggested at the meeting on 6 March 2007 that while awaiting the Commissioner's report, the Administration should be requested to report the progress of implementation of the Interception of Communications and Surveillance Ordinance at a future meeting. At the meeting on 3 July 2007, Hon James TO suggested that the "First Annual Report of the Commissioner of Interception of Communications and Surveillance" be discussed by the Panel at a special meeting to be held in July 2007. The Administration advised in its letter dated 18 July 2007 that the Commissioner submitted his first report covering the period of 9 August to 31 December 2006 to CE on 29 June 2007. CE was studying the report in detail and would consider, among others, whether there was a need to consult the Commissioner in accordance with the Ordinance on the copy of the report to be published, and whether any issues raised in the report required follow-up. On completion of the study, CE would table the report in the Legislative Council as required. The Administration advised that the report was expected to be tabled in the Legislative Council around October 2007.

At the meeting on 8 May 2007, members agreed that a research study on the parliamentary monitoring mechanism on intelligence agencies in selected places should be conducted by the Research and Library Services Division of the Legislative Council Secretariat. The outline for the research study was endorsed by the Panel at the meeting on 5 June 2007.

**7. Fourth and Fifth Reports of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Part Two : Hong Kong Special Administrative Region**

Item discussed at the meeting on 5 December 2006. Hon Emily LAU suggested that the subject should be further discussed by the Panel in the future.

To be confirmed

**Proposed timing  
for discussion**

**8. Follow-up on the Police's investigation into the incident of a Police officer dropping his gun on 9 February 2007**

Issue discussed at the meeting on 3 April 2007. The Administration wrote to the Panel on 20 April and 7 May 2007 confirming that the Police had already started an investigation into the incident and a review on matters relevant to the incident. The Administration undertook to report to the Panel the outcome when available.

To be confirmed

**9. Latest developments in the provision of rehabilitative services by the Correctional Services Department**

At the meeting on 3 July 2007, members agreed that the subject would be discussed again in one year's time.

To be confirmed

**Items likely to be proposed by the Administration**

**10. Review of the coverage of the Frontier Closed Area**

A paper provided by the Administration on the outcome of its review of the Frontier Closed Area was circulated to members vide LC Paper No. CB(2)3000/05-06 on 7 September 2006.

To be confirmed

A referral from a meeting on 11 May 2006 between Legislative Council Members and members of the North District Council has been circulated to members vide LC Paper No. CB(2)2086/05-06 on 22 May 2006.

A referral from a meeting on 31 October 2006 between Legislative Council Members and Heung Yee Kuk Councillors has been circulated to members vide LC Paper No. CB(2)663/06-07 on 15 December 2006.

A paper entitled "Review of the Frontier Closed Area - Result of Public Consultation" provided by the Administration on the consultation with the relevant District Councils, Rural Committees etc. was circulated to members vide LC Paper No. CB(2)1156/06-07 on 26 February 2007.

**Proposed timing  
for discussion**

**11. Improvements to emergency ambulance service**

The Administration intends to brief the Panel on its proposals for introducing a Priority Dispatch System in Hong Kong and other improvement options.

To be confirmed

**12. Anti-terrorism legislation**

The Administration intends to brief the Panel on its plans to -

To be confirmed

- (a) prepare a code of practice and make subsidiary legislation in connection with the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575);
- (b) prepare a code of practice for the exercise of the powers to require production of information or materials under section 12A of Cap. 575; and
- (c) make rules of Court to provide for procedural matters under Cap. 575.