

立法會
Legislative Council

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LC Paper No. CB(2)2117/04-05
(These minutes have been seen
by the Administration)

Panel on Security

**Minutes of meeting held on Tuesday, 3 May 2005
at 2:30 pm 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 CHEUNG Man-kwong
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon CHOY So-yuk
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
- Member attending** : Hon Miriam LAU Kin-ye, GBS, JP
- Members absent** : Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
- Public Officers attending** : Item IV
Miss Janet WONG Wing-chen
Head, MC6 Co-ordination Office
Trade and Industry Department

Mr Bill SUEN Kwai-leung
Commandant (Police Tactical Unit)
Hong Kong Police Force

Item V

Mr Charles WONG
Principal Assistant Secretary for Security B

Mr Samson CHAN
Assistant Commissioner of Correctional Services (Rehabilitation)

Mr CHEUNG Hing-wah
Assistant Director (Youth and Corrections)
Social Welfare Department

Ms Manda CHAN
Principal Assistant Secretary for Security A

Ms Angela CHIU
Superintendent (Licensing)
Hong Kong Police Force

Ms Katherine TSANG
CEO (Security and Guarding Services)

Attendance by invitation : Item V

Society for Community Organization

Mr NG Wai-tung
Community Organizer

Mr Terence KWAN Chi-kong
Community Organizer

Miss Carol HUI Ka-lok
Community Organizer

Seven Ex-offenders

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

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 5

Ms Sandy HAU
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1392/04-05)

The minutes of the meeting held on 1 March 2005 were confirmed.

II. Information papers issued since the last meeting
(LC Paper No. CB(2)1420/04-05(01))

2. The Chairman said that information provided by the Independent Commission Against Corruption (ICAC) on the judgment delivered by the District Court on 22 April 2005 regarding a case involving surveillance of communications by ICAC, a summary of the facts of the case and a response regarding the actions, if any, to be taken by ICAC had been issued since the last meeting. He invited members' views on how the matter should be followed up.

3. Ms Margaret NG, Mr LAU Kong-wah and Mr CHIM Pui-chung considered that it would not be appropriate to discuss the matter until legal proceedings relating to the case were concluded.

4. Members agreed that ICAC should be requested to advise whether the rulings of the District Court had any impact on the work of ICAC and, if so, the details of the implications. Members also agreed that the Security Bureau should be requested to advise whether the rulings had any impact on the work of law enforcement agencies and, if so, the details of the implications.

5. Regarding the case of 16 June 2004 in which seven Mainlanders were suspected of having committed criminal offences in Hong Kong and Mainland public security officials were alleged to have taken enforcement actions in Hong Kong, the Chairman informed Members that according to a newspaper report, a Mr NG who claimed to be the victim in the case concerned had alleged that Mainland public security officials had, prior to the case, already performed duties in Hong Kong. The victim had also

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alleged that the Administration was fully aware of his background and his dispute with the Mainland side. Ms Audrey EU added that a relevant article had been published in the Asia Magazine about three weeks ago. The Chairman asked the Clerk to circulate the newspaper report and article to Panel members for information.

(Post-meeting note : The newspaper report and the article was circulated to members vide LC Paper No. CB(2)1470/04-05 on 5 May 2005.)

6. Members agreed that the Administration should be requested to advise –
- (a) whether it had considered the information disclosed by Mr NG in its decision of not bringing prosecution against the seven arrested persons in the case; and
 - (b) whether it would consider instituting prosecution against the seven arrested persons.

(Post-meeting note : The Administration's response was circulated to members vide LC Paper No. CB(2)1628/04-05 on 20 May 2005.)

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1411/04-05(01) and (02))

7. Members agreed that the following items would be discussed at the next meeting to be held on 7 June 2005 at 2:30 pm -
- (a) Draft report of the Panel on Security for submission to the Legislative Council;
 - (b) Contingency plan for emergency response operations outside the Hong Kong Special Administrative Region;
 - (c) Provision of emergency ambulance service; and
 - (d) Integration and application of information technology in the new headquarters building of the Independent Commission Against Corruption.
8. Members agreed that representatives of the Hong Kong Fire Services Department Ambulancemen's Union would be invited to present the views of the Union under the item "Provision of emergency ambulance service".

IV. Security arrangements for the Sixth Ministerial Conference of the World Trade Organization to be held in Hong Kong in December 2005
(LC Paper No. CB(2)1409/04-05(01))

9. At the invitation of the Chairman, Head, MC6 Co-ordination Office, Trade and Industry Department (H(MCO)) and Commandant (Police Tactical Unit) (C(PTU)) briefed Members on the security arrangements for the Sixth Ministerial Conference of the World Trade Organization (WTO) to be held in Hong Kong in December 2005 (MC6).

10. Mr Howard YOUNG said that the community at large supported the holding of MC6, which would enhance Hong Kong's status in the international community. Referring to paragraph 3 of the Administration's paper, he asked whether the location of the Accreditation Centre would be too remote. He also asked whether the MC6 Co-ordination Office (MCO) would consider providing sea transportation service for participants staying in hotels on the Kowloon side to avoid road traffic congestions.

11. H(MCO) responded that in regard to accreditation, registrations would first be made by participants of MC6 with WTO's Office in Geneva, which would then send the relevant information to Hong Kong. As each delegation would only need to send a co-ordinator to the Accreditation Centre to collect the accreditation badges for other members of the group, the location of the Accreditation Centre should not pose any problem. She informed Members that MCO had, with the assistance of the Hong Kong Hotels Association, blocked some 5 000 rooms in hotels located in Admiralty, Causeway Bay, Tsimshatsui, etc. Regarding traffic arrangements, she said that each delegation leader would be provided with a chauffeured limousine. Shuttle bus service would also be provided for other delegates of MC6.

12. Mr Howard YOUNG asked whether the time for holding the opening ceremony of MC6 was determined by Hong Kong. He also asked whether a closing ceremony would be held for MC6 on 18 December 2005 and whether there would be any special traffic arrangements on that day.

13. H(MCO) responded that the opening time would have to be agreed between WTO and Hong Kong. The closing time of MC6 would depend on the progress of the conference. However, the conference would have to end at midnight on 18 December 2005 in order to hand the venue back on time to the Hong Kong Convention and Exhibition Centre (after dismantling).

14. Mr LEUNG Kwok-hung said that there were unhappy incidents when international trade or monetary conferences were held in Hong Kong. He asked whether the Administration had a "black list" of visitors to Hong Kong and whether the Administration had any plans to conduct surveillance and interception of the communications of demonstrators.

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15. C(PTU) responded that freedom of expression was very much respected in Hong Kong and the Police had always facilitated lawful and peaceful demonstrations as far as possible. The Police would seek to strike a balance between the rights of demonstrators and the need to ensure that no danger or undue inconvenience be caused to others. He added that the Police was aware of the violence and disorder which occurred during the ministerial conferences of WTO held in recent years in Geneva (MC2-1998), Seattle (MC3-1999) and Cancun (MC5-2003). The Police would not tolerate any violence when MC6 was held in Hong Kong. As had been stressed by the Secretary for Security, there was no "black list" of visitors.

16. Mr LEUNG Kwok-hung considered that the designated public activity areas (DPAAAs) should be determined in such a manner so as to facilitate demonstrators to be seen by the participants of MC6. He asked whether the Police would, as in the Handover Ceremony in 1997, use music to cover the voices of demonstrators.

17. C(PTU) responded that the Police noted that demonstrators hoped that their views would be heard and their activities could be seen. However, DPAAAs would have to be determined having regard to factors such as the most up-to-date risk assessment, traffic conditions and the safety of demonstrators as well as the public.

18. Mr LEUNG Kwok-hung asked whether the Police had conducted reviews on the handling of demonstrators when major international conferences were held in Hong Kong in the past.

19. C(PTU) responded that it was the Police's practice to conduct reviews after each major operation.

20. Mr LEUNG Kwok-hung requested the Administration to provide members with the reports of its reviews on the security arrangements for the Hanover Ceremony in 1997, the Annual Meeting of the World Bank Group and the International Monetary Fund in 1997 and the FORTUNE Global Forum in 2001. H(MCO) agreed to relay the request to the Security Bureau.

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21. Mr CHEUNG Man-kwong expressed concern about the security arrangements for MC6 and asked about the Police's risk assessment.

22. C(PTU) responded that, in view of the disorder and violence during some ministerial conferences of WTO held in other countries in the past, the current risk assessment of the threat on public order was high. In this connection, the Police was drawing up security measures and contingency plans. He added that the current risk assessment of terrorist attacks was low.

23. Mr CHEUNG Man-kwong considered that although the risk of terrorist attacks in Hong Kong had been low in the past, such a risk might become high when WTO conferences were held in Hong Kong. He asked whether the Police had any

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preparations for the worst scenario. He also asked about the maximum Police manpower that could be mobilised.

24. C(PTU) responded that besides drawing up security measures and contingency plans involving different formations of the Police, the Police also exchanged intelligence with other jurisdictions. He informed Members that the Police had a total manpower of about 28 000 officers. For operation reasons, he was not in a position to disclose details on the deployment of officers.

Adm

25. The Chairman requested the Police to provide information on its preparations against terrorists attacks when MC6 was held in Hong Kong.

26. Mr LAU Kong-wah asked about the highest risk and worst scenario anticipated by the Police. He also asked whether the Police had any advice for shop and restaurant operators that might be affected by MC6.

27. C(PTU) responded that preparations for MC6 were thorough. The Police had set up nine working groups to look into various aspects, including traffic arrangements. Some Police officers had also gone overseas in the past to gain understanding of overseas experience and strategies adopted. The worst scenario anticipated was violence and disorder somewhat similar to that in Seattle and Cancun. He said that the Police would draw up contingency measures to cater for the situations such as those where there were throwing of objects, arson, damaging of shop windows and attacks on Police officers. He added that the Police would maintain communication with shops and restaurant operators that might be affected by MC6.

28. C(PTU) informed Members that the Police had communicated with representatives of the Hong Kong People's Alliance on WTO (HKPAWTO), which had indicated their intention to stage demonstrations participated by about 5 000 protestors. HKPAWTO had also indicated that about 130 overseas groups had requested it to coordinate their activities in Hong Kong. While HKPAWTO had stressed that its demonstration would be a peaceful one, it could not rule out the possibility of violence initiated by individual overseas participants. This the HKPAWTO had also remarked to be beyond their control.

29. The Chairman asked whether preparations were required of the local community.

30. H(MCO) responded that information would definitely be disseminated to the local community as appropriate. MCO was working out a comprehensive public relations strategy for the local community. Consultation would be made with the Wan Chai District Council in May 2005. MCO would also write to residents and organisations concerned in Wanchai on areas of concern and cooperation. MCO would also remind operators of various important facilities, such as the airport, to be on alert. The Chairman requested the Administration to provide members with a

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copy of its paper on MC6 for the meeting of the Wan Chai District Council in May 2005.

31. Ms Audrey EU asked whether the Police would be on high alert. She also asked whether the local community had to be on alert.

32. C(PTU) responded that the Police was always on high alert and would prepare for all possible contingencies. A comprehensive manpower deployment plan would be drawn up to cater for different levels of risk. He said that the risk assessments would be continuously updated according to information and intelligence gathered. The Police would discuss areas of concern and seek cooperation from interested parties in Hong Kong. Where special arrangements were needed, the Police would ensure that relevant information was disseminated to the public in a timely manner.

33. Regarding measures against terrorist activities, Mr Albert HO asked whether the Police would seek the assistance of the People's Liberation Army Military Force in the Hong Kong Special Administrative Region (PLA) in combating terrorist attacks through the air.

34. C(PTU) responded that intelligence regarding terrorist attacks was continuously gathered by the Police, which maintained close communications with the law enforcement agencies of other places in the exchange of intelligence on terrorist attacks. He said that an air curfew zone would be imposed during the period when MC6 was held. Where necessary, the Special Duties Unit of the Police would be deployed. He added that the mechanism for seeking assistance from the garrison had been set out in Article 14 of the Basic Law.

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35. The Chairman requested the Administration to provide information on the mechanism for seeking the assistance of PLA to deal with unauthorised flights in the air curfew zone.

36. Ms Margaret NG declared that she was a legal representative of the defendants who were prosecuted in connection with demonstrations during the Annual Meeting of the World Bank Group and the International Monetary Fund in Hong Kong in 1997. She said that according to her experience in demonstrations, the Police had tried to strike a balance between freedom of expression and the need to maintain law and order. She asked how such a balance could be achieved, if the measures to be adopted by the Police would be tougher in view of the vigorous demonstrations that might occur. She expressed concern that there had been cases where DPAAAs were located under a flyover in the vicinity of the conference venue, but the demonstrators could only be seen in the news programmes broadcasted in televisions.

37. H(MCO) noted the concerns of Ms NG and the wish of demonstrators to go near to the venue as far as possible. She however explained the need to ensure the

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smooth conduct of the conference, e.g. participants could arrive the venue safely and on time. She recalled that in the case of MC3 in Seattle, participants could not even enter the meeting venues during the rigorous demonstrations. She stressed that the Administration would seek to communicate with demonstration groups at an early stage with a view to striking the best balance, having regard to the venue, circumstances including the geographical setting. C(PTU) added that although most local and overseas demonstrators had stressed that their demonstration would be a peaceful one, overseas experience in the past did suggest the possibility of widespread disturbances that could be agitated by a small number of radical activists

38. Miss CHOY So-yuk asked whether arrangements had been made for PLA to assist in maintaining law and order in Hong Kong, if necessary, when MC6 was held in Hong Kong.

39. C(PTU) responded that the Police had drawn up comprehensive plans to cater for all possible contingencies. To ensure maximum availability of manpower, a number of resource management measures, including imposing a leave restriction on all frontline Police officers immediately before and during the MC6 period, would be implemented. Training programmes would not be held during the period. Initial assessment indicated that the Police should have adequate manpower to cope with the worst scenario.

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40. The Chairman requested the Administration to advise whether arrangements had been made for PLA to assist in maintaining peace and order in Hong Kong, if necessary, during the period when MC6 was held in Hong Kong.

V. Employment service support for rehabilitated offenders, including the criteria for them to be issued Security Personnel Permits
(LC Paper Nos. CB(2)907/04-05(01), CB(2)931/04-05(01),
CB(2)1411/04-05(03) and (04))

41. At the invitation of the Chairman, Principal Assistant Secretary for Security B (PAS(S)B) briefed Members on the support services in relation to the employment of rehabilitated offenders provided by the Correctional Services Department (CSD), other government departments and non-government organisations. In response to the Chairman's question about other relevant developments, he informed Members that in the application form for employment with the Government, the requirement to provide past criminal conviction record had been removed since January 2004, thus ensuring that rehabilitated offenders would be considered on equal terms with other applicants for appointment to the civil service. As regards the suggestion to reserve some civil service vacancies for rehabilitated offenders, PAS(S)B conveyed the Government's recruitment policy that the Government, as an equal opportunity employer, would select the most suitable job applicant to fill a post on the basis of the

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applicant's ability, competency, academic qualifications, experience and the integrity requirement of the post holder. The Administration considered it unnecessary to reserve some vacancies in the civil service for rehabilitated offenders.

42. At the invitation of the Chairman, Principal Assistant Secretary for Security A (PAS(S)A) briefed Members on the considerations involved in drawing up the "good character" criteria for issuing Security Personnel Permits (SPPs).

43. At the invitation of the Chairman, Mr NG Wai-tung presented the views of the Society for Community Organization (SOCO) as detailed in its submissions and highlighted the following points –

- (a) integrity checking should not be required for some posts in government departments;
- (b) employers should not require a job applicant to indicate whether he had any criminal convictions; and
- (c) the eligibility criteria for the issue of SPPs to rehabilitated offenders should be relaxed.

44. A rehabilitated offender informed Members that discrimination in the community had made it very difficult for a rehabilitated offender to find a job. Even where he had only applied for the post of cleansing worker, the employer concerned had asked him whether he had any criminal conviction.

45. Another rehabilitated offender shared the view that there was discrimination in the community against rehabilitated offenders. He said that there was a lack of coordination among different government departments in the provision of assistance to rehabilitated offenders. He expressed concern that a rehabilitated offender had to wait for three years after release from a term of imprisonment before eligible for a SPP.

46. Referring to the existing civil service recruitment policy, PAS(S)B responded that –

- (a) for civil service posts, integrity checking, which covered the checking of whether a person had any criminal record, was made by government departments to ensure that potential employees were of good character and high integrity. Even where an applicant had a conviction record, the government department concerned would consider the nature and seriousness of the offence and the requirements of the post concerned. An appointment would not be rejected merely because the applicant had a criminal conviction record;

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- (b) for non-civil service contract posts, government departments were given the discretion to decide whether integrity checking was needed, having regard to the nature of the post concerned and the needs of the department concerned; and
- (c) in general, employers in the private sector could request a job applicant to indicate whether he had any criminal convictions if there was a need for the collection of such data. Nevertheless, employers should consider making the provision of such information optional for applicants.

47. PAS(S)B pointed out that CSD had made continuous efforts towards the elimination of discrimination against rehabilitated offenders and there were indications of wider community acceptance of rehabilitated offenders in recent years.

48. Assistant Commissioner of Correctional Services (Rehabilitation) (ACCS(R)) said that with the publicity programmes launched by CSD in recent years, there was a general increase in the acceptance of rehabilitated offenders among employers. In some districts, campaigns were launched to encourage each employer to employ a rehabilitated offender. Some employers had also approached CSD for the identification of suitable rehabilitated offenders for employment. The employment of supervisees was in general not a problem.

49. Ms Margaret NG said that a rehabilitated offender would be much less likely to commit crime again, if he was given the opportunity to re-integrate into the community after release. She asked whether updated vocational training courses, including computer courses, could be provided for inmates.

50. ACCS(R) responded that more resources had been allocated for education and vocational training of young inmates. Education and training programmes were constantly updated to keep in pace with the development of the community. For example, garment making and carpentry courses had been replaced by fashion design and interior decoration courses. He added that the participation of adult prisoners in educational studies was voluntary. Computer training for adult prisoners was provided by volunteers using the computer facilities in penal institutions.

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51. Ms Margaret NG requested the Administration to provide information on the computer facilities in penal institutions, the computer courses provided to inmates and the number of such courses.

52. Miss CHOY So-yuk considered that the Administration should do more to assist rehabilitated offenders in seeking employment. She asked about the job types in government departments where integrity checking was not required in recruitment.

53. PAS(S)B said that for non-civil service contract posts, government

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departments were given the discretion to decide whether integrity checking was needed, having regard to the nature of the post concerned and the needs of the department concerned.

54. Miss CHOY So-yuk suggested that integrity checking should not be required for some posts in government departments. The Chairman added that the Administration should provide information on government departments not requiring integrity checking in recruitment.

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55. PAS(S)B agreed to refer the suggestion to the Civil Service Bureau for a response.

56. Miss CHOY So-yuk said that a sanitation period of three years should not be applied to rehabilitated offenders who had been convicted of less serious offences such as theft of a cloth from a shop.

57. PAS(S)A responded that all security personnel were placed in a position of trust. They were relied upon to discharge important functions of safeguarding lives and properties of others and to protect or detect occurrence of any offence. The public generally expected the security personnel to have a high standard of personal integrity and creditability. Theft was an offence specified in column 2 of Schedule 2 to the Security and Guarding Services Ordinance (SGSO) (Cap. 460). Under section 17 of SGSO, an SPP would be revoked, if its holder was convicted of any offence specified in the column.

58. Ms Miriam LAU declared that she was the Chairman of the Security and Guarding Services Industry Authority (SGSIA) and made the following points –

- (a) SGSIA had discussed the matter with SOCO a few months ago;
- (b) the requirements for the issue of SPPs were less stringent than the requirements for the issue of watchman permits under the Watchman Ordinance in the past;
- (c) a sanitation period of 10 years was adopted in Australia, New Zealand and British Columbia of Canada. The sanitation period in Singapore was five to seven years and that in California of the United States was seven to nine years. The sanitation period of three years in Hong Kong was thus much less stringent;
- (d) the public generally expected security personnel to have a high standard of personal integrity and creditability. Theft was not regarded a minor offence in the consideration of whether an SPP should be issued. The criteria for the issue of SPPs had been drawn up after thorough consideration; and

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- (e) SGSIA had urged providers of security personnel training courses not to impose restrictions on the enrolment of rehabilitated offenders.

59. The Chairman considered that the Administration should further consider whether a sanitation period of three years should be applied across the board to any person released from a term of imprisonment. The Administration should also further consider whether different lengths of sanitation period should be applied, having regard to the nature and seriousness of the offence concerned, to persons released from a term of imprisonment. His view was shared by Miss CHOY So-yuk and Mr NG Wai-tung.

60. The Chairman said that the Administration should, having regard to overseas practices, consider whether the period from the release from a term of imprisonment or period from the date of conviction should be used as the basis for determining a person's eligibility for SPP. He pointed out that the difficulties encountered by rehabilitated offenders might originate from the difference between the public's expectations of a present day security personnel and a watchman of the old days.

61. Mr NG Wai-tung suggested that for the purpose of privacy, employers should not require a job applicant to indicate whether he had any criminal convictions. He added that the Administration should provide information on the number of rehabilitated offenders employed in government departments. The Chairman requested the Administration to provide the information requested and to convey the suggestion to the Home Affairs Bureau for a response.

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62. Ms Miriam LAU said that SGSIA would be invited to consider whether different sanitation periods should apply, having regard to differences in the nature and seriousness of offences, to persons released from a term of imprisonment.

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VI. Bilateral agreements on surrender of fugitive offenders : article on offences

63. In view of the time constraint, members agreed that discussion of the item would be deferred to the next meeting to be held on 7 June 2005. The Chairman said that the meeting time of the next meeting would be extended by an hour.

64. There being no further business, the meeting ended at 5:20 pm.

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4 July 2005