

立法會
Legislative Council

LC Paper No. CB(2)388/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 7 June 2011, at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon James TO Kun-sun (Chairman)
Hon LAU Kong-wah, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
- Members attending** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon WONG Kwok-hing, MH
Hon KAM Nai-wai, MH
- Members absent** : Dr Hon Margaret NG
Hon Timothy FOK Tsun-ting, GBS, JP

**Public Officers : Item IV
attending**

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

Miss Shirley YUNG Pui-man
Deputy Secretary for Security

Mr LAM Kwok-leung
Assistant Commissioner of Correctional Services
(Operations)

Miss CHUNG Uson
Acting Project Director
Architectural Services Department

Item V

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

Miss Shirley YUNG Pui-man
Deputy Secretary for Security

Mr David WONG Fuk-loi
Contingency Plan Director
Security Bureau

Miss Katharine CHOI Man-yee
Principal Assistant Security for the Environment
(Energy)

Dr Liza TO May-kei
Principal Medical & Health Officer
Department of Health

Mr CHENG Kit-man
Senior Physicist
Department of Health

Mr MA Wai-man
Senior Scientific Officer
Hong Kong Observatory

Professor LEE Chack-fan
Vice Chairman, Nuclear Safety Consultative
Committee of the Daya Bay Nuclear Power Station
and Lingao Nuclear Power Station

Mr CHAN Siu-hung
Managing Director
Hong Kong Nuclear Investment Company Limited

Item VI

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

Mr CHOW Wing-hang
Principal Assistant Secretary (Security)

Mrs CHUNG LAM Wai
Deputy Director of Immigration

Mr LEUNG Wai-kwong, IMSM
Assistant Director of Immigration
(Management and Support)

Item VII

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

Mrs Millie NG
Principal Assistant Secretary for Security

Ms Louisa LAI Nga-man
Deputy Director of Public Prosecutions
Department of Justice

Attendance : Item VI
by invitation

Immigration Service Officers Association

Mr William LEE Hok-lim
Chairman

Mr NGAI Sik-shui
Vice-Chairman, External

Hong Kong Immigration Assistants Union

Mr LAU Yuk-fai
Chairman

Mr NG Ting-hi
Vice-Chairman

Hong Kong Immigration Department Staff Association

Mr WONG Tong-sing
Chairman

Mr YAU Ling
Vice-Chairman

Hong Kong Immigration Department Rank & File
General Union

Mr CHU Wai-ting
Chairman

Mr Charles HUI Chi-hung
Vice-Chairman

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

Staff in attendance : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Miss Carrie WONG
Assistant Legal Adviser 4

Mr Ian CHOW
Senior Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1916/10-11)

The minutes of the meeting held on 1 March 2011 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1672/10-11(01) to (02), CB(2)1709/10-11(01),
CB(2)1725/10-11(01), CB(2)1751/10-11(01), CB(2)1863/10-11(01)
and CB(2)1915/10-11(01))

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

- (a) letter from the Christian Zheng Sheng Association concerning the relocation of its drug treatment and rehabilitation centres;
- (b) Administration's response to the letter from the Christian Zheng Sheng Association;
- (c) response of the Transport Department to submissions from the Taxi & PLB Concern Group;
- (d) Administration's response to the submission from a member of the public relating to the Daya Bay Contingency Plan;
- (e) Administration's response to the further submission from Hong Kong Human Rights Monitor on the Trial Scheme on School Drug Testing in Tai Po District;
- (f) submission from a member of the public regarding the Trial Scheme on School Drug Testing in Tai Po District; and
- (g) Police's response to submissions from the Taxi & PLB Concern Group.

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III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1918/10-11(01) and (02))

Regular meeting in July 2011

3. Members agreed to discuss the following items at the next regular meeting scheduled for 5 July 2011 at 2:30 pm -

- (a) review of the Interception of Communications and Surveillance Ordinance (Cap. 589) and intelligence management;
- (b) review of Fire Safety Inspection and related issues; and
- (c) Police's crowd control arrangements in relation to public meetings and public processions.

List of outstanding items for discussion

4. Members agreed that as the Administration would introduce legislative amendments for the establishment of a de minimis arrangement for handling election returns with minor errors or omissions, the item "election-related corruption reports" would be deleted from the list of outstanding items for discussion.

Briefing by the Police on the manpower of crime officers at the Police Headquarters on 29 June 2011

5. The Chairman reminded members that the briefing by the Police on the manpower of crime officers would be held on 29 June 2011 at 9:00 am at the Police Headquarters.

Informal meeting to be held on 23 June 2011 to discuss draft research report on mechanisms for handling torture claims in selected jurisdictions

6. The Chairman reminded members that an informal meeting to discuss the draft research report on mechanisms for handling torture claims in selected jurisdictions with the Head, Research would be held on 23 June 2011 at 9:00 am.

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IV. Redevelopment of Tai Lam Centre for Women
(LC Paper Nos. CB(2)1918/10-11(03) and (04))

7. Under Secretary for Security ("US for S") and Assistant Commissioner of Correctional Services (Operations) ("AC of CS") briefed Members on the proposal to redevelop the Tai Lam Centre for Women ("TLCW") as detailed in the Administration's paper.

8. Noting from the Administration's paper that TLCW had a long standing problem of overcrowding and the number of penal places in TLCW would only be increased to about 300 upon completion of the redevelopment project, Ms Emily LAU enquired whether the redeveloped TLCW would provide adequate number of penal places.

9. AC of CS responded that the Administration's proposal involved an in-situ partial redevelopment of TLCW that would provide optimum penal capacity. In the past five years, the average daily penal population of TLCW was 464 and the current penal population was below 400. With the full operation of the redeveloped Lo Wu Correctional Institution ("LWCI"), some extra 30 to 40 female prisoners would soon be transferred from TLCW to LWCI. Thus, the redeveloped TLCW, which could accommodate some 360 female prisoners, should be adequate.

10. Ms Emily LAU noted from the Administration's paper that most of TLCW's core facilities were outdated. She recalled having received complaints from prisoners about insufficient number of personal computers in prisons. She enquired whether the redevelopment of TLCW included updating of facilities.

11. AC of CS advised that more facilities such as computers, a multi-media training room and a religious service room would be provided in the redeveloped TLCW.

12. Ms Emily LAU asked whether environmental-friendly and energy-saving facilities would be installed with the redevelopment of TLCW. Acting Project Director, Architectural Services Department ("APD") advised that Design and Build contracts would be awarded and the contractors would be encouraged to use renewable energy, gray water recycle, energy efficient fluorescent tubes with electronic ballast, light-emitting diode type exit sign, building energy management system, and automatic on/off switching of lighting and ventilation fan inside the lifts at the new complex.

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13. Noting TLCW was a maximum security penal institution while LWCI was a medium security institution, the Deputy Chairman enquired about the number of prisoners in TLCW that could not be transferred to LWCI. AC of CS responded that the number of persons under custody in TLCW and their security category would fluctuate. For instance, some remands might require a lower level of security after they were sentenced.

14. Noting that the redeveloped TLCW included a five to six-storey complex, the Deputy Chairman enquired whether the Administration had considered the security of such a high-rise complex. He asked whether the Administration had any plans to construct more high-rise complexes in other penal institutions to increase penal capacity.

15. APD advised that penal institutions in Hong Kong rarely had a six-storey building. Although there was a height limit for penal dormitory, such a limit was not applicable to multi-purpose facilities. AC of CS advised that security was a concern for high-rise buildings and consideration had been given to the security requirements in the design of the multi-storey complex.

16. Dr PAN Pey-chyou asked whether there was a hospital for female prisoners to give birth at the redeveloped TLCW. AC of CS advised that female prisoners would be arranged to give birth at ordinary hospitals. In case there was no one to take care of such new born child, the child could stay with his mother at TLCW until the child reached the age of three, after which they might be transferred to the Social Welfare Department.

17. Noting that TLCW had been in operation for over 40 years, Ms Emily LAU asked whether there was any other penal institutions of a similar age as TLCW. AC of CS responded that there would be 10 penal institutions having been operating for 40 years or more by 2012 including TLCW.

18. Noting from the Administration's paper that TLCW lacked sufficient activity rooms, library, computer rooms and classrooms, Ms Emily LAU asked whether the Administration had any plan to improve the facilities at TLCW and those other penal institutions reaching the age of 40 years or more.

19. AC of CS responded that the Administration would examine the need to upgrade facilities at those penal institutions. As far as TLCW was concerned, remands and prisoners who required maximum security had to be housed and managed separately. Due to space limitation, facilities such as the dining hall were currently used by these two groups

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of persons in custody at different time slots. After the redevelopment of TLCW, these two groups of persons in custody would be housed in separate complexes. More rehabilitation facilities would be provided. Ms Emily LAU requested the Administration to provide information on the location, age, penal capacity, occupancy and the redevelopment plans, if any, of the 10 penal institutions.

20. Ms Audrey EU asked whether the Administration had estimated when maximum penal capacity of penal institutions in Hong Kong would be reached. AC of CS responded that the maximum penal capacity of penal institutions in Hong Kong was 11 094 and some 800 penal places were under redevelopment, while the current penal population was 9 711. The Administration had projected that the penal population would decrease about 0.8% by 2015 and rise slightly in 2016. He envisaged that the penal population would remain stable for the coming 10 years. He explained that the projections were based on the prevailing crime rate, statistics provided by the Police and the Immigration Department and the existing penal population.

21. Mr Paul TSE considered that the Administration should take steps to alleviate the overcrowding problem at TLCW, such as by transferring inmates to LWCI or the Lai Chi Kok Reception Centre.

22. AC of CS explained that the penal population at TLCW was about 360 as compared to the designed capacity of 263. He reiterated that the population would drop to about 330 after the transfer of some 30 or 40 inmates to LWCI. The Correctional Services Department ("CSD") would make arrangements to meet increases in demand for penal places.

23. Ms Cyd HO asked how the Administration would address the penal population overcrowding problem before the completion of redevelopment of TLCW in 2016. She also enquired whether education and vocational training were provided to persons in custody in TLCW.

24. AC of CS responded that the Prisons Ordinance (Cap. 234) provided that prisoners under 21 years of age were required to receive a half-day vocational training. Adult prisoners were required to engage in useful work and they could elect to receive vocational training.

25. Ms Cyd HO strongly considered that vocational training should be provided to prisoners so that they would be able to reintegrate into society upon release. Ms HO requested the Administration to provide information on an adult prisoner's waiting time for receiving vocational

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training. The Chairman added that the Administration should also provide information on the percentage of prisoners who had applied to undergo vocational training.

26. Noting from the Administration's paper that there were Category A prisoners in TLCW, Mr WONG Yuk-man enquired whether issues relating to security, noise and air quality would be addressed during the construction period.

27. AC of CS responded that there were at present 26 Category A prisoners at TLCW and most persons in custody at TLCW were non-Category A prisoners. As there would be a considerable distance between the construction site and the persons in custody, CSD did not expect any security problem during the construction period.

28. APD advised that during construction, the contractors would be required to keep noise, dust and site runoff nuisances within established standards and guidelines through mitigation measures set out in the relevant contracts. Soundproofing devices would be deployed whenever necessary.

29. Mr WONG Yuk-man asked how CSD would prevent persons in custody from committing suicide at TLCW. AC of CS responded that security windows without hanging points were put on trial in other penal institutions and they would be used in TLCW if they were proved feasible and suitable. CSD and ASD would also explore other ways to prevent suicide at TLCW.

30. The Chairman concluded that members supported in principle the submission by the Administration of the proposal to the Public Works Subcommittee.

V. Daya Bay Nuclear Power Station Notification Mechanism
(LC Paper Nos. CB(2)1918/10-11(05) and (06))

31. US for S briefed Members on the progress of review on the notification mechanism for non-emergency licensing operational events ("non-emergency events") at the Daya Bay Nuclear Power Station ("DBNPS"), the follow-up measures relating to the Fukushima nuclear accident ("the Fukushima accident"), as well as the arrangements for conducting a comprehensive review of the Daya Bay Contingency Plan ("DBCP") and planning a large-scale exercise, as detailed in the Administration's paper.

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32. US for S informed Members that through the Emergency Monitoring and Support Centre, the Administration had launched a series of initiatives to closely monitor the aftermath of the Fukushima accident. The Hong Kong Observatory reported that no abnormal level of radiation had been detected in its radiation monitoring network. The Centre for Food Safety and the Agriculture, Fisheries and Conservation Department had been closely monitoring imported food, especially that from Japan. Food from five areas of Japan had been banned from importing into Hong Kong. The Customs and Excise Department had been monitoring Japanese goods to ensure that they were radiation-free. The Administration would disseminate, through its website, accurate and timely information and advice to the public.

33. Noting that the Japanese Authority had expanded full countermeasures from within a zone of 20 km radius around the Fukushima nuclear power station to 30 km, Mr CHAN Hak-kan asked whether the Administration would consider adopting similar measures in Hong Kong when there was a nuclear incident at DBNPS.

34. US for S advised that the Administration was reviewing the coverage of full countermeasures around DBNPS. In Hong Kong, Ping Chau fell within the zone of 20 km radius from DBNPS, whereas Tai Long Wan, High Island Reservoir, Grass Island, Hoi Ha, Lai Chi Wo and Wong Shek Pier fell within the zone of 30 km, and the population involved was approximately 1 000. The Administration would closely monitor the development in the Ministerial Conference on Nuclear Safety ("the Conference") to be held by the International Atomic Energy Agency ("IAEA") from 20 to 24 June 2011. The Conference was aimed at making a preliminary assessment of the Fukushima accident, identifying areas of global nuclear safety framework for review and identifying possible future actions.

35. Mr CHAN Hak-kan expressed concern about media reports questioning the emergency preparedness capability of DBNPS and the Lingao Nuclear Power Station ("LNPS"). He requested the Administration to advise on the countermeasures in the event of a serious nuclear incident at DBNPS or LNPS.

36. Managing Director of the Hong Kong Nuclear Investment Company Limited ("MD of HKNIC") advised that immediately after the Fukushima accident, the Central government had ordered a comprehensive nuclear safety review on all Mainland nuclear power

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stations in operation and those under construction. Both DBNPS and LNPS had been inspected in April 2011. Preliminary observations indicated that both DBNPS and LNPS met national and international nuclear safety standards. Depending on the outcome of the reports on the causes and consequences of the Fukushima accident and recommendations by the Conference, existing nuclear facilities including DBNPS and LNPS would be assessed and modified where necessary.

37. Mr CHAN Hak-kan asked whether DBNPS and LNPS could withstand an earthquake or tsunami similar to those in the Fukushima accident. MD of HKNIC responded that with cautious site selection, DBNPS and LNPS were located away from earthquake zone and were naturally protected by outlying islands that the impact of earthquakes and tsunamis would be minimal. Nevertheless, nuclear safety experts were studying emergency response initiatives at DBNPS and LNPS in the event of other natural disasters such as massive typhoons or flooding.

38. Mr CHEUNG Man-kwong expressed concern that countries such as Germany, Italy, Malaysia, Thailand and Switzerland had decided to cease using nuclear power in the foreseeable future, while the remaining service life of DBNPS was about 23 years. He asked whether the Administration would consider ceasing the use of electricity generated from nuclear power station when DBNPS reached the end of its service life 23 years later.

39. Principal Assistant Security for the Environment (Energy) advised that the Administration would closely monitor global nuclear power development and IAEA's direction on nuclear power development. The Administration was reviewing the future sources of fuel for electricity power generation in Hong Kong. The Administration would continue to uphold its energy policy objectives to ensure reliable, safe and efficient energy supplies at reasonable prices, while minimizing the environmental impact caused by the production and use of energy.

40. Noting that the Daya Bay Nuclear Power Operations and Management Company Limited ("DNMC") would notify HKNIC within two working days of any non-emergency licensing operational event at DBNPS once it was discovered and confirmed, Mr WONG Kwok-hing commented that the notification time limit should be further shortened to 48 hours to minimize any possible delay because of non-working days. His view was shared by the Deputy Chairman and Mr WONG Yuk-man. US for S responded that the suggestion was under consideration by DNMC.

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41. Mr WONG Kwok-hing enquired about the progress of preparation of the large-scale exercise referred to in paragraph 11 of the Administration's paper. Contingency Plan Director, Security Bureau ("CPD") responded that the Administration would revise DBCP with reference to the developments in the Conference on the Fukushima accident and hoped to complete the review within 2011. A large-scale and comprehensive inter-departmental exercise would be conducted in early 2012 based on the revised DBCP to test the preparedness and response capability of various government departments. The government departments concerned would be requested to review and update their own departmental plans. The Administration would make public the revised DBCP. It would also enhance the general public's knowledge of nuclear and radiation safety so that they would be aware of the various protective measures to be taken in case of nuclear incidents. The Administration would provide the Panel with the revised DBCP, when available.

42. Mr WONG Yuk-man and Ms Emily LAU asked whether the notification mechanism would be extended to LNPS. US for S responded that the suggestion was under consideration by DNMC.

43. Mr WONG Yuk-man asked whether members of the public were made aware of the existing DBCP. He asked whether members of the public had participated in the exercise in the past. He also asked whether the Administration would consider launching future exercises involving participation of members of the public on a regular basis.

44. CPD advised that the current DBCP had been uploaded onto the home page of the Security Bureau. In the past, only the few residents of Ping Chau were covered in the evacuation arrangements and they were not involved in past exercises. The Administration would suitably involve relevant members of public in the exercise to be carried out in early 2012, assess the outcome for further review and set out the direction for carrying out future exercises, including the frequency and the extent of public participation in future exercises.

45. Ir Dr Raymond HO declared that he was the chairman of the Nuclear Safety Consultative Committee ("NSCC") of DBNPS. He informed Members that he was a member of a delegation led by the Secretary for the Environment that attended a meeting with the National Nuclear Safety Administration in April 2011 in Beijing. At the meeting, he had made a request for extending the DBNPS notification mechanism to LNPS. He had also made the same request at the meeting of NSCC in May 2011.

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46. Noting that some members of the public had purchased massive amount of salt merely because of rumours about the capability of salt in reducing a person's absorption of radiation, Ms Emily LAU asked how the Administration would educate the public on nuclear and radiation safety.

47. US for S responded that DBNPS was approximately 50 km away from the main urban area of Hong Kong. There were many nuclear power stations located closer to residential areas in other countries. For example, the population within 30 km of nuclear power stations was 2.2 million in Toronto of Canada and around 700 000 to 1 million in Europe. The Administration would study the experience of these countries in the dissemination of information and education of the public in nuclear and radiation safety.

48. In response to Ms Emily LAU's question on the latest situation in respect of the Fukushima accident and its impact, Senior Physicist of the Department of Health ("SP of DH") advised that the Japanese authorities had announced that the situation was basically under control. Cooling water supply for all of the six reactor units in the Fukushima nuclear power station had been maintained. The reactor cores of reactor units 1 to 3 had suffered from different degrees of melt-down and radioactive substances had been released to the environment. Reactor units 4 to 6 were basically intact. Three nuclear power station workers had died of non-radiation related causes while on duty. 20 workers were injured while on duty and two other workers had been exposed to radiation doses exceeding the occupational control limit of Japan. Japan had classified the accident as a level 7 accident on the International Nuclear and Radiological Event Scale, which was the highest level. The Japanese authorities had adopted measures to evacuate residents within the 20 km zone around the nuclear power station and requested residents living within the zone between 20 km and 30 km from the nuclear power station to take shelter. As far as radioactive materials in the Fukushima area were concerned, the amount of Iodine-131 had dropped while Caesium-137 would remain in the environment for a considerable period of time. Radioactive materials in the sea had decreased and radiation level at places more than 30 km from the nuclear power station had dropped to levels comparable but slightly higher than before the accident. The 10 radiation monitoring stations operated by the Hong Kong Observatory had not detected any abnormal level of radiation since the nuclear accident.

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49. The Chairman opined that unlike other places, Hong Kong's residents had nowhere to evacuate in the event of a nuclear accident at DBNPS. He urged the Administration to convey his concern to the Mainland authorities when selecting sites for nuclear power station in the future. He queried whether the Administration could draw useful reference from foreign countries where residents could evacuate to other places of those countries when revising DBCP.

50. US for S responded that when reviewing DBCP, the Administration would have regard to the particular circumstances of Hong Kong.

51. The Deputy Chairman opined that DBCP should cover the entire territory of Hong Kong regardless of the distance from DBNPS. US for S responded that DBCP did cover the entire territory of Hong Kong and appropriate enhancements would be considered in the review. Vice Chairman of NSCC advised that it was an international practice to adopt countermeasures against ingestion of contaminated food, water or milk within a zone of 20 km to 50 km from the nuclear power station. The revised DBCP should focus more on education of the public on the ingestion countermeasures rather than evacuation.

52. Noting that since the Mainland was the major source of food and water supply to Hong Kong, Ms Cyd HO asked how the Administration would ensure a safe and stable supply of food and water to Hong Kong in the event of a nuclear incident at DBNPS.

53. US for S responded that the Administration had been regularly monitoring food safety. Food was supplied from different parts of the Mainland and other parts of the world. Shenzhen was not necessarily the major source of food supply for Hong Kong.

54. The Chairman and Ms Cyd HO requested the Administration to provide a breakdown of sources of fresh food supply, including milk products, to Hong Kong, including the percentage of the suppliers within 30 km from DBNPS.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(2)2433/10-11(01).)

55. At the request of members, US for S agreed to provide the Panel with information on IAEA's conclusions and suggestions at the Conference.

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(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(2)2435/10-11(01).)

VI. Manpower situation of the Immigration Department

(LC Paper Nos. CB(2)1598/10-11(01) to (02), CB(2)1778/10-11(01), CB(2)1837/10-11(01) and CB(2)1918/10-11(07) to (08))

56. US for S and Deputy Director of Immigration ("DD of Imm") briefed Members on the manpower arrangement of the Immigration Department ("ImmD") as detailed in the Administration's paper.

57. Mr William LEE presented the views of four ImmD staff associations and informed the Panel that they had all along been maintaining close communication with ImmD, the Security Bureau and the Civil Service Bureau on the manpower arrangement of ImmD. They were of the view that the increase of ImmD manpower was not proportionate to the workload of ImmD. ImmD staff had been working under enormous difficulties due to shortage of manpower.

58. The Deputy Chairman noted from Annex I and Annex III to the Administration's paper that the establishment of uniformed staff in ImmD would be increased by 49 from 2009-2010 to 2011-2012 while the overall passenger traffic, including Hong Kong residents and visitors, had increased by almost 20 million from 2009-2010 to 2010-2011. He opined that the Administration should draw up a long-term plan for the staff establishment of ImmD, having regard to the projected workload. He queried whether the recruitment of 240 staff by ImmD in 2011-2012 could address the staff shortage problem.

59. US for S responded that the Administration was concerned about the manpower arrangement of ImmD and would proactively assess its manpower needs. The Administration had a long-term plan to set up more control points and increase manpower for ImmD. ImmD would discuss with its staff the ways to alleviate pressure resulting from heavy workload.

60. The Deputy Chairman enquired how ImmD would deploy its manpower in the event of computer system failure at control points. He asked whether there was underuse of the Automated Vehicle Clearance Systems at control points.

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61. DD of Imm advised that ImmD had commissioned a review of its Information Systems Strategy with a view to improving the operation efficiency of its information technology infrastructure. She said that ImmD would step up promotion for the Automated Vehicle Clearance Systems at the control points.

(Members agreed to extend the meeting by 25 minutes.)

62. Noting from the joint submissions of the four ImmD staff associations that there was strong dissatisfaction over the manpower shortage problem in ImmD, Ms Emily LAU asked if the staff associations still maintain such a view.

63. Mr William LEE explained that the management of ImmD had met with the staff associations to discuss ImmD's manpower situation after receiving their submissions. They noted that the Administration had pledged to speed up their study on ImmD's manpower demand at the meeting. Mr NGAI Sik-shui added that there was a pressing need to strengthen manpower at boundary control points.

64. Mr CHU Wai-ting opined that the mechanism for assessing the manpower requirement in ImmD should be reviewed to ensure timely provision of additional manpower to meet increase in workload. He said that at least 300 additional immigration staff were needed.

65. Ms Cyd HO called on the Administration to increase the manpower of ImmD as soon as possible. She expressed concern about media reports that over 50% of immigration staff had their accumulated annual leave reaching the limit of 180 days.

66. Assistant Director of Immigration (Management and Support) ("AD of Imm") said that an immigration staff member was entitled to at least one long vacation leave in a year. A higher priority to take vacation leave would be given to those immigration staff with leave accumulation close to their limits. This arrangement would not cause immigration staff to have any loss in their accumulated leave. He informed Members that immigration staff had an average accumulated leave of 110 days in 2008 and 2009, and 108 days in 2010.

67. Mr William LEE said that it was more difficult for immigration assistants to take long vacation leave due to resource constraints. The middle management of ImmD found it difficult to strike a balance between granting vacation leave to immigration assistants and maintaining adequate manpower for provision of efficient service.

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68. Mr LAU Yuk-fai said that heavy workload had caused immigration staff to delay taking vacation leave until their leave was about to reach the accumulation limit.

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69. The Chairman expressed grave concern about the average accumulated leave of immigration staff reaching 110 days in recent years. He requested the Administration to provide additional manpower to ImmD and provide a progress report in about four months' time. Ms Emily LAU added that the Administration should provide information on ImmD's request for additional manpower in the next resource allocation exercise. The Deputy Chairman requested the Administration to provide information on its short-term and long-term plans to meet the manpower needs of ImmD.

VII. Rules and directions for the questioning of suspects and the taking of statements : caution statement

(LC Paper Nos. CB(2)1610/10-11(03) and CB(2)1611/10-11(05))

70. US for S briefed Members on the Administration's position on proposed amendments to the caution statement administered by law enforcement agencies when interviewing a suspect, as detailed in the Administration's paper.

71. The Chairman opined that in line with the spirit of the Judges' Rules, the caution statement should remind a suspect of his rights when being questioned. The meaning of the Cantonese version "唔係是必要" in the first part of the caution statement was ambiguous and did not explain clearly the rights of the suspect and hence should be amended. He considered that the caution statement should contain the element of "you have the right not to give a statement", "you have the right to silence and not giving a statement" or "remaining silent will not be evidentially detrimental to you". Mr Paul TSE shared the view that the suspect should be reminded of his rights in an interview. However, he shared the Administration's view that remaining silent might generate unintended detriment to a suspect in some situations.

72. The Deputy Chairman considered that the existing caution, which had been in use for many years, did not deprive a suspect of the right to silence. He considered it unnecessary to amend the existing caution statement.

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73. The Chairman asked whether the existing caution had been translated into foreign languages and Putonghua. US for S responded that where a suspect who did not speak Cantonese was questioned, the meaning of the Cantonese version of the caution statement would be translated into other languages or Putonghua. The Chairman requested the Administration to provide members with the Putonghua version of the caution statement.

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74. The meeting ended at 5:25 pm.

Council Business Division 2
Legislative Council Secretariat
23 November 2011