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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 2 June 2009**

Installation of closed-circuit television systems in public places

Purpose

This paper summarizes past discussions by the Panel on Security (the Panel) on the installation of closed-circuit television (CCTV) systems in public places.

Background

2. CCTV systems are widely used in privately owned buildings, housing estates, shopping arcades or in public amenities such as stadiums and Mass Transit Railway stations throughout Hong Kong for public safety, security or crime prevention/detection purposes. The videotaped footage has been helpful in Police investigations of various crime incidents. In some cases, the viewing of privately owned videotapes by investigating officers were instrumental in leading up to the arrests of the perpetrators of some serious crimes such as murder, robbery and wounding.

3. At present, no CCTV system is installed by the Hong Kong Police Force (HKPF) in public places permanently for the purpose of maintaining law and order. HKPF has only used temporary CCTV systems at selected locations for monitoring crowd movement and facilitating the Police's direction of tidal flow for public safety purpose during major festive days and events, such as Halloween, Christmas Eve, Lunar New Year Firework Display events and large-scale international conferences. Separately, CCTV systems have been installed in the land boundary of the Hong Kong Special Administrative Region for security, anti-smuggling and anti-illegal immigration purposes. According to the Administration, the use of CCTV allows the Police to better monitor the movement and build-up of crowds so that appropriate manpower can be deployed to minimize or pre-empt problems such as overcrowding, activities by unruly elements, etc. The Police assesses each proposal for installation of CCTVs at public location on a case-by-case basis having regard to the legitimate purpose that such facility will serve, its necessity and the protection of privacy.

Discussion by the Panel

4. At its meeting on 9 April 2002, the Panel discussed the Police policy on the installation of CCTV systems in public places, and the Police's plan to install a number of CCTV cameras in the Lan Kwai Fong area as a pilot scheme aiming at assisting crowd management and preventing crime.

5. Members queried the need for the installation of CCTV cameras in Lan Kwai Fong on a permanent and round-the-clock basis, given that the crime situation in Lan Kwai Fong was not serious, and the place was not crowded except during some festivals. Members took the view that the Administration's proposal would result in an unnecessary increase in the power of the Police. They were particularly concerned about issues of privacy relating to the use of CCTV systems in public places, since such a scheme could be rolled out to other public areas and streets in Hong Kong if so decided by the Police. Members were also concerned that the recorded videotapes might be used for the surveillance of the public. Some members considered that the implementation of the pilot scheme involved not just a matter of personal privacy, but the freedom of individuals.

6. Members considered that since the installation of CCTV systems on a permanent basis in public areas/streets represented a fundamental change in policy, the pilot scheme should be suspended until the policy had been thoroughly deliberated by the Panel. Members suggested that further consultation should be conducted with the parties concerned, including the Lan Kwai Fong Association, District Councils and District Fight Crime Committees.

7. The Administration responded that Lan Kwai Fong was a popular and busy location at all times of the day and particularly so during weekends, major festivals and events. As Lan Kwai Fong was a small place, the build-up of crowds in the area could lead to serious accidents. Moreover, as it had been designed as a pedestrian zone in late 2001, it was a suitable place to launch the pilot scheme. The Administration stressed that the CCTV cameras in the area would not be monitored on a round-the-clock basis.

8. The Administration informed the Panel that overseas law enforcement agencies had been making effective use of CCTV systems for crime prevention and detection purposes for some time. CCTV systems had also been widely used in privately owned buildings and during crowd management operations. In view of Members' concerns about privacy issues relating to the use of CCTV systems, further consultations would be made with shop tenants, District Councils and District Fight Crime Committees. The Police would develop detailed and stringent procedures as well as guidelines to ensure that the recording, use and retention of the videotapes would be fully consistent with the Bill of Rights Ordinance and in compliance with the data protection principles under the Personal Data (Privacy) Ordinance. This would be achieved by working closely with the Office of the Privacy Commissioner for Personal Data and other interested parties to ensure that personal data captured by the CCTV systems would not be misused or compromised. The Administration also

agreed to consider Members' suggestion of suspending the pilot scheme pending further consultation and discussion on the policy aspects.

9. Notwithstanding the Administration's response, members remained unconvinced of the need to install CCTV cameras in Lan Kwai Fong. Members also pointed out that the installation of public CCTV systems in the United Kingdom was subject to statutory control and stringent codes of practice. The Panel passed a motion at its meeting on 9 April 2002 urging the Police to withdraw the pilot scheme of installing a closed circuit television system operating round-the-clock in Lan Kwai Fong. The Administration subsequently advised that the Police agreed to suspend the pilot scheme of installing permanent CCTVs in Lan Kwai Fong.

Latest developments

10. Following an acid-throwing incident on 13 December 2008 in Sai Yeung Choi Street South in which more than 40 persons suffered injuries, the Yau Tsim Mong District Council (YTMD) has proposed to install CCTV systems on the outer walls or at the rooftops of some buildings in the Mong Kok Pedestrian Precinct (MKPP) to monitor object throwing-related misdeeds. At the meeting of YTMD's District Facilities Management Committee held on 17 March 2009, YTMD members endorsed the necessary funding for the installation and operation of the CCTV project. The installation work is expected to be completed in around mid-2009.

11. Noting the YTMD's proposal to install CCTV cameras in MKPP, some Panel members have expressed concern whether the proposed CCTV systems might construe possible intrusion into personal privacy. They have requested the Administration to provide information on the resolution level, the location and orientation of the proposed CCTV cameras to be installed in MKPP and more details about how the privacy of residents in the area is to be protected. Members have also requested the Administration to provide information on the effectiveness and impact on privacy of similar installations in public rental housing estates. The responses of the Administration were circulated to members vide LC Paper Nos. CB(2)969/08-09 and CB(2)1201/08-09 respectively on 25 February 2009 and 31 March 2009.

12. On 16 May 2009, two bottles containing suspected corrosive fluid were thrown from a building in Sai Yeung Choi Street South near Soy Street, causing injuries to 30 passers-by. The Police has classified the case as throwing corrosive fluid with intent to do grievous bodily harm and consolidated this case with the incident which happened on 13 December 2008 in the same street for investigation.

Related information

13. At the Council meeting on 7 November 2001, Hon Cyd HO raised a question on the installation of CCTVs in public places. The Administration's reply to the written question raised by Hon Cyd HO is in the **Appendix**.

Relevant papers

14. Members may wish to refer to the following minutes of meeting and papers for details of the discussions -

- (a) minutes of the meeting of the Panel on Security on 9 April 2002 [LC Paper No. CB(2)2263/01-02];
- (b) Administration's paper entitled "Police policy on installation of CCTV systems in public places" [LC Paper No. CB(2)1481/01-02(05)];
- (c) fact sheet entitled "Policy on Installation of Closed Circuit Television Systems in Public Places : the United Kingdom" prepared by the Research and Library Services Division of the Legislative Council Secretariat [LC Paper No. CB(2)1481/01-02(07)];
- (d) Administration's letter dated 10 May 2002 on the pilot scheme for installation of permanent CCTVs in Lan Kwai Fong [LC Paper No. CB(2)1906/01-02(01)];
- (e) Administration's letter dated 24 February 2009 providing information on various issues regarding the Administration's installation of closed-circuit television cameras in public places [LC Paper No. CB(2)969/08-09(01)];
- (f) letter dated 30 March 2009 from Yau Tsim Mong District Office providing further information on the closed-circuit television system to be installed in the Mong Kok Pedestrian Precinct [LC Paper No. CB(2)1201/08-09(01)]; and
- (g) Administration's letter dated 26 March 2009 providing information on the effectiveness and impact on privacy of installation of closed-circuit television in public rental housing estates [LC Paper No. CB(2)1201/08-09(02)].

15. The above minutes of meeting and papers are available on the website of the Legislative Council (<http://www.legco.gov.hk>).

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Installation of CCTV Cameras in Public Places

12. **MISS CYD HO** (in Chinese): *Madam President, regarding its installation of closed circuit television (CCTV) cameras in public places, will the Government inform this Council:*

- (a) *whether the faces of members of the public can be clearly captured by these devices;*

- (b) *of the number of CCTV cameras currently installed to monitor road traffic conditions; whether the Administration has made use of these devices to film the proceedings of public processions and handed the relevant films to the police, the Customs and Excise Department or the Immigration Department; if so, of the relevant figures for the past five years;*
- (c) *of the number of CCTV cameras currently installed in public places, including public housing estates, shopping arcades, the airport and stadiums, for the purpose of maintaining law and order;*
- (d) *of the respective numbers of crimes detected in each of the past five years by the police based on the clues provided by the films recorded in public places, together with a breakdown of such numbers by the nature of crimes;*
- (e) *whether it plans to install more CCTV cameras in public places; if so, of the details; and*
- (f) *whether it has drawn up any codes on the procurement, use, retention and destruction of the films recorded in public places; if so, of the details of such codes; if not, how it ensures compliance by relevant departments with the data protection principles stipulated in the Personal Data (Privacy) Ordinance (PDPO) (Cap. 486)?*

SECRETARY FOR SECURITY (in Chinese): Madam President, CCTV systems are widely used by the Government and the private sector for security and other lawful purposes. This reply only covers CCTV systems mentioned in or relevant to the question, that is, those under the purview of the Transport Department (TD) and the Hong Kong Police Force (HKPF); and those installed in public housing estates and shopping centres under the purview of the Housing Department (HD), the airport, and stadiums and other facilities of the Leisure and Cultural Services Department (LCSD).

- (a) The CCTV systems of the TD are for traffic surveillance, control and management purposes. The CCTV cameras are generally installed at strategic locations to provide real-time traffic conditions to the TD's Area Traffic Control (ATC) Centres. The colour

video CCTV cameras are operated by high-resolution image sensor. Whilst it is technically possible to zoom in to see the faces of members of the public, the camera's span of view is confined to the traffic on roads to avoid intrusion on privacy.

The HKPF has not installed CCTV systems at fixed locations in public places. Where necessary, the HKPF use CCTV systems to acquire an overview of the size and movement of crowds or the vehicular traffic situation. The systems are not intended nor designed to take close shots of individual persons.

In the case of the HD, two types of CCTV systems are installed in public housing estates and shopping centres, that is, (i) Security System inside the lifts and (ii) Falling Object Monitoring System at the facade of the domestic buildings. The faces of members of the public can be clearly captured by the former system. In the latter system, the cameras are not targeted at the interior of the premises, thus the faces of members of the public will not be clearly captured.

Some of the CCTV cameras installed in the facilities of the LCSD have the zooming and video recording functions. They can clearly capture the faces of members of the public.

- (b) Currently, there is a total of 310 CCTV cameras installed over the territory to monitor road traffic conditions. They enable the operators in the TD's ATC Centres to make prompt adjustments to traffic light signal timings or implement traffic management plans to cope with the prevailing traffic conditions. This is particularly effective in early detection of incidents causing traffic disruptions. The police use the TD's CCTV cameras to obtain real-time traffic conditions so that they could make announcements to the public via the media about traffic diversion, immediately deploy traffic police to control traffic, and implement contingency plans to deal with any traffic incidents. The Highways Department uses the CCTV cameras for monitoring road conditions when its Emergency Control Centres are in operation, that is, in the event of inclement weather causing road damages. In addition, various tunnel operators have installed CCTV cameras within their respective tunnel areas, also for traffic monitoring purpose.

All the information or data collected through the CCTV cameras covered above is for traffic surveillance and traffic management purposes only and is not used for any other purposes.

- (c) At present, 11 930 CCTV cameras are installed in public housing estates and shopping centres under the purview of the HD. About 550 CCTV cameras are installed in the Hong Kong International Airport. There are 944 CCTV cameras installed in the facilities of the LCSD. No CCTV system is currently installed by the HKPF in public places permanently for the purpose of maintaining law and order. The HKPF has only used temporary CCTV systems in crowd management operations during major festivals and events such as Millennium celebrations, Christmas Eve and Lunar New Year Firework Display events, and large-scale international conferences. Separately, CCTV systems have been installed in the land boundary of Hong Kong Special Administrative Region for security purposes, particularly for the detection of illegal immigrants.
- (d) Instances of crime detection, including serious crime such as murder, robbery, wounding, and so on, effected directly or indirectly, through the viewing of privately owned CCTV systems often occur. However, the number of such cases and related breakdown are not readily available. As mentioned in part (c), the police have not installed CCTV systems in public places permanently.
- (e) In line with the development of the transport infrastructure and expansion of area traffic control system, the TD plans to progressively install more CCTV cameras on existing roads in built-up areas, future strategic highways and major transport interchanges for better traffic management. Plans are in hand to expand the ATC, including the CCTV systems, to Tai Po and North District by 2003 and Tuen Mun and Yuen Long Districts by 2005.

The HD is undertaking an improvement programme in existing public housing estates to upgrade the basic security system to a full security system which includes the provision of CCTV cameras to monitor main entrance doors. Upon completion of the improvement works in 2002, more CCTV cameras will be installed.

Plans are in hand to install CCTV systems at 27 venues of the LCSD with a view to enhancing security and crowd control. The number of CCTV cameras to be installed has yet to be decided.

- (f) All user departments of the TD's CCTV systems have established practices and stringent systems to control the use of and access to the systems. This has effectively safeguarded against any misuse or abuse of the systems and is in full compliance with the requirements of PDPO. CCTV video images will only be recorded where there is a genuine need associated with major traffic incidents and congestion, or to facilitate traffic surveys to address specific problems such as road safety and maintenance. The recorded information will be destroyed as soon as such tasks are completed.

As regards videotapes that the HKPF obtain through CCTV cameras, the videotapes are destroyed three months after the events in accordance with the HKPF's guidelines. Where it is necessary to keep the videotapes for more than three months, the approval from a Senior Superintendent of Police will be required, which will be subject to monthly review by the approving officer.

For protection of personal data, there are codes of practice for the video images recorded in public places in public housing estates and shopping centres under the HD's purview. Details are as follows:

- (i) notices should be displayed to inform the data subjects of the installation of CCTV cameras and their use;
- (ii) the recorded videotapes should be kept under safe custody;
- (iii) a proper record of the officers taking charge of and keeping the videotapes should be maintained; and
- (iv) personal data should not be kept longer than necessary. The recorded video images should be erased after being kept for seven days subject to certain exceptions.

The LCSD has consulted the Office of the Privacy Commissioner for Personal Data (PCO) on legislation governing the use of CCTV

systems. Upon the advice of the PCO, the LCSd has issued an internal memo directing operational staff working at venues installed with CCTV systems to display notices at conspicuous spots, informing the public that the installation of the CCTV systems is solely to enhance the safety of the public and that only authorized staff of the LCSd can have access to these video recorded materials. The recorded information will be destroyed as soon as it is no longer required.

The PCO has not drawn up any specific codes of practice on the procurement, use, retention and destruction of video images recorded by government departments in public places. However, the departments, as data users, have to comply with the PDPO. The PCO will investigate if there is any suspicion of contravention of the PDPO.

It should be noted that the use of CCTV cameras does not necessarily involve the collection or use of personal data as governed by the PDPO. No collection of personal data is involved and the matter may fall outside the scope of PDPO, where:

- (i) no recording is made,
- (ii) it is not reasonably practicable to identify any individual from the video recording or
- (iii) the data user is not compiling information about an identified person or about a person whom the data user intends to or seeks to identify.

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