

Panel on Security

List of outstanding items for discussion

(position as at 6 October 2003)

**Proposed timing
for discussion**

1. Hong Kong Special Administrative Region Identity Card Project

At the special meeting on 14 February 2001, the Administration undertook to report the progress of the Hong Kong Special Administrative Region Identity Card Project to the Panel on a regular basis. The Administration briefed members on the results of the second Privacy Impact Assessment study and the latest developments on non-immigration applications for incorporation into the smart identity card at the meeting on 10 July 2002. The Bills Committee on Registration of Persons (Amendment) Bill 2001 and other interested Members visited the Immigration Department on 8 March 2003 to view a demonstration on the new work process of the Smart Identity Card System.

To be confirmed

In the course of deliberations of the Registration of Persons (Amendment) Bill 2001, the Administration undertook -

- (a) to brief the Panel on Security on the progress of the implementation of the System before the Commissioner of Registration specifies the date on which the System comes into operation;
- (b) to draw up a code of practice in consultation with the Privacy Commissioner setting out the rules on the collection, use of and access to smart ID card data and the conduct of privacy compliance audit;

**Proposed timing
for discussion**

- (c) to provide a copy of the privacy compliance audit report to LegCo after the audit is completed;
- (d) to brief the relevant Panels before introducing subsidiary legislation providing for the incorporation of new non-registration of persons related applications in the chip of a smart ID card; and
- (e) to launch publicity programmes through overseas Economic and Trade Offices to notify overseas HKSAR permanent residents of the ID card replacement exercise and the requirement to apply for a new card within 30 days of their return to Hong Kong.

The Registration of Persons (Amendment) Bill 2001 was passed by the Legislative Council on 19 March 2003 and commenced operation on 12 May 2003. The Administration submitted a progress report on the Identity Card Project to the Panel on 5 May 2003.

The Secretary for Security had issued Orders under the Registration of Persons Ordinance to direct certain persons to apply for new identity cards. A subcommittee formed to examine such Orders had concluded its work and made a report to the House Committee on 27 June 2003. The Orders commenced operation on 10 July 2003 and the territory-wide replacement exercise had started on 18 August 2003.

2. Follow-up on allegations of Mainland Public Security officials exercising jurisdiction in Hong Kong - the case of SU Zhi-yi and the case of CHAN Tsz-cheung

At the special meeting on 15 April 2002, the Administration was requested to provide a written response on whether it would follow up certain queries raised by members in relation to the case of SU Zhi-yi. Members agreed that the way forward in following up the matter be further discussed when the Administration's response was received.

To be confirmed

**Proposed timing
for discussion**

The Administration subsequently provided a response (LC Paper No. CB(2)2038/01-02(01) issued on 22 May 2002) indicating that it would follow up the queries raised by members and provide a written response. The Administration's further response on the subject was circulated to members vide LC Paper No. CB(2)548/02-03 on 3 December 2002.

Hon James TO proposed on 13 March 2003 that the case of CHAN Tsz-cheung as reported in the South China Morning Post (**Appendix**) should be discussed together with the case of SU Zhi-yi.

The Administration has advised that at the Case Conference held on 15 April 2003, the Administration briefed LegCo Members attending the Conference on the progress and the latest development of the case of CHAN Tsz-cheung. The Administration undertook to follow up, and provide a written response, on the queries raised by Members during the Conference. The relevant information was circulated to Members attending the Conference vide LC Paper No. CP803/02-03 on 28 May 2003.

3. Follow-up on issues arising from the incident on 25 April 2002 where Police took action to stop the public meeting being staged in Chater Garden and media reporters were handcuffed

Issues relating to the incident on 25 April 2002 where Police took action to stop the public meeting being staged in Chater Garden and media reporters were handcuffed was discussed at the Panel meeting on 10 May 2002. Members agreed that the matter be further discussed when the Administration's responses to issues raised by members at the meeting on 10 May 2002 (issued vide LC Paper No. CB(2)2414/01-02 on 25 June 2002) and to questions drawn up by the Legal Adviser were received.

To be confirmed

**Proposed timing
for discussion**

The Administration has recently advised that the criminal trial of persons arrested and charged in connection with the incident which occurred at the carpark of the Legislative Council Building on 24 April 2002 was concluded on 6 November 2002. Two of the five persons charged were convicted and they have not appealed against the conviction and/or sentence.

A list of proposed questions for a response by the Administration drawn up by the Legal Adviser has been circulated to members for comments (Appendix I to LC Paper No. CB(2)504/02-03 issued on 2 December 2002). To assist the Panel in considering the questions, the Legal Adviser has also drawn up a table showing the questions raised/information sought at the special meeting on 10 May 2002 together with the Administration's responses (Appendix II to LC Paper No. CB(2)504/02-03 issued on 2 December 2002).

With the agreement of members, the list of proposed questions was forwarded to the Administration on 6 December 2002. The Administration's reply to the questions was circulated to members vide LC Paper No. CB(2)800/02-03 on 3 January 2003.

4. Establishment of Tseung Kwan O Police District

Item proposed by Hon LAU Kong-wah on 29 May 2002. To be confirmed
The subject was discussed at a meeting between Legislative Council Members and Sai Kung District Council members on 14 March 2002 and referred to the Panel for follow-up. The relevant extract of minutes of meeting and information provided by the Administration were issued to members vide LC Paper No. CB(2)2088/01-02 on 28 May 2002.

**Proposed timing
for discussion**

5. Commencement of the Fire Safety (Buildings) Bill

Item proposed by the Administration. In the course of examination of the commencement clause of the Fire Safety (Buildings) Bill, the Bills Committee considered that the Bill should not come into operation before the amendments to the Building Management Ordinance to empower owners' corporations to borrow from the Building Safety Loan Scheme had been enacted. The Administration would, when time was ripe and circumstances permit, prepare a paper setting out its views and proposal for bringing the Bill into force for discussion by the Panel. The Administration undertook not to bring the Bill into operation without first obtaining the support of a great majority of members of the Panel.

To be confirmed

6. Guidelines in the Force Procedures Manual on the seizure of property

In the course of deliberation concerning the time for the return of seized property, the Bills Committee on Karaoke Establishments Bill made reference to the general guidelines in the Force Procedures Manual. A member of the Bills Committee took the view that the guidelines in the Force Procedures Manual should set out more information such as whether the seizure was absolutely necessary, the quantity of items which should be seized and whether quantity seized would have a punitive effect. The Bills Committee agreed that the matter should be referred to the Panel for follow-up.

To be confirmed

7. Law Reform Commission Report on "The Regulation of Debt Collection Practices"

The Law Reform Commission issued a report on "The Regulation of Debt Collection Practices" on 30 July 2002. Hon James TO suggested that the report be discussed by the Panel.

To be confirmed

**Proposed timing
for discussion**

8. Mechanism of the review of the List of Recordable Offences and disclosure of review of the List of Recordable Offences by the Police

Item referred to the Panel by the Bills Committee on Land (Miscellaneous Provisions) (Amendment) Bill 2002 for follow-up on the mechanism of the review of the List of Recordable Offences and disclosure of review of the List of Recordable Offences by the Police. The relevant information was circulated to members vide LC Paper No. CB(2)1030/02-03 on 24 January 2003.

To be confirmed

9. Monitoring of anti-terrorism measures by the Administration

In the course of deliberations of the Bills Committee on United Nations (Anti-Terrorism Measures) Bill, the Administration undertook to review periodically the anti-terrorism measures set out in legislation to ensure that they were in line with the international trend. The Bills Committee agreed that the monitoring of anti-terrorism measures should be referred to the Panel for follow-up.

To be confirmed

A submission from the Amnesty International, Hong Kong Section Limited on the United Nations (Anti-Terrorism Measures) Ordinance was circulated vide LC Paper No. CB(2)170/02-03 on 25 October 2002 for members' information. The Administration's response to the submission was circulated to members vide LC Paper No. CB(2)411/02-03 on 19 November 2002.

At the suggestion of members, the subject of "Measures to combat terrorist activities in Hong Kong" was discussed at the meeting on 5 December 2002.

**Proposed timing
for discussion**

At the meetings on 16 January 2003 and 20 February 2003, the Panel was consulted on the proposals in the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003, which sought to implement relevant international conventions against terrorism, and to provide the means for the Secretary for Security to effectively freeze terrorist assets which are not funds. The Administration subsequently introduced the Bill on 21 May 2003. A Bills Committee has been formed to study the Bill.

10. Follow-up on issues relating to the death of an inmate in Siu Lam Psychiatric Centre in November 2001

At the special meeting on 5 November 2002 when the subject was discussed, members agreed that a further special meeting be held in January 2003 for a follow up discussion when the report of the detailed study into the circumstances surrounding the case with a view to enhancing the quality of service at Siu Lam Psychiatric Centre (SLPC) conducted by a special task group headed by the Deputy Commissioner of Correctional Services was available.

To be confirmed

The special meeting was held on 23 January 2003. At the meeting, members agreed that two joint meetings of the Panel on Security and Panel on Health Services be held to follow up issues relating to the incident. A joint meeting was held on 5 March 2003 and pursuant to the decision at the meeting, the joint meeting originally scheduled for 7 March 2003 was cancelled. Members also visited SLPC on 4 March 2003 to facilitate their understanding of the operation of the Centre. At the joint meeting, members agreed that a joint meeting of the two Panels should be held for a follow-up discussion on the Administration's way forward in respect of the case.

At the special meeting on 23 January 2003, members agreed that the Administration should report to the Panel, in one year's time, the progress and details of the implementation of the 34 recommendations made in Chapter 10 of the report of the special task group, in particular the monitoring over the enforcement of the new practices and procedures.

**Proposed timing
for discussion**

A joint meeting of the two Panels was held on 18 July 2003 to discuss opinions obtained from medical experts on the death of the inmate and the Administration's way forward in respect of the incident. Members agreed that in view of the grounds put forth by the Administration and the preference of the family of the deceased, a new death inquest or inquiry might not be necessary. The Panels requested the Administration to review the guidelines and procedures for conducting medical examination on inmates of penal institutions upon admission and revert to the Panels at the next joint meeting in January 2004.

11. Guidelines and procedures for disposal of computers in use by the Police

The Administration has provided information on the Police's guidelines and procedures for disposal of computers as well as a brief account of the reported incident that a computer disposed of by the Police contained confidential files. The paper was circulated to members vide LC Paper No.CB(2)1709/02-03 on 7 April 2003. At the meeting on 10 April 2003, Hon CHEUNG Man-kwong proposed and members agreed to discuss the item at a future meeting.

To be confirmed

12. Trial in the Mainland of serious crimes committed in Hong Kong

Item proposed by Hon James TO on 8 July 2003. Mr TO considered that some serious crimes such as burglary, kidnap and homicide were committed in Hong Kong but the trials took place in the Mainland. As this involved the question of judicial jurisdiction and the collection of evidence by the Hong Kong and Mainland law enforcement authorities, he proposed that the item be included in the list of outstanding issues and discussed at a future joint meeting with the Panel on Administration of Justice and Legal Services.

To be confirmed

**Proposed timing
for discussion**

13. Application for Hong Kong permanent resident status by non-Chinese nationals

Item proposed on 11 August 2003 by Hon Margaret NG, who was concerned about the new procedure for the verification of non-Chinese nationals as permanent residents of Hong Kong and its implications. She suggested that the issue be discussed by the Panel as soon as possible in the 2003-04 legislative session. Hon Emily LAU, non-Panel Member, has also suggested that the issue be discussed by the Panel as early as possible.

To be confirmed

A letter dated 11 August 2003 from Hon Margaret NG was issued to members vide LC Paper No. CB(2) 3011/02-03 on 22 August 2003. The Administration's paper explaining the revised procedure applicable to the verification of non-Chinese nationals as Hong Kong permanent residents was circulated vide LC Paper No. CB(2)3076/02-03 on 22 September 2003.

Council Business Division 2
Legislative Council Secretariat
6 October 2003