

**立法會**  
**Legislative Council**

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LC Paper No. CB(2)491/05-06  
(These minutes have been seen  
by the Administration)

**Panel on Security**

**Minutes of special meeting held on Monday, 13 June 2005  
at 8:30 am in the Chamber of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)  
Hon Albert HO Chun-yan  
Dr Hon LUI Ming-wah, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Howard YOUNG, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon LEUNG Kwok-hung
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)  
Hon WONG Yung-kan, JP  
Hon CHOY So-yuk  
Hon CHIM Pui-chung
- Public Officers attending** : Item I  
Mr Francis LEE Chun-sang, IDS  
Director of Investigation/Private Sector  
Independent Commission Against Corruption

Mrs Betty CHU FU Kam-lui  
Assistant Director/Administration  
Independent Commission Against Corruption

Mr Vitus CHUNG Kee-ying  
Chief Investigator  
Independent Commission Against Corruption

Item II

Ms Manda CHAN  
Principal Assistant Secretary for Security A

Miss Jane LEE  
Assistant Secretary for Security A2

Ms Amelia LUK  
Deputy Law Officer (Mutual Legal Assistance)  
Department of Justice

Item III

Mr Stanley YING  
Permanent Secretary for Security

Mrs Jennie CHOK  
Deputy Secretary for Security 2

Mr Michael WONG  
Deputy Secretary for Security 3

Mr John NG  
Government Security Officer

**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

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**I. Integration and application of information technology in the new headquarters building of the Independent Commission Against Corruption**  
(LC Paper No. CB(2)1740/04-05(06))

Director of Investigation/Private Sector, Independent Commission Against Corruption (DI/ICAC) briefed Members on the Information Technology (IT) Strategic Development Plan (the Plan) of the Independent Commission Against Corruption (ICAC) and its proposal to implement phase one of the Plan at the new headquarters building of ICAC.

2. Mr Howard YOUNG expressed support for ICAC's proposal. He asked whether provision had been made in the Plan for meeting the future IT needs of ICAC. Referring to paragraph 6 of ICAC's paper, he asked whether many systems and equipment would be reused in ICAC's new headquarters building.

3. DI/ICAC responded that the Plan would meet ICAC's current and future IT needs. ICAC would relocate usable equipment and facilities compatible with the new system to the new headquarters building as far as possible.

4. Mr Howard YOUNG asked whether the proposed new system would have anti-spam capability.

5. Chief Investigator, ICAC (CI/ICAC) responded that anti-spam software had been installed in the existing system. In the proposed new system, more advanced anti-spam software would be installed.

6. Ms Audrey EU asked whether environmental protection measures would be adopted for the disposal of the obsolete systems and equipment. She also asked how sensitive information in the old system would be destroyed.

7. CI/ICAC responded that information stored in the hard disk of the old system would be erased with the use of softwares. The hard disk would then be scrapped in the presence of representatives from ICAC. He added that a degausser was being procured by ICAC. The device would enable the removal of all data stored in the existing computer systems by means of de-magnetisation. The hard disks would then be physically destroyed before they were disposed of.

8. Referring to paragraph 10(e) of ICAC's paper, Ms Audrey EU asked about the details of the improvement in service that would result from the implementation of ICAC's proposals.

9. DI/ICAC responded that ICAC's proposals would enable members of the public to obtain updated corruption-related information and statistics more readily through ICAC's enhanced website. The information sharing function of the proposed system would enable ICAC to improve its effectiveness in responding to

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requests from other government departments.

10. Referring to paragraph 12 of ICAC's paper, Ms Audrey EU asked why an additional annual recurrent expenditure of \$11.7 million would be incurred.

11. DI/ICAC responded that the increase in recurrent expenditure was mainly due to the increased floor area of the new headquarters building in comparison with that of the existing offices resulting in additional IT equipments required and thus the recurrent cost. Assistant Director/Administration, ICAC (AD/ICAC) added that the increase in recurrent expenditure was attributed to the increased hardware and software maintenance cost for an additional security infrastructure and departmental portal, new applications, as well as additional servers, workstations and printers. It also included the cost for hiring additional staff to take up the IT duties. However, the staff cost would be internally absorbed by the ICAC. The net increase in recurrent expenditure would be about \$7.8 million per year.

ICAC 12. Ms Audrey EU said that ICAC should provide, in its paper for the Finance Committee (FC), more detailed information on the net increase in recurrent expenditure and total recurrent expenditure arising from the implementation of its proposals. ICAC should also provide information on how data stored in the existing computer systems would be removed. Mr LAU Kong-wah added that ICAC should advise in its paper for FC the existing recurrent expenditure and explain how the additional recurrent expenditure of about \$7.8 million was arrived at.

ICAC

13. AD/ICAC informed Members that the recurrent expenditure following the implementation of phase one of the Plan would be \$15.9 million per year. After the deduction of the \$4.2 million savings referred to in paragraph 8 of ICAC's paper and a further saving of \$3.8 million in staff cost, the net recurrent expenditure would be about \$7.8 million per year.

14. Dr LUI Ming-wah asked about the breakdown of the additional recurrent expenditure. AD/ICAC responded that the net recurrent expenditure would comprise about \$3 million for hardware maintenance, about \$3 million for software maintenance and about \$1.8 million for communication lines rental and consumables.

15. Mr LAU Kong-wah asked about the estimated cost for the implementation of phase two of the Plan.

16. DI/ICAC responded that ICAC would, after relocation to the new headquarters building, conduct feasibility studies to identify the technical options, formulate the implementation plan and determine the costs before seeking the necessary funding.

17. Mr LAU Kong-wah asked whether ICAC's proposal would result in savings in staff costs.

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- ICAC 18. AD/ICAC responded that two ICAC Officer posts would be deleted after all the existing systems were centralised under one roof. She said that more information about savings in staff costs would be provided in ICAC's paper for FC.
19. Mr LAU Kong-wah asked whether there was a theme for the feasibility study to be conducted in 2008 for phase two of the Plan.
20. DI/ICAC responded that the feasibility study to be conducted in 2008 would involve a study on ICAC's needs and the technical options available for replacing or upgrading its core systems.
21. Mr LAU Kong-wah asked whether the consultancy study commissioned in April 2004 covered a comparison of the costs involved in implementing the Plan in one or two phases.
- ICAC 22. DI/ICAC said that phase one of the Plan was related to the IT infrastructure of ICAC, whereas phase two of the Plan was related to the core systems of ICAC. As some of the operating systems, security tools and equipment would become obsolete by 2007, while the core systems would not become obsolete until 2010, implementing the Plan in one phase would not be desirable. The Chairman said that such information should be highlighted in the paper for FC.
23. Dr LUI Ming-wah asked whether only the core systems of ICAC would be upgraded while the hardware and software would be reused in phase two of the Plan.
24. CI/ICAC responded that phase two of the Plan mainly aimed at upgrading the three core operational systems of ICAC.
25. Referring to paragraph 11 of ICAC's paper, Dr LUI Ming-wah asked why an estimated amount of \$59.7 million would be required for implementation services.
- ICAC 26. CI/ICAC responded that the estimated amount would be used for the acquisition of services from external service providers and the employment of IT professional staff to oversee and implement the project. The main activities involved would include project management, system design and configuration, system delivery and migration, system testing and provision of technical support. Dr LUI Ming-wah requested ICAC to provide more information on implementation services in its paper for FC.
27. The Chairman asked whether any phase of the Plan covered the interception of communications system of ICAC.
28. DI/ICAC responded that the Plan did not cover the interception of communications system of ICAC, which was a confidential and separate system. Should any upgrading of this confidential system be required, a funding request would be submitted.

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ICAC

29. The Chairman queried why the interception of communications system of ICAC was not covered in the Plan, given that phase two of the Plan would incorporate a comprehensive review of the existing systems. He also asked when the interception of communications system of ICAC came into operation. DI/ICAC undertook to provide a written response.

*(Post-meeting note : The ICAC's response was circulated to members vide LC Paper No. CB(2)2021/04-05 on 21 June 2005.)*

30. The Chairman invited members' views on whether ICAC's proposal should be supported in principle and whether the financial proposal was ready for submission to FC. Ms Margaret NG considered that a Panel should not be required to indicate whether it supported a financial proposal, although members might indicate whether they had any objection to the financial proposal. Ms Audrey EU considered that as there was no objection to ICAC's proposal, the proposal was ready for submission to FC, subject to the incorporation of the information requested by Members in the paper for FC. Her view was shared by Dr LUI Ming-wah.

**II. Bilateral agreements on surrender of fugitive offenders : article on offences**

(LC Paper No. CB(2)1409/04-05(02))

31. Principal Assistant Secretary for Security A (PAS(S)A) briefed Members on the proposed alternative formulation for the article on offences in respect of which surrender could be granted in bilateral agreements on surrender of fugitive offenders.

32. Mr CHEUNG Man-kwong asked whether the prospective partners who preferred the proposed alternative formulation to the "list" approach would accept the provision by Hong Kong of a list of offences for which surrender of fugitive offenders would be granted.

33. PAS(S)A responded that a number of prospective partners for surrender of fugitive offenders, particularly the European countries, had indicated difficulties in agreeing to adopt the "list" approach, as it was not compatible with their domestic laws and practices which generally permitted extradition in respect of all criminal offences with penalty above a certain threshold. As far as Hong Kong was concerned, surrender would be permitted for the categories of offence specified in Schedule 1 to the Fugitive Offenders Ordinance (the Ordinance) (Cap. 503) which carried more than 12 months' imprisonment. Although such offences would not be listed in the bilateral agreements to be drawn up on the basis of the proposed alternative formulation, both Hong Kong and its partners would be clearly aware of the categories of offences for which surrender of fugitive offenders could be granted.

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34. The Chairman asked about the difficulties encountered by the European countries concerned in adopting the “list” approach in surrender of fugitive offender agreements. PAS(S)A responded that the “list” approach was not compatible with the domestic laws and practices of members of the European Union which generally permitted extradition in respect of all criminal offences with a penalty above a certain threshold. The Chairman asked whether the proposed alternative formulation would be incompatible with the legislation of such jurisdictions. PAS(S)A said that the proposed alternative formulation should be consistent with the legislation of the European countries.

35. Mr Ronny TONG asked whether the persons to be surrendered would be restricted to nationals of the requesting party and those convicted but could not further appeal.

36. Deputy Law Officer (Mutual Legal Assistance) (DLO/MLA) responded that reservation of the right to refuse surrendering Chinese nationals had been provided in the Ordinance. The Ordinance provided no such reservation over nationals of other countries. Under the Ordinance, surrender could be granted for persons to be prosecuted or convicted persons who had not yet served their sentences.

37. Ms Margaret NG asked whether the proposed alternative formulation required the introduction of legislative amendments. PAS(S)A replied in the negative.

38. Ms Margaret NG queried why legislative amendments would not be required for the implementation of the proposed alternative formulation. She asked whether there were provisions in existing legislation restricting the surrender of fugitive offenders. Mr Ronny TONG asked whether a requested jurisdiction could exercise any discretion in the surrender of fugitive offenders.

39. DLO(MLA) responded that section 2(2) of the Ordinance provided that surrender of fugitive offenders would only be permitted for the categories of offence specified in Schedule 1 to the Ordinance. Under the proposed alternative formulation, offences for which surrender to another jurisdiction could be granted would still be confined to the 46 categories of offences specified in Schedule 1 to the Ordinance. The proposed alternative formulation would not change the obligation of Hong Kong in the surrender of fugitive offenders.

40. Ms Margaret NG asked whether amendments to Schedule 1 to the Ordinance required legislative amendments. DLO(MLA) responded that the Schedule could be amended by an order made by the Chief Executive in Council under section 25 of the Ordinance. Such an order would be subject to negative vetting by the Legislative Council.

41. Mr CHEUNG Man-kwong asked whether the following international safeguards, which were found in the surrender of fugitive offender agreement signed recently between Hong Kong and Finland, would be incorporated in the agreements to

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be signed on the basis of the proposed alternative formulation -

- (a) the double criminality rule;
- (b) the death penalty rule;
- (c) the prima facie rule;
- (d) the political offences rule;
- (e) the specialty rule; and
- (f) the rule against surrender to a third jurisdiction.

42. PAS(S)A responded that the usual international safeguards had been reflected in the 13 surrender of fugitive offender agreements signed with other jurisdictions. Such a practice would be continued for future agreements. The international safeguards were also reflected in the Ordinance.

43. Mr CHEUNG Man-kwong asked whether the adoption of the proposed alternative formulation might result in a mismatch between the offences for which surrender was to be granted, thus contravening the double criminality rule. Mr Ronny TONG asked whether there would be offences for which surrender would not be granted because of the differences in legislation between the requesting and requested parties.

44. PAS(S)A responded that the 46 categories of offences listed in Schedule 1 to the Ordinance had already encompassed a wide scope of offences. Surrender of fugitive offenders from Hong Kong to other jurisdictions had been and would continue to be confined to the 46 categories of offences listed in the Schedule, and the double criminality requirement had to be invariably met. The Chairman suggested that the Administration should publicise the list of offences for which surrender would be granted when announcing the first surrender of fugitive offender agreement concluded on the basis of the alternative formulation.

Adm

45. The Chairman expressed concern whether the proposed alternative formulation might undermine the safeguards in the surrender of fugitive offender arrangement to be established between Hong Kong and the Mainland. In his view, the proposed alternative formulation should not affect the safeguards in the arrangement.



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**III. Contingency plan for emergency response operations outside the Hong Kong Special Administrative Region**  
(LC Paper No. CB(2)1740/04-05(04))

46. Permanent Secretary for Security (PS for S) briefed Members on the Administration's current and proposed mechanism and procedures for providing assistance to Hong Kong residents in distress overseas or involved in major external disasters.

47. Mr Howard YOUNG suggested that the Administration should consider engaging, besides government departments, other parties such as travel agencies, in providing assistance and support to Hong Kong residents involved in major disasters outside Hong Kong.

Adm

48. PS for S shared the views of Mr Howard YOUNG. He undertook to convey to the Commissioner for Tourism the suggestion of preparing a resource list for obtaining assistance and support outside Hong Kong. He said that in the 2004 tsunami incident, the Administration had maintained frequent contacts with the Travel Industry Council of Hong Kong to obtain the necessary information. Many travel agencies had also proactively provided assistance in the incident.

49. Mr CHEUNG Man-kwong said that Chinese Diplomatic and Consular Missions overseas were in the best position to provide immediate assistance and support to Hong Kong residents in distress overseas or involved in major external disasters. He asked whether the Contingency Plan had incorporated a mechanism for seeking immediate assistance and support from the relevant Chinese Diplomatic and Consular Missions overseas.

50. PS for S shared the views of Mr CHEUNG Man-kwong. He said that the Assistance to Hong Kong Residents Unit (AHU) of the Immigration Department had, in the 2004 tsunami incident and many other cases where Hong Kong residents were in distress or involved in external disasters, sought the immediate assistance of the relevant Chinese Diplomatic and Consular Missions overseas. The Administration had agreed with the Mainland authorities that for future cases of similar nature, the Administration would, besides contacting the Office of the Commissioner of the Ministry of Foreign Affairs, also contact the relevant Chinese Diplomatic and Consular Missions overseas for assistance and support at the earliest time.

51. Mr CHEUNG Man-kwong asked how the Administration would communicate with Chinese Diplomatic and Consular Missions overseas. Deputy Secretary for Security 3 responded that the most efficient means of communication would be used, although the means of communications adopted might vary depending on the circumstances of each case.

52. Mr LEUNG Kwok-hung said that the Contingency Plan for Emergency Response Operations Outside Hong Kong (the Contingency Plan) should comprise a

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mechanism for providing assistance to Hong Kong residents encountering difficulties not arising from natural disasters, such as detention in the Mainland. The Chairman said that the issue had been scheduled for discussion at the meeting in July 2005.

53. Mr LEUNG Kwok-hung asked whether officers would be deployed overseas to rescue Hong Kong residents involved in major external disasters. PS for S responded that officers would be deployed overseas, if necessary, to provide assistance and support to Hong Kong residents involved in major disasters overseas.

54. Mr LAU Kong-wah said that the AHU hotline should be toll-free, as Hong Kong residents in distress overseas might not afford to make a caller-paid international call to Hong Kong.

55. PS for S responded that the Administration had studied the issue and noted that Canada was the only country where a toll-free hotline was provided. However, it should be noted that the hotline appeared to have been subject to considerable abuse. He said that Hong Kong residents who were in need of rescue in an overseas country should seek immediate assistance by calling directly the emergency number in that country or contacting the Chinese Diplomatic and Consular Mission in that country. The AHU hotline would be mainly used by their relatives in Hong Kong.

56. Mr LAU Kong-wah asked when a new number would be adopted for the AHU hotline. PS for S responded that the new number would be adopted as soon as the necessary technical arrangements had been completed.

57. The Chairman expressed concern that under the Contingency Plan, the rescue teams would comprise volunteers from nominated government departments. He asked whether the participation in the rescue team could be made mandatory so as to avoid the possibility of an insufficient number of volunteers.

58. PS for S responded that under existing legislation on disciplined services, participation in the rescue team could not be made mandatory. However, it should be noted that the rescue team for the 2004 tsunami incident had not faced any manpower shortage problem. Members of the rescue teams would be provided with the necessary training and equipment to perform the required tasks.

*(Post-meeting note: In the supplementary information provided by the Administration, which was issued via LC Paper No. CB(2)2406/04-05(01) on 1 August 2005, the Administration advised that the Contingency Plan for Emergency Response Operations Outside Hong Kong was promulgated on 29 July 2005, and the simplified AHU hotline (1868) started operation on 15 August 2005.)*

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59. The meeting ended at 10:45 am.

Council Business Division 2  
Legislative Council Secretariat  
24 November 2005