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Panel on Security

Background brief prepared by the Legislative Council Secretariat for the meeting on 6 December 2016

Proposed creation of a permanent Chief Superintendent of Police post for the Cyber Security and Technology Crime Bureau

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on issues relating to the proposed creation of a permanent Chief Superintendent of Police ("CSP") post for the Cyber Security and Technology Crime Bureau ("CSTCB") of the Hong Kong Police Force.

Background

2.   The Police's CSTCB, which was upgraded from the former Technology Crime Division in January 2015, is dedicated to the prevention and detection of technology crime as well as the protection of cyber security. As at June 2016, it has a staff size of 238 officers and is headed by a Senior Superintendent of Police.

Deliberations of the Panel

3.   The Panel was briefed on the Administration's proposal to create a permanent CSP post for CSTCB at its meeting on 3 June 2014 and the deliberations are summarized in the following paragraphs.

Professional qualities of the proposed CSP post holder

4.   Members were advised that the establishment of CSTCB would strengthen the capability of the Police in preventing and combating

technology crime and responding to cyber security incidents. Some members expressed concern why the proposed CSP post was not to be filled by an information technology specialist.

5. According to the Administration, given the transnational nature of technology crime and types of offences involved (such as online shopping frauds, email scams, deception, money laundering, naked chats and publication of child pornography), it was considered that the proposed post should be assumed by a CSP conversant with policing work, so that he might coordinate various tasks and set out the direction of development with an enforcement-led approach. Such arrangement would also put the Police in a better position to set objectives, devise policies and formulate long-term strategies for the maintenance of Hong Kong's overall Internet security and the combat of technology crimes. Although the proposed post might not be filled by an information technology specialist, officers with relevant computer/information technology qualifications would render support to the CSP. In addition, the Police Force had been recruiting officers with relevant computer/information technology qualifications to join CSTCB. 94% of the officers under the Technology Crime Division possessed such qualifications, while the rest of the officers had received internal professional training and possess relevant experience.

Work of CSTCB

6. Some members expressed concern about whether CSTCB would monitor the dissemination of information on the Internet and information relating to national security. Members were advised that the Police would continue to perform its duties impartially. Action would be taken when there was a breach of the law and legal proceedings would be instituted by the Police if there was sufficient evidence indicating the commission of a criminal offence. It was the Police's duty to enforce the law, regardless of whether the act concerned was cyber-related or not.

7. Some members also expressed concern about whether CSTCB would carry out any monitoring of members of the public and whether the freedom of expression would be restricted by its work.

8. According to the Administration, CSTCB would be involved in combating technology crime and cyber security incidents, including:

     (a)   detecting syndicated and highly sophisticated technology crimes and conducting preventive investigation; and

(b) providing assistance to critical infrastructure in conducting timely cyber threat audits and analysis in preventing and detecting cyber attacks against critical infrastructure.

Submission of the staffing proposal to the Establishment Subcommittee

9. After consultation with the Panel, the Administration submitted the staffing proposal to the Establishment Subcommittee ("ESC") in March 2015. The staffing proposal was discussed at the ESC meetings on 11 March and 29 April 2015 and voted down at the meeting on 29 April 2015. The Administration re-submitted the staffing proposal to ESC in June 2016. However, owing to other pressing business ESC had to transact, ESC did not commence discussion on the proposal before the end of the 2015-2016 legislative session.

Relevant papers

10. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
30 November 2016

Appendix

Relevant papers on
Proposed creation of a permanent Chief Superintendent of Police post
for the Cyber Security and Technology Crime Bureau

Committee	Date of meeting	Paper
Panel on Security	3.6.2014 (Item V)	Agenda Minutes
Establishment Subcommittee of the Finance Committee	11.3.2015 (Item No. EC(2014-15)19)	Agenda Minutes
Establishment Subcommittee of the Finance Committee	29.4.2015 (Item No. EC(2014-15)19)	Agenda Minutes
Establishment Subcommittee of the Finance Committee	4.7.2016 (Item No. EC(2016-17)18)	Agenda Minutes

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