

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)2035/16-17

(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

### **Panel on Security**

#### **Minutes of meeting held on Friday, 5 May 2017, at 10:45 am in Conference Room 3 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 Starry LEE Wai-king, SBS, 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 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  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Elizabeth QUAT, JP  
Hon POON Siu-ping, BBS, MH  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP

Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon Wilson OR Chong-shing, MH  
Hon CHAN Chun-ying  
Hon CHEUNG Kwok-kwan, JP  
Dr Hon CHENG Chung-tai  
Hon Nathan LAW Kwun-chung

**Member attending** : Hon LAU Kwok-fan, MH

**Members absent** : Hon CHAN Kin-por, BBS, JP  
Hon CHAN Han-pan, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan  
Hon HUI Chi-fung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers attending** : Item IV

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

Mr Parson LAM Chun-wah  
Principal Assistant Secretary for Security D

Mr Raymond LOK Wai-man  
Assistant Director (Information Systems)  
Immigration Department

Mr TAI Chi-yuen  
Assistant Director (Control)  
Immigration Department

Item V

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

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

Mr Dennis CHING Chung-cham  
Assistant Secretary for Security E1

Mr Patrick Douglas Gerard HODSON  
Assistant Commissioner of Police (Support)  
Hong Kong Police Force

Mr Dennis CHENG Wai-kin  
Superintendent of Police (Occupational Safety and  
Health) (Support Branch) Support Wing  
Hong Kong Police Force

Mr Patrick LIN Wai-lap  
Senior Inspector of Police (Field) (Support Branch)  
Support Wing  
Hong Kong Police Force

Item VI

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

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

Mr Andy YEUNG Yan-kin  
Assistant Director (Headquarters)  
Fire Services Department

Mr WONG Ka-wing  
Senior Divisional Officer (Planning Group)  
Fire Services Department

Mr Michael LI Kiu-yin  
Acting Project Director 2  
Architectural Services Department

Mr MOK Chung-keung  
Chief Project Manager 203  
Architectural Services Department

Ms Donna TAM Yin-ping  
District Planning Officer / Sai Kung & Islands  
Planning 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)1274/16-17)

The minutes of the meeting held on 14 March 2017 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper No. CB(2)1309/16-17(01))

2. Members noted that a letter dated 28 April 2017 from Mr LAM Cheuk-ting had been issued since the last meeting. Mr LAM suggested that the issues raised in the letter be discussed by the Panel. The Chairman said that as the Administration had been requested to provide a response to the issues raised in Mr LAM's letter, it would be more appropriate to consider the matter after the Administration had provided its response.

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**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)1298/16-17(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 6 June 2017 at 2:30 pm:

- (a) An update on the comprehensive review of the strategy of handling non-refoulement claims;
- (b) Preventing and tackling terrorist activities; and
- (c) Correctional Services Department's work in rehabilitation and community education.

*(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the item "Correctional Services Department's work in rehabilitation and community education" was subsequently deferred to a future meeting.)*

4. Ms Claudia MO suggested that issues relating to information disclosed by Mr GUO Wengui to the media be discussed by the Panel. The Chairman said that as the House Committee ("HC") would consider at its meeting in the same afternoon Ms MO's proposal to seek HC's agreement for asking an urgent oral question on the subject at the Council meeting of 10 May 2017, it would be more appropriate to consider the matter after HC had arrived at a decision on Ms MO's proposal.

**IV. Progress on implementation of new immigration control system**

(LC Paper Nos. CB(2)1298/16-17(03) and (04))

5. Under Secretary for Security ("US for S") briefed Members on the latest progress of implementation of the Immigration Control System ("ICONS") by the Immigration Department ("ImmD") and the latest operational situation of control points.

6. Members noted a background brief entitled "Implementation of the new Immigration Control System of the Immigration Department" prepared by the Legislative Council ("LegCo") Secretariat.

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Application of face recognition technology in immigration clearance

7. Referring to paragraph 10(a) of the Administration's paper, Mr MA Fung-kwok asked whether face recognition technology would be fully employed at all automated passenger clearance counters at the airport. He also asked whether fingerprint verification technology and traditional immigration counters would continue to be deployed.

8. US for S responded that under the third phase of ICONS, incoming visitors would continue to use traditional immigration counters. Departing visitors aged 11 or above and holding valid electronic travel documents ("e-TD") compliant with requirements of the International Civil Aviation Organization ("ICAO") would be allowed to complete self-service departure clearance after having their identities authenticated by face recognition technology at e-Channels. For Hong Kong residents, immigration clearance by e-Channels would remain unchanged. Assistant Director (Information Systems), Immigration Department ("AD of Imm(IS)") added that under the third phase of ICONS, multi-purpose e-Channels would be flexibly deployed for clearance of Hong Kong residents or visitors with e-TD. Face recognition technology would not be employed in the automated clearance of Hong Kong residents through e-Channels.

9. Ms Claudia MO asked whether face recognition technology would be employed at traditional immigration counters. AD of Imm(IS) responded that the face recognition technology employed in automated immigration clearance could be employed at traditional immigration counters.

10. Referring to paragraph 10(a) of the Administration's paper, Mr POON Siu-ping asked whether immigration clearance employing face recognition technology was employed in the Mainland. AD of Imm(IS) responded that immigration clearance employing face recognition technology, which was widely employed in many European countries and Australia, was employed in the international airport at Beijing.

e-Channels

11. Referring to the Annex to the Administration's paper, Mr POON Siu-ping sought information on the proportion of incoming passengers using e-Channels and traditional counters at immigration control points. US for S responded that 13 out of 14 passengers using

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e-Channels were Hong Kong residents. About 40% of Mainland visitors were using e-Channels for immigration clearance.

12. Mr Kenneth LEUNG sought information on the number of visitors who had enrolled for e-Channel service. Ms Claudia MO enquired about the number of Mainland visitors among such enrolled visitors. AD of Imm(IS) responded that about 20 million visitors had enrolled for e-Channel service, among whom more than 19 million were Mainland visitors.

13. Referring to paragraph 9(b) of the Administration's paper, Mr Kenneth LEUNG asked why there was a difference of eight seconds between Hong Kong residents and visitors in immigration clearance via e-Channels. He enquired whether it was mainly due to the difference in size of database or the method of identity authentication.

14. AD of Imm(IS) explained that the difference in time involved was mainly due to the size of database of visitors and the need to print the landing label specifying the conditions and limit of stay for a visitor. Visitors who had enrolled for e-Channel service had to undergo immigration clearance at e-Channels with TD and fingerprint verification. The time needed for identity authentication employing fingerprint verification or face recognition technology was broadly the same.

Replacement and upgrading of information systems in phases

15. Mr Charles MOK said that the employment of e-Channels for immigration clearance had been successfully implemented in Hong Kong. He asked whether the Administration was adopting the strategy of replacing and upgrading information systems of ImmD in phases. US for S responded that a service life span of at least 10 years was required for all new information systems. The Administration was aware of the importance of good planning and foresight in the development of information systems. System replacement and upgrade under ICONS were performed in phases to minimize disruption on the operations of ImmD. AD of Imm(IS) added that provision for future development had been incorporated in ICONS.

Security in automated immigration clearance

16. Dr CHENG Chung-tai asked whether security in automated immigration clearance would be compromised with the third phase implementation of ICONS, which was mainly aimed at shortening

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immigration clearance time. He expressed concern about the application of face recognition technology to visitors who had received plastic surgery.

17. US for S responded that the Administration was very concerned about security and accuracy in automated immigration clearance. e-TDs compliant with the requirements set out by ICAO had become prevalent worldwide. Face recognition technology, the development of which had reached an advanced stage, was widely employed by many countries, including Australia, Portugal, Germany and the United Kingdom ("UK"), in automated immigration clearance for authentication of the identity of a departing visitor.

18. Mr CHAN Chun-ying expressed concern that with improved efficiency in immigration clearance following implementation of the third phase of ICONS, there might be a bottleneck in the security screening of passengers at the airport. He considered that actions should be taken to speed up security screening of passengers at the airport. US for S responded that immigration control and the security screening of passengers at the airport were separate procedures.

Other issues

19. Mr Charles MOK sought information on the latest technological developments in automated immigration clearance. AD of Imm(IS) responded that the Administration was keeping track of the latest requirements of ICAO and noted that it was exploring the incorporation of immigration records and electronic visas in e-TDs.

20. Mr LAM Cheuk-ting asked whether the third phase implementation of ICONS would cover visitors from Macao. AD of Imm(IS) replied in the affirmative.

21. Mr LAM Cheuk-ting expressed concern that some LegCo Members had recently been refused entry into Macao for the reason that they might pose a threat to the security of Macao. He said that ImmD should interview visitors who were senior officials of the security or immigration authorities of Macao and refuse their entry for the reason that they might pose a threat to the security of Hong Kong. US for S responded that whether a visitor was allowed or refused entry into another jurisdiction was a matter of immigration policy of the jurisdiction. He stressed that ImmD would act in accordance with the law in the granting or refusing of the entry of visitors.



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22. Mr CHAN Chun-ying asked when the new electronic Hong Kong Special Administrative Region ("HKSAR") Passport would be introduced. AD of Imm(IS) responded that the first generation of electronic HKSAR Passport had been introduced in 2007. The second generation HKSAR Passport, funding for which had been approved by the Finance Committee ("FC") in April 2016, was expected to be introduced in March 2019.

23. Mr POON Siu-ping asked whether funding for the third phase implementation of ICONS had been approved by FC. US for S replied that the relevant financial commitment had been approved by FC in February 2013.

24. Mr POON Siu-ping asked whether the third phase implementation of ICONS had any impact on the manpower requirement of ImmD. US for S responded that such implementation had no impact on manpower requirement of ImmD.

Motions proposed by a member

25. The Chairman said that Mr LAM Cheuk-ting had indicated intention to move the following motion:

"鑒於澳門特區政府，多次無理拒絕本港居民，包括本港立法會議員，入境澳門，本會要求香港政府推出新"出入境管制系統"前，採取相應措施，拒絕澳門政府保安及出入境部門領導層入境香港，並於設計新系統時，訂立措施辨識有關澳門官員身份，並拒絕有關人士入境香港。"

(Translation)

"Given that the Government of the Macao Special Administrative Region ("SAR") had, on many occasions, denied entry of Hong Kong residents (including LegCo Members of Hong Kong) into Macao without justifications, this Panel requests the Hong Kong Government, before launching the new ICONS, to adopt corresponding measures to deny entry of officials at the leadership level of the security and immigration authorities of the Macao SAR Government into Hong Kong, and in designing the new ICONS, to put in place measures to identify the relevant Macao officials and deny entry of the relevant persons into Hong Kong."

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The Chairman said that as the motion was not directly related to the agenda item, he ruled in accordance with paragraph 3.45(a) of the Handbook for Chairmen of Panels and Rule 22(p) of the House Rules ("HR22(p)") that the motion could not be proposed.

26. The Chairman said that Mr LAM Cheuk-ting had indicated intention to move the following motion:

"本會要求本港政府採取有效措施，在推行新出入境管制系統拒絕澳門政府保安及出入境官員入境香港。"

(Translation)

"This Panel requests the Hong Kong Government to adopt effective measures upon implementing the new ICONS to deny entry of the security and immigration officials of the Macao Government into Hong Kong."

The Chairman said that as the motion was not directly related to the agenda item, he ruled in accordance with paragraph 3.45(a) of the Handbook for Chairmen of Panels and HR22(p) that the motion could not be proposed.

**V. Use of body worn video cameras by the Police**  
(LC Paper Nos. CB(2)1298/16-17(05) and (06))

27. US for S briefed Members on the latest information regarding the use of body-worn video cameras ("BWVCs") by the Police.

28. Members noted a background brief entitled "Use of body-worn video cameras by the Police" prepared by the LegCo Secretariat.

29. Mr Michael TIEN said that since a special FC meeting in 2016, he had urged the Administration to equip all frontline police officers with BWVCs. He said that a survey conducted by the University of Cambridge revealed that complaints against police officers had decreased by 90% after frontline police officers were equipped with BWVCs. In some police regions in the United States of America ("USA"), complaints against police officers had dropped by 80% after frontline police officers were equipped with BWVCs. It was also found that 50% of the respondents to a survey in Hong Kong would be more restrained before

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video cameras ("VCs"). He expressed support for equipping all frontline police officers with BWVCs and said that it would result in a substantial decrease in confrontation between demonstrators and police officers as well as acts of insulting police officers with abusive languages.

30. US for S responded that although there were jurisdictions in which the act of insulting law enforcement officers was in breach of the law, the issue of whether legislation should be enacted against the offence of insulting police officers had to be considered having regard to the circumstances of the jurisdiction concerned. He said that a previous survey revealed that in 90% of the cases, the use of BWVCs by police officers in operations where confrontational scenarios or a breach of the peace were likely to occur could yield a de-escalating and restraining effect, thus reducing conflicts and preventing violence and crimes.

31. Mr Michael TIEN asked whether the equipping of all uniformed frontline police officers with BWVCs could be expedited. US for S responded that the Police currently possessed about 1 390 BWVCs and would procure more BWVCs by stages, including several hundreds of BWVCs in the short term, with a view to equipping each frontline uniformed police officer with a BWVC based on operational needs around 2021 to tie in with the full completion of the Fourth Generation Command and Control Communications System.

32. Ms Starry LEE expressed concern that the Police had been very slow in the procurement of BWVCs. Although the Police had commenced using hand-held VCs in 2006, a total of only 1 390 BWVCs having been procured to date. She queried why all frontline police officer were not equipped with BWVCs before 2021 and enquired about the current BWVC-to-officer ratio.

33. US for S responded that hand-held VCs were mostly used for gathering of evidence in criminal investigation, whereas BWVCs were used in circumstances where confrontational scenarios or a breach of the peace were likely to occur. The procurement of BWVCs had taken some time because of the need to address privacy concerns and admissibility of the footage captured as evidence in court. Assistant Commissioner of Police (Support) ("ACP(S)") added that the Police considered it not just a matter of BWVC-to-officer ratio, but more the accessibility of police officers who had operational needs to BWVCs based on threat assessment. He said that BWVCs were available on all

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mobile patrol vehicles and Emergency Unit vehicles. BWVCs were used by officers of the Emergency Units, the Police Tactical Unit, the Traffic Unit, the Quick Reaction Force of New Territories North Region and various Police Districts. Regional Command and Control Centre could also deploy officers with BWVCs to respond to incidents, based on their nature. Given the fast refresh rate of technology and the need of ensuring business continuity, it was more appropriate to adopt an incremental purchase programme. The pace of procurement of BWVCs was appropriate.

34. Referring to paragraph 7 of the Administration's paper, Mr Alvin YEUNG enquired about who would determine whether a footage had investigative or evidential value. US for S responded that if a footage was related to a case, it would be passed to the criminal investigation team concerned for determination of whether it had investigative or evidential value. For footage determined by a supervisor to be unrelated to a case, it would be passed to an independent Controlling Officer, who would destroy the footage after 31 days.

35. Mr Alvin YEUNG asked how the Police would avoid the destruction of unused material relating to a criminal case. Ms Claudia MO expressed concern about the possibility of a footage being destroyed 31 days after it was recorded but prosecution was instituted a long time afterwards against the person being video-filmed. US for S responded that the Police were aware that any unused material related to a criminal case should be retained and disclosed to the defendant. He stressed that footage, whether used or unused, relating to a case under investigation would be retained. Footage on which no investigation was conducted within 31 days would be destroyed for privacy protection.

36. Mr CHAN Chun-ying sought information on the unit cost and annual maintenance cost of a BWVC. He sought information on the number of BWVCs required for frontline police officers and asked whether substantial financial resources were needed for equipping all frontline police officers with BWVCs.

37. US for S responded that the costs of BWVCs were not the main consideration in equipping police officers with BWVCs. The major consideration was operational needs. BWVCs would be used for recording in confrontational scenarios, or incidents where a breach of the peace had occurred or was likely to occur. About 10 000 police

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officers, who might be deployed for different duties at different times, had received training in the use of BWVCs, and such training would need to be increased. ACP(S) added that every uniformed police officers, based on operational need, had access to BWVCs, either by being issued with a BWVC or being able to call for one at the very short notice. Two models of BWVCs had been procured and the unit cost of the latest model procured by the Police was about \$3,000.

38. Mr CHAN Chun-ying asked whether the use of BWVCs would be extended to all law enforcement agencies. US for S responded that the issue should be determined by the respective department heads. He said that for instance, the Correctional Services Department had been using BWVCs to meet their operational need.

39. Mr CHAN Chi-chuen said that footage captured with hand-held VCs, which covered the behaviour of demonstrators as well as that of police officers, were more objective. He asked whether the Police had identified any weaknesses in BWVCs. Mr Charles MOK asked whether there had been cases in which the footage captured with BWVCs had been found in favour of a person being video-filmed.

40. US for S responded that BWVCs, which were widely used by police officers of many jurisdictions in the world, recorded facts of the event including the voices of both the person being video-filmed as well as police officers. Besides yielding a de-escalating and restraining effect, BWVCs, with footage providing objective evidence, had also facilitated the court in making judgements. There was a case of acquittal in which the footage was produced although it did not contain evidence to help prove the charge. In USA, BWVCs had been introduced to facilitate the monitoring of the behaviour of police officers. A judge in USA had requested all police officers in the relevant region to be equipped with BWVCs to facilitate identification of the facts.

Operation of body-worn video cameras

41. Ms Claudia MO expressed concern that members of the public had no knowledge of when they were video-filmed with BWVCs and when the footages would be destroyed. Mr Kenneth LEUNG asked whether police officers would notify a person before video-filming the person with BWVC.

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42. Mr LAU Kwok-fan expressed support for the use of BWVCs by the Police and asked when all frontline police officers would be equipped with BWVCs. He asked when recordings would be made by BWVCs and how a person could know that he was being video-filmed.

43. US for S and ACP(S) explained that the Police had stringent supervision on the use of BWVCs. Any recording made by BWVCs had to be incident-specific. Police officers using BWVCs had to overtly wear the cameras on their uniforms, and where reasonably practicable, notify the subject prior to commencement of recording. BWVCs would display red indicating light when recording. BWVCs were also equipped with outward-facing screens, so that the subject would be aware that he was being video-filmed and could see the images being recorded at the same time. Recording should be stopped once the purpose had been achieved. All footages would be retained for at least 31 days from the date they were recorded. Footages with no investigative or evidential value, or were not suitable for training or review purposes, would be deleted after 31 days. If a footage was to be retained for more than 31 days, written authorization from a Senior Superintendent had to be obtained. Such authorization had to be reviewed on a monthly basis by the authorizing officer.

44. The Deputy Chairman said that once recording with a BWVC had started, recording should not be stopped until the police officer wearing the BWVC had returned to a police station. US for S responded that while the Administration adopted an open attitude on the issue, any recording in excess of the purpose of the use of BWVCs in confrontational scenarios or incidents where a breach of the peace had occurred or was likely to occur would have to be examined carefully to see if it would be in compliance with the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"). According to PDPO, personal data should not be collected unless the data was not excessive in relation to the purpose.

Guidelines on the use of body-worn video cameras

45. Mr Kenneth LEUNG asked whether the Office of the Privacy Commissioner for Personal Data ("PCO") had been consulted on the Police's guidelines on the use of BWVCs and whether such guidelines were made available to the public. Mr LEUNG Kwok-hung said that the guidelines should be made available to the public. US for S responded that the Police had informed PCO about BWVCs and PCO had

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seen the Police's guidelines. PCO also stated in his letter to the Panel in April 2014 that based on the policies and procedures on BWVC provided by the Police to PCO, PCO found nothing inconsistent with the requirements of PDPO. Information on BWVCs had been made available on the Police's website since the launching of field trials on BWVCs.

46. Mr Kenneth LEUNG asked whether the Independent Police Complaints Council ("IPCC") had been briefed on the Police guidelines on the use of BWVCs. US for S replied that IPCC had been briefed on the Police's use of BWVCs.

47. Mr Nathan LAW said that the guidelines on the use of BWVCs should be drawn up in such a way which facilitated a de-escalating and restraining effect on both the person being video-filmed and the police officer wearing the BWVC. The guidelines should be made available to the public. Referring to paragraph 6 of the Administration's paper, he expressed concern about possible abuse of BWVCs, such as arbitrary deletion of footage by a police officer who had made recordings with BWVC.

48. US for S responded that every time after using BWVCs, police officers were required to report to their supervisors. The use of BWVCs would then be reviewed by the supervisors concerned. The video footages would be handed over to another team of officers for storage and handling, and the hand-over and handling processes would be logged. Footage could not be deleted on BWVCs. Deletion could only be done by another team of officers at a digital work station. The digital storage media of BWVCs incorporated digital signature and featured specially coded security seals to prevent unauthorized handling.

Footage captured with body-worn video cameras

49. Mr Nathan LAW said that a person who was video-filmed with BWVCs should be allowed, as was the case in Las Vegas, to view the relevant footage captured.

50. The Deputy Chairman said that the subject of a footage should be provided with a copy of the footage. Footage captured with BWVCs should not be used for training purpose.

*[To allow sufficient time for discussion, the Chairman advised that the meeting would be extended to 1:00 pm.]*

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51. US for S responded that all requests for data access would be handled in accordance with PDPO and the Code on Access to Information.

52. Mr Wilson OR asked how the 31-day threshold for deletion of footages with no investigative or evidential values was too determined and said that it was too short.

*[To allow sufficient time for discussion, members agreed that the meeting be extended until all business on the agenda had been dealt with.]*

53. US for S responded that a balance had been struck in determining the threshold of 31 days having regard to the need for privacy protection, crime investigation needs as well as request for data in accordance with PDPO and the Code on Access to Information. ACP(S) added that the 31-day threshold would also facilitate identification of the facts in the investigation of complaints lodged with the Complaints Against Police Office.

54. Mr LEUNG Kwok-hung said that statements should be taken from police officers being complained before they were allowed to watch the relevant footage. The commencement and cessation of recording with BWVCs should be monitored by a superintendent. All footages relating to persons being prosecuted should be retained.

55. Mr Holden CHOW expressed support for use of BWVCs by the Police and said that a BWVC was fair in that it recorded the facts. He said that BWVCs were widely used by police officers of many countries, such as USA. BWVCs had a restraining effect in confrontational scenarios. Besides the behaviour of demonstrators, the behaviour of other police officers might also be captured in a footage.

56. US for S responded that BWVCs had a restraining effect on both the subject and police officers. The Police had clear and stringent guidelines on the use of BWVCs. Various cities, provinces and states in Australia, Canada, Germany, UK and USA had already equipped or had plans to equip frontline police officers with BWVCs. If a footage indicated that the behaviour of a subject was in breach of the law, there was no reason why such evidence should not be collected and presented to the court for a fair trial.



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Other issues

57. Mr CHAN Chi-chuen asked whether it was in breach of the law for members of the public to use their mobile phones to video-film police officers. US for S responded that video-filming of police officers was not in breach of the law, unless conducted in such a way obstructing police officers in carrying out their duties. It was ultimately the court which would determine whether an act was in breach of the law.

58. The Deputy Chairman said that consideration should be given to procuring BWVCs with 360-degree cameras, if available. US for S responded that the Police were always keeping track of latest technologies in relation to equipment used by police officers.

Motion proposed by a member

59. The Chairman said that Mr Nathan LAW had indicated intention to move the following motion under the agenda item:

"本委員會要求警方公開隨身攝錄機的指引，並訂明須持續錄影直至事件結束、涉事人員必須先撰寫報告才可觀看錄影片段、訂立查閱影片機制等等，保障市民的權利。"

(Translation)

"This Panel requests the Police to make guidelines on the use of BWVCs available to the public, with stipulations that recording should not be stopped until the incident concerned has ended, the officers involved are required to compile reports before being allowed to watch the relevant footages, a mechanism for inspecting the footages captured should be set up and so on, in order to protect the rights of the public."

60. The Chairman said that according to HR22(p), a motion might be proposed during a Panel meeting if it was considered by the chairman of the Panel as directly related to the agenda item of that meeting. He ruled that the motion was directly related to the agenda item and said that in accordance with HR22(p), the motion would be proceeded with if agreed by a majority of the members voting. He put to vote the proposal of proceeding with the motion. Mr Nathan LAW requested a division.

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The following members voted in favour of the proposal:

Mr James TO, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen and Mr Nathan LAW.  
(five members)

The following members voted against the proposal:

Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Dr Elizabeth QUAT, Dr Junius HO, Mr Holden CHOW, Mr Wilson OR, Mr CHAN Chun-ying and Mr CHEUNG Kwok-kwan.  
(10 members)

61. The Chairman declared that five members voted for and 10 members voted against the proposal to proceed with the motion. He declared that the proposal was negatived.

**VI. Construction of disciplined services quarters for the Fire Services Department at Pak Shing Kok, Tseung Kwan O**  
(LC Paper Nos. CB(2)1298/16-17(07) and (08))

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

63. US for S briefed Members on the Administration's proposal to upgrade the construction project of disciplined services quarters for the Fire Services Department ("FSD") at Pak Shing Kok, Tseung Kwan O ("the Project") to Category A.

64. Members noted a background brief entitled "Construction and provision of departmental quarters for disciplined services departments" prepared by the LegCo Secretariat.

Building height restriction on the proposed departmental quarters

65. Dr Elizabeth QUAT asked whether more departmental quarters ("DQ") units could be constructed under the Project to alleviate the shortfall of DQ units for disciplined services. US for S responded that the Town Planning Board had approved the relaxation of the building height restriction for the proposed site from 40 metres to 52 metres. He

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said that various government departments had been asked to examine, with regard to sites under their purview, the possibility of the inclusion of staff quarters in future development projects.

66. Mr LEUNG Kwok-hung asked whether the building height restriction on the proposed site could be relaxed, if the height of adjacent buildings was increased. US for S responded that the building height restriction of the proposed site was based on the Town Planning Board's decision which had taken into account all relevant factors.

Accessibility of the proposed departmental quarters by public transport and provision of car parking spaces

67. Dr Elizabeth QUAT expressed concern about accessibility of the proposed DQs by public transport. She said that public bus service to the proposed DQs was very limited and available only during peak hours. Consideration should be given to introducing Maxicab services connecting the proposed DQs and MTR stations. US for S agreed to refer the suggestion to the Transport Department for consideration. He said that the proposed DQs was a five-minute walk to the nearest Maxicab and bus stops, connecting future residents to the Hang Hau MTR Station and the Tseung Kwan O MTR Station. The DQ site was also a 20-minute walk to the LOHAS Park MTR Station.

68. Referring to paragraph 5 of the Administration's paper, Mr CHAN Chi-chuen expressed concern about the small number of car parking spaces and motorcycle parking spaces to be provided under the Project. US for S responded that the number of car parking spaces and motorcycle parking spaces had been determined in accordance with the standards in the Hong Kong Planning Standards and Guidelines.

Policy on the provision of departmental quarters for married disciplined services staff and shortfall of departmental quarters for disciplined services

69. Mr CHAN Chi-chuen expressed support for the construction of DQs for FSD. He said that the Administration should review its policy on the provision of DQs for married disciplined services staff with same-sex spouse, having regard to a recent court judgment on the benefits of the same-sex spouse of a civil servant. US for S responded that Mr CHAN's views would be conveyed to the Civil Service Bureau.

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70. Mr Holden CHOW expressed support for the Administration's proposal. Referring to paragraph 2 of the Administration's paper, he asked how the shortfall of about 1 700 DQ units for FSD would be addressed. US for S responded that relevant government departments were collaborating to expedite the progress of eight DQ projects, with a view to providing over 2 200 DQ units to six disciplined services departments by 2020. Funding for five of the eight construction projects had been approved by FC. Besides the Project under discussion, two DQ projects for the Customs and Excise Department at Tsz Wan Shan and Tseung Kwan O were in the planning stage.

71. The Chairman concluded that members supported in principle the Administration's submission of the proposal to the Public Works Subcommittee.

72. There being no other business, the meeting ended at 1:31 pm.

Council Business Division 2  
Legislative Council Secretariat  
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