

立法會
Legislative Council

LC Paper No. CB(2)686/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Monday, 7 November 2011, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

- Members present** :
- Hon James TO Kun-sun (Chairman)
 - Hon LAU Kong-wah, JP (Deputy Chairman)
 - 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 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
 - Hon Paul TSE Wai-chun, JP
 - Hon LEUNG Kwok-hung
 - Hon WONG Yuk-man
- Members absent** :
- Hon Albert HO Chun-yan
 - Hon Timothy FOK Tsun-ting, GBS, JP
 - Dr Hon PAN Pey-chyou

**Public Officers : Item V
attending**

The Administration

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

Mr CHOW Wing-hang
Acting Deputy Secretary for Security

Mr CHUI Tak-shing
Acting Assistant Director (Information Systems)
Immigration Department

Miss Caroline FAN
Chief Systems Manager (Technology Services)
Immigration Department

Mr Tony WONG
Chief Systems Manager (IT Operations) (OP)
Office of the Government Chief Information Officer

Item VI

The Administration

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

Mrs Erika HUI, JP
Commissioner for Narcotics

Mr Eric LEE
Principal Assistant Secretary for Security

Item VII

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

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

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

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

Ms Rita LAI
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)162/11-12)

The minutes of the meeting held on 13 October 2011 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)81/11-12(01), CB(2)186/11-12(01) and
CB(2)224/11-12(01))

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

- (a) paper provided by the Police on its dissemination of case information;

Action

- (b) Administration's information paper on the measures to facilitate immigration clearance for visitors; and
- (c) Administration's paper on its review of the Daya Bay Contingency Plan and related issues.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)164/11-12(01) and (02))

Regular meeting in December 2011

3. Members agreed that the following items proposed by the Security Bureau be discussed at the regular meeting at 2:30 pm on 6 December 2011 -

- (a) Development of asset management and maintenance system in the Fire Services Department;
- (b) Replacement of the departmental launch "Seaward" of the Correctional Services Department; and
- (c) Review proposals of the Daya Bay Contingency Plan.

Special meeting on 12 November 2011

4. The Chairman reminded members that a special meeting would be held on Saturday 12 November 2011 from 9:00 am to 12:00 noon to discuss the handling of public meetings and public processions relating to the Central Government Complex ("CGC"), including the routing of public processions from different starting points to CGC.

Special meeting on 25 November 2011

5. The Chairman reminded members that the following two items would be discussed at the special meeting on 25 November 2011 -

- (a) Dissemination of case information by disciplined forces; and

Action

(b) Security arrangements at the Central Government Complex.

6. Regarding the item in paragraph 5(a) above, members agreed that the Hong Kong Journalists Association, Hong Kong News Executives' Association and The Newspaper Society of Hong Kong would be invited to attend the meeting and give views on the subject.

Security arrangements during visit of the Vice-Premier of the State Council

7. Referring to the discussion of the security arrangements during visit of the Vice-Premier of the State Council in August 2011 at the special meetings in August and September 2011, members agreed that the Administration be requested to provide the report of the Police's review of security arrangements during visits of political dignitaries to Hong Kong and the Independent Police Complaints Council be requested to provide the report on its investigation into the relevant complaints respectively.

IV. Proposal to appoint a subcommittee to review intelligence management of law enforcement agencies

(LC Paper Nos. CB(2)164/11-12(03) and (04))

8. Referring to the discussion of review of the Interception of Communications and Surveillance Ordinance and intelligence management at the Panel meeting on 5 July 2011, the Chairman briefed members on his recommendation to set up a subcommittee to study in detail the review of the intelligence management of law enforcement agencies ("LEAs"). Members noted that the Administration considered it inappropriate to set up such a subcommittee since the intelligence management system of LEAs contained highly confidential information, disclosing such information through a subcommittee might reveal the law enforcement capabilities of the LEAs to criminals. Given the sensitivity and confidentiality of the issue concerned, the Chairman held the view that not all meetings of the subcommittee would be open and it would be appropriate to conduct some close-door meetings.

Action

9. Ms Emily LAU in principle expressed support for setting up a subcommittee or other form for further follow-up on the issue. She sought information on the relevant contents of the close-door briefing on the subject which was held at the Police Headquarters on 14 September 2011 and the outstanding issues that could not be addressed at the briefing.

10. The Chairman said that the contents of the briefing were confidential as advised by the Administration though he did not consider the information provided were really confidential. While the Administration did mention in its letter LC Paper No. CB(2)164/11-12(04) on the procedures for the input, storage, access, use, updating, disposal or destruction of intelligence, and the measures to ensure the security of the system, he considered that further study would be needed. Ms Cyd HO shared a similar view.

11. The Deputy Chairman said that he did not see a need to set up the proposed subcommittee, as he did not see any major problem with the existing intelligence management system. He considered that the issues concerned involved administrative matters and did not involve policy issues. Mr WONG Yung-kan and Dr Philip WONG also disagreed with the setting up of the proposed subcommittee.

12. Ms Audrey EU and Ms Cyd HO said that the issues raised could be followed up either by establishing a subcommittee or holding meetings with the Police. She understood that there was manpower constraint in the Legislative Council. The Chairman said that he was aware there were already subcommittees on the waiting list pending activation.

13. Having regard to the views expressed by members, the Chairman withdrew his recommendation for setting up a subcommittee. He would further explore with the Administration on the possibility of conducting a further briefing on the intelligence management of LEAs.

Action

V. New information technology infrastructure of the Immigration Department

(LC Paper Nos. CB(2)164/11-12(05) and (06))

14. Under Secretary for Security ("US for S") briefed members on the proposal to implement a new Information Technology Infrastructure ("ITI") for the Immigration Department ("ImmD") as detailed in the Administration's paper. Chief Systems Manager (Technology Services) explained the proposal with the aid of powerpoint presentation.

15. Ms Cyd HO expressed dissatisfaction about the destruction of voluminous files and archives by the Administration during its relocation of offices to the new Central Government Offices ("CGO"). Ms Emily LAU shared a similar concern, in particular those related to the Security Bureau, and considered that the issue needed to be further studied at a later stage.

16. With the establishment of a huge database by the new ITI, Ms Cyd HO was of the view that the storage of information and its management would become easier. She enquired -

- (a) about the amount of storage space to be allocated for archives;
- (b) how ImmD would transfer the information to the Government Records Service ("GRS") for archival purpose so as to preserve the historical value of the information as appropriate; and
- (c) whether the Administration had any plans to digitalize information currently stored on paper.

17. US for S responded that in principle, all files, in particular those relating to individuals, would be timely destroyed in accordance with the Personal Data (Privacy) Ordinance ("PDPO") when the storage of such information was considered unnecessary and there were internal guidelines issued by ImmD on the handling of such data.

Action

18. Acting Assistant Director (Information Systems) of ImmD ("AAD(IS) of ImmD") explained that the timing for destruction of files was determined having regard to the guidelines issued by GRS. Specifically, files containing personal data of individuals should only be retained for a period of time appropriate to the purpose of data collection in accordance with PDPO. The destruction of files would be executed in accordance with a timetable agreed by GRS. He said that most records in ImmD had been digitalized with the increased use of information technology over the years.

19. Ms Cyd HO asked whether those data without personal particulars would be saved intact and transferred to GRS for archival purpose.

20. AAD(IS) of ImmD responded that the new data centre would be mainly used for processing of data. The destruction of ImmD's files, which mainly contained information of members of public when making various applications, was done in accordance with a timetable agreed with GRS.

21. Ms Emily LAU expressed concern that the manpower in ImmD had not been increased proportionately with the increase in workload over the years, although different staff associations of ImmD had called for increasing the manpower of ImmD. She called on the Administration to address the problem promptly. Regarding the acquisition of data centre ("DC") service from the market and the establishment of Private Cloud in ImmD, Ms LAU expressed concern about the security of such an arrangement and asked whether such technology was adopted in similar systems in other places.

22. US for S advised that one of the objectives of introducing the new ITI of ImmD was to address the problem of manpower shortage. It was expected that the new ITI would enable the work flow of ImmD to be streamlined and hence would help alleviate the pressure on manpower.

23. AAD(IS) of ImmD assured members that the acquisition of DC service would not pose security problems. The system would be operated on a 24-hour basis, managed by staff of ImmD only and would not be accessible by any other people. All equipment, including hardware and network, would be provided by ImmD. The acquisition of service would only be confined to space and provision of air-conditioning and utilities like electricity and back-

Action

up emergency power supply. He added that Cloud Computing technology was gradually becoming a mainstream technology in the world and the technology had been well-developed. For the Private Cloud to be established by ImmD, the computer network system of ImmD would be independent of external systems. In the long run, ImmD planned to develop its own DC.

24. Mr LEUNG Kwok-hung expressed concern about the security of the private Cloud computing technology to be adopted by ImmD when communicating with other government departments. He enquired about the guidelines for destruction of files containing personal data kept by ImmD and whether the final decision on destruction of files rested with GRS.

25. AAD(IS) of ImmD responded that the exchange of data with external parties would take place at a staging server at a regular interval and there was no direct linkage to the network system of ImmD. The technology has been proven secure and protected ImmD from hacking in the past. Regarding archiving and destruction of files, ImmD would make recommendations to GRS, including the nature of the files, the duration for the storage and the justifications. Besides, the advice of the Privacy Commissioner for Personal Data would be taken into consideration. While ImmD would make recommendations to GRS with respect to the destruction of files, the final decision rested with GRS.

26. Regarding the retention and destruction of files in ImmD, Dr Margaret NG enquired about the criteria for screening information in the process of digitalization of information and how ImmD would meet the requirements of PDPO and GRS.

27. AAD(IS) of ImmD responded that -

- (a) the digitalization of records of ImmD had commenced 10 years ago when the current information system strategy ("ISS") was introduced. The implementation of the new ITI would not involve destruction of files; and
- (b) the records maintained by ImmD were mainly related to applications from members of the public. The purpose for use of the data had been specified at the time of collection and there

Action

were internal guidelines for their destruction when no longer needed. For example, data relating to a visa application had to be maintained until the expiry of the visa. So far there was no record on information that GRS did not allow to destroy.

28. Dr Margaret NG asked whether there were guidelines for digitalization of information. She enquired whether there was any record retained at the request of GRS.

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29. In response, AAD(IS) of ImmD said that the digitalization of information involved scanning of the application forms into image and extraction of the personal data for storage in the database. The image for the applications would be destroyed while the personal data would be retained as basic record. Dr Margaret NG requested the Administration to provide information on the guidelines for the retention and destruction of information, including examples for illustration.

30. The Chairman was concerned whether records of historical value would be destroyed because of the application of the personal privacy. He asked whether consideration would be given to archiving data of historical value. He also asked whether the proposed system would facilitate efficient retrieval of data.

31. US for S responded that the birth and death records would be retained permanently. ImmD would consider all relevant factors when considering the destruction or retention of data in such records.

32. Mr Paul TSE enquired about the projected service life of the proposed ITI. AAD(IS) of ImmD responded that the service life of the new system was about 10 years.

33. Mr Paul TSE asked whether the immigration clearance time for Hong Kong residents was included in the calculation of immigration clearance time for visitors. AAD(IS) of ImmD explained that there was a performance pledge for immigration clearance of 95% of visitors within 15 minutes at the airport and within 30 minutes at the land boundary control points. The performance pledge for immigration clearance of Hong Kong residents was a separate one. He added that the procurement of the new ITI would not result in a change in the performance pledge for immigration clearance.

Action

34. The Chairman expressed reservation about the proposed acquisition of DC service in the market and the high rental for leasing DC for six years. He considered that it would be more cost effective for ImmD to set up its own DC with enhanced capacity in the long run. He requested the Administration to provide further justifications in its paper for the Finance Committee.

VI. Creation of a permanent Administrative Officer Staff Grade C Post in the Narcotics Division

(LC Paper Nos. CB(2)164/11-12(07) and (08))

35. US for S briefed members on the Administration's proposal for creation of a permanent Administrative Officer Staff Grade C Post ("AOSGC") in the Narcotics Division, as detailed in the Administration's paper.

36. The Chairman expressed reservation about the creation of a permanent AOSGC and queried whether the related work could be undertaken by a three-year supernumerary AOSGC post which could be extended for another three years, if necessary. Given the progress of the implementation of the anti-drug initiatives as recommended by the Task Force on Youth Drug Abuse, he considered that there might be a stage when the AOSGC post was no longer needed.

37. US for S responded that anti-drug efforts were long-term and continuous. Rapid changes in the drug scene with the emergence of precursor chemicals and new synthetic drugs from time to time both in Hong Kong and overseas called for vigilance in monitoring new developments involving relevant bureaux and departments, and timely response before any new synthetic drugs became an issue of concern. The improvement efforts in the past two years had to be continued. In anticipation of the continued need to strengthen the relevant work, there was a need for the creation of a permanent AOSGC post.

38. Ms Emily LAU asked whether there were any performance indicators for assessing the effectiveness of the work undertaken by the existing AOSGC post.

Action

39. US for S responded that there was a significant improvement in the anti-drug situation in the past two years. The total number of reported drug abusers in 2010 dropped by about 11.2 % in comparison with 2009. The number of drug abusers aged under 21 in 2010 dropped by 18.7% in 2010 in comparison with 2009. In 2010, the number of newly reported drug abusers also dropped by 16.6% in comparison with 2009. During the first half of 2011, the number of drug abusers aged under 21 had dropped by 28.3% in comparison with the corresponding period in 2010. Ms Emily LAU requested the Administration to include information on the effectiveness of the work undertaken by the proposed AOSGC post in the paper for the Establishment Subcommittee.

Admin

40. Commissioner for Narcotics ("C for N") informed members that the main duties and responsibilities of the proposed permanent AOSGC in support of anti-drug initiatives against drug abuse included coordinating the efforts of law enforcement agencies and relevant government departments in the analysis of overseas and local drug trends and formulating policies on the way forward, sustaining the anti-drug momentum in the community, fostering a drug-free culture in schools and overseeing the Beat Drugs Fund.

41. Mr Paul TSE asked whether the Narcotics Division was still charged with anti-money laundering ("AML") and counter-financing of terrorism issues and whether there were any plans to transfer the relevant work to other government departments. He also asked whether more frontline staff was needed instead of those at the supervisory level in the fight against drug abuse.

42. C for N advised that the policy work in relation to the enhancement of anti-money laundering and counter-financing of terrorism matters had been transferred to the Financial Services and Treasury Bureau from October 2008 onwards and the Narcotics Division was responsible for implementation of the Financial Action Task Force on Money Laundering's Recommendations in respect of the non-financial sector. More experienced staff at a senior level would be required to formulate and coordinate anti-drug policies and measures.

Action

43. The Chairman concluded that members of the Panel had no objection in principle to the Administration's submission of its proposal to the Establishment Subcommittee for consideration. However, he remained of the view that the relevant work could be discharged by a supernumerary AOSGC post.

VII. Amendments to the United Nations (Anti-Terrorism Measures) Ordinance

(LC Paper Nos. CB(2)151/11-12(01) and CB(2)164/11-12(09))

44. US for S briefed members on the Administration's paper on the proposed amendments to the United Nations (Anti-Terrorism Measures) Ordinance ("the UNATMO").

45. Referring to the three areas in UNATMO where amendments were to be proposed as referred to in paragraph 5 of the Administration's paper, Dr Margaret NG enquired about the differences between the effect of the existing provisions of UNATMO and the recommendations of the Financial Action Task Force on Money Laundering ("FATF") as set out in its 2008 Mutual Evaluation Report on Hong Kong ("the Report").

46. Principal Assistant Secretary for Security A ("PAS for S(A)") responded that the Administration would propose -

- (a) expanding the definition of "funds" under the UNATMO to include assets of every kind, whether tangible or intangible, movable or immovable;
- (b) broadening the scope of the definition of "terrorist acts" to cover acts to coerce international organizations, such as the United Nations; and
- (c) making the collection of funds for terrorists and terrorist associates an offence and enacting a new provision under section 8 of the UNATMO to prohibit the collection of funds or the solicitation of financial or related services for terrorists or terrorist associates.

Action

Admin 47. Dr Margaret NG requested the Administration to explain with examples the purpose of its proposed amendments to UNATMO in the Legislative Council ("LegCo") Brief on the relevant bill.

Admin 48. Ms Cyd HO requested the Administration to provide members with a copy of the Report. She also requested the Administration to provide in the LegCo Brief on the relevant bill a response to the issue of whether the nation's casting of a vote at the United Nations that caused massive deaths or injury in another country would fall within the definition of terrorist act as referred to in paragraph 8 of the Administration's paper . PAS for S(A) agreed to provide the relevant link on the Report for members' reference.

49. Ms Cyd HO requested the Secretariat to provide the relevant extract of deliberations relating to the definition of "funds" and the freezing of funds during the previous examination of the relevant Bills.

(Post-meeting note: The relevant extracts of discussions were circulated to members vide LC Paper No. CB(2)393/11-12 on 25 November 2011.)

50. Mr Paul TSE enquired about the consequence and impact on Hong Kong of not taking follow-up actions in response to the recommendations of the Report.

51. PAS for S(A) advised that although there was no sanction for non-compliance with the recommendations of the Report, it would have negative impact on the financial sector arising from a lack of confidence in the ability of Hong Kong to combat terrorist acts.

Admin 52. The Chairman requested the Administration to include in the LegCo Brief on the relevant bill information on whether there were examples of non-compliance by other Member States with the recommendations of FATF and the consequences of such non-compliance.

Action

53. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
30 December 2011