

立法會

Legislative Council

LC Paper No. CB(2)1931/18-19
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 2 April 2019, at 2:30 pm
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 Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, BBS, 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 HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon AU Nok-hin

Members attending : Hon SHIU Ka-fai
Hon KWONG Chun-yu

Members absent : Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Tony TSE Wai-chuen, BBS

Public Officers attending : Item V

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

Ms Mimi LEE, JP
Deputy Secretary for Security 1

Mr Parson LAM
Principal Assistant Secretary for Security D

Ms Trinky CHAN
Assistant Secretary for Security A1

Mr LAI Chi-tung, JP
Assistant Director / Port Control
Marine Department

Item VI

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

Mr LAU Wai-ming
Administrative Assistant to Secretary for Security

Mr WONG Kwok-hing
Deputy Commissioner of Correctional Services

Mr Raymond KAN Wai-kwong
Senior Engineer
Electrical & Mechanical Services Department

Item VII

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP
Under Secretary for Security

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

Mr Crusade YAU Siu-kei
Chief Superintendent of Police (Support Branch)
(Support Wing)

Ms Emily MAN Yu-ching
Superintendent of Police (Field) (Support Branch)

Dr Thomas SIT Hon-chung
Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Dr Esther TO Man-wai
Senior Veterinary Officer (Animal Management)
Operations
Agriculture, Fisheries and Conservation Department

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

Staff in attendance : Ms Vanessa CHENG
Acting Senior Assistant Legal Adviser 1

Ms Gloria TSANG
Senior Council Secretary (2) 7

Mr Ronald LAU
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Application for late membership
(LC Paper No. CB(2)1132/18-19(01))

Members accepted the application for late membership from Mr HO Kai-ming.

II. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1098/18-19)

2. The minutes of the meeting held on 15 February 2019 were confirmed.

III. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1068/18-19(01) and CB(2)1119/18-19(01))

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

(a) joint letter dated 19 March 2019 from Dr Fernando CHEUNG and Mr SHIU Ka-chun; and

(b) letter dated 27 March 2019 from Ms Claudia MO.

4. Regarding paragraph 3(a) above, Mr SHIU Ka-chun expressed his view that issues relating to the operation of prison and complaints handling mechanism of the Correctional Services Department ("CSD") should be discussed by the Panel.

5. Regarding paragraph 3(b) above, Ms Claudia MO said that while a special meeting to discuss the concerns raised in her letter regarding the One-way Permit Scheme would not be held, the Administration should be requested to provide a written response in this regard.

6. Members agreed to request the Administration to provide written responses to issues raised in the two letters.

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IV. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)885/18-19(01), CB(2)1097/18-19(01), CB(2)1100/18-19(01) and (02))

Regular meeting in May 2019

7. Members agreed that the following items would be discussed at the next regular meeting on 7 May 2019 at 2:30 pm:

- (a) Review of the Government's handling of super typhoon;
- (b) Proposed Member's Bill entitled "State of Disaster Bill"; and
- (c) Specialized crowd management vehicles.

8. Regarding paragraph 7(b) above, Mr Alvin YEUNG said that he would provide members with the latest version of his proposed Member's Bill for consideration.

Matters arising from the meeting on 5 March 2019

9. The Chairman said that as agreed at the last meeting, the Secretariat had prepared an information brief regarding the recoverability of outstanding advances to the United Nations High Commissioner for Refugees to facilitate the Panel to consider the corresponding follow-up actions on the referral from the Public Accounts Committee ("PAC").

10. Mr Kenneth LEUNG, as the Deputy Chairman of PAC, advised that despite PAC had repeatedly written to the Secretary for Security ("S for S") on the matter, no progress had been made thus far. He considered that the matter should be discussed by the Panel. Members agreed to include it in the Panel's list of outstanding items for discussion.

V. Central Military Dock

(LC Paper Nos. CB(2)1071/18-19(01), CB(2)1100/18-19(03) and (04))

11. S for S briefed Members on the background of establishing the Central Military Dock ("CMD") and the legislative exercise to be conducted by the Hong Kong Special Administrative Region ("HKSAR") Government prior to handing over CMD to the People's Liberation Army Hong Kong Garrison ("the Garrison").

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12. Members noted an information note entitled "Central Military Dock" prepared by the Legislative Council ("LegCo") Secretariat.

Need for re-provisioning of the Central Military Dock to the Garrison

13. Ms Claudia MO expressed worries that the handover of CMD to the Garrison would be a replica of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("co-location arrangement"), and thus allowed the Mainland authorities to exercise powers within Hong Kong. She was concerned that persons enter CMD by mistake might be arrested.

14. Mr CHU Hoi-dick cast doubt about the rationale for the HKSAR Government to fulfil the requirements in the Exchange of Notes between the Government of the People's Republic of China ("PRC") and the Government of the United Kingdom ("UK Government") on the arrangements for the future use of military sites in Hong Kong ("the Exchange of Notes") to handover CMD to the Garrison. He further pointed out that as the original Central Tamar naval base had been re-provisioned at Stonecutters Island, it was unnecessary for the Garrison to have one more military dock at the central business district for defence functions. The existing site of CMD should continue to be managed by the HKSAR Government for public leisure and enjoyment, and lent to the Garrison for use when necessary.

15. S for S said that the views of Ms Claudia MO and Mr CHU Hoi-dick were at variance with the facts. He stressed that it was an outstanding undertaking as stated in the Exchange of Notes in 1994 for the HKSAR Government to re-provision a military dock for the Garrison. As a military facility for use for defence purposes, CMD should be managed by the Garrison, and jointly protected by the Garrison and the HKSAR Government in accordance with the Garrison Law. He further said that the British forces stationed in Hong Kong before Hong Kong's return to the motherland used to have a naval base and dock facilities at the Victoria harbourfront area for its exclusive use. The dock facilities were affected by the Central and Wan Chai reclamation works and were required to be re-provisioned at a place close to the Central Barracks upon completion of the Central and Wan Chai Reclamation according to the Exchange of Notes in 1994.

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16. Mr HUI Chi-fung considered that the re-provisioning of CMD to the Garrison for defence purpose was unnecessary. He cited Article 13 of the Garrison Law and asked whether the Administration had requested the Garrison to release CMD.

17. Instead of handing over CMD to the Garrison, Mr AU Nok-hin said that the Administration should consider recovering the 2 700 hectares of military sites in Hong Kong. He pointed out that the CMD area was formally rezoned as "Other Specified Uses" annotated "Military Use (1)" on the statutory plan, which was actually not in line with the requirement that the HKSAR Government had to re-provision a "military dock" at a place at the eventual permanent waterfront to the Garrison as stated in the Exchange of Notes. The proposed handover arrangement of CMD to the Garrison was amounted to "cession of territory". He further said that a person who was guilty of an offence under the Protected Places (Safety) Ordinance (Cap. 260) would be liable to imprisonment for six months, which would probably hinder the public use of the harbourfront. He asked whether the necessity of using CMD by the Garrison had been assessed.

18. S for S said that matters of defence of HKSAR were the responsibility of the Central People's Government according to the Basic Law and the Garrison was the military forces stationed by the Central People's Government in HKSAR for implementing the defence functions and responsibilities. According to the Garrison Law, military facilities within HKSAR should be managed by the Garrison; and the HKSAR Government should support the Garrison in its performance of defence functions and responsibilities and guarantee the lawful rights and interests of the Garrison and its members. He added that CMD was the only military facility yet to be handed over to the Garrison among all the military facilities specified in the Exchange of Notes, and based on the HKSAR Government's proposal and the Garrison's agreement, movable gates were installed to separate CMD from the surrounding park area and walkway so that members of the public could walk through CMD when it was opened to the public by the Garrison on the condition that its defence functions would not be compromised.

19. Mr SHIU Ka-fai considered that the strategic location of CMD at the central business district was incomparable with that at Stonecutters Island. He and the Liberal Party supported the proposed legislative exercise to formally hand over CMD to the Garrison.

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20. Mr HO Kai-ming did not subscribe to the view that the handover of CMD to the Garrison was a replica of the co-location arrangement. He said that defence purposes should always come before public leisure. Comparing CMD with the military site at Stonecutters Island was not appropriate as the latter was far away from the Central Government Offices.

21. Mr KWOK Wai-keung did not agree to the view that CMD was unnecessary because of the provision of Stonecutters Island Barracks. As the general public did not have much knowledge on defence matters and military deployment, the Garrison's performance of defence functions and responsibilities should be fully respected. As it was the duty of the HKSAR Government to hand over CMD to the Garrison based on historical reasons, Mr WONG Kwok-kin did not understand why the proposed legislative amendments were arguable.

22. Dr Elizabeth QUAT expressed support for the proposed legislative amendments. She considered that defence purposes should always be attached with more importance than public leisure and enjoyment. Locating at the core central business district, CMD was an important military facility for protecting national security and a key manifestation of national sovereignty.

23. Mr Holden CHOW expressed support for the proposed legislative amendments to hand over CMD to the Garrison. He said that such arrangement served to fulfil the obligation as stated in the Exchange of Notes and return the re-provisioned military facility to the original owner, and was absolutely not "cession of territory".

24. Mr CHEUNG Kwok-kwan expressed support for the Garrison in exercising its right to use and manage CMD according to the laws applicable and welcomed its decision to open the "non-closed area" part of CMD to the public on the condition that its defence functions would not be compromised.

25. Mr Christopher CHEUNG and Mr Jeffrey LAM expressed support for the proposed legislative amendments and urged the Administration to expedite the handover of CMD to the Garrison so as to fulfil its statutory responsibility as stated in the Exchange of Notes. Mr CHEUNG said that military facilities served to protect national security, he was thus surprised by the view that CMD was unnecessary for defence purposes. The Garrison actually did not need to explain its deployment and tactics to the public.

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26. Mr MA Fung-kwok urged the Administration to expedite the handover of CMD to the Garrison so as to fulfil its obligations. He said that Hong Kong citizens should support the Garrison in its performance of defence functions and responsibilities, and queried how to ensure that the Garrison would not be obstructed in the discharge of duties upon the coming into force of the legislative proposals.

27. S for S pointed out that matters of defence should be subject to the Garrison's professional handling. He further said that the whole area of CMD would be delimited as a "protected place" under the Protected Places (Safety) Ordinance (Cap. 260) and members of the public should observe the relevant laws and conditions when using the "non-closed area" part of CMD.

28. Ms YUNG Hoi-yan expressed support for the proposed legislative amendments. She pointed out that according to the site plan enclosed in the Administration's paper, CMD did not seem to be occupying 150 metres of the eventual permanent waterfront. S for S responded that the actual dimension of CMD was in line with that as set out in the Exchange of Notes.

29. Given that the major construction works of CMD were largely completed in 2013, Mr Frankie YICK queried why the formal handover work was put on hold until now. Ms Alice MAK sought information on the difficulties encountered during the town planning process for amending the Central District (Extension) Outline Zoning Plan.

30. S for S explained that in 2014, an organization applied for a judicial review against the statutory planning procedures associated with re-zoning the CMD site. The concerned procedures had been put on hold until 30 November 2018.

Opening arrangement of the "non-closed area" part of the Central Military Dock

31. Mr YIU Si-wing asked whether CMD would be opened for application for use by the public on the condition that its defence functions would not be affected. He also asked whether advance notice would be made to the public prior to the parking of the Garrison's vessels, and whether any official visit activities to military facilities would be organized.

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32. Mr KWOK Wai-keung hoped that the Administration would communicate with the Garrison so that the "non-closed area" part of CMD could be opened more frequently for public use, and that clear signages would be put up in the vicinity to prevent any inadvertent unauthorized entry into CMD.

33. S for S reiterated that CMD was a military facility to be used for defence purposes, despite the fact that the Garrison had agreed to consider opening the "non-closed area" part of it for members of the public to walk through the area on the condition that its defence functions would not be compromised. The opening of the "non-closed area" part of CMD would not affect its nature as a military site and its status as a "protected place" at all times. While the decision to open the "non-closed area" part of CMD would be made by the Garrison based on its defence needs and the future management of CMD was a defence matter which was the responsibility of the Garrison, S for S said that he would convey members' views in relation to the opening of CMD to the Garrison for consideration. S for S added that it was the existing arrangement of the Garrison to inform the public of the relevant details prior to the opening of the other military sites.

34. Referring to paragraph 5 of the Administration's paper, Mr Alvin YEUNG sought information on the criteria and duration for opening the movable gates to allow members of the public to walk through.

35. As CMD was installed with movable gates to separate the military site from the surrounding park area and walkways, Ms Alice MAK expressed concern about the security of CMD. Ms YUNG Hoi-yan asked whether movable gates were also installed at other military sites and under what circumstances the gates would be opened.

36. S for S said that military facilities should normally be delimited as "closed areas" and not opened to the public. However, based on the Government's proposal, the Garrison had agreed to consider opening the "non-closed area" part of CMD for members of the public to walk through on the condition that the defence functions of CMD would not be compromised. The Garrison would consider opening the moveable gates when there was no need for CMD to be segregated and inform members of the public of the opening details as appropriate. It was reiterated that CMD was the only military facility segregated by movable gates.

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37. Mr Kenneth LEUNG asked whether a Hong Kong police officer could arrest a suspect in the "non-closed area" part of CMD when CMD was open for public use. S for S responded that enforcement actions would be taken in accordance with the laws based on actual circumstances.

38. In view of the possibility of holding public meetings and demonstrations in CMD when the gates were opened, Dr Elizabeth QUAT asked whether the public order and safety considerations of CMD had been evaluated. Mr WONG Kwok-kin said that CMD occupied only a small area along the Central harbourfront. Whether it would be opened or not would not affect sightseeing and leisure activities of the public significantly. He was instead worried that opening its "non-closed area" part would unnecessarily cause political and other disputes.

39. Mr CHAN Chi-chuen asked about the legal protection when public meetings and demonstrations were held in CMD, as well as the legal liability involved in case of accidents in CMD.

40. S for S stressed that the Garrison's functions and duties of protecting and managing military sites should be respected and that the opening of the "non-closed area" part of CMD would not affect its nature as a military site and its status as a "protected place". Members of the public should observe the laws of Hong Kong when they were within the "non-closed area" part of CMD. The Garrison or the authorized guards engaged by the Garrison would, based on the actual circumstances, request any persons who were damaging or endangering any military facilities to leave CMD or inform the Police for further follow-up.

Other issues

41. Mr CHAN Chun-ying and Ms Alice MAK sought information on the reduction in area of military sites in Hong Kong compared with that before 1 July 1997. Referring to paragraph 9(b) of the Administration's paper, Mr CHAN Chun-ying asked about the arrangement and operation of authorized guards, as well as the procedure to notify the general public that CMD was prohibited to enter when it was used for defence purposes. Mr Christopher CHEUNG asked about the measures to be adopted to prevent any persons from entering CMD without authorization. Mr Jeffrey LAM asked whether the security and other relevant issues of CMD would be handled by the Garrison or the HKSAR Government when it was opened for public use.

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42. S for S said that 25 military sites were handed over by the UK Government to the then Hong Kong Government for disposal before 1 July 1997. He further said that the land area of CMD would be declared as "protected place" and that members of the Garrison and qualified guards employed by a company engaged by the Garrison as well as the police officers would be authorized to act as authorized guards of CMD. He added that there would be clear signages in and around CMD to prevent any persons from entering CMD without authorization inadvertently.

43. Mr POON Siu-ping sought information on the legislative timetable and the daily management of CMD upon the commencement of the legislative amendments. S for S said that the Government would submit the legislative proposals to LegCo within the legislative year. As CMD was a military facility which would be handed over to the Garrison, its daily management and operation were defence matters which were the responsibility of the Garrison.

44. Mr Frankie YICK sought details on the proposed "entry restricted area" and "stay restricted area" at the sea area off CMD, and asked about the measures to be adopted to prevent vessels from inadvertent entry to the restricted sea area off CMD. S for S said that having considered the Garrison's needs for defence functions, the safety of Pier No. 9 and No. 10 in the vicinity as well as the maritime fairways, the Administration would delimit appropriate areas at the waters off CMD as "entry restricted area" and "stay restricted area". The Administration would also place buoys on the sea surface and provide nautical charts to the trade and relevant parties. Such information would be uploaded onto the Government's webpage as well.

45. Referring to paragraph 11 of the Administration's paper, Mr CHEUNG Kwok-kwan asked whether the legal protection for CMD should also cover airspace, in particular the regulation of unmanned aircrafts. S for S responded that according to Article 12 of the Garrison Law, the Garrison had the right to stop any unauthorized entry into any military zone or any act which damaged or endangered any military facilities, and unmanned aircrafts were governed under other existing laws of Hong Kong.

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Motion

46. The Chairman said that Mr CHU Hoi-dick and Ms Starry LEE had respectively indicated intention to move a motion under the agenda item. He ruled that the two motions were directly related to the agenda item in accordance with Rule 22(p) of the House Rules. He said that the two motions would be proceeded with and voted on in the order in which they were presented to the Panel.

47. Mr CHU Hoi-dick moved the following motion:

"中環新海濱是香港重要的休憩用地，特區政府計劃將當中最核心的一百五十米交予駐港解放軍作軍事碼頭，再由駐港部隊決定何時向公眾開放，令市民無端要受《受保護地方(保安)條例》約束，做法完全違背政府當初填海以「還海濱於民」的承諾。

由於原添馬艦海軍基地已遷到昂船洲，駐港部隊並無實質需要增添一個軍事碼頭。本委員會要求特區政府向駐港部隊重新協商安排，由將新海濱交予駐港部隊，改為繼續由特區政府管理，並在有需要時借用予駐港部隊作停泊軍艦之用。"

(Translation)

"The Hong Kong Special Administrative Region ('HKSAR') Government has planned to hand over the core 150 metres of the new Central Harbourfront, an important open space in Hong Kong, to the People's Liberation Army Hong Kong Garrison ('the Garrison') for the construction of a military dock, which will be opened to the public as per the decision of the Garrison. As a result, members of the public will be unnecessarily bound by the Protected Places (Safety) Ordinance. Such an approach has completely violated the initial pledge of 'returning the harbourfront to the people' by the HKSAR Government in taking forward the reclamation project.

As the original Central Tamar naval base has been relocated to Stonecutters Island, there is no realistic need for the Garrison to have an additional military dock. This Panel demands the HKSAR Government to discuss afresh with the Garrison on the arrangement so that the new Central Harbourfront should continue to be managed by the HKSAR Government instead of being

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handed over to the Garrison, and would be lent to the Garrison for berthing naval vessels as and when necessary."

48. The Chairman put Mr CHU's motion to vote. Members requested a division.

The following members voted in favour of the motion:

Ms Claudia MO, Mr CHAN Chi-chuen, Mr Alvin YEUNG, Mr CHU Hoi-dick and Mr AU Nok-hin. (five members)

The following members voted against the motion:

Mr Jeffrey LAM, Ms Starry LEE, Mr WONG Kwok-kin, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Mr Jimmy NG, Mr Holden CHOW, Mr CHAN Chun-ying and Mr CHEUNG Kwok-kwan. (15 members)

49. The Chairman declared that five members voted in favour of the motion and 15 members voted against it. He declared that the motion was negated.

50. Ms Starry LEE moved the following motion:

"中央向香港派駐軍隊，既是執行國家整體國防及香港防務的需要，也是國家主權的重要體現，就此，本委員會支持香港駐軍依法對中區軍用碼頭進行使用及管理的權利，並歡迎香港駐軍在不影響防務的情況下，讓公眾使用碼頭的非"禁區"的決定，同時，本委員會促請特區政府在聽取本委員會的意見後，能盡快提交具體的立法建議。"

(Translation)

"The stationing of military forces by the Central Authorities in Hong Kong not only fulfils the need for the defence of the State as a whole and the defence of Hong Kong, but is also a key manifestation of State sovereignty. In this connection, this Panel supports the Hong Kong Garrison in exercising its right to use and manage the Central Military Dock ("CMD") according to law and

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welcomes its decision to open the "non-closed areas" of CMD to the public under the circumstance that its defence functions will not be compromised. At the same time, this Panel urges the SAR Government to expeditiously introduce specific legislative proposals after listening to the views of this Panel."

51. The Chairman put Ms LEE's motion to vote.

The following members voted in favour of the motion:

Mr Jeffrey LAM, Ms Starry LEE, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Mr Jimmy NG, Mr Holden CHOW, Mr CHAN Chun-ying and Mr CHEUNG Kwok-kwan. (16 members)

The following members voted against the motion:

Ms Claudia MO, Mr CHAN Chi-chuen, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr HUI Chi-fung and Mr AU Nok-hin. (six members)

52. The Chairman declared that 16 members voted in favour of the motion and six members voted against it. He declared that the motion was carried.

VI. Development of "Smart Prison" by the Correctional Services Department

(LC Paper No. CB(2)1100/18-19(05))

53. With the aid of video presentation, Under Secretary for Security ("US for S") briefed Members on CSD's plan on the development of "Smart Prison".

The "Smart Prison" concept and the application of innovative technology

54. Mr AU Nok-hin sought information on the estimated expenditure of the overall development of "Smart Prison". He asked about the operation of the "PICs Self-service Kiosk" and its impact on the efficiency of prison management. He further asked how to avoid errors and ensure the accuracy provided by the Geographic Information System,

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and whether the introduction of the "Video Analytic Monitoring System" would ease public concern about the alleged power abuse by correctional officers.

55. Dr Fernando CHEUNG welcomed CSD's plan to introduce applied technology systems which enabled persons in custody ("PICs) to manage their daily matters. He asked whether any innovative technologies would be applied to facilitate PICs to lodge complaints directly to the Ombudsman and LegCo Members. Mr SHIU Ka-chun sought information on the support and assistance that "Smart Prison" could provide to PICs with special needs.

56. US for S said that it would cost about \$4,000,000 for the trial scheme of "Smart Prison", which was funded by the Electrical and Mechanical Services Department ("EMSD"). In addition, a funding of 18 million had been earmarked under the Innovation and Technology Bureau for future system development. The Administration would brief LegCo in more details in due course. Deputy Commissioner of Correctional Services ("DC of CS") supplemented that the introduction of various innovative technologies in correctional facilities served the purposes of, inter alia, protecting the safety of PICs and enhancing the scope for management of their daily matters with a view to providing them with more favourable conditions conducive to their re-integration into society. PICs could use "smart wristbands" and "PICs Self-service Kiosk" to purchase canteen items, make requests and lodge complaints. Although CSD had no plan currently to apply innovative technologies for PICs to lodge direct complaints to statutory bodies or enforcement agencies, it would not rule out the viability of studying such arrangement in future. Moreover, CSD had been providing support and assistance to PICs with special needs. Mr SHIU's view in this aspect would be considered in the future development of "Smart Prison".

57. Ms Alice MAK asked about the implementation timetable of "Smart Prison" and whether the hardware of correctional facilities needed to be redeveloped to cope with the introduction of various innovative technologies.

58. US for S said that, in the long term, the "Smart Prison" concept would hopefully be implemented in all correctional institutions. In view of the different institutional designs and geographical locations, DC of CS said that CSD had been actively working with EMSD, the Office of the Government Chief Information Officer, the Architectural

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Services Department, local universities and some startup companies to conduct system trial and explore system feasibility. Subject to feasibility and efficacy of the systems, CSD would seek additional resources for further extension of the systems to other correctional institutions. There was no concrete implementation timetable for the time being.

59. Mr POON Siu-ping expressed support for the application of innovative technology to enhance the overall effectiveness of institutional management. He sought specific examples in respect of process innovation mentioned in paragraph 5(b) of the Administration's paper. With the introduction of a "PICs Self-service Kiosk" which provided PICs with more favourable conditions to re-integrate into the society, he expressed concern that some PICs might make use of the opportunity to communicate with unlawful parties outside.

60. US for S responded that, apart from the innovative workflow demonstrated in the video presentation, CSD was going to install the facial recognition system and the electric locks security system to enhance the efficiency of prison management and level of security. CSD would also introduce the "Drug-detection Robotic Arm System" to replace the search conducted manually on stool excreted by newly admitted PICs who were suspected of having concealed drugs inside the body, as well as explore the viability of patrol robots.

61. Mr CHAN Chun-ying expressed concern about the security risks of "Smart Prison" and asked whether the Administration had conducted risk assessments on relevant system suppliers. Mr MA Fung-kwok expressed support for the "Smart Prison" concept and sought information on the efficacy of overseas countries in the application of similar systems. He also asked about the reasons for picking the three specific locations for system trial. Mr SHIU Ka-chun, in particular, sought information on the psychological impact on PICs upon the implementation of "Smart Prison".

62. US for S said that when choosing the specific systems for trial, reference had been made to Singapore, Japan and some correctional facilities on the Mainland. Hong Kong should be the only place in which three systems were on trial concurrently. The three trial locations were picked having regard to operational needs and the feasibility of individual institutions. Senior Engineer/EMSD supplemented that the "Video Analytic Monitoring System" and the "Passage Surveillance

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System" had been in use in Singapore and Japan respectively. He further said that the Administration had made reference to relevant international and industrial standards before procurement of the systems. Relevant requirements were also specified in the tender documents to ensure system security and privacy protection.

Workload of correctional officers

63. Ms Alice MAK said that correctional officers had been facing tremendous workload and heavy pressure. Mr KWOK Wai-keung expressed support for the development of "Smart Prison". He asked whether the implementation of "Smart Prison" would facilitate the manpower deployment of CSD and alleviate the workload of correctional officers. Mr POON Siu-ping sought information on the staffing arrangement for implementing "Smart Prison".

64. US for S said that the application of innovative technology would definitely enhance the efficiency and security of prison management, resulting in better professional standard of correctional officers in law enforcement and safety of PICs. He further pointed out that if manpower could be saved after restructuring the work process, CSD would re-deploy officers concerned to help alleviate the tremendous workload of existing officers in implementing the rehabilitation and counselling programmes. Mr MA Fung-kwok considered that the Administration should draw up concrete manpower forecast in respect of the implementation of "Smart Prison". DC of CS pointed out that manpower support was still required for prison management despite the application of innovative technology. If the results of system trial were positive, CSD would proactively extend the systems to other locations and consider the manpower arrangement subsequently.

65. Dr Elizabeth QUAT expressed strong support for the development of "Smart Prison" and hoped that it would be implemented as soon as practicable. Noting the high turnover rate and recruitment difficulties of correctional officers, she asked whether CSD had explored ways to raise the staff morale and improve the work environment. She further asked whether the development of "Smart Prison" would help reduce the chance that correctional officers being criticized when discharging their duties.

66. Apart from enhancing the overall effectiveness of institutional management, Mr SHIU Ka-chun asked whether the development of "Smart Prison" would ensure the conduct of correctional officers.

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67. US for S said that correctional officers had all along been standing fast to their posts to help keep a low crime rate in Hong Kong. DC of CS stressed that staff members were CSD's assets. CSD had been devoting to improve the work environment and workflow, with a view to alleviating the workload and pressure of correctional officers. CSD also attached great importance to staff welfare by promoting family-friendly employment practices.

Other issues

68. Dr Elizabeth QUAT commended the rehabilitation programmes launched by CSD to provide PICs with more favourable conditions to re-integrate into society. Mr CHAN Chun-ying asked whether consideration would be given to providing innovative technology courses to PICs to facilitate their re-integration into society. DC of CS stressed that CSD had all along attached great importance to rehabilitation services and allocated dedicated resources to provide appropriate vocational training programmes for PICs. Mr CHAN's suggestion was noted.

69. US for S further highlighted that according to a consultancy study conducted by the City University of Hong Kong ("CityU") in 2017, the social cost saved in 2012-2016 after the work of CSD in rehabilitation and community education amounted to \$74.3 billion. As regards Mr SHIU Ka-chun's request for a copy of the consultancy report, DC of CS said that CSD would liaise with CityU regarding its consent to release the report.

70. Dr Fernando CHEUNG expressed concern about the situation of self-harm of PICs and asked about the relevant figures in the past years. US for S responded that there were 99 and 48 self-harm cases in 2017 and 2018 respectively.

VII. The "Animal Watchers" Scheme of the Police and the Government's cooperation with multiple agencies in the prevention of cruelty to animals

(LC Paper Nos. CB(2)1100/18-19(06) and (07))

71. US for S briefed Members on the "Animal Watchers" Scheme ("the Scheme") to be launched by the Police in 2019-2020 and the Government's cooperation with multiple agencies in the prevention of cruelty to animals.

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72. Members noted an information note entitled "The Animal Watchers Scheme of the Police and the Government's cooperation with multiple agencies in the prevention of cruelty to animals" prepared by the LegCo Secretariat.

The "Animal Watchers" Scheme and the existing legislation in the prevention of cruelty to animals

73. Mr Michael TIEN considered that introducing a legislative exercise on animal welfare would be more effective than implementing the Scheme in safeguarding animal welfare and combating cruelty to animals. He said that abandonment of animals should be included in the relevant legislation.

74. Ms Claudia MO acknowledged the Police's efforts in handling of animal cruelty cases. Instead of putting resources to implement the Scheme, she considered that the Administration should establish an animal police team specifically for handling animal cruelty cases.

75. Dr Elizabeth QUAT acknowledged the Police's efforts in the prevention of cruelty to animals, in particular the use of social media to enhance public awareness in this aspect. She hoped that the Police would, apart from strengthening relevant education and publicity, step up enforcement actions against animal cruelty cases. Dr QUAT said that the Democratic Alliance for the Betterment and Progress of Hong Kong had been constantly urging for establishing an animal police team. She also hoped that the legislative amendments to the Prevention of Cruelty to Animals Ordinance ("PCAO") (Cap. 169) would be introduced as soon as practicable so as to, among others, raise the penalty for acts of animal cruelty.

76. US for S said that the Scheme aimed to raise public awareness on prevention of cruelty to animals through a four-pronged approach at the community level. Assistant Director (Inspection & Quarantine), Agricultural, Fisheries and Conservation Department ("AD(I&Q)/AFCD") added that pursuant to section 22 of the Rabies Ordinance (Cap. 421), any person abandoned animals without reasonable excuse committed an offence. To enhance animal welfare, he said that the Administration was going to consult the public on the proposed legislative amendments to PCAO shortly.

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77. The Chairman sought information on the additional manpower support in each police district and relevant training provided to the officers concerned for implementing the Scheme. Noting from the Administration's paper that "Animal Watchers" participants would assist the Police in gathering intelligence relating to the prevention of cruelty to animals, he asked whether the participants would possess relevant knowledge. Owing to staff changes of the dedicated investigation teams in the police districts, he considered that the setting up of an animal police team would be more effective to combat cruelty to animals. He further asked about the foundation training provided to police officers in the prevention of cruelty to animals and collection of relevant evidence.

78. Chief Superintendent of Police (Support Branch) (Support Wing) explained that the Scheme would be implemented at the "Headquarters" and "Regional" levels. A total of 14 additional police officers, including one inspector, one sergeant and one constable at the "Headquarters" level, and five sergeants plus five constables at the land Regions, as well as one constable at the Marine Region, were responsible for the Scheme. The Police would organize various workshops for the "Animal Watchers" to strengthen their knowledge in preventing and combatting cruelty to animals, with the aim of enabling them to provide Police with information and useful leads collected through the public network. In addition, the Police had set up designated criminal investigation teams in 22 police districts in 2018 to take up the investigation of animal cruelty cases. The Police would provide foundation and on-the-job-training on handling animal cruelty cases, as well as collaborate with other stakeholders to organize talks and workshops to enhance the professionalism and capability of police officers in investigation of such cases. Besides, overseas experts were invited to share their experience on animal welfare such that frontline officers could have a better grasp of the latest situation and trend of animal cruelty. He further said that the Police would try to avoid frequent changes of staff in the designated investigation teams as far as possible.

79. Mr AU Nok-hin pointed out that as recommended by the former Subcommittee on Issues Related to Animal Welfare and Cruelty to Animals, the Administration should comprehensively review and amend PCAO. He said that merely implementing the Scheme could not address animal cruelty at root. He expressed concern that only 94 persons were prosecuted for breaching PACO in the past five years, compared with an average of 276 suspected animal cruelty reports each year. As police officers were not empowered to enter residential areas under PCAO, he

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was of the view that such arrangement had greatly hindered the prosecution rate. He sought information on the number of cases which were not prosecuted because of lack of evidence.

80. US for S said that for animal cruelty cases concluded as at the third quarter of 2018, 94 persons were prosecuted and amongst them 81 were convicted. He explained that most of the suspected animal cruelty reports were found not involving criminal elements upon investigation. AD(I&Q)/AFCD reiterated that the Administration was going to consult the public on the proposals to enhance animal welfare and amendments to PCAO shortly.

81. Mr SHIU Ka-fai considered that the current penalty for cruelty to animals should be reviewed such that persons involved in cruelty to animals would be severely punished. While supporting the promotion of caring for animals, he queried how the Administration would strike a balance between caring for animals and the noise nuisance caused by stray animals. US for S responded that 5 800 and 1 200 complaints relating to stray animals were received in 2011 and 2018 respectively, demonstrating a downward trend of the number of stray animals. With the implementation of the "Trap-Neuter-Return" trial programme, AD(I&Q)/AFCD added that more stray dogs would probably be neutered instead of euthanized. He stressed that AFCD would strike a balance when handling stray animals, and step up patrol if the situation of stray animals was getting serious.

Euthanasia of animals

82. Ms Claudia MO sought the Administration's response about a recent incident involving AFCD's euthanasia of a dog illegally imported in Hong Kong from Thailand. Dr Elizabeth QUAT said that she had written in two letters to the Panel on Food Safety and Environmental Hygiene ("FSEH Panel") raising her concerns about the incident and requesting the Administration to review the existing procedures and arrangements of euthanasia of animals. Mr AU Nok-hin said that AFCD had set a bad example of euthanizing the dog soon after its arrival at Hong Kong and asked whether the Administration would consider setting a goal of "zero euthanasia of animals". Mr KWONG Chun-yu expressed grave concern and dissatisfaction about euthanizing the dog soon after its arrival, which was not in line with AFCD's existing arrangements that stray animals would be kept for at least four days pending reclaim by their owners. He requested the Administration to make apologies.

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83. AD(I&Q)/AFCD said that the dog was found on a cargo ship departed from Thailand for Hong Kong. The captain of the ship had signed a declaration form surrendering the illegally imported dog and passed it to AFCD staff. As the dog was illegally imported from a country of high risk of rabies and without any past records or information on health conditions, AFCD had to safeguard animal health and public hygiene as well as safety because Hong Kong was one of the few places in Asia that had been free of rabies since the 1980s. He further said that the Food and Health Bureau would provide a response on the incident at the FSEH Panel meeting on 16 April 2019. As regards "zero euthanasia of animals", he said that most countries were not able to adopt such measure as welfare wise it was not desirable for the animals, in particular those suffering from serious diseases, should euthanasia not be an option. Mr AU Nok-hin, however, pointed out that Kumamoto City of Japan had set a goal of "zero euthanasia of animals".

Other issues

84. Dr Priscilla LEUNG declared that she was teaching at CityU. She welcomed the Scheme to be launched by the Police and asked whether consideration would be given to collaborating with the Jockey Club College of Veterinary Medicine and Life Sciences of CityU to provide psychological counselling service and assistance to pet keepers when facing pet loss. AD(I&Q)/AFCD responded that AFCD had regular meetings with CityU. He would convey Dr LEUNG's view to relevant parties.

85. There being no other business, the meeting ended at 5:25 pm.