

立法會
Legislative Council

LC Paper No. CB(2) 533/99-00
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

**Minutes of meeting held on Saturday, 16 October 1999
at 9:00 am 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)
Dr Hon LUI Ming-wah, JP
Hon CHEUNG Man-kwong
Hon Gary CHENG Kai-nam, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Andrew CHENG Kar-foo

Members attending : Hon HO Sai-chu, SBS, JP
Hon LEE Kai-ming, SBS, JP
Hon Ronald ARCULLI, JP
Hon CHAN Yuen-han
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon SIN Chung-kai

Members absent : Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon WONG Yung-kan

**Public Officers
attending** : Item I

Mrs Regina IP
Secretary for Security

Mr Raymond WONG
Deputy Secretary for Security 1

Ms CHANG King-yiu
Deputy Secretary for Security 2

Mr Timothy TONG
Deputy Secretary for Security 3

Mrs Clarie LO
Commissioner for Narcotics

Miss Cathy CHU
Principal Assistant Secretary for Security C

Mr Andy CHAN
Assistant Secretary for Security C2

Mr Philip CHOK
Deputy Secretary for Education & Manpower 1

Miss S H CHEUNG
Deputy Secretary for Trade & Industry 2

Mr P T CHOY
Acting Director of Immigration
Immigration Department

Mr T K LAI
Assistant Director of Immigration
Immigration Department

Mr Mike DOWIE
Assistant Commissioner of Police (Support)
Hong Kong Police Force

Item II

Mr Alan N LAI
Commissioner
ICAC

Mr Tony KWOK
Head of Operations
ICAC

Mr K M CHAN
Director of Corruption Prevention (Acting)
ICAC

Mrs Rosanna URE
Director of Community Relations
ICAC

Item III

Mr David WONG
Principal Assistant Secretary for Security B

Mr K P HSU
Deputy Director of Fire Services
Fire Services Department

Mr KWOK Jing-keung
Chief Fire Officer (Licensing and Control)
Fire Services Department

Mr K M LEE
Assistant Director / Port Control
Marine Department

Mr D J HOWELLS
Assistant Director (Geotechnical) / Mainland
Civil Engineering Department

Mr Y C LEUNG
Senior Geotechnical Engineer / Mines
Civil Engineering Department

Item IV

Mr David WONG
Principal Assistant Secretary for Security B

Mr K P HSU
Deputy Director of Fire Services
Fire Services Department

Mr K P MAK
Chief Ambulance Officer
Fire Services Department

Item V

Miss YAU Kwai-chong, Eliza
Principal Assistant Secretary for Security E

Mr FOO Tsun-kong
Regional Commander, Marine
Hong Kong Police Force

Mr FAN Ho-chuen
Project Manager, Project Division
Electrical and Mechanical Services Department

Mr TANG Chi-kuen
Senior Project Engineer, Project Division
Electrical and Mechanical Services Department

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

Staff in attendance : Mrs Justina LAM
Assistant Secretary General 2

Miss Betty MA
Senior Assistant Secretary (2) 1

Mr KAU Kin-wah
Assistant Legal Adviser 6

Action

I. Briefing by Secretary for Security on the Chief Executive's Policy Address 1999

Secretary for Security (S for S) said that a copy of her opening statement and a leaflet on the Scheme on the Admission of Talents were tabled for Members' reference. She also highlighted the key features of the Admission of Talents Scheme (the scheme), including the scope of the scheme, eligibility criteria, entry arrangements and conditions of stay, formation of the Selection Committee as well as application procedures.

(Post-meeting note : S for S' opening statement and the leaflet on the Admission of Talents Scheme were circulated to Members vide LC Paper No. CB(2)130/99-00 dated 19 October 1999.)

Admission of Talents Scheme

Selection Committee and application procedures

2. Mr SIN Chung-kai enquired about the role of the Selection Committee and whether consideration would be given to appointing Members of the Legislative Council to the Selection Committee. S for S responded that a Selection Committee comprising representatives from the trade and industry sector, academics and Legislative Council Members would be set up to advise the Director of Immigration (D of Imm) on the merits of the applications made under the scheme. The Selection Committee would examine whether the applicants possessed outstanding qualifications as well as expertise or skills that were not readily available in Hong Kong, and whether these talents would be able to contribute to enhancing the competitiveness of Hong Kong's economy, particularly in knowledge-intensive and high value-added activities.

3. Mr LAU Kong-wah asked how the Immigration Department (ImmD) could assess whether applicants were the right kind of talents required by Hong Kong. S for S said that D of Imm would rely on the advice and expertise of the Selection Committee to assess whether the applicants could contribute to enhancing the competitiveness of the economy. She explained that the initial admission would be for one year, extendable for another two, two and three years in line with the pattern of extension of stay applicable to foreign nationals admitted for employment. S for S added that review would be carried out to assess the effectiveness of the scheme.

4. Whilst welcoming the scheme's objective of bringing in talents to enhance the competitiveness of the economy, Mr CHEUNG Man-kwong expressed concern about possible abuse of the scheme. He suggested

Action

that to ensure that the admitted talents were genuine talents who had the knowledge, know-how or experience in need, a monitoring mechanism should be put in place. Given the important role played by the Selection Committee, Mr CHEUNG further suggested that the functions of official members on the Selection Committee should be confined to providing secretariat support only, and that D of Imm should be required to abide by the decision of the Selection Committee.

5. In response, S for S clarified that the Selection Committee was an advisory body which had no statutory power. D of Imm was empowered to issue entry permits under the Immigration Ordinance after taking into account the advice of the Selection Committee in making a decision. As regards the composition of the Selection Committee, S for S said that there would be three to four official members from ImmD, the Security Bureau, Trade and Industry Bureau and the Education and Manpower Bureau. As regards the ten to twelve non-officials members, they would comprise representatives from the trade and industry sector, technological field, academics as well as Members of the Legislative Council. She assured Members that public confidence in the representativeness of the Selection Committee would be a major factor to consider in appointing members to the Committee. The Administration would publicize the membership of the Selection Committee once it was finalized. Mr CHEUNG Man-kwong requested the Administration to provide Members with information on the composition of the Selection Committee when available.

Adm

6. Mrs Selina CHOW said that the Administration should ensure that the Selection Committee had the professional expertise and know-how to advise D of Imm on the eligibility of the talents. She opined that the proposed ratio of official to non-official members appropriate.

7. Miss CHAN Yuen-han enquired about the rationale for not appointing representatives from the labour sector or trade unions to the Selection Committee. She expressed concern that the Administration would take the opportunity to transform the scheme into another Supplementary Labour Scheme. S for S assured Members that the scheme was not another form of the Supplementary Labour Scheme. She pointed out that although some 14 000 employment visas were issued each year, no "talents" had so far been admitted. Since the scheme was for admission of talents who would be able to drive growth in technology or knowledge-intensive activities, rather than for admission of conventional technical, general skills or professional posts, a member representing the labour sector or trade union in the Selection Committee was therefore considered not necessary. S for S added that the Administration would publish periodic reports on the implementation of

Action

the scheme.

8. Mrs Sophie LEUNG considered that the Selection Committee should have a broad, international perspective. The Administration should bear this in mind when appointing members to the Selection Committee. She supported the proposal that the remuneration for admitted talents should be determined by the market.

Eligibility criteria

9. In response to Mr LAU Kong-wah's remark that the Administration should adopt measures to ensure the most suitable talents were admitted under the scheme, S for S said that under the proposed eligibility criteria, the applicants should have a good education background, normally a PhD in a relevant field, or have extraordinary abilities or achievements. The scheme intended to cover eligible talents from different sectors as far as practicable. She reiterated that the scheme would be reviewed regularly.

10. Noting that an applicant should have a good education background in a relevant field from a reputable institute, Mr SIN Chung-kai asked whether the Administration would publicize a list of reputable institutes so as to enhance the transparency of the scheme. He considered that the Administration should adopt clear and objective criteria in drawing up the list. S for S responded that flexibility was important when drawing up the list having regard to the experience gained from the Pilot Scheme for the entry of Mainland professionals. She pointed out that under the Pilot Scheme, only the graduate professionals from 36 key Mainland tertiary institutions could apply for employment in Hong Kong. Such a restriction had limited the number of eligible applicants as a result. She added that a reputable institute would normally refer to a PhD-awarding institute, and that the Administration would publicize the finalized list. She stressed that academic qualifications would only be one of the many factors to be considered. Deputy Secretary for Education and Manpower (DSEM) said that a PhD-awarding institute in the Mainland had higher academic standards in general.

11. Mr CHENG Kai-nam pointed out that the Administration should not assess the academic qualifications of an applicant simply by making reference to whether the applicant had graduated from one of the reputable institutes. DSEM responded that the Administration had sought the views of the Hong Kong Council for Academic Accreditation and it advised that PhD-awarding institutes in the Mainland generally achieved higher academic standards. There were about 200 such institutes in the Mainland. He added that a list of reputable institutes in the Mainland

Action

would be drawn up accordingly.

12. Dr LUI Ming-wah welcomed the scheme. However, he commented that the Administration seemed to attach too much importance to the academic qualifications of the applicants. Given that a talent might not necessarily be a PhD holder, Dr LUI said that the trade and industry sector was of the view that if an applicant was an university graduate of a relevant field and had relevant working experience and proven performance, he or she should be considered eligible for the scheme. S for S said that the Administration would have to strike a right balance between providing flexibility for admitting talents under the scheme, and imposing criteria to ensure the genuine talents in need were admitted. Nevertheless, the view of the trade and industry sector was noted.

Impact of the scheme

13. Mr Andrew CHENG expressed concern about the impact of the scheme on local graduates seeking jobs. He asked whether the Administration would consider imposing a minimum level for the remuneration package for the talents. S for S replied that prospective employers should provide reasonable remuneration commensurate with market rate. ImmD would make reference to the median wage in respect of different sectors, which were published periodically by the Census and Statistics Department, in assessing whether the remuneration offered was reasonable. The Administration was of view that there was no need to set respective minimum wages for different sectors as it would incur unnecessary administrative cost and unduly delay the processing of applications. The remuneration would best be determined by the market.

14. Mr Andrew CHENG said that the Administration's explanation for not imposing a minimum wage level for the talents admitted was unacceptable. He pointed out that the introduction of minimum wage for foreign domestic helpers served to protect the interests of local workers. He expressed worry that the talents admitted might accept an unreasonably low wage level in order to secure employment and satisfy the seven years ordinary residence requirement for acquiring right of abode in Hong Kong. S for S said that the setting of a minimum wage level for the employment of foreign domestic helpers was not a comparable case and could not be extended to the scheme. Given that the talents admitted could be engaged in more than 100 types of jobs, it would incur substantial administrative cost if minimum wage levels were imposed on respective types of jobs. She stressed that the Administration would assess whether the remuneration package offered was reasonable in considering the applications, including applications for extension of

Action

stay and changing jobs.

15. Responding to Mr Andrew CHENG's enquiry on whether allowing the talents admitted to bring in their spouses and unmarried children aged below 21 would have any significant impact on the population in Hong Kong, S for S said that the Administration would not be able to provide an accurate projection at the present stage. She believed that the scheme would attract quite a number of applications but the actual number of successful applications would probably range from 1 000 to 2 000 a year for the first two years of the scheme. The demand for talents would increase when the high or new technology trades were developed into a more advanced stage.

Entry arrangements and conditions of stay

16. Mr LAU Kong-wah asked whether a talent admitted was allowed to stay in Hong Kong to look for another job if his employment was terminated within the approved period. S for S said that under the proposed scheme, the talents admitted would be allowed to change jobs, subject to approval by ImmD. She stressed that approval would not be granted to a talent to change to conventional technical, managerial, executive or professional posts.

17. Noting that the talents would be allowed to change jobs as long as they remained employed or self-employed, Mr LEE Kai-ming questioned the criteria adopted in considering applications for changing jobs. He expressed concern that self-employment would be exploited by "unqualified talents" as an excuse to extend their stay in Hong Kong so as to satisfy the permanent residence requirement. S for S responded that the talents should remain employed or self-employed in a field commensurate with their outstanding abilities or expertise/experience when they applied for approval to change jobs. In obtaining approval for extension of stay for the purpose of self-employment, an applicant had to meet very stringent conditions. For instance, the applicant had to satisfy that his business was engaged in high technology or knowledge intensive activities.

18. Mr LEE Kai-ming enquired about the differences between the Pilot Scheme for the entry of Mainland professionals and the proposed scheme. S for S responded that the Pilot Scheme allowed the entry of Mainland professionals to take up conventional technical, managerial/executive or professional posts whereas eligible talents under the proposed scheme must possess outstanding qualifications and expertise or skills not readily available in Hong Kong. Having regard to the experience gained from the Pilot Scheme, the Administration would

Action

streamline the application procedures for bringing in talents. For example, companies would recruit the talents direct rather than through any designated agents in the Mainland.

Entry restrictions on Macau residents after 1999

19. Mr CHENG Kai-nam enquired about the restrictions on Macau residents to enter Hong Kong for employment after the reunification of Macau with the Mainland in 1999, and whether there would be any corresponding changes in the eligibility criteria for Macau residents to seek to come to Hong Kong under the scheme.

20. In response, S for S said that the experience in 1979 showed that Mainland residents would exploit Macau as a stepping stone to enter Hong Kong for employment if there was no entry restrictions on Macau residents. Hence, Macau residents were subject to conditions of stay imposed by D of Imm when taking up employment after 1979. Regarding the entry restrictions on Macau residents after 1999, S for S explained that according to the interpretation of Article 22(4) of the Basic Law (BL) given by the Standing Committee of National People's Congress on 26 June 1999, BL 22(4) was not applicable to Macau residents. Hence, Macau residents did not need to obtain approval from the Central Government for entry into Hong Kong. They would be subject to entry restrictions similar to the current restrictions. The detailed arrangements were being worked out with the relevant Macau authorities, and then would be announced when finalized. As regards the eligibility of Macau residents for the scheme, S for S said that Macau residents who had resided in Macau since 14 January 1979 would be eligible. The flexibility in the residence requirement was in line with the standards applied to Mainland residents and other overseas residents.

Foreign domestic helpers

21. Mrs Selina CHOW said that it was becoming common that foreign domestic helpers were allowed to stay in Hong Kong upon the expiry or termination of their contracts. She expressed concern about foreign domestic helpers taking up part-time jobs.

22. Assistant Director of Immigration (AD of Imm) responded that ImmD enforced the requirements on the conditions of stay in respect of foreign domestic helpers strictly. Foreign domestic helpers were required to leave Hong Kong within two weeks after the expiry or termination of their contracts. Such restriction was lifted only if the contracts were terminated due to the inability of their employers to honour the contracts, the death of their employers or the helper being abused by their

Action

employers. He pointed out that ImmD had received an increasing number of cases from foreign domestic helpers requesting to extend their stay for the purpose of seeking jobs upon the termination of contracts on the grounds that their former employers were in financial difficulties. ImmD had deployed additional resources to follow up these cases. As regards the taking up of part-time jobs by foreign domestic helpers, AD of Imm reiterated that it was an established policy that foreign domestic helpers were under no circumstances permitted to take up part-time jobs. ImmD was aware of the situation and it would step up raids to combat the problem.

23. Mrs Selina CHOW asked whether foreign domestic helpers (whose contracts were terminated) could extend their stay automatically once they had instituted litigation against their former employers for being abused by their employers; and if so, whether the situation was becoming common. AD of Imm said that under the existing policy, a litigant was allowed to extend his stay as he would be required to appear in person during court proceedings, in particular the Labour Tribunal. He stressed that the litigant was not allowed to take up employment during the period of litigation. At the request of Mrs Selina CHOW, AD of Imm agreed to provide information on the number of foreign domestic helpers whose stay was extended because litigation was underway, together with the respective extended periods and the number of cases which required legal aid.

Adm

(Post-meeting note : The requested information was circulated to members vide LC Paper No. CB(2) 372/99-00 dated 11 November 1999.)

Travel convenience for Taiwan visitors

24. Mr Howard YOUNG asked whether the entry arrangements for Taiwan visitors could be further streamlined. S for S responded that a number of improvements to the Taiwan Visit Permit (TVP) system had been adopted since June 1998. They included providing a fast track service of TVPs and allowing Taiwan visitors with a Mainland Travel Permit and exit / entry endorsement issued by the Mainland authorities to transit Hong Kong on their way to or from the Mainland without applying for a TVP, etc. As regards taking up employment in Hong Kong, Taiwan residents were subject to the same conditions of stay applicable to foreign nationals admitted for employment. The feasibility of admission of Taiwanese passports for entry into Hong Kong was ruled out bearing in mind the "One Country" principle.

25 In view of the time constraint, the Chairman said that questions on

Action

the proposed scheme on admission of talents to Hong Kong would be followed up at the joint meeting with the Panel on Manpower.

(Post-meeting note : A joint meeting with the Panel on Manpower was scheduled for 4 November 1999 at 4:45 pm to discuss the Admission of Talents Scheme.)

II. Briefing by the Commissioner, ICAC on the Chief Executive's Policy Address 1999

26. Commissioner, ICAC briefed Members on the progress of initiatives achieved by ICAC in 1998 as well as the performance targets in the coming year.

(Post-meeting note : The speaking note of the Commissioner was circulated to Members vide CB(2) 130/99-00 dated 19 October 1999).

Recent trend of corrupt activities

27. Mr CHENG Kai-nam opined that an increase in the number of corruption reports did not necessarily imply a corresponding increase in corrupt activities. He asked whether there was any objective criteria to evaluate the extent or seriousness of corruption in Hong Kong. Commissioner, ICAC agreed with Mr CHENG's observation. He said that an increase in the number of cases could be due to the public becoming less tolerant of corruption in the economic downturn. Increased confidence in and knowledge of the work of ICAC could also have prompted more members of the public to make reports. He said that the ICAC would compare the trend of corruption complaints for different categories to determine whether there was an actual increase in corrupt activities. He assured Members that the problem of corruption was under control and there was no sign of syndicated corruption. He added that in the past ten years, the corruption reports relating to the private sector outnumbered those relating to the civil service.

28. The Chairman asked whether the actual number of individuals involved in corrupt activities had increased as a record number of reports were received in 1998. Commissioner, ICAC said that there was an increasing number of reports alleging malpractice and misconduct of individual civil servants. Head of Operations, ICAC (Head/Ops) added that corruption was a very difficult crime to detect. It was therefore very difficult, if not impossible, for ICAC to give a precise figure on corrupt activities. However, information and intelligence collected by ICAC

Action

was able to give an indication on the trend. From ICAC intelligence, although there had been increased corrupt activities in the private sector as a result of the financial crisis in 1997, he assured Members that there was no sign of resurgence of corruption in the community.

29. Mr LAU Kong-wah asked whether the ICAC was aware of the existence of small scale corruption syndicates in the civil service or public bodies. Head/Ops assured members that there was no sign of syndicated corruption in the public sector, although it was not uncommon in corruption cases for a person to conspire or work with another person. Such cases were not regarded as syndicated corruption.

30. Mr LAU Kong-wah said that the involvement of public officers occupying senior positions in corrupt activities would have greater adverse effect on the public. He asked whether ICAC had assessed the extent of the problem. Commissioner, ICAC pointed out that most of the reports relating to public officers involved conflict of interests situations since such cases involved the misconduct of individual civil servants, they would be referred to the Civil Service Bureau (CSB) for follow-up. To further promote civil service integrity, ICAC had launched the first phase of the Civil Service Integrity Programme together with CSB. This included visiting 21 departments with a view to mapping out a tailor-made programme for each department.

31. Responding to Mr LAU Kong-wah's enquiry on the effectiveness of ICAC's preventive and educational measures, Commissioner, ICAC said that through consultation with and arranging seminars for the relevant sectors, ICAC aimed at providing timely corruption prevention advice to organizations, in the formulation of policies and procedures which were likely to be corruption-prone. The ICAC also attached great importance to preventive education, and that it was of paramount importance to disseminate the anti-corruption message to young people as early as possible.

32. The Chairman said that his impression was that ICAC attached greater importance to detecting the minor and trivial corrupt activities. He asked whether it was due to the difficulties in detecting the more serious corrupt activities. Head/Ops disagreed with the Chairman's observation. He said that ICAC attached equal importance to each and every case regardless of its nature and the alleged amount involved. Since the return of sovereignty, ICAC had been successful in uncovering a number of major corruption cases in both the public and private sectors. In the light of growing complexity and sophistication in corrupt cases, ICAC would enhance its professional capability and the use of information technology to detect and investigate corrupt activities.

Action

Corrupt activities related to other jurisdictions

33. Mr CHENG Kai-nam enquired about the trend of corruption reports involving Mainland enterprises after the reunification and how the number of reports compared with ICAC's forecast. Commissioner, ICAC explained that ICAC would not take into account the background of the companies/enterprises in question when carrying out investigation. Investigations were conducted in accordance with the laws of Hong Kong. Hence, there was no ready information on the corruption reports involving Mainland enterprises. As far as he was aware, cross-border corrupt activities stood at 2 to 3% of the total number of reports. He pointed out that the number of corruption reports arising from bad debts credit involving Mainland enterprises had increased after the financial turmoil. The ICAC maintained close contact with the Mainland enterprises in Hong Kong with a view to preventing corruption. Activities were jointly organized for the staff of these Mainland enterprises. Some of the Mainland enterprises had issued internal anti-corruption guidelines as well. He stressed that he saw no deterioration in the current situation.

34. Mr LAU Kong-wah asked about the problems encountered by ICAC in tackling cross-border corrupt activities. Head/Ops said that ICAC maintained a good working relationship with its counterpart in the Mainland, i.e. the Guangdong Provincial People's Procuratorate. Having regard to the fact that the Mainland and HKSAR were separate jurisdictions, some of the enforcement issues, e.g., rendition arrangements, had yet to be worked out by the HKSAR Government and the relevant Mainland authorities.

35. The Chairman enquired about the number of investigations which had been suspended because the suspects had left Hong Kong in the course of ICAC's investigation. Head/Ops pointed out that the situation was rare. ICAC were conscious of this possibility in carrying out investigations and if necessary, would apply to the court for the suspects to surrender their travel documents. Should the suspects leave Hong Kong while under investigation, subject to sufficiency of evidence ICAC could seek extradition from countries which had arrangement with HKSAR for surrender of fugitive offenders. There had been one request each to Australia, Canada, UK and the Philippines for surrender of suspects since the return of sovereignty. The Chairman expressed concern about the arrangements in the absence of an agreement on surrender of fugitive offenders with another jurisdiction. Head/Ops replied that as far as he was aware, there were few such cases.

Investigative power and methods

Action

36. The Chairman asked whether ICAC considered that its investigative powers should be further strengthened. Head/Ops said that the existing investigative power of ICAC provided under the law was sufficient bearing in mind the importance of check and balance against possible abuse of power.

37. The Chairman expressed concern about the means of investigation adopted by the ICAC, in particular the use of undercover agents. Given the covert nature and the moral issue involved in using undercover agents, he enquired about the monitoring mechanism put in place by ICAC. In response, Head/Ops said that the use of undercover agents was universally recognized as one of the most effective ways to detect and investigate organized crime and corruption activities. Given the resources required and the moral issue involved, ICAC seldom used undercover agents in carrying out investigations. Internal guidelines on the use of undercover agents to investigate corrupt activities, in particular the moral aspects involved, were in place. When drawing up the guidelines, reference had been made to the relevant guidelines adopted in USA, UK, Australia and Canada. ICAC maintained close contact with the Department of Justice who advised on the propriety and extent of the undercover operations. He added that comprehensive training and psychological counselling were provided to selected officers performing undercover operations. Officers engaged in undercover operations were closely monitored by their supervisors.

III. Amendments to the Dangerous Goods Ordinance
(LC Paper No. CB(2) 104/99-00(01))

38. Principal Assistant Secretary for Security B (PAS(S)B) briefed members on the progress of the legislative review of the Dangerous Goods Ordinance. He said that Members of the Provisional Legislative Council were briefed in March 1998 on a package of measures to improve the control of dangerous goods which included a comprehensive review of the Dangerous Goods Ordinance in the longer term. The Administration had completed the review and was preparing legislation to implement the proposed improvements to the control system. He pointed out that the current version of the Dangerous Goods Ordinance was enacted in 1956. Although the Ordinance had been updated periodically since its enactment, there had not been fundamental changes to align the domestic system with the commonly adopted international system. The Administration therefore proposed to amend the Dangerous Goods Ordinance with a view to bringing it into line with international standards as appropriate and to enhancing the protection of public safety. A

Action

consultation paper had been issued in this context in early 1999.

Public consultation

39. Responding to the Chairman's enquiry about the feedback from the public consultation, PAS(S)B said that the Fire Services Department (FSD), the Civil Engineering Department and the Marine Department had completed a territory-wide public consultation exercise, including consultation with district boards, and conducted briefing sessions with the trade on the proposals. The trade concerned had been further consulted on the regulatory impact of the proposed control of conveyance of dangerous goods via the Dangerous Goods Standing Committee, which supported all the proposals. In general, the public and the trade were in support of the proposed amendments.

40. Mrs Selina CHOW expressed concern about the representativeness of the Dangerous Goods Standing Committee. She pointed out that as some members of the trade concerned would not be able to comply with the proposed regulatory control, they dared not to join or put forward their opinions to the Dangerous Goods Standing Committee. She expressed worry that some members of the trade concerned would operate illegally after the enactment of the legislative amendments.

41. In response, Deputy Director of Fire Services (DDFS) said that FSD had approached and held several discussions with the trade concerned with a view to better understanding their concerns and operational difficulties in meeting the proposed regulatory requirements. It was noted that the major concern or problem was in relation to meeting the safety standards of the storage of dangerous goods. Experts from the relevant field were looking at the improvements to the storage of dangerous goods so as to meet the relevant safety requirements. Mrs Selina CHOW remarked that FSD should make every effort to consult the trade concerned.

42. Mrs Selina CHOW pointed out that small scale operators in the trade would encounter more difficulties in meeting the regulatory requirements than the major operators. She urged the Administration to adopt a proactive approach in consulting and explaining the legislative amendments to the trade, in particular the small scale operators. DDFS assured members that the small scale operators were kept posted of the proposals.

43. The Chairman asked whether the storage of marked oil was covered under the legislative proposal. DDFS said that in order to combat the problem of marked oil, the Administration was consulting the trade on

Action

the exempted quantity of marked oil. Should the trade support the proposal to reduce the exempted quantity from 2 500 litres to 500 litres, the Administration might consider amending the exempted quantity of marked oil that could be stored in the context of this legislative amendments.

List of dangerous goods

44. Mr LAU Kong-wah enquired whether the list of dangerous goods would be regularly revised to reflect the technological changes in the context of the nature and types of dangerous goods. PAS(S)B advised that the proposals aimed to reflect the technological changes and the requirements against the blooming global trade in respect of dangerous goods. As explained in paragraph 9(a) of the information paper, the Administration proposed to expand the coverage of controls on land from about 400 types of dangerous goods under ten broad "Categories" to about 1 600 types under nine broad "Classes". He said that the list would be revised regularly to be in line with the international standards. DDFS added that under the legislative amendments, flexibility would be allowed for updating the list of dangerous goods. PAS(S)B supplemented that the list of dangerous goods was currently set out in the Regulation and amendments could only be effected by with the approval of the Chief Executive in Council. Under the legislative proposal, the list of dangerous goods would be set out in a schedule as specified by the Secretary for Security who would regularly update it. Amendment to the schedule would be subject to negative vetting of the Legislative Council.

45. Noting that the coverage of controls of dangerous goods would be extended from 400 types to about 1600 types, the Chairman enquired whether the difference, i.e. about 1200 types of dangerous goods were currently subject to any regulation and the reason for the significant increase in number. DDFS explained that there were no significant changes proposed for the coverage of major categories of dangerous goods. The number of dangerous goods covered under the Ordinance had increased substantially because of the emerge of new products and types. FSD had faced enforcement difficulties in respect of these types of dangerous goods as they were not covered under the existing Ordinance.

46. The Chairman asked whether the list of dangerous goods could be simplified by classifying dangerous goods broadly according to their nature and components given that the public would probably be confused by a complex classification system. PAS(S)B said that the trade indicated that spelling out explicitly the trading names of different types of dangerous goods in the legislation would facilitate their compliance with

Action

the requirements. The proposed classification system was laid down in Annex I of the information paper. DDFS added that to facilitate the public's understanding of the proposed regulatory control, a labelling system would be introduced. The proposed labelling system was laid down in Annex II of the information paper. In addition, to facilitate compliance by the trade and understanding of the public, there would be a grace period of up to two years after the enactment of the legislative amendments.

Implementation of the proposals

47. In response to the Chairman's enquiry on the existing safety standards in respect of the storage of dangerous goods, DDFS said that most members of the trade concerned could comply with the safety requirements. The proposals could be carried out by the trade without causing much additional costs.

48. Noting that the Administration proposed to implement a mandatory scheme to train drivers with specialized knowledge and skills in conveying dangerous goods, Mrs Selina CHOW enquired about the implementation plan. In reply, DDFS said that FSD would provide training to some drivers who could then train other drivers in the trade. The mandatory scheme would be covered in the legislative amendments. Mrs Selina CHOW expressed concern about the mandatory training for drivers which might impose additional financial burden on the drivers. The Chairman requested the Administration to provide information on the progress of training being provided to drivers by FSD before the coming into effect of the legislation.

Adm

49. The Chairman said that the Panel supported the general principle of the legislative proposal.

IV. Directorate support for emergency ambulance service
(LC Paper No. CB(2) 104/99-00(02))

50. In response to the Chairman's enquiry as to the difference in providing emergency ambulance service after the development of a paramedic emergency ambulance service, DDFS said that the provision of emergency ambulance service was, amongst others, to ensure the earliest conveyance of patients and casualties to hospitals. Whilst for paramedic emergency ambulance service, it comprised pre-hospital care such as providing immediate and necessary treatment at the spot so as to stabilize the conditions of patients and casualties concerned before they were dispatched to hospitals. He further said that presently there were 50

Action

ambulances equipped with facilities for the provision of paramedic emergency ambulance service. The incumbent of the proposed Deputy Chief Ambulance Officer (DCAO) post would be responsible for the further development of the paramedic emergency ambulance service.

51. Responding to the Chairman, DDEFS said that apart from the creation of the proposed DCAO post, supporting staff would be provided by internal redeployment. There would be no additional resources implications for other organizations such as the Hospital Authority.

52. The Chairman said that the Panel supported the staffing proposal in principle on the grounds of further development of paramedic emergency ambulance service.

V. Replacement of Marine Police Radar Surveillance System
(LC Paper No. CB(2) 104/99-00(03))

53. Noting that the Electrical and Mechanical Services Department (EMSD) consultancy and project management fees amounted to \$2.1 million in the cost estimation of the digital radar surveillance system (RSS), Mrs Selina CHOW asked whether EMSD was selected as a result of a tender exercise. In response, Principal Assistant Secretary for Security E (PAS(S)E) said that notwithstanding the commissioning of EMSD to provide consultancy service was not subject to open tender, the Administration had given due consideration to the matter before making a decision. She pointed out that EMSD was currently responsible for the maintenance of the systems in the Marine Police. In addition, EMSD would be providing consultancy service and be responsible for the project management of the vessel traffic services system (VTS) of the Marine Department. To ensure the smooth interfacing with the new digital VTS system in the Marine Department, it was therefore considered that EMSD would be commissioned to provide consultancy service for the project.

54. Mrs Selina CHOW further asked about the measures put in place to ensure the cost-effectiveness of commissioning EMSD to provide consultancy service having regard to the fact that EMSD was not selected through a tender exercise and whether the consultancy and project management fees charged by EMSD were negotiable. Regional Commander (Marine) (RC(M)) pointed out that the procurement of the digital RSS was under a very tight time-frame. Should the Force fail to start the tender procedures before the end of October 1999, the price level would likely to shift upward. Hence, the Force modelled the cost estimation of the project from the experience in the Marine Department. PAS(S)E further said that the Force had no expertise on the electrical and

Action

mechanical field, it had to resort to EMSD for assistance to draft the relevant tender documents even if it resorted to open tender in selecting a consultant. As regards the charges from EMSD, the Administration had carefully examined the computation of the charges and considered the estimated cost reasonable.

55. Noting that RSS was currently unable to receive digital signal from one of the radar sites, the Chairman enquired about the details of the remedial measures to tackle the problem. RC(M) responded that the situation was currently remedied by reinforcing patrolling of vessels. There was no other system readily available in the market capable of performing the vessel tracking function required by the Marine Police.

56. The Chairman further asked about the enforcement difficulties in the area concerned. In reply, RC(M) said that the Police considered the area concerned was a convenient route for smuggling and illegal immigration activities. Hence, the Police had deployed additional manpower to reinforce the patrol duties in the area.

57. In the light of the enforcement difficulties presently faced by the Marine Police, Mrs Selina CHOW asked whether the target completion date could be advanced. Project Manager, Project Division, EMSD said that the Police planned to replace RSS to tie in with the upgrading of VTS in the Marine Department which was under a very tight schedule. The target completion date was the earliest possible completion date.

58. The Chairman said that the Panel supported the funding proposal from the public safety point of view. He said that the issue on whether the engagement of EMSD to provide consultancy service and project management was the only alternative would be followed up in the Finance Committee, if necessary.

VI. Any other business

59. The Chairman said that at the request of the Administration, agenda items III and IV were advanced for discussion at today's meeting. Members agreed to add the following items for the discussion at the meeting on 4 November 1999 -

- (a) Amendments to the Security and Guarding Services Ordinance; and
- (b) Replacement of police launches.

Action

60. Referring to a submission from the Hong Kong Employers of Overseas Domestic Helpers Association, Mrs Selina CHOW suggested to discuss the proposal to impose a total ban on driving duties by foreign domestic helpers at the next meeting. The Chairman suggested that given the Manpower Panel had discussed the issue at its meeting on 22 July 1999, the issue be followed up at the joint meeting with the Manpower Panel on the Admission of Talents Scheme. Members agreed.

61. The meeting ended at 12:10 pm.

Legislative Council Secretariat
3 December 1999