

# 立法會

## *Legislative Council*

LC Paper No. CB(2)738/08-09  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

### **Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 2 December 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 Margaret NG  
Hon CHEUNG Man-kwong  
Hon WONG Yung-kan, SBS, 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 LEUNG Kwok-hung  
Hon CHIM Pui-chung  
Hon CHAN Hak-kan  
Hon WONG Kwok-kin, BBS  
Hon WONG Yuk-man  
Hon IP Kwok-him, GBS, JP
- Members attending** : Hon WONG Kwok-hing, MH  
Hon Cyd HO Sau-lan  
Hon Tanya CHAN  
Dr Hon Priscilla LEUNG Mei-fun  
Hon Paul TSE Wai-chun
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Wong-fat, GBM, GBS, JP

**Public Officers** : Item IV  
**attending**

Ms Sally WONG, JP  
Commissioner for Narcotics

Mrs Michelle WONG  
Principal Assistant Secretary for Education (School  
Development)

Miss Gloria LO  
Principal Assistant Secretary for Food and Health  
(Health) 2

Mr CHEUNG Hing-wah  
Assistant Director (Youth and Corrections)  
Social Welfare Department

Mr Peter G ELSE  
Chief Superintendent of Police (Narcotics Bureau)

Mr John LEE  
Acting Head of Customs Drug Investigation Bureau

Dr Tina MOK  
Principal Medical and Health Officer (5)  
Department of Health

Ms Margaret TAY  
Chief Manager (Integrated Care Programs)  
Hospital Authority

Item V

Mr Alan LO  
Principal Assistant Secretary for Security (C)

Dr Helen CHAN, IDSM  
Assistant Director of Immigration (Visa & Policies)

Item VI

Mr David LAU  
Principal Assistant Secretary for Security (A)

Ms Jane LEE  
Assistant Secretary for Security (A2)

Miss Linda LEUNG  
Assistant Secretary for Security (E2)

Miss LEE Sau-kong  
Deputy Principal Government Counsel  
International Law Division  
Department of Justice

Mr Peter G ELSE  
Chief Superintendent of Police (Narcotics Bureau)

Item VII

Mr Ambrose LEE, IDSM, JP  
Secretary for Security

Mr NGAI Wing-chit  
Deputy Secretary for Security 3

Mr David CHIU, IDSM  
Deputy Director of Immigration

Mr Francis CHENG  
Principal Assistant Secretary for Transport and Housing  
(Transport) 9

**Clerk in attendance** : Mr Raymond LAM  
Chief Council Secretary (2) 1

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Mr YICK Wing-kin  
Assistant Legal Adviser 8

Miss Josephine SO  
Senior Council Secretary (2) 1

Miss Helen DIN  
Legislative Assistant (2) 1

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Action

**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)348/08-09)

The minutes of the meeting held on 27 October 2008 were confirmed.

Action

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

(LC Paper Nos. CB(2)279/08-09(01) & (02), CB(2)288/08-09(01), CB(2)299/08-09(01) and CB(2)355/08-09(01))

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

- (a) a submission from Hong Kong Women's Coalition on Equal Opportunities on the consultation paper on "Interim Proposals on a Sex Offender Register" prepared by the Review of Sexual Offences Sub-committee of the Law Reform Commission;
- (b) a submission from Association for the Advancement of Feminism on the consultation paper on "Interim Proposals on a Sex Offender Register" prepared by the Review of Sexual Offences Sub-committee of the Law Reform Commission;
- (c) a submission from a member of the public expressing views on the existing regulatory regime to combat money laundering and terrorist financing;
- (d) a submission from Society for Community Organization on the consultation paper on "Interim Proposals on a Sex Offender Register" prepared by the Review of Sexual Offences Sub-committee of the Law Reform Commission; and
- (e) a submission from Action for REACH OUT expressing concern about the safety of sex workers working in "one sex worker apartments".

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

(LC Paper Nos. CB(2)347/08-09(01) & (02))

Regular meeting in January 2009

3. Members agreed that the following items would be discussed at the next meeting to be held on 6 January 2009 at 2:30 pm -

- (a) Pilot Scheme on Express e-Channel;
- (b) Implementation of Information System Strategy Projects for the Customs and Excise Department; and
- (c) Replacement of the radio communication system of the Correctional Services Department.

Action

Special meeting on 21 January 2009

4. The Chairman reminded members that a special meeting had been scheduled for 21 January 2009 at 10:45 am to receive a briefing by the Commissioner of Police on the crime situation in 2008.

Regular meeting in February 2009

5. Ms Emily LAU noted that the United Nation's Committee Against Torture (the CAT Committee) had considered 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 (HKSAR) at its 844<sup>th</sup> and 846<sup>th</sup> meetings held on 7 and 10 November 2008. She referred to the CAT Committee's concluding observations, which had been circulated to members vide LC Paper No. CB(2)366/08-09(01), and suggested that the Panel should discuss the subject at a future meeting. Members agreed to include the item in the agenda for the regular meeting scheduled for 3 February 2009.

Issues relating to the management and security of Police stations

6. Ms Emily LAU expressed concern about the management and security of Police stations in view of the recent media reports regarding a case where a Police officer was accused of raping a young woman inside a Police station. Members agreed that the Administration be requested to provide information on the management and security of Police stations. The Chairman added that members might raise the issue at the special meeting scheduled for 21 January 2009.

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**IV. Report of the Task Force on Youth Drug Abuse**

(LC Paper Nos. CB(2)261/08-09(01), CB(2)347/08-09(03) & (04) and CB(2)378/08-09(01))

7. Commissioner for Narcotics (C for N) highlighted the salient points in the Administration's papers on the Report of the Task Force on Youth Drug Abuse (the Report) and its proposal to create one permanent post of Administrative Officer Staff Grade C in the Narcotics Division (ND) of the Security Bureau (SB).

Cross-boundary drug abuse

8. Mr WONG Kwok-hing expressed concern about the increasing number of young people crossing the boundary to abuse drugs on the Mainland. He asked about the measures recommended by the Task Force on Youth Drug Abuse (the Task Force) to tackle the problem. Mr WONG said that to his

Action

knowledge, social workers were facing a lot of restrictions in performing anti-drug abuse work at the boundary control points. He held the view that the relevant authorities, including the Customs and Excise Department (C&ED), should make every possible effort to facilitate social workers in the delivery of outreaching and counselling services targeting potential young drug abusers at the boundary. Mr CHAN Hak-kan echoed his view.

9. In response, C for N and Acting Head of Customs Drug Investigation Bureau made the following points -

- (a) according to the Central Registry of Drug Abuse, around 17% of all reported young drug abusers had taken drugs on the Mainland (mostly Shenzhen) in 2007. It was not feasible to seek to restrict vulnerable young people from crossing the boundary as freedom of movement was a fundamental right of Hong Kong residents including minors;
- (b) to combat the problem of cross-boundary drug abuse, the Administration would step up cooperation with the Mainland authorities, with the Police obtaining information of youngsters caught abusing drugs on the Mainland for the purposes of informing their parents and providing suitable rehabilitative services. The Administration would further discuss with the Mainland authorities the possibility that whenever a young drug abuser was caught and administratively detained on the Mainland, he or she would be repatriated to Hong Kong and received by the Police. The Police might then make appropriate enquiries of these young persons received, contact their parents or guardians to collect them, and/or facilitate social workers' support where appropriate;
- (c) on the preventive education and publicity front, the Police and C&ED regularly conducted educational and publicity activities at boundary control points like distributing leaflets, and often worked in collaboration with community leaders, District Councils, District Fight Crime Committees as well as Non-Government Organizations (NGOs). Prior to and during long holidays, such efforts were stepped up in tandem with dedicated publicity measures, such as broadcasting of Announcements of Public Interest through the mass media and on trains, displaying huge panel posters and banners at the Lo Wu Station, and arranging featured media interviews to issue warning messages; and
- (d) to tackle the drug abuse and other youth problems in a comprehensive manner, the outreaching service of social workers

Action

would be strengthened to enhance early identification and engagement of youth at risk, in particular young drug abusers, to render immediate intervention and to strengthen collaboration with Counselling Centres for Psychotropic Substance Abusers on referral of needy cases. In the light of Members' concerns, the Administration would enhance the support for social workers and facilitate their delivery of outreaching and counselling services at the boundary control points.

10. Responding to Mr IP Kwok-him's concern about youngsters crossing the boundary to Shenzhen to abuse drugs, C for N advised that currently, a Hong Kong resident who abused drugs outside Hong Kong did not commit an offence under Hong Kong law, nor was his or her conduct outside Hong Kong punishable in Hong Kong. The Task Force noted that if the Government tightened control in Hong Kong by instituting compulsory drug testing, it would give rise to enforcement difficulties as some might argue that the drugs had been taken outside Hong Kong. The "balloon effect" (i.e. enhanced efforts in one geographical area might result in greater illegal activities in neighbouring areas if not checked by comparable action at the same time) might also see more going to Shenzhen to seek indulgence, exacerbating the current cross-boundary drug abuse problem. Although legislating with a view to regulating the behaviour of persons outside the territory of Hong Kong was the exception rather than the rule, there should be a case to consider giving the offence of consumption of drugs extra-territorial effect as part of the package of the proposal for compulsory drug testing, considering that the harms to the offender himself and to the others in the Hong Kong community would be equally great even if drug consumption took place outside Hong Kong.

11. Mr LEUNG Kwok-hung considered that to combat the problem of youth drug abuse at source, more effort should be made in reducing the supply and availability of illicit drugs within the territory, and law enforcement agencies should intensify efforts in combating drug trafficking activities at boundary control points. He also asked about the details of cooperation with the Mainland authorities on law enforcement against cross-boundary drug abuse and drug trafficking.

12. Chief Superintendent of Police (Narcotics Bureau) (CSP(NB)) responded that -

- (a) the Police and C&ED worked closely together to combat and prevent cross-boundary youth drug abuse. They maintained close liaison with their Mainland counterparts to formulate strategies and cooperation arrangements, exchanged information and intelligence, and undertook joint or coordinated operations to tackle cross-boundary crimes;

Action

- (b) following proactive liaison between Hong Kong and the Mainland authorities, the Mainland side had been stepping up law enforcement efforts against drug abuse, particularly in entertainment venues. From September to December 2007, the Shenzhen authorities conducted a special operation against entertainment venues involved in drug offences. To complement such efforts, the Police also conducted a major operation against drug trafficking and abuse through publicity, education and law enforcement during the same period, resulting in the arrest of over 300 persons and seizure of a significant amount of drugs. C&ED and the Mainland customs authorities also conducted a major joint operation at boundary control points to intercept suspicious drug couriers between November and December 2007 and another one between July and August 2008, both resulting in significant seizures and arrests;
- (c) the Police had agreed with the Shenzhen authorities on a mechanism for receiving Hong Kong residents arrested within the Guangdong Province for abusing drugs and repatriated by the Mainland authorities to Hong Kong. Social workers were invited to receive the drug abusers on the Hong Kong side together with the Police, and to provide counselling and follow-up services on a voluntary basis. Since 2004, the Police had received 166 Hong Kong residents under this mechanism. 16 of them were aged under 21; and
- (d) ND had developed a tripartite cooperation framework with its Guangdong and Macau counterparts to promote exchanges and cooperation in anti-drug efforts among the three places. Starting from 2001, the three places had been, on a rotation basis, hosting annual tripartite conferences. Information was exchanged, and experiences shared on various fronts covering law enforcement, research, treatment and rehabilitation as well as preventive education.

Drug Testing

13. Regarding the proposed use of compulsory drug testing, Mr IP Kwok-him cautioned that it might be argued as an interference with human rights, in particular the right to privacy. Some might even argue that compulsory drug testing would provide excessive powers to law enforcement agencies. For this reason, the Administration should address all possible problems before taking forward any proposals.

14. C for N responded that the primary purpose of the compulsory drug testing scheme was to enable early intervention for treatment and rehabilitation,



Action

instead of facilitating prosecution. The proposed compulsory drug testing scheme for youngsters should therefore comprise a tiered intervention structure offering a warning and/or treatment and rehabilitation option for those who tested positive, diverting them away from possible prosecution which should be the last resort. The Task Force noted the arguments against drug testing as raised by some quarters. The compulsory drug testing scheme must be carefully designed, with built-in safeguards for the protection of the rights of the affected persons.

15. Mr CHEUNG Man-kwong expressed concern about the school-based drug testing scheme for voluntary adoption by schools. He enquired about the implementation details, including the timetable, the process of testing and the criteria for invoking the drug testing process. He asked whether the tests would be conducted only where there was reasonable suspicion or by means of random sampling. He held the view that, in devising the voluntary drug testing scheme, the Administration should avoid possible labelling effect on schools and students. Mr WONG Kwok-kin echoed Mr CHEUNG's view, and enquired about the measures to be adopted to address various issues of concern including human rights, confidentiality and stigmatization.

16. C for N responded that practising drug testing in schools remained a subject of debate. The Task Force appreciated the validity of all relevant concerns, such as privacy, confidentiality, consent and stigmatization. All these issues must be fully addressed. A research project would be commissioned to devise possible school-based drug testing schemes for voluntary adoption by schools, having regard to the practices in local international schools and those in overseas jurisdictions. Upon completion of the research study, which would take about a year, the Administration would launch a pilot scheme in selected schools to test out the viability of the schemes.

17. Principal Assistant Secretary for Education (School Development) supplemented that drug testing in schools had attracted considerable discussion within the school sector. Given the host of issues of concern identified, the Administration would undertake a more in-depth study into the relevant issues and suggest model schemes for reference, in order to assist the schools in considering the feasibility of introducing drug tests on campus. Wide consultation would be conducted, especially in the school sector. The study would, in particular, draw up protocols tailored to the local school setting, identify critical success factors, suggest a promotion scheme for voluntary adoption by local schools, and address the various issues of concern including rights of persons, possible labelling effect, ways to promote compliance among parents and students, the kind of sanctions and incentives to be provided, the party to conduct the drug tests, the funding of the scheme and support and referral services required.

Action

18. Mr WONG Yuk-man said that he did not support the recommendations in the Report, as many measures therein proposed followed the principle and spirit of taking stringent enforcement against youngsters abusing drugs. He cautioned that the approach so pursued by the Task Force would only result in confrontation and even radical response from the youngsters. He expressed reservation about the proposal of implementing drug testing, as many important issues, including human rights and privacy, were not addressed yet. Ms Emily LAU shared Mr WONG's concern and enquired about the way forward for implementing the specific recommendation relating to drug testing.

19. In response, C for N explained that the Task Force had made some 70 recommendations from short to long term spanning over the five prongs of the anti-drug policy and promoting a community culture of care for young people. Apart from building on the on-going efforts which had served the community well over the years, the Task Force had invigorated the entire anti-drug publicity and proposed new endeavours including drug tests and enhanced probationary measures. Some of these proposals were controversial and there was a need for consultation and consensus before proceeding.

20. Mr CHAN Hak-kan asked whether the Administration would further consult relevant stakeholders, e.g. student organizations or related NGOs, before implementing compulsory drug testing for youngsters.

21. C for N replied that the Task Force fully recognized the sensitive issues and wide implications involved in seeking to introduce compulsory drug testing, particularly from a human rights perspective. As the proposal was controversial, there was a need for consultation and consensus before proceeding. Against this background, the proposal for a compulsory drug testing scheme would be set out in a detailed consultation paper and public views would be invited before the proposal was taken forward.

22. Dr Margaret NG said that she did not support the recommendations in the Report. She held the view that the proposed measures to conduct compulsory drug testing on youngsters and to introduce extra-territorial effect to the offence of consumption of drugs would reduce the rights and freedoms enjoyed by the people of Hong Kong and undermine the rule of law. She queried the justifications and legal basis for proposing these measures.

23. In response, C for N reiterated that the primary purpose of instituting a compulsory drug testing scheme was to enable early intervention for treatment and rehabilitation, instead of facilitating prosecution. The Task Force noted that there was currently no legal authority, whether under the existing legislation or at common law, for law enforcement agencies to carry out compulsory drug tests, without the need to obtain consent of the suspect, for ascertaining whether a person had consumed dangerous drugs. Given the sensitive issues and wide implications involved in seeking to introduce

Action

compulsory drug testing, particularly from human rights and privacy perspectives, the community would be consulted on the proposed scheme in a comprehensive manner. C for N added that there was a case for legislating with extra-territorial effect for the offence of consumption of drugs. The Administration, however, had not come to any view on the matter. The Task Force considered that this was an important matter on which the public should be consulted, having regard to the wider implications on the criminal justice system should the offence be legislated with extra-territorial effect, and the various complex issues involved.

Law enforcement and external cooperation

24. The Deputy Chairman said that he could hardly find any new initiatives in the Report, except the recommendation on drug testing. Many measures therein proposed had been raised and discussed since the 1990's. The Deputy Chairman was particularly concerned about law enforcement and related strategies. He pointed out that the Dangerous Drugs Ordinance (Cap. 134) (DDO) was the principal legislation dealing with dangerous drugs. The Police and C&ED were responsible for enforcing DDO in respect of trafficking, manufacture and other non-medical use of dangerous drugs. He highlighted section 56A of DDO and enquired whether the law enforcement agencies and the Department of Justice had worked closely to utilize the provision. He opined that in appropriate cases, the Government should invoke enhanced sentencing pursuant to section 56A, so as to increase deterrence against sale and supply of drugs to youth or exploitation of youth in illicit drug activities.

25. Ms Cyd HO echoed the Deputy Chairman's view that the Administration should tackle the problem of youth drug abuse at source, by utilizing the offence provisions in section 56A of DDO. She took the view that implementing drug testing might involve a number of complex social, ethical and technical issues as well as causing additional workload and pressure on schools.

26. In response, C for N and CSP(NB) made the following points -

- (a) the Report set out a host of recommendations from short to long term spanning over the five prongs of the anti-drug policy and promoting a community culture of care for young people. There would be enhanced collaboration in related policy areas to achieve synergy in anti-drug work;
- (b) the Government alone was unable to fight the youth drug abuse problem at more fundamental levels. It would intensify efforts to mobilize greater community participation, to tap into the resources of different sectors including corporations, businessmen, professionals and individuals;

Action

- (c) on preventive education and publicity, the focus was on reducing the demand for illicit drugs by imparting knowledge on drugs to different stakeholders, dispelling any misconceptions, strengthening young people's life skills and resistance to adversity and temptations, and mobilizing the whole community to join the anti-drug cause. The school sector was an important platform for enhancing such efforts;
- (d) regarding the trend of drug abuse, abuse of psychotropic substances had replaced heroin as the number-one enemy in the youth drug scene of Hong Kong. A significant proportion of young drug abusers remained out of reach of the existing help networks given the hidden nature of psychotropic substance abuse. There was also a tendency for young drug abusers to abuse drugs at home or places outside Hong Kong. These factors rendered it difficult for family members and law enforcement agencies to identify the abusers. Extra resources had to be deployed for this purpose;
- (e) the maximum penalties for drug-related offences were severe. For example, trafficking in or the manufacture of dangerous drugs was subject to a maximum penalty of a fine of \$5 million and life imprisonment, whereas possessing or consuming a dangerous drug was subject to a maximum penalty of a fine of \$1 million and seven years' imprisonment. The Police was aware of the provisions in section 56A of DDO. Where possible, applications would be made for imposition of a heavier sentence under the section; and
- (f) Hong Kong had already established extensive networks with its external counterparts/authorities in dealing with the drug problem. Law enforcement agencies, including the Police and C&ED, had all along been maintaining close cooperation with their Mainland and overseas counterparts, as well as with regional and international organizations. Specifically, intelligence was shared, and operational directions for joint enforcement actions had been drawn up to combat drug trafficking activities. Regular meetings were also held with overseas counterparts to exchange information on the latest drug abuse and drug trafficking situation in the region.

Preventive education and publicity

27. Mr CHAN Hak-kan said that he had visited the website of ND of SB. He suggested that ND should improve the overall attractiveness and content of

Action

its website. He added that many popular websites had been successful in attracting a high level of visits by youngsters. The Administration should explore the possibility of posting internet advertisements on those websites. The publicity materials should publicize messages with emphasis on the serious health, legal, family and community consequences of psychotropic substance abuse.

28. C for N responded that with Internet being the most effective medium to reach out to young people, the Administration would explore disseminating anti-drug messages to the general youth and to assist those at risk through this medium. Placing advertisements on popular websites was done before and during major festive seasons. At present, online resources were provided through ND's website in the Government domain and other websites. The traditional approach of ND's website and its contents would be revamped and constantly updated, so as to make it an engaging, informative and useful one-stop Internet resource centre and portal for the anti-drug cause. Apart from the proposed anti-drug portal, the Administration would exploit further online opportunities to reach out to the youth, as many of them might frequent discussion fora, blogs, popular social networks and video sharing web sites under the so-called "Web 2.0" trend.

Creation of a permanent post of Administrative Officer Staff Grade C in the Narcotics Division of the Security Bureau

29. The Deputy Chairman queried the justifications for creating a permanent post of Administrative Officer Staff Grade C (AOSGC) (D2) in ND. Noting that the incumbent would, apart from taking up anti-drug work, be responsible for anti-money laundering (AML) and counter-financing of terrorism (CFT) matters, the Deputy Chairman expressed concern about the possible overlapping of duties and responsibilities between this AOSGC post and that in the Financial Services Branch (FSB) under the Financial Services and Treasury Bureau (FSTB). He pointed out that the Administration had just proposed the creation of a supernumerary AOSGC post in FSB to undertake the policy work in relation to the enhancement of the AML and CFT regime in Hong Kong for a period of 24 months commencing from January 2009.

30. In response, C for N explained that -

- (a) as an ancillary to the anti-drug efforts, ND used to be charged with AML/CFT issues as well, which took up about 20% of C for N's resources in a normal year. Although the overall policy coordinating role had been transferred to FSTB in October 2008, the implementation of the Financial Action Task Force on Money Laundering (FATF)'s Recommendations in respect of the non-financial sectors, including lawyers, accountants, trust and company service providers, estate agents, dealers of precious

Action

stones and metals, and non-profit-making organizations, had remained with ND;

- (b) the responsibilities of ND in leading bureaux, departments and NGOs to develop strategies and resolve complex issues to deal with the drug abuse problem had been increasing. The Administration had critically examined whether the other existing directorate staff in SB had spare capacity to absorb the duties of the proposed post. As they were already fully committed to their existing workload, it was operationally not possible for them to take up the whole range of ND's duties without adversely affecting the discharge of their own schedule of duties; and
- (c) in view of the complexity of the issues, the sheer volume of work, and the high stakes involved, it was also not practicable for C for N to mobilize and coordinate effectively the efforts of various quarters in combating drugs without directorate support.

31. Notwithstanding the explanation given by the Administration, the Deputy Chairman said that he would have difficulty in supporting the funding proposal.

32. Members noted that the Administration intended to submit the proposal to the Establishment Subcommittee for consideration at its meeting on 14 January 2009.

**V. Admission arrangements for employment of talents and professionals**  
(LC Paper Nos. CB(2)347/08-09(05) & (06))

33. Mr WONG Kwok-hing referred to Annex B of the Administration's paper. He noted that 83% of non-local talents and professionals admitted to Hong Kong from July 2003 to September 2008 had a monthly remuneration package below \$40,000. He expressed concern about employers' possible abuse of the admission schemes that the schemes would become a channel for importation of low cost labour. Mr WONG asked whether in the face of the current financial tsunami and the growing wave of layoffs, the Administration would review whether various admission schemes for overseas talents and professionals should continue.

34. Principal Assistant Secretary for Security (C) (PAS(S)C) responded that employers who wished to recruit talents and professionals from other territories had to go through the requirement to prove that the job vacancies could not be readily taken up by the local workforce. In addition, the remuneration package for the applicant should be broadly commensurate with the prevailing market

Action

level for professionals in Hong Kong. On remuneration level, the Immigration Department (ImmD) made reference to surveys of the Census and Statistics Department (C&SD), information provided by professional groups and chambers of commerce and the remuneration levels of similar applications. According to C&SD's surveys, the median monthly income of managerial and professional staff in 2007 was about HK\$20,000.

35. Responding to Mr WONG Kwok-hing's enquiry as to whether the admission schemes for overseas talents and professionals were subject to any monitoring mechanism as in the case of the Supplementary Labour Scheme which was monitored by the Labour Advisory Board (LAB) and representatives of the labour sector, Assistant Director of Immigration (Visa & Policies) (AD of Imm) said that although LAB and representatives of the labour sector were not involved in monitoring the entry of overseas talents and professionals, applications under the Admission Scheme for Mainland Talents and Professionals (ASMTP) or the General Employment Policy (GEP) were processed and approved by ImmD. In processing the applications, ImmD would adhere to the well established principle that only those who possessed skills and expertise not readily available locally and remunerated at market rate would be approved for entry. AD of Imm further said that involving LAB in the assessment might hinder the timely approval of employment applications in respect of overseas talents and professionals.

36. The Deputy Chairman said that the Task Group on Attracting Talent (the Task Group) of the Commission of Strategic Development should not have recommended the Administration to discard the existing restrictions for applications for employment of upper-middle level non-locals and allow employers to fill positions with remunerations above a certain level without going through the requirement to prove that such positions "could not be readily taken up by locals". The Deputy Chairman said that given the current economic situation, such relaxation on the entry requirements for talents and professionals would aggravate the problem of competition in the labour market and threaten the employment prospects of the local workforce. He considered that the facilitation proposal should be shelved until such time when the economy revived.

37. Mr WONG Yuk-man echoed the Deputy Chairman's view that the facilitation proposal put forward by the Task Group should be shelved. He considered that with the external economic environment worsening markedly, the Government's prime objective at this juncture was to preserve and create employment opportunities for the local workforce.

38. PAS(S)C responded that in deciding whether to accept the relevant recommendation of the Task Group, the Government would take into consideration the need to strike a balance between facilitating the entry of talents and protecting the interest of local labour. PAS(S)C advised that the

Action

Administration had had some informal exchanges of views with chambers of commerce and professional bodies etc on the Task Group's recommendation to streamline the admission arrangements for the employment of talents and professionals. They agreed in general that bringing in more non-local talents could enhance Hong Kong's overall competitiveness, and might help create more jobs in the local employment market. Furthermore, as the facilitation proposal would involve only a relatively small number of senior and middle level positions, its impact on the local employment market would be limited. However, there were also views that the recommendation would have adverse and long-term impact on the local manpower market, particularly for senior and middle level executives and professionals, and would harm social harmony. Given that the outlook of the local and global economic environments had become uncertain in the face of the financial tsunami, enhancing employment opportunities of local workers and protecting their interests had become subjects of high priority to the Administration. In these circumstances, the Administration did not consider it an opportune time to follow up the Task Group's recommendation.

39. Mr CHEUNG Man-kwong noted from Annex B of the Administration's paper that ImmD had approved some 152 500 applications for employment of non-local talents and professionals between 2003 and September 2008, and over 125 000 of these people had a monthly remuneration below \$40,000. The salary level of the talents admitted indicated that they were major competitors of graduates from local universities. Mr CHEUNG expressed deep concern that if the Administration continued to allow the employment of non-local talents and professionals under ASMTP and GEP, this group of talents/professionals would create a negative impact on the employment opportunities and wage level of graduates from local universities. Regarding the Quality Migrant Admission Scheme (QMAS), Mr CHEUNG pointed out that the scheme allowed talented people to take up residence in Hong Kong without having to secure a local job offer first. 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 to Hong Kong. He considered that such a loose requirement had cast a severe impact on the employment opportunities of young people in Hong Kong. He held the view that the Administration should review and consider tightening up the eligibility criteria under QMAS.

40. In response, PAS(S)C and AD of Imm made the following points -

- (a) QMAS was a relatively new scheme introduced in June 2006. The quota for QMAS was 1 000 per year. Since introduction, a total of 2 499 applications had been received under QMAS. Applications under QMAS were considered by the Advisory Committee on Admission of Quality Migrants and Professionals. As at the end of November 2008, only 886 applicants were



Action

allotted a quota in the selection exercise. The number of talents/professionals admitted under QMAS was far fewer than the original quota of 1 000 per year;

- (b) QMAS was different from ASMTP and GEP in that applicants were not required to secure a local job offer before they were granted entry into Hong Kong. However, applicants were required to meet a set of prerequisites, including but not limited to academic/professional qualifications, before they were awarded points under one of the two points-based tests, namely, the General Points Test and the Achievement-based Points Test, and further assessed for allocation of admission quota; and
- (c) regarding the applications under ASMTP and GEP, other than the normal immigration requirements, ImmD requested the applicants to provide proof of their educational or technical qualifications, and the employers to provide copy of the employment contracts to prove that the terms of appointment were broadly commensurate with the local market. In addition, the employers must state the justifications for employing non-locals and the reasons why locals could not be hired. Depending on the circumstances, the employers needed to provide relevant proof, such as the recruitment advertisements, the number of locals who applied for the vacancies, or even the record of interviews with local applicants.

41. Mr CHAN Hak-kan shared the concern of Mr CHEUNG Man-kwong as to whether the admission schemes would affect the employment opportunities of graduates from local universities. He asked about the nature of jobs taken up by non-local talents and professionals, especially those requiring degree qualification and remunerated at \$20,000 or below, and the review mechanism in respect of employment of non-local talents and professionals.

42. AD of Imm responded that the majority of professionals approved for entry under ASMTP were teaching or research staff working in academic institutions. On the whole, their remuneration package was broadly commensurate with the prevailing market level for professionals in Hong Kong. PAS(S)C supplemented that the number of Mainland professionals admitted under the scheme varied from year to year, depending on the general economic situation and the prevailing conditions of the labour market. In processing applications under ASMTP and GEP, ImmD would closely monitor the situation to ensure compliance with the relevant requirements under the schemes.

Action

**VI. Proposed Rules of Court and Code of Practice to be made for the United Nations (Anti-Terrorism Measures) Ordinance**

(LC Paper Nos. CB(2)347/08-09(07) & (08) and CB(2)389/08-09(01))

43. Principal Assistant Secretary for Security (A) (PAS(S)A) briefed Members on the salient features of the rules of court and the code of practice to be made for the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) (Cap. 575) as detailed in the Administration's paper.

44. The Deputy Chairman sought clarification on the rights of the interviewees as referred to in paragraphs 5 and 11 in Annex B to the Administration's paper. He considered that the provisions of the code should be made more flexible to the interviewees with a view to soliciting more cooperation from the interviewees. For example, as a fallback measure, it should be stated clearly in the code as to whether the interviewee was allowed to make further phone calls in the event that he/she could not get in touch with the person whom he or she wished to talk to.

45. PAS(S)A responded that during the interview, all interviewees would be allowed to make one telephone call. There was no restriction on the duration of the call, as long as it was reasonable. The Administration noted the views of the Deputy Chairman that the interview should be conducted in a non-confrontational manner to avoid any possible adverse impact on the interviewee. It would take into account the views and concerns of Members when finalizing the code of practice under Cap. 575. The code would be submitted to the Legislative Council (LegCo) for approval before promulgation.

46. The Deputy Chairman requested the Administration to provide further information explaining whether and how the code of practice under the Organized and Serious Crimes Ordinance (Cap. 455) would be updated to ensure procedural consistency with the code of practice to be made under Cap. 575.

Admin

47. Dr Margaret NG referred to paragraph 12 of the background brief prepared by the LegCo Secretariat. She recalled that in discussing the legislative proposals to implement the anti-terrorism requirements of the United Nations Security Council Resolution (UNSCR) 1373 and the Special Recommendations of FATF regarding prevention and suppression of terrorist financing, members of the relevant Bills Committee had expressed concern about whether the definition of terrorist act was too wide that it would unnecessarily cover many people who were completely unrelated to terrorist organizations, and whether the definition would substantially increase the power of law enforcement agencies. Members of the Bills Committee had also raised a number of issues including the following -

- (a) the power in relation to freezing of property other than funds was

Action

too wide, having regard to the fact that UNSCR 1373 only stipulated the freezing of funds and other financial assets or economic resources of persons who commit or attempt to commit terrorist acts;

- (b) section 12 of the Ordinance, which imposed an obligation on any person to disclose knowledge or suspicion that any property was terrorist property, was at variance with UNSCR 1373 and FATF as neither UNSCR 1373 nor FATF required Hong Kong to make it a potential criminal liability for failure on the part of an ordinary citizen to disclose information on suspected terrorist transaction. FATF only imposed the obligation on "financial institutions, or other businesses or entities subject to anti-money laundering obligations"; and
- (c) the wide powers of seizure, investigation and detention of authorized officers in the United Nations (Anti-Terrorism Measures) Bill, which were deleted in the Committee Stage in response to the concern of the Bills Committee, should be narrowed down and reintroduced by way of an amending bill and not subsidiary legislation.

Dr NG expressed strong dissatisfaction that the above outstanding issues in both stages of the anti-terrorism legislative exercise had not been addressed by the Administration, prior to its introduction of the proposed rules of court and code of practice to be made under Cap. 575. She expressed reservation about introducing the proposed rules and code of practice at this stage.

48. In response, PAS(S)A explained that certain provisions in Cap. 575 would only take effect after the making of the necessary rules of court to provide for procedural matters regarding the provisions on the specification of terrorists/terrorist associates/terrorist property not designated by the United Nations and the freezing and forfeiture of terrorist property, as well as the code of practice regarding the exercise of certain law enforcement powers under the Ordinance. In essence, the proposed rules and code of practice dealt with issues of technical nature.

49. Mr WONG Yuk-man considered the provisions in the draft code of practice far from adequate to protect the rights of interviewees. He pointed out that the code did not explicitly state the reasons why the interviewees could only make one telephone call during the interview and the allowable ceiling on the duration of call. The code also did not state whether and how follow-up action would be taken in the event that a person subject to a section 12A order complained that the provision(s) of the code had not been complied with. Mr WONG took the view that the power provided under section 6 of Cap. 575 empowering the Secretary for Security (S for S) to freeze suspected terrorist

Action

property was too wide. He said that he could not accept the enactment of anti-terrorism legislation as such, since some of the provisions in Cap. 575 contravened the common law principle of presumption of innocence and imposed a burden of proof on the defendant. Echoing Mr WONG's view, Mr LEUNG Kwok-hung said that the Administration should review the anti-terrorism measures set out in Cap. 575 without further delay.

50. Dr Margaret NG and Ms Cyd HO pointed out that a few Members (including themselves, Ms Audrey EU and Ms Emily LAU) had objected to the enactment of the United Nations (Anti-Terrorism Measures) Bill and the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 on the ground that the law enforcement powers stipulated in the bills were too wide. However, as HKSAR had an obligation to implement UNSCR 1373, they had no choice but to accept the enactment of anti-terrorism legislation as such. Ms HO held the view that the legislation was enacted and implemented in a hasty manner, and the Administration had not given sufficient consideration to issues Members raised, particular the need to protect human rights. In the light of this, the Administration had been requested to review the anti-terrorism measures set out in Cap. 575 to ensure that they were in line with the international trend, and to narrow the scope of powers contained in Cap. 575.

51. PAS(S)A responded that the enforcement powers provided in Cap. 575 reflected modern day requirements, and were comparable with international standards and definitions. The power to freeze property would only be exercised by S for S when he had reasonable grounds to suspect that it was terrorist property. PAS(S)A said that the Administration noted the concern of Members about the rights of interviewees in making telephone call. It would actively explore improvement measures in this regard.

52. The Chairman said that he could not subscribe to the view that the anti-terrorism legislation was enacted and implemented in a hasty and thoughtless manner. He stressed that HKSAR had an obligation to enact legislation to implement UNSCR 1373 for the purpose of combating international terrorism and terrorist financing. He held the view that the Administration had struck a reasonable balance between the protection of personal freedom and human rights, and the safety of the public.

*(Members agreed that the meeting should be extended to end at 6:00 pm.)*

Action

**VII. Assistance provided by the Administration to Hong Kong residents encountering problems outside Hong Kong**

(LC Paper Nos. CB(2)389/08-09(02)-(04) and CB(2)380/08-09(01))

53. S for S briefed Members on the assistance provided by the Administration to Hong Kong residents stranded in Thailand since the international airport in Bangkok ceased operation on 26 November 2008.

*(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)399/08-09 on 3 December 2008.)*

54. Mr WONG Kwok-hing criticized the Administration for being slow in responding to requests for assistance from Hong Kong residents who were stranded in Thailand. He enquired about the reasons why the HKSAR Government fell behind the Government of the Macao Special Administrative Region (MSAR) and the Government of the People's Republic of China in providing chartered flights for residents stranded in Thailand. He asked whether it was due to S for S's absence from Hong Kong that resulted in the making of belated decision. He also asked who made the final decision to charter flights in this case. Mr WONG was concerned how similar cases would be handled in the future, and measures to be adopted by the Administration to ensure proper judgment could be made at the outset.

55. Mr WONG Yuk-man said that the incident in Thailand had reflected the inadequacies of the current mechanism in assisting Hong Kong residents stranded overseas. Citing the experience of representatives of Zi Teng who encountered problems in securing seats on Hong Kong-bound flights, he expressed strong dissatisfaction that the Administration had not responded and handled the crisis in an effective manner. He criticized the Administration for failure to maintain the needed sensitivity, assess accurately the number of Hong Kong residents stranded in Thailand, arrange timely evacuation and anticipate the magnitude of the problem.

56. In response, S for S made the following points -

- (a) the HKSAR Government had an established emergency response mechanism to help Hong Kong residents stranded overseas in times of crises and unexpected incidents. Under normal circumstances, airlines were responsible for making appropriate arrangements for passengers who had bought tickets to return to Hong Kong. Nevertheless, in circumstances where the personal safety of people stranded overseas was at risk, ImmD would immediately provide the necessary assistance and support for those in need. The system had been working well over the years;

Action

- (b) following the incident in Thailand, with assessment that the airport in Bangkok would not resume operation shortly and the prevailing situation in Thailand did not pose imminent danger to people in the country, the Government and the airlines made the decision to use Utapao Airport in Pattaya to fly Hong Kong residents back by special flights starting from 27 November 2008. In view of the fact that stranded Hong Kong residents who travelled individually had difficulty in boarding the flights and that the situation in Thailand had deteriorated, the HKSAR Government decided at the morning meeting chaired by the Chief Secretary for Administration (CS) on 1 December 2008 to arrange chartered flights to Pattaya's Utapao Airport to speed up the return of stranded Hong Kong residents;
- (c) the HKSAR Government was not slow in taking back stranded residents who travelled in tour groups, as compared with the MSAR Government. On 28 and 29 November 2008, six special flights were mounted to bring back 1 100 residents from Pattaya; and
- (d) from the time the HKSAR Government decided to arrange chartered flights, relevant details had been uploaded to the ImmD's website. The Office of the Telecommunications Authority had also disseminated such information to Hong Kong residents concerned through mobile phone roaming services. Furthermore, the Government had made an announcement on radio and television to call on residents to notify their relatives or friends who were still in Thailand about the chartered flight arrangements.

57. S for S emphasized that the HKSAR Government was very concerned about the situation of those Hong Kong residents who were stranded in Thailand, and it felt regret over the death of a Hong Kong resident in a traffic accident when the latter was on the way to another airport.

58. Mr CHAN Hak-kan said that he was surprised to find that the HKSAR Government had not assisted Hong Kong residents stranded in Thailand as quickly as it used to be, as in serious disasters which occurred in the past, such as the South Asian tsunami in 2004 and the traffic accident in Egypt in 2006. He queried whether it was due to the Administration's under-estimation of the actual situation in Thailand. He also enquired about the conditions and procedures for activating the emergency response mechanism, and the government officials responsible for activating and overseeing the mechanism.

59. S for S replied that there were clear and effective alerting, notification and activation procedures to ensure that the relevant government officials were

Action

informed promptly of any natural or man-made disaster that had happened anywhere in the world with the likelihood of Hong Kong residents being affected, or in which Hong Kong residents were injured or died. The procedures were built upon a system which sought to monitor worldwide news events on a 24-hour basis by the Information Services Department and a hotline (i.e. 1 868) of ImmD's Assistance to Hong Kong Residents Unit (AHU) that similarly operated round the clock. The emergency response mechanism, fronted by ImmD's AHU to cater specifically for external situations, was currently under the schedule of Deputy Secretary for Security 3 (DS(S)3) under which assistance was provided as appropriate by the relevant government bureaux and departments, and Chinese Diplomatic and Consular Missions overseas. S for S said that after Bangkok Airport ceased operation in the evening of 25 November 2008, the Government immediately liaised with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in Hong Kong and the Chinese Embassy in Thailand to seek their assistance. S for S further said that the Administration acknowledged the public aspirations for a better coordinated emergency response mechanism. SB would conduct a review to see whether any adjustment or improvement would be required. The review report would be made available to the public.

60. Mr LEUNG Kwok-hung echoed Members' views and criticized the Administration for its failure to take timely and effective measures to assist Hong Kong residents stranded in Thailand during the weekend on 28 and 29 November 2008. He asked whether S for S himself had given any instructions to the Permanent Secretary for Security (PS for S), DS(S)3 or the Director of Immigration that they should report the matter to the Chief Executive (CE) or CS if considered necessary, and take appropriate action having regard to the latest developments in Thailand.

61. In response, S for S said that although he was visiting South Korea and Japan at the time the incident occurred, he was in constant touch with senior officials in SB and had been kept abreast of the developments in Thailand as well as the actions taken. Regarding the allegation that SB had failed to provide the necessary assistance and support to Hong Kong residents in Thailand, S for S pointed out that SB had since September 2008 issued its travel advice repeatedly. The latest advice was that Hong Kong residents should avoid unnecessary travel to Bangkok. Those who were already there were reminded to attend to their personal safety and avoid places where demonstrations were held.

62. Ms Emily LAU said that it was important for a fully responsible Government to put the interests of its people at the forefront of its administration. The airport crisis in Thailand had revealed that the HKSAR Government failed to take community sentiments fully into account in formulating policies and measures to facilitate safe evacuation of Hong Kong residents stranded overseas. She held the view that a comprehensive review

Action

should be conducted to consider what improvements should be made to the Government's emergency response mechanism, including the structure and operation of the system, the respective roles and responsibilities of relevant government bureaux/departments, and principal government officials' involvement in making the decision to charter flights.

63. S for S responded that Hong Kong residents had the freedom to travel to other countries or regions and freedom to enter or leave Hong Kong. As such, the whereabouts of Hong Kong residents travelling abroad could not be traced. On the day the international airport in Bangkok ceased operation, the Administration estimated the number of stranded residents who travelled individually based on information provided by the travel industry. The Administration estimated that about 2 000 Hong Kong residents were affected by the incident and stranded in Thailand. Eight special flights had been mounted between 28 and 30 November 2008 to fly Hong Kong residents back from Utapao Airport in Pattaya. S for S stressed that the Government had been liaising closely with airlines to seek the approval of Thailand authorities for arranging more flights to Pattaya. As to why the Government had not arranged chartered flights at the outset, S for S said that Utapao Airport was a military air base with very limited capacity in handling passengers, and that the most pressing task at that time was to secure more flights, rather than considering chartered flights. However, in view of the fact that residents who travelled individually had difficulty in boarding flights to Hong Kong and the crisis in Thailand would deteriorate, the HKSAR Government decided to arrange chartered flights to Pattaya to take Hong Kong residents back.

64. Dr Priscilla LEUNG took the view that the Administration was too slow in taking action to arrange chartered flights, which was important to the rescue of lives. While agreeing that there was a pressing need to review and improve the existing mechanism of AHU for providing assistance to Hong Kong residents in distress overseas or involved in major external disasters, she expressed concern about the direction of the review to be conducted by SB.

65. S for S said that the Administration was well aware of the public expectation in this regard. The review would focus on identification of measures that would help improve the response time and evacuation plan for emergency response operations outside Hong Kong. The Administration would explore with airlines the possibility of reserving a certain proportion of seats for allocation to specific passengers by the HKSAR Government, so as to accommodate the need of taking back Hong Kong residents in future relief operations. The Administration would also consider establishing a mechanism for making use of Mainland's chartered flights as a possible option.

66. Mr Albert HO questioned whether the delayed decision on sending chartered flights was due to financial consideration. If so, he would consider it a poor decision since the Administration failed to adjust priorities in the light of



Action

public expectations. He added that the Administration should be mindful of the knock-on effect of the airport crisis, given that it was a matter of life and death to those Hong Kong residents stranded in Thailand.

67. In response, S for S stressed that the Government attached great importance to the safety of Hong Kong residents. In this particular incident, financial cost was not a major concern of the Administration. As the estimated number of Hong Kong residents stranded in Thailand was about 2 000, the Administration initially considered that mounting special flights by airlines could serve the purpose of flying back all affected residents. However, in view of the changed situation in Thailand and the difficulty faced by some residents in getting on board, the Administration decided to arrange chartered flight on 1 December 2008.

68. Mr CHEUNG Man-kwong regretted that the Administration had failed to take timely and effective measures to assist Hong Kong residents stranded in Thailand during the weekend on 28 and 29 November 2008, which had caused, directly or indirectly, the death of a Hong Kong resident. He said that the overall performance of the Government in the handling of the crisis and the subsequent relief operation was rather disappointing. He hoped that the Administration could learn from this incident and avoid recurrence of similar problems in future.

69. S for S reiterated that the Administration felt regret over the death of a Hong Kong resident in a traffic accident, which should be regarded as an isolated incident. Nevertheless, the Administration would consider the views and suggestions put forward by Members in reviewing the existing response mechanism.

70. Mr Paul TSE said that the incident would have a negative impact on the tourism industry. He asked whether the emergency response mechanism contained the element of "consultation with the relevant parties and industry". He also asked whether the Administration had understood from the airlines operating special flights, prior to making any decision on whether chartered flights should be arranged, the total number of seats that could be allocated to Hong Kong residents who did not have air tickets of these airlines. He considered that the Administration should, where circumstances so warranted, instruct Hong Kong-based airlines to fulfil their corporate social responsibility to provide seats to Hong Kong residents.

71. S for S responded that SB had been working closely with the Tourism Commission, through which the views of the travel industry were solicited. The Administration would consider Members' views on ways to review and improve the emergency response mechanism. The suggestion of imposing an obligation on Hong Kong-based airlines, however, needed to be carefully

Action

examined having regard to the fact that Hong Kong had all along been upholding the free market economy policy.

72. The Deputy Chairman and Dr Margaret NG expressed concern whether SB was operating smoothly during the period when S for S was visiting South Korea and Japan. They were particularly concerned about the functioning and operations of the Accountability System for Principal Officials (POs), and enquired whether SB was operating without leadership during S for S's absence.

73. In reply, S for S advised that during his absence, the administrative responsibilities and matters in connection with day-to-day operation were undertaken by PS for S and other senior civil servants in SB under delegated authority. Separately, the Secretary for Constitutional and Mainland Affairs (SCMA) attended Council Meetings of LegCo on his behalf to respond to motion debates and LegCo questions.

74. Responding to the Deputy Chairman's question on SCMA's role in the decision making process of sending or not sending chartered flights, S for S said that to his knowledge, SCMA was not involved in making the decision to charter flights. The decision was made at the morning meeting chaired by CS on 1 December 2008. S for S emphasized that the Government had never ruled out the possibility of sending chartered flights to Thailand.

75. In response to Dr Margaret NG's enquiry, DS(S)3 advised that he had been keeping S for S and PS for S informed of the developments of the incident and the actions taken. S for S supplemented that as he was out of town, he had not reported the matter to his superiors.

76. Dr Margaret NG said that under the Accountability System, POs were supposed to be responsible for all aspects of their portfolios. She expressed concern as to who would be ultimately responsible for the failure of the policy decision concerning the relief operation of Hong Kong residents stranded in Thailand. She added that if the decision on sending chartered flights was a collective decision made by the political team, those POs involved in the initial decision of not sending chartered flights might have to step down for this serious policy failure.

77. In response, S for S apologized to the public for what had happened. He said that as a politically appointed Principal Official, he should shoulder total responsibility for the success or failure of policies under his portfolio. He reiterated that the Administration would review the emergency response mechanism, with a view to identifying possible improvement measures that might help enhance the system to prevent the recurrence of similar incidents in future.

Action

78. The Deputy Chairman shared Dr Margaret NG's view that the Accountability System had not facilitated the Government in making a prompt response to public demands and concerns. He considered that the Administration should conduct an inquiry to investigate the incident.

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79. The Deputy Chairman, Dr Margaret NG and Mr Paul TSE requested the Administration to provide a paper setting out the chronology of events in respect of the crisis in Thailand which resulted in hundreds of Hong Kong residents stranded in Bangkok, including information on when the Government decided to arrange chartered flights, officials involved in the decision of sending or not sending chartered flights, the total amount of public money spent on the evacuation and information on the review to be conducted by SB.

80. There being no other business, the meeting ended at 6:10 pm.

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