Panel on Security

List of outstanding items for discussion
(position as at 29 October 2009)

	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 (S for S) 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 (the FATF 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.

The Administration briefed the Panel on the proposed rules of court and code of practice to be made for the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) at the Panel meeting on 2 December 2008. The Rules of the High Court (Amendment) Rules 2009 (the Rules) was subsequently published in the Gazette on 9 October 2009 and tabled at the Council meeting on 14 October 2009. A subcommittee has been formed to study the Rules. The Subcommittee on Rules of the High Court (Amendment) Rules 2009 held its first meeting on 28 October 2009 to scrutinize the Rules.

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

Proposed timing for discussion

3. Provision of emergency ambulance service

At the meeting on 27 October 2008, the Panel discussed the Administration's proposal to replace emergency ambulances and further measures to improve ambulance reliability. Members requested the Administration to revert to the Panel in the 2009-2010 legislative session on the latest development of the issue, including the results of its review of the mechanism relating to allocation and replacement of ambulances.

December 2009

(See also item 16.)

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, was 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. 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 on Interception of Communications and Surveillance (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 Annual Report 2007 to CE by the Commissioner was tabled at the Council meeting on 11 February 2009. The results of study of matters raised in the Annual Report 2007 were discussed at the meetings of the Panel on 16 February and 3 March 2009.

6. 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.

Proposed timing for discussion

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.

On 11 February 2009, the Administration provided a written response to the research report prepared by RLSD on the applicability of overseas monitoring mechanisms in Hong Kong (LC Paper No. CB(2)852/08-09(01)).

7. Quality Migrant Admission Scheme

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

A supplementary information paper on the Scheme provided by the Administration (LC Paper No. CB(2)2553/07-08(01)) was circulated to members on 9 July 2008.

The Administration plans to further update the Panel in 2009 on the implementation of QMAS.

8. 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.

Proposed timing for discussion

Following the enactment of the IPCC Ordinance in July 2008, S for S had appointed 1 June 2009 as the commencement date of the Ordinance. A subcommittee formed to study the Independent Police Complaints Council Ordinance (Commencement) (No.2) Notice 2009 had completed its scrutiny of the commencement notice. The Subcommittee had requested the Administration and IPCC to revert to the Panel on Security one year after the commencement of the Ordinance on the issues arising from the Bills Committee discussions as identified above, and additionally on -

(a) the staffing and financial situation of the statutory IPCC; and

(b) the improved administrative arrangements for surprise observations conducted by IPCC members and observers.

9. 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.

At the meeting on 27 October 2008, members agreed that a subcommittee should be formed to study issues relating to the Police's practices in handling searches of detainees and enforcement in respect of vice activities impacting on sex workers. The Subcommittee on Police's Handling of Sex Workers and Searches of Detainees was formed on 15 November 2008 and has commenced its work in December 2008.

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 — To be confirmed

Proposed timing for discussion

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.

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.

At the meeting on 27 October 2008, members agreed that a subcommittee should be formed to study issues relating to the Police's practices in handling searches of detainees and enforcement in respect of vice activities impacting on sex workers. The Subcommittee on Police's Handling of Sex Workers and Searches of Detainees was formed on 15 November 2008 and has commenced its work in December 2008.

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 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.

Late 2010

		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 (ICAC) be discussed by the Panel at a future meeting.	December 2009
13.	**Policy and measures for enhancing the safety of sex workers**	
	On 2 December 2008, Hon Emily LAU suggested that the Panel should discuss the issue at a future meeting.	To be confirmed
14.	**Latest development in the provision of rehabilitative services by the Correctional Services Department**	
	At its meeting on 5 May 2009, the Panel was briefed on the latest developments in the provision of rehabilitative services by the Correctional Services Department. Members agreed that the Panel should follow up the subject in future.	To be confirmed
15.	**Employment service support for rehabilitated offenders**	
	At the meeting on 6 July 2009, Hon Audrey EU suggested that the issues raised in the referral from Duty Roster Members on employment service support for rehabilitated offenders (LC Paper No. CB(2)1957/08-09(01)) should be discussed at a future meeting.	To be confirmed
16.	**Proposed introduction of the Medical Priority Dispatch System**	
	At the meeting on 6 July 2009, the Administration briefed the Panel on its proposal for introducing in Hong Kong a Medical Priority Dispatch System (MPDS) to enhance the emergency ambulance service. The Administration advised that it would launch a four-month public consultation on the proposed MPDS. It undertook to inform the Panel of the outcome of the consultation in due course. Members agreed	1st quarter of 2010

	Proposed timing for discussion
that the Panel should follow up the subject in future.	
17. Election-related corruption reports	
When receiving the briefing by the Commissioner of ICAC at the meeting on 20 October 2009, members noted that in the first nine months of 2009, 214 election-related reports were received, of which 177 were related to the 2008 Legislative Council Election. Members expressed concern about the nature of these cases and ICAC course of action. Members agreed that the Panel should follow up the subject in future.	To be confirmed
18. Measures against cross-boundary corruption	
At the meeting on 20 October 2009, Hon Cyd HO suggested that measures taken by ICAC against cross-boundary corruption should be discussed at a future meeting.	To be confirmed
<u>Items likely to be proposed by the Administration</u>	
19. Redevelopment of Chi Ma Wan prison area	
The Administration plans to brief members on its proposal to redevelop Chi Ma Wan prison area and CSD's effort to address the problems of outdated facilities and overcrowding.	To be confirmed

Council Business Division 2
<u>Legislative Council Secretariat</u>
29 October 2009