

立法會
Legislative Council

LC Paper No. CB(2)1002/12-13
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by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Friday, 1 March 2013, at 10:45 am
in Conference Room 1 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 Emily LAU Wai-hing, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
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-kiwok, SBS, JP
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan

Members absent : Hon LAU Wong-fat, GBM, GBS, JP
Hon Cyd HO Sau-lan
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP
Hon WONG Yuk-man
Hon Christopher CHEUNG Wah-fung, JP

**Public Officers
attending** : Item IV

Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM
Commissioner

Mrs Jennie AU YEUNG WONG Mei-fong
Acting Assistant Director / Administration

Item V

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary (Security)

Mr LAU Yip-shing
Regional Commander of Marine
Hong Kong Police Force

Item VI

The Administration

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Mrs Millie NG KIANG Mei-nei
Principal Assistant Secretary (Security)

Mr LAU Yip-shing
Regional Commander of Marine
Hong Kong Police Force

Mr WONG Chun-kau
Chief Telecommunications Engineer
Hong Kong Police Force

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

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

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)694/12-13)

The minutes of the special meeting held on 28 January 2013 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)707/12-13(01))

2. Members noted that a letter from Mr Dennis KWOK on co-location of boundary-crossing facilities at the control point for the Guangzhou-Shenzhen-Hong Kong Express Rail Link had been issued since the last meeting. Members agreed that the subject be included in the Panel's list of outstanding items for discussion. Members also agreed that besides representatives from the Security Bureau, representatives from the Department of Justice and members of the Panel on Administration of Justice and Legal Services would be invited to attend when the subject was discussed.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)696/12-13(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 5 April 2013 at 10:45 am -

- (a) Drug situation in Hong Kong in 2012;

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- (b) Police's handling of public meetings and public processions; and
- (c) Replacement of three existing and procurement of one additional turntable ladders for the Fire Services Department.

4. The Deputy Chairman expressed concern about recent media reports regarding the Police's trial of body-worn video cameras. He considered that the Administration should be requested to provide information on the trial, including the purpose and duration of the trial, the number of cameras and cost involved, circumstances under which such cameras would be used and the guidelines, if any, on the use of such cameras. Members agreed that the issue would be discussed under the item in paragraph 3(b) above.

IV. Management succession in the Independent Commission Against Corruption

(LC Paper Nos. CB(2)165/12-13(01), CB(2)696/12-13(03) and (04))

5. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed members on the paper provided by the Independent Commission Against Corruption ("ICAC") on management succession in ICAC. He informed members that the overall staff wastage rate of ICAC was 9.3% in 2007, 7.8% in 2008, 5.1 % in 2009, 5.1% in 2010, 6.3% in 2011 and 5.6% in 2012.

6. Members noted the background brief entitled "Management succession in the Independent Commission Against Corruption" prepared by the Legislative Council Secretariat.

7. Ms Emily LAU said that the work of the Operations Department of ICAC was very important. She queried why ICAC had appointed a former director who had proceeded on pre-retirement leave to succeed the former Head of Operations ("H/Ops"). The Deputy Chairman said that the former C/ICAC and former H/Ops should be held responsible for the H/Ops succession problem.

8. C/ICAC responded that when the former H/Ops extended his service beyond retirement age, one of the two directors who underpinned H/Ops had been newly confirmed to the rank for about six months and the other director on acting appointment. It was necessary for ICAC to

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appoint an experienced former director of the Operations Department who had just proceeded on retirement leave to succeed the former H/Ops. This management succession arrangement had been a little undesirable and ICAC had already taken steps to prevent the recurrence of such a situation in future. He added that the service agreement for the existing H/Ops covered a period of three years.

9. The Chairman asked whether there had been any mutual understanding between ICAC and the former H/Ops regarding further extension of his service beyond 31 July 2012. C/ICAC responded that when the service of the former H/Ops was extended beyond his retirement age, the former H/Ops had not ruled out serving ICAC for a further period of time after 31 July 2012.

ICAC

10. C/ICAC informed members that ICAC had been established for about 40 years and some of the officers who joined ICAC in the early days had gradually reached their retirement age. ICAC was actively recruiting people of high calibre to fill vacancies and would strengthen training for its officers. Ms Emily LAU requested ICAC to provide information on the respective number, rank and distribution of directorate and non-directorate staff on acting appointment, the respective duration of such acting appointment and the number and distribution of vacancies in ICAC. The Deputy Chairman requested ICAC to provide the staff wastage rate converted into number of years of service between 2002 and 2007.

11. The Deputy Chairman considered that ICAC should draw up management succession plans well in advance before the anticipated retirement of its senior management. He asked whether staff wastage was mainly found at senior or junior levels in ICAC.

12. C/ICAC responded that officers who resigned from ICAC were relatively junior officers who had served for five years or less. He said that management succession was one of his major tasks and most staff at the directorate level in ICAC were currently around 40 to 50 years of age.

13. The Deputy Chairman said that the Advisory Committee on Corruption ("ACC") should have been aware of the management succession problem in ICAC for a long time and taken steps to address the problem. Referring to the last sentence in paragraph 3 of the paper provided by ICAC, he asked whether ICAC intended to report any changes in manpower succession situation to ACC only. Ms Emily LAU sought information on the membership composition of ACC.

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ICAC

14. C/ICAC responded that if there was any change in the manpower succession situation in ICAC, which was currently stable, ICAC would report the matter to ACC and the Panel. ACC's function was to oversee the general work direction of ICAC and provide advice on policy matters, including matters relating to management succession. It comprised members appointed by the Chief Executive and its current Chairman was Mr CHOW Chung-kong. Ms Emily LAU requested ICAC to provide information on whether ACC had discussed or given views on management succession in ICAC in the past.

15. Mr CHUNG Kwok-pan asked why most staff of ICAC were employed on 2.5 year agreement terms and whether their contracts would be renewed after the agreement period. He considered that ICAC should review its policy of employing staff on 2.5 year agreement terms to address the staff turnover problem.

16. C/ICAC responded that ICAC would consider conducting a review on such employment policy. He pointed out that ICAC's policy of employing staff on 2.5 year agreement terms had been implemented for nearly 40 years without problems. Although some officers had left ICAC because of the competitive packages offered by the private sector and other public bodies, such as the Securities and Futures Commission, the manpower situation in ICAC had already stabilized. He informed members that the pay scales of non-directorate ranks in ICAC had been enhanced a few years ago in response to recommendations in the Report of the Grade Structure Review of the Disciplined Services.

17. Mr YIU Si-wing asked whether there were any requirements on the giving of notice to resign from senior positions in ICAC and whether the former H/Ops had complied with such requirements. He also asked whether there were any penalties for failure of ICAC staff to comply with the notice requirements for termination of service agreement.

18. C/ICAC responded that the former H/Ops had complied with the notice requirements in the service agreement concerned. For ICAC staff employed on 2.5 year agreement terms, a staff who wished to terminate his agreement was required to give three months' notice or pay three months' salary in lieu of notice. Mr YIU Si-wing considered that a three-month termination notice requirement was too short for senior positions in ICAC.

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19. Dr LAM Tai-fai said that with the rapid increase in the number of complaints lodged with ICAC arising from political reasons, the work pressure on ICAC staff had increased substantially in recent years and this had resulted in a high staff turnover rate. He expressed concern that the staff turnover rate might worsen when the economic situation in Hong Kong improved.

20. C/ICAC responded that much effort had been made by ICAC in the areas of staff retention and the development of a sense of belonging among its staff. It had organized a lot of recreational activities for its staff and encouraged them to strike a balance between work and life.

21. Dr LAM Tai-fai asked whether ICAC had taken steps to prevent the leakage of confidential information by former staff members who had joined the private sector. The Deputy Chairman expressed concern about whether there had been any case of leakage of confidential information by former ICAC staff in the past.

22. C/ICAC responded that ICAC officers were divided into many teams, each looking after its own cases. Besides, officers were only allowed to access confidential information on a strictly need-to-know basis. As most officers who left ICAC were those at more junior levels, the confidential information to which they could have accessed was very limited. He added that staff members who had left ICAC were subject to the regulation of the Official Secrets Ordinance (Cap. 521). He informed members that there had not been any case of leakage of confidential information by former ICAC staff.

23. The Deputy Chairman considered that the former C/ICAC and the former Chairman of ACC had failed to ensure smooth management succession in ICAC. He said that the current ACC and C/ICAC should put more effort in such area to ensure fairness in the management succession arrangements. C/ICAC stressed that he had made efforts to ensure a sustainable succession plan in ICAC.

24. The Deputy Chairman expressed concern about appointment of Mainland academics by former C/ICAC and requested ICAC to provide more information on the matter.

25. Ms Emily LAU said that the Panel should consider discussing the subject again at a future meeting. The Chairman said that members might consider whether there was a need to further discuss the subject after the supplementary information requested by members had been provided by ICAC.

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V. Replacement of five High-Speed Interceptor Craft for Small Boat Division of Marine Region of Hong Kong Police Force
(LC Paper No. CB(2)696/12-13(06))

26. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

27. Under Secretary for Security ("US for S") briefed members on the Administration's proposal to replace five High-Speed Interceptor ("HSI") craft for the Small Boat Division of the Police's Marine Region.

28. Referring to paragraph 5 of the Administration's paper, the Deputy Chairman asked whether the Administration had consulted frontline marine police officers on the functions required of the proposed HSIs. He also asked whether the night vision equipment of the proposed HSIs would enable an officer to monitor a wide scope of area at one time.

29. US for S responded that since September 2010, discussions had been held with frontline police officers and the Marine Department on the requirements for the proposed HSIs. The specifications required had been revised a number of times before being finalized in June 2012. The maximum number of crews permitted on board and the top speed of the proposed HSIs had been determined taking into account the operational needs of the Marine Police and the decline in top speed of a craft as it became aged. He said that the night vision equipment would deploy advanced thermal imaging technology enabling the monitoring of a wide scope of area at one time.

30. Mr YIU Si-wing asked whether the total non-recurrent cost of the proposed HSIs would be amortized over their depreciation period. He also asked whether the technological standard of the proposed HSIs were comparable to those of the most advanced HSIs deployed in other places and whether their robustness and safety level could meet the standard required for operations of the Marine Police.

31. US for S responded that total non-recurrent cost would be written off at the time of payment. The recurrent cost of the proposed HSIs would be partially offset by the recurrent cost of the five decommissioned HSIs. The additional recurrent cost involved arose from the higher annual maintenance and repair cost of the more powerful engines and other advanced equipment, such as the gyroscope. The specifications of the proposed HSIs would meet the robustness and safety level required for Marine Police operations.

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32. Regional Commander of Marine, Hong Kong Police Force ("RCM") said that the technological standard of the proposed HSIs were comparable to those of the latest HSIs deployed by other law enforcement agencies. The top speed of 66 knots for the proposed HSIs would be adequate for meeting the operational needs of the Marine Police.

33. Mr NG Leung-sing asked whether adequate safety facilities would be installed on the proposed HSIs to ensure safety in enforcement operations. He also asked whether the emission level of the proposed HSIs would meet the prevailing international standards. Noting that the first berth of the Kai Tak Cruise Terminal would come into operation in mid-2013, he asked whether the Police had studied the experience of other places in cruise terminal security.

34. US for S responded that the Marine Police had taken steps to ensure safety in the design of HSIs as well as in the operational procedures. The emission level of the proposed HSIs would meet the prevailing standards required for boats and vessels procured by the Administration. RCM added that the Police had been maintaining close communication with its counterparts of other places to share their experience in cruise terminal security.

35. In response to the Deputy Chairman's question about whether the equipment referred to in paragraph 5(c) of the Administration's paper had any recording function, US for S replied in the negative.

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

VI. Replacement of Digital Radar Security System for Marine Region of Hong Kong Police Force
(LC Paper No. CB(2)696/12-13(05))

37. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

38. US for S briefed members on the Administration's proposal to replace the Digital Radar Security System ("DRSS") for the Small Boat Division of the Police's Marine Region.

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39. The Deputy Chairman recalled that the Administration had previously informed him that the existing DRSS procured in 2003 could generate stable radar signals under poor weather condition. He queried why the Administration had stated in paragraph 7(a) of its paper that the signals of the existing system were intermittent under inclement weather condition. He asked how the processing power of the proposed DRSS would be enhanced in comparison with that of the existing system. Referring to paragraph 7(b) of the Administration's paper, he asked whether the new function enabling holistic monitoring of the entire Hong Kong waters would be compromised by a reduction in the resolution of the images.

40. US for S responded that there was in practice no system which could provide fully stable signals under extreme weather conditions. The proposed DRSS would provide more stable signals under inclement weather condition in comparison with the existing system. The proposed DRSS would have a higher processing speed and image resolution as well as enhanced tracking capability.

41. Mr YIU Si-wing considered that since the existing DRSS had been in use for about 10 years, it was the time to review whether the location of the existing DRSS was appropriate. Noting that the proposed DRSS would be commissioned in 2016, he asked how the reliability of the existing system would be maintained in the interim before 2016. Mr YIU said that a back-up system should be incorporated in the proposed DRSS.

42. US for S responded that although many components of the existing DRSS were showing signs of ageing, the existing DRSS could still meet operational needs and the supplier had indicated the availability of spare parts for the coming three years. Used spare parts dismantled from decommissioned boats had also been kept for temporary use in the event of shortage of new spare parts. He added that according to the Police's contingency plan, the radar systems of police launches would be deployed in the event of a total breakdown of the existing DRSS. Chief Telecommunications Engineer, Hong Kong Police Force added that requirements on the reliability of the new system would be set out in the tender documents. Besides the requirement for the provision of a back-up system, the tender documents would also set out requirements on maintenance and the replacement of parts before the end of their service life.

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43. Mr LEUNG Kwok-hung asked whether maintenance of the proposed DRSS would be carried out by contractors and whether the tender document would incorporate penalty provisions regarding failure of contractors to meet maintenance and repair requirements. He requested the Administration to provide members with a sample of its tender document for maintenance of radar systems.

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44. US for S agreed to consider Mr LEUNG Kwok-hung's request. He said that the tender document would be similar to other tender documents issued by the Administration, which set out requirements drawn up by the relevant user government department on service response time and the supply of spare parts. He added that a marking scheme was normally adopted for assessment of the capability of tenderers.

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

46. There being no other business, the meeting ended at 12:29 pm.

Council Business Division 2
Legislative Council Secretariat
19 April 2013