

立法會 *Legislative Council*

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

Purpose

This report gives an account of the work of the Panel on Security during the 1998-99 session of the Legislative Council. It will be tabled at the meeting of the Council on 30 June 1999 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by resolution of this Council on 8 July 1998 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 10 members. Hon James TO Kun-sun and Hon Mrs Selina CHOW were elected Chairman and Deputy Chairman of the Panel respectively. The membership list of the Panel is in **Appendix II**.

Major Work

Arrangements with the Mainland on surrender of fugitive offenders

4. The Panel was briefed on the five guiding principles in devising a formal rendition arrangement with the Mainland on surrender of fugitive offenders. Given the immense differences in the legal systems in the Hong Kong Special Administrative Region (HKSAR) and the Mainland, some members were of the view that the agreement with the Mainland should not deviate from the United

Nations Model Treaty on Extradition. The Administration stressed that following the spirit of the Model Treaty was more important than strictly adhering to the exact wordings of the Model Treaty. The Administration was urged to include in the agreement with the Mainland a provision in respect of the usual safeguard in the existing Surrender of Fugitive Offenders Agreements with other jurisdictions the normal exclusion in relation to political offences and political prejudice.

5. Given that the discussions with the Mainland on the formal arrangement would be kept secret, the Administration was also urged to explore the viability of other channels for collecting public view. The Administration assured the Panel that the rendition agreement would not be presented as *fait accompli*. Members would have sufficient time to scrutinize the proposal as any rendition arrangement must be underpinned by local legislation. The public would be consulted on the rendition arrangement when the discussions with the Mainland were completed. In view of the public concern of the cases of CHEUNG Tze-cheung and LI Yuhui, the Administration would do its utmost to press ahead with its work with a view to concluding an early agreement with the Mainland.

Admission of eligible children from the Mainland

6. The Panel was updated on the situation as regards the admission of eligible Mainland children who had the right of abode in Hong Kong under Article 24(2)(3) of the Basic Law and the court appeal cases. Members noted that the specified sub-quota for these eligible children of all ages had been increased from 45 to 60 per day within the overall daily quota of 150 as from 1 January 1998. It was possible that another 10 eligible children would be allowed to come to Hong Kong under the unspecified sub-quota. At this rate, it would take two and a half years to clear the bulk of the non-adult eligible children. Members urged that eligible children of all ages should be accorded with priority for admission as this was a constitutional right.

7. The Court of Final Appeal delivered on 29 January 1999 a landmark judgment on cases relating to the right of abode of persons born in the Mainland to Hong Kong permanent residents. The House Committee held a series of special meetings on the Administration's assessment of implications for service provisions and public expenditure based on the survey findings by the Census and Statistics Department that 1.675 million people in the Mainland were eligible for the right of abode in the HKSAR, as well as possible solutions to the issue. The Panel on Constitutional Affairs was tasked to follow up the matter, in particular the procedures involved in seeking an interpretation of provisions in the Basic Law from the Standing Committee of the National People's Congress of the People's Republic of China.

Emergency ambulance service

8. The Panel noted the proposal of adopting a 12-minute response time as the performance target of the emergency ambulance service effective from 1 November 1998 to replace the target of 10-minute travel time. According to the Administration, the proposed performance indicator compared favourably with overseas standards. The Administration envisaged that when another batch of 104 ambulancemen completed their training and rendered active service in the second quarter of 1999, the performance of emergency ambulance service could achieve the target of responding to 92.5% of all emergency calls within the 12-minute response time. Having achieved the target, the Fire Services Department would review and consider the feasibility of responding to 95% of calls within 12 minutes or further reducing the response time.

Police Force service quality improvements

9. In addition to providing physical improvements to police stations, the Panel considered that the service attitude of Police officers was of the utmost importance in providing quality services. While appreciating the Force's efforts in bringing about a change in culture and working attitudes within the Force, members expressed concern about the problem of gambling and borrowing from loan sharks by Police officers which might result in poor performance or the commission of illegal activities. The Administration pointed out that disciplinary actions would be taken if Police officers were found to have borrowed from loan sharks. The Panel was assured that the Force management was determined to maintain a clean and honest Police Force and had adopted a comprehensive strategy for preventing, identifying and dealing with the indebtedness of Police officers. The Force management would keep under review the effectiveness of the various measures to tackle the problem of indebtedness.

Measures to tackle the smuggling of cigarettes into Hong Kong

10. The Panel was briefed on the five-pronged strategy adopted by the Administration to tackle the problems of smuggling and illegal sale of cigarettes in Hong Kong, viz. having in place a framework of tough anti-smuggling legislation, stepping up enforcement actions, maintaining close liaison and cooperation with the customs regimes in other jurisdictions, including that in the Mainland, increasing rewards for informants and enhancing cooperation with the tobacco industry.

11. As the substantial price differential in respect of cigarettes between Hong Kong and neighbouring areas was a contributing factor to cigarette smuggling, there was a suggestion to reduce tobacco duty as a means to tackle the problem. The Administration stressed that it was an established policy to discourage smoking from the health policy point of view and revenue generated

from tobacco duty was one of the income sources of the Government. In the light of the seriousness of the problem, the Administration would shortly conduct a review of the current enforcement strategy taking into account the fiscal and health policy objectives. Apart from stepping up enforcement actions, members called upon the Administration to enhance educational publicity efforts to change the social norms of consuming duty-not-paid cigarettes.

Policy on Closed Area and Closed Area permit

12. The Closed Area south of the land boundary was established to provide a buffer zone to combat illegal immigration and other cross boundary crimes. Access into the Closed Area was controlled through the issue of Closed Area Permits (CAP) on the basis of need. In the light of comments calling for improvements to the CAP procedures, the Administration had reviewed the CAP system and procedures. The Administration proposed to adopt a more flexible approach towards the application of CAP on the basis of need, simplify the system by reducing the current 15 classes of CAP to two, improve application procedure and set up a review mechanism. Local residents would be consulted on the proposals before implementation. On a member's suggestion to allow package tours to visit Chung Ying Street so as to boost the tourist industry, the Administration was of the view that given the present pressure for vigorous anti-illegal immigration efforts, it was not an appropriate time for opening up Chung Ying Street to tourists. Nevertheless, the Administration would review the situation from time to time.

Progress of Year 2000 (Y2K) compliance in Government and Government-regulated organizations within the purview of the Panel

13. The Panel was briefed on the progress of Y2K compliance work in the ICAC and in government departments and related organizations under the purview of the Security Bureau. Members noted that the compliance work in the Security Bureau, Civil Aid Service, Auxiliary Medical Service and Independent Police Complaints Council had been completed as at mid-May 1999. Members were assured that rectification works in the Hong Kong Police Force, Fire Services Department, Immigration Department, Correctional Services Department, Government Flying Service and ICAC would be completed by the end of June 1999. Members noted the contingency plan for the systems in ICAC. Contingency plans for various departments and organizations within the purview of the Security Bureau would be completed by the end of August 1999. While a territory wide publicity was underway, the Administration was considering the launching of some handy tips for the public to cope with the possible Y2K problem in their daily life.

Other issues

14. The Panel had also discussed a wide range of other issues with the Administration. They included the promotion of visa-free access for the HKSAR passport holders, preventive measures against illegal immigration, issues relating to security of the Airport at Chek Lap Kok and riot at the Ma Po Ping Prison. The Panel was also briefed on a number of legislative and financial proposals. They included the taking of intimate and non-intimate samples, proposals to improve fire safety in private buildings, licensing of karaoke establishments, rehabilitation of offenders, and regulation of money changers and remittance agents against money laundering.

15. From July 1998 to June 1999, the Panel held a total of 15 meetings, including two closed meetings on the case of CHEUNG Tze-keung and the death of a man in Police custody in the Sheung Shui Police Station. The Panel also conducted five visits.

Legislative Council Secretariat

8 June 1999