

Panel on Security

List of outstanding items for discussion

(position as at 24 October 2008)

**Proposed timing
for discussion**

Items proposed by members

1. Monitoring of anti-terrorism measures by the Administration

In the course of deliberations of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Administration undertook to review periodically the anti-terrorism measures set out in legislation to ensure that they were in line with the international trend. The Bills Committee agreed that the monitoring of anti-terrorism measures should be referred to the Panel for follow-up.

To be confirmed

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

At the meetings on 16 January 2003 and 20 February 2003, the Panel was consulted on the proposals in the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003, which sought to implement relevant international conventions against terrorism, and to provide the means for the Secretary for Security to effectively freeze terrorist assets which are not funds. The Administration subsequently introduced the Bill on 21 May 2003. A Bills Committee formed to study the Bill had completed its work and the Bill was passed at the Council meeting on 30 June 2004. During the resumption of Second Reading debate on the Bill, the Administration stated that it would review the reporting requirements under section 12 of the Ordinance and section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance in the context of the exercise to put in place the Financial Action Task Force on Money Laundering's Forty Recommendations which was scheduled to start in 2004-2005.

In its letter dated 27 October 2004 (LC Paper No. CB(2)110/04-05(01) issued on 28 October 2004), the

**Proposed timing
for discussion**

Administration advised that it planned to launch the proposed review of the suspicious transaction reporting requirements in the first quarter of 2005.

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

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

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

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

To be confirmed

3. Provision of emergency ambulance service

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

To be confirmed

A submission from the Hong Kong Fire Services Department Ambulancemen's Union and the Administration's response were circulated to members vide LC Paper No.

**Proposed timing
for discussion**

CB(1)915/05-06 on 15 February 2006.

Further submissions from the Hong Kong Fire Services Department Ambulancemen's Union and the Administration's response were circulated to members vide LC Paper No. CB(2)2667/06-07 on 3 September 2007.

The subject of replacement of emergency ambulances would be discussed at the meeting to be held on 27 October 2008.

(See also item 13.)

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

At its meeting on 1 November 2005, the Panel discussed issues arising from the judgment delivered by the Court of Final Appeal on the case of *LEUNG Kwok-hung and others v. the Hong Kong Special Administrative Region*. The Statute Law (Miscellaneous Provisions) Bill 2007, which incorporated legislative amendments to the Public Order Ordinance in the light of the judgement, was passed at the Council meeting on 30 April 2008.

To be confirmed

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

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

**Proposed timing
for discussion**

5. Police's undercover operations against vice activities

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

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

6. Interception of communications and covert surveillance

In the course of examination of the Interception of Communications and Surveillance Bill, the Administration undertook to - To be confirmed

- (a) provide the Panel with an updated version of the code of practice from time to time;
- (b) report to the Panel the outcome of the review of the intelligence management system of law enforcement agencies;
- (c) report to the Panel the results of the Administration's review on issues raised in the Commissioner's annual report to the Chief Executive (CE); and
- (d) provide by the end of 2009 the Administration's report on its comprehensive review on the implementation of the Bill, after the Commissioner submitted his second full-year report to CE by end June 2009.

The results of study of matters raised in the Annual Report 2006 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance (the Commissioner) was discussed at the meetings on 6 November 2007 and 6 December 2007. A briefing by the Commissioner on the report was held on 18 January 2008.

**Proposed timing
for discussion**

7. Monitoring mechanism on government intelligence agencies

At the meeting on 8 May 2007, members agreed that a research study on the parliamentary monitoring mechanism on intelligence agencies in selected places should be conducted by the Research and Library Services Division (RLSD) of the Legislative Council Secretariat.

To be confirmed

At the Panel meeting on 3 June 2008, Members were briefed on the main findings of the research report on the parliamentary monitoring mechanism on intelligence agencies in selected places prepared by RLSD.

At the Panel meeting on 14 October 2008, Hon Emily LAU suggested that the subject of parliamentary monitoring mechanism on intelligence agencies should be discussed at a future meeting.

8. Quality Migrant Admission Scheme

At the meeting on 19 February 2008, the Panel was briefed on the revised Quality Migrant Admission Scheme. The Administration was requested to update the Panel in January 2009 the latest position in respect of the implementation of the Scheme.

To be confirmed

A supplementary information paper on the Scheme provided by the Administration was circulated to members vide LC Paper No. CB(2)2553/07-08 on 9 July 2008.

9. Independent Police Complaints Council

In the course of deliberations of the Bills Committee on Independent Police Complaints Council (IPCC) Bill, the Bills Committee requested the Administration and the IPCC Secretariat to revert to the Panel one year after the enactment of the Bill on -

To be confirmed

- (a) the guidelines for observers and the improved forms for completion by an observer after an observation had been conducted as well as detailed statistics of visits

conducted by observers; and

- (b) the improved version of the Disciplinary and Criminal Checklist submitted by the Complaints Against Police Office to IPCC.

10. Police's Handling of Searches of Detainees

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. In concluding its deliberations, the Subcommittee held the view that the new arrangements as set out in the revised provisions in the Police General Orders and the Force Procedures Manual, the Custody Search Form and the Guidelines on the Searching of Detained Persons had not struck a proper balance between ensuring the safety of detainees and preventing possible abuse of power by police officers. The Subcommittee urged the Administration to further improve the arrangements 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.

To be confirmed

The Subcommittee recommended that the issues raised in its report to the Panel (LC Paper No. CB(2)2692/07-08) should be followed up by the Panel.

11. Redevelopment plan for the Fire Services Training School

At its meeting on 3 June 2008, the Panel was briefed on the Administration's plan to redevelop the Fire Services Training School (FSTS). Noting that the Fire Services Department was still determining the facilities to be installed in the redeveloped FSTS and a feasibility study on the redevelopment was still being conducted by the Architectural Services Department, members requested the Administration to brief the Panel on further details about the redevelopment of FSTS before submitting the proposal to the Public Works Subcommittee.

To be confirmed

**Proposed timing
for discussion**

12. Manpower situation in the Independent Commission Against Corruption

At the meeting on 21 October 2008, Hon Emily LAU suggested that the manpower situation in the Independent Commission Against Corruption be discussed by the Panel at a future meeting.

To be confirmed

Items likely to be proposed by the Administration

13. Improvements to emergency ambulance service

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

1st quarter of
2009

14. Anti-terrorism legislation

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

December 2008

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

15. Admission arrangements for employment of talent and professionals

The Administration intends to inform the Panel on a proposed streamlined arrangement for the admission of talent and professionals for employment in Hong Kong.

December 2008

**Proposed timing
for discussion**

16. Quarters for the Immigration Department Rank and File Staff

The Administration intends to inform the Panel on the proposed construction of the rank and file quarters of the Immigration Department in Tsuen Wan.

2nd quarter of
2009

Council Business Division 2
Legislative Council Secretariat
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