

立法會

Legislative Council

LC Paper No. CB(2)1792/18-19

Ref : CB2/PL/SE

Report of the Panel on Security for submission to the Legislative Council

Purpose

This report which is made in accordance with Rule 77(14) of the Rules of Procedure of the Legislative Council ("LegCo") gives an account of the work of the Panel on Security ("the Panel") during the 2018-2019 legislative session.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to security, public order, corruption-related matters and nationality and immigration matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 41 members in the 2018-2019 session, with Hon CHAN Hak-kan and Hon James TO elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major work

Cooperation between Hong Kong and other places on juridical assistance in criminal matters

4. The Fugitive Offenders Ordinance (Cap. 503) ("FOO") and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) ("MLAO") provide for the statutory frameworks for the surrender of fugitive offenders ("SFO") and the arrangements for mutual legal assistance in criminal matters ("MLA") respectively. In the wake of a homicide case that occurred in early 2018

involving a Hong Kong resident who was suspected of murdering another Hong Kong resident in Taiwan ("Taiwan homicide case"), members in general considered that the Panel should follow up with the Administration ways to provide juridical assistance in the Taiwan homicide case, having regard to the fact that FOO and MLAO were not applicable to SFO and MLA requests between Hong Kong and other parts of the People's Republic of China ("PRC") which included Taiwan and Macau.

5. In February 2019, the Panel was briefed on the Administration's proposals to amend FOO and MLAO to tackle the Taiwan homicide case and to strengthen Hong Kong's cooperation mechanism in criminal and juridical assistance matters. Specifically, the Administration would introduce a bill to enable the special case-based surrender arrangement ("special surrender arrangements") to be applicable to any places with which Hong Kong had not entered into any long-term arrangement for reciprocal juridical assistance and to deal with the Taiwan homicide case. Some members expressed concern about the procedural and human rights safeguards under the proposed special surrender arrangements. These members took a strong view that many Hong Kong people lacked confidence in the legal system of the Mainland, the applicability of the legislative proposals should be narrowed to requests for MLA and SFO between Hong Kong and Taiwan in order to deal with the Taiwan homicide case only. Some members considered that the 46 items of offences specified in Schedule 1 to FOO were not merely serious criminal offences. The Administration should remove economic crimes involving inadvertent mistakes, or give priority to handling items of offences which were less controversial when implementing the special surrender arrangements. Members were advised that narrowing the applicability of the Administration's proposals to Taiwan would only partially address the inadequacies in existing legislation. Similar requests could be received later from another jurisdiction with which Hong Kong had not signed any SFO agreement. The Administration therefore proposed to remove the limitations in existing legislation to provide a legal basis for instituting "case-based" MLA and SFO cooperation between Hong Kong and other jurisdictions with which Hong Kong had not entered into MLA or SFO agreements.

6. Some other members expressed support for the Administration's proposals. They considered that there was a pressing need to introduce the proposed legislative amendments to address the inadequacies in existing legislation and to enable the Administration to provide juridical assistance to Taiwan in the Taiwan homicide case. The Panel passed a motion expressing support for the proposals.

7. The Administration introduced the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill") into LegCo on 3 April 2019. According to the Administration, in the light of wide public concern about the scope of offences to be included under the proposed special surrender arrangements, the Bill would cover 37 items of offences based on their existing description in Schedule 1 to FOO and be applicable to those offences punishable with imprisonment for more than three years and triable on indictment in Hong Kong. A Bills Committee was formed to study the Bill. Having regard to the agreement of the House Committee to rescind its decision made on 12 April 2019 under Rule 75(4) of the Rules of Procedure to form the Bills Committee on the Bill and the fact that the Secretary for Security ("S for S") had given notice of resumption of the Second Reading debate on the Bill at the Council meeting of 12 June 2019, the Panel held five meetings of 20 hours between 31 May and 5 June 2019 to discuss with the Administration details of the Bill.

8. In the course of discussion, members noted that the Administration would, having considered the views and concerns expressed by members and various sectors, propose an amendment to the Bill to limit the application of special surrender arrangements to the most serious offences only by raising the threshold requirement for applicable offences from imprisonment for more than three years to seven years or above. Furthermore, it would require by administrative arrangements the requesting party to include additional safeguards in the provisions of the special surrender arrangements, viz. including safeguards that were in line with common human rights protections in the activation of the special surrender arrangements; and enhancing protection for the interests of surrendered persons, such as processing only requests from the central authority of a place. Some members strongly criticized that the Administration's proposed amendment to raise the threshold requirement for applicable offences from imprisonment for more than three years to seven years or above was inclined to the business sector's requests, but failed to address the concerns of the community at large. They reiterated their grave concern that the so-called additional safeguards could hardly resolve the bone of contention about lacking confidence in the legal system of the Mainland. These members took a strong view that human rights safeguards, such as presumption of innocence, open trial, legal representation, right to cross-examine witnesses, should be stated expressly in the legislation in order to protect the interests and rights of surrendered persons.

9. Some members strongly disagreed with the Administration's saying that the Bill involved a time element, and thus should be passed through LegCo within this session so as to deal with the Taiwan homicide case. They pointed out that the Taiwan side had already made clear on various occasions that it would not handle the Taiwan homicide case by means of the special surrender arrangements. The

Administration should instead discuss with the relevant Taiwan authorities practical ways to deal with the Taiwan homicide case under an one-off case-based arrangement which was already provided for under FOO. These members also strongly called on the Administration to withdraw the Bill and to conduct a wide public consultation exercise immediately on the legislative proposals.

10. Some other members, however, were pleased to note that the Administration had taken on board the community's views and proposed to narrow the application of the Bill and add more restrictions to the activation of the special surrender arrangements. They supported the early enactment of the Bill and appealed to the Administration to step up its explanation work on the content of the Bill to enhance public understanding and dispel their doubts and misunderstanding, if any, on the activation of the special surrender arrangements.

11. The Panel was also briefed by Hon Alvin YEUNG on his proposed Member's Bill entitled "Offences against Persons (Amendment) (Extra-territoriality) Bill 2019", which aimed to empower the Hong Kong Special Administrative Region ("HKSAR") Government and the Judiciary to deal with Hong Kong permanent residents and individuals who ordinarily reside in Hong Kong and who were suspected of criminal behaviour relating to murder, manslaughter and attempt to murder in regions with which Hong Kong had not entered into SFO or MLA agreements; and trial could be conducted under Hong Kong laws and judicial procedures. Members noted the Administration's view that the proposed legislative amendments could not address the question of non-retrospectivity and geographical restrictions, which meant that the Taiwan homicide case could not be dealt with.

12. The Administration stressed that the proposals in the Bill were not tailor-made for any particular jurisdiction. It aimed at enabling the Administration to deal with the Taiwan homicide case and plugging the loopholes in the legislation, including geographical restrictions and impracticable operational procedures, at the same time. Members were assured that all human rights and procedural safeguards under FOO, including the application for habeas corpus, review of the executive decisions, and the judicial review, would remain unchanged under the special surrender arrangements. To ease the concerns of members, S for S would make a policy statement on the additional safeguards to be provided under the special surrender arrangements during the resumption of Second Reading debate on the Bill. According to the Administration, the proposed administrative arrangements for including additional safeguards in the special surrender arrangements would allow flexibility for adopting relevant safeguards provisions having regard to the laws and circumstances of individual requesting jurisdictions in making a case-based surrender arrangement, bearing in mind that the arrangement or the undertaking would have to be signed by both the

requesting place and Hong Kong.

13. The Administration further emphasized that the legislative proposals involved time element. It must establish a legal basis prior to the release of the suspect of the Taiwan homicide case, which was expected to be in October 2019 the earliest so that the Administration could make necessary preparation for bringing the suspect to face due legal sanction. With the proposed special surrender arrangements prescribed under the Bill and the addition of more restrictions to the activation of the special surrender arrangements, there would be more instead of fewer requirements for protection of the rights of the subject than under the existing FOO.

Handling of non-refoulement claims

14. In March 2014, the Administration commenced operating the unified screening mechanism ("USM") to screen non-refoulement claims on all applicable grounds. Currently, the screening procedures of USM follow those of the statutory screening mechanism for torture claims, as stipulated in Part VIIC of and Schedule 1A to the Immigration Ordinance (Cap. 115) ("IO"). In the last session, the Panel gave views on the Administration's proposals to amend IO to improve the procedures of screening non-refoulement claims and handling appeals. Following up its work in this session, the Panel was updated on the Administration's latest legislative proposals to further amend IO to, among others, remove non-refoulement claimants whose claims had been rejected but had applied for judicial review ("JR") or legal aid unless leave to JR had already been granted by the court. Members expressed diverse views on the proposals. Some members expressed grave concern that claimants who had been removed but whose leave to JR was subsequently granted by the court might not be able to come to Hong Kong again. In their view, the proposals would undermine the rule of law, render JR meaningless and possibly violate the common law principles. They strongly requested the Administration to fully consult the stakeholders and seek independent legal advice on the legislative proposals. Some other members, however, expressed support for the Administration's proposals. Pointing out that the substantial increase in the number of claimants who applied for leave to JR had created heavy burden on the court, they considered that the proposals could help prevent abuse. In addition, the proposals could address various social and security problems arising from a large number of non-refoulement claimants in Hong Kong while protecting the rights of those persons whose non-refoulement claims were genuine.

15. Members were advised that if the Administration's legislative proposals were fully implemented, the screening of outstanding claims by the Immigration Department ("ImmD") would be completed in few months' time while the

handling of backlog appeals by the Torture Claims Appeal Board should be completed in about two to three years' time. However, as the handling of JR applications was under the purview of the court, instead of proposing procedures on handling JR applications, the Administration therefore proposed allowing the removal of non-refoulement claimants whose claims had been rejected even if they had applied for leave to JR or legal aid, unless leave to JR had already been granted by the court. The Administration assured members that only the rejected claimants who would not face a genuine risk of torture if being removed to their countries of origin or were not substantiated on other applicable grounds would be removed.

16. Some members suggested that the Administration should consider accommodating the claimants in detention centres so as to facilitate the maintenance of law and order in Hong Kong. They considered that this would also reduce the incentive for claimants to come to Hong Kong to take up illegal employment. Some other members, however, strongly opposed to the setting up of closed detention centres. They considered that the Government should honour its international obligations to safeguard the rights of the claimants. The Administration advised that ImmD was bound by the common law *Hardial Singh* principles when exercising power to detain, under which ImmD could not continue to detain a person if it could not complete the removal or screening procedures within a reasonable period of time. The setting up of detention centres was a complicated issue and the society had diverse views. In this connection, the Administration would continue studying the issue, including exploring any lawful, practicable and effective option, and would keep LegCo updated when ready.

Handling of super typhoon

17. In the light of the unprecedented severe and extensive damage to Hong Kong inflicted by Super Typhoon MANGKHUT in September 2018 which caused serious disruption to public transport services and great difficulties for members of the public in resuming work and normal life, the Chief Executive ("CE") had tasked S for S to coordinate a review of the handling of super typhoons. The Administration briefed the Panel on the outcome of the review in May 2019. Members noted that in the case of future super typhoons (or other natural disasters of a substantial scale), a Steering Committee under the chair of the Chief Secretary for Administration would be set up to oversee the Administration's work throughout the preparedness, response and recovery stages. The Steering Committee would make recovery-related assessments (such as allowing more time for employees to return to work), coordinate government-wide resources for clearance work according to priorities, and make high-level policy decisions at the recovery stage.

18. Some members expressed concern about the slow progress of the clearance and removal of fallen trees and debris. These members hoped that the Steering Committee could strengthen the supervision and coordination of the recovery work of various bureaux/government departments. Given the massive fallen trees and debris over the territory after the passage of Super Typhoon MANGKHUT, some members suggested that the Administration should consider organizing community efforts to assist in post-typhoon clearance in the future. There was also a view that many government contractors had neither sufficient experience nor possessed necessary equipment to clear large fallen trees. The Panel passed a motion urging the Administration to engage professional contractors, procure suitable equipment and provide training for staff to handle fallen tree when handling similar incidents in future.

19. Some members expressed dissatisfaction with the Administration's proposed arrangements for resumption of work after super typhoons, namely, to revise the "Code of Practice in times of Typhoons and Rainstorms" ("COP") to the effect that employees should be advised to stay in their places for another two hours after cancellation of tropical cyclone signal no. 8 under certain "extreme conditions" (e.g. large-scale power outage, extensive flooding, major landslides and unavailability of public transport services). They pointed out that as COP was not legally binding, the revision of COP could not afford better employment protection to employees.

20. Separately, the Panel was also briefed by Hon Alvin YUENG on his proposed Member's Bill entitled "State of Disaster Bill", which aimed to confer the Chief Executive in Council power to declare a State of Disaster and to establish an employee's entitlement to absence from work under a State of Disaster as well as entitlement to wages, allowances and any other remuneration no less than what was normally payable. The proposed Member's Bill would also necessitate mandatory suspension of non-emergency government services and the operation of the recognized exchange companies in Hong Kong under a State of Disaster.

21. Members noted the Administration's view that it was not practical to introduce an across-the-board legislation to regulate the work arrangements of employees under a state of disaster, as it would overlook the operational needs of various industries and the community as a whole, as well as affect the flexibility of employers and employees in working out their work arrangements. The Administration further advised that it would continue to adopt the Contingency Plan For Natural Disasters to provide effective and efficient response to super typhoons and other natural disasters. With the institutional

enhancement as proposed under the review of the handling of super typhoons, the Steering Committee would pool together resources to expedite the recovery work, and would assess the latest situation (including the public transport and other aspects) and announce to the public before the lowering of tropical cyclone signal no. 8 whether the "extreme conditions" applied and warranted extended hours for resumption of work.

Reprovisioning of the Central Military Dock

22. According to the Administration, the Exchange of Notes between the Government of the United Kingdom and the Government of PRC on the Arrangements for the Future Use of the Military Sites in Hong Kong ("the Exchange of Notes") in 1994 set out the future arrangements for the military sites including the reprovisioning of the Central Military Dock ("CMD") by the HKSAR Government for the People's Liberation Army Hong Kong Garrison ("the Garrison"). The Panel was briefed on the legislative exercise to be conducted by the HKSAR Government prior to the handover of CMD to the Garrison.

23. Some members considered that as the original Central Tamar naval base had been re-provisioned at the south shore of 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 enjoyment. Some members were worried 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 and thus allowed the Mainland authorities to exercise powers within Hong Kong. Some other members, however, took the view that defence purposes should always be attached more importance than public leisure and enjoyment. The strategic location of CMD at the central business district was incomparable with that at Stonecutters Island. They urged the Administration to expedite the handing over of CMD to the Garrison so as to fulfill its obligations. The Panel passed a motion supporting the subsidiary legislation.

24. The Administration stressed that it was the duty of the HKSAR Government to complete the handover work of CMD in order to fulfill the outstanding undertakings as stated in the Exchange of Notes. According to the Law of PRC on the Garrisoning of HKSAR ("the Garrison Law") which was a national law applicable to Hong Kong under the Basic Law, the military facilities within HKSAR should be managed by the Garrison and jointly protected by the Garrison and the HKSAR Government. The Garrison Law also provided that 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.

25. Most members were pleased to note that the Garrison would open the non "closed area" part of CMD to the public on the condition that its defence functions would not be compromised. They requested the Administration to liaise with the Garrison and make public the detailed arrangements for opening the non "closed area" part of CMD.

26. The Administration tabled the relevant subsidiary legislation relating to CMD before LegCo on 8 May 2019. The Subcommittee formed to scrutinize the subsidiary legislation had completed its work. The relevant subsidiary legislation came into operation on 29 June 2019.

Use of specialized crowd management vehicles for handling public meetings and processions

27. In 2015, in the context of discussion of the Police's handling of public meetings and public processions, members noted the Police's plan to procure specialized crowd management vehicles ("SCMVs") for handling of large-scale and prolonged public assemblies. At the request of members, the Administration had undertaken to provide the Panel with the guidelines on the use of SCMVs after such vehicles were procured.

28. Following the delivery of three SCMVs with water discharge devices to Hong Kong in mid-2018, the Panel was briefed on the principles on the Police's use of SCMVs. Members noted that the Police finished drafting the operating guidelines on such vehicles in March 2019 and expected that such vehicles could be put into operation in the latter half of 2019. Some members considered that the Police should be provided with such vehicles as an operation option, which could be deployed for the purpose of dispersing a radical crowd engaged in violent charging, creating and maintaining a safe distance between police and the radical crowd, or separating confronting crowds. However, some other members expressed grave concern about the possibility that some members of the public might be injured by high-powered water jets discharged by SCMVs. While the Administration had reiterated that the disclosure of the operating guidelines on the use of SCMVs might undermine the capability and efficacy of the Police's operations, some members considered that the Administration should make public the operating guidelines on the use of the three SCMVs.

29. The Administration assured members that the Police would only consider deploying SCMVs in situations of widespread or significant public disorder

where there had already been at least one of the following consequences, or when a threat assessment suggested that there was potential for widespread or significant public disorder that might lead to at least one of the following consequences: (a) serious injury or loss of life; (b) widespread destruction of property; or (c) disruption or illegal blockage of traffic by occupation of major thoroughfares resulting in significant consequences on public order and/or public safety.

Prevention of animal cruelty

30. Issues relating to law enforcement against cruelty to animals had been raised by members time and again in the context of discussions on the Commissioner of Police's annual report on the law and order situation of Hong Kong. Most members requested the Police to consider establishing "animal police" teams in all police districts to handle cases of cruelty to animals. These members also called on the Police to ensure provision of appropriate training to frontline enforcement officers to enhance their investigation capability of animal cruelty cases. Members were pleased to note that CE announced in the 2018 Policy Address that the Police would implement the "Animal Watchers" Scheme in the financial year 2018-2019 with a view to pooling together the efforts of animal lovers at the community level through a four-pronged approach of education, publicity, intelligence gathering and investigation to prevent cruelty to animals. Some members considered that merely implementing the "Animal Watchers" Scheme could not address animal cruelty at root. They called on the Administration to introduce legislative amendments to the Prevention of Cruelty to Animals Ordinance (Cap. 169) as early as practicable to, among others, raise the penalty for acts of animal cruelty.

Implementation of post-dispatch advice by the Fire Services Department

31. The work of the Administration in providing timely ambulance services to the community has been an area of concern to the Panel. The Panel was consulted in July 2014 on the development of a new computer system in the Fire Services Department ("FSD") for the provision of post-dispatch advice ("PDA") on 32 types of injuries and sicknesses in the handling of emergency ambulance calls. Since the PDA computer system was fully commissioned in October 2018, the Panel examined the implementation and effectiveness of the system in this session.

32. Noting that over 80% of the emergency ambulance service callers were receptive to PDA, members considered that FSD should look into the reasons behind those EAS callers with no PDA provided. Members were concerned

about the legal responsibility borne by the caller or operator providing PDA if a caller did not follow the advice so provided and whether the questioning by the operators using the PDA computer system would unnecessarily delay the immediate dispatch of ambulances especially under emergency circumstances with an influx of emergency calls received. Members also called on the Administration to closely monitor the implementation of PDA, review the manpower requirements for provision of PDA and provide adequate training for operators to ensure the quality of PDA service.

33. Members were advised that the questioning protocols used in the PDA computer system were developed by the International Academies of Emergency Dispatch ("IAED") and had been in wide application. The pre-structured questions under the questioning protocols were simple and easy to understand. Callers might decide on their own whether to listen to and follow the advice provided by the call-taker. All the operators had undergone training conducted by IAED and training on the relevant computer system and software applications. The procedures of taking calls and dispatching resources would be taken up by two individual operators as call-taker and dispatcher respectively. Under emergency circumstances, FSD would deploy additional staff to take the calls and dispatch resources as appropriate. The PDA computer system had incorporated emergency rules such that PDA would only be provided to patients with critical conditions under emergency circumstances. Members were further advised that FSD had formed a Quality Improvement Unit to carry out daily audit checks of EAS calls with PDA provided to ensure the operators had strictly followed the questioning protocols. FSD would step up its publicity efforts in promoting the PDA service to members of the public.

Introduction of the New Generation Electronic Passport

34. In May 2015, the Panel supported the Administration's proposal to implement the Next Generation Electronic Passport System ("the e-Passport-2 system") to, among others, address the obsolescence of hardware and software of the present e-Passport system and enhance the efficiency of application and issuance process for passports. Following up with the Administration on the implementation progress, the Panel was briefed on the latest progress of the e-Passport-2 system and its plan to issue the Next Generation Electronic Passport ("the new e-Passport") from the second quarter of 2019.

35. With respect to members' concern about the security standards of the new e-Passport, the Administration advised that the new e-Passport was enhanced with up-to-date technologies in the market to uphold the security and global interoperability, and to minimize the risks of producing forged passports. Unauthorized access to information stored in the chip was impossible as it

required a real time and one-off encryption key for establishing an one-to-one and exclusive encrypted communication channel between the chip of the e-Passport and the reader by means of "Supplementary Access Control". Advanced authentication was also adopted to detect any unlawful alteration of information stored in the chip.

36. Given that the territory-wide identity card ("ID card") replacement exercise was in progress and the electronic identity ("eID") would be launched by the Innovation and Technology Bureau in mid-2020, some members suggested that one-stop-service should be provided for eligible persons to apply for the new ID card, eID and new e-Passport concurrently. Concern was also raised about whether all the existing e-Passport holders would be required to replace their passports with the new e-Passport. The Administration advised that there was no need for holders of existing passport to apply for new e-Passport before the expiry of their current passports. As existing passport holders' application of new e-Passport might not tie in with the specified period for replacement of their ID cards under the call-up programme, ImmD did not provide for replacing ID card and applying new e-Passport in one go at present. Nevertheless, ImmD would consider providing one-stop-service for persons who needed to register new ID card and did not have passport to apply for both documents in one go in future. Members called on the Administration to announce the implementation timetable of the new e-Passport as early as practicable. Members subsequently noted that the new e-Passport was introduced in May 2019.

Efficiency of correctional institution management

37. It was announced in the CE's 2018 Policy Address that the Government would put forward the application of innovation and technology to enhance the capabilities of law enforcement agencies ("LEAs"), including the development of "smart prison". Members welcomed and expressed support for the application of innovative technology to enhance the overall effectiveness of institutional management and were concerned how the initiatives would be taken forward. Members called on the Administration to review the management and operational workflow of institutions and related manpower requirement following the application of technology in institutional management. Members were advised that the objective of the development of "smart prison" was to combine operational systems and information technology systems to collect data on various aspects for analysis and application, with a view to enhancing the efficiency of institutional management and operations and strengthening Correctional Services Department ("CSD") officers' readiness in emergency response. To take forward the initiatives, CSD had set up an inter-departmental Steering Committee on Smart Prison to formulate the

direction of policy development and blueprint for "smart prison". In view of the different institutional designs and geographical locations, CSD would first conduct system trial in three correctional institutions and evaluate the efficacy of the systems within 2019. CSD would implement the "smart prison" concept in all correctional institutions in the long run, and the Panel would be kept abreast of the developments.

38. Members also noted that CSD was going to install electronic locks security systems in various correctional institutions to enhance the efficiency of institutional management and level of security. Members in general expressed support for the arrangements. Some members, however, expressed concern about the slow progress of installation of electronic locks systems in various correctional institutions. Members were advised that as some correctional institutions had been built a few decades ago, some facilities therein would unavoidably need to be refurbished or modified before the installation of electronic locks security system and the installation work had to be carried out in stages.

Anti-drug work

39. Given that many new types of synthetic drugs had emerged in recent years, members had time and again urged the Administration to catch up with the new drugs trend and include such substances under the Dangerous Drug Ordinance (Cap. 134) ("DDO"), which was the principal legislation dealing with dangerous drugs. According to the Administration, it was keeping track of emergence of new drugs in different areas, including the latest recommendations of the Expert Committee on Drug Dependence of the World Health Organization and the United Nations Commission on Narcotic Drugs, as well as reports on the drug situation in other jurisdictions, in considering proposals for legislative control of any new psychotropic substances. The objective was to bring newly emerging dangerous drugs under control before they became prevalent in Hong Kong. In this session, the Panel was consulted on the Administration's proposal to bring five dangerous drugs under control in the First Schedule to DDO. The legislative proposal which was supported by the Panel came into operation on 26 April 2019.

Interception of communications and surveillance

40. Under section 49 of the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO"), the Commissioner on Interception of Communications and Surveillance ("the Commissioner") shall, for each report period, submit a report to CE. In the course of examination of the Interception of Communications and Surveillance Bill, the Administration undertook, inter

alia, to report to the Panel the results of the Administration's study of matters raised in the Commissioner's annual report to CE. In this session, the Administration reported to the Panel in December 2018 on its responses to the observations and recommendations made in the Commissioner's 2017 Annual Report.

41. Noting the Commissioner's remark in the 2017 Annual Report regarding some officers of LEAs being not conversant with the operating procedures of the ICSO regime or the requirements on handling of ICSO cases, members generally considered that the Administration should strengthen training for relevant LEA officers on the requirements under ICSO and enhance their sensitivity in handling ICSO cases, in particular avoiding obtaining information involving legal professional privilege ("LPP") and journalistic material ("JM") inadvertently. The Administration advised that various training was provided by LEAs to officers in performing duties under ICSO, including induction training for newly appointed officers and practice sessions for relevant LEA officers to familiarize with the operation of relevant systems and the definitions of LPP as well as JM. Where necessary, relevant LEA officers were also briefed on the Commissioner's comments which required particular attention. This apart, LEAs had also invited the Commissioner to a forum in January 2019 to speak to frontline officers on the requirements under ICSO.

42. Some members expressed concern whether the LEAs concerned had fully implemented the recommendations of the Commissioner to better carry out the objects of ICSO, given that such recommendations had no legal effect. Members were advised that LEAs were required to comply with the requirements in ICSO and the Code of Practice issued under section 63 of ICSO. Members' attention was also drawn to the Commissioner's remark in the 2017 Annual Report that in the report period, LEAs continued to be positive to the Commissioner's recommendations in regard to new arrangements for better operation of the ICSO regime.

Resources matters

43. In this session, the Panel was consulted on the following funding proposals to cope with the development and operational needs of individual departments.

Construction of the Immigration Headquarters

44. As part of the Wai Chai Government Offices Compound ("WCGOC") relocation exercise, nine replacement building projects were being or would be implemented to accommodate the bureaux and departments to be relocated from

the site, comprising the Immigration Tower, the Revenue Tower and the Wanchai Tower. The Panel was consulted on the proposed construction of the Immigration Headquarters ("HQ") in Tseung Kwan O, which was part of the WCGOC relocation exercise, to re-provision the existing HQ currently accommodated at the Immigration Tower in Wan Chai.

45. Members generally had no objection to the proposal of the construction of new HQ in Tseung Kwan O to meet ImmD's operational needs. Noting that about 3 000 staff would work at the proposed HQ and some 6 500 members of the public visited the existing HQ per day for various immigration-related services, members called on the Administration to ensure that provision of adequate and accessible public transport and facilities, such as sheltered walkway and footbridge between the proposed HQ and MTR stations in the vicinity, would be duly taken into account in taking forward the project. In the light of an acute shortage of parking spaces in the area near the proposed HQ, members also requested the Administration to consider providing more parking spaces in the proposed HQ for members of the public as well as for departmental use.

46. Some members, however, expressed reservations about the demolition of WCGOC to make way for the development of convention and exhibition facilities. They stressed that supporting the construction of the proposed HQ did not necessarily mean that they supported the WCGOC relocation exercise. In response, the Administration advised that the construction of the proposed HQ and the WCGOC relocation exercise were separate exercises.

Establishment of the Fight Simulator Training Centre of the Government Flying Service

47. Members supported the Administration's funding proposal to establish the Fight Simulator Training Centre of the Government Flying Service ("GFS") and set up a flight simulator training device ("the Simulator") in the proposed training centre. Members considered that the Simulator could provide in-house local training for helicopter pilots and thus release pilot manpower for supporting daily operation in a more flexible manner. There was also a call for the Administration to study whether the establishment of the proposed training centre could help address the manpower retention problem of GFS. Members were assured that the Administration was conducting a grade structure review of GFS, the results of which was expected to be released in mid-2020.

Meetings held and visits conducted

48. From October 2018 to July 2019, the Panel held a total of 15 meetings,

including five special meetings. The Panel also conducted a visit to the Customs and Excise Department in January 2019 to better understand its operation and work.

Council Business Division 2
Legislative Council Secretariat
11 July 2019

Legislative Council

Panel on Security

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to security, public order, public safety, corruption-related matters, nationality and immigration.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Security

Membership list for the 2018-2019 session*

Chairman	Hon CHAN Hak-kan, BBS, JP
Deputy Chairman	Hon James TO Kun-sun
Members	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 CHAN Han-pan, BBS, JP Hon LEUNG Che-cheung, SBS, MH, JP 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, BBS, 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, JP
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS

(Total : 41 members)

Clerk Miss Betty MA

Legal adviser Mr Timothy TSO

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Security

Changes in membership

Member	Relevant date
Hon Wilson OR Chong-shing, MH	Up to 14 October 2018
Hon Vincent CHENG Wing-shun, MH, JP	Up to 14 October 2018
Hon Abraham SHEK Lai-him, GBS, JP	Up to 17 October 2018
Hon LAU Kwok-fan, MH	Up to 31 October 2018
Hon HO Kai-ming	Since 2 April 2019