

Panel on Security

List of outstanding items for discussion

(position as at 9 October 2006)

**Proposed timing
for discussion**

Items proposed by members

1. Commencement of the Fire Safety (Buildings) Bill

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

The Administration provided a paper (LC Paper No. CB(2)104/04-05(01) issued on 27 October 2004) advising that subject to the passage of the Building Management (Amendment) Bill, which was introduced into the Legislative Council in April 2005, and related subsidiary legislation, the Administration would in due course prepare a paper to consult the Panel on the timing for bringing the Fire Safety (Buildings) Ordinance into force.

2. 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. The Administration provided updated information on the anti-terrorism laws of a number of overseas jurisdictions at

To be confirmed

**Proposed timing
for discussion**

the Panel meeting on 20 February 2003 vide LC Paper No. CB(2)1113/02-03(03).

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.

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 formed to study the Bill had completed its work and the Bill was passed at the Council meeting on 30 June 2004. During the resumption of Second Reading debate on the Bill, the Administration stated that it would review the reporting requirements under section 12 of the Ordinance and section 25A of the Drug Trafficking (Recovery of Proceeds) Ordinance and the Organized and Serious Crimes Ordinance in the context of the exercise to put in place the Financial Action Task Force on Money Laundering's Forty Recommendations which was scheduled to start in 2004-05.

In its letter dated 27 October 2004 (LC Paper No. CB(2)110/04-05(01) issued on 28 October 2004), the Administration advised that it planned to launch the proposed review of the suspicious transaction reporting requirements in the first quarter of 2005.

Progress reports provided by the Administration were circulated to members vide LC Paper Nos. CB(2)875/04-05, CB(2)751/05-06 and CB(2)973/05-06 on 16 February 2005, 23 December 2005 and 25 January 2006 respectively.

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The review of the suspicious transaction reporting requirements was launched in the first quarter of 2005 and is still underway. The Administration will inform the Panel of the result of the review in the course of the preparation of the legislation for implementing the FATF Recommendations.

3. Follow-up on issues relating to the Police's List of Recordable Offences

Issues relating to the Police's List of Recordable Offences and Certificate of No Criminal Conviction were discussed at the meeting on 2 April 2004. Members were concerned that besides some 167 recordable offences which might be recordable by the Police, offences where a heavier sentence would be imposed on conviction would also be recorded. They considered that the criteria for recording a conviction should be set out clearly and the records of convictions maintained by the Police should be separated from the system for issuing Certificate of No Criminal Conviction. The Administration stated that it would examine the issue having regard to the practice in other countries. Hon James TO proposed that the matter be followed up by the Panel.

To be confirmed

4. Issues relating to the merging of Tseung Kwan O and Sai Kung Police Divisions into a Police District

Issues relating to the merging of Tseung Kwan O Police Division and Sai Kung Police Division into a Police District was discussed at the meeting between LegCo Members and Sai Kung District Council members on 7 April 2005 and referred to the Panel. The referral was circulated to members vide LC Paper No. CB(2)1990/04-05 on 17 June 2005. Members agreed at the Panel meeting on 5 July 2005 that the subject matter be followed up by the Panel.

To be confirmed

5. Provision of emergency ambulance service

**Proposed timing
for discussion**

The provision of emergency ambulance service was discussed at the Panel meeting on 7 June 2005. Members agreed at the meeting on 5 July 2005 that the subject matter be followed up by the Panel. To be confirmed

A submission from the Hong Kong Fire Services Department Ambulancemen's Union and the Administration's response were circulated to members vide LC Paper No. CB(1)915/05-06 on 15 February 2006.

(See also item 12.)

6. Legislative amendments to the Public Order Ordinance and Police's internal guidelines

At its meeting on 1 November 2005, the Panel discussed issues arising from the judgment delivered by the Court of Final Appeal on the case of *LEUNG Kwok-hung and others v. the Hong Kong Special Administrative Region*. The Administration informed the Panel that it would introduce legislative amendments to the Public Order Ordinance in the light of the judgment. To be confirmed

The Administration also informed the Panel that the Police would, in consultation with the Department of Justice, review the internal guidelines for dealing with notifications of public meetings and processions. A copy of a set of new guidelines adopted by the Police on the approach to the Public Order Ordinance in relation to public meetings and public processions, as well as a related note prepared by the Police, were issued to Members vide LC Paper No. CB(2)1224/05-06 on 23 February 2006 for reference.

7. Review of security arrangements for the Sixth Ministerial Conference of the World Trade Organization held in Hong Kong in December 2005

At its meeting on 4 July 2006, the Panel discussed the Police's After Action Review Report regarding the security arrangements for the Sixth Ministerial Conference of the World Trade Organization held in Hong Kong in December To be confirmed

**Proposed timing
for discussion**

2005.

Hon James TO suggested that the issue be further discussed in the future.

8. Police's undercover operations against vice activities

Item discussed at the meeting on 4 April 2006. Hon James TO suggested that the subject should be discussed again at a future meeting.

To be confirmed

9. Immigration Policy on Foreign Visitors

At the meeting on 4 April 2006, Hon Howard YOUNG suggested that the immigration policy on foreign visitors should be discussed by the Panel. An information paper provided by the Administration was circulated to members vide LC Paper No. CB(2)1287/05-06 on 2 March 2006.

To be confirmed

10. Interception of Communications and Covert Surveillance

In the course of examination of the Interception of Communications and Surveillance Bill, the Bills Committee suggested that the following matters should be followed up by the Panel on Security –

To be confirmed

- (a) the proposed research study on monitoring the work of law enforcement agencies in covert operations by legislatures in overseas jurisdictions, including the provision of confidential information to the legislatures in this regard; and
- (b) the suggestion that the Commissioner on Interception of Communications and Surveillance should take into account the views of Legislative Council Members in making his comments or recommendations on the code of practice to the Secretary for Security.

The Administration also undertook to –

- (c) provide the Panel with an updated version of the code of

**Proposed timing
for discussion**

practice from time to time; and

- (d) report to the Panel the outcome of the review of the intelligence management system of law enforcement agencies.

Items likely to be proposed by the Administration

11. Review of the coverage of the Frontier Closed Area

A paper provided by the Administration on the outcome of its review of the Frontier Closed Area was circulated to members vide LC Paper No. CB(2)3000/05-06 on 7 September 2006. To be confirmed

The Administration intends to brief the Panel on the outcome of the review after consulting the relevant District Councils, Rural Committees etc.

A referral from a meeting on 11 May 2006 between Legislative Council Members and members of the North District Council has been circulated to members vide LC Paper No. CB(2)2086/05-06 on 22 May 2006.

12. Improvements to emergency ambulance service

The Administration intends to brief the Panel on its proposals for introducing a Priority Dispatch System in Hong Kong and other improvement options. To be confirmed

13. Anti-terrorism legislation

The Administration intends to brief the Panel on its plans to - To be confirmed

- (a) prepare a code of practice and make subsidiary legislation in connection with the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575);
- (b) prepare a code of practice for the exercise of the powers to require production of information or materials under section 12A of Cap. 575;

**Proposed timing
for discussion**

- (c) make rules of Court to provide for procedural matters under Cap. 575; and
- (d) make Mutual Legal Assistance (Terrorist Bombings) Order and Fugitive Offenders (Terrorist Bombings) and (Maritime Safety) Orders to implement the requirements under the Terrorist Bombings and Maritime Safety Conventions and the Fixed Platforms Protocol, subject to the extension of the Convention and Protocol to Hong Kong by the Central People's Government.

14. United Nations Convention against Transnational Organized Crime

The Administration intends to brief the Panel on the Orders required to be made under the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) and the Fugitive Offenders Ordinance (Cap. 503) to implement the requirements, subject to the extension of the Convention to Hong Kong by the Central People's Government. Please see item 16.

To be confirmed

15. Commencement of the Fire Safety (Buildings) Ordinance

The Administration intends to brief the Panel on its proposed commencement of the Fire Safety (Buildings) Ordinance.

To be confirmed

The Administration undertook during the examination of the Fire Safety (Buildings) Bill that it would not bring the Ordinance into force until relevant amendments have been made to the Building Management Ordinance to empower Owners' Corporations to borrow money from the Government to comply with statutory requirements for upgrading works.

[Note: subject to the scrutiny and passage of the Building Management (Amendment) Bill]

16. Proposed legislation to implement the United Nations

**Proposed timing
for discussion**

**Convention Against Corruption in Hong Kong and
related matters**

Item scheduled for discussion at the meeting on 4 July 2006, but was deferred owing to the time constraint. To be confirmed

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