

立法會
Legislative Council

LC Paper No. CB(2)1420/08-09
(These minutes have been seen
by the Administration and ICAC)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 3 March 2009, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP

Members absent : Dr Hon Margaret NG
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Public Officers attending : Item IV

The Administration

Mr Ambrose LEE, IDSM, JP
Secretary for Security

Ms CHANG King-yiu, JP
Permanent Secretary for Security

Mrs Jessie TING, JP
Deputy Secretary for Security 1

Mrs Apollonia LIU
Principal Assistant Secretary for Security

Mr Ian WINGFIELD
Solicitor General
Department of Justice

Mr Godfrey KAN
Senior Government Counsel
Department of Justice

Independent Commission Against Corruption

Mr Timothy TONG Hin-ming
Commissioner, Independent Commission Against Corruption

Mr Ryan WONG Sai-chiu, IDS
Director of Investigation/Government Sector

Mr NG Ping-kwok, IMS
Acting Assistant Director/3, Operations Department

Mr HO Kwok-keung
Acting Principal Investigator/R Group

Item V

Ms Carol YUEN Siu-wai
Deputy Secretary for Security 2

Mr CHAN Chor-kam
Deputy Director of Fire Services

Mr CHAN Wing-cheung
Senior Electrical & Mechanical Engineer
Fire Services Department

Mr LI Ying-ming
Airport & Vehicle Manager
Electrical & Mechanical Services Department

Item VI

Ms Carol YUEN Siu-wai
Deputy Secretary for Security 2

Mr CHAN Chor-kam
Deputy Director of Fire Services

Mr NG Wai-keung
Senior Divisional Officer (Information Technology
Management Unit)
Fire Services Department

Mr William WONG Wai-man
Electronics & Data Communication Manager
Electrical & Mechanical Services Department

Item VII

Mrs Apollonia LIU
Principal Assistant Secretary for Security

Miss Trista LIM
Assistant Secretary for Security

Mr NG Sai-kuen
Chief Superintendent of Police (Crime HQ) (Crime Wing)

Mr LAM Man-wing
Senior Superintendent of Police (Crime HQ) (Crime Wing)

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

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

Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Helen DIN
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting

(LC Paper No. CB(2)963/08-09)

The minutes of the meeting held on 6 January 2009 were confirmed.

II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)956/08-09(01) and CB(2)969/08-09(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Submission from the Hong Kong Bar Association on the assessment mechanism for claims for protection of non-refoulement under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
- (b) Administration's paper on the installation of closed-circuit television (CCTV) cameras in public places.

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3. Referring to the Administration's paper in paragraph 2(b), members agreed that the Administration should be requested to provide further information on the installation of CCTV system in public places, including -

- (a) the latest development in respect of the proposed installation of CCTV system in the Mong Kok Pedestrian Precinct after Yau Tsim Mong District Council's consideration of the project details at its meeting held on 26 February 2009;
- (b) more details about how the privacy of residents in the area was to be protected, if CCTV cameras were installed in the Mong Kok Pedestrian Precinct;
- (c) the resolution level and the location and orientation of the CCTV cameras to be installed; and
- (d) the effectiveness and impact on privacy of similar installations in public rental housing estates.

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III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)962/08-09(01) & (02))

4. Members noted that the Administration had proposed to discuss the following items at the next regular meeting scheduled for 7 April 2009 at 2:30 pm -

- (a) Immigration convenience measures for Hong Kong and Macao residents travelling between the two places;
- (b) Construction of rank and file quarters for Immigration Department at Wo Yi Hop Road, Tsuen Wan; and
- (c) Latest development in the provision of rehabilitative services by the Correctional Services Department.

5. The Deputy Chairman suggested that the Administration should be requested to provide an information paper on item (b) before a decision was made on whether it should be discussed by the Panel. Apart from items (a) and (c) above, he proposed to discuss the implementation of recommendations in the Report of the Task Force on Youth Drug Abuse at the meeting on 7 April 2009. The Chairman suggested that the item proposed by the Deputy Chairman could be discussed at the regular meeting in May 2009. He sought views from members on items to be included in the agenda of the next meeting. As there were divided views among members, a vote was taken. Three members supported the Administration's proposal and two members supported the Deputy Chairman's. The Chairman concluded that the Panel would discuss the items as referred to in paragraph 4 (a) to (c) above on 7 April 2009, and the item proposed by the Deputy Chairman would be discussed in May 2009.

IV. Results of study of matters raised in the Annual Report 2007 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance

(LC Paper Nos. CB(3)343/08-09, CB(2)990/08-09(01) & (02), CB(2)956/08-09(02), CB(2)808/08-09(01), CB(2)889/08-09(01), CB(2)861/08-09(01), CB(2)903/08-09(01) and CB(2)907/08-09(01) & (02))

6. Secretary for Security (S for S) briefed members on the measures under the existing regime of the Interception of Communications and Surveillance Ordinance (ICSO) for the protection of information which might be subject to legal professional privilege (LPP).

7. Commissioner, Independent Commission Against Corruption (C/ICAC) briefed members on ICAC's responses to issues raised by members at the meeting on 16 February 2009, as detailed in the paper provided by ICAC.

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(*Post-meeting note:* The speaking notes of S for S and C/ICAC were issued to members vide LC Paper No. CB(2)1009/08-09 on 4 March 2009.)

8. Referring to Annexes A-1 and A-2 to the paper from ICAC which provided the command structure of its Operations Department respectively for 2007 and 2009, the Deputy Chairman said that he had doubt about the impartiality and independence of the Compliance Assurance Group which reported alleged cases of irregularity or non-compliance to the Director of Investigation (Government Sector) (DI/GS). In his opinion, the Compliance Assurance Group should report directly either to the Head of Operations (HO/ICAC) or C/ICAC.

9. In response, DI/GS advised that -

- (a) within ICAC, the day-to-day supervision over the operation of the ICSO regime was the direct responsibility of an Assistant Director (AD), who, in 2007, was also tasked with other investigative and operational support duties. During the inspection visit by the Commissioner on Interception of Communications and Surveillance (the Commissioner), this AD and his team were responsible for assisting the Commissioner in his examination and answering any queries during the course of the examination. Under the command structure of the Operations Department in 2007, this AD reported to his immediate supervisor DI/GS, who in turn reported to HO/ICAC who was directly responsible for the work of the Operations Department including that of the Director of Investigation (Private Sector);
- (b) in 2007, one of the four Principal Investigators (PIs) under the command of the above-mentioned AD dealt with the implementation and administration of all matters relating to ICSO. This PI was assisted by two sections each headed by a Chief Investigator. The actual day-to-day operation of ICSO matters was handled by these two sections. In April 2008, a new Compliance Assurance Group, headed by a dedicated PI, was established to deal with ICSO-related matters. Although administratively the Compliance Assurance Group came under the supervision of the above-mentioned AD, it conducted inquiries into alleged cases of irregularity or non-compliance independently and reported directly to DI/GS; and
- (c) during an inspection visit to ICAC in March 2008, the Commissioner was informed of the new arrangements as set out above. He indicated no objection to the proposed establishment of the Compliance Assurance Group. Under the supervision of

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DI/GS, the Compliance Assurance Group had been in operation to ensure ICAC's full compliance with the law and the relevant requirements.

10. Responding to the Deputy Chairman's suggestion that officers or organization independent from any law enforcement agencies (LEAs) should be engaged to be responsible for listening to interception products and screening out any suspected LPP information before passing the information to the investigators, S for S said that the Administration would consider the feasibility of the suggestion when it conducted the comprehensive review of ICSO.

11. Mr Albert HO noticed that section 59 of ICSO required the head of a department to make arrangements for any protected product containing LPP information and obtained through interception of telecommunications to be destroyed as soon as reasonably practicable. He said that as already pointed out in the Report by the Commissioner, if such protected product was destroyed as soon as reasonably practicable prior to the Commissioner's commencement or completion of the review, the Commissioner's oversight and review functions on LPP cases would be severely hampered. Mr HO enquired about LEAs' existing record-keeping practices, pending the outcome of the Administration's comprehensive review of ICSO and decision on the matter as to whether legislative amendments should be made in the light of the recommendations made by the Commissioner.

12. C/ICAC responded that notwithstanding that there were a number of legal issues requiring clarification, ICAC's destruction policy and related procedures had already been revised in the light of the Commissioner's advice given on LPP Cases 2 and 3. All interception products and records relating to the obtaining of LPP information, including the summaries, were now preserved to facilitate the Commissioner's enquiry and examination.

13. Mr Albert HO noted that the Commissioner had pointed out in paragraphs 5.9 and 10.25 of his Annual Report 2007 that some conversations containing LPP information or possible LPP information might touch on matters not directly related to legal advice but useful for crime prevention or detection purposes, and the Commissioner had raised a query on whether LPP information obtained in this manner could be used for criminal investigation purposes, relating to the offence for which the prescribed authorization was granted or to other offences. Mr HO sought clarification on whether information subject to LPP, if obtained, could be used for crime prevention or detection purposes.

14. In reply, S for S and Solicitor General (SG) said that the stance of the Administration had always been clear that any information subject to LPP was to remain privileged notwithstanding that it had been obtained pursuant to a prescribed authorization. As a matter of fact, ICSO required that any

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telecommunications interception product should not be admissible in evidence in any proceedings before any court and should not be made available to any party to these proceedings. SG further said that LEAs must fully observe the requirements of ICSO in their handling of LPP matters.

15. DI/GS advised that ICAC had long recognized the importance of protecting information which might be subject to LPP. Even before the enactment of ICSO, ICAC had adopted the practice of screening out any suspected LPP information and withholding the same from investigators. As a long-standing practice, information which might be subject to LPP was never included in the summaries compiled of information obtained from interception products.

16. Echoing Mr Albert HO's concern, Ms Emily LAU questioned whether legislative amendments to ICSO were required to put it beyond doubt the non-admissibility policy. She said that she could not understand why the Commissioner made such remarks in his Report that it was not clear whether LPP information obtained through interception of telecommunications could be used for crime prevention or detection purposes.

17. In response, Permanent Secretary for Security (PS for S) and SG said that in reviewing the LPP cases in 2007, the Commissioner had identified some issues which deserved further consideration. These issues included the extent of listening, supervision of listening, listening by panel judges, listening by the Commissioner, record keeping and use of information professed to be subject to LPP. In raising all these issues, the details of which were given in paragraphs 5.83 to 5.99 of the Report, the Commissioner was putting forward his views/queries on certain matters, such as whether the Commissioner was entitled to require LEAs to preserve the recorded products containing LPP information or possible LPP information and other related materials for the purposes of his inquiry or performance of his oversight functions under ICSO, the maximum period of retention the Commissioner might require if he was so entitled, or whether it was a waste of intelligence if conversations containing LPP information which touched on matters not directly related to legal advice on the case but useful for crime prevention or detection purposes could not be used. SG pointed out that although the Commissioner had raised these queries, the Commissioner had made it clear in paragraph 5.99 of his Report that according to the advice of the Department of Justice, information which was subject to LPP could not be used for intelligence purposes.

18. Ms Audrey EU said that she remained unconvinced of the explanation given by ICAC that it was a coincidence that the destruction of interception products and written summaries took place on the days shortly after the Commissioner requested that all relevant records should be preserved for his investigation. She considered the manner in which ICAC officers processed the destruction somewhat mysterious, and questioned whether such

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arrangement had departed from ICAC's destruction policy prevailing at the time of those LPP incidents.

19. In response, C/ICAC, DI/GS and Acting Assistant Director/3, ICAC made the following points -

- (a) ICSO provided safeguards for protected products, including those containing information subject to LPP. The head of department was required to make arrangements for any protected product containing LPP information and obtained from interception of telecommunications to be destroyed as soon as reasonably practicable, and internal guidelines had been issued concerning the destruction of protected product containing LPP information. Records generated from the protected product, including the summaries, were subject to the same restriction and protection as the protected product;
- (b) pursuant to ICAC's destruction policy, the interception products and related records were destroyed soonest practicable within a specified period of time. ICAC officers responsible for such operations were aware of the requirement that interception product should not be kept any longer than necessary and that the summaries would not contain information which might be subject to LPP; and
- (c) it was a normal practice that ICAC would destroy the protected products in one to two weeks after the interception operations were discontinued. In LPP Cases 2 and 3, the summaries were destroyed in December 2007 which was in line with the established practice adopted by ICAC officers in other cases. The practice of destroying the material before expiry of the deadline was to avoid the risk of failing to cause the destruction in time. It was purely a coincidence that the destruction of the written summaries took place almost immediately after the Commissioner requested that the records should be preserved for his investigation. It was also relevant to note that the Commissioner's letters were addressed to C/ICAC and it might take one to two days for these letters to route through HO/ICAC and DI/GS before reaching the AD responsible for the implementation and administration of ICSO matters.

20. Mr LEUNG Kwok-hung said that he was surprised to learn that it took two days for a request from the Commissioner to reach the responsible AD. Ms Audrey EU requested ICAC to provide a chronology of events, setting out all relevant facts and dates relating to the destruction of interception products and written summaries in LPP Cases 2 and 3.

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21. Mr LEUNG Kwok-hung considered that penalty should be introduced for non-compliance with the provisions in ICSO or the Code of Practice (CoP). He suggested that the Administration should consider making the use of LPP information obtained through interception of telecommunications for any purposes a criminal offence.

22. S for S responded that the Administration would take Mr LEUNG's suggestion into account when conducting the comprehensive review of ICSO.

23. Mr CHEUNG Man-kwong noticed that during the report period (i.e. the year of 2007), there were a total of 1 556 written applications for interception made by LEAs, of which 1 525 were granted and 31 were refused by the panel judges; and there were 23 authorizations for interception with five or more previous renewals. He expressed concern as to whether it was appropriate for LEAs to carry out interception without a time limit, and sought information on the breakdown of these 1 556 applications by LEAs and the longest duration of the interception operation as authorized and given for renewals by the panel judges. He said that such information could show whether LEAs carried out interception in a responsible manner and complied closely with the requirements and spirit of ICSO to ensure that the intrusion into privacy of the subject of the prescribed authorization, albeit a suspected offender, would not be continued unless it was necessary and reasonable.

24. S for S responded that he did not know the details of applications until the Commissioner released his Report. S for S pointed out that the checks and balances built into the ICSO regime had struck a balance between protecting privacy and LPP, while allowing LEAs to carry out covert operations for the prevention and detection of serious crimes and protection of public security in warranted circumstances. Whenever an application was made to the relevant authority (panel judge or authorizing officer) for a prescribed authorization, the relevant authority would assess whether the conditions for issue of the prescribed authorization as set out in section 3 of ICSO were met. Applications for renewal of prescribed authorizations were also subject to stringent requirements. Regarding those 23 authorizations with five or more previous renewals, the Commissioner had indicated in paragraph 2.20 of his Report that particular attention had been paid to see whether the renewals were granted properly and whether useful information had been obtained through the interceptions. The Commissioner had confirmed that all the cases were checked and found in order during his inspection visits to LEAs.

25. On Mr CHEUNG's request to expand the content of the Commissioner's annual report to include the numbers of applications received from and authorizations issued or renewed for respective LEAs, as well as more detailed information on renewal cases, S for S was concerned that the provision of too much information in the Commissioner's annual report might reveal the investigation capability of LEAs, and would be prejudicial to the prevention and detection of crime and the protection of public security. Notwithstanding

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this concern, S for S undertook to refer Mr CHEUNG's concern/request to the Commissioner for the latter's consideration.

26. Ms Audrey EU asked whether the figure of 1 556 applications was high when compared with other jurisdictions.

27. S for S responded that the Administration did not have the information in hand. It would endeavour to obtain the relevant information from overseas jurisdictions and revert to the Panel, if such information was available.

28. Responding to Mr IP Kwok-him's enquiry, DI/GS advised that ICAC's destruction policy required all interception products to be destroyed as soon as their retention was no longer necessary. To implement the destruction policy, the interception system of ICAC was designed in such a way that recordings of interception products were automatically destroyed within a specified period by way of a pre-programmed mechanism which was a built-in function of the system. If preservation of any recording beyond the record retention period was required, special technical arrangements had to be made. Likewise, the summaries in paper format were destroyed, which had to be done manually via a paper shredder, within a specified period. The destruction of interception products was permanent and irreversible.

29. The Deputy Chairman held the view that to facilitate the Commissioner in the performance of his oversight and other functions under ICSO, the Administration should consider making arrangements to allow the Commissioner to recover the recordings of or products derived from interception of telecommunications, which had been destroyed by LEAs pursuant to the requirement of ICSO or CoP.

30. The Deputy Chairman also expressed concern about the possibility that law enforcement officers might abuse their powers and infringe upon the freedom and privacy of communication of citizens. He considered that sufficient safeguards should be put in place to prevent any possible abuse of power or abuse of retention and use of intelligence derived from interception of communications and covert surveillance activities. He recalled that during the scrutiny of the Interception of Communications and Surveillance Bill, in response to the concern raised by members of the relevant Bills Committee about the keeping and destruction of intelligence derived from covert operations, the Administration had undertaken to conduct a comprehensive review of the intelligence management system of LEAs with a view to further strengthening the system, particularly to enhance the transparency of the policy on the use of such information. He asked about the progress of the review.

31. S for S stressed that the Administration would not accept any suggestion that law enforcement officers would abuse their powers to infringe upon the freedom and privacy of communication of any citizens. He stressed that LEA officers would carry out their duties in a reasonable, fair and lawful manner.

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Regarding the review on LEAs' intelligence management systems, PS for S advised that the Administration would report to the Panel on the outcome of the review when it was in a position to do so.

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32. Expressing dissatisfaction with the slow progress made by the Administration in conducting the review on LEAs' intelligence management systems, the Deputy Chairman and Mr LEUNG Kwok-hung requested the Administration to provide the Panel with information on the progress of the review and the timetable for completing the review.

33. In response to Ms Audrey EU's enquiry about whether the Administration would advance the comprehensive review of ICSO, S for S said that the Administration had made clear its position that it would conduct the comprehensive review of ICSO after the Commissioner had submitted the second full-year report, but preparatory work had already commenced. In the interim, LEAs had adopted pragmatic measures to address the Commissioner's concerns and resolve the differences in the interpretation of provisions in legislation. The Administration had also amended CoP where appropriate to address the issues identified in the Report.

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34. The Deputy Chairman requested the Administration to provide a response to the issues raised in the submission from the Hong Kong Bar Association on the Commissioner's Annual Report 2007 (LC Paper No. CB(2)956/08-09(02)).

ICAC

35. Ms Emily LAU also requested ICAC to provide more information about the measures taken to improve the implementation of ICSO, in particular the new procedures for handling information which might be subject to LPP, obtained inadvertently through telecommunications interception, as referred to in paragraph 32(i) of ICAC's paper (LC Paper No. CB(2)990/08-09(01)).

V. Replacement of four fire appliances of the Fire Services Department (LC Paper No. CB(2)962/08-09(03))

36. The Deputy Chairman sought information on the factors which had been taken into account in proposing the replacement of four fire appliances of the Fire Services Department (FSD). He asked whether the replacement was due to the serviceable lives of the existing Rapid Intervention Vehicle (RIV) R41 and 50-metre Turntable Ladders (TLs) F135, F136 and F137 or difficulties encountered by FSD in the maintenance of these vehicles.

37. In response, Deputy Director of Fire Services (DDFS) advised that FSD had taken into account various factors, including the vehicles' condition, availability of spare parts and maintenance costs, in drawing up the proposal to replace the existing RIV R41 in the Airport Fire Contingent (AFC) and the three 50-metre TLs F135, F136 and F137 at Lei Muk Shue, Chai Wan and

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Kwun Tong Fire Stations. DDFS said that according to the advice of the Electrical and Mechanical Services Department (EMSD), the normal life expectancy of RIV and TLs was eight and 12 years respectively. While FSD was able to prolong the life of the existing RIV R41 with regular maintenance, the manufacturer had already ceased the production line of this model and FSD had difficulties in finding compatible spare parts in the market. The three existing 50-metre TLs F135, F136 and F137, commissioned in 1996, had also reached the end of their normal serviceable lives and would no longer be able to function reliably. It was also increasingly difficult to service the vehicles as the manufacturer had ceased to produce some of the critical spare parts, such as hydraulic pumps.

38. The Deputy Chairman said that he supported the proposal to replace the fire appliances in question. Noting the normal serviceable lives of RIV and TLs being eight to 12 years, he enquired whether there were ways to extend the serviceable lives of the new vehicles to enhance their cost effectiveness. He suggested that the Administration should consider setting out clearly in the new tender/contract documents that the manufacturers should guarantee the supply of spare parts for a few more years after the vehicles reached the end of their normal serviceable lives.

39. DDFS said that the tender/contract documents would include standard conditions requiring the manufacturers to guarantee the supply of spare parts throughout the serviceable lives of the vehicles to be procured. He pointed out that the Administration had been prudent in planning the replacement of the existing RIV R41 and the three aged 50-metre TLs. Although these vehicles had already reached the end of their normal life expectancy in 2006 and 2008, FSD had been able to extend their serviceable lives by using the stock of spare parts kept by EMSD and FSD workshops for repair and maintenance. In the interim between now and 2011, FSD would continue to work closely with EMSD to ensure that the maintenance, servicing and repair of these fire appliances would not be affected by the parts supply problem.

40. Mr LEUNG Kwok-hung said that he had received complaints from serving firemen that some fire appliances were not equipped with power-assisted steering. This made driving a difficult job. He hoped that the Administration could consider replacing the existing vehicles not provided with power-assisted steering by those fitted with power-assisted steering system.

41. DDFS responded that with the exception of some light supporting vehicles, most of FSD's front-line fire appliances were fitted with power-assisted steering system. At the request of Mr LEUNG Kwok-hung, DDFS agreed to provide the Panel with information on the number of fire-fighting appliances not equipped with power-assisted steering.

42. Mr IP Kwok-him expressed support for the Administration's proposal to replace four fire appliances. He asked whether the new RIV would be

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deployed to support fire-fighting and rescue operations outside the control area of the Hong Kong International Airport (HKIA), and whether the replacement RIV could effectively respond to aircraft accidents involving Airbus A380.

43. In response, DDFS advised that -

- (a) the main function of RIV was to prevent the spread of fire by applying a large quantity of extinguishing agent to the aircraft accident scene within a very short period of time, and to put out an incipient fire;
- (b) while RIV would be deployed to AFC to protect HKIA, it could be mobilized to other areas of Chek Lap Kok to support fire-fighting and rescue operations should an aircraft accident take place outside the control area, if necessary; and
- (c) in anticipation of the introduction of Airbus A380, the highest protection level, which applied to Category 10 airports, had been introduced at HKIA. The proposed replacement RIV would have stronger fire-fighting and rescue capabilities with enhanced features, including a more powerful roof foam monitor with a longer flow range of 90 metres and higher foam-making capacity, and would be capable of dealing with incidents involving A380 aircrafts effectively.

44. Mr WONG Yung-kan supported the proposed replacement of four fire-fighting vehicles. Noting that the construction and delivery of the vehicles was expected to be completed by 2011, he expressed concern about the higher risk of vehicle breakdown as a result of the ageing problem and the increasing difficulty in obtaining spare parts for maintenance. He asked about the measures to be taken in the interim.

45. DDFS said that unlike general purpose vehicles that would be readily available in the market, the replacement fire appliances were of special design which required a longer time to construct. Market research had revealed that the construction and delivery of RIV and TLs would take 13 and 18 months respectively after the award of contracts. FSD would work closely with EMSD in respect of preventive maintenance. While the frequency of scheduled maintenance on RIVs was increased from four to six times a year, that on TLs was increased from three to four times a year. With more frequent scheduled maintenance, it was expected that the fire appliances could be kept in efficient working order before replacement, thus minimizing the risk of vehicle breakdown.

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VI. Replacement of radio communications system of the Fire Services Department

(LC Paper Nos. CB(2)962/08-09(04) & (05))

46. Members noted the Administration's proposal to replace the existing analogue radio communications system of FSD with a new digital system.

47. Members noted that the total non-recurrent cost of the replacement system would be \$178.3 million over a three-year period from 2009-2010 to 2011-2012, and the Administration would seek funding approval from the Finance Committee in April 2009 with a view to implementing the proposed system by 2011.

48. Members did not raise any question on the proposal.

VII. Measures adopted by the Police to combat street deception

(LC Paper Nos. CB(2)962/08-09(06) & (07))

49. The Deputy Chairman said that he was pleased to note that compared with 479 reported cases with total reported losses of \$28 million in 2004, street deception had been on a modest decrease in recent years. He however expressed concern about the prevalence of telephone deception cases and sought information on the number of cases reported to the Police in the past few years.

50. In response, Chief Superintendent of Police (Crime HQ) (Crime Wing) (CSP) informed members that between 2005 and 2008, the number of reported telephone deception cases stood respectively at 780, 1 738, 1 623 and 1 429. CSP pointed out that since the peak in 2006, the number of telephone deception cases had been on a gradual decline. The figure in 2008 represented a decrease of 194, equivalent to 12%, over 2007.

51. The Deputy Chairman considered the figures on telephone deception cases high and alarming. He said that in recent years, culprits of telephone deceptions had employed many different defrauding tricks, for example, by making excuses such as saving the life of a family member, to deceive the victim. Many of these deception cases which involved great financial loss to the victims were targeted at the elderly. He asked about measures taken by the Police to combat the problem.

52. In response, CSP advised that -

- (a) to combat deception activities including telephone deceptions targeting at the elderly, the Police had all along been adopting a three-pronged strategy which included prevention of crime,

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carrying out intelligence-led operations, and conducting prompt investigations;

- (b) in respect of crime prevention, the Police had stepped up efforts in preventing deception activities through enhanced publicity. Besides raising the awareness of members of the public through the media, District Response Teams had been established to strengthen the liaison with banks and elderly day care centres, etc. to increase the alertness of relevant persons, especially the elderly;
- (c) the Police updated its information base and mounted intelligence-led operations regularly. Regular contact was also maintained with the Mainland authorities to deal with Mainland-based syndicates. For example, as a result of cooperation with the Shenzhen authorities, in January 2008, the Police had successfully cracked down a criminal syndicate and arrested seven persons suspected to have been involved in more than 100 telephone deception cases; and
- (d) where appropriate, the Police would handle deception cases centrally at regional/district levels for more effective investigation of such crimes.

53. Mr IP Kwok-him shared the Deputy Chairman's concern about the rising number of telephone deceptions targeting at the elderly. He said that he had recently received a complaint from an elderly, who was the victim in a telephone deception case suffering a great financial loss, about the inappropriateness of the approach adopted by the Police in handling his case. Mr IP was apprised that the Police had failed to update the victim concerned on the latest position regarding his case which was under investigation and the actions taken by the Police so far. Mr IP considered that the Police should enhance the transparency of its investigation procedures and keep the victims concerned informed of any latest development.

54. CSP responded that as victims of telephone deceptions were frequently elderly people, the District Response Teams had proactively liaised with the banks within each district to spread the anti-deception message. Bank staff could readily contact these teams if they came across elderly customers withdrawing unusually large sums of money. Regarding the complaint case referred to by Mr IP Kwok-him, the Police's internal guidelines required the officer-in-charge of a case to keep the victim informed of the status and progress of investigation. He invited Mr IP to provide more information about the case so that the Police could follow up accordingly.

55. Mr WONG Yung-kan said that he was particularly concerned about those deception cases in which Hong Kong residents were detained and extorted in the Mainland. Victims in these cases were released only after their

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family members had remitted money into designated bank accounts in Hong Kong or the Mainland. Mr WONG asked about the number of such cases reported to the Police in the past few years, and how the Police would take follow-up actions to assist the victims detained in the Mainland.

56. CSP said that the Police did not have figures in hand on the number of reported cases involving Hong Kong residents detained and extorted in the Mainland. Nevertheless, the Police accorded high priority to such cases involving safety of the person, and upon receipt of such crime report, the Police would speedily liaise with their counterparts in the Mainland city concerned and co-operate with them to seek the early release of the Hong Kong residents held in hostage. As a second priority, the Force would also liaise with the bank concerned to seek the return of the money paid if such was paid in a bank in Hong Kong.

57. Mr WONG Yung-kan said that he was glad to know that the Police would provide assistance to Hong Kong residents if they became a victim of crime in the Mainland. He suggested that the Police should step up publicity to raise public awareness of the prevalent deception cases which occurred in the Mainland and the advice or assistance which the Police would provide to Hong Kong residents. The Administration noted and agreed to consider the suggestion.

58. Mr LEUNG Kwok-hung enquired about the penalty on a person who allowed a third party to use his/her bank account where the money deposited into this person's account was found to be connected with a deception activity carried out by that third party.

59. CSP responded that depending on particular circumstances of the case, the person might be charged with the offence of money laundering. One of the key elements of the offence was that the person "knew or had reasonable grounds to believe" that the money concerned was the proceeds of an indictable offence.

60. Mr LEUNG Kwok-hung considered that the Administration should step up publicity to ensure that members of the public were aware of the serious consequence of allowing a third party to use their bank accounts.

61. The meeting ended at 5:00 pm.