

立法會

Legislative Council

LC Paper No.CB(2)2447/07-08

Ref: CB2/PL/SE

Report of the Panel on Security for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Security during the 2007-2008 session of the Legislative Council. It will be tabled at the meeting of the Council on 2 July 2008 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 and 9 October 2002 for the purpose of monitoring and examining Government policies and issues of public concern relating to security, public order, corruption-related matters and nationality and immigration matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 16 members in the 2007-2008 session. Hon LAU Kong-wah and Hon James TO were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major Work

Police's practices regarding handling of searches of detainees

4. On 5 October 2007, the Police arrested a group of 15 protesters who attempted to stop the demolition work at Lee Tung Street. It was reported that the Police had conducted searches involving the complete removal of clothing on the detainees unnecessarily and in an inappropriate manner when they were detained in the police station. The Panel discussed the practices of the Police on the searching of persons in custody and the rights of detainees in searches.

5. Some members expressed concern about the allegations that the Police had abused its power when conducting searches of detainees. Given that

persons in the Lee Tung Street case were arrested for causing obstruction to a public place and obstructing a police officer in the execution of duty, these members queried the justifications for conducting strip searches on these persons, and whether such searches had been conducted in compliance with the Police's guidelines. They considered that the reasons for conducting such a search should be explained to the persons being searched and recorded.

6. Some members considered that the provisions in the Police General Orders (PGO) and the Force Procedures Manual (FPM) relating to the handling of searches of detainees had not been drafted in such a way that struck an appropriate balance between law enforcement and the protection of human rights. The Police should conduct a full review on the relevant provisions.

7. Members were also concerned about the keeping of records of searches involving the complete removal of clothing worn next to the skin. According to the Administration, a search of such a nature was recorded in either the Police's Communal Information System (CIS) or the police notebook of the Sergeant who authorised the search. However, the Administration was unable to provide information on the number of such searches conducted by the Police in the past three years. The Administration's explanation was that the technical design of CIS and large number of diverse entries contained in the system rendered it difficult for the Police to discern the relevant entries for compilation of the requested statistics. It was also not practical to conduct a manual search of all the police notebooks used by members of the Police Force in the past three years.

8. At the meeting on 4 December 2007, the Panel decided by a vote of six to four to appoint a Subcommittee on Police's Handling of Searches of Detainees. The Subcommittee was put on the waiting list for activation pursuant to the House Committee's decision on 14 December 2007. To better understand the Police's procedures in conducting searches of detainees, the Panel had conducted a visit to the Waterfront Police Station.

9. The Panel was informed on 14 December 2007 that notwithstanding the hearing of the Lee Tung Street court case scheduled for July 2008, the Police had undertaken to review in the first instance to see what immediate measures it could introduce to improve on its existing practices regarding the handling of search of detainees without jeopardising the court proceedings. Upon the conclusion of all proceedings in respect of the case concerned, the Police would consider further whether additional measures were warranted.

10. In March 2008, the Panel was briefed on the outcome of the first stage review conducted by the Police and the proposed measures to further improve the procedures for searching detainees.

11. Some members expressed concern that the revised version of PGO and

the proposed internal guidelines might allow the Police to abuse its power and the dignity of detainees could still not be protected. They suggested that PGO should contain a specific section on strip search. Such a section should cover the circumstances under which strip searches would be conducted, how such searches were to be carried out and how the human rights, privacy and dignity of detainees could be protected during such searches. In addition, strip search should only be authorised by the most senior officer in a police station instead of the Duty Officer of the police station. They also suggested that the specific circumstances under which strip searches would be conducted should be included in the Police's internal guidelines. It should be stipulated in the guidelines that a strip search should only be considered unless there was no other alternatives to conduct the search. Any officer who contravened the guidelines would be subject to disciplinary action.

12. A member suggested that the Police should explore the possibility of acquisition of equipment to assist it in the conduct of searches, with a view to minimising the need for strip searches and providing better protection for the privacy, human rights and dignity of detainees.

13. Having considered the views and suggestions of members, the Administration advised the Panel that the Police would actively explore the following -

- (a) the acquisition of equipment to assist the Police in conducting searches of detainees with a view to minimising the need for the complete removal of clothing during body searches;
- (b) further enhancement of PGO and the proposed internal guidelines to address members' concerns regarding searches involving the complete removal of clothing;
- (c) inclusion of examples in the proposed internal guidelines to provide clear guidance to officers in determining the scope of a search on detainee based on the prevailing circumstances and on a case-by-case basis;
- (d) fine-tuning the wording of the relevant forms and the proposed internal guidelines to reflect the detainees' rights more accurately; and
- (e) refinement of the proposed internal guidelines to stipulate that searches of detainees involving the complete removal of clothing should be considered as a last resort to discharge the Police's statutory functions and fulfil its duty of care to all persons detained in its custody, and that any officer contravening the guidelines might be subject to disciplinary action.

14. Regarding the ranking of authorising officers, the Police considered it appropriate for the Duty Officer of a police station to authorise a search on a detainee involving the complete removal of clothing. This is because the Duty Officer of a police station was the officer authorised by the Commissioner of Police to be in charge of any person taken into custody of the Police. The Duty Officer was normally at the Station Sergeant rank and had many years of police experience.

15. As regards the keeping of records of searches, the Police had undertaken, as part of its feasibility study on the redevelopment of CIS, to explore the feasibility and pursue necessary upgrading to enhance the functions of CIS for recording searches conducted on persons detained in Police's custody, and for retrieving essential information and records on such searches as and when necessary. In the interim, the Police was also actively exploring the feasibility of modifying the current technical design of CIS so that some standard statistics on searches of detainees involving the complete removal of clothing could be recorded by the system and retrieved therefrom if required.

16. The Administration informed the Panel in June 2008 that the Police was consulting its legal advisors, with a view to finalising the new guidelines and improved procedures for implementation effective from July 2008. In response to members' views, the new guidelines and procedures would make it explicit and clear that a search involving the removal of underwear should not be conducted as a matter of routine but only in circumstances with strong justification. The new guidelines would also state that a search involving the removal of clothing should be conducted with proper regard to the privacy and dignity of the detained person and in accordance with Hong Kong's human rights obligations. Revisions would be made to PGO to require that accurate records be kept in CIS to record the search conducted on a particular detainee and the scope of the search. At the Panel's request, the Administration would provide members with an advance copy of the amended PGO, relevant forms and guidelines before implementation.

Results of study of matters raised in the Annual Report 2006 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance

17. The Panel was briefed on the results of the study undertaken by the Administration of issues raised in the Annual Report 2006 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance (the Commissioner).

18. Members expressed concern that law enforcement agencies (LEAs) and panel judges held different interpretations on a number of provisions in the Interception of Communications and Surveillance Ordinance (Cap. 589)

(ICSO). Members queried why LEAs disagreed with the views of panel judges regarding the powers of a panel judge to partially revoke the authorisations that had been granted, to impose additional conditions when confirming an emergency authorisation and to revoke a device retrieval warrant. They also enquired how the Administration would tackle the differences in interpretation between panel judges and law enforcement officers. Noting the recommendations on amendments to ICSO made by the Commissioner in the Annual Report, members asked whether all the issues raised had been dealt with and whether a review on ICSO would be conducted.

19. The Administration responded that so far there had not been any application for the issue of an emergency authorisation. ICSO did not provide for panel judges to impose conditions when confirming an emergency authorisation. However, a panel judge could refuse to confirm the emergency authorisation and order that the emergency authorisation was to have effect subject to the variations specified by him or order that the authorisation be revoked. The Administration pointed out that differences in the interpretation of provisions in legislation were not uncommon. Although the Administration took such a view, the Code of Practice had been revised to include a requirement for an authorising officer, when issuing an emergency authorisation, to impose conditions as would have been imposed by panel judges when issuing judge's authorisation.

20. Regarding the Commissioner's recommendations, the Administration advised that they sought to address different interpretations held by the Commissioner, panel judges and the Administration of certain provisions of ICSO and a number of practical issues arising from the operation of the new regulatory regime for covert operations. Notwithstanding the possible need to refine ICSO when the Administration next reviewed the legislation, the issues raised by the Commissioner had either already been dealt with by pragmatic solutions or did not have any substantial impact on the operation of the existing regime. The Administration would continue to keep under review the operation of the new regulatory regime and conduct a comprehensive review of ICSO in 2009 after the second full-year report of the Commissioner was available.

21. Upon the Panel's request, the Commissioner gave a briefing on his Annual Report.

22. Members expressed concern as to why the wrongful interception of a telephone line referred to in the Annual Report was not discovered immediately and why the telephone line as well as its users could not be identified.

23. The Commissioner advised that when the head of the LEA concerned informed him of the case and suggested not identifying the affected persons as to do so would expose the operation concerned, he had requested the LEA to

try its best to investigate the matter and submit a detailed report. When the LEA subsequently advised that it could not identify the telephone line and user, he had conducted an investigation into the case in person, which included inspecting the process of interception of communications and interviewing the relevant law enforcement officers and the non-LEA staff responsible for effecting the interception. After investigation, he became aware of the reasons for the wrong interception and why the wrongly intercepted line and user could not be ascertained. However, he was not in a position to disclose such reasons, as to do so might expose the operational methods of LEAs.

24. Regarding members' concern about the protection of privacy of members of the public, the Commissioner considered that interception of communications was a necessary tool for the investigation and detection of serious crime and protection of public security. However, there should be a proper balance between interception work and the protection of privacy and thus all interception of communications had to be carried out in accordance with the requirements in ICSO and with the authorisation of a panel judge.

25. As regards some members' suggestion for disclosing in the Commissioner's annual report any political monitoring identified, the Commissioner advised that according to the files and records reviewed by him, there was no indication of any political monitoring. To his knowledge, panel judges had applied the requirements in ICSO in a stringent manner in their consideration of applications from LEAs. Stringent requirements had to be met before an authorisation was issued by a panel judge.

Review of the Frontier Closed Area

26. The Panel was briefed on the Administration's finalised plan for reducing the coverage of the Frontier Closed Area (FCA) to about 400 hectares, taking into account the comments and views received during the consultation exercise conducted in late 2006.

27. Some members expressed concern about the security of the reduced FCA, and enquired whether there would be any buffer zone to the south of the boundary patrol road. They also enquired about the policing strategy for the reduced FCA.

28. The Administration responded that the boundary patrol road and the land to its north, the Starling Inlet and the areas with boundary-crossing would remain within FCA. 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.

29. A member considered 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. The member urged the Administration to address the problem and draw up a timetable for releasing STK town from FCA.

30. Some members 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. They considered that the part near Lo Wu Station should be opened up in the first phase so that different forms of transport could access Lo Wu Station. They were also of the view that the proposed reduction of FCA should be implemented at one go rather than in phases.

31. The Administration 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. 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.

Law enforcement against cyber crimes relating to obscene and indecent articles and Internet security issues

32. The case of Mr CHUNG Yik-tin who was charged with the publishing of obscene articles on the Internet in early 2008 attracted wide public concern. The Panel discussed with the Administration law enforcement against cyber crimes relating to obscene and indecent articles and Internet security issues.

33. Some members expressed concern about the existing mechanism in the Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO) that where a person admitted before a court that an article was obscene or indecent, the court might accept that admission and so find against that person, and the arrangement for seeking the Obscene Articles Tribunal's (OAT's) determination of whether the article was obscene or indecent did not apply. They considered

that it should be an established procedure for the Police to consult the Television and Entertainment Licensing Authority (TELA) before determining whether an article was obscene or indecent. In view of the case of CHUNG Yik-tin, the Administration should review the law enforcement and prosecution in relation to publishing obscene articles on the Internet and introduce improvement measures for handling similar cases in the future.

34. The Administration responded that COIAO did not require a pre-charge classification by OAT. On the contrary, COIAO made it clear that in any civil or criminal proceedings, an article would only be submitted to OAT for classification when the question of whether the article was obscene or indecent would be a live issue in those proceedings. In the case of CHUNG Yik-tin, the Police considered that it was not necessary to send the photograph to OAT first for classification, and in so doing, the Police acted within the authority conferred by COIAO. This notwithstanding, the Police would be more cautious in future and would, in cases of doubt as to whether an article was obscene or indecent, consult TELA or send the article to OAT for classification before laying charges relating to obscene and indecent articles.

35. The Administration informed the Panel that it was conducting a comprehensive review on the provisions of COIAO. The review covered, among others, the regulation of the distribution of obscene and indecent articles over the Internet, the classification mechanism and the penalty levels. In the process of the review, the Department of Justice would be vigilant to see if any review of the related prosecution procedure was necessary. The Administration hoped to draw up proposals for discussion in the latter half of 2008.

36. Some members queried why a remand period of eight weeks was suggested in the case of CHUNG Yik-tin. These members also queried why Mr CHUNG's suspected involvement in fraudulent activities had been disclosed, given that charges had not been laid against Mr CHUNG for such activities. These members considered that the prosecution should not make use of an offence to keep a defendant remanded in custody in order to facilitate the investigation of another offence.

37. The Administration advised that the remand period was suggested by the prosecuting counsel, after discussions with the Police on the circumstances of the case concerned and the time needed for further investigation, and agreed by the magistrate. Whether a defendant was to be admitted to bail was finally decided independently by the magistrate, having regard to the circumstances of the case concerned. The custodial period in the case of CHUNG Yik-tin became eight weeks when the defendant, on his counsel's advice, waived his right to be brought back every eight days to have his bail position reviewed. The prosecution of Mr CHUNG had been handled in the same manner as the other persons arrested for publishing nude photographs on the Internet. There

was no question of making use of an offence to keep a defendant remanded in custody in order to facilitate the investigation of another offence.

38. The Administration further explained that the Criminal Procedure Ordinance (Cap. 221) set out the matters that a magistrate could take into account in exercising his discretion. Amongst the matters that a magistrate might consider was other conduct of the accused in respect of which he was not charged but might lead to further charges. This would impact upon the issue of whether the defendant would commit further offences on bail and comply with bail conditions. As disclosed in court, Mr CHUNG was found to possess a number of credit cards and had admitted having committed fraudulent offences of a serious nature. The counsel was proper to draw the magistrate's attention to this fact, which constituted a risk for granting bail.

Processing of entry applications into Hong Kong

39. It was reported in April 2008 that Mr Jens GALSCHIOT, a Danish sculptor for the Pillar of Shame, and other foreign visitors including persons belonging to the Students for a Free Tibet, Free Tibet Campaign and Independent Chinese Pen Centre were refused entry into Hong Kong. This had given rise to public concern about the freedom of expression in Hong Kong and whether there was any change in the immigration policy on the entry of visitors. The Panel discussed with the Administration the processing of entry applications into Hong Kong.

40. Some members pointed out 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. Mr GALSCHIOT, who had expressed support for the Beijing 2008 Olympic Games and had not committed any crime during his previous visits to Hong Kong, had stated that the purpose of his recent visit was to paint the Pillar of Shame into orange colour, which would not pose any threat to the security of Hong Kong. They queried why Mr GALSCHIOT and some members of human rights groups were refused entry, 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. They were concerned that the adoption of double standards in the processing of entry applications was prejudicial to the implementation of the "one country, two systems" principle.

41. These members were also concerned with whether Mr GALSCHIOT was not allowed to make any telephone call or contact the Royal Danish Consulate General in Hong Kong. In addition, they queried whether it was the Government's policy to tighten immigration control and restrict freedom of expression when major events were taking place in Hong Kong, and 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. They considered it unlawful for the Government to refuse a person's entry for the purpose of restricting the person's freedom of expression.

42. On the other hand, a member considered that freedom of expression was well respected in Hong Kong. The member pointed out 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.

43. The Administration declined to comment on individual cases. The Administration advised that it fully respected the freedom of speech and freedom of holding peaceful public processions which were fully protected by law in Hong Kong. A person would not be refused entry for exercising his freedom of speech. Where a person was refused entry, he would be sent back to his last place of embarkation as soon as practicable. The Immigration Department (ImmD) would inform a person pending removal of his rights, including the making of phone calls and contact with his legal representative, local consulate or diplomatic representative. Each case was considered on its individual merits and there was no question of double standards being adopted.

44. The Administration further advised that it was the Government's responsibility to uphold effective immigration control and maintain law and order in Hong Kong. Immigration control and public order had to be strengthened especially when major events were taking place in Hong Kong. As a co-host city of the Beijing 2008 Olympic Games, Hong Kong had the obligation to ensure that the relevant Olympic activities would proceed in a safe, peaceful and smooth manner, and this was one of the factors relevant to the consideration of whether or not a person's entry would be conducive to the public interest. Security and public order were among the major considerations and a person would not be refused entry merely because of his political belief. Each case was considered by ImmD on its own merits. The Administration stressed 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 might lodge an objection under section 53 of the Immigration Ordinance (Cap. 115) with the Chief Secretary for Administration against the decision or seek leave from the court for a judicial review of the relevant decision.

45. Regarding the reasons for refusing entry upon landing, the Administration informed members that among 39 508 persons refused entry in 2007, 25 641 were refused on the ground of purpose of entry in doubt, 12 976 on the ground of using improper travel document and 891 on the ground of use of forged travel document. No person had been refused entry for public health reasons in the past three years.

Youth drug abuse

46. The Panel continued to follow up the problem of youth drug abuse. Members were very concerned about the increasing number of young people crossing the boundary to abuse drugs. They considered that the Administration should combat the youth drug abuse problem in collaboration with the relevant Mainland authorities.

47. According to the Administration, a series of initial measures recommended by the Task Force on Youth Drug Abuse (the Task Force) would be implemented in the short to medium term. These measures included enhancing the detector dog services at the boundary control points and stepping up anti-drug publicity targeting young people at the boundary. A large-scale territory-wide campaign would also be launched in June 2008 to correct the misconceptions and change the wrong attitudes about psychotropic substance abuse, and to foster a drug free culture among the youth and mobilise the whole community against youth drug abuse. On the other hand, the Mainland authorities had done a lot to combat drug abuse, including enforcing the law strictly. A person convicted of drug abuse on the Mainland for the first time would be subject to administrative detention for 15 days, while persons convicted for the second time would be subject to compulsory drug treatment. The Administration would consider stepping up publicity on the consequences of cross-boundary drug abuse. It would also continue liaison with the Mainland authorities with a view to drawing up long-term measures to combat the problem of cross-boundary drug abuse.

48. Pointing out the changing drug trends in that many psychotropic substance abusers were "hidden" youths who were not motivated to seek help and remained out of reach of the existing help networks, members considered that the Administration should formulate measures to facilitate early identification of drug abuse cases among the youth. There was a suggestion that the Administration should consider applying the Education Regulations, such that mandatory medical examination could be conducted on students who were suspected of abusing drugs.

49. The Administration responded that while there was no legislation in Hong Kong that empowered the Administration to require any person to submit to a medical examination for the purpose of identifying drug abuse, the relevant provisions of the Education Regulations were archaic and unlikely to be applicable in present day circumstances. As the suggestion of implementing compulsory drug tests involved individuals' privacy and would impact on the existing policy on the provision of free education, the Administration needed to consider the issue carefully before taking a decision. As a first step, the Task Force would consider the feasibility of making the test available in a voluntary sense and with parental consent. It would work closely with the Hong Kong Medical Association to arrange for the provision of training for private medical

practitioners to enhance their awareness and knowledge of the problem, so that they might participate in preventive education programmes or provide medical advice and treatment and referral services should they encounter patients who had drug abuse problems. Furthermore, a new pilot collaboration scheme seeking to strengthen the cooperation between social workers and private medical practitioners for the provision of body check service and motivational interviews to young drug abusers would be launched in June 2008.

50. Members also expressed concern as to whether there was duplication in the role and work between the Task Force and the Action Committee Against Narcotics (ACAN). Some members queried whether it was necessary for the Task Force to co-exist with ACAN, and suggested that the Administration should dissolve the Task Force right away. A member, however, disagreed with this suggestion.

51. The Administration advised that ACAN was the Government's sole advisory body on anti-narcotic matters, comprising experienced community personalities from various fields including youth, social work, education, medicine and community service. The Task Force led by the Secretary for Justice was, however, a high level inter-departmental committee established within the Administration for tackling the youth drug abuse problem from a holistic perspective. Its main purpose was to make use of the existing anti-crime and anti-drug networks to consolidate strategies. It was not a standing committee and was not intended to replace ACAN. There was little overlap between these two bodies. The Task Force would continue its deliberations with a view to drawing up further proposals to be implemented in the longer term. The Task Force planned to sum up its work in around October 2008.

52. Regarding the survey of drug use among students conducted by the Central Registry of Drug Abuse, members noted that the next round of the survey would be conducted later this year, and future rounds would be conducted more frequently at three-yearly intervals. Some members remained of the view that it would be difficult to obtain latest information in respect of youth drug abuse with such a frequency of conducting surveys. These members suggested that the survey should be conducted at shorter intervals (say once every two years), with a smaller-scale survey to be conducted annually.

53. The Administration responded that as the scope of the survey was broad, and given the complexity of the exercise, it would be very difficult to conduct surveys at shorter intervals. Launching smaller-scale survey annually without an effective sample size might also defeat the purpose of the study. The Administration stressed that the survey was only one of the means by which the youth drug abuse situation was assessed. Besides the survey, ad hoc research studies, admission statistics from treatment and rehabilitation service agencies

and drug-related arrest and seizure figures provided reference on the latest situation.

Review of the Quality Migrant Admission Scheme

54. The Administration announced in January 2008 that it would revise the Quality Migrant Admission Scheme (QMAS). Among others, the Scheme would be relaxed to allow those applicants aged 51 or above with proven career achievements, and those younger (in particular the 18 to 24 age group) degree holders with less or even no working experience to enter the selection pool.

55. When the Panel was briefed on the revised QMAS, some members pointed out 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. These members expressed concern that such a loose requirement would have a negative impact on the employment opportunities of young people in Hong Kong. They considered that the purpose of QMAS would be defeated if the minimum requirement for admission was too low, and enquired about the criteria adopted by the Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee) in the selection of applicants.

56. The Administration responded that the review of QMAS aimed to cast the net wider for talents from places all over the world and expand the pool of candidates for selection. Under the revised QMAS, an applicant with less working experience would be able to attain the passing mark for further assessment through the General Points Test (GPT). However, the attainment of the passing mark did not guarantee his admission under QMAS. He would still have to compete with other applicants for the allocation of quota. The Administration emphasised that 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. The Administration pointed out that though some applicants from the Mainland possessed less working experience, some were graduates from topnotch Mainland universities who had furthered their studies overseas and whose expertise was needed in Hong Kong.

57. Noting the small number of talents admitted under QMAS, some members considered that GPT should be further revised to reflect the need in Hong Kong for talents. Some other members, however, expressed concern that the revision to the points score under GPT was radical. These members considered that the Administration should first examine whether the small

number of admissions under QMAS was due to over-stringent requirements or inadequate publicity. They suggested that the Administration should step up publicity on QMAS.

58. The Administration responded that a number of government departments were playing a role in attracting talent and making Hong Kong a more attractive place for talent. On the immigration front, the Security Bureau (SB) and ImmD endeavored to facilitate the entry of talent and professionals. SB had also worked together with the Information Services Department to draw up a series of publicity programmes on QMAS, which would be launched through Economic and Trade Offices, Mainland and overseas universities as well as local universities.

Other issues

59. The Panel had also discussed other issues with the Administration. These included the Police's handling of reports or complaints about press articles, the Review Report on the Use of Handguns in the Hong Kong Police Force, civil claims against law enforcement agencies, prison development, policy and measures for enhancing the safety of sex workers, and the security arrangements for the 2008 Olympic Equestrian Events.

60. The Panel was also briefed on a number of legislative and financial proposals. These included the legislative proposal to implement the obligations on extradition under the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, and funding proposals to replace the Radio Communications Systems of the Customs and Excise Department, to develop the Third Generation of Major Incident Investigation and Disaster Support System and to redevelop the Personnel Information Communal System of the Hong Kong Police Force.

Meetings held

61. Between October 2007 and June 2008, the Panel held a total of 15 meetings and conducted one visit. The Panel also received a closed-door briefing on the updated triad situation in Hong Kong and a briefing by the Commissioner on Interception of Communications and Surveillance on his Annual Report to the Chief Executive.

**Legislative Council
Panel on Security**

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to security, public order, public safety, corruption-related matters, nationality and immigration.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Security**

Membership list for 2007-2008 session

| | |
|------------------------|---|
| Chairman | Hon LAU Kong-wah, JP |
| Deputy Chairman | Hon James TO Kun-sun |
| Members | 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 |
| | (Total : 16 Members) |
| Clerk | Mrs Sharon TONG LEE Yin-ping |
| Legal adviser | Mr LEE Yu-sung |
| Date | 11 October 2007 |