

立法會

Legislative Council

LC Paper No. CB(2)280/16-17

(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting

**held on Friday, 11 November 2016, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present :

- Hon CHAN Hak-kan, BBS, JP (Chairman)
- Hon James TO Kun-sun (Deputy Chairman)
- Hon Abraham SHEK Lai-him, GBS, JP
- Hon Jeffrey LAM Kin-fung, GBS, JP
- Hon WONG Ting-kwong, SBS, JP
- Hon Starry LEE Wai-king, SBS, JP
- Hon CHAN Kin-por, BBS, JP
- Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
- Hon WONG Kwok-kin, SBS, JP
- Hon Paul TSE Wai-chun, JP
- Hon LEUNG Kwok-hung
- Hon Claudia MO
- Hon Michael TIEN Puk-sun, BBS, JP
- Hon Steven HO Chun-yin, BBS
- Hon WU Chi-wai, MH
- Hon YIU Si-wing, BBS
- Hon MA Fung-kwok, SBS, JP
- Hon Charles Peter MOK, JP
- Hon CHAN Chi-chuen
- Hon CHAN Han-pan, JP
- Hon LEUNG Che-cheung, BBS, MH, JP
- Hon Kenneth LEUNG
- Hon Alice MAK Mei-kuen, BBS, JP
- Hon KWOK Wai-keung
- Hon Dennis KWOK Wing-hang
- Hon Christopher CHEUNG Wah-fung, SBS, JP
- Dr Hon Fernando CHEUNG Chiu-hung
- Dr Hon Helena WONG Pik-wan

Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

Member attending : Dr Hon CHIANG Lai-wan, JP

Members absent : Hon LEUNG Yiu-chung
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Frankie YICK Chi-ming, JP
Dr Hon KWOK Ka-ki
Dr Hon YIU Chung-yim

Public Officers attending : Item IV

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

Mr Vic YAU Cheuk-hang
Deputy Secretary for Security 2

Mr Alex CHAN Yuen-tak
Principal Assistant Secretary for Security B

Mr Joseph LEUNG Wai-hung
Acting Director of Fire Services

Mr Terrance TSANG Wing-hung
Deputy Chief Fire Officer (Fire Safety)
Fire Services Department

Item V

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

Ms Maggie WONG, JP
Deputy Secretary for Security 3

Mr Billy WOO
Principal Assistant Secretary for Security (Review)

Mr N W FUNG
Assistant Director of Immigration
(Removal Assessment and Litigation)

Mr C M MA
Assistant Director of Immigration (Visa and Policies)

Item VI

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

Mr Andrew TSANG Yue-tung
Principal Assistant Secretary for Security E

Mr Stanley CHUNG Siu-yeung
Assistant Commissioner of Police (Crime)

Ms Catherine CHENG Chi-man
Senior Superintendent
(Crime Kowloon East Regional Headquarters)
Hong Kong Police Force

Mr Wilson TAM Wai-shun
Chief Inspector Regional Crime Unit Team 3
(Crime Kowloon East Regional Headquarters)
Hong Kong Police Force

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)104/16-17)

The minutes of the meeting held on 28 October 2016 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)92/16-17(01), CB(2)102/16-17(01), CB(2)130/16-17(01), CB(2)133/16-17(01) and CB(2)154/16-17(01))

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

- (a) letter dated 2 November 2016 from Mr Charles MOK;

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- (b) letter dated 4 November 2016 from Dr Fernando CHEUNG;
- (c) letter dated 7 November 2016 from Mr Kenneth LEUNG;
- (d) letter dated 8 November 2016 from Mr Nathan LAW; and
- (e) letter dated 9 November 2016 from Dr Fernando CHEUNG.

3. The Chairman informed members that the Administration had been requested to provide a written response to the issues raised in the letter referred to in paragraph 2(c) above. The issues raised in the letters referred to in paragraphs 2(a), (d) and (e) above had been incorporated into the Panel's list of outstanding items for discussion.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)110/16-17(01) and (02))

List of outstanding items for discussion

4. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2016-2017 session with the Secretary for Security ("S for S") on 8 November 2016. The list of outstanding items of the Panel had been updated accordingly.

Regular meeting in December 2016

5. Members agreed that the following items would be discussed at the next regular meeting on 6 December 2016 at 2:30 pm:

- (a) Results of study of matters raised in the Annual Report 2015 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance; and
- (b) Measures to combat technology crimes and proposed creation of a permanent Chief Superintendent of Police post of the Cyber Security and Technology Crime Bureau.

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IV. Registered Fire Engineer Scheme

(LC Paper Nos. CB(2)103/16-17(01) and CB(2)110/16-17(03))

6. S for S briefed Members on the Administration's legislative proposal on the Registered Fire Engineer ("RFE") Scheme.

7. Members noted an information note entitled "Registered Fire Engineer Scheme" prepared by the Legislative Council ("LegCo") Secretariat.

Views on the legislative proposal and role of the Fire Services Department ("FSD")

8. Ir Dr LO Wai-kwok said that he was a member of the former Bills Committee which scrutinized the Fire Services (Amendment) Bill 2015 ("the 2015 Bill") and noted that the RFE Scheme was generally supported by stakeholders. However, the 2015 Bill could not resume Second Reading debate and lapsed upon prorogation of the Fifth LegCo because of some Members' strong opposition to the Medical Registration (Amendment) Bill 2016 which had lapsed. He asked whether the Administration would adopt measures to make up for the delay in the introduction of the RFE Scheme. S for S responded that the Administration would, in parallel with the introduction of the Fire Services (Amendment) Bill 2016 ("the 2016 Bill") into LegCo, commence its consultation with stakeholders on the details of the RFE Scheme and start preparing the proposed regulations. This would enable the regulations to be introduced into LegCo as soon as possible after passage of the 2016 Bill.

9. Dr CHENG Chung-tai said that the Administration should not shift the responsibility of monitoring fire safety to the private sector by establishing the RFE Scheme. He considered that the Administration should instead allocate more resources for FSD to create more supernumerary posts to carry out fire safety risk assessment and certification work. Mr Nathan LAW expressed concern about whether the quality of fire safety risk assessment and certification would be lowered with the participation of the private sector in the RFE Scheme.

10. Mr WU Chi-wai expressed support for the legislative proposal, which would provide an additional option for fire safety risk assessment and certification.

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11. Mr LEUNG Che-cheung expressed support for early introduction of the RFE Scheme to expedite fire safety risk assessment and certification work. He asked whether measures would be introduced to ensure the risk assessment and certification services of RFEs meeting required standards.

12. S for S stressed that after the RFE Scheme was launched, only persons with relevant qualifications and experience who registered as RFEs could perform the fire safety risk assessment and certification work in addition to FSD staff. FSD would play a regulatory role over the Scheme. Acting Director of Fire Services ("DFS(Atg)") said that FSD intended to require that fire safety requirements formulated by a registered fire engineer (risk assessment) must be endorsed by FSD before they were issued to the licence applicants. FSD would also carry out audit inspections on at least 70% of the certification completed by RFEs.

13. Mr Jeremy TAM sought information on the number of FSD staff currently performing fire safety risk assessment and certification work and the future role of these FSD staff after implementation of the RFE Scheme. DFS(Atg) responded that there were currently around 130 FSD staff performing fire safety risk assessment and certification work for licensed premises. In the longer term, the implementation of the RFE Scheme might enable some of these staff to be redeployed for other duties. He stressed that FSD would still maintain its existing fire safety risk assessment and certification services after the RFE Scheme was introduced.

14. The Deputy Chairman sought information on the difference between the contents of the 2016 Bill and the 2015 Bill. S for S explained that in comparison with the 2015 Bill, the main difference was that the regulations to be made by Chief Executive in Council ("CE in Council") in relation to the RFE Scheme, which were subject to the negative vetting procedure under the 2015 Bill, would be subject to the positive vetting procedure under the 2016 Bill (with the exception of the regulations providing for the fees for registration and de-registration of RFEs).

Regulations for the RFE Scheme and RFEs

15. Dr CHENG Chung-tai queried why the regulations for the RFE Scheme and RFEs were to be made by CE in Council instead of professionals in fire safety. Mr Nathan LAW said that the

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Administration should provide members with the contents of the regulations to be made by CE in Council.

16. S for S responded that there was an established mechanism in the laws of Hong Kong with regard to the making of subsidiary legislation. He stressed that the regulations had originally been proposed to be subject to the negative vetting procedure under the 2015 Bill, but such an arrangement had been revised under the 2016 Bill for the regulations to be subject to the positive vetting procedure which required the approval of LegCo after being made by CE in Council. Such revision was made to reflect the then agreed Committee stage amendments to the 2015 Bill.

Registration of RFEs

17. Mr YIU Si-wing asked whether quantifiable standards would be established for registration of RFEs. DFS(Atg) responded that a registration committee would be established to oversee the registration of RFEs. The Administration would consult relevant stakeholders on the qualification requirements of RFEs.

18. Mr Jeremy TAM sought information on the estimated number of persons eligible for registration as RFEs. DFS(Atg) responded that according to a previous study, around 150 and 1 500 professionals could meet the qualification requirements for a registered fire engineer (risk assessment) and a registered fire engineer (fire service installation)/registered fire engineer (ventilating systems) respectively.

Other issues

19. Dr Priscilla LEUNG said that besides introduction of the RFE Scheme, the Fire Safety (Buildings) Ordinance (Cap. 572) should be amended to grant FSD with the discretion to assist the owners of old buildings who faced difficulties in complying with Fire Safety Directions. In this connection, she would consider introducing a Member's Bill to provide FSD with such discretion. S for S responded that the Administration had rolled out a pilot scheme to allow owners of old buildings with three storeys or less to install improvised hose reel systems with direct water supply from the government town mains on the ground floor of the buildings, thus be spared of the installation of fire service water tanks and pumps.

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20. Mr WU Chi-wai asked whether the RFE Scheme would be expanded to cover residential premises. DFS(Atg) responded that the RFE Scheme would first cover licensed premises. In the longer term, consideration might be given to exploring the possibility of expanding the RFE Scheme to cover other premises.

V. Comprehensive review of the strategy of handling non-refoulement claims

(LC Paper Nos. CB(2)110/16-17(06) and (07))

21. S for S briefed Members on the latest situation of non-ethnic Chinese ("NEC") illegal immigrants, the screening of non-refoulement claims and progress of the review on such screening.

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

Interception of illegal immigrants and expediting the processing of non-refoulement claims

23. Mr Michael TIEN said that the Administration should strengthen its actions to intercept persons who entered Hong Kong illegally to lodge a claim and expedite the screening of non-refoulement claims. He queried why non-refoulement claimants ("claimants") in Hong Kong were given a deadline of seven weeks to complete a claim form, whereas claimants in Canada were given a deadline of 15 days to complete a claim form and claimants in Australia and New Zealand were required to complete a claim form immediately. He said that the deadline for a claimant to submit a completed claim form should be shortened to two weeks and those who failed to meet the deadline should be repatriated. Dr Elizabeth QUAT considered that a claimant should be required to submit a completed claim form within a shorter deadline.

24. S for S responded that the existing deadline for submitting a completed claim form had been determined after deliberations in the enactment of the existing laws and was further lengthened as a compromise to the strong request of the Duty Lawyer Service ("DLS"). The Administration was carrying out a review on the existing regime and would come up with legislative proposals to expedite the screening of claims. He said that claims submitted beyond the deadline were dealt with in accordance with existing laws.

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25. The Deputy Chairman asked whether the major constraint to increasing the handling capacity of non-refoulement claims was a lack of adequate manpower for processing claims. S for S responded that the number of staff in the Immigration Department ("ImmD") deployed for the processing of claims had already been increased from 205 to 288 this year. He said that besides the provision of adequate immigration manpower, the capacity of DLS in supporting the provision of publicly-funded legal assistance ("PFLA") to claimants was also a limit to the processing of claims. There were also many requests from claimants for submitting a completed form beyond the deadline, which had to be dealt with under procedures meeting a high standard of fairness as required by the court.

26. Mr Michael TIEN expressed concern about whether the processing of appeals would be expedited. S for S said that the number of members of the Torture Claims Appeal Board had recently been doubled.

27. Ms Claudia MO said that many claimants had entered Hong Kong illegally via the Mainland and there were also many claimants who had entered Hong Kong legally but overstayed. She sought information on the measures adopted by the Administration to tackle the problem. Mr CHAN Chi-chuen sought information on the percentage of NEC illegal immigrants who had entered Hong Kong from the Mainland.

28. S for S responded that most NEC illegal immigrants had entered Hong Kong from the Mainland. The Administration had strengthened cooperation with relevant Mainland authorities to crack syndicates and to intercept persons who entered Hong Kong illegally from the Mainland.

Pre-arrival registration ("PAR")

29. Mr Kenneth LEUNG said that the Indian Chamber of Commerce Hong Kong had expressed concern about the Administration's plan to introduce PAR for Indian passport holders. He asked whether publicity on the PAR requirement would be launched in India. S for S responded that the Director of Immigration was empowered under the Immigration Ordinance (Cap. 115) to implement the proposed measure, which would take effect after the relevant computer system was in place. He said that the Administration had briefed the Consulate General of India in Hong Kong and the local Indian community on the proposed measure. It would consider suitable measures to publicize PAR in India. In the longer term, the Administration might extend the PAR requirement to other countries, on a need basis.

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30. Mr Kenneth LEUNG asked whether PAR would be required for Indian passport holders in transit at the Hong Kong International Airport. He also asked whether Indian visitors who forgot to apply for PAR could do so on board the plane or prior to their entry into Hong Kong and the time taken for an online PAR application to be approved.

31. S for S responded that PAR would not be required for air-side transit passengers. The time taken for the approval of an online PAR application would be very short. He pointed out that requirements similar to PAR had been implemented by other countries such as the United States of America ("USA") and Canada. Assistant Director of Immigration (Visa and Policies) ("AD of Imm(VP)") said that upon implementation of the PAR system, Indian passport holders without PAR would not be allowed to board a plane or ship to Hong Kong.

32. Mr YIU Si-wing sought information on the anticipated percentage of Indian passport holders whose PAR application would be approved. He also asked whether the PAR requirement would apply to Indian visitors entering Hong Kong by land. AD of Imm(VP) said that the applications of over 90% of applicants were expected to be approved. He supplemented that Indian passport holders without PAR who sought to enter by land might be refused to enter Hong Kong. PAR was intended to apply to all Indian nationals, regardless of mode of entry.

33. Mr YIU Si-wing asked whether there would be channels for a person whose PAR application had been rejected to apply for entering Hong Kong. S for S responded that unsuccessful applicants would receive an online message suggesting him to submit an application for a visa to visit Hong Kong.

34. Mr CHAN Chi-chuen asked whether the Administration had assessed the impact of introduction of the PAR requirement on the strengthening of economic ties with India. S for S responded that the Administration had assessed the issue and noted that the arrangement would not cause much inconvenience to Indian visitors as their PAR application would be assessed before their departure to Hong Kong.

35. Referring to note 8 to paragraph 9 of the Administration's paper, Mr CHAN Chi-chuen sought information on the scope of persons falling under the "high immigration risk group". S for S responded that it was inappropriate for the Administration to disclose its criteria for assessment of PAR applications.

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Detention

36. Dr LAU Siu-lai expressed concern about whether the Administration would conduct studies on the establishment of closed camps for claimants. She pointed out that the cost involved in the closed detention of a claimant in USA and Austria was in the region of \$984 to \$3,856 per day, which was 10 to 40 times of the subsidy provided to claimants in Hong Kong.

37. Mr Nathan LAW queried whether there was a need to examine the establishment of closed camps for claimants, if the average time needed for determining a claim was shortened to 15 weeks.

38. Referring to paragraph 5 of Annex D to the Administration's paper, Mr CHU Hoi-dick expressed concern about the factors considered by the Administration in determining the need to expand its detention facilities.

39. S for S responded that the establishment of closed detention camps for claimants had been raised by some members during discussion at previous meetings of the Panel. All the views and suggestions of members would be considered in the context of the Administration's comprehensive review of the strategy of handling non-refoulement claims.

40. Dr Elizabeth QUAT expressed concern about the shortage of detention facilities of ImmD. She requested the Administration to provide a written response on how it would address the problem.

Admin

Law and order issues

41. Dr Priscilla LEUNG expressed grave concern about crime committed by claimants in Hong Kong. Ms Alice MAK said that the Administration should step up its efforts to tackle the problem of claimants taking up illegal employment in Hong Kong, which reduced the job opportunities of local workers. S for S responded that the Administration spared no effort in combating illegal employment. Information on arrest and conviction relating to illegal employment was frequently disseminated by the Administration to draw the attention of employers to the legal consequences of employing illegal workers.

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42. Noting from paragraph 20 of the Administration's paper that 421 NEC illegal workers and 254 local employers had been arrested in the first 10 months of 2016, Mr HO Kai-ming sought information on the number of claimants among these illegal workers and the number of employers who had been convicted. He also sought information on the number of claimants arrested for other crimes.

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43. Assistant Director of Immigration (Removal Assessment and Litigation) ("AD of Imm(RAL)") responded that there were 214 claimants having been arrested for the offence of prohibition of taking up employment among the 421 NEC illegal workers arrested in the first 10 months of 2016. S for S said that the Administration would provide information on the number of employers who had been convicted and the number of claimants arrested for other crimes in the first 10 months of 2016. He said that according to the court's sentencing guidelines, employers convicted of employment of illegal workers were sentenced to immediate imprisonment of about two to three months, subject to the mitigating factors in individual cases.

44. Mr Nathan LAW said that the law and order problems associated with claimants had been exaggerated, as the number of cases of claimants arrested for crime in Hong Kong only amounted to 4% of the overall number of crime cases in Hong Kong.

45. Referring to paragraph 20 of the Administration's paper, Mr POON Siu-ping sought information on the major industries involved in the 254 local employers arrested for employing illegal workers and the nationality of such illegal workers. He expressed concern that although the maximum sentence for the offence was three years' imprisonment, these employers were only sentenced to an average imprisonment term of two to three months. He asked whether the Administration would consider introducing legislative amendments to increase the maximum sentence for the offence.

46. S for S responded that according to the court's sentencing guidelines, employers convicted of such an offence were sentenced to immediate imprisonment of two to three months. However, a judge could increase or decrease the length of sentence according to circumstances of the case concerned. The Administration might, on the advice of the Department of Justice, apply for review of the length of sentence in a case. As the average sentence for such an offence was much lower than the maximum sentence, the Administration did not see a need at this stage for legislative amendments to increase the maximum

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sentence. AD of Imm(RAL) added that employers arrested for employing illegal workers were mainly engaged in recycling, catering and manufacturing industries. He stressed that ImmD would continue with its enforcement efforts against illegal employment.

47. Mr LAU Kwok-fan said that there was recently a case in which an African claimant was found having remained in Hong Kong illegally for eight years. This reflected that the non-refoulement mechanism was being abused. He expressed concern that the crime rate of claimants had increased by 28% in 2016 and asked whether the Administration was aware of the activities of claimants.

48. S for S responded that although claimants were requested to provide a contact address, the Administration would not monitor their activities in Hong Kong for privacy reasons. He said that it had been stated in the judgment of the High Court in *HKSAR v. Villan Palpandi and another* (HCMA 569/2015) that "I have voiced my serious concern in previous Magistracy Appeal cases about the phenomenon and upsurge trends of torture claimants in Hong Kong. The system is being abused, and is being abused sadly and badly, which clearly calls for certain remedial actions to be taken by the executive government".

49. Mr CHU Hoi-dick said that there was recently a decrease in the number of claims received by ImmD.

50. Dr Elizabeth QUAT said that although the number of new claims received by the Administration per year had decreased, the number of outstanding claims was still high.

51. S for S responded that although the number of claims received had decreased, the number of NEC persons released on recognizance in Hong Kong arrested for a crime committed had not decreased, with 665, 1 113 and 1 214 in 2014, 2015 and the first 10 months of 2016 respectively. He said that the Administration was studying different methods of minimizing the security impact arising from claimants.

Level of remuneration for in-house interpreters of ImmD

52. Referring to paragraph 14 of the Administration's paper, Ms Alice MAK said that many full-time in-house interpreters of ImmD had complained that their level of remuneration was lower than those of interpreters of other government departments. Ms YUNG Hoi-yan considered that the Administration should review the level of remuneration to in-house interpreters of ImmD.

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53. Deputy Secretary for Security 3 ("DS for S(3)") responded that the level of remuneration of in-house interpreters of ImmD were determined having regard to those of other government departments and court interpreters. Consideration would be given to reviewing the level of remuneration of in-house interpreters of ImmD, as necessary.

Creation of a supplementary roster of lawyers who might have undergone relevant training to supplement the DLS roster in the provision of PFLA to claimants

54. Dr Elizabeth QUAT expressed support for the creation of a supplementary roster of lawyers who might have undergone relevant training to supplement the DLS roster in the provision of PFLA to claimants. Ms YUNG Hoi-yan said that apart from creating the proposed supplementary roster, consideration should also be given to expanding the DLS roster.

55. Mr Paul TSE said that it could be noted from the Administration's paper that the current bottleneck in the provision of PFLA arose from a serious staff retention and recruitment problem in DLS, thus making it unable to increase the number of cases referred to lawyers on the DLS roster per day. He said that if the supplementary roster was to be established by the Administration, some people might query the impartiality of lawyers in the roster.

56. DS for S(3) responded that all lawyers currently on the DLS roster would be invited to join the supplementary roster so as to tap into the pool of trained and experienced lawyers on the DLS roster.

57. Mr Paul TSE said that the expenditure incurred in the provision of PFLA to claimants in Hong Kong was much higher than that of other countries such as Australia and the United Kingdom. He considered that instead of calculating legal fees on the basis of time spent by lawyers in each case, consideration should be given to paying a fixed legal fee per case to a lawyer. This would not only impose a cap on the legal fees per claim, but also reduce the administrative cost incurred by DLS. Dr Elizabeth QUAT said that a cap should be imposed on PFLA provided to a claimant.

58. Mr Alvin YEUNG expressed concern about whether the Administration had conducted public consultation on the unified screening mechanism in addition to consulting the Hong Kong Bar Association and the Law Society of Hong Kong.

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59. DS for S(3) responded that the Administration had reported to the Panel regularly on the screening mechanism and had consulted the Hong Kong Bar Association and the Law Society of Hong Kong on the proposal to establish a separate roster of the same pool of lawyers to supplement the DLS roster on a pilot basis.

Other issues

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60. Mr Alvin YEUNG provided a list of written questions raised by Mr Dennis KWOK, who was engaged in other business at that moment. He requested the Administration to provide a written response to the list of questions.

(Post-meeting note: The list of questions provided by Mr Dennis KWOK was tabled at the meeting and circulated to members vide LC Paper No. CB(2)168/16-17(01) on 14 November 2016.)

61. Mr Nathan LAW asked whether education was provided to about 500 claimants who were aged below 18. He said that there were complaints that the food coupon issued to claimants could not be used for purchase of necessities for infants. DS for S(3) responded that schooling applications from minors of non-refoulement claimants were handled by the Education Bureau having regard to the circumstances of individual cases.

62. Dr Fernando CHEUNG said that it could be noted from Annex B to the Administration's paper that the number of non-refoulement claims received by ImmD had stabilized. He expressed concern about whether the Administration would, in its comprehensive review of the strategy of handling non-refoulement claims, consider the views of the United Nations Committee Against Torture as well as non-governmental organizations providing service to claimants.

63. Referring to paragraph 4 of Annex D to the Administration's paper, Mr CHU Hoi-dick asked whether the low percentage of substantiated claims was related to ImmD's capability to collect countries of origin information useful for screening purposes.

64. S for S said that both claimants and ImmD should benefit from the enhancement of ImmD's capability to collect countries of origin information useful for screening purposes. He stressed that the determination of a claim by ImmD was subject to appeal and judicial review.

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65. Referring to item (e) in Annex C to the Administration's paper, Mr CHAN Chun-ying expressed concern about an average time lag of 11 months between the arrival of a claimant in Hong Kong and the lodging of a claim.

66. S for S said that the average time lag arose from the fact that many illegal immigrants and overstayers did not lodge a claim until they were intercepted by law enforcement officers in Hong Kong.

Admin

67. The Chairman asked the Administration to provide the outline of its comprehensive review of the strategy of non-refoulement claims in Annex D to the Administration's paper to the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims, which was currently on the waiting list of subcommittees on policy issues.

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

VI. Combating telephone deception

(LC Paper Nos. CB(2)110/16-17(04) and (05))

68. Under Secretary for Security ("US for S") briefed Members on the trend of telephone deception and the Police's strategies and measures for combating the offence.

69. Members noted a background brief entitled "Measures adopted by the Police to combat telephone deception" prepared by the LegCo Secretariat.

Trend of telephone deception and measures to combat the problem

70. The Deputy Chairman sought information on the latest trend in relation to telephone deception cases. He asked whether the Police had analyzed why there were still many victims of telephone deception despite multi-pronged publicity and education. US for S responded that the number of telephone deception cases had reached the peak of about 1 000 cases per month in July 2015 and declined thereafter before increasing again by about 60% in August and September of 2016. He said that according to analysis, the monetary losses of some victims mainly arose from their concerns and worries about the safety of relatives and friends.

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71. Ms Claudia MO sought information on the distribution of victims of telephone deception cases. US for S responded that about 65% of the victims were Hong Kong residents and 35% of the victims were persons from the Mainland or other countries studying or working in Hong Kong.

72. Ms Claudia MO asked whether the Police had, in addition to cooperation with the law enforcement agencies ("LEAs") of the Mainland and Indonesia, cooperated with LEAs of Taiwan and the Philippines to combat telephone deception. US for S responded that the Police had been cooperating with LEAs in the Mainland and other regions to combat such crime. He informed Members that such crime first emerged in Taiwan, where it grew significantly and subsequently occurred in the Mainland and Hong Kong and thereafter in the Philippines, India, Thailand and USA.

73. Ms Claudia MO expressed concern about whether there were cases in which victims who had made payment at a hotel or shop using a credit card received a telephone call from a person claiming to be the staff of the hotel or shop concerned and asking the victim to provide the password of his credit card. US for S responded that members of the public were frequently reminded not to disclose personal information or password over the telephone.

74. Mr KWOK Wai-keung said that the Guangdong Public Security Bureau had sought the assistance of telecommunication operators in Guangdong Province to block more than 60 million telephone calls with spoofed calling number display. He expressed concern about whether telecommunications operators in Hong Kong would be requested to take similar actions. Mr HO Kai-ming said that it should be feasible under existing technology relating to Voice Over Internet Protocol to block bogus telephone calls from places outside Hong Kong.

75. Dr Elizabeth QUAT asked whether consideration would be given to developing a mobile application providing information about the likelihood of the number of an incoming call being bogus. US for S responded that the Police were collaborating with the City University of Hong Kong to develop a mobile application to assist in the identification of fraudulent calls. He added that any action to prevent deception calls from reaching prospective victims would require study on the technical feasibility, while the reporting of bogus numbers would also need verification. The Police would continue to explore possible options with the telecommunication industry.

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76. Mr Paul TSE expressed concern that many people might not have reported telephone deception cases to the Police because they had not sustained any loss. He considered that channels should be provided for such persons to provide information on such attempted deception to the Police. US for S responded that besides reports in which victims had sustained losses, the Police had also received many reports of telephone deception in which no loss had been incurred. For example, no losses were sustained in 60% of cases using stories of "Detained Son". He said that the Police welcomed members of the public to provide information about telephone deception, which would be analyzed with the Police's Major Incident Investigation and Disaster Support System.

[To allow sufficient time for discussion, the Chairman advised that the meeting would be further extended by 15 minutes.]

77. Referring to paragraph 5 of the Administration's paper, Ms YUNG Hoi-yan sought information on the percentage of elderly people among the victims of telephone deception cases. US for S responded that about 43% of the victims were persons aged over 61 and about 51% were housewives, retired persons or unemployed. About 33% of the victims were elementary workers and 10% were managers or professionals.

78. Noting that telecommunications operators had inserted a "+" sign before the calling number display of mobile phones for incoming calls from places outside Hong Kong, Mr CHAN Han-pan said that telecommunications operators should be required to add a "?" sign before the calling number display of mobile phones for suspicious incoming calls.

79. Ms YUNG Hoi-yan said that bank accounts in which proceeds from telephone deception were deposited should be frozen for involvement in money laundering. US for S responded that there were designated teams in the Police's crime headquarters and each police region for dealing with cases involving money laundering.

80. Mr Wilson OR sought information on the source of information in the intelligence-led operations against telephone deception. He also expressed concern about whether bogus telephone calls had been blocked by telecommunications operators in Hong Kong in the past. US for S responded that intelligence was gathered from information provided by victims and members of the public as well as through exchange of intelligence with LEAs of the Mainland and other regions.

Action

Designated team for coordination of efforts against telephone deception

81. Noting that the Police had designated the Regional Crime Unit of the Kowloon East Region as the Force Designated Subject Team of Telephone Deception ("the Designated Subject Team"), Ms Alice MAK expressed concern about whether the Designated Subject Team would be provided with adequate manpower.

82. Mr LEUNG Kwok-hung expressed concern about the adequacy of manpower for the Designated Subject Team.

83. US for S responded that the Designated Subject Team would be involved in the co-ordination of territory-wide efforts against telephone deception in investigation, intelligence gathering, publicity and education, application for enhancing sentence and external cooperation. It would serve as the skeleton for coordination of territory-wide efforts against telephone deception. Senior Superintendent (Crime Kowloon East Regional Headquarters), Hong Kong Police Force ("SSP(CKERH)") said that the Designated Subject Team, which comprised 15 staff, would be responsible for the coordination of territory-wide efforts against telephone deception. It would be assisted by the investigative units of different police stations.

Publicity and education

84. Ms Alice MAK expressed concern about whether the Administration would disseminate more information about arrests relating to telephone deception cases to enhance the public's alertness of such crime.

85. Mr Wilson OR said that the Police should collaborate with the Housing Department, Social Welfare Department and non-governmental organizations which provided service to the elderly to disseminate information on telephone deception to the elderly. Mr CHAN Han-pan suggested that the Police should seek the cooperation of banks and telecommunications operators in combating telephone deception.

86. Mr HO Kai-ming said that information relating to telephone deception in Hong Kong should be disseminated to persons from the Mainland or other countries who applied for visas permitting them to study or work in Hong Kong.

Action

87. Mr CHAN Chi-chuen expressed concern about whether the Police had strengthened publicity and education for the elderly to enhance their awareness of telephone deception.

88. SSP(CKERH) responded that information on telephone deception was disseminated to some 130 000 elderly members of three emergency alarm service companies in Hong Kong. Announcements of Public Interest and posters on telephone deception were displayed at places frequently visited by the elderly, including the main lobbies of housing estates, hospitals and post offices. The Police had reminded staff members of banks, money exchange shops and remittance agencies to watch out for potential victims and report suspected cases.

89. There being no other business, the meeting ended at 1:10 pm.

Council Business Division 2
Legislative Council Secretariat
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