

立法會

Legislative Council

LC Paper No. CB(2)2173/09-10
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 1 June 2010, 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
Dr Hon Philip WONG Yu-hong, GBS
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun
Hon LEUNG Kwok-hung
Hon WONG Yuk-man

Member attending : Hon WONG Kwok-hing, MH

Members absent : Hon CHEUNG Man-kwong
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Public Officers attending : Item IV

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr CHOW Wing-hang
Principal Assistant Secretary for Security (D)

Dr Helen CHAN, IDSM
Assistant Director of Immigration (Information Systems)

Item V

The Administration

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr David LAU Kam-kuen
Principal Assistant Secretary for Security (A)

Mr Terence LEUNG Lap-fun
Government Security Officer
Security Bureau

Mr YU Mun-sang
Chief Superintendent of Police (Crime HQ) (Crime Wing)

Mr TSANG Cheung-tat
Senior Superintendent of Police (Narcotics Bureau)

Mr YUEN Chi-kin
Superintendent of Police (Liaison Bureau)

Mr David CHIU Wai-kai, IDSM
Assistant Director of Immigration (Personal Documentation)

Independent Commission Against Corruption

Mr Timothy TONG Hin-ming
Commissioner of ICAC

Ms Julie MU Fee-man
Director of Community Relations

Ms Rebecca LI Bo-lan, IDS
Director of Investigation/Private Sector

Mr Raymond NG Kwok-ming
Assistant Director/Corruption Prevention 1

Item VI

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mrs Millie NG
Principal Assistant Secretary for Security (E)

Mr TANG How-kong
Director of Management Services
Hong Kong Police Force

Ms CHOI Yuen-han
Senior Superintendent of Police (Complaint & Internal
Investigations Branch)

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

Staff in attendance : Miss Josephine SO
Senior Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1631/09-10)

The minutes of the meeting held on 13 April 2010 were confirmed.

II. Information papers issued since the last meeting
(LC Paper No. CB(2)1465/09-10(01))

2. Members noted that a submission from Hong Kong Human Rights Monitor on duty of candour, fairness in immigration control and security matters, and system for managing government records had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1633/09-10(01) and (02))

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 6 July 2010 -

- (a) Operation of the statutory Independent Police Complaints Council;
- (b) Review of the Interception of Communications and Surveillance Ordinance; and
- (c) Updating and replacement of fire services equipment and apparatus.

Action

Regarding item (c), the Chairman said that the Secretariat would check with the two firemen trade unions which had attended the Panel meeting on 4 May 2010, namely, the Hong Kong Fire Services Department Staffs General Association and the Hong Kong Fire Services Officers Association, on whether they wished to attend the Panel meeting in July 2010 and give further views on the subject.

4. In view of the number of items to be discussed, the Chairman proposed and members agreed that the next regular meeting to be held on 6 July 2010 be extended to start at 2:00 pm and end at 5:00 pm.

(Post-meeting note: With the concurrence of the Chairman, the item "Daya Bay Nuclear Station Notification Mechanism" was added to the agenda for the regular meeting on 6 July 2010, and the discussion of the item "Operation of the statutory Independent Police Complaints Council" was deferred to the special meeting held on 21 July 2010. Members were informed of the revised meeting arrangements vide LC Paper Nos. CB(2)1857/09-10 and CB(2)1873/09-10 issued on 18 and 21 June 2010 respectively.)

IV. Enhancement of computer systems of the Immigration Department and the extension of e-Channel services

(LC Paper Nos. CB(2)1633/09-10(03) and (04))

5. Under Secretary for Security ("US for S") briefed Members on the e-Channel and related services enhancement proposals, as detailed in the Administration's paper.

6. The Deputy Chairman noted that at present, Mainland residents holding an Exit-Entry Permit for Travelling to and from Hong Kong and Macao ("EEP") issued by the Mainland authorities might only enter after examination by officers of the Immigration Department ("ImmD") at the traditional counters at control points. If Mainland frequent visitors who held an electronic EEP to be issued by the Mainland authorities and had enrolled in advance for using the new/enhanced e-Channels could use such automated passenger clearance system to perform self-service immigration clearance in the future, there would not be any face-to-face examination in the immigration clearance of these visitors. The Deputy Chairman was deeply concerned as to whether the new arrangements would undermine the immigration control over Mainland residents travelling to Hong Kong.

7. In response, US for S advised that -

(a) to improve the arrangements for Mainland residents travelling to Hong Kong and Macao, the Mainland authorities would introduce a new type of electronic EEP to Mainland residents by phases

Action

from 2012 onwards. A computer chip would be embedded in the electronic EEP containing the holder's personal information and exit endorsement to Hong Kong;

- (b) in 2009, the number of frequent visitors from the Mainland, i.e. those who had visited Hong Kong for three times or more in the preceding 12 months, was around 290 000. On the basis of the significant growth in the overall number of Mainland visitors, the Administration anticipated that the number of Mainland frequent visitors would also grow and hence there was a need to enhance the handling capacity as well as efficiency of ImmD by shortening the time required for immigration clearance. The Administration therefore proposed allowing eligible Mainland frequent visitors to use e-Channels after enrolment;
- (c) in allowing those Mainland frequent visitors who were holders of electronic or conventional EEPs to use the e-Channel service, the visitors concerned would be required to enrol in advance at the relevant control points and provide personal information to ImmD staff at designated counters. ImmD staff would follow the enrolment procedure similar to that for other frequent visitors, including checking the visitor's past immigration record and his purpose for entering Hong Kong, in assessing whether a Mainland frequent visitor was eligible for using the e-Channel service. The Administration would review the eligibility criteria for Mainland frequent visitors using the e-Channel service in the light of actual experience, so as to ensure that effective immigration control was maintained while immigration facilitation was provided; and
- (d) it should be noted that the e-Channel system would automatically alert immigration officers at boundary control points of the arrival of enrolled frequent visitors who had adverse immigration record in Hong Kong subsequent to the enrolment. Immigration officers would conduct face-to-face examination on these visitors or conduct spot checks on enrolled frequent visitors who used the e-Channel service.

8. The Deputy Chairman noted that as of end of April 2010, the number of frequent visitors and Macao residents enrolled to use e-Channels had increased to 43 000 and 100 100 respectively. He asked whether any spot checks had ever been conducted on frequent visitors/Macao residents when they passed through the control points using e-Channels and if so, the number of spot checks carried out since the introduction of the e-Channel service to frequent visitors and Macao residents.

Action

9. Assistant Director of Immigration (Information Systems) ("AD of Imm") said that although spot checks on frequent visitors/Macao residents using e-Channels had been carried out in the past, ImmD did not keep statistics in this regard.

Admin

10. The Deputy Chairman stressed the need to strike a balance between providing immigration facilitation to frequent visitors and preserving effective immigration control. He requested the Administration to keep record of and provide the Panel with the total number of spot checks conducted in the next three to six months on arriving visitors who performed self-service immigration clearance at e-Channels, and the outcome of these spot checks.

11. Responding to Mr WONG Kwok-kin's enquiry about the implementation details of the present proposal to extend the e-Channel and related services to Mainland frequent visitors holding electronic or conventional EEPs to be issued by the Mainland authorities, US for S advised that -

- (a) since May 2008, frequent visitors were allowed to use the e-Channel service after enrolment. At present, ImmD provided enrolment service for those who held a valid Hong Kong Special Administrative Region ("HKSAR") Travel Pass, Asia-Pacific Economic Cooperation Business Travel Card, Hong Kong International Airport Frequent Visitor Card or those who held frequent flyer programme membership card issued by an airline that had joined the arrangement. Enrolment offices were set up at the Hong Kong International Airport ("HKIA") to process applications from frequent visitors. After successfully enrolled with ImmD, eligible frequent visitors could use e-Channels to perform immigration clearance at HKIA;
- (b) in December 2009, the e-Channel service was extended to permanent identity card holders of the Macao Special Administrative Region ("MSAR"). Following enrolment, Macao permanent residents aged 11 or above might use e-Channels at the Macao Ferry Terminal in Sheung Wan and the China Ferry Terminal in Tsim Sha Tsui;
- (c) as at the end of April 2010, the number of frequent visitors and Macao residents enrolled to use e-Channels were 43 000 and 100 100 respectively. The majority of frequent visitors enrolled for the service were American, Japanese, Singaporean, Filipino and Taiwanese;
- (d) the Administration proposed to allow Mainland frequent visitors to use e-Channels after enrolment. According to the proposal, those Mainland frequent visitors holding an EEP and having

Action

obtained a valid multiple-journey exit endorsement to visit Hong Kong might be eligible for free enrolment to use the e-Channel service in the future. For enrolment, the visitors concerned would need to visit the enrolment office at the relevant control points where they would be required to complete an enrolment form, have their fingerprints and photograph taken, and provide personal information to the immigration officers. ImmD would check and make sure that the visitors did not have any adverse immigration record in Hong Kong. After enrolment, they would be allowed to use the Frequent Visitor e-Channels to perform self-service immigration clearance; and

- (e) when performing immigration clearance at the Frequent Visitor e-Channels, successfully enrolled Mainland frequent visitors would need to place their EEP in the document reader. The reader would enable the retrieval of information from EEP. When the reading process had finished, a visitor would be able to enter the e-Channel to verify the live fingerprint against that retrieved from the system. Upon successful fingerprint verification, a landing slip showing the limit and conditions of stay would be printed for collection by the visitor. The visitor should keep the landing slip during his stay in Hong Kong for inspection by law enforcement officers, if so required.

12. Mr WONG Kwok-kin noted that extending the e-Channel service to Mainland frequent visitors could shorten the time for these visitors to complete immigration clearance and enhance the handling capacity of control points. He enquired about the time as well as the manpower resources that could be saved, after extension of the e-Channel service.

13. In response, AD of Imm and US for S advised that -

- (a) the clearance time involving traditional immigration counters was around 75 seconds per visitor. If eligible Mainland frequent visitors were allowed to use e-Channels in the future after enrolment, it was estimated that the time required for a visitor to complete immigration clearance could be shortened to about 20 seconds; and
- (b) allowing eligible Mainland frequent visitors to use e-Channels would require staff to handle the large number of enrolment applications for e-Channel service from Mainland frequent visitors and to provide on-site support. There would be a net saving of a small number of immigration staff.

Action

14. Mr IP Kwok-him supported the Administration's proposal to extend the e-Channel service to Mainland frequent visitors. He asked whether eligible visitors could use e-Channels at all control points after enrolment.

15. US for S responded that taking into account the physical constraints of various control points, the utilization rate of e-Channels and the growth in number of Mainland visitors, the Administration planned to install 20 new-type e-Channels at the two most popular control points for Mainland visitors, namely, Lo Wu and Lok Ma Chau, and enhance 40 existing e-Channels at other control points. These e-Channels could be used by Mainlanders as well as other frequent visitors who were holders of electronic and conventional EEPs. The Administration would decide on the actual distribution of the relevant e-Channel facilities in the light of the actual passenger pattern and passenger mix at different control points.

16. Mr Paul TSE expressed concern about the merits of and need for issuing landing slips to frequent visitors and Macao residents using the e-Channel service. He considered it an environmentally unfriendly practice to issue print-out slips which could only be used just once and usually contained repetitious provisions stating the limit and any other conditions of stay imposed.

17. In response, AD of Imm advised that under the Immigration Ordinance (Cap. 115), only Hong Kong permanent residents with the right of abode in Hong Kong had a legal right to enter and remain in Hong Kong and not to have any condition of stay imposed on them. All other persons required the permission of an immigration officer/assistant to land in Hong Kong. Where such permission was given to a visitor upon his arrival in Hong Kong, an immigration officer/assistant might impose on him an appropriate limit and such other conditions of stay through stamping an endorsement on his travel document. At present, visitors from most countries could enter Hong Kong without a visa and stay for seven to 180 days, depending on nationality. In some cases, an immigration officer/assistant might vary any limit of stay in respect of any person by curtailing the period during which he might remain in Hong Kong, and the Director of Immigration should in writing notify the arriving passengers of the conditions and limit of stay imposed on them. Upon such person's departure from Hong Kong, an immigration officer/assistant would examine if the visitor concerned had overstayed before stamping on his travel document and allowing him to leave. Since the limit and conditions of stay imposed on a frequent visitor or a Macao visitor entering Hong Kong through e-Channel facilities could not be issued through making an endorsement on the travel document or the Macao permanent identity card, the respective limit and conditions of stay would be issued on a print-out slip for visitors using e-Channels.

18. Mr WONG Yuk-man recalled that when the Panel was briefed on the pilot scheme on Express e-Channel in January 2009, the Administration had

Action

advised that ImmD would explore the feasibility of using optical fingerprint scanners in order to capture good fingerprint image to address the problem associated with fingerprint capturing and matching. Expressing concern about the progress made in this respect, Mr WONG enquired whether the enhancement proposals under discussion would recommend a wider use of optical scanners for fingerprint verification.

19. AD of Imm replied in the affirmative and advised that as a trial measure to reduce failure in fingerprint verification, a small quantity of optical fingerprint scanners had been installed at the Lo Wu Control Point. It was found that many of those people who had experienced difficulties in using e-Channels due to fingerprint recognition problem did not have any problem now when performing self-service immigration clearance through e-Channels. Many of the control points had been installed with this kind of fingerprint scanners.

Admin

20. Mr WONG Yuk-man and the Chairman requested the Administration to provide further information on the benefits of employing optical scanners in fingerprint verification, and how far the installation of such devices had helped reduce failure in fingerprint verification.

21. The Deputy Chairman noted that ImmD staff could access to the personal information and exit endorsement to Hong Kong already stored in the computer chip embedded in a Mainland visitor's electronic EEP and add in the chip additional data concerning the limit and conditions of stay imposed on the visitor, if and when permission was given for him to land in Hong Kong. He expressed concern about the security measures against unauthorized retrieval or alteration of personal information stored in the chip.

22. In response, AD of Imm advised that -

- (a) an electronic EEP to be issued by the Mainland authorities would contain a computer chip which stored the holder's personal information and exit endorsement to Hong Kong. ImmD would be provided with a decryption key for access to the data stored in chip;
- (b) the Mainland authorities would assign a specific location on the computer chip for ImmD of the HKSAR Government to store their data. ImmD would record in the chip the limit and conditions of stay imposed on a Mainland visitor. It should be noted that the data recorded by ImmD onto the chip would be protected by digital signature; and
- (c) the different compartments on the chip of the electronic EEPs guaranteed separation of uses from each other, so that

Action

immigration data on a chip would be protected from access by other immigration authorities/departments which had their data stored on a chip and vice versa.

23. Responding to the Deputy Chairman's enquiry about the eligibility criteria for use of the e-Channel service by Mainland frequent visitors, AD of Imm reiterated that a visitor from the Mainland was eligible to enrol for using the e-Channel service, if he had visited Hong Kong for three times or more in the preceding 12 months and held an EEP with a valid multiple-journey exit endorsement to visit Hong Kong. In processing an application for enrolment, ImmD officers would rigorously examine the EEP and endorsement of the applicant to ensure that he met the enrolment criteria, including the absence of adverse records. For those who met the enrolment requirements, ImmD officers would take photos and record their fingerprints. Personal information would be recorded in ImmD's computer system for future immigration verification. AD of Imm further advised that when an enrolled Mainland visitor used an e-Channel, the system would retrieve the enrolled information for verification. If the system could not verify the visitor's fingerprint, or detected any other problem, such as adverse records after enrolment, the visitor would not be able to pass through the e-Channel. ImmD officers would then examine the visitor.

24. The Deputy Chairman considered that ImmD should establish a mutual alert or notification mechanism jointly with its counterparts in the Mainland, Macao and other countries on frequent visitors failing to fulfil the enrolment requirements for whatever reasons, so that frequent visitors successfully enrolled for using e-Channels for self-service immigration clearance at the control points might be scrutinized closely, and approval for enrolment could be cancelled when circumstances so warranted.

V. Security matters under the "Framework Agreement on Guangdong/Hong Kong Co-operation"
(LC Paper Nos. CB(2)1633/09-10(05) to (06) & FS22/09-10)

Security-related matters

25. In reply to Mr IP Kwok-him's enquiry about the feasibility of implementing cross-boundary customs clearance at one single location, US for S advised that under the "Framework Agreement on Guangdong/Hong Kong Co-operation" ("the Framework Agreement"), the HKSAR Government and the People's Government of Guangdong Province ("the Guangdong Provincial Government") would, among others, study and innovate cross-boundary clearance mode for control points, subject to effective monitoring; put in place cross-boundary clearance arrangements for trade facilitation and security considerations; and explore the feasibility of implementing "single-

Action

window" clearance for goods and one-stop digital clearance for vehicles while keeping the independence of the individual tax zones. At this stage, the two sides had not taken any decision yet.

26. Mr WONG Kwok-kin sought further details about the Road Cargo System ("ROCARS") implemented by the Customs and Excise Department ("C&ED") since March 2010, and the merits of implementing such a system.

27. US for S advised that in launching ROCARS, C&ED put the system to a trial run in March 2010. The system, designed to facilitate customs clearance of road cargoes, was officially launched on 17 May 2010, and the mandatory implementation of which would start after an 18-month transitional period. In gist, ROCARS provided e-services for the industry stakeholders concerned to submit electronic advance cargo information to C&ED before the cargo consignment entered or exited Hong Kong by truck for customs clearance, and enabled C&ED to conduct risk profiling in advance. Under this new electronic information platform system, the cross-boundary trucks, except those selected for inspection, could enjoy seamless customs clearance at the land boundary and the cross-boundary cargo movement could be expedited at the same time.

28. Mr WONG Yuk-man noted that the two governments would, under the Framework Agreement, study means to further streamline the application procedures for professionals from Guangdong to work in Hong Kong. He expressed concern over the plan to further facilitate the admission of Mainland professionals, in particular the resultant impact on the local employment market. Mr WONG requested the Administration to provide information on the numbers of professionals admitted to work in Hong Kong through various channels, including the Admission Scheme for Mainland Talents and Professionals, in the past three years, and details of the professions they worked.

Admin

29. Referring to paragraph 3(c) of the Administration's paper, the Deputy Chairman sought clarification on the enhanced cooperation with the Guangdong Provincial Government regarding law and order.

30. In response, Chief Superintendent of Police (Crime HQ) (Crime Wing) and US for S made the following points -

- (a) the two governments would strive to strengthen the established direct communication and work meeting systems of high level officers and investigation chiefs between the Hong Kong Police Force ("the Police") and the Guangdong Provincial Public Security Department ("GDPPSD"). The two sides would continue to meet regularly through the "Guangdong-Hong Kong-Macao Tripartite CID Heads Meeting", the "Guangdong-Hong Kong-Macao Tripartite Technical Interface Meeting" and the "Guangdong-Hong Kong-Macao Meeting on Anti-Drug Abuse

Action

and Trafficking Operations" to formulate strategies and specific measures on combating cross-boundary crimes, and to exchange experience in investigating cross-boundary crimes as well as the latest techniques in forensic examination;

- (b) in addition, the Police and GDPPSD would further develop the online police cooperation platform to facilitate intelligence exchange. In August 2009, the Police, GDPPSD and the Macao Unitary Police Service signed the Memorandum of Understanding for setting up an "Electronic Communal Information Sharing Platform" for tripartite police from the three places. The platform served to provide a channel which was in compliance with the laws of the three jurisdictions to facilitate the exchange of information about police work between the three places. In 2010, the Police would provide support to GDPPSD in upgrading the software of the platform by phrases, so as to enhance the latter's efficiency in combating cross-boundary crimes; and
- (c) the Correctional Services Department ("CSD") would explore with its counterparts in the Guangdong Province regarding the establishment of a notification system for Hong Kong residents serving prison sentences in Guangdong as well as Guangdong residents serving prison sentences in Hong Kong, with a view to facilitating collaboration in the enquiries and visits of prisoners. CSD would also actively promote business exchange for the prison service to its counterparts in the Guangdong Province.

Admin

31. The Deputy Chairman requested the Administration to provide the Panel with all cooperation agreements signed in the past 15 years with the Guangdong Provincial Government, bearing impacts on the maintenance of law and order in the two places.

Corruption prevention and education

32. Mr LEUNG Kwok-hung and Dr Margaret NG asked about the details of collaboration between the Independent Commission Against Corruption ("ICAC") and the Mainland authorities under the Mutual Case Assistance Scheme ("the MCA scheme").

33. Commissioner, Independent Commission Against Corruption ("C/ICAC") and Director of Investigation (Private Sector)/ICAC responded that -

- (a) in 1990, the Guangdong Provincial People's Procuratorate ("GDPP") was designated by the Supreme People's Procuratorate ("SPP") to set up with ICAC the MCA scheme to render mutual assistance in conducting enquiries in corruption cases. GDPP was

Action

the Mainland's point of contact with ICAC on behalf of the Guangdong province and all the Mainland procuratorates. In April 2000, SPP took over the role of contact point with ICAC for cases involving all Mainland provinces apart from the Guangdong province which would continue to be liaised by GDPP; and

- (b) under the MCA scheme, ICAC and GDPP agreed to render assistance to each other in arranging witnesses to be interviewed or to testify in court on a voluntary basis, or in checking of public records. While the scope of assistance sought by either party was restricted to these areas, under no circumstances could officers of one side take enforcement actions or conduct investigation in the territory of the other side.

34. Mr IP Kwok-him noted that ICAC and GDPP had joined forces in 1995, 1998 and 2008 to publish legal guides for businessmen in Guangdong and Hong Kong, to help cross-boundary business operators understand the anti-corruption laws in Hong Kong and the Mainland. In parallel, ICAC and GDPP had been co-organizing annual corruption prevention conferences since 2008 for Small and Medium Enterprises ("SMEs") to systematically promote organizational integrity. Mr IP asked whether ICAC would continue to step up exchange and cooperation with its counterparts in Guangdong and Macao in corruption prevention and education work.

35. In response, C/ICAC and Director of Community Relations/ICAC advised that -

- (a) ICAC would continue to step up its efforts in forging closer cooperation with the Guangdong and Macao anti-corruption authorities on corruption prevention and education. Consequent to the rapid growth of cross-boundary businesses, ICAC saw a need to strengthen corruption prevention and educational support for SMEs, particularly those operating in the Pearl River Delta;
- (b) collaboration between ICAC and the Guangdong and Macao anti-corruption authorities focused primarily on two areas: exchange of anti-corruption experiences on practical issues and provision of corruption prevention services to cross-boundary businessmen. Exchange visits were conducted regularly between ICAC, GDPP, the Guangdong provincial disciplinary inspection and supervisory authorities and the Commission Against Corruption of MSAR. During these visits, efforts made by ICAC in preventive education and the institution of procedural and systems controls were shared. Similarly, officials of GDPP and the Commission Against Corruption of MSAR were invited to

Action

take part in professional training courses or seminars organized by ICAC in Hong Kong for experience sharing and exchange of views on specific topics, such as corruption prevention in private enterprises and the financial sector; and

- (c) ICAC had cooperated with GDPP since 1995 in publishing a "Guide to Businessmen in Guangdong and Hong Kong" to enhance cross-boundary businessmen's understanding of the anti-corruption laws of the two places and provide appropriate corruption prevention advice. The Guide was revised in 1999 and 2008 respectively to keep abreast with the latest development in Guangdong and Hong Kong. To deepen the partnership with Guangdong and Macao on the preventive education front, ICAC planned to update the Guide in 2011-2012 to include anti-corruption laws in Macao, so as to facilitate cross-boundary enterprises' understanding of the relevant laws in the three places and enhance corruption prevention awareness of businessmen carrying out cross-boundary investments.

36. Mr WONG Yuk-man said that to his knowledge, the Central Commission for Discipline Inspection of the Communist Party of China ("CCDI") was responsible for investigation of corruption cases in the Mainland. He asked whether ICAC had ever had any discussion and cooperation with CCDI on cross-boundary corruption cases.

37. C/ICAC replied in the negative, and stressed that SPP and GDPP were ICAC's points of contact in the Mainland regarding cross-boundary investigation work on suspected corruption cases. C/ICAC pointed out that Hong Kong and the Mainland were two separate jurisdictions. However, under the MCA scheme established between ICAC, SPP and GDPP, the requesting party could seek assistance in the interviewing of witnesses and gathering of evidence in the other party's jurisdiction in respect of corruption investigations. This cooperation proved to be effective and contributed to the successful outcome of investigation.

ICAC

38. The Deputy Chairman asked about the number of requests made in the past three years to/from SPP for mutual assistance. ICAC agreed to provide the requested information in writing.

39. The Deputy Chairman noted that the Mainland authorities also attached great importance to tackling corruption. However, in some cases, Mainlanders under investigation by ICAC had fled or had been summoned back to the Mainland for investigation by CCDI. In the absence of these key persons, ICAC would have to put on hold the investigation carried out on them in Hong Kong. The Deputy Chairman enquired whether ICAC had discussed the matter with the relevant Mainland authorities. He considered that the HKSAR

Action

Government should capitalize on the opportunities arising from the Framework Agreement to agree with the Mainland authorities on a more appropriate arrangement in order that on-going investigation conducted by law enforcement agencies in Hong Kong would not be aborted. Dr Margaret NG shared the Deputy Chairman's concern.

40. Responding to the Deputy Chairman's suggestion of establishing a referral system with the Mainland authorities, to notify GDPP or SPP of any alleged corruption cases which only involved Mainlanders but reported to ICAC, C/ICAC said that ICAC was open-minded on the proposal.

41. Mr LEUNG Kwok-hung asked whether and how ICAC would follow up cases involving Mainland residents wanted for prosecution in Hong Kong but arrested, detained or imprisoned in the Mainland, when they returned to Hong Kong some years later after their release from prison.

42. In response, C/ICAC stressed that ICAC was committed to the fight against corruption, and it was the statutory duty of ICAC to investigate into cases reported to ICAC involving any alleged breaches of the Hong Kong anti-corruption law. ICAC would conduct thorough investigation irrespective of the background or status of the suspects, and investigation against persons on ICAC's wanted persons lists would not be discontinued just because these persons were absent from Hong Kong. For cases involving Mainland residents serving a sentence of imprisonment in the Mainland, ICAC would keep in view developments of the cases and take enforcement actions against the persons concerned as and when appropriate.

(Members agreed to extend the meeting by 15 minutes.)

VI. Integrity management and behavioural guidelines of the Hong Kong Police Force

(LC Paper Nos. CB(2)1633/09-10(07) to (08))

43. The Deputy Chairman expressed reservations about the effectiveness of the integrity management initiatives pursued by the Hong Kong Police Force ("the Force"), as outlined in the Administration's paper, in managing and enhancing the integrity standard of Police officers. He considered that a more practical approach was to strengthen the capability of the Force's middle management, so that all departmental management and supervisors would pay attention to and show concern about the performance and work pressure of their subordinates, including understanding their problems and their needs for counselling services.

44. In response, Director of Management Services ("DMS") made the following points -

Action

- (a) over the years, the Force had introduced a variety of initiatives and programmes to ensure a high level of integrity among all its members. The Force's strategy for integrity management was based on a four-pronged approach, namely, education and culture building, governance and control, enforcement and deterrent, and rehabilitation and support;
- (b) to ensure that the Force's various integrity management initiatives were mutually reinforcing, supported the Force's priorities, reflected the Force's values and were able to meet public expectations, a key project of the Force's 2008-2010 Strategic Action Plan was the formulation of an Integrated Integrity Management Framework. Within the framework, a Force Committee on Integrity Management ("FCIM") had been set up at the Force level. Chaired by the Deputy Commissioner of Police (Management) and comprising senior members of the Force, FCIM formulated and developed policies to effectively promote and sustain the Force's values throughout the Force. It also identified key issues in managing police integrity and gave directions to address them, and monitored and evaluated the effectiveness of the Force Strategy for Integrity Management ("FSIM"). At the formation level, the Force had also appointed Formation Integrity Officers and set up Formation Integrity Committees;
- (c) the Force emphasized that every member of the Force was responsible for upholding the key values of integrity and honesty. Supervisors at all levels were encouraged to lead by example and to closely supervise officers whose integrity might have been brought into doubt; and
- (d) with regard to counselling services and support for officers, the Force had been providing psychological counselling, assistance and advice relating to financial difficulties, as well as other welfare and counselling services to officers in need. A rehabilitation plan was being formulated for members upon conclusion of integrity-related disciplinary reviews or disciplinary proceedings, with a view to giving appropriate advice to officers involved in cases which had not resulted in termination of service and assisting them to re-build a positive self-image. The Force was also conducting a study on how to encourage officers to provide support to peers in need so as to facilitate the latter to seek assistance as early as possible.

45. Responding to Mr LEUNG Kwok-hung's enquiry about the Force's disciplinary mechanism for handling allegations concerning staff misconduct or

Action

breaches of integrity, DMS assured Members that the Police would handle all discipline cases and breaches of integrity involving Force members in a serious manner according to the established procedures. Whenever an arrested person was not convicted and if it was ascertained that the main reason for unsuccessful conviction was due to negligence or other wrongful act or misconduct on the part of any Police officers, disciplinary actions would be taken against the officers concerned. Furthermore, the Force's management would review cases brought to their attention by prosecutors or involving complaints of alleged misconduct.

46. Mr WONG Kwok-hing expressed deep concern about the cases recently reported by the media in which Police officers were found to have left their work for rest or meal without permission or drinking alcohol while they were on duty. Mr WONG said that the incidents had aroused wide public concern about the conduct and behaviour of Police officers and tarnished the reputation of the Force. He called on the Police to take immediate actions to address the matter.

47. DMS responded that there were clear orders governing the conduct and behaviour of Police officers. Among others, drinking was not allowed when a Police officer carried or expected to carry firearms. Officers who failed to comply with the orders of the Force or to perform their duties due to the influence of alcohol would be subject to disciplinary actions. As regards the cases cited by Mr WONG Kwok-hing and the Deputy Chairman, the investigation work had already commenced. He assured Members that all allegations of misconduct on the part of Police officers would be dealt with in a serious and impartial manner.

48. US for S added that the Force had long recognized the importance of promoting and sustaining a culture of integrity and honesty as one of its core values. With the implementation of FSIM and a series of integrity management measures based on the four-pronged approach to monitor the integrity and conduct of Police officers, it was hoped that Force members' professional performance and integrity in all aspects could be enhanced.

49. In relation to the whistle-blowing system for monitoring the performance of Police officers, the Deputy Chairman expressed concern about the possible predicament, such as pressure and frustration or other forms of discrimination, faced by an officer who reported malpractice or non-compliance of other officers to the senior management. He asked whether the Force's management recognized the problem and whether there were measures to foster a culture change within the Force.

50. In response, DMS advised that a support system, notably the whistle-blowing system, was in place for the internal reporting of malpractice and corruption of other officers. It should be noted that the system was implemented with the full support of the Force's management. Over the years,

Action

the Police had considered ways to heighten the awareness of officers regarding the mechanism and to encourage them to make greater use of the system.

51. The meeting ended at 4:47 pm.

Council Business Division 2
Legislative Council Secretariat
11 August 2010