

Panel on Security

List of outstanding items for discussion

(position as 2 May 2012)

**Proposed timing
for discussion**

Items proposed by members

- 1. Monitoring of anti-terrorism measures by the Administration** To be confirmed

In the course of deliberations of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Administration undertook to review periodically the anti-terrorism measures set out in legislation to ensure that they were in line with the international trend. The Bills Committee agreed that the monitoring of anti-terrorism measures should be referred to the Panel for follow-up.

At the suggestion of members, the subject of "Measures to combat terrorist activities in Hong Kong" was discussed at the meeting on 5 December 2002.

At the meetings on 16 January 2003 and 20 February 2003, the Panel was consulted on the proposals in the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003, which sought to implement relevant international conventions against terrorism, and to provide the means for the Secretary for Security ("S for S") to effectively freeze terrorist assets which are not funds. The Administration subsequently introduced the Bill on 21 May 2003. A Bills Committee formed to study the Bill had completed its work and the Bill was passed at the Council meeting on 30 June 2004. During the resumption of Second Reading debate on the Bill, the Administration stated that it would review the reporting requirements under section 12 of the Ordinance and section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance in the context of the exercise to put in place the Financial Action Task Force

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on Money Laundering's Forty Recommendations ("the FATF Recommendations") which was scheduled to start in 2004-2005.

In its letter dated 27 October 2004 (LC Paper No. CB(2)110/04-05(01) issued on 28 October 2004), the Administration advised that it planned to launch the proposed review of the suspicious transaction reporting requirements in the first quarter of 2005.

Progress reports provided by the Administration were circulated to members vide LC Paper Nos. CB(2)875/04-05, CB(2)751/05-06 and CB(2)973/05-06 on 16 February 2005, 23 December 2005 and 25 January 2006 respectively.

The review of the suspicious transaction reporting requirements was launched in the first quarter of 2005 and is still underway. The Administration will inform the Panel of the result of the review in the course of the preparation of the legislation for implementing the FATF Recommendations.

The proposed amendments by the Administration to the United Nations (Anti-Terrorism Measures) Ordinance was discussed at the meeting on 7 November 2011.

The United Nations (Anti-Terrorism Measures) (Amendment) Bill, was introduced into the Council at the meeting of 22 February 2012. A Bills Committee has been formed to study the Bill in detail.

2. Follow-up on issues relating to the Police's List of Recordable Offences To be confirmed

Issues relating to the Police's List of Recordable Offences and Certificate of No Criminal Conviction were discussed at the meeting on 2 April 2004. Members were concerned that besides some 167

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recordable offences which might be recordable by the Police, offences where a heavier sentence would be imposed on conviction would also be recorded. They considered that the criteria for recording a conviction should be set out clearly and the records of convictions maintained by the Police should be separated from the system for issuing Certificate of No Criminal Conviction. The Administration stated that it would examine the issue having regard to the practice in other countries. Hon James TO proposed that the matter be followed up by the Panel.

3. Legislative amendments to the Public Order Ordinance and Police's internal guidelines To be confirmed

At its meeting on 1 November 2005, the Panel discussed issues arising from the judgment delivered by the Court of Final Appeal on the case of *LEUNG Kwok-hung and others v. the Hong Kong Special Administrative Region*. The Statute Law (Miscellaneous Provisions) Bill 2007, which incorporated legislative amendments to the Public Order Ordinance in the light of the judgement, was passed at the Council meeting on 30 April 2008.

Separately, the Administration informed the Panel that the Police would, in consultation with the Department of Justice, review the internal guidelines for dealing with notifications of public meetings and processions. A copy of a set of new guidelines adopted by the Police on the approach to the Public Order Ordinance in relation to public meetings and public processions, together with a related note prepared by the Police, were issued to members vide LC Paper No. CB(2)1224/05-06 on 23 February 2006 for reference.

The processing of notification of public meetings and processions under the Public Order Ordinance was discussed at the Panel meeting on 5 June 2007.

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4. Interception of communications and covert surveillance To be confirmed

In the course of examination of the Interception of Communications and Surveillance Bill, the Administration undertook to -

- (a) provide the Panel with an updated version of the code of practice from time to time;
- (b) report to the Panel the outcome of the review of the intelligence management system of law enforcement agencies;
- (c) report to the Panel the results of the Administration's review on issues raised in the Commissioner on Interception of Communications and Surveillance (the Commissioner)'s annual report to the Chief Executive ("CE"); and
- (d) provide by the end of 2009 the Administration's report on its comprehensive review on the implementation of the Bill, after the Commissioner submitted his second full-year report to CE by the end of June 2009.

Following the enactment of the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO") on 9 August 2006, the Commissioner had submitted five annual reports to CE. The Security Bureau ("SB"), in consultation with the law enforcement agencies ("LEAs") concerned, had studied the matters raised therein and briefed the Panel on the results of the Administration's study of matters raised in those annual reports.

The Commissioner's Annual Report 2010 was tabled at the Council meeting on 30 November 2011. The results of the Administration's study of matters raised in the Annual Report 2010 were discussed at the Panel

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meetings on 5 December 2011 and 3 January 2012.

At the meeting on 5 December 2011, the Administration informed members that it would conduct another round of consultation for the comprehensive review of ICSSO and would revert to the Panel in the first half of 2012 on the results of the review and the legislative proposals.

At the Council meeting of 18 January 2012, Hon James TO, Chairman of the Panel, moved a motion to note the Commissioner's Annual Report 2010.

5. Monitoring mechanism on government intelligence agencies To be confirmed

At the meeting on 8 May 2007, members agreed that a research study on the parliamentary monitoring mechanism on intelligence agencies in selected places should be conducted by the Research and Library Services Division ("RLSD") of the Legislative Council Secretariat.

At the Panel meeting on 3 June 2008, Members were briefed on the main findings of the research report on the parliamentary monitoring mechanism on intelligence agencies in selected places prepared by RLSD. The Administration's written response to the issues raised in the research report was circulated vide LC Paper No. CB(2)852/08-09(01) on 11 February 2009.

At the Panel meeting on 14 October 2008, Hon Emily LAU suggested that the subject of parliamentary monitoring mechanism on intelligence agencies should be discussed at a future meeting.

6. Policy and measures for enhancing the safety of sex workers To be confirmed

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for discussion**

On 2 December 2008, Hon Emily LAU suggested that the Panel should discuss the issue at a future meeting.

7. Measures against cross-boundary corruption

To be confirmed

At the meeting on 20 October 2009, Hon Cyd HO suggested that measures taken by Independent Commission Against Corruption ("ICAC") against cross-boundary corruption should be discussed at a future meeting.

An information paper on the efforts made by ICAC in forging closer cooperation with the Guangdong Provincial People's Procuratorate ("GDPP") and the Commission Against Corruption of Macao ("CCAC") on corruption prevention and education was circulated to members vide LC Paper No. CB(2)910/09-10(02).

At the meeting on 1 June 2010, in the context of discussing the item "Security matters under the Framework Agreement on Guangdong/Hong Kong Co-operation", members were briefed on the collaboration among ICAC, GDPP and CCAC in the exchange of anti-corruption experiences on practical issues and the provision of corruption prevention services to cross-boundary business enterprises in the Pearl River Delta region.

According to ICAC, it had agreed with GDPP and CCAC in July 2010 to set up a standing working group to jointly map out long-term strategies and objectives to strengthen tripartite cooperation on corruption prevention and education. The working group has agreed that a conference for small and medium size enterprises ("SMEs") in the Pearl River Delta region be held in Hong Kong in September 2011 and a practical guide be published in 2012.

ICAC advised that the conference with the theme of

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"Integrity and Professionalism - Key to Business Success" was held on 22 September 2011 in Hong Kong. It was attended by some 200 participants from major chambers of commerce, trade associations, as well as entrepreneurs from Hong Kong, Macao and Guangdong. Speakers included government officials, professionals and entrepreneurs from the three places, sharing with participants anti-corruption strategies, corruption prevention measures and business ethics related to SME operation. The conference helped gauge the needs of cross-boundary SME entrepreneurs and shed light on the framework and contents of the corruption prevention guide. Drafting of the guide is in the pipeline. The guide will cover respective anti-corruption legislation of Hong Kong, the Mainland and Macao as well as corruption prevention measures for cross-boundary SMEs entrepreneurs. It will be jointly published by the ICAC, GDPP and CCAC in late 2012.

8. Immigration clearance for visitors

To be confirmed

At the meeting on 13 October 2011, Hon Paul TSE suggested that the subject be discussed at a future meeting.

A paper provided by the Administration on the measures to facilitate immigration clearance for visitors which was circulated to members vide LC Paper No. CB(2)186/11-12 on 31 October 2011.