

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Panel on Security

**Minutes of special meeting held on Wednesday, 19 October 2005
at 9:30 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 CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Kong-wah, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Members attending : Hon Albert CHAN Wai-yip
Hon WONG Kwok-hing, MH
Hon Ronny TONG Ka-wah, SC

Members absent : Hon Daniel LAM Wai-keung, BBS, JP (Deputy Chairman)
Dr Hon LUI Ming-wah, SBS, JP
Hon CHOY So-yuk, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung

Public Officers attending : Item I
Mr Ambrose LEE
Secretary for Security

Mr Stanley YING
Permanent Secretary for Security

Miss CHEUNG Siu-hing
Deputy Secretary for Security

Mrs Jennie CHOK
Deputy Secretary for Security

Mr Michael WONG
Deputy Secretary for Security

Ms Kitty YU
Commissioner for Narcotics (Acting)

Mr Johann WONG
Administrative Assistant to Secretary for Security

Item II

Mr Raymond WONG Hung-chiu
Commissioner
Independent Commission Against Corruption

Mr Daniel LI Ming-chak, IDS
Head of Operations
Independent Commission Against Corruption

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

Mrs Erika HUI LAM Yin-ming
Director of Community Relations
Independent Commission Against Corruption

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

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

Ms Sandy HAU
Clerical Assistant (2) 1

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I. Briefing by the Secretary for Security on the Chief Executive's 2005-2006 Policy Address

(LC Paper No. CB(2)64/05-06(01))

Secretary for Security (S for S) briefed Members on the policy initiatives relating to the security portfolio in the 2005-06 Policy Agenda.

(Post-meeting note : The speaking note provided by the Administration was issued to members vide LC Paper No. CB(2)134/05-06 on 24 October 2005.)

Security arrangements for the Sixth Ministerial Conference of the World Trade Organization

2. Mr LAU Kong-wah said that some demonstrators who intended to stage demonstrations at the Sixth Ministerial Conference of the World Trade Organization (the MC6) had a tendency to resort to violence. There were reports that some demonstrators intended to bring the Mass Transit Railway to a halt. He asked whether there was intelligence of such a nature and how the Administration would deal with such a situation.

3. S for S responded that the Administration was not in a position to disclose information about operations and intelligence. The Administration hoped that the MC6 would be successfully held in Hong Kong. The Administration noted that past MCs and some large-scale international conferences had indeed attracted considerable demonstrations. He stressed that the Administration paid high regard to the freedom of speech and right of assembly and recognised the right of demonstrators to express their views in a peaceful and orderly manner. However, the Administration would not tolerate any violence or unlawful behaviour.

4. S for S informed Members that some Police officers had been sent overseas to gain understanding of overseas experience and strategies adopted in dealing with large-scale international events of this nature. Some Police officers from other jurisdictions might also assist in the analyses of intelligence. The Police would be prepared for the worst case scenario. He stressed that the Police had adequate manpower and experience to maintain law and order and the smooth conduct of the MC6. He said that the main objectives of the Administration included -

- (a) holding the MC6 smoothly;
- (b) maintaining dialogue with non-government organisations (NGOs) to facilitate lawful and peaceful public meetings and public processions; and
- (c) minimising inconvenience to the public.

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5. Mr Albert HO expressed concern whether Police officers would over-react to minor breach of the technical requirements imposed by the Police on public meetings and public processions and take too serious actions against demonstrators.

6. S for S responded that the Police would act in accordance with the law. The Police had maintained dialogue with both local and overseas NGOs which had expressed an interest to conduct public meetings or public processions before and during the conference period so as to facilitate the holding of such activities in a peaceful and orderly manner.

7. The Chairman said that although many public meetings and public processions had been held peaceful and orderly in the past, many of the public meetings or public processions which would be held before and during the conference period might not be so. He cautioned that tension between the Police and demonstrators might escalate rapidly, if too serious actions were taken by the Police against minor breach of the technical requirements imposed on the public meetings and public processions.

8. S for S responded that the Administration hoped that there would not be any violence in the public meetings and public processions. He stressed that the Administration would not tolerate any violence, such as arson or blockade of major roads, that disrupted peace and order in Hong Kong. He assured Members that the Police would not over-react.

Illegal employment

9. Mr WONG Kwok-hing said that many illegal workers had been found engaging in decoration, cleansing, retail and domestic work. Some illegal workers were even found seeking illegal employment at certain spots in Yaumatei. He asked about the measures adopted by the Administration in combating illegal employment and the effectiveness of such measures. He also asked whether firm actions were taken by Mainland authorities against Mainland people who had been found working illegally in Hong Kong. He added that some Mainlanders who visited Hong Kong under the Individual Visit Scheme had been found collecting recyclable waste to exchange for money, thus affecting the livelihood of old people who had been relying on the collection of recyclable waste to make a living. He asked how the Administration would address the problem.

10. S for S responded that the Administration spared no effort in combating illegal employment. With the increase in the number of visitors from the Mainland, the number of illegal workers arrested had increased in recent years. He stressed that the Administration would continue to combat illegal employment through gathering and exchanging intelligence, stepping up enforcement actions at black spots, as well as arresting and repatriating visitors found ragpicking in Hong Kong. He added that the particulars of Mainland visitors found working illegally in Hong Kong were passed to Mainland authorities so that their subsequent applications to visit Hong Kong could be subject to closer scrutiny. Where the situation warranted, Mainland authorities might

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reject an application for a period of two to five years. Mr WONG Kwok-hing requested the Administration to provide statistics on the number of illegal workers whose subsequent applications for visiting Hong Kong were rejected by Mainland authorities for a period of two to five years.

Admission of quality immigrants

11. Referring to paragraph 91 of the 2005-06 Policy Address booklet entitled "Strong Governance for the People", Mr Andrew LEUNG asked about the number of talented people from the Mainland and overseas to be admitted under the new admission scheme for talented people. He also asked about the length of time for which such people would be allowed to stay in Hong Kong.

12. S for S responded that attracting talented people was important to economic development. The matter was still in an early stage and the Administration was studying overseas experience in the area. In assessing the eligibility of applicants, a points system taking into account factors such as age, skills and academic qualifications might be adopted. A quota would be imposed under the new scheme to protect the employment of local employees. The Administration would consult the relevant parties, including the Legislative Council (LegCo), on its proposed scheme.

Right of abode

13. Ms Margaret NG said that the Administration had previously indicated that it would raise with the Mainland authorities the possibility of creating another channel under the One-way Permit (OWP) Scheme for adult children born to Hong Kong parents in the Mainland to come and settle in Hong Kong. She asked whether there was progress on the matter.

14. S for S responded that the legal issues relating to right of abode (ROA) claims had been clarified. Under the present OWP Scheme, some adult children born to Hong Kong parents in the Mainland were not eligible to apply for settlement in Hong Kong. The Government had raised with the Mainland authorities the possibility of creating another channel under the OWP Scheme for such adult Mainland children who had a genuine need to come and settle in Hong Kong. He had also raised the issue with Mainland authorities again during his visit to Beijing in the previous month and the response was more positive. Further meetings would be held between the Hong Kong side and the Mainland side to discuss the issue.

15. Ms Margaret NG asked how eligible applicants would be required to submit their applications, if a new channel was established. S for S responded that even if a new channel was established, eligible applicants would have to submit their applications in the Mainland in the same way as other applicants under the OWP Scheme.

16. Mr Albert CHAN said that many Mainland children born to Hong Kong

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residents had been separated from their mothers because their OWPs and those of their mothers were granted at quite different times. He asked whether any actions had been taken to address the problem.

17. S for S responded that the Administration had discussed the problem with the Mainland authorities, which had agreed that Mainland children who had been granted OWPs could defer leaving the Mainland until their mothers had also been granted OWPs. He added that the waiting time for Mainland women married to Hong Kong residents had been shortened from over 10 years in the past to about five years.

Enactment of legislation on covert surveillance

18. Mr Ronny TONG expressed concern that although the Administration had indicated that it would present its legislative proposals on covert surveillance to LegCo within the first half of this legislative session, the Administration had not yet submitted its policy proposals to the Panel for discussion. He considered that the Administration should provide a timetable for submission of its proposals on covert surveillance. He added that some people had suggested using existing legislation as a starting point for drawing up the legislative proposals. He considered that the Panel should also hold a special meeting to discuss the policy aspects of covert surveillance. The Chairman said that the Police's internal guidelines on covert surveillance had been scheduled for discussion at the Panel meeting to be held on 1 November 2005.

19. S for S responded that the Administration intended to submit its proposals within the first half of the current legislative session. The Administration's aim was that the legislative proposals to be introduced would protect individual rights while maintaining the efficiency of law enforcement agencies in combating crime and corruption and protecting public security. He welcomed Members' suggestions on legislative proposals on covert surveillance.

Review of the Public Order Ordinance

20. Mr Albert HO said that the Court of Appeal had ruled in a recent case that the Police's arrest of members of Falun Gong was unlawful. The Court of Final Appeal had ruled in the case of *Leung Kwok Hung & Others v. HKSAR* that certain provisions in the Public Order Ordinance (Cap. 245) (POO) were unconstitutional. He asked whether the Administration had, in view of the judgments delivered by the courts, reviewed POO and the Police's internal guidelines.

21. S for S responded that the judgments were being studied by the Department of Justice. Legislative amendments would be introduced, if necessary. The Chairman said that issues arising from the judgment delivered by the Court of Final Appeal on the case of *Leung Kwok Hung & Others v. HKSAR* had been scheduled for discussion at the Panel meeting on 1 November 2005.

Rights of detainees

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22. Mr Albert CHAN expressed concern that some family members of detainees had complained that they were not allowed to visit the detainees who were detained by the Police for assisting in the investigation of triad activities.

23. S for S responded that legal representatives and family members were allowed to visit a detainee, unless it would prejudice investigation. He suggested Mr Albert CHAN to provide more details about the case to the Administration for follow-up.

Container drivers convicted of trafficking illegal items

24. Mr Albert CHAN expressed concern that some container drivers convicted of trafficking illegal items had complained that they were innocent and had encountered financial difficulties after their container trucks were confiscated. S for S responded that law enforcement officers had to act in accordance with the law when carrying out investigations. He stressed that the sentence on a convicted person was determined by the court. Whether a person encountered financial difficulties after imprisonment or confiscation of assets was a different issue.

Drug abuse of Hong Kong residents in the Mainland

25. Mr WONG Yung-kan asked how the Administration would tackle the problem of Hong Kong residents crossing the boundary for drug abuse in the Mainland.

26. S for S responded that combating drug trafficking and drug abuse had always been one of the core work of the Administration. The Administration had done a lot in the area and the number of drug abusers had decreased in recent years. The Administration had noted reports about Hong Kong residents crossing the boundary for drug abuse in the Mainland. The Administration was cooperating with the Mainland authorities to step up publicity in the Mainland. In this connection, he informed Members that the Commissioner for Narcotics was currently discussing such work with the relevant Mainland authorities in Beijing.

Review of the coverage of the Frontier Closed Area

27. Mr WONG Yung-kan asked about the timetable for the Administration's review of the coverage of the Frontier Closed Area.

28. S for S responded that the Administration intended to reduce substantially the coverage of the Frontier Closed Area. The Administration hoped that the new boundary of the Frontier Closed Area could be finalised by around January 2006.

Biometric Hong Kong Special Administrative Region Passport

29. Mr Howard YOUNG asked about the number of countries which had introduced biometric passports complying with the recommendations of the

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International Civil Aviation Organization and whether there was any international understanding about requiring visitors to enter with biometric passports. He added that it was a general requirement in many countries that the validity period of a visitor's passport should not be less than six months. As the first batch of Hong Kong Special Administrative Region (HKSAR) passports would expire in mid-2007, he asked whether the timing for the introduction of the biometric passport could be advanced to the last quarter of 2006.

30. S for S responded that although no country had indicated any plan to require visitors to enter with biometric passports only, the United States of America had announced that visitors from countries currently enjoying visa-free status could continue to enjoy visa-free travel to USA if the country had a program to issue biometric passports to its nationals in 2005-06. To his knowledge, most advanced western countries intended to introduce biometric passports. He said that the existing timetable for introducing the first batch of biometric HKSAR passports had already been a very tight one. Nevertheless, the Administration would try its best to advance the introduction of the biometric passport to the end of 2006.

II. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2005 – 2006 Policy Address
(LC Paper No. CB(2)64/05-06(02))

31. Commissioner, Independent Commission Against Corruption (C/ICAC) briefed Members on the policy initiatives of the Independent Commission Against Corruption (ICAC) in the year ahead.

(Post-meeting note : The speaking note provided by ICAC was issued to members vide LC Paper No. CB(2)134/05-06 on 24 October 2005.)

Combating money laundering

32. Mr WONG Yung-kan said that recent reports about the suspected involvement of a Macau bank in money laundering had undermined financial stability in Macau. He asked whether measures were adopted against money laundering in Hong Kong.

33. C/ICAC responded that the work of combating money laundering was within the purview of the Security Bureau, whereas ICAC's work was focused on corruption. To his knowledge, there were established mechanism and legislation against money laundering in Hong Kong. Guidelines had been issued to financial institutions in Hong Kong.

Extension of the application of certain provisions in the Prevention of Bribery Ordinance to the Chief Executive

34. Mr Ronny TONG said that the Chief Executive (CE) had indicated that he

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was willing to be subject to the provisions of the Prevention of Bribery Ordinance (Cap. 201) (PBO). Given that C/ICAC reported to CE, he asked whether there was any conflict in the role of C/ICAC in undertaking investigations of such a nature.

35. C/ICAC responded that ICAC had always acted in accordance with the law and discharged its duties in a fair and just manner. To his knowledge, the extension of the application of certain provisions in PBO to CE was being studied by a subcommittee under the Panel on Constitutional Affairs. The matter was under the purview of the Director of Administration, who would brief the Subcommittee on the Administration's proposal at the Subcommittee's meeting to be held on 1 November 2005.

36. The Chairman said that as C/ICAC reported to CE, it would be necessary to spell out clearly whether C/ICAC was empowered to conduct investigation into allegations about corruption of CE, if he was ordered by CE to cease such investigation. He considered that where C/ICAC conducted investigation into allegations about corruption of CE, C/ICAC should report his findings to the Secretary for Justice. He added that, as all members of the Operations Review Committee (ORC) of ICAC was currently appointed by CE, there might be a need to amend the relevant legislation to establish ORC as a statutory body.

Corruption in building management

37. Ms Audrey EU said that corruption in the building management sector was relatively serious. She asked whether education and publicity against corruption in building management would be included under ICAC's major initiatives on the community education front.

38. C/ICAC said that ICAC had been doing a lot against corruption in building management. ICAC had formed a task force to address problems relating to corruption in building management. Talks, seminars and workshops had been organised for owners' corporations (OCs). It had produced a Corruption Prevention Guide for OCs and established a network of property management companies to facilitate the dissemination of information on corruption prevention. In the coming year, ICAC would produce corruption prevention guides and organise workshops for owners who participated in the Building Management and Maintenance Scheme of the Hong Kong Housing Society. ICAC would also produce a corruption prevention guide on management of common areas in buildings and staff management and organise talks and seminars for building maintenance consultants or contractors to promote anti-corruption message.

Actions against "collusion between the business and the Government"

39. Ms Audrey EU said that according to a global competitiveness report issued recently by an international organisation, a rise in corruption levels in Hong Kong had partly contributed to Hong Kong's plunge in international ranking. She asked about

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the actions taken by ICAC against “collusion between business and the Government”.

40. C/ICAC responded that the observations given in such survey reports tended to vary from one to another. The survey respondents might not have full knowledge about the real situation in Hong Kong. In this connection, he noted that Hong Kong was ranked fifteenth in the Corruption Perception Index 2005 released recently by Transparency International. He added that the Corruption Prevention Department would provide corruption prevention advice for government bureaux and departments involved in Public Private Partnership Projects. At the request of the Chairman, C/ICAC agreed to provide further information on ICAC’s provision of assistance to government bureaux and departments involved in Public Private Partnership Projects.

ICAC

41. The meeting ended at 11:00 am.

Council Business Division 2
Legislative Council Secretariat
29 December 2005