

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1143/15-16

(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of policy briefing cum meeting  
held on Tuesday, 2 February 2016, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon CHUNG Kwok-pan (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Cyd HO Sau-lan, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, JP

Dr Hon CHIANG Lai-wan, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen, BBS

**Members attending** : Hon WONG Kwok-hing, BBS, MH  
Hon TANG Ka-piu, JP

**Members absent** : Hon WONG Kwok-kin, SBS  
Hon LEUNG Che-cheung, BBS, MH, JP

**Public Officers attending** : Item IV

Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM  
Commissioner

Ms Rebecca LI Bo-lan  
Head of Operations

Mr Raymond NG Kwok-ming  
Director of Community Relations

Mr TSE Man-shing, BBS, JP  
Director of Corruption Prevention

Item V

The Administration

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

Mr Joshua LAW, JP  
Permanent Secretary for Security

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

Ms Mimi LEE, JP  
Deputy Secretary for Security 1

Miss Shirley YUNG  
Deputy Secretary for Security 2

Ms Maggie WONG, JP  
Deputy Secretary for Security 3

Ms Manda CHAN  
Commissioner for Narcotics

Ms Wendy LEUNG  
Administrative Assistant to Secretary for Security

Mr Billy WOO  
Principal Assistant Secretary for Security D

Mr Erick TSANG, IDSM  
Deputy Director of Immigration

Mr P H FUNG  
Assistant Director of Immigration  
(Enforcement and Removal Assessment)

#### Item VI

#### The Administration

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

Ms Maggie WONG, JP  
Deputy Secretary for Security 3

Mr Billy WOO  
Principal Assistant Secretary for Security D

Mr Erick TSANG, IDSM  
Deputy Director of Immigration

Mr P H FUNG  
Assistant Director of Immigration  
(Enforcement and Removal Assessment)

Item VII

The Administration

Ms Mimi LEE, JP  
Deputy Secretary for Security 1

Mr Vic YAU  
Principal Assistant Secretary for Security A

Ms Louise HO  
Assistant Commissioner of Customs and Excise  
(Intelligence and Investigation)

Mr Alan CHENG  
Senior System Manager (ROCARS Maintenance  
and Development)  
Customs and Excise Department

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

**Staff in  
attendance** : Mr Timothy TSO  
Senior Assistant Legal Adviser 1

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)650/15-16)**

The minutes of the meeting held on 1 December 2015 were confirmed.

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**II. Information paper issued since the last meeting**

2. Members noted that no information paper had been issued since the last meeting.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)648/15-16(01) and (02))

Meeting in March 2016

3. Members agreed that the following items would be discussed at the next regular meeting on 1 March 2016 at 2:30 pm -

- (a) Proposed creation of a supernumerary post of Assistant Director of Immigration in the Immigration Department ("ImmD") to oversee the development and implementation of the Next Generation Smart Identity Card System;
- (b) Replacing and upgrading the information technology infrastructure and applications of the Hong Kong Police Force and replacement of the Command and Control Communications System of the Hong Kong Police Force;
- (c) Replacement of core information technology systems with the Integrated Custodial and Rehabilitation Management System for the Correctional Services Department; and
- (d) Amendments to the First Schedule to the Dangerous Drugs Ordinance.

Visit to Fire Services Department on 29 February 2016

4. The Chairman reminded members that a visit to the Fire Services Department's Central Fireboat Station and observe a joint departmental fire exercise at Shau Kei Wan Typhoon Shelter would be held on 29 February 2016.

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**IV. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2016 Policy Address**

(LC Paper No. CB(2)648/15-16(04), The 2016 Policy Address booklet and The 2016 Policy Agenda booklet)

5. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed Members on the paper provided by the Independent Commission Against Corruption ("ICAC") regarding its initiatives in the year ahead.

*(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)801/15-16(01) on 3 February 2016.)*

Corruption situation in Hong Kong

6. Noting that the number of corruption complaints in 2015 had increased by 18% over the previous year and the number of pursuable complaints had increased by 25% over the previous year, Mr Kenneth LEUNG asked whether there was any change in the conviction rate in comparison with that of the previous year. C/ICAC advised that 215, 222 and 207 persons had been prosecuted in 2013, 2014 and 2015 respectively, while the case-based conviction rates were 81%, 87% and 84% respectively.

7. Referring to paragraph 7 of ICAC's paper, Mr YIU Si-wing sought information on the reasons for an increase of 20% in the number of pursuable complaints against government departments. Head of Operations, ICAC ("H/Ops") responded that the percentage of such complaints among the total number of complaints was 28%, which was broadly the same as that in 2015 and lower than the percentages in 2011 and 2012. She said that such complaints were mainly lodged against government departments mainly with frontline staff, including the Police, the Lands Department and Food and Environmental Hygiene Department.

8. Mr Kenneth LEUNG said that according to the latest Corruption Perceptions Index released by Transparency International, the ranking of Hong Kong had dropped again. He asked whether ICAC had examined the reasons for the drop in ranking. C/ICAC responded that the index concerned was based on the perception of respondents, which might be affected by a few major cases in recent years, rather than objective data. He stressed that the corruption situation in Hong Kong had not worsened.

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Promotion of a corruption-free culture

9. Dr Kenneth CHAN considered that ICAC should promote a corruption-free culture among the business sector, especially when doing businesses with Belt and Road countries. It should also enhance the corruption prevention awareness of the sports sector in the selection of athletes for participation in the Olympic Games. He expressed concern about recent allegations relating to non-local programmes offered by Lifelong College and said that more should be done by ICAC to promote integrity in the public sector.

10. C/ICAC responded that since its establishment some 42 years ago, ICAC had all along put great effort in public education to promote a corruption-free and fair environment in Hong Kong.

Investigation into corruption complaints

11. Ms Emily LAU asked whether Mainland officials in Hong Kong adopted a cooperative attitude towards the investigations of ICAC in the case involving a former Commissioner of ICAC. She also asked whether any Mainland officials in Hong Kong who had been invited to provide information to ICAC to assist in its investigations had refused to do so.

12. C/ICAC responded that while he would not comment on individual cases, more than 120 persons had been interviewed in the case concerned. He said that ICAC had all along invited persons who were not suspects to provide information to assist in its investigation work and it had interviewed the top management of Mainland companies in the investigation of cases involving Mainland enterprises. He pointed out that as persons invited to provide information were not suspects, it was not mandatory for such persons to provide information. H/Ops added that a mutual case assistance scheme had been established between ICAC and the Supreme People's Procuratorate.

13. Ms Emily LAU asked whether ICAC was hesitant in the investigation of corruption cases which involved Mainland persons. C/ICAC responded that regardless of the background or status of the person under investigation, ICAC had no hesitation in its investigation of corruption complaints. He pointed out that prosecution had been instituted against some former senior officials of the Hong Kong Special Administrative Region ("HKSAR").

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14. Mr James TO asked whether the Central People's Government ("CPG") had instructed Mainland officials in Hong Kong to cooperate in ICAC's investigation work. He considered that CPG should give such an instruction to Mainland officials in Hong Kong. C/ICAC responded that he was not aware of any instruction of such a nature.

15. Mr NG Leung-sing considered that all persons being invited to assist in ICAC's investigations should be treated equally regardless of their country of origin.

16. Mr MA Fung-kwok and Mr YIU Si-wing expressed concern that some people had lodged complaints, some of which were unfounded, against election candidates of other political parties in a high profile manner. They sought information on the number of such complaints. Mr YIU Si-wing and Mr NG Leung-sing said that complaints of such a nature had undermined the creditability of the subject of complaint. Mr MA asked whether measures were adopted by ICAC against such acts. He also sought information on the amount of resources incurred by ICAC for handling complaints of such a nature.

17. C/ICAC responded that ICAC did not encourage complaints in a high profile manner, which would affect ICAC's investigation work. ICAC noted that complaints of such a nature had increased recently and some of these were complaints with malice. In this connection, ICAC had advised members of the public to avoid doing so. He said that while information on the number of complaints of such a nature could be gathered, the question of freedom of speech might arise. H/Ops added that in 2015, ICAC had received 154 pursuable complaints related to the Rural Representative Election and the findings in most of the cases had been submitted to the Operations Review Committee. In the same year, ICAC had also received 399 pursuable complaints related to the District Council Election held in November 2015. Complaints relating to election expenses had also been referred from the Electoral Affairs Commission. She said that ICAC had deployed substantial resources in handling election-related complaints and more resources would be deployed, if necessary, for handling such complaints.

18. Mr WONG Kwok-hing said that some Legislative Council ("LegCo") Members had reportedly received "dark money" from a merchant, which had affected the clean image of Hong Kong. He expressed concern that although some people had lodged complaints on



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the matter with ICAC, there was no information on the outcome of its investigation. He considered that ICAC should investigate into the complaints and disclose its findings.

19. C/ICAC responded that ICAC had all along followed up corruption complaints against public officers, including LegCo Members. He pointed out that the time needed for the investigation of corruption complaints varied with the complexity of cases.

Complaints against a former Commissioner of ICAC

20. Dr Fernando CHEUNG expressed concern that the Department of Justice ("DoJ") had decided not to initiate criminal proceedings against a former Commissioner of ICAC. He asked whether there would be disciplinary proceedings into the persons concerned and whether the findings would be disclosed. He expressed concern about whether ICAC had reviewed and revised the relevant procedures. Ms Emily LAU also expressed concern that DoJ had decided not to initiate criminal proceedings in the case concerned.

21. Mr WONG Yuk-man expressed grave concern that DoJ had decided not to initiate criminal proceedings against a former Commissioner of ICAC and no disciplinary actions had been taken by ICAC against a former Director of Community Relations.

22. C/ICAC responded that the Secretary for Justice had, in response to media enquiries, commented on the decision and he had nothing to supplement. He said that disciplinary investigation into the ICAC personnel involved in the case had commenced.

23. Ms Emily LAU asked whether the staff morale of ICAC had been affected by the case concerned. C/ICAC responded that the case concerned had somewhat affected the image of ICAC and the morale of ICAC staff. With the measures taken by ICAC and the explanations of ICAC to members of the public, both the image of ICAC had been restored and staff morale of ICAC had gradually returned to the previous level.

24. Mr Kenneth LEUNG asked whether ICAC had, in response to the recommendations of the Public Accounts Committee ("PAC"), revised its mechanism for approval of duty visits outside Hong Kong and the reimbursement of expenditure on official entertainment.

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25. C/ICAC responded that ICAC had, in response to the recommendations of PAC, revised its guidelines relating to duty visits outside Hong Kong and expenditure on official entertainment, which included -

- (a) inviting only guests who were directly related to the context of the official business;
- (b) prohibiting splitting of entertainment bills or charging them to different votes; and
- (c) strictly following the ceilings of expenses per head of government departments.

Tender-rigging activities

26. Mr Christopher CHUNG sought information on ICAC's work against tender-rigging activities in the maintenance and repair of buildings. He asked whether prosecution could be instituted under the Competition Ordinance (Cap. 619) against such activities.

27. Mr Tony TSE expressed concern that there were increased signs of syndicated tender-rigging activities in the maintenance and repair of buildings. He considered that ICAC should put more effort in combating such activities with the Police and other government departments.

28. H/Ops responded that ICAC had adopted a holistic and strategic approach to tackle the problem. In addition to a dedicated team responsible for investigating cases of corruption in the building management sector, a special task force had been set up to investigate several inter-related complaints alleging corruption in the tendering process of renovation projects of some residential estates, resulting in the prosecution of the middle-man of a tender-rigging syndicate for corruption offences. She added that cases of a minor nature were dealt with by a quick response team. Tender rigging activities facilitated by corruption fell under the purview of ICAC and in this regard, a referral mechanism had been established with the Competition Commission.

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**V. Briefing by the Secretary for Security on the Chief Executive's 2016 Policy Address**

(LC Paper No. CB(2)648/15-16(03), The 2016 Policy Address booklet and The 2016 Policy Agenda booklet)

29. Secretary for Security ("S for S") briefed Members on the initiatives of the Security Bureau in 2016, as set out in the Administration's paper.

*(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)801/15-16(02) on 3 February 2016.)*

Rescue operations under extreme weather conditions

30. Dr Elizabeth QUAT commended disciplined forces for their efforts in the rescue operations at Tai Mo Shan on 24 January 2016. She asked whether the Administration would, having regard to the experience gained in the operations concerned, procure more mountain rescue equipment and close the roads concerned at Tai Mo Shan at an earlier stage.

31. S for S responded that Hong Kong, given its sub-tropical climate, was exposed to the hazards associated with typhoon, fire and flooding. Although the situation at Tai Mo Shan on 24 January 2016 had rarely occurred, the Administration would examine whether there was a need to procure additional equipment for rescue under extreme weather conditions and conduct relevant drills. The Administration would also educate the public on the potential danger under extreme weather conditions.

Incident of alleged missing of shareholders and staff members of Causeway Bay Books

32. Ms Emily LAU expressed concern that there was no mention in the Administration's paper of the incident of alleged missing of Mr LEE Po, a shareholder of Causeway Bay Books ("the incident"). She said that the Administration could not tackle the problem despite concerns of the community that the incident would undermine the rule of law and the principle of "one country, two systems".

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33. S for S responded that the Administration's paper set out the Security Bureau's initiatives in the 2016 Policy Address and Policy Agenda. The incident had been discussed at a special meeting of the Panel and LegCo Questions on the incident had been raised at Council meetings. He stressed that the Administration attached great importance to the incident and fully understood the concerns of the community. The Administration was committed to the full implementation of the Basic Law in Hong Kong. The incident had been raised at different levels with the Mainland.

34. Mr James TO referred to the incident and expressed concern that arrangements had not been made for the Police to meet with Mr LEE Po, despite the issue of three requests by the Police to the Guangdong Provincial Public Security Department. Mr TO, Mr Dennis KWOK and Mr LEUNG Kwok-hung considered that communication with relevant Mainland authorities should be raised to a higher level and the Administration should raise the matter with CPG.

35. S for S responded that the Chief Executive ("CE") and the Administration had raised the matter and the concerns of the public with Mainland authorities at different levels and on different occasions. He said that the Police were still awaiting a reply from Guangdong Provincial Public Security Department regarding the Police's request for a meeting with Mr LEE Po.

Handling of non-refoulement claims

36. Mr Frankie YICK expressed concern about the increase in the number of non-refoulement claimants in Hong Kong and its corresponding financial burden as well as impact on law and order in Hong Kong. He asked whether measures would be introduced to address the problem before completion of the Administration's comprehensive review of the strategy of handling non-refoulement claims.

37. S for S responded that both short-term and long-term measures would be launched by the Administration to tackle the problem at source. Representatives of the Police and ImmD had recently visited relevant law enforcement agencies ("LEAs") of India to discuss issues relating to rumours in India that refugee visas were issued by Hong Kong. In addition, consideration was being given to introducing pre-arrival registration, which was similar to those adopted in the United States of America and Canada, for nationals of high-risk countries to deter arrival

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of economic migrants. Consideration was also being given to the introduction of legislative amendments in about six to 12 months' time to the Immigration Ordinance (Cap. 115) so that heavier penalties could be applied against human smuggling syndicates and their boats used for human smuggling could be confiscated.

38. Mr NG Leung-sing expressed concern that substantial financial resources were incurred in the provision of humanitarian and legal assistance to non-refoulement claimants. He said that many residents of the New Territories had expressed concern about the increased crime rate of such claimants. He expressed support for the measures under consideration by the Administration in relation to non-refoulement claims.

39. Dr CHIANG Lai-wan expressed concern about the increased crime rate of non-refoulement claimants. She considered that the Administration should, besides seeking the cooperation of relevant LEAs of India, seek the assistance of relevant Mainland authorities to intercept persons who entered Hong Kong illegally from the Mainland to lodge a claim.

40. S for S responded that the Administration had strengthened cooperation with relevant Mainland authorities to intercept persons who entered Hong Kong illegally from the Mainland. He said that all non-refoulement claims were handled in accordance with the law. In this connection, it had been stated in the judgment of the Court of First Instance in *HKSAR v. VU THANG DUONG* (HCMP 249/2015 and HCMP 477/2015) that "The regime in place to deal with non-refoulement claimants ..... can be open to abuse and it is naturally a concern if a person enters Hong Kong illegally for a nefarious purpose or purposes and secures release from detention by making a non-refoulement claim". It had also been stated in the judgment of the Court of First Instance in *HKSAR v. TAROK DAS* (HCMP 1872/2015) that "..... more needs to be done to weed out promptly the unmeritorious and unworthy claims ..... this is becoming a serious problem for the courts and the legal system in general, as well as for the community, and there is the added risk that the system in place is being abused not only by unmeritorious claimants but possibly by claimants with a more sinister purpose in mind".

41. Mr TANG Ka-piu said that Germany had, after some recent crime incidents, decided to repatriate non-refoulement claimants who were convicted of crime in Germany and sentenced to more than one year's imprisonment. He queried why a similar policy was not adopted in Hong

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Kong. S for S responded that the Security Bureau had sought the assistance of the Economic and Trade Office of Hong Kong in Berlin to gather more information about the new policy in Germany. To his knowledge, Germany intended to revise the threshold for repatriation from three years' imprisonment to one year's imprisonment. He pointed out that the repatriation of a claimant from Germany was subject to a number of conditions, including the requirement that repatriation would not be made of a claimant who would be subject to torture after return to his country of origin.

Junior Police Call ("JPC") Permanent Activity Centre and Integrated Youth Training Camp

42. Referring to paragraph 2 of the Administration's paper, Mr NG Leung-sing said that there was a need for the JPC Permanent Activity Centre and Integrated Youth Training Camp to provide discipline training for the youth. He added that consideration should be given to the establishment of a college or university in the security stream. S for S responded that to his knowledge, courses which would enhance the knowledge of trainees in the work of disciplined forces were offered by some local universities.

43. Mr YIU Si-wing said that the establishment of more JPC school clubs would facilitate discipline, physical and team-building training for the youth. He expressed concern about the number of JPC school clubs established in the last year and the number of students who had joined these school clubs. He also asked whether there was a target for the number of new JPC school clubs to be established in 2016.

44. S for S responded that although he did not have such information on hand, an accumulated total of over 200 000 students had joined JPC and all schools were eligible for establishing JPC school clubs.

Other issue

45. Mr WONG Yuk-man said that the Administration's paper should cover issues such as quality of police officers, restricting the power of police officers and immigration control. S for S stressed that the Administration's paper set out the new and ongoing initiatives of the Security Bureau in the 2016 Police Address and Policy Agenda.

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**VI. Comprehensive review of the strategy of handling non-refoulement claims**

(LC Paper Nos. CB(2)648/15-16(05) and (06))

46. Members noted the Administration's paper on its comprehensive review of the strategy of handling non-refoulement claims and its proposal to create two supernumerary directorate posts to steer the review and to step up relevant enforcement measures and expedite screening of claims.

47. Members noted a background brief entitled "Unified screening mechanism for non-refoulement claims" prepared by the LegCo Secretariat.

48. Dr Elizabeth QUAT expressed support for the Administration's proposal to create two supernumerary directorate posts in SB and ImmD to steer the review and to step up relevant enforcement measures and expedite screening of claims. She said that the measures proposed in the Administration's paper should be introduced once ready. She expressed concern that the smuggling of illegal immigrants into Hong Kong might involve triad societies, intermediary companies and solicitor firms.

49. S for S responded that the Administration was aware that human smuggling syndicates might involve triad societies involved in other crime, such as money laundering. He said that LEAs in Hong Kong were cooperating with relevant Mainland authorities to launch intelligence-led operations. The legislative amendments proposed in paragraph 11 of the Administration's paper was directed at such crime.

Detention of claimants

50. Dr CHIANG Lai-wan asked whether the Administration had plans to introduce compulsory detention of all claimants. She also asked whether the period of detention would be subject to a ceiling.

51. Mr Frankie YICK said that given the crime rate of claimants and the views of some people that inadequate in-kind assistance was provided to claimants, consideration should be given to compulsory detention of claimants for maintaining law and order in Hong Kong and facilitating the effective provision of in-kind assistance to claimants.

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52. Mr Dennis KWOK asked whether the Administration had plans to introduce compulsory detention for all claimants.

53. S for S responded that the Administration had an open mind towards the issue of compulsory detention of claimants. He said that the detention of persons by ImmD was subject to the Hardial Singh principles, under which ImmD could not continue to detain an illegal immigrant if it became apparent that ImmD would not be able to effect his removal within a reasonable period. The Administration would examine the feasibility of clarifying and strengthening ImmD's power under the law to detain claimants pending screening. S for S added that it had been stated in the judgment of the Court of Appeal in *HKSAR v. NORENA GUTIERREZ CRISTHIAN ANDRES* (CAC319/2014) that there was nothing discriminatory in treating the circumstances of the offender's immigration status as a factor aggravating his culpability and there was no infringement of the principle that everyone was equal before the law.

Processing of non-refoulement claims by ImmD

54. Mr Dennis KWOK expressed concern that many claimants had to wait for about a year before being arranged for an interview by an officer of ImmD. He asked whether ImmD would speed up the processing of claims.

55. Deputy Secretary for Security 3 responded that about 30% of the claimants had failed to attend a scheduled interview by officers of ImmD. Among these claimants, about 70% had not provided any proof of their reasons for failure to attend the scheduled interview. She said that the Administration had identified room for tightening existing procedures and shortening the time needed for screening. However, some stakeholders had opposed to the suggestions. Mr Dennis KWOK expressed support for the tightening of procedures to shorten the time needed for screening claims.

56. Ms Emily LAU said that a sympathetic attitude should be adopted towards claimants. She considered that sufficient manpower should be provided to ImmD for the screening of claims and sufficient training should be provided to ImmD staff assigned with such duties.



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57. S for S responded that non-refoulement claims were determined by ImmD under procedures which met high standards of fairness as required by the court. The publicly-funded legal assistance scheme and the timeline allowed for providing information and making submissions under the screening process in Hong Kong were more lenient than those adopted by many other countries. There were avenues for aggrieved claimants to lodge an appeal or seek a judicial review. He said that a request for additional manpower for ImmD had been made through the resource allocation exercise for the screening of non-refoulement claims. Necessary training had also been provided to all ImmD staff involved in handling non-refoulement claims. He added that while most claimants had been given an extended deadline of 49 days for completing a claim form, a judge had recently stated that a period of 28 days should be sufficient for a claimant to complete a claim form.

Application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT") to Hong Kong

58. Dr LAM Tai-fai said that CE had recently stated that consideration might be given to the cessation of application of CAT to Hong Kong, if necessary. He asked whether the Administration had any plans regarding cessation of application of CAT to Hong Kong and whether the consent of CPG was required for such cessation.

59. S for S advised that the Administration had no plans at present to assess the question of cessation of application of CAT to HKSAR. He said that under the Basic Law, the application to HKSAR of international agreements to which the People's Republic of China was a party should be decided by CPG, in accordance with the circumstances and needs of HKSAR, and after seeking the views of the HKSAR Government.

60. Dr Fernando CHEUNG said that Hong Kong had a duty to discharge its obligations under international conventions. He expressed concern that the percentage of substantiated non-refoulement claims determined by ImmD was around 0.5%, which was very low in comparison with those of other countries. He pointed out that the percentage of substantiated non-refoulement claims was 42% in Germany, 41% in the United Kingdom, 68% for persons who arrived by sea and 33% for those who arrived by air in Australia, 38% in Canada and that of the United Nations High Commissioner for Refugees was more than 30%. He said that discrimination against claimants was unacceptable and there were inadequacies in the existing mechanism for handling non-refoulement claims.

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Other issue

61. Mr Frankie YICK expressed concern about reports that some claimants had lodged non-refoulement claims immediately upon their arrival at the Hong Kong International Airport, where lawyers were waiting to provide immediate assistance. He considered that measures should be adopted to address such an issue. S for S responded that the proposed pre-arrival registration requirement, which was expected to be introduced in about six months to one year, was intended for addressing such an issue.

62. The Chairman concluded that members supported in principle the Administration's submission of its staffing proposal to the Establishment Subcommittee.

**VII. Computerization for "Development of Customs and Excise Information and Risk Management System"**  
(LC Paper No. CB(2)648/15-16(07))

63. The Chairman drew Members' attention to Rule 83A of the Rules of Procedure concerning the requirement of disclosing personal pecuniary interest.

64. Deputy Secretary for Security 1 ("DS for S1") briefed Members on the proposal of the Customs and Excise Department ("C&ED") to develop a Customs and Excise Information and Risk Management System.

65. Noting that the Administration's proposal involved the replacement of the existing Single Trader Database ("STD") and the Customs and Excise Intelligence System ("CEIS") of C&ED with a new system, Mr James TO said that C&ED should consider integrating its existing computer systems into one system, say with five to six sub-systems, under a common platform.

66. DS for S1 responded that quite a number of systems were currently maintained by C&ED in discharging its duties with the assistance of advance technology. The Efficiency Unit and C&ED conducted business process re-engineering studies on STD and CEIS in 2012 and 2014 respectively. The studies recommended, inter alia, an integration of STD and CEIS. The Administration would consider upgrading and integrating other C&ED systems if necessary in the future.

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67. Dr Elizabeth QUAT said that the Democratic Alliance for the Betterment and Progress of Hong Kong supported the Administration's proposal. She asked whether the proposed system would facilitate C&ED's efforts in investigating the trafficking of wild animals.

68. Assistant Commissioner of Customs and Excise (Intelligence and Investigation) responded that the proposed system would strengthen C&ED's capability in intelligence gathering and analysis as well as the risk grading of traders in various areas, including the trafficking of endangered species.

69. The Chairman concluded that members supported in principle the Administration's submission of its proposal to the Finance Committee.

70. There being no other business, the meeting ended at 5:13 pm.

Council Business Division 2  
Legislative Council Secretariat  
22 March 2016