

立法會
Legislative Council

LC Paper No. CB(2)404/12-13
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 4 December 2012, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
Hon YIU Si-wing
Hon MA Fung-kwok, SBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan

Member attending : Hon Ronny TONG Ka-wah, SC

Public Officers attending : Item IV

The Administration

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

Mr Joshua LAW Chi-kong, JP
Permanent Secretary for Security

Ms Carol YIP Man-kuen, JP
Deputy Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary for Security E

Mr Godfrey KAN Ka-fai
Senior Assistant Solicitor General (Acting)
Department of Justice

Independent Commission Against Corruption

Mr Eric TONG Wing-tak
Assistant Director / Operations 3 (Acting)

Mr KO Dale
Senior Principal Investigator / R Group (Acting)

Item V

The Administration

Mr John LEE, PDSM, PMSM, JP
Under Secretary for Security

Mr Billy WOO
Principal Assistant Secretary for Security D

Mr Corrado CHOW, IDSM
Assistant Director (Information Systems)
Immigration Department

Mr Erick TSANG
Assistant Director (Control)
Immigration Department

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

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)275/12-13)

The minutes of the meeting held on 6 November 2012 were confirmed.

II. Information papers issued since the last meeting

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

- (a) letter from the Hong Kong Fire Services Department Ambulancemen's Union to the Chief Executive, which was copied to the Panel, regarding the creation of a new rank, job-related allowances and meal break arrangements;
- (b) information provided by the Administration on measures to combat theft of the luggage or belongings of taxi passengers by taxi drivers;

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- (c) information provided by the Administration on the arrangements for the National Day Flag Raising Ceremony on 1 October 2012;
- (d) information provided by the Administration on the progress of the Police's investigation into complaints relating to an incident on 30 June 2012 in which a reporter was taken away for a 15-minute enquiry at the cruise terminal site in Kowloon Bay;
- (e) letter from the Hong Kong Fire Services Department Ambulancemen's Union to the Privacy Commissioner for Personal Data, which was copied to the Panel, regarding the installation of video recording facilities inside ambulances;
- (f) letter from the Civil Human Rights Front regarding the Police's handling of public meetings and public processions; and
- (g) information provided by the Administration on the procurement of Long Range Acoustic Device by the Police.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)277/12-13(01) and (02))

3. Members agreed that the following items proposed by the Administration would be discussed at the next regular meeting on 4 January 2013 at 10:45 am -

- (a) Upgrading of the Tseung Kwan O Police Division to a Police District; and
- (b) Guidelines on application of necessary force on inmates by Correctional Services Staff.

4. Regarding paragraph 2(c) above, members noted that issues relating to the National Day Flag Raising Ceremony, which were under the purview of the Home Affairs Bureau, had been referred to the Panel on Home Affairs for follow-up. Ms Emily LAU suggested that members of the Panel on Security be invited to attend when the subject was discussed by the Panel on Home Affairs.

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5. In connection with paragraph 2(d) above, the Deputy Chairman expressed concern about the Police's handling of a reporter who was performing his reporting duties in Yuen Long on the previous day and the day of the incident of 30 June 2012 at the cruise terminal site in Kowloon Bay. He said that the Police's handling of members of the media performing their reporting duties should be discussed by the Panel. Regarding paragraph 2(f) above, the Deputy Chairman and Ms Emily LAU expressed concern about reports that there was a proposal for the Police to consult the District Council ("DC") concerned on the road closure and traffic diversion arrangements in relation to large scale public order events. They considered that the issue should be discussed by the Panel. Ms Cyd HO expressed concern whether the Police would object to the holding of a public meeting or public procession merely because of DC's objection. Ms LAU said that the Administration should clarify whether the proposal was initiated by DCs or the Administration. The Chairman said that the two issues might be followed up at a future meeting. The Deputy Chairman considered that among the two issues, the proposal for the Police to consult DCs on the road closure and traffic diversion arrangements in relation to large scale public order events should be discussed first.

(Post-meeting note: With the concurrence of the Chairman, the proposal for the Police to consult DCs on the road closure and traffic diversion arrangements in relation to large scale public order events was included in the agenda for the meeting on 4 January 2013.)

6. Regarding paragraph 2(e) above, the Deputy Chairman suggested that the Administration be requested to provide information on and the reasons for the installation of video recording facilities inside ambulances. Members agreed.

7. Ms Emily LAU suggested that the Administration should be requested to arrange a visit for members to better understand the Long Range Acoustic Device referred to in paragraph 2(g) above.

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IV. Results of study of matters raised in the Annual Report 2011 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance

(LC Paper Nos. CB(2)263/12-13(01) and CB(2)277/12-13(03))

8. Members noted a Summary of the Annual Report 2011 ("the Annual Report") to the Chief Executive by the Commissioner on Interception of Communications and Surveillance ("the Commissioner"), which was downloaded from the website of the Commissioner's Secretariat and tabled at the meeting.

(Post-meeting note: The Summary of the Annual Report tabled at the meeting was circulated to members vide LC Paper No. CB(2)308/12-13 on 5 December 2012.)

9. The Chairman informed Members that the new Commissioner, Mr Justice Darryl Gordon SAW, who had been invited to attend the meeting had declined the invitation for the reason that it was not appropriate for him to discuss matters raised in his predecessor's report.

10. Secretary for Security ("S for S") briefed Members on the results of the Administration's study of matters raised in the Annual Report, details of which were set out in the Administration's paper. He noted from the Annual Report that the Commissioner had not identified any cases of non-compliance or irregularity due to deliberate flouting or disregard of the statutory provisions or the law by law enforcement agencies ("LEAs"), nor did the Commissioner find any of the officers committing the mistakes being actuated by ulterior motive or ill will. The incidents were mainly consequences of inadvertent or careless mistakes, or unfamiliarity on the part of certain officers with the rules and procedures of the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO") scheme, which were uniquely related to the individuals concerned, rather than defects in any of the control systems. LEAs had taken follow up actions on these cases of non-compliance or irregularity in accordance with the Commissioner's advice and recommendations.

11. The Deputy Chairman considered that the Commissioner had not identified any cases of non-compliance or irregularity due to deliberate flouting or disregard of the statutory provisions or the law by LEAs mainly because the Commissioner and his designated staff were not empowered to listen to or examine products of interception or covert surveillance. He considered that ICSO should be amended to provide the

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Commissioner and his designated staff with such a power. His view was shared by Ms Emily LAU and Ms Cyd HO. Mr WONG Yuk-man and Mr LEUNG Kwok-hung expressed strong dissatisfaction that although the Commissioner had recommended in the past few years the amendment of ICSO to empower him and his designated staff to listen to and examine products of interception and covert surveillance, the Administration had not introduced amendments to such effect to ICSO.

12. Mr CHUNG Kwok-pan considered that if the Commissioner and his designated staff were to be empowered to listen to and examine products of interception and covert surveillance, proper checks and balances should be put in place to prevent abuse.

13. S for S responded that the Commissioner's recommendation to empower him and his designated staff to listen to and examine products of interception and covert surveillance was being considered in the context of the comprehensive review of ICSO, and emphasized that the Administration was fully committed to supporting and facilitating the Commissioner's oversight functions under ICSO. The Administration had no objection in principle to the Commissioner's recommendation, and would endeavour to strike a balance among relevant considerations when formulating the mechanism. The Administration considered it necessary to strike a balance between facilitating the performance of the oversight function by the Commissioner, minimizing the disclosure of products of interception and covert surveillance as required in ICSO, and the destruction of products of interception or covert surveillance as soon as their retention was not necessary for the relevant purpose of the prescribed authorization. The Administration had conducted consultation on the suggestion with key stakeholders, some of whom considered that in facilitating the performance of the oversight function by the Commissioner and his designated staff, there should be proper checks and balances in place to prevent leakage and minimize disclosure of such products. In this connection, the Commissioner had set out his views on the issue in the Annual Report. The Administration had also communicated with the new Commissioner, who had assumed the position since August 2012, on the issue and the detailed arrangements. In response to the request of the new Commissioner, the Administration was gathering further information on the practice of similar overseas oversight agencies. S for S informed Members that the Administration planned to brief the Panel on its progress of review of ICSO within the first half of 2013.

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14. The Deputy Chairman expressed concern about the Commissioner's identification of a lack of induction training for newly appointed listeners. He considered that sufficient training should be provided to new appointees as well as existing staff, including those at supervisory level. The rotation of staff members engaged in interception work should be minimized.

15. Mr WONG Yuk-man expressed concern that the two wishes of the Commissioner as referred to in paragraph 20 of the Summary had not been accomplished. He also expressed concern about the Commissioner's comments about lack of training for newly appointed listeners and the lax attitude of LEA officers. Mr KWOK Wai-keung asked whether the Administration had adopted any measures to address the Commissioner's concern about the lax attitude of LEA officers.

16. S for S responded that frontline and supervisory level LEA officers newly appointed to perform listening duties were provided with induction training, which covered the operation of the listening system, practical listening techniques, the conditions imposed by panel judges on prescribed authorizations and legal professional privilege ("LPP"). Training packages had been developed to enhance the knowledge of LEA officers in the requirements in ICSO and facilitate the adoption of a proper and prudent attitude towards ICSO-related matters. The LEAs concerned had been requested to minimize the rotation of staff members engaged in interception work.

17. Ms Emily LAU expressed concern that while the Commissioner had adopted the practice of holding a briefing on his annual report in the past, such a briefing was not held this year because the Commissioner who compiled the Annual Report had retired. She hoped that members would be provided with the opportunity to meet with the new Commissioner in future.

18. Ms Emily LAU noted that 1 204 written applications for interception were made by LEAs in 2011. Among these, 1 196 were granted and eight were refused by panel judges. She asked how such statistics compared with those of other jurisdictions.

19. S for S advised that there were about 2 000 applications for interception per year in the United Kingdom and about 4 000 applications for interception per year in Australia. He considered that as the circumstances differed from one jurisdiction to another, a direct comparison of the statistics of different jurisdictions might not be appropriate.

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20. Ms Emily LAU noted from paragraph 8 of the Summary that the Code of Practice ("COP") had been amended on 28 November 2011 to formalize the requirement that the Commissioner should be notified of cases where journalistic material ("JM") had been obtained or would likely be obtained through interception or covert surveillance. She considered that ICSO should also be amended to set out the requirement.

21. Referring to Chapter 5 of the Annual Report, Ms Emily LAU expressed concern that the listening work concerned was not ceased until the JM concerned appeared in newspapers. S for S explained that of the two JM cases referred to in Chapter 5 of the Annual Report, one involved non-compliance of a technical nature resulting from the time gap between the time of revocation of prescribed authorization by the panel judge and the time of physical disconnection of the interception facility.

22. Dr LAM Tai-fai expressed concern over the increased number of cases involving LPP in 2011. His view was shared by Mr Dennis KWOK, who pointed out that the number of LPP cases in 2011 had increased by 40% over that of 2010. Mr KWOK said that The Hong Kong Bar Association and the Law Society of Hong Kong had previously pointed out that there was inadequate protection of LPP in ICSO. He called for the early amendment of ICSO to provide adequate protection for LPP.

23. S for S responded that among the 37 cases in 2011 which involved or might involve LPP, only three involved the obtaining of LPP information while the rest only involved increase in the likelihood of obtaining LPP information. As explained by the Commissioner in Chapter 5 of the Annual Report, the surge in the number of LPP cases mainly resulted from a revised reporting requirement of the Commissioner in 2010.

24. Referring to paragraph 12.5 of the Annual Report, Mr Alan LEONG expressed concern that LEA officers were still unfamiliar with the rules and procedures of the ICSO scheme about five years after implementation, and lax attitude was found with some LEA officers in the discharge of ICSO-related duties. He asked how the problems would be addressed by the Administration. He asked whether the Administration had any timetable for review of ICSO.

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25. S for S responded that in response to the recommendations in the reports of the Commissioner in the past few years, numerous revisions had been made to COP in the past few years. The Administration was aware of the importance of getting existing and newly appointed ISCO-related LEA officers familiar with requirements under ICSO and COP, including any new requirements. In this connection, he had directed the LEAs concerned to provide appropriate induction training and refresher training for relevant officers. To his understanding, the comment in paragraph 12.5 of the Annual Report regarding the lax attitude of some LEA officers was made mainly in relation to the completion and checking of registers for the use of surveillance devices for non-ISCO related purposes, which were set out in detail in Chapter 4 of the Annual Report.

26. Ms Cyd HO commended Mr Justice WOO for his hard work in the position of Commissioner in the past few years. Referring to paragraph 5.90 of the Annual Report, she expressed concern about the inconsistency in the reports submitted by the LEA concerned to the Commissioner and the panel judge. Expressing concern about the attitude of LEA officers, she asked whether LEA officers considered the Commissioner a hurdle to their performance of interception and covert surveillance duties.

27. S for S stressed that no LEA officer considered the Commissioner a hurdle to their performance of interception and covert surveillance duties. LEAs were fully aware of the Commissioner's main function to oversee LEAs' compliance with the requirements in ICSO, COP and the conditions imposed by panel judges in prescribed authorizations.

28. Mr Dennis KWOK said that the legal profession appreciated the hard work of Mr Justice WOO in the position of Commissioner over the past few years. Referring to paragraph 5.24 of the Annual Report, he expressed concern that the listening officer who adopted a wrong approach in dealing with possible LPP information was not a new appointee but a senior listening officer. He queried why the senior listening officer had adopted such a wrong approach, given that the concept of LPP was not difficult to understand.

29. Deputy Secretary for Security responded that in the particular case, the officers thought that clarification of information on date of a pending court appearance, which was information in the public domain, was not LPP information. The Administration noted the Commissioner's view that the call concerned contained LPP information. In response to the recommendation of the Commissioner, LEAs would provide further

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training to all officers dealing with ICSO-related matters to enhance their understanding of the meaning of LPP information as well as the proper and prudent attitude in handling possible LPP-related matters. The Commissioner was satisfied with the follow-up actions taken by the LEAs concerned.

30. Referring to paragraph 5.60 of the Annual Report, Mr Dennis KWOK expressed concern that the mistake of the officer concerned did not result from misunderstanding arising from ambiguity in communication, but carelessness without verifying the truth. S for S advised that the head of the LEA concerned agreed with the Commissioner's view that the matter was unsatisfactory. The LEA officer concerned had been reminded of the importance of verifying the accuracy of information before passing it to the Commissioner's office.

31. While noting that interception of communications and covert surveillance were critical to the combating of serious crime, Dr LAM Tai-fai expressed concern about the possibility of abuse of power by LEAs. Referring to the cases mentioned in Chapters 5 and 7 of the Annual Report, Dr Elizabeth QUAT asked whether there was any mechanism in place to ensure the proper maintenance of records, prevent possible abuse of power and address the lax attitude of LEA officers. Mr KWOK Wai-keung asked whether measures had been adopted to prevent abuse of power by LEAs.

32. S for S explained that under ICSO, all interception required the prescribed authorization of a panel judge. When making an application for a prescribed authorization, an LEA applicant had to submit with his application an affidavit or written statement on his assessment of the likelihood of involvement of LPP to a panel judge for issue of a prescribed authorization. Whenever there were any subsequent changes which might affect the assessment, the LEA concerned had to notify the panel judge, who would determine whether the prescribed authorization should continue or whether any condition needed to be imposed. S for S added that LEAs were required to submit reports within specified time limits to the Commissioner, who monitored the compliance of LEAs with ICSO. Where there were cases of non-compliance or irregularity, follow-up actions were taken by LEAs having regard to the Commissioner's advice and recommendations. COP had been revised over the past few years in response to the recommendations of the Commissioner.

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33. Mr LEUNG Kwok-hung considered that LEA officers should under no circumstances be allowed to listen to any communication between a client and a law firm. LEA officers who listened to such communication should be prosecuted under ICSO.

34. Senior Assistant Solicitor General (Acting) responded that LPP was protected by the common law and Article 35 of the Basic Law, which guaranteed that "Hong Kong residents shall have the right to confidential legal advice". ICSO did not preclude LEAs from intercepting the communications of a lawyer provided that the interception was carried out pursuant to a prescribed authorization in accordance with the requirements of ICSO. In relation to the protection of LPP in ICSO, section 3 required the consideration of all relevant circumstances and the balancing of competing interests, including the protection of privacy and LPP, in the issue or renewal or continuance of a prescribed authorization. Schedule 3 also required LEAs to assess the likelihood of obtaining LPP information when making an application for interception. Under section 31 of ICSO, no prescribed authorization might contain terms that authorize the interception of communications by reference to any telecommunications service used at an office or other relevant premises, or a residence, of a lawyer unless exceptional circumstances existed. Section 62 of ICSO further guaranteed that "Any information that is subject to legal professional privilege is to remain privileged notwithstanding that it has been obtained pursuant to a prescribed authorization". Administrative measures were in place supplementing the statutory safeguards.

35. Mr Frankie YICK expressed concern over the Commissioner's comments about inadequate ICSO-related training for LEA officers and their lax attitude. He asked whether the Administration would consider introducing an accreditation or certification scheme for LEA officers involved in ICSO-related work.

36. S for S responded that COP had been revised over the past few years in response to the recommendations of the Commissioner. The Commissioner and his colleagues had held a number of meetings with LEAs to discuss issues of concern and improvements required. In response to the comments of the Commissioner, the Administration would strengthen induction and refresher training for LEA officers engaged in ICSO-related work, and the Commissioner would be consulted as appropriate. He said that as a small number of LEA officers were involved in such sensitive ICSO-related work, it was not practical to introduce an accreditation or certification scheme for such LEA officers.

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37. Referring to paragraph 16 of the Summary, Mr Ronny TONG asked why the LEAs concerned took a defensive attitude towards enquiries of the Commissioner. He also asked about the number of LEAs involved.

38. S for S responded that with regard to the LEA involved in relation to the Commissioner's comment in the paragraph, the head of the LEA concerned had written to the Commissioner assuring him that the officers of the LEA concerned were fully aware of the Commissioner's role to monitor their ICSO-related work. The head of the LEA had undertaken to investigate the case concerned and provide the Commissioner with a reply. He pointed out that whenever the LEA concerned identified a need to take disciplinary actions against the officers concerned, the Commissioner would be consulted on the disciplinary actions before actions were taken against the officers.

39. Mr Michael TIEN said that according to his experience as the Chairman of the former Kowloon-Canton Railway Corporation, the lax attitude of staff had to be addressed by putting in place a system in which a balance was struck between penalties and rewards.

40. S for S responded that actions taken against LEA officers in breach of the relevant requirements were dealt with in accordance with the established mechanisms of the LEAs concerned. Where disciplinary actions were to be taken against the officers concerned, the LEAs concerned would take into account the views of the Commissioner, if any, before actions were taken against the officers concerned.

[To allow sufficient time for discussion, the Chairman directed that the meeting be extended for 15 minutes.]

V. New Immigration Control System to support control point operation of the Immigration Department
(LC Paper Nos. CB(2)277/12-13(04) and (05))

41. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed, which provided that "In the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest".

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He reminded members to declare any direct or indirect pecuniary interest and the nature of that interest in the matter under discussion before speaking on the matter.

42. Mr Frankie YICK declared that some of the subsidiary companies under the enterprise for which he worked were involved in the provision of cloud services. Mr YIU Si-wing declared that his company had supplied laminates for passports to the Immigration Department ("ImmD") a few years ago.

43. Under Secretary for Security ("US for S") briefed Members on the Administration's proposal to implement the Immigration Control System ("ICONS") to enhance operational efficiency at immigration control points, as detailed in the Administration's paper. With the aid of powerpoint presentation, Chief Systems Manager (Technology Services) of ImmD explained the proposed ICONS, the proposed implementation timetable and its financial implications.

44. Ms Emily LAU expressed support for the Administration's proposal. She asked whether the savings in manpower as projected by the Administration could be achieved without creating additional work pressure on frontline staff. Noting that the proposed system would adopt cloud computing technology, she expressed concern about the security of such technology in immigration applications.

45. US for S responded that in addition to some 430 existing e-Channels, over 100 new multi-purpose e-Channels would be introduced under the proposed system. The increased automation of passenger clearance would relieve the work pressure on frontline immigration staff.

46. Ms Emily LAU expressed concern about reports that some impatient visitors had shouted at or even assaulted frontline immigration staff. US for S responded that the training programme for immigration staff had already included training on the handling of such situations. Regarding the behaviour of visitors, he said that appropriate actions would be taken against those visitors in breach of the law.

47. Dr Elizabeth QUAT said that the Democratic Alliance for the Betterment and Progress of Hong Kong supported the Administration's proposal, which would enhance the passenger clearance capacity and security of control points. She asked whether the proposed automated clearance of visitors would require the storage of personal data retrieved from the passports of visitors, and whether there were any international

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guidelines or standards on the storage of such information. She considered that green technology should be adopted as far as possible in the proposed system.

48. US for S advised that the personal data to be collected from visitors under the proposed automated system, which would be carried out in compliance with the Personal Data (Privacy) Ordinance and related Codes of Practice, would be no more than that currently collected at immigration counters. Registration with ImmD was required eligible for visitors who intended to perform automated arrival immigration clearance. The automated immigration clearance of a departing visitor only involved the reading of the face image information stored inside his electronic travel document ("e-TD") for authentication of his identity by electronic means. He added that the proposed system would be capable of capturing the face image of doubtful visitors, which was permitted under the law for the prevention and detection of crime.

49. Noting that the proposed system would come into operation around early 2016, Mr YIU Si-wing asked whether the Administration had any plans to allocate more resources to facilitate passenger clearance at immigration control points in the interim before the introduction of the proposed system. He also asked whether there was any performance pledge on the clearance of visitors at immigration control points.

50. US for S responded that the Administration had already submitted proposals for additional manpower for ImmD in the resource allocation exercise for the next financial year. ImmD was currently deploying its manpower flexibly to cope with the different passenger volumes at different periods. During peak periods such as long holidays and festive seasons, ImmD would deploy more staff from non-control point sections to reinforce frontline immigration control work on a need basis. He pointed out that ImmD had met its performance pledge of clearing 95% of visitors within 15 minutes at the airport control point and 95% of visitors within 30 minutes at other control points.

51. Mr Paul TSE asked whether there were any particular requirements on the travel document of visitors who could use the multi-purpose e-Channels for automated immigration clearance.

52. US for S explained that visitors who wished to use multi-purpose e-Channels for immigration clearance should possess e-TD which contained face image information compliant with the standards set out by the International Civil Aviation Organisation. He informed Members that fingerprint authentication technology and face recognition technology

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were the two types of most widely employed biometric authentication technology. According to a study conducted by the National Institute of Standards and Technology of the United States, the accuracy of face recognition technology was 99.7%, which was higher than the 99.4% accuracy of fingerprint authentication technology.

53. Noting that there were three different types of e-Channels, namely e-Channels, express e-Channels and multi-purpose e-Channels, Mr Paul TSE asked whether existing e-Channels could be converted into multi-purpose e-Channels to save cost. Mr Frankie YICK asked how the immigration clearance time of a multi-purpose e-Channel compared to that of a traditional immigration counter. Mr YICK expressed concern whether the face image of a person holding a forged travel document could be stored in the forged document easily. He also asked whether the introduction of the proposed system would necessitate replacement of the travel documents of Hong Kong residents.

54. US for S responded that the processing time of a multi-purpose e-Channel was 2.5 times faster than that of a traditional immigration counter. He informed Members that over 430 existing e-Channels would be upgraded to multi-purpose e-Channels. Under the proposed system, Hong Kong residents would continue to undergo automated immigration clearance with their smart identity cards. Registered visitors would be able to undergo automated immigration clearance whereas all visitors with e-TD would be allowed to enjoy automated departure immigration clearance. The upgrading of e-Channels to multi-purpose e-Channels would enable ImmD to flexibly deploy them among Hong Kong residents and visitors according to passenger traffic pattern. He pointed out that face recognition technology had reached a highly accurate and mature stage. It was widely used in many advanced European countries for automated border clearance purpose. The system to be procured would be compliant with the security standards set out by the International Civil Aviation Organisation.

55. Ms Cyd HO expressed concern whether the increased handling capacity resulting from the implementation of the proposed system and the additional manpower requested could cope with the increasing number of visitors. US for S responded that the capacity of ICONS was based on a projection of 10.75% increase in the number of visitors per year. ImmD should be able to cope with the increase in number of visitors in the coming years with the introduction of ICONS. The Administration would also closely monitor its manpower situation and seek to increase the frontline strength of ImmD as appropriate.

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56. Dr LAM Tai-fai asked about the length of period for which the proposed system could cope with the needs of ImmD. US for S responded that the proposed number of e-Channels was to cater for the projected passenger throughput up to around 2020. It would be an open platform system which could be procured from the open market and thus could be further expanded to meet the future needs beyond 2020.

Admin

57. Ms Cyd HO expressed concern about whether frontline immigration staff were experiencing difficulties in taking leave. She requested the Administration to provide supplementary information regarding the average leave balance of frontline immigration staff.

Admin

58. Dr LAM Tai-fai requested the Administration to provide a comparison of the proposed system with similar systems of other advanced countries, especially in terms of efficiency, flexibility and security.

59. The Chairman concluded that members supported in principle the Administration's submission of the proposal for consideration by the Finance Committee.

60. There being no other business, the meeting ended at 4:47 pm.

Council Business Division 2
Legislative Council Secretariat
3 January 2013