

## **Legislative Council Panel on Security**

### **Policy Initiatives of Security Bureau**

#### **Introduction**

The 2004 Policy Agenda lists the Government's new and on-going initiatives over the next three and a half years. This note elaborates on the initiatives affecting the Security Bureau in the 2004 Policy Agenda. It also gives an account of the progress of initiatives set out in the 2003 Policy Agenda, which are now grouped under "Ongoing Initiatives".

#### **New Initiatives of the Security Bureau**

##### *Effective Governance*

**Study the feasibility of integrating biometric information into the HKSAR passport for enhancing its security and facilitation standards, having regard to the specifications to be recommended by the International Civil Aviation Organisation.**

2. In order to enhance the security of the HKSAR passport and to safeguard the travel convenience enjoyed by its holders, we are monitoring the technology and standards applicable to the development of biometric passports.
3. The International Civil Aviation Organisation is drawing up technical specifications for passports with biometric identifiers. More than a dozen countries have started their study of biometric passports. A few countries, including Australia, Canada and Japan, have announced that they will issue biometric passports starting from 2004.
4. The Immigration Department has formed a working group to study the feasibility of integrating biometrics into the HKSAR Passport and to map out the way forward. The findings and recommendations will be available in 2004.

**Study the feasibility of introducing a facial recognition system at control points to facilitate verification of identity of suspect arrivals upon their entry.**

5. The Immigration Department plans to embark on a pilot system in order to apply facial recognition technology to immigration control.

6. The pilot facial recognition system will be established at control points to facilitate verification of the identity of suspect arrivals and immigration offenders.

7. Procurement of the hardware and software for the pilot system is underway. It is expected that the pilot system will be implemented in the latter half of 2004.

**Put into effect, through legislation and other means, the revised Forty Recommendations of the Financial Action Task Force on Money Laundering to further enhance our anti-money laundering and counter-terrorist financing regime.**

8. The Financial Action Task Force on Money Laundering (FATF) issued in June 2003 a revised set of Forty Recommendations to combat money laundering and terrorist financing. As an international financial centre, it is essential that Hong Kong implements the recommendations to strengthen the integrity of our financial system.

9. Since the recommendations cover a number of newly designated non-financial businesses and professions<sup>1</sup> and involve new obligations for existing entities, we have already started consultations with the parties concerned on the implementation of these recommendations in Hong Kong. We welcome views and comments from the parties involved.

10. Some of the recommendations may need to be implemented through new legislation. We are still studying the legislative amendments required and shall submit our proposals to the Panel on Security when they have been finalised.

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<sup>1</sup> These include: casinos, dealers in precious metals and stones, real estate agents, company and trust service providers, lawyers and accountants.

## *Vibrant Economy*

### **Take steps to facilitate private sector participation in the solemnisation of marriages and to provide greater flexibility and convenience to members of the public.**

11. In order to provide more diversified services to the public, the Immigration Department is now examining a proposal to allow the private sector to provide services relating to celebration of marriages. Conceptually, it involves appointing suitable persons (e.g. solicitors) as celebrants of marriages so that marrying parties can choose to celebrate their marriages at places other than marriage registries or licensed places of public worship.

12. The Department is now conducting an in-depth study on how to take forward the proposal, including eligibility criteria for appointment, the mode of appointment and relevant legislative amendments. A major principle governing the formulation of the eligibility criteria is that marriage celebrants should be appointed under a fair and open system.

13. The Government will consult relevant professional bodies on the details of the proposal.

## **Ongoing Initiatives of the Security Bureau**

### *Effective Governance*

### **Introducing legislative amendments to enhance the capacity of law enforcement agencies to combat terrorism and transnational organised crimes**

#### **United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003**

14. We introduced the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003 into the Legislative Council in May 2003. The purpose of the Bill is to implement internationally agreed commitments and conventions<sup>2</sup>, and to provide for the necessary law enforcement powers, for the purpose of combating terrorism.

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<sup>2</sup> The Bill seeks to implement the requirements under United Nations Security Council Resolution 1373 and the Special Recommendations of the Financial Action Task Force on Money Laundering to freeze non-fund terrorist property, the International Convention for the Suppression of Terrorist Bombings, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

15. The Legislative Council has set up a Bills Committee to scrutinise the Bill. We have received valuable comments and suggestions from the Bills Committee as well as interested individuals and organizations on the Bill. We will examine these various views in detail, and will continue to work closely with the Bills Committee to take the Bill forward.

#### United Nations Convention Against Transnational Organised Crime

16. The United Nations Convention Against Transnational Organised Crime seeks to strengthen the power of governments in combating serious crimes by providing a basis for common actions against organized crimes, money laundering, corruption and obstruction of justice. It also promotes greater ease of extradition, enhances judicial cooperation, mutual legal assistance and law enforcement cooperation.

17. We are formulating detailed legislative proposals in consultation with departments for the implementation of the Convention in Hong Kong.

#### **Continuing discussions with the Mainland and other jurisdictions on bilateral cooperation in criminal matters relating to Mutual Legal Assistance (MLA), Surrender of Fugitive Offenders (SFO), and Transfer of Sentenced Persons (TSP)**

##### Discussions with Other Jurisdictions

18. Continued efforts have been made to extend the HKSAR's international network of cooperation in law enforcement. Up to now, Hong Kong has signed 15 agreements on MLA, 13 agreements on SFO and seven agreements on TSP with foreign jurisdictions. We are negotiating with some 20 other jurisdictions on these agreements.

19. We have completed discussions with Macau on a TSP agreement between the HKSAR and Macau. Amendment to the TSP Ordinance (Cap 513) is necessary to implement the agreement. We will consult the Panel on Security on the legislative proposals before introducing the relevant amendment bill.

##### Discussions with the Mainland

20. We have been discussing with the Mainland authorities on setting up rendition and TSP arrangements between the HKSAR and the Mainland.

Given the significant differences in the legal systems of the two places and the complexity of the issues involved, we have yet to complete these discussions.

**Acting on proposals to relieve prison over-crowding and improve prison management for both the short and long term**

21. For the purpose of a long-term prison development plan, we have proposed to build a 7 220-place prison complex at Hei Ling Chau that would re-provision all existing penal institutions on Hong Kong Island and in urban Kowloon, as well as all remand facilities in the territory. The new complex would also provide 2 600 additional places. The plan is for construction to start in 2006 for completion in 2013.

22. The Finance Committee (FC) of the Legislative Council approved in May 2003 \$47 million for carrying out a two-staged feasibility study (FS) and preliminary site investigation to examine the engineering feasibility of the land formation and infrastructure works for the proposed prison complex. Stage 1 of the FS started in September 2003 and will be completed by May 2004. The findings will be reported to the Panel on Security and the Finance Committee before embarking on stage 2.

23. Meanwhile, short-term measures are being put in place to relieve prison over-crowding, in particular with regard to female prisons, through, for example, conversion of existing facilities and construction of temporary places for female prisoners.

**Issuing the Smart ID card in phases starting from mid-2003 to enhance security, facilitate boundary crossing, and provide other value-added services.**

24. The Immigration Department started to issue Smart ID cards to Hong Kong residents applying for new identity cards or replacement cards as from 23 June 2003.

25. A territory-wide replacement exercise under which Hong Kong residents are called to replace their old identity cards by age groups commenced on 18 August 2003. The whole exercise comprises eight cycles and will be completed by mid-2007. So far, the Secretary for Security has by orders directed certain categories of persons including Hong Kong residents born in 1958 to 1969 to apply for new identity cards.

26. Smart ID card-holders can use their cards for library functions and take advantage of the digital certificate incorporated in the chip embedded in the card, if they so choose.

27. Upon the introduction of automated passenger clearance and automated vehicle clearance systems by phases around end 2004, permanent residents holding Smart ID cards can use their cards to go through automated clearance channels without going through the traditional manned counters. Our plan is to extend such facility to non-permanent residents later.

### **Providing a legal basis for the existing police complaints system by making the Independent Police Complaints Council a statutory body**

28. We have been working on the proposal for providing a legal basis for the existing police complaints system by making the Independent Police Complaints Council (IPCC) a statutory body. The composition, functions and powers of the IPCC will be specified in law.

29. Under the proposal, all investigations conducted by Complaints Against Police Office (CAPO) of the Police Force will be reviewed and monitored by an independent statutory body. The IPCC will be able to exercise statutory powers to interview witnesses, complainants and complainees, conduct scheduled and surprise visits to observe CAPO investigations and require CAPO to re-investigate any complaint.

30. We will continue to work on the proposal, taking into account public views and issues arising from further consultations with the IPCC.

### **Continuing to work on the implementation of Article 23 of the Basic Law**

31. We published a consultation document on our proposals to implement Article 23 of the Basic Law in September 2002. During the three months of extensive consultation that ensued, over 100 000 submissions were received. After taking into account public views expressed, we introduced the National Security (Legislative Provisions) Bill into the Legislative Council in February 2003.

32. The Bill underwent detailed scrutiny in the Bills Committee of the Legislative Council. We proposed a number of substantive amendments to the Bill to address concerns expressed by the Legislative Council and the public.

33. There is a clear constitutional duty for the HKSAR to implement Article 23 of the Basic Law. On the other hand, we appreciate that public understanding and support would be essential for such an important piece of legislation. We therefore decided to withdraw the Bill in early September 2003 and to re-examine the issues in relation to the implementation of Article 23. There is no pre-determined timetable for the legislative exercise.

### *Vibrant Economy*

#### **Pursuing a series of measures to facilitate the movement of people and goods across the boundary including the establishment of a new boundary control point on the Hong Kong-Shenzhen Western Corridor and installation of automated passenger, vehicle and cargo clearance systems.**

34. The Government will continue to facilitate the movement of people and goods across the boundary through various measures including the establishment of a new boundary control point for the Hong Kong-Shenzhen Western Corridor where there will be co-location arrangement for both passenger and cargo clearance.

35. FC approved funding for the design and construction of the new control point for the Hong Kong-Shenzhen Western Corridor in July 2003. We will ensure timely completion of the design and construction works to tie in with the commissioning of the Hong Kong-Shenzhen Western Corridor. In the meantime, we will press ahead with other preparatory work, including securing funding for the administrative computer systems and land for the new control point and the necessary legislative amendments for the co-location arrangement.

36. FC approved funding for the implementation of Automated Passenger Clearance (APC) and Automated Vehicle Clearance (AVC) Systems in January 2003. The tender for the APC and AVC Systems was closed in August 2003. We hope to be able to award the contract in early 2004 with a view to rolling out the two systems by stages by end 2004.

#### **Stepping up enforcement action and publicity to combat illegal employment**

37. The Government has drawn up and implemented a number of measures to combat illegal employment at various levels. They include tackling the problem at source by cooperating and communicating with Mainland authorities to minimize the chance of entry of doubtful visitors. The law enforcement

departments have, in parallel, stepped up their operations against illegal employment to deter and prevent employers from hiring illegal workers, and visitors from working illegally in Hong Kong.

38. The frontline officers of Immigration Department at various control points carry out close examination to prevent persons with dubious intentions from entering Hong Kong. In the first eleven months of 2003, 16 508 Mainland visitors and 8 123 foreign visitors were refused entry for doubtful purpose of visit, improper documentation and possessing forged travel documents.

39. The Immigration Department, the Labour Department and the Police have stepped up enforcement actions against illegal employment, including increasing inspections at factories, restaurants, business establishments and black spots of illegal employment.

40. To enhance coordination amongst various departments and take more effective actions against Mainlanders working illegally or engaging in other unlawful activities in Hong Kong, the Government formed an Inter-departmental Task Force in April 2003. The Inter-departmental Task Force devises proactive and preemptive strategies, facilitates regular exchange of information and coordinates enforcement efforts amongst departments at identified black spots.

41. Apart from taking enforcement actions, the Government proactively carries out publicity programmes against illegal employment. TV and Radio Announcements of Public Interest, Government websites, posters and leaflets are used to raise public awareness of relevant the legislative provisions. We work with the relevant industries to disseminate the message. The public is encouraged to provide information on illegal employment.

Security Bureau  
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