

Panel on Security

List of outstanding items for discussion

(position as at 31 March 2009)

**Proposed timing
for discussion**

Items proposed by members

1. 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.

To be confirmed

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 (the FATF Recommendations) which was scheduled to start in 2004-2005.

**Proposed timing
for discussion**

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.

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.

At the meeting on 2 December 2008, the Administration consulted the Panel on the proposed rules of court and code of practice to be made under the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575).

2. 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

**Proposed timing
for discussion**

3. Provision of emergency ambulance service

At the meeting on 27 October 2008, the Panel discussed the Administration's proposal to replace emergency ambulances and further measures to improve ambulance reliability. Members requested the Administration to revert to the Panel in the next legislative session on the latest development of the issue, including the results of its review of the mechanism relating to allocation and replacement of ambulances.

To be confirmed

(See also item 14.)

4. 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 Statute Law (Miscellaneous Provisions) Bill 2007, which incorporated legislative amendments to the Public Order Ordinance in the light of the judgement, was passed at the Council meeting on 30 April 2008.

To be confirmed

Separately, the Administration 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, was issued to Members vide LC Paper No. CB(2)1224/05-06 on 23 February 2006 for reference.

The processing of notification of public meetings and processions under the Public Order Ordinance was discussed at the Panel meeting on 5 June 2007.

**Proposed timing
for discussion**

5. Interception of communications and covert surveillance

In the course of examination of the Interception of Communications and Surveillance Bill, the Administration undertook to - To be confirmed

- (a) provide the Panel with an updated version of the code of practice from time to time;
- (b) report to the Panel the outcome of the review of the intelligence management system of law enforcement agencies;
- (c) report to the Panel the results of the Administration's review on issues raised in the Commissioner on Interception of Communications and Surveillance (the Commissioner)'s annual report to the Chief Executive (CE); and
- (d) provide by the end of 2009 the Administration's report on its comprehensive review on the implementation of the Bill, after the Commissioner submitted his second full-year report to CE by end June 2009.

The Annual Report 2007 to CE by the Commissioner was tabled at the Council meeting on 11 February 2009. The results of study of matters raised in the Annual Report 2007 were discussed at the meetings of the Panel on 16 February and 3 March 2009.

6. Monitoring mechanism on government intelligence agencies

At the meeting on 8 May 2007, members agreed that a research study on the parliamentary monitoring mechanism on intelligence agencies in selected places should be conducted by the Research and Library Services Division (RLSD) of the Legislative Council Secretariat. To be confirmed

At the Panel meeting on 3 June 2008, Members were briefed on the main findings of the research report on the parliamentary monitoring mechanism on intelligence agencies in selected places prepared by RLSD.

**Proposed timing
for discussion**

At the Panel meeting on 14 October 2008, Hon Emily LAU suggested that the subject of parliamentary monitoring mechanism on intelligence agencies should be discussed at a future meeting.

On 11 February 2009, the Administration provided a written response to the research report prepared by RLSD on the applicability of overseas monitoring mechanisms in Hong Kong (LC Paper No. CB(2)852/08-09(01)).

7. Quality Migrant Admission Scheme

At the meeting on 19 February 2008, the Panel was briefed on the revised Quality Migrant Admission Scheme (QMAS). The Administration was requested to update the Panel in January 2009 the latest position in respect of the implementation of QMAS. To be confirmed

A supplementary information paper on the Scheme provided by the Administration was circulated to members vide LC Paper No. CB(2)2553/07-08 on 9 July 2008.

The Administration plans to further update the Panel in the second quarter of 2009 on the implementation of QMAS.

8. Independent Police Complaints Council

In the course of deliberations of the Bills Committee on Independent Police Complaints Council (IPCC) Bill, the Bills Committee requested the Administration and the IPCC Secretariat to revert to the Panel one year after the enactment of the Bill on - To be confirmed

(a) the guidelines for observers and the improved forms for completion by an observer after an observation had been conducted as well as detailed statistics of visits conducted by observers; and

(b) the improved version of the Disciplinary and Criminal Checklist submitted by the Complaints Against Police Office to IPCC.

**Proposed timing
for discussion**

Following the enactment of the IPCC Ordinance in July 2008, the Secretary for Security appointed 1 April 2009 to be the date on which the Ordinance shall come into operation. The relevant Commencement Notice had been scrutinized by the Subcommittee on Independent Police Complaints Council Ordinance (Commencement) Notice in February 2009. In response to the Subcommittee's request to defer the commencement of the Ordinance so as to allow more time for Members to examine the resources allocated to the future statutory IPCC, the Administration repealed the original commencement notice on 27 February 2009, and issued the Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009 on 13 March 2009 to appoint 1 June 2009 as the new commencement date for the IPCC Ordinance. A new subcommittee has been formed to study the new commencement notice.

9. 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

Supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(2)3021/05-06 on 13 September 2006.

At the meeting on 27 October 2008, members agreed that a subcommittee should be formed to study issues relating to the Police's practices in handling searches of detainees and enforcement in respect of vice activities impacting on sex workers. The Subcommittee on Police's Handling of Sex Workers and Searches of Detainees was formed on 15 November 2008 and has commenced its work in December 2008.

10. Police's Handling of Searches of Detainees

The Subcommittee on Police's Handling of Searches of Detainees had studied the Police's new arrangements for the To be confirmed

**Proposed timing
for discussion**

handling of searches of detainees implemented from 1 July 2008. In concluding its deliberations, the Subcommittee held the view that the new arrangements as set out in the revised provisions in the Police General Orders and the Force Procedures Manual, the Custody Search Form and the Guidelines on the Searching of Detained Persons had not struck a proper balance between ensuring the safety of detainees and preventing possible abuse of power by Police officers. The Subcommittee urged the Administration to further improve the arrangements to enhance the protection of the rights of detainees and safeguard them from possible abuse of power, especially unreasonable and unnecessary searches involving complete removal of clothing.

The Subcommittee recommended that the issues raised in its report to the Panel (LC Paper No. CB(2)2692/07-08) should be followed up by the Panel.

At the meeting on 27 October 2008, members agreed that a subcommittee should be formed to study issues relating to the Police's practices in handling searches of detainees and enforcement in respect of vice activities impacting on sex workers. The Subcommittee on Police's Handling of Sex Workers and Searches of Detainees was formed on 15 November 2008 and has commenced its work in December 2008.

11. Redevelopment plan for the Fire Services Training School

At its meeting on 3 June 2008, the Panel was briefed on the Administration's plan to redevelop the Fire Services Training School (FSTS). Noting that the Fire Services Department was still determining the facilities to be installed in the redeveloped FSTS and a feasibility study on the redevelopment was still being conducted by the Architectural Services Department, members requested the Administration to brief the Panel on further details about the redevelopment of FSTS before submitting the proposal to the Public Works Subcommittee.

To be confirmed

**Proposed timing
for discussion**

12. Manpower situation in the Independent Commission Against Corruption

At the meeting on 21 October 2008, Hon Emily LAU suggested that the manpower situation in the Independent Commission Against Corruption be discussed by the Panel at a future meeting.

To be confirmed

13. Policy and measures for enhancing the safety of sex workers

On 2 December 2008, Hon Emily LAU suggested that the Panel should discuss the issue at a future meeting.

To be confirmed

Items likely to be proposed by the Administration

14. Improvements to emergency ambulance service

The Administration intends to brief the Panel on its proposal to consult the public on the implementation of the Medical Priority Dispatch System for emergency ambulance service.

2nd quarter of
2009

15. Construction of a Secondary Boundary Fence and new sections of the Primary Boundary Fence and the Boundary Patrol Road arising from the reduced coverage of the Frontier Closed Area (FCA)

The Administration intends to brief the Panel on the details and estimated costs of the works project arising from the reduction of the coverage of FCA.

2nd quarter of
2009

16. Redevelopment of Chi Ma Wan prison area

The Administration plans to brief members on its proposal to redevelop Chi Ma Wan prison area and CSD's effort to address the problems of outdated facilities and overcrowding.

4th quarter of
2009

**Proposed timing
for discussion**

17. The Import and Export (Amendment) Bill

The Administration has informed the Legislative Council of the withdrawal of the Import and Export (Amendment) Bill from the 2008-2009 Legislative Programme. The Administration plans to brief members at an appropriate time on its proposal to amend certain provisions of the Import and Export Ordinance (Cap. 60) to enhance control over smuggling activities at sea. To be confirmed

Council Business Division 2
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