

# 立法會

## *Legislative Council*

LC Paper No. CB(2)2265/10-11

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### **Report of the Panel on Security for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Security ("the Panel") during the 2010-2011 session of the Legislative Council ("LegCo"). It will be tabled at the Council meeting of 13 July 2011 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

#### **The Panel**

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to security, public order, corruption-related matters and nationality and immigration matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 22 members in the 2010-2011 session, with Hon James TO and Hon LAU Kong-wah elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

Daya Bay Nuclear Power Station Notification Mechanism and government contingency measures in relation to the Fukushima nuclear plant incident

4. Arising from an event which occurred at Guangdong Nuclear Power Station ("GNPS") on 23 October 2010 ("the October event") and the Fukushima nuclear power plant incident in March 2011, the Panel discussed the Daya Bay Nuclear Power Station ("DBNPS") Notification Mechanism and the government contingency measures in relation to the Fukushima nuclear plant incident.

*Review of the notification mechanism and appointment of government officials to the Daya Bay Nuclear Safety Consultative Committee ("NSCC")*

5. Members called on the Administration to conduct an overall review of the mechanism for the relevant parties to notify the Administration of nuclear emergencies at power stations in Daya Bay as well as the Daya Bay Contingency Plan. There were suggestions that the relevant authorities of the Mainland should notify the Hong Kong Special Administrative Region ("HKSAR") Government of all nuclear incidents in the power stations regardless of their severity, including those classified under the International Nuclear Event Scale ("INES") as Level 0 or Level 1 events. Additionally, the Administration should explore with the Daya Bay Nuclear Power Operations and Management Company Limited ("DNMC") the possibility of appointing government officials to NSCC, so as to increase the participation of the HKSAR Government in the monitoring of the safety situation of the two nuclear power stations in Daya Bay.

6. In January 2011, the Administration informed members that in order to further enhance the transparency of the operation of the nuclear power station, the HKSAR Government had reached a consensus with the Hong Kong Nuclear Investment Company Limited ("HKNIC") and the Mainland shareholder of the power station, the China Guangdong Nuclear Power Holding Company Limited ("CGNPC"), on the notification of non-emergency events at DBNPS. DNMC would notify HKNIC within two working days of any non-emergency event at DBNPS once it was discovered and confirmed. After confirming the information upon thorough investigations, HKNIC would disclose supplementary information, including the process of the event, actual impact and follow-up actions, through its website as soon as possible.

7. Some members considered that the notification time limit should be further shortened to 48 hours to minimize any possible delay because of non-working days.

8. The Administration advised that with a view to enhancing transparency in the operations of DBNPS and public confidence in nuclear safety, the HKSAR Government had been discussing the enhancement proposals put forward by members with CGNPC, which was actively examining the feasibility.

*Comprehensive tests on the Daya Bay Contingency Plan*

9. When the contingency measures and Outbound Travel Alert in relation to the nuclear power plant incident in the Fukushima Prefecture of Japan was discussed at the Panel meeting on 19 March 2011, members noted that comprehensive tests on the Daya Bay Contingency Plan were conducted in November 1990, May 1993, December 1996 and February 2001 under the observation of IAEA or other international experts. Members were concerned that comprehensive tests on the Daya Bay Contingency Plan had not been conducted since February 2001 and the next comprehensive test was scheduled to be held in 2012. Members considered that the next comprehensive test should be advanced to 2011.

10. The Administration advised that large-scale exercises involving public participation were conducted before the 2008 Olympic Equestrian Events and 2009 East Asian Games. Different kinds of inter-departmental exercises were also conducted from time to time. Before conducting the next comprehensive test, the Administration would consider whether the Daya Bay Contingency Plan should be revised, having regard to the experience of Japan in handling the nuclear power plant incident in Fukushima Prefecture.

Outbound Travel Alert ("OTA") for Hong Kong travellers

11. The Panel continued to follow up the operation of OTA for Hong Kong travellers. Members noted that the Administration had, after a review of OTA, expanded the coverage of OTA from 60 countries to 80 countries on 24 February 2011. To facilitate timely revision of the OTA system, the Administration would review OTA every six months. To facilitate the provision of assistance to Hong Kong residents in distress outside Hong Kong, the Immigration Department ("ImmD") had launched at the end of 2010 the Registration of Outbound Travel Information Service for Hong Kong residents to register their itineraries and contact details before departure from Hong Kong.

12. Some members were concerned that the OTA webpage of the Security Bureau ("SB") provided very little information about outbound travel to Libya, apart from providing the hyperlinks to relevant information in the websites of the Ministry of Foreign Affairs and governments of other countries. They considered that OTA should not only cover Hong Kong travellers' destination hotspots and the OTA coverage of 80 countries was too narrow. They sought information on the criteria for issuing different levels of OTA.

13. The Administration advised that although Libya was not under the coverage of the OTA system, information about the situation in Libya was provided under "Other Information" in SB's OTA webpage. It had issued press releases on the risk of travel to Libya. It was monitoring the situation of countries or places that might pose threats to travellers even if they were not under the coverage of the OTA system. The major factors taken into consideration in determining OTA level included level of threat to personal safety, duration of the threat, whether the threat was targeted at tourists and whether the place was visited by many Hong Kong residents.

#### School drug testing

14. The Panel was briefed on the results of the Trial Scheme on School Drug Testing in Tai Po District ("the Scheme") and the way forward. Members were informed that the Administration had commissioned a professional research organization to evaluate the effectiveness of the Scheme and the findings indicated that the Scheme generally achieved the declared dual objectives of prevention and rendering support for students troubled by drugs. The Scheme would be continued in the 2010-2011 school year. There were concerns that the Administration had not given sufficient weight to prevention of drug abuse at home notwithstanding the recommendation of the Task Force on Youth Drug Abuse. Members sought information on the measures to enhance parental involvement in anti-drug work.

15. According to the Administration, a number of briefing sessions had been organized for parents to facilitate their understanding of the purposes of the Scheme. Assistance and advice had also been provided to parents through principals, teachers and social workers. Through the Scheme, communications between schools and parents had increased, thereby fostering closer home-school cooperation.

Police's handling of public meetings and public processions and prosecution of assault on Police officers

16. During the session, the Panel continued to monitor the Police's handling of public meetings and public processions. Grave concern was raised over the criteria adopted by the Police in the imposition of restrictions on demonstration objects and use of pepper spray against demonstrators. Some members called on the Administration to alter and reduce or remove the planter at the through zone on Connaught Road West outside the Liaison Office of the Central People's Government in the HKSAR so as to provide for a demonstration and press area outside the Liaison Office to facilitate the expression of opinions by members of the public. The Administration advised that the Commissioner of Police might impose conditions on a notified public meeting or procession to ensure that public order and safety would be preserved at the event concerned. Conditions imposed on a public meeting or procession might include restrictions on demonstration objects. When participants of public meetings or processions start crushing the Police defence line by using violence, and after exhausting practicable options to stop the use of violence, Police officers were still unable to control the protestors' active aggression, the Police might resort to the use of pepper spray to defend attack from protestors, or to prevent protestors from charging the Police cordon line. When pepper spray was used, the relevant officers should give verbal warning first if circumstances permitted.

17. Members were concerned about the prosecution policy in respect of cases of assault on Police officers. They were concerned that prosecution were instituted under section 63 of the Police Force Ordinance (Cap. 232) in some cases and section 36(b) of the Offences Against the Person Ordinance (Cap. 212) in other cases. The Administration advised that for cases involving assaults on Police officers, in deciding whether prosecution should be instituted and, if so, the provision under which prosecution was to be instituted, the Police would take into account circumstances of the criminal conduct involved and the evidence collected and where necessary, obtain legal advice from the Department of Justice. Prosecutors of the Department of Justice would make the decision to prosecute in respect of each case independently in accordance with established principles set out in the Statement of Prosecution Policy and Practice. The Police had consulted the Department of Justice in relation to the prosecution of cases involving assault on police officers and issued internal guidelines in August 2010

based on the recommendations of the legal advice. The guidelines required all frontline officers to seek legal advice from the Department of Justice if they intended to proceed with a charge pursuant to section 36(b) of the Offences against the Person Ordinance.

#### Enforcement against the smuggling and sale of illicit cigarettes

18. The Panel was very concerned about the smuggling and sale of illicit cigarettes. Members generally considered that the problem of smuggling and sale of illicit cigarettes was serious and the Customs and Excise Department ("C&ED") should step up enforcement against such activities. Noting that the Anti-Illicit-Cigarette Investigation Division of C&ED had an establishment of 35 officers, members called on the Administration to increase the staff establishment of the Division.

19. According to the Administration, C&ED worked closely with the Mainland and had strengthened the gathering of intelligence to combat cross-boundary cigarette smuggling activities at source. At street level, enforcement would be strengthened, including conducting raids targeting at black spots for illicit cigarette storage, smuggling, distribution and peddling as well as mounting undercover operations against illicit cigarette peddling through telephone order. Random checks on incoming passengers at control points would also be stepped up to prevent "couriers" from smuggling in illicit cigarettes by means of "ants moving home" tactics.

#### Interception of communications and surveillance

20. The Panel continued to monitor interception of communications and surveillance and discussed the results of the Administration's study of matters raised in the Annual Report 2009 of the Commissioner on Interception of Communications and Surveillance ("the Commissioner") to the Chief Executive ("Annual Report 2009").

21. Members noted that in 2009, the Commissioner received two reports, which involved three prescribed authorizations, on inadvertent obtaining of information which contained journalistic material. They sought clarification on whether there were any other cases, since the implementation of the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO"), where journalistic material had been obtained in consequence of interception or surveillance carried out pursuant to a prescribed authorization. Some members were concerned

about the measures to protect the source and content of the journalistic material. They considered that the Administration should have a clear and well defined policy regarding the protection of journalistic material against access by law enforcement agencies ("LEAs") for the purpose of investigation.

22. The Administration advised that other than the two cases mentioned in Annual Report 2009, there was no report in the past from LEAs of any case where journalistic material was obtained in consequence of interception or surveillance carried out pursuant to prescribed authorizations. Regarding the protection for journalistic material, ICSO required an applicant seeking authorization for interception or covert surveillance to state in the affidavit or statement in writing in support of the application the likelihood that any information which might be subject to legal professional privilege, or might be the contents of any journalistic material, would be obtained by carrying out the interception or covert surveillance. This allowed the relevant authority to take account of these factors when considering whether the issue of a prescribed authorization met the conditions set out in ICSO. For those cases which were assessed by a panel judge to have journalistic material implications, additional conditions were imposed to better protect the freedom of the media.

23. Some members were concerned whether the Administration would amend ICSO to enable panel judges and the Commissioner to access interception products.

24. The Administration advised that its comprehensive review of ICSO was underway. It would take into account the advice and comments of the Commissioner, panel judges and members in working out the review recommendations and legislative proposals. While the Administration was committed to maintaining the effectiveness of LEAs in combating serious crimes and protecting public security, it would continue to strive for improvement in the operation of ICSO.

25. Some members strongly opposed the present arrangements of appointing senior judges as panel judges for the purpose of considering applications for prescribed authorizations to conduct interception and covert surveillance operations. Expressing concern about the implications of the appointment arrangements, including the role and independence of the panel judges, they urged the Administration to address the issue in the comprehensive review of ICSO.

26. The Administration advised that checks and balances were built into the ICSO regime to ensure that a balance was maintained between protecting the privacy of individuals and allowing LEAs to conduct interception and covert surveillance operations for the purpose of prevention and detection of serious crimes and protection of public security in warranted circumstances. Whenever an application was made to the relevant authority (panel judge or authorizing officer) for a prescribed authorization, the relevant authority would assess whether the conditions for the issuance of the prescribed authorization as set out in ICSO were met. Applications for renewal of prescribed authorizations were also subject to stringent requirements.

#### Privacy compliance assessment for the Smart Identity Card System

27. Noting that the Privacy Commissioner for Personal Data ("PCPD") had conducted a privacy compliance audit ("PCA") on the smart identity card system, the Panel discussed the recommendations in the PCA report.

28. Concerns were raised on the findings in the PCA report that ImmD staff had not been provided with sufficient guidelines and training on privacy protection. Members sought information on whether refresher training courses were provided to existing ImmD staff on a regular basis.

29. According to the Administration, all new staff of ImmD were provided with training on privacy protection. Refresher training courses were provided to all staff on a regular basis. Instructions and guidelines specific to a post were also provided to ImmD staff before posting. Circulars, orders and guidelines were circulated to all ImmD staff on a half-yearly basis. In response to the findings of PCPD, training sessions on personal data protection had been conducted for ImmD staff between September and November 2010. Such training would also be provided to all new staff.

#### Police's measures against cross-boundary deceptions

30. Cross-boundary deceptions were of grave concern to the Panel. The Panel noted that the Police adopted a four-pronged strategy to combat cross-boundary deceptions, including conducting intelligence-led operations with prompt and effective investigations, maintaining close liaison with the Mainland and overseas LEAs, implementing preventive and educational measures and maintaining close contact with various



sectors concerned and advising them to stay alert.

31. Members called on the Police to step up its efforts to prevent all forms of deception through enhanced publicity and education. The Police should consider publishing a booklet with exemplary cases featuring the *modus operandi* adopted by fraudsters in different types of deception, to enhance the public's understanding of the subject.

32. According to the Police, it had been organizing territory-wide public education and publicity programmes to enhance the public's awareness of deception cases commonly found in Hong Kong.

Follow-up on the incident in the Philippines on 23 August 2010 involving a tour group from Hong Kong

33. The follow-up work on the tragic incident involving a 21-member Hong Kong tour group to Manila remained high on the agenda of the Panel. Members were greatly distressed that eight Hong Kong residents were killed and seven injured in the incident. Members considered that the Philippine Government had moral as well as legal responsibilities to offer the injured and the family members of the deceased a sincere apology and reasonable compensation. They noted that the Philippine Government had set up an Incident Investigation and Review Committee ("IIRC") on 30 August 2010 to investigate into the causes and sequence of events leading to the incident, to determine the accountability of those involved and to evaluate the action and response taken by relevant government departments. On 20 September, the Philippine Government released part of the report, which mainly covered the causes and sequence of events leading to the incident, as well as comments on those handling the incident.

34. Members noted that after the Police of the HKSAR had submitted a report on its investigation into the incident to the Coroner on 5 November 2010, the Coroner determined on 30 November 2010 that a death inquest into the incident should be conducted. The Coroner issued summons to 116 Philippine witnesses in mid-December 2010. On 20 February 2011, the Vice-Consul of the Consulate General of the Philippines in Hong Kong informed the Coroner that 72 witnesses decided not to testify in the inquest while the rest of the witnesses had yet to reply. Members were gravely concerned about the large number of Philippine witnesses who decided not to testify in the inquest. They called on the Administration to seek the assistance of the Central Authorities to urge the Philippine

Government to take all necessary actions to arrange the Philippine witnesses to testify in the inquest.

35. According to the Administration, the Chief Secretary for Administration met with the Consul-General of the Philippines in Hong Kong on 3 March 2011 to urge the Philippine government to take all necessary actions to assist the death inquest. The HKSAR Government had been following up with the Philippine authorities through the Consulate General of the Philippines in Hong Kong on the matter and urging the Philippine authorities to give a prompt response. Eventually, 10 witnesses in the Philippines had testified in the death inquest through video link. The inquest was completed on 23 March 2011 and concluded that the eight Hong Kong residents were unlawfully killed.

#### Handling and dissemination of information relating to terrorist threat level

36. Arising from media reports that according to Wikileaks, there was intelligence in 2008 suggesting that Hong Kong was a possible target of terrorist attacks and media reports about inconsistencies in the information provided to the media by the Secretary for Security and the Director of Immigration regarding the terrorist threat to Hong Kong during the 2008 Olympic Equestrian Events, the Panel discussed the handling and dissemination of information relating to terrorist threat level. Members were concerned about how intelligence and information suggesting Hong Kong being a target for terrorist attacks were assessed and whether the Administration would make public announcement, regardless of the threat level against which Hong Kong was assessed.

37. The Administration advised that whenever Hong Kong came under the threat of terrorist attacks, the Administration would carefully consider the need for making public announcement. It had a responsibility to ensure that the content of the alert was clear, accurate and well substantiated. In deciding whether to issue a terrorist threat alert, the Administration would take into account the confidentiality of the source of intelligence. It had to avoid revealing Hong Kong's capability and strategy in counter-terrorism or leaking information which might be of strategic value to the terrorists.

Manpower situation of ImmD and measures to facilitate immigration clearance at boundary control points

38. Noting a significant increase in the number of arriving passengers in the first 11 months of 2010, in particular that of Mainland visitors which stood at 27.4% as compared with the same period in 2009, members were concerned about the Administration's measures to facilitate immigration clearance of passengers and to alleviate the work pressure on staff of ImmD, apart from extending the e-Channel service to frequent Mainland visitors and arranging more staff to work overtime during the peak periods. Members noted that while the overall passenger traffic at boundary control points increased by 7.5% from 2008-2009 to 2010-2011, the establishment of uniformed staff of ImmD had only increased by 1% during the same period. Members considered that the Administration should introduce short-term and long-term measures to address the manpower shortage problem and cope with the increase in passenger traffic at boundary control points.

39. According to the Administration, to cope with the anticipated surge in passenger traffic, it had been adopting a number of measures to strengthen the handling capacity of boundary control points. For example, it planned to increase the number of e-Channels from 20 to 46 at the Lok Ma Chau Control Point. With the installation of additional e-Channels, there would be a total of 96 immigration clearance counters, including e-Channels and traditional counters, at the Lok Ma Chau Control Point. In the longer term, ImmD would move towards the direction of automation to improve operational efficiency. From 2012 onwards, the Mainland authorities would issue electronic "Exit-Entry Permits for Travelling to and from Hong Kong and Macao" ("e-EEP") to Mainland residents travelling to Hong Kong and Macao by phases. ImmD had secured funding approval from the Finance Committee in July 2010 for upgrading the computer system and installing facilities to enable eligible and enrolled Mainland visitors to use the e-Channel service with their e-EEP. ImmD aimed to recruit 240 staff in 2011-2012. It expected that the manpower stringency situation would improve after new recruits assume duty following completion of induction training. ImmD would also continue to cater for the overall operational needs through enhancement of automatic clearance systems, optimization of business process and flexible staff deployment. It would seek additional manpower and other resources as necessary through the annual resource allocation exercise.

Review on the procurement of fire services equipment

40. The Panel continued to follow up the procurement of fire services equipment and discussed the findings of a management study conducted by the Efficiency Unit ("EU") on procurement and related management of the Fire Services Department ("FSD").

41. Members considered that the recommendations proposed by EU in its study report should be implemented without delay. They sought information on the timetable for implementing the proposal of formation of a dedicated Procurement Group, and whether interim measures for procurement of fire services equipment would be adopted before its establishment and the full implementation of EU's recommendations.

42. The Administration advised that EU had, among others, proposed that a dedicated Procurement Group be set up by reorganizing FSD's Safety and Logistics Group and creating new posts. To follow up on this specific improvement measure, the Administration had embarked on the preparatory work, with a view to completing the reorganization in April 2011. Before the commissioning of the integrated computer system, as a short-term measure to improve the replacement process of uniforms, FSD would make arrangement for their personnel to place order electronically and build up comprehensive records on the consumption and inventory level of individual sizes of uniforms, including fire tunics and over trousers.

43. Members were concerned whether all frontline firemen were provided with hand-held communication devices during fire fighting and rescue operations, and whether all the fire tunics and overtrousers for replacement had been delivered and provided to firemen. Concern was also raised over whether the Administration would accede to the request of FSD staff unions to reduce the conditioned hours of work of FSD staff from 54 to 48 hours per week.

44. According to the Administration, FSD had explored ways to improve radio communications and agreed that for operations requiring the use of breathing apparatus, each user would be provided with a hand-held radio set. Regarding the staff unions' proposal to reduce the conditioned hours of work for staff of FSD's Fire Stream from 54 to 48 hours per week, it was difficult to reduce the conditioned hours of work of FSD staff while fulfilling the three pre-requisites laid down by the Standing Committee on Disciplined Services Salaries and Conditions of

Service, including cost neutrality, non-involvement of additional manpower and maintenance of the same level of service to the public. Nevertheless, FSD would continue its discussion with FSD staff unions on how the conditioned hours of work could be reduced.

#### Crime situation in 2010

45. The Panel received an annual briefing by the Commissioner of Police on the crime situation in 2010. Concerns were raised over the difficulties faced by the Police in crime detection and the measures taken by the Police to improve the detection rate.

46. According to the Police, detection rates varied among different categories of crimes. Generally speaking, it was comparatively more difficult to detect those crimes without witnesses possessing knowledge of the cases, such as shop theft and pickpocketing. The average detection rate depended to a large extent on the nature and complexity of the cases, as well as the number of "difficult-to-solve" crimes recorded in a year.

47. Another concern raised by members was the trend of cross-boundary drug abuse involving young people. Members called on the Police to take vigorous enforcement actions against drug-related crimes and tackle the supply of drugs at source. It was suggested that the Police should mount intelligence-led operations and cooperate with the Mainland and overseas LEAs to intercept drugs smuggled into Hong Kong.

48. The Police advised that it had adopted comprehensive strategies to combat drug trafficking activities. To tackle transnational drug traffickers and to combat dangerous drug offences at source, the Police cooperated with the Mainland and overseas law enforcement agencies and mounted intelligence-led operations to intercept the trafficking of drugs into Hong Kong. It also worked closely with C&ED in the exchange of intelligence and conducting joint operations at various control points to intercept drugs.

#### Establishing a sexual conviction record check mechanism for child-related work

49. The Panel was briefed by the Administration on its proposal to establish a sexual conviction record check mechanism for child-related

work. Members noted that the proposed administrative scheme was voluntary in nature. Employers could request for the conduct of checks with the consent of prospective employees and the application for checking would be made by the prospective employees.

50. Some members were concerned about the lengthy time taken by the Administration to establish the proposed administrative scheme. Some members considered that a legislative scheme, instead of an administrative scheme, should be established as soon as possible.

51. According to the Administration, time had been taken for consultation with the relevant sectors on the proposals in the administrative scheme. The Law Reform Commission ("LRC") pointed out in its report on "Sexual Offences Records Checks for Child-related Work" that a comprehensive legislative scheme would take considerable time to be implemented. LRC thus recommended the establishment of an administrative scheme as an interim measure. It was the Administration's intention in the longer term to establish a legislative scheme.

#### Caution statement under the Rules and Directions for the Questioning of Suspects and the Taking of Statements

52. The Panel discussed the caution statement under the Rules and Directions for the Questioning of Suspects and the Taking of Statements. Grave concern was raised over the caution statement, in particular its Cantonese version, not being able to reflect the right of a suspect to silence. There was a suggestion that a suspect's right to silence should be spelt out explicitly in the caution statement. There was also a view that as the existing caution statement had been in use without problems for many years, there was no need to revise the caution statement.

53. According to the Administration, the existing caution statement had been in use for nearly two decades and was generally accepted by the courts. The Administration did not consider it necessary to amend the existing caution statement.

#### Manpower situation in respect of crime officers of the Hong Kong Police Force ("the Force")

54. Arising from media reports about difficulties in the recruitment of crime officers of the Force, the Panel discussed the manpower situation of

crime officers of the Force. Members noted that a Force Study Team had conducted a comprehensive review on the working environment and made 14 recommendations, including the development of a professional career. Concerns had been raised on the morale and high turnover rate of crime officers and its impact on the crime detection rate. Members were also concerned about the timetable for implementation of the recommendations of the Force Study Team.

55. The Administration advised that 10 of the 14 recommendations would be implemented in the short term and further research would be conducted on the remaining four recommendations, including recognition of professional status, building a professional image, enhancing transport arrangements and studying job-related allowance. At the request of members, the Force Study Team had given a briefing on the timetable for the implementation of its recommendations.

#### Proposals to amend the Dangerous Drugs Ordinance and Control of Chemicals Ordinance

56. The Panel was briefed on the Administration's proposal to bring certain synthetic substances and chemicals liable to abuse or used in the production of a dangerous drug under legislative control. While members supported the Administration's proposal, concern was raised over the long lead time required for ascertaining the potency and the rising popularity of these psychotropic substances within the territory before the Administration submitted its proposal to impose strict control on the trafficking, manufacture, possession, supply, import and export of these substances. Members considered that those drugs which had gained prevalence in overseas countries as substances of abuse should be brought under the control of the laws of Hong Kong as soon as possible, notwithstanding that these substances might not have become popular in Hong Kong.

57. The Administration advised that it would monitor closely the drug abuse trend in the territory, in addition to the worldwide developments. If the situation so warranted, it would consider introducing suitable measures to contain the spread and abuse of a particular drug or substance.

#### Torture claim screening system

58. The Panel discussed the existing administrative scheme in respect

of the screening mechanism for torture claims. Grave concern was raised over the impartiality in the arrangement of doctors to conduct medical examination for torture claimants and the interviewing of torture claimants. Members were concerned that during the interview of claimants by case officers, barristers were allowed to attend with assistants who were not qualified legal professionals, while duty lawyers were not allowed to be accompanied by such assistants. Members were also gravely concerned about the role of the Duty Lawyer Service in the provision of legal assistance to torture claimants under the existing administrative scheme.

59. According to the Administration, the arrangement of medical doctors to conduct medical examination for torture claimants was made solely by the Department of Health. The Administration would review the protocol in relation to the interviewing of claimants.

60. The Panel was briefed on the Administration's legislative proposal in respect of the screening mechanism for torture claims. Members noted that claimants would be required to provide grounds and available supporting documents within a prescribed timeframe, which was to be made by subsidiary legislation. Some members suggested that the prescribed timeframe should not be made by subsidiary legislation. To facilitate members to consider the Administration's impending legislative proposals, the Panel requested the Research Division of the LegCo Secretariat to undertake a research on the mechanisms for handling torture claims in overseas jurisdictions. The Panel has scheduled to discuss the research findings in July 2011.

#### Financial proposals

61. During the session, the Panel was consulted on eight financial proposals, including the proposal to create a Forensic Accountant grade and a Chief Commission Against Corruption Officer rank in the Independent Commission Against Corruption ("ICAC"); replacement of the Case Processing System of C&ED; construction of fire station-cum-ambulance facility at Cheung Yip Street, Kowloon Bay; implementation of a New Generation Information System for the Operations Department of ICAC; redevelopment plan for the Fire Services Training School; replacement of two mobile X-ray vehicle scanning systems of C&ED; construction of a secondary boundary fence for the Frontier Closed Area; and redevelopment of Tai Lam Centre for Women.



Other issues

62. Apart from the major issues outlined above, the Panel had also discussed other issues with the Administration, including the Police's crowd control arrangements in relation to public meetings and public processions and review of fire safety inspections.

Meetings held

63. During the period between October 2010 and end of June 2011, the Panel held a total of 17 meetings. Another meeting has been scheduled for July 2011. The Panel also conducted two local visits to the headquarters of the Police and ICAC respectively and received a briefing by the Commissioner on Interception of Communications and Surveillance on his Annual Report to the Chief Executive.

Council Business Division 2  
Legislative Council Secretariat  
7 July 2011

**Legislative Council  
Panel on Security**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to security, public order, public safety, corruption-related matters, nationality and immigration.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council  
Panel on Security**

**Membership list for 2010-2011 session**

<b>Chairman</b>	Hon James TO Kun-sun
<b>Deputy Chairman</b>	Hon LAU Kong-wah, JP
<b>Members</b>	Hon Albert HO Chun-yan Dr Hon Margaret NG Hon CHEUNG Man-kwong Dr Hon Philip WONG Yu-hong, GBS Hon WONG Yung-kan, SBS, JP Hon Emily LAU Wai-hing, JP Hon Timothy FOK Tsun-ting, GBS, 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, JP Hon LEUNG Kwok-hung Hon WONG Yuk-man  (Total : 22 Members)
<b>Clerk</b>	Mr Raymond LAM
<b>Legal advisers</b>	Ms Connie FUNG Mr Bonny LOO
<b>Date</b>	4 July 2011