

立法會
Legislative Council

LC Paper No. CB(2) 1468/99-00
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Thursday, 2 March 2000 at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Deputy Chairman)
Hon David CHU Yu-lin
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Andrew CHENG Kar-foo
- Members attending** : Hon CHAN Yuen-han
Hon SIN Chung-kai
- Members absent** : Hon Gary CHENG Kai-nam, JP
Hon Albert HO Chun-yan
- Public Officers attending** : Item III
Mr Raymond WONG
Deputy Secretary for Security 1

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr LEE Ming-kwai
Director of Operations
Hong Kong Police Force

Mr CHAU Cham-chiu
Commandant
Hong Kong Auxiliary Police Force
Hong Kong Police Force

Mr LAM Kin
Chief Superintendent of Police, Support
Hong Kong Police Force

Item IV

Mr Raymond WONG
Deputy Secretary for Security 1

Miss Eliza YAU
Principal Assistant Secretary for Security E

Mr LO Yik-kee
Chief Superintendent of Police
Commercial Crime Bureau
Hong Kong Police Force

Mr Alan SIU
Principal Assistant Secretary for Information Technology and
Broadcasting

Mr Stephen MAK, JP
Assistant Director of Information Technology Services

Item V

Mrs Regina IP, JP
Secretary for Security

Mr Timothy TONG
Deputy Secretary for Security 3

Mr K S SO
Principal Assistant Secretary for Security D

Mr K Y MAK
Assistant Director of Immigration

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2) 5

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I. Confirmation of minutes of meeting held on 6 January 2000 and special meeting held on 18 January 2000

(LC Paper Nos. CB(2) 1202/99-00, 1204/99-00 and 1187/99-00(01))

The minutes of the meeting held on 6 January 2000 and special meeting held on 18 January 2000 were confirmed.

2. Members noted the list of follow-up actions required of the Administration.

Subcommittee on emergency ambulance service

3. The Chairman said that three Panel members had joined the Subcommittee on emergency ambulance service. The first meeting of the Subcommittee would be convened shortly. Non-Subcommittee Members would be welcome to attend meetings of the Subcommittee.

II. Date of next meeting and items for discussion

(LC Paper No. CB(2) 1187/99-00(02))

4. Members agreed to discuss the following items at the next meeting to be held on 6 April 2000 at 2:30 pm -

- (a) Third Generation Mobilizing System in the Fire Services Communication Centre; and
- (b) Operation and establishment of the Commercial Crime Bureau.

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III. Review on integration of Auxiliary Police with Regular Police
(LC Paper No. CB(2) 1187/99-00(03))

5. At the invitation of the Chairman, Director of Operations (Dir of Ops) briefed members on the review on the integration of Auxiliary Police with Regular Police (the integration).

6. In response to Miss CHAN Yuen-han, Dir of Ops said that 31 comments on the integration were received from both Auxiliary and regular Police officers through the Commandant of the Hong Kong Auxiliary Police, the five land Regional Commanders and all staff associations of the regular Police by December 1999. A subcommittee was set up in the same month to examine the comments. The subcommittee finally completed its work in late January 2000 and made 13 recommendations, 12 of which were adopted by the Commissioner of Police (CP). They included the following -

- (a) regarding practical training in beat duty, it was recommended that the interest of Auxiliary Police officers should be enhanced by adding varieties to the general day-to-day duties as far as practicable. Operational commanders were encouraged to interpret the definition of beat duty in a broader sense and deploy Auxiliary Police officers flexibly on duties not requiring intensive long-term training;
- (b) on practical training in crowd management, operational commanders would be given flexibility in the deployment of Auxiliary Police officers having regard to the needs of his district;
- (c) to enhance communication among Auxiliary Police officers and maintain their professional competence, the Training Day would be revised from bimonthly four-hour training sessions to monthly three-hour training sessions. The total annual training hours relating to Training Day would thus be increased from 24 hours to 36 hours;
- (d) to cope with problems relating to the scheduling of duty roster of Auxiliary Police officers, the application of the Duty Scheduler System, which was a computer system adopted in scheduling the duty roster for regular Police officers, would be deployed for the scheduling of duty roster for Auxiliary Police officers. This would facilitate duty forecast and deployment of Auxiliary Police officers by operational commanders;
- (e) although Auxiliary Police officers were no longer deployed on full-time driving duties since 1 April 1999, those who were qualified to drive police vehicles would be deployed as drivers when such a need arose. Operational commanders were required to make optimal use of the driving skill of Auxiliary Police officers under his or her command as far as possible;
- (f) as a large share of administration work relating to Auxiliary Police would

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still need to be undertaken by supervisory Auxiliary Police officers, these officers would be allowed to participate in the administrative duties; and

- (g) to strengthen communication among Auxiliary and regular Police officers, regular gatherings and meetings among the officers would be arranged after office hours.

7. In response to the Chairman and Mr CHEUNG Man-kwong, Dir of Ops said that Auxiliary Police officers deployed on full-time driving duties were formerly not required to perform other duties. They had to wait for job orders when no driving was needed. Following the integration, they were no longer deployed on full-time driving duties. Even where an Auxiliary Police officer was deployed on driving duties when such a need arose, they would also be deployed on other duties such as participating in an anti-crime operation or working in the report room. Each officer was no longer confined to performing one task.

8. Dir of Ops informed members that the only recommendation suggested by the subcommittee but not accepted by CP was a shortening of the Annual Continuation Training (ACT) to provide for an increase in the number of beat duty hours. The proposal was not accepted on the grounds that there was no need for such an arrangement from an operational point of view. There was a need for ACT and the shortening of ACT would affect an Auxiliary Police officer's bounty entitlement.

9. In response to Miss CHAN Yuen-han's question on whether the Administration's paper had fully reflected the concerns of Auxiliary Police officers, Commandant of Hong Kong Auxiliary Police Force said that as the system and culture of the Hong Kong Auxiliary Police Force differed substantially from those of the regular Police, much time would be needed for Auxiliary Police to integrate with regular Police. He added that a number of Auxiliary Police officers had provided their views on the integration and some of their recommendations had been accepted.

10. Miss CHAN Yuen-han said that it was important for the senior management of the Police to maintain communication with frontline Auxiliary Police officers. Dir of Ops responded that although the subcommittee had dissolved after making its recommendations in late January 2000, the Force Committee on Auxiliary Police would continue to exist.

11. The Chairman said that he had received complaints from both Auxiliary and regular Police officers that many regular Police officers who were on duty were not performing their work but hiding away to take a rest. He was even informed of the locations where such officers took their rest. Dir of Ops responded that it was the first time that he had heard of such misbehaviour, which was strictly prohibited in the Force. He assured members that he would follow-up the issue and requested the Chairman to provide him with more information after the meeting.

12. Miss CHAN Yuen-han suggested that the Administration should regularly report on the progress of the integration to the Panel. The Chairman said that the issue might

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be discussed again in one year's time.

IV. Computer-related crime

(LC Paper No. CB(2) 1187/99-00(04))

13. At the invitation of the Chairman, Deputy Secretary for Security 1 (DS for S) briefed members on the general situation regarding computer-related crimes, the difficulties faced and the enforcement strategy to combat such crimes. He informed members that an inter-departmental working group would be set up in March 2000 to review existing legislation, the difficulties encountered by law enforcement agencies, and whether there was a need for enactment of new legislation against computer-related crimes. It was expected that the working group would complete its work within six months and thereafter proceed with formulation of legislative proposals. Interested parties would be consulted as necessary.

14. Mr CHEUNG Man-kwong expressed concern about the increase in computer-related crimes. He asked about the reasons for the low detection rate and conviction rate of such crimes. Chief Superintendent of Police (Commercial Crime Bureau) (CSP) responded that the actual number of computer-related crimes was not very large. He said that computer-related crimes were characterized by a lack of border and anonymity of offenders. The increase in such crimes was in line with the increase in the use of Internet in Hong Kong. The number of licensed Internet service providers (ISPs) had risen from 56 in 1995 to 159 in late 1999. The number of registered Internet customer accounts had also risen from 600 000 at the beginning of 1999 to 1.7 million in late 1999. He added that hacking related to computer systems were usually not noticed by victims until inflated service charges appear on the monthly statements. He informed members that legal problems encountered in enforcement had been reported to the Security Bureau for follow-up.

15. Mr CHEUNG Man-kwong said that as computer-related crimes were very difficult to detect, publicity on measures to prevent such crimes would be very important. He hoped that continued publicity would be made through the Internet so that users could take all precautionary measures to prevent such crimes. DS for S shared the views of Mr CHEUNG. He said that computer-related crimes were becoming increasingly serious problems in many parts of the world. It was difficult for legislations to catch up with the rapid development of computer technology. Prevention was also very important. A Computer Security Unit had been set up under the Police Crime Prevention Bureau for providing computer crime prevention advice to companies, schools and individuals. The Information Technology Services Department also organized publicity activities to promote public awareness on computer security and the proper use of the Internet.

16. In response to the Chairman, CSP said that as hacking was a relatively new problem, the Police had only commenced its work on the compilation of a breakdown of statistics about cases of hacking. He said that the majority of computer hackers

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were motivated by curiosity rather than genuine criminal intent. The most commonly found cases were related to the use of other person's account for visiting pornographic web sites. There were also cases in which hackers were motivated by a desire to beat the security of a system.

17. As regards Internet shopping fraud, Mrs Selina CHOW asked about the precautionary measures which consumers should adopt. She said that as computer-related crimes were difficult to detect, prevention would be very important. The Administration should assist ISPs in the development of practices for prevention of such crimes. CSP said that most of the Internet shopping fraud cases involved the use of other person's credit card number for shopping on the Internet or failure to deliver goods after payment. These were also found in non-computer related fraud cases. He said that consumers should obtain more information about suppliers before conducting electronic transactions. The card numbers and particulars of their credit cards should not be disclosed to other persons. They should report any suspected cases of fraud to the Police. He added that the recent introduction of certification authorities would assist in the development of a secure environment for conducting electronic transactions.

18. Mr LAU Kong-wah said that the card number of a credit card could be easily disclosed when a person used his credit card. He asked whether there were measures to address the problem. CSP said that overseas countries, including the United States, were facing similar problems. The main solution would be the education of the public on the preventive measures and the use of certification service.

19. Principal Assistant Secretary for Information Technology and Broadcasting (PAS(ITB)) said that the Administration was promoting the development of e-commerce in Hong Kong through the development of a secure environment for conducting electronic transactions through certification authorities. With digital certificates, participants in e-commerce would be able to authenticate the identity of opposite parties in electronic transactions. As the Hong Kong Post had taken the lead in providing certification services, he hoped that consumers and suppliers would conduct electronic transactions through such services. He added that the Administration would also continue to carry out promotional and publicity activities to educate the public on computer security and proper use of the Internet.

20. As regards the question of whether the Administration had given regard to overseas experience in combating Internet shopping fraud, CSP said that the Police was working closely with overseas authorities and law enforcement agencies to combat computer-related crimes. There were also frequent exchange of intelligence and experience in combating such crimes. The Administration was focusing on the development of legislation, techniques of investigation and the collection of evidence in combating such crimes.

21. To address the problems related to Internet shopping, Mr SIN Chung-kai suggested that the Administration should discuss with ISPs on the possibility of providing consumers with the option of prohibiting multiple login and imposing a

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credit limit on credit card payment in electronic transactions. CSP agreed to consider Mr SIN's suggestions. He added that Internet shopping fraud cases usually involved large numbers of transactions incurring small dollar amounts ranging from a few hundred to a few thousand dollars. In response to the Chairman, PAS(ITB)) said that the Administration would consider discussing the issue with ISPs if the Police considered that the suggested measures could address the problems.

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22. Mr SIN Chung-kai suggested that the Administration should consider testing the vulnerability of its web site by appointing some experts in the field to hack its web site. CSP agreed to consider Mr SIN's suggestion. He said that regular tests were made on the government's web site. There were also plans to increase manpower in the Computer Crime Section and strengthen training in the investigation of computer-related crimes.

23. Referring to paragraph 8(d), (f) and (g) of the Administration's paper, Mr Howard YOUNG asked whether the inter-departmental working group to be established would expedite its work against misuse of data, deception of a machine and "e-mail spamming". DS for S said that the Telecommunications Authority (TA) had recently developed a set of guidelines on "e-mail spamming" with ISPs. Legislation on "e-mail spamming" would be considered if administrative measures failed to address the problem. He added that the border-free problem of computer-related crimes was complicated by a disparity in legal standard between different jurisdictions. The retrieval of encrypted data also raised questions relating to human rights and privacy of personal data. Although the scope of computer-related crimes was very wide in a broad sense, the inter-departmental working group would concentrate its work on examination of the problems as referred to in paragraph 8 of the Administration's paper.

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24. As regards the Administration's participation in conferences on computer-related crimes organized on a regular basis by international organizations, CSP said that the Police was participating in international conferences organized at fairly regular intervals by the Interpol and the credit card industry as well as conferences organized on a regional basis. The Police was also maintaining close contacts with overseas law enforcement agencies. In the previous year, he had attended conferences organized by the Interpol, other officers had attended conference convened by the Association of Chief Police Officers of the United Kingdom and other conferences on latest computer technology. DS for S added that as computer-related crimes were beyond geographical boundaries, international cooperation was important in combating such crimes. The Chairman requested the Administration to provide a list of computer-crime-related international and regional conferences in which the Administration had participated and the types thereof in the past two years.

25. In response to Mr Andrew CHENG, CSP said that as there was no international standard for forensic examination of computer systems involved in crimes, there was a need for accreditation, in association with tertiary institutions, of forensic examiners of computers and setting standards for forensic examination of computers. These would facilitate the tendering of forensic examination results as evidence before court.

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26. Mr Andrew CHENG asked whether the Administration's current review on the Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO) included a review on the difficulties encountered in enforcement against dissemination of pornographic materials on the Internet. He also expressed concern about the delay in the completion of the review. PAS(ITB) responded that the issue of dissemination of pornographic materials on the Internet was covered in the review on COIAO. The Administration was currently formulating its recommendations, after which consultation with the public would be made. While he was not in a position to provide a timetable, the review should be completed very soon.

27. The Chairman suggested that the subject be followed up by the Panel in about six months.

V. Vietnamese Refugees and Migrants : The Way Forward
(LegCo Brief Ref. : L/M 1/99 to SRD401/1/C)

28. At the invitation of the Chairman, Secretary for Security (S for S) briefed members on the Administration's strategy in dealing with outstanding problems relating to Vietnamese Refugees (VRs) and Vietnamese Migrants (VMs). She informed members that following the announcement of the Administration's decision to widen the Local Resettlement Scheme, representatives of the Administration and the United Nations High Commissioner for Refugees (UNHCR) had explained the Administration's decision to VRs and VMs in Pillar Point Centre. To date, 172 VRs and 88 VMs had indicated their intention to apply for resettlement in Hong Kong. The announcement of the widened scheme had not led to any increase in Vietnamese illegal immigrants (VIIs) coming to Hong Kong.

29. Mr CHEUNG Man-kwong expressed concern about the outstanding UNHCR debt. He said that as Hong Kong was a colony of the United Kingdom (UK) before reunification, it had no choice but to follow UK's policy and adopt a port of first asylum policy towards VIIs arriving Hong Kong. He considered that the UK Government had an obligation to settle the debt if UNHCR failed to settle it. He asked whether the UK Government had already refused to settle the debt. S for S responded that from a legal point of view, it was very difficult to request the UK Government to settle the debt. The agreement for the Hong Kong Government to make advance payments for the maintenance of VMs was made in 1988 between the Hong Kong Government and UNHCR. It was stated in the agreement that the repayment by UNHCR was subject to the availability of funds. The Administration could only seek the assistance of the UK Government to urge UNHCR to settle the debt and call for donations from other countries to UNHCR for repaying the debt. She added that since the announcement of the Administration's decision to widen the Local Resettlement Scheme, the Hong Kong Special Administrative Region (HKSAR) Government had also appealed to other countries to make donations to UNHCR for reimbursing the outstanding amounts.

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30. Mr CHEUNG Man-kwong reiterated that it was unfair for the HKSAR Government to bear the consequences of the port of first asylum policy, which had been adopted in compliance with the policy of UK Government. He asked whether the Administration would seek the assistance of the Central People's Government (CPG) in clarifying through UN the obligations of UK Government in respect of the debt. S for S responded that CPG had repeatedly urged the UK Government, through the Sino-British Joint Liaison Group both before and after reunification, to execute its obligation in respect of the debt. However, the UK Government had stated on many occasions that the decision to enter into an agreement with UNHCR in 1988 was made solely by the Hong Kong Government. Although she doubted whether it would be of any use to request UNHCR to repay the debt, she could raise the issue with the Ministry of Foreign Affairs of the People's Republic of China (PRC).

31. In response to the Chairman's question on whether CPG could offset the UNHCR debt through a deduction of the annual membership fee payment to UN, S for S said that she had consulted the Office of the Commissioner of the Ministry of Foreign Affairs of PRC in HKSAR and sought legal advice on the issue. She was advised that the legal relationship between the two was too weak. The annual membership fee was intended for a number of other purposes in addition to meeting expenses related to refugees. Even if the proposed deduction was to be implemented, a resolution for such an arrangement would have to be passed at a plenary session of the UN. The proposal was therefore not viable.

32. Referring to paragraph 3(a) of the Administration's paper, Mr Howard YOUNG said that under the standing mechanism for clearance and repatriation of VIIs, about two months would have lapsed before an arrested VII was repatriated. As illegal immigrants (IIs) from the Mainland were repatriated upon arrest, he asked whether it would be more effective in deterring the arrival of VIIs by repatriating them upon arrest. S for S responded that the policy of repatriation upon arrest applied both to VIIs and IIs from the Mainland. However, the Vietnamese Government required the verification of the status of each VII to determine their eligibility to return to Vietnam. The process had been complicated in the past, but was much simplified in recent years and was operating smoothly. Vietnamese officials came to Hong Kong about once every two months to interview and give clearance to new VIIs. Double or multiple-backers could be verified by correspondence. Most VIIs had been accepted by the Vietnamese Government. The Chairman requested the Administration to provide an information note on the status verification procedures of VIIs.

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33. Mr LAU Kong-wah said that the Administration should focus its effort on UNHCR even if the chance of debt repayment was little. He considered that it might not be effective to appeal to other countries for donation, as they had no obligation to do so. He asked about the recent actions taken by the Ministry of Foreign Affairs of PRC in addressing the issue.

34. S for S responded that a number of countries had accepted large numbers of VRs in the past. Some of them had also made donations for their maintenance. As these countries were no longer accepting VRs, they might be willing to make direct

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donations to Hong Kong or donations to UN for reimbursing the outstanding amounts. As regards recent actions taken, Principle Assistant Secretary for Security D said that representatives of the Hong Kong Government had, as members of the Chinese delegation, made repeated appeals at Executive Committee Meetings of UNHCR in the past three years for donations from the international community. He added that UNHCR was confronted with massive refugee and humanitarian problems around the world. It was unable to raise funds for all of its programmes. According to UNHCR's assessment, no earmarked donations would be forthcoming since Asia was not regarded by donor countries as a problem area.

35. Mr LUI Ming-wah said that the Administration should be more innovative in urging UNHCR to repay the debt. He considered that UNHCR rather than Hong Kong should be responsible for lobbying the international community to make donations to UNHCR for reimbursing the outstanding amounts. As the sovereign country of Hong Kong before reunification, UK should be responsible for repaying the debt if UNHCR failed to settle the debt and no donations were received from other countries.

36. Mr Andrew CHENG said that the Administration should appoint experts in international law to look into possible ways of recovering the debt. This would at least create pressure for UNHCR to repay the debt. S for S said that she had examined the issue and noted that as an international organization, UNHCR was immune from legal process under the International Organization and Diplomatic Privileges Ordinance (Cap. 190).

37. Mrs Selina CHOW said that she had been following the issue for a very long time. She considered that it would only be a waste of financial resources and harmful to the goodwill of Hong Kong to send representatives to lobby for donations from other countries at Executive Committee Meetings of UNHCR. Instead of urging for the repayment of the debt, which was very unlikely, Hong Kong should consider the more viable solution of settling the debt in the form of a donation to UNHCR. This would also improve Hong Kong's international image. S for S agreed to the views of Mrs CHOW. She said that response to recent appeals for donations had not been encouraging.

VI. Any other business

38. The Chairman reminded members that a special meeting of the Panel would be held on 3 March 2000 at 9:00 am to discuss the Administration's feasibility study on a new identity card and its new supporting computer system. All other LegCo Members had been invited to attend the meeting.

39. There being no other business, the meeting ended at 4:40 pm.

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Legislative Council Secretariat
21 March 2000