

Legislative Council Panel on Security

Policy Initiatives of Security Bureau

This note elaborates on the initiatives of the Security Bureau in the 2005/06 Policy Agenda.

New Initiatives

Effective Governance

Draw up legislative proposals on the regulation of interception of communications and covert surveillance

2. Interception of communications and covert surveillance are part and parcel of our law enforcement agencies' repertoire of investigative techniques in the execution of their duties of prevention and detection of crime and safeguarding public security.

3. Arising from two court cases earlier this year, there have been public concerns at the conduct of covert surveillance by law enforcement agencies. To address these concerns, the Chief Executive has made the Law Enforcement (Covert Surveillance Procedures) Order, as an interim measure before legislation, to govern such activities by our law enforcement agencies. We are committed to presenting legislative proposals for covert surveillance to the Legislative Council within the first half of this legislative session, for the Council's consideration of early enactment.

4. We are also continuing our work on the review of interception of communications and are aiming to submit our proposals in the area to the Legislative Council within the same timeframe.

Caring and Just Society

Study the feasibility of long-term options for better meeting demands for emergency ambulance service (EAS)

5. We are looking into possible options for better meeting demands for EAS, which have been on the rise in recent years. We have been studying demand management measures which may help to ensure that EAS are more targeted at persons in genuine need of such services, such as stepping up publicity to promote the appropriate use of EAS, and the feasibility of adopting a medical priority dispatch system.

6. We having also been reviewing modes of service delivery to ensure that EAS resources are put to better use. For example, we have ceased the use of EAS to convey patients to their preferred destinations. At the same time, we will continue to consider additional resources for EAS, in the context of the preparation of the 2006/07 Estimates.

Ongoing Initiatives

Effective Governance

Continuing discussions with the Mainland and other jurisdictions on bilateral co-operation relating to Mutual Legal Assistance in Criminal Matters (MLA), Surrender of Fugitive Offenders (SFO) and Transfer of Sentenced Persons (TSP)

7. Hong Kong is committed to international cooperation in combating serious crimes. We have been extending our network of bilateral agreements with other jurisdictions on MLA, SFO and TSP. To date, Hong Kong has signed 19 agreements on MLA, 14 agreements on SFO and 8 agreements on TSP with other jurisdictions.

8. We signed MLA Agreements with Poland and Israel respectively and an SFO Agreement with Finland in mid 2005. We are preparing the necessary subsidiary legislation to implement these three Agreements. The TSP Arrangement with the Macau Special Administrative Region was signed on 20 May 2005, whereas the Transfer of Sentenced Persons

(Amendment) (Macau) Bill was passed by the Legislative Council on 29 June 2005, and will come into operation on 1 December 2005.

9. We are working on the setting up of rendition and TSP arrangements between Hong Kong and the Mainland. We will proceed carefully and will take full account of the significant differences between the legal systems of the two places and the complexities of the issues involved in the process.

Taking active steps to introduce a new type of passport featuring biometric capability in 2006-07 to tie in with the first tide of applications for renewal of HKSAR passport valid for 10 years from July 1997

10. In order to enhance the security of the HKSAR passport and to safeguard the travel convenience enjoyed by its holders, we plan to introduce a new type of passport (biometric HKSAR passport) embedded with a contactless integrated circuit chip. The chip contains the facial image of the passport holder as the biometric identifier pursuant to the standards specified by the International Civil Aviation Organization.

11. The Finance Committee has approved the commitment of funds for the project and the tendering exercise is underway. We plan to introduce biometric HKSAR passports in early 2007 to tie in with the first tide of applications for renewal of HKSAR passports issued in 1997.

Taking steps to implement a facial recognition system to facilitate the verification of identity of suspect visa applicants and arriving passengers

12. The Immigration Department launched in early December 2004 a pilot Facial Recognition System to facilitate the verification of the identity of doubtful visitors. The pilot System has proved to be effective in identifying persons who attempted to circumvent immigration control by using different identities. In light of the positive results, the Immigration Department is planning a full-scale implementation by installing such a system at control points and visa offices, which will

facilitate the verification of suspect visa applicants and arriving passengers.

Putting into effect, through legislation and other means, the recommendations of the Financial Action Task Force on Money Laundering to further enhance our anti-money laundering and counter-terrorist financing regime

13. Hong Kong is committed to fulfilling our international obligations in the fight against terrorism. We are closely monitoring international developments and will continue to cooperate with the international community in countering terrorism.

14. We have been in consultation with the non-financial businesses and professions¹ which are designated in the Financial Action Task Force (FATF) recommendations to join in the fight against money laundering and terrorist financing; the majority of initial responses have been positive.

15. We will also implement those recommendations that do not require legislative amendments by issuing administrative guidelines to the financial institutions. So far, the Hong Kong Monetary Authority and the Office of the Commissioner of Insurance have issued guidelines reflecting the amended FATF standards, while the Securities and Futures Commission has finalised its revised guidelines based on comments it received from a public consultation exercise and will issue the guidelines shortly.

16. As regards those recommendations which need to be put in place through new legislation, we are studying the legislative amendments required. We plan to consult the Panel on Security on the proposed amendments during the second half of 2006.

¹ These include : casinos (since there are no casinos in Hong Kong, no consultation is required), dealers in precious metals and stones, real estate agents, company and trust service providers, lawyers and accountants.

Continuing to ensure that our legislative regime for combating terrorism is current and meets the need of changing circumstances

17. We are finalizing the required subsidiary legislation to give effect to the requirements in respect of extradition and provision of mutual legal assistance under the relevant international conventions against terrorism. We are also taking steps to bring the United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004 into full operation. We will consult the Panel on Security in due course.

Continuing to seek long-term solutions to address the problems of overcrowding and outdated facilities in our penal institutions

18. In October 2004, we decided to shelve the Hei Ling Chau prison development proposal, in view of objection from sectors of the community and call for the Administration to explore alternative development plans to address the problems of prison overcrowding and outdated penal facilities.

19. We now propose to redevelop the Lo Wu Correctional Institution to provide penal facilities for some 1 400 prisoners by end 2009. We will submit to the Panel on Security details of the proposal before commencing public consultation.

20. In parallel we have been looking at other development options. For example, conversion works at the Chi Sun Correctional Institution at Chi Ma Wan, scheduled for completion by end 2005, will add 96 penal places for female inmates. The new Lai Chi Kok Correctional Institution, which will commence operation in the first quarter of 2006, will provide some 200 additional penal places.

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

21. A territory-wide replacement exercise commenced on 18 August 2003, under which Hong Kong residents replace their old identity cards

by age groups. To date, the Secretary for Security has by orders directed certain categories of persons including Hong Kong residents born in 1943 to 1985 to apply for new identity cards. As at the end of August 2005, 2.85 million residents were issued with new identity cards under the replacement exercise.

22. The use of smart ID card and fingerprint recognition technologies has enabled the Immigration Department to introduce Automated Passenger and Automated Vehicle Clearance systems in phases since end 2004.

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

23. We have been actively working on the proposal to provide 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.

24. 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 (i.e. IPCC). The IPCC will be able to exercise statutory powers to interview witnesses, complainants and complainees in connection with its review of CAPO investigations; conduct scheduled and surprise visits to observe CAPO investigations; and require CAPO to re-investigate any complaint.

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 and vehicle clearance systems

25. The Government will continue to facilitate the movement of people and goods across the boundary through various measures, such as

flexible deployment of staff, streamlining of procedures, use of new technologies and the establishment of a new control point for the Hong Kong-Shenzhen Western Corridor.

26. We will endeavour to ensure the timely completion of the new control point for the Hong Kong-Shenzhen Western Corridor by end 2006. In the meantime, we will press ahead with other related work, including preparation of the Hong Kong Port Areas Bill to underpin the “co-location” arrangement to be implemented at the new control point.

27. In order to enhance immigration clearance efficiency, we aim to install around 270 Automated Passenger Clearance channels (e-Channels) at our control points by mid-2006. So far, the Immigration Department has installed a total of 32 e-Channels at the Lo Wu control point, Macau Ferry Terminal and China Ferry Terminal to enable Hong Kong permanent residents aged 11 or above holding smart ID cards to perform self-service immigration clearance. We plan to extend e-Channels to non-permanent residents holding smart ID cards at end 2005 and to frequent visitors holding travel passes in early 2006.

28. The Immigration Department has already rolled out 4 Automated Vehicular Clearance (AVC) kiosks at the Lok Ma Chau control point. Another 42 AVC kiosks will be rolled out at the Lok Ma Chau, Man Kam To and Sha Tau Kok control points in the coming months to facilitate movement of cross-boundary vehicles.

Taking steps to facilitate private sector participation in the solemnisation of marriages and to provide greater flexibility and convenience to members of the public

29. In order to provide more flexible marriage solemnisation services and to make use of private sector resources in providing such services, we propose to appoint eligible persons as civil celebrants of marriages (“civil celebrants”), who will be authorized by law to celebrate marriages at any time and at any place in Hong Kong other than a marriage registry or a licensed place of worship. Our proposal is to appoint solicitors and notaries public who meet specified criteria as civil celebrants at the initial stage of the scheme.

30. The Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Bill, which provides for the appointment of civil celebrants and regulation of their practice, was introduced into the Legislative Council on 1 June 2005. A Bills Committee has been set up to examine the Bill.

Caring and Just Society

Stepping up enforcement action and publicity to combat illegal employment

31. The Government spares no effort in combating illegal employment so as to protect job opportunities for the local workforce. We will continue to take a three-pronged approach to combat illegal employment through tackling the problem at source, ensuring effective law enforcement and stepping up publicity and education.

32. The law enforcement departments maintain close liaison and cooperation with Mainland authorities to minimize the chance of entry of doubtful visitors. Particulars of Mainland visitors found working illegally in Hong Kong are passed to Mainland authorities so that their subsequent applications to visit Hong Kong can be subject to closer scrutiny. Where the situation warrants, Mainland authorities may reject an application for a period of two to five years. Furthermore, frontline officers of Immigration Department at various control points carry out close examination to prevent persons with dubious intentions from entering Hong Kong.

33. 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 established an Inter-departmental Task Force in April 2003. The Inter-departmental Task Force devises proactive and pre-emptive strategies, facilitates regular exchange of information and coordinates enforcement efforts amongst departments. The Immigration Department also established an Anti-illegal Workers Combat Squad in January 2005 responsible for conducting undercover patrol duties at black spots of illegal workers, and taking immediate actions on reports or intelligence received.

34. The relevant law enforcement departments maintain vigorous enforcement actions against illegal employment, including inspections at factories, restaurants, business establishments and black spots of illegal employment.

35. Apart from taking enforcement actions, the Government proactively carries out publicity programmes against illegal employment. TV and Radio Announcement of Public Interest, Government websites, posters and leaflets are used to raise public awareness of the serious consequence of employing illegal workers and undertaking unapproved employment. We work with the relevant industries to disseminate the message. The public is encouraged to provide information on illegal employment.

Security Bureau
October 2005