

立法會
Legislative Council

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(These minutes have been cleared
with the Chairman)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 14 October 2008, at 9:20 am
in Conference Room B 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 Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
- Members absent** : Hon LEUNG Kwok-hung
Hon WONG Yuk-man
- Clerk in attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mrs Vivian KAM
Assistant Secretary General 2

Miss Josephine SO
Senior Council Secretary (2) 1

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Miss Ivy LEONG
Council Secretary (2) 3

Miss Helen DIN
Legislative Assistant (2) 1

Action

I. Election of Chairman and Deputy Chairman for the 2008-2009 session

Election of Chairman

Mr Albert HO, Member of the highest precedence in the Panel, presided over the election of the Chairman of the Panel. Mr HO called for nominations for the chairmanship of the Panel. Mr LAU Kong-wah was nominated by Mr James TO and the nomination was seconded by Mr Andrew LEUNG. Mr LAU Kong-wah accepted the nomination.

2. As there was no other nomination, Mr Albert HO declared Mr LAU Kong-wah elected as Chairman of the Panel for the 2008-2009 session. Mr LAU Kong-wah then took the chair.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr James TO was nominated by Mr IP Kwok-him and the nomination was seconded by Ms Emily LAU. Mr James TO accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr James TO elected as Deputy Chairman of the Panel for the 2008-2009 session.

II. Schedule of meetings for the 2008-2009 session

5. Members agreed that future regular meetings of the Panel would be held on the first Tuesday of each month at 2:30 pm.

Action

6. Members also agreed that a special meeting would be held on 21 January 2009 at 10:45 am to receive a briefing by the Commissioner of Police on the crime situation in 2008.

III. Items for discussion at the next meeting

7. Ms Emily LAU referred to item 7 on the "List of issues suggested to be considered", which was tabled at the meeting. She suggested that the issue concerning *the 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* be discussed by the Panel at the next meeting. As the United Nations Committee Against Torture would conduct a hearing in Geneva on 7 and 10 November 2008 on the Reports, she considered that the subject should be discussed by the Panel before the hearing. She also suggested that non-government organisations which would attend the hearing should be invited to give views at the meeting. Members agreed that the item would be discussed at the next regular meeting, which would be advanced from 4 November 2008 to 27 October 2008 at 10:45 am.

LegCo
Secretariat

8. Ms Margaret NG said that the court had recently delivered its judgment on several cases which involved torture claims under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She requested the Legal Service Division of the Legislative Council Secretariat to provide the judgment and highlight the main points in the judgment.

9. At the suggestion of Mr WONG Kwok-kin, members agreed that the subject of replacement of emergency ambulances would also be discussed at the next regular meeting.

10. Members noted that the Administration had proposed the following items for discussion at the next regular meeting -

- (a) proposed Rules of Court and Code of Practice to be made for the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575);
- (b) admission arrangements for employment of talent and professionals; and
- (c) proposed amendment to the Pawnbrokers Ordinance (Cap. 166).

Clerk

11. Members agreed that the Clerk should seek further information from the Administration on the item referred to in paragraph 10(c) above, and consult the Chairman on the item, if any, to be included in the agenda for the meeting to be held on 27 October 2008.

Action

(*Post-meeting note*: At the suggestion of the Administration and with the concurrence of the Chairman, the item referred to in paragraph 10(c) above was included in the agenda for the meeting on 27 October 2008.)

12. The Deputy Chairman, Ms Audrey EU and Ms Emily LAU expressed concern about the Police's practices regarding the handling of searches of detainees. The Deputy Chairman said that the Subcommittee on Police's Handling of Searches of Detainees had studied the Police's new arrangements for the handling of searches of detainees implemented from 1 July 2008. The Subcommittee had urged the Administration to review the arrangements and consider making revisions to the Police General Orders, the Force Procedures Manual, the Custody Search Form and the Guidelines on the Searching of Detained Persons so as to enhance the protection of the rights of detainees and safeguard them from possible abuse of power, especially unreasonable and unnecessary searches involving complete removal of clothing. Members agreed that the Administration be requested to provide an information paper updating members on the progress of its review and the latest development in its implementation of the new arrangements, including the number of searches of detainees involving complete removal of clothing since July 2008.

Clerk

13. Ms Emily LAU recalled the discussion of the Panel in June 2008 regarding the establishment of a mechanism for the legislature to monitor government intelligence agencies. As the Administration had been requested to study the research report prepared by the Research and Library Services Division on parliamentary monitoring mechanism on intelligence agencies in selected places and provide a written response on the applicability of overseas monitoring mechanisms in Hong Kong, she requested addition of the subject matter to the "List of outstanding items for discussion" for discussion at a future meeting.

IV. Any other business

14. The Chairman reminded members that a special meeting would be held on 21 October 2008 at 4:30 pm to receive briefings by the Secretary for Security and the Commissioner, Independent Commission Against Corruption on the Chief Executive's Policy Address 2008-2009.

15. The meeting ended at 9:40 am.