

立法會
Legislative Council

Ref : CB2/PL/SE/1

LC Paper No. CB(2) 1620/03-04

(These minutes have been seen
by the Administration)

Panel on Security

**Minutes of special meeting held on Friday, 16 January 2004
at 11:55 am in Conference Room A of the Legislative Council Building**

Members present : Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon WONG Yung-kan (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Hon Andrew WONG Wang-fat, JP

Public Officers attending : Item I

Mr Ambrose LEE, IDSM, JP
Secretary for Security

Mr Stanley YING, JP
Permanent Secretary for Security

Miss S H CHEUNG
Deputy Secretary for Security

Mrs Jennie CHOK
Deputy Secretary for Security

Mr Michael WONG
Deputy Secretary for Security

Mrs Rosanna URE
Commissioner for Narcotics

Mr Johann WONG
Administrative Assistant to Secretary for Security

Item II

Mr Raymond WONG Hung-chiu, JP
Commissioner
Independent Commission Against Corruption

Mr Daniel LI Ming-chak, IDS
Head of Operations

Mr Thomas CHAN Chi-sun, IDS
Director of Corruption Prevention

Ms Julie MU Fee-man
Director of Community Relations (Acting)

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

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

I. Briefing by the Secretary for Security on the Chief Executive's Policy Address 2004
(LC Paper No. CB(2)978/03-04(01))

At the invitation of the Chairman, Secretary for Security (S for S) briefed members on the policy initiatives relating to the security portfolio in the 2004 Policy Agenda.

Transfer of sentenced persons

2. Ms Audrey EU said that some sentenced persons questioned why discussions on the establishment of an agreement with the Mainland on the transfer of sentenced persons had taken so long. She asked about the progress and timetable for the establishment of such an agreement.

3. S for S responded that the Administration and Mainland authorities were still holding discussions on the establishment of an agreement on the transfer of sentenced persons. Given the significant differences in the legal systems of the two places and the complexity of the issues involved, the discussions had not yet been completed. Although the Administration hoped to reach an early agreement with the Mainland side, it did not have a timetable as to when the discussions would be completed.

Implementation of Article 23 of the Basic Law

4. Ms Audrey EU asked about the research or studies being undertaken by the Administration in relation to the enactment of legislation to implement Article 23 of the Basic Law (BL23). She also asked about the progress in establishing a working group within the Security Bureau to review legislative work relating to BL23. She said that the former Permanent Secretary for Security had said that the Administration would continue to consult the public on the implementation of BL23. She asked why there had been no consultation on the subject matter.

5. S for S responded that the Bureau was making preparations for the setting up of the working group. In any case, the Security Bureau (SB) was already receiving views and gathering information relating to the matter.

6. Ms Audrey EU asked why the working group had not been established yet. She also asked about the details of the information gathering work and persons undertaking such duties.

7. S for S responded that staff of SB had been collating the information and analysing the views received so far. After formation, the working group would meet with interested organisations and persons to listen to their views. He stressed that the Administration would not proceed with the legislative exercise without the understanding and support of the public at large. He clarified that the timing for introducing the legislative proposals was not tied to other issues such as the results of the 2004 Legislative Council (LegCo) Elections.

8. Mr MAK Kwok-fung said that it was the Chief Executive of the Hong Kong Special Administrative Region (CE) who made the decision as to when to introduce the legislative proposal into LegCo. He expressed concern that the legislative proposal might be suddenly introduced on the instruction of CE.

9. S for S responded that CE had stated that there was no timetable for putting

in place legislation to implement BL23 and that the Administration would not go ahead with the legislative process until there was sufficient consultation and support in the community. Mr MAK Kwok-fung asked how the Administration would gauge the views of the public on the implementation of BL23. S for S responded that the Administration welcomed public views, which would be carefully studied.

Co-location of immigration and customs facilities at boundary control points

10. Mr Howard YOUNG said that the Administration had previously planned to implement co-location of immigration and customs facilities at the control point at Huanggang but subsequently decided to implement such co-location at the new control point at the Hong Kong-Shenzhen Western Corridor instead. He asked whether the Administration would, in view of the increased passenger flow after the introduction of the Individual Visit Scheme, reconsider co-locating the immigration and customs facilities at the control point at Huanggang. He added that the Administration should examine the viability of co-location of immigration and customs facilities at other control points, including that at Huanggang.

11. S for S responded that the plan to co-locate immigration and customs facilities at Huanggang had been dropped because of insufficient facilities and space at the area. He said that if the co-location of immigration and customs facilities at the Hong Kong-Shenzhen Western Corridor was found successful, the co-location arrangement might be extended to other new control points.

Right of abode

12. Miss Margaret NG said that the Administration had estimated that there were about 1.67 million persons in the Mainland with right of abode (ROA) in Hong Kong after the judgment delivered by the Court of Final Appeal on 29 January 1999. It had also estimated that after the interpretation of the Standing Committee of the National People's Congress on 26 June 1999, there were about 670 000 Mainland persons with ROA in Hong Kong. However, it could be noted from the Administration's reply to a related oral question at the Council meeting on 26 November 2003 that only about 130 000 Mainlanders had been issued with Certificates of Entitlement since 1998. She asked how the Administration had arrived at the estimated figure of about 670 000 Mainland persons with ROA in Hong Kong and how the Administration would deal with the remaining cases. She recalled that she had, at the Council meeting on 26 November 2003, requested the Administration to provide the number of persons born out of wedlock to Hong Kong permanent residents among the 130 000 Mainlanders. She questioned why such information was still not provided.

13. Miss Margaret NG added that the court had taken some 40 days to hear the appeals of 22 appellants. Given the limited number of cases involved, she asked whether the Administration considered it worthwhile to incur substantial expenditure

to settle all the cases in court merely for debate on questions of fact. She requested the Administration to provide information on the manpower deployed and legal expenses incurred by the Administration in dealing with the appeal cases after the judgment, the number of appeal cases which were still outstanding and the number of appellants involved.

Adm

14. S for S responded that the estimates at that time of the number of Mainland persons with ROA in Hong Kong had been compiled by the Census and Statistics Department using statistical methods. He said that, in handling the outstanding litigation, the Immigration Department had been acting in accordance with the principles laid down by the court. The Administration hoped to deal with the outstanding litigation expeditiously. He undertook to provide the information requested by Miss Margaret NG as soon as possible. He stressed that in dealing with the outstanding appeal cases, the Director of Immigration had to ensure that his discretion under the Immigration Ordinance was exercised in a fair and transparent manner which would not create any loophole in the immigration system of Hong Kong.

Establishment of the Independent Police Complaints Council as a statutory body

15. Mr MAK Kwok-fung asked about the timetable for the introduction of legislative proposals to establish the Independent Police Complaints Council (IPCC) as a statutory body. He also asked whether there would be any improvement to IPCC before its establishment as a statutory body.

16. S for S responded that the Administration intended to introduce the legislative proposals in the next legislative session. He said that IPCC was already functioning well. The legislative proposal would give the IPCC a statutory footing.

Crime situation

17. Mr LAU Kong-wah asked about the reasons for the rise in crime rate and drop in crime detection rate in 2003.

18. S for S responded that the increase in crime rate in 2003 was mainly due to an increase in minor crime and the situation of serious crime had remained stable. He added that 30% of shop theft cases were committed by the unemployed. He said that it might not be appropriate to draw a conclusion merely from the crime detection rate of any single year.

19. Mr LAU Kong-wah said that there had been a continuous increase in minor crimes over the past few years. S for S responded that the Administration had not taken minor crimes lightly. The Police had launched intelligence-based operations to combat such crimes, and there had been a drop in such crimes towards the end of 2003.

20. Mr CHEUNG Man-kwong pointed out that the crime detection rate had dropped by about 11% over the past ten years. He asked whether the Police would look into the reasons for the continuous drop over the past ten years, including whether Police manpower was adequate and whether the reduction in resources allocated to the Police had undermined its ability to combat crime.

21. S for S responded that as he did not have the relevant information on hand, the Commissioner of Police would provide a response at the Panel meeting on 19 January 2004. He stressed that the Police would not reduce its frontline manpower even under reduced resources.

22. Mr CHEUNG Man-kwong said that there were press reports that the number of cases involving forged credit cards had increased five times between 1998 and 2003. He expressed concern that one could copy information in a credit card and use such information to produce a forged credit card for purchases in another place. He asked how the Administration would combat such crime.

23. S for S responded that the Police was addressing the problem through discussion with card-issuing companies the improvement that could be made to the security of cards, such as the introduction of biometrics identification technology, and launching intelligence-based operations.

24. The Chairman requested the Administration to provide -

- (a) a comparison of the crime rate against the overall population size and the transient population size in the past ten years; and
- (b) a comparison of the crime rate associated with credit cards against the total number of credit cards issued in the past five years, and the measures adopted by the Police in combating theft of information stored in credit cards and the use of forged credit cards.

Adm

25. The Chairman requested that the information referred to in paragraphs 20 and 24 above should be provided for the meeting to be held on 19 January 2004.

(Post-meeting note : The information provided by the Administration was tabled at the meeting on 19 January 2004 and circulated to members vide LC Paper No. CB(2)1026/03-04 on 20 January 2004.)

Illegal workers

26. Mr LAU Kong-wah said that a number of illegal workers had entered Hong Kong with business visit endorsements. He asked whether the Administration had discussed the problem with the Mainland authorities and whether there was any

progress on such discussions.

27. S for S responded that the Administration was aware of the problem. It had discussed the problem with the Mainland authorities and provided the latter with information about persons involved in such crime. To his knowledge, the Mainland authorities had carried out investigation into the cases and would launch operations as appropriate. For security reasons, he was not in a position to disclose further details about the operations, which were mainly directed at syndicates.

28. Regarding illegal employment, Mr MAK Kwok-fung asked how the Administration would balance the interests of the parties concerned. S for S responded that the Administration would act impartially. He said that an interdepartmental task force had been formed to combat the problem. The Administration would enhance intelligence exchange with the Mainland authorities, maintain tight control at immigration control points and step up enforcement actions against illegal employment.

29. The Chairman said that at the Panel meeting on 13 November 2003, he had asked the Administration to provide information on the provinces where arrested illegal workers came from. He requested the Administration to consider providing members with such information, which could be provided under confidential cover, if necessary. S for S responded that the disclosure of such information might affect the operations to be launched by Mainland authorities. He undertook to discuss the matter with the Chairman.

Adm

II. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's Policy Address 2004 (LC Paper No. CB(2)978/03-04(02))

30. At the invitation of the Chairman, Commissioner, Independent Commission Against Corruption (C/ICAC) briefed members on the policy initiatives of the Independent Commission Against Corruption (ICAC) in the year ahead and informed members that ICAC would -

- (a) strengthen staff training to enhance efficiency and professional investigation capability;
- (b) formulate comprehensive investigation strategy and redeploy resources to strengthen ICAC's capability in combating organised and serious corruption;
- (c) formulate a comprehensive information technology development strategy to enhance the work of ICAC through better use of information technology;

- (d) collaborate with the Civil Service Bureau to assist government departments in reviewing their declaration of interest systems and to launch a Civil Service Integrity Entrenchment Programme;
- (e) assist subvented organisations and statutory bodies to set up systems to guard against misuse of public funds; and
- (f) launch publicity campaigns to educate candidates, agents and voters of the 2004 LegCo Elections on the importance of clean elections.

Anti-corruption education for the youth

31. Mr MAK Kwok-fung asked about ICAC's work in anti-corruption education for the youth.

32. C/ICAC responded that ICAC had done a lot in the area, including -

- (a) organising anti-corruption talks, learning projects and ICAC Weeks in schools,
- (b) setting up a youth website and the Moral Education Web; and
- (c) organising activities and seminars with community organisations and organising a youth summit entitled "Corporate Governance for the New Generation".

33. C/ICAC added that in the year ahead, ICAC would organise anti-corruption workshops in tertiary institutions and launch 140 Interactive Drama Performances in secondary schools. With the assistance of the School of Creative Media of the City University of Hong Kong, it was also producing cartoons that disseminated anti-corruption messages. The Chairman requested ICAC to provide members with information on anti-corruption education for the youth.

ICAC

34. Mr MAK Kwok-fung suggested that anti-corruption education should be incorporated into the curriculum of primary and secondary schools.

35. Director of Community Relations (Acting), ICAC responded that information on the work of ICAC had been incorporated in the curriculum of secondary schools. Professional ethics and business ethics had also been incorporated in the curriculum of a number of courses including law, architectural, business studies and general education in universities. The Chairman requested ICAC to consider Mr MAK's suggestion.

ICAC

Publicity programmes on clean elections

36. Mr MAK Kwok-fung asked whether there would be publicity campaigns to

educate candidates of the 2004 LegCo Elections about areas where one could be in breach of anti-corruption laws incidentally.

37. C/ICAC responded that ICAC had organised talks and provided guidelines on election-related matters for candidates, their agents and assistants before the village representatives elections in the previous year. It would continue to do so for the 2004 LegCo Elections, and launch publicity programmes on the importance of clean elections. There would also be a 24-hour telephone hotline to answer enquiries. The staff of ICAC would also attend briefings organised by the Registration and Electoral Office to explain anti-corruption laws.

Misconduct in public office for gain

38. The Chairman said that the case of former Financial Secretary Antony LEUNG reflected that difficulties were encountered by ICAC when the common law offence of misconduct in public office for gain was not made a statutory offence. He asked whether ICAC would look into the issue.

39. C/ICAC said that successful prosecutions had been brought against the common law offence of misconduct in public office in the past and that the offence had been clarified by the Court of Final Appeal in the case of SHUM Kwok-she. However, the ICAC had encountered some enforcement problems in dealing with this offence. ICAC continued to explore the possibility of including the offence in the statute book. The ICAC had forwarded its views to an interdepartmental working group led by the Director of Administration which was looking into the subject matter. The Chairman requested ICAC to provide information on the enforcement difficulties encountered by ICAC arising from not making misconduct in public office for gain a statutory offence.

ICAC

Anti-corruption Action Plan of the Asian Development Bank Organisation for Economic Co-operation and Development and the United Nations Convention Against Corruption

40. The Chairman asked whether there were provisions in legislation that contravened the Anti-corruption Action Plan of the Asian Development Bank Organisation for Economic Co-operation and Development (the Plan) and the United Nations Convention Against Corruption (the Convention).

41. C/ICAC responded that the HKSARG endorsed the Action Plan in April 2003 and was required to review its compliance with the Plan on a regular basis. He added that People's Republic of China had also become a signatory to the U.N. Convention, but the Convention had not yet been extended to Hong Kong. In preparation for the possible future extension of the Convention to Hong Kong, ICAC was examining the implications of the Convention. The Chairman requested ICAC to provide members with the texts of the Plan and the Convention.

ICAC

Impact of reduction in resources allocated

42. The Chairman asked about the impact of reduction in resources allocated on the work or services of ICAC.

43. C/ICAC responded that the details would not be available until the Financial Secretary (FS) announced his budget for the next financial year in March. He informed members that -

- (a) the administrative support units of different departments would be merged and the organisation structure streamlined. The Administrative Support Unit of the Operations Department would be deleted and its functions transferred to the Administration Branch;
- (b) the priorities of the work of ICAC would be reviewed. The Corruption Prevention Department would focus its resources on government departments with a high risk of corruption. It would also draw up more Best Practice Modules to assist government departments in the prevention of corruption;
- (c) more production of the Community Relations Department would be contracted out; and
- (d) ICAC would strengthen its collaboration with community organisations to enhance the public's anti-corruption values through more use of community resources.

ICAC 44. The Chairman requested ICAC to provide members with a paper on the impact of reduction in resources allocated on the work or services of ICAC in quantitative terms after FS announced his budget for the next financial year in March.

III. Any other business

45. The Chairman informed members that the Police had briefed the media on the crime situation in 2003 on the previous day. He said that for many years, the Police had briefed the Panel on the crime situation in the previous year before briefing the media. In November 2003, the LegCo Secretariat had contacted the Administration regarding the timing for briefing the Panel on the crime situation in 2003 and was informed that the relevant statistics would not be available until February 2004. In the late morning of the previous day, the Clerk was informed that the Police would brief the media in the afternoon on the crime situation in 2003 and that the Police would wish to brief the Panel on the same as soon as possible.

46. The Chairman added that he had requested the Police to brief the Panel at the

meeting on 19 January 2004 and defer its media briefing. The Police agreed to brief the Panel at the meeting on 19 January 2004, but did not defer its media briefing on 15 January 2004.

47. Members agreed that the item on "crime situation in 2003" would be added to the agenda for the Panel meeting on 19 January 2004 and the meeting time would be extended to start at 2:15 pm and end at 5:00 pm.

48. The Chairman said that a local newspaper reported that the Police had intended to brief the Panel in January 2004 the crime situation in 2003, but finally not so arranged because there were too many agenda items for the meeting. He clarified that it was actually agreed that the briefing on the crime situation in 2003 would be held in February 2004. He added that, contrary to the press report that there were too many items for the January meeting, there were only two items on the agenda for that meeting.

49. The Chairman added that another local newspaper had reported that an informed source questioned whether the right to know of six million members of the public was less important than that of 60 LegCo Members. He stressed that the Panel had no intention to compete with the general public for first-hand information. He said that the Police's practice of briefing the Panel on the crime situation in the previous year before briefing the media was proposed many years ago by the Administration but not by the Panel.

50. There being no other business, the meeting ended at 1:35 pm.

Council Business Division 2
Legislative Council Secretariat
9 March 2004