立法會
Legislative Council

Ref : CB2/PL/SE

Panel on Security

**Minutes of meeting
held on Tuesday, 4 January 2011, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present	**:**	Hon James TO Kun-sun (Chairman) Hon LAU Kong-wah, JP (Deputy Chairman) Hon Albert HO Chun-yan Dr Hon Margaret NG Hon Timothy FOK Tsun-ting, GBS, JP Hon Abraham SHEK Lai-him, SBS, JP Hon Audrey EU Yuet-mee, SC, JP Hon CHIM Pui-chung Hon Cyd HO Sau-lan Dr Hon LAM Tai-fai, BBS, JP Hon CHAN Hak-kan Hon WONG Kwok-kin, BBS Hon IP Kwok-him, GBS, JP Dr Hon PAN Pey-chyou Hon Paul TSE Wai-chun Hon LEUNG Kwok-hung
Members absent	**:**	Hon CHEUNG Man-kwong Dr Hon Philip WONG Yu-hong, GBS Hon WONG Yung-kan, SBS, JP Hon Emily LAU Wai-hing, JP Hon Andrew LEUNG Kwan-yuen, GBS, JP Hon WONG Yuk-man
Public Officers attending	**:**	<u>Item IV</u> Mr Ambrose LEE Siu-kwong, GBS, IDSM, JP Secretary for Security

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Miss Shirley YUNG Pui-man
Deputy Secretary for Security

Mr Tony WONG Chi-hung
Assistant Commissioner of Police (Operation)

Item V

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr David LAU Kam-kuen
Principal Assistant Secretary for Security (A)

Mr David FONG Tai-wai, CMSM
Assistant Commissioner (Excise and Strategic Support)
Customs and Excise Department

Mr Frankie CHEUNG Yun-ping
Senior Staff Officer (Information Technology)
Customs and Excise Department

Ms Amy TSE Suk-han
Senior Systems Manager (Information Technology
   Management Group)
Customs and Excise Department

Item VI

Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr CHOW Wing-hang
Principal Assistant Secretary for Security (D)

Mrs CHUNG LAM-wai
Assistant Director (Control)
Immigration Department

Mrs KWAN CHAN Suet-mui
Assistant Director (Information Systems)
Immigration Department

Clerk in attendance	:	Mr Raymond LAM Chief Council Secretary (2) 1
Staff in attendance	:	Miss Josephine SO Senior Council Secretary (2) 1
		Miss Jenny LEE Administrative Assistant (SD)

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)677/10-11)

The minutes of the meeting held on 2 November 2010 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)504/10-11(01) and CB(2)632/10-11(01))

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

(a)   Administration's paper on the passing rate of Police Inspectors in Standard III Inspectorate Professional Examination; and

(b)   Submission relating to the Daya Bay Nuclear Power Station from Greenpeace.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)679/10-11(01) and (02))

Regular meeting in February 2011

3.   Members noted that the Administration proposed to discuss the item "Redevelopment plan for the Fire Services Training School" at the next regular meeting to be held on Thursday, 10 February 2011, at 2:30 pm.

4.   Referring to item 5 in the list of outstanding items for discussion, the Chairman proposed that the Panel might discuss the monitoring mechanism on government intelligence agencies at the next regular

meeting. He asked the Clerk to check with the Administration on whether the issue would be ready for discussion in February 2011.

> *(Post-meeting note:* The Administration advised after the meeting that the issue "Monitoring mechanism on government intelligence agencies" would not be ready for discussion in February 2011. The Independent Commission Against Corruption ("ICAC"), on the other hand, had proposed to discuss the item "Proposal on the implementation of a New Generation Information System for the Operations Department of ICAC" on 10 February 2011. With the concurrence of the Chairman, two items proposed respectively by the Administration and ICAC would be discussed at the meeting to be held on 10 February 2011.*)*

Special meetings in January 2011

5. The Chairman reminded members that two special meetings had been scheduled for the Panel -

> (a) to discuss the items "Daya Bay Nuclear Power Station Notification Mechanism - Progress Report", "Construction of fire station-cum-ambulance facility at Cheung Yip Street, Kowloon Bay" and "Review on procurement of fire services equipment" on 17 January 2011 at 8:45 am; and

> (b) to receive a briefing by the Commissioner of Police ("CP") on the crime situation in 2010 on 26 January 2011 at 8:30 am.

IV. Handling and dissemination of information relating to terrorist threat level
(LC Paper Nos. CB(2)679/10-11(03) to (05))

6. Secretary for Security ("S for S") briefed members on the mechanism put in place by the Government of the Hong Kong Special Administrative Region ("HKSAR") for assessing terrorist threat and the Government's assessment of the terrorist threat against Hong Kong during the Olympic Games in 2008, details of which were set out in the Administration's paper.

7. Mr CHAN Hak-kan noted from the Annex to the Administration's paper that, when asked by the media on 16 June 2008 regarding the threat level of Hong Kong during the Olympic Games in 2008, the Director of

Immigration ("D of Imm") had provided the media with information which was inconsistent with that released later by the Security Bureau ("SB") on the same day in response to media enquiry. Mr CHAN expressed concern whether the HKSAR Government had worked out a set of common standard and yardstick acceptable to all parties for assessing terrorist threat, and whether there was a specific government official charged with the ultimate responsibility for the dissemination of information relating to terrorist threat level.

8.   In response, S for S advised that -

(a)   the assessment of terrorist threat was the responsibility of the Hong Kong Police Force ("the Police"), which maintained close communication and liaison with overseas law enforcement and intelligence agencies, and gathered intelligence through various channels for risk assessment and update. Intelligence and information in various forms were received on a daily basis. To establish their reliability and usefulness, the Police would carefully consolidate and screen the raw data before making further analysis, verification and assessment. All intelligence collected had to be processed, assessed and judged in a professional manner in order to ensure the accuracy of the information and its applicability in terrorist threat assessment;

(b)   when assessing a terrorist threat, the Police would take into account a wide range of factors, including international, regional and local situations, ideologies and motives of international terrorism, the trend of terrorist activities, recent incidents, the source of the threat, as well as the intention and capability of terrorists. The Police would analyze and judge the information obtained in a professional manner to assess the authenticity and the degree of the terrorist threat against Hong Kong, and determine the overall threat level of Hong Kong being the subject of a terrorist attack;

(c)   if the Police, upon assessment, considered that the terrorist threat against Hong Kong had become greater and there was a need to raise the threat level, it would inform SB for consideration of making an announcement to alert the public. In making any such public announcement, the HKSAR Government had the responsibility to ensure that the content of the alert was clear, accurate and well substantiated. This was to avoid causing unnecessary unrest in the community,

             people's daily lives and economic activities, and not to give any opportunity for terrorists or criminals to create panic in the society; and

(d)   the Administration understood that D of Imm had, at his tea reception with the media on 16 June 2008, responded to two separate questions concerning the possibility of Hong Kong being the subject of a terrorist attack during the Olympic Games in 2008. It should be noted that in providing general answers to questions put forward by the media, D of Imm had no intention to assess or make any public announcement on the overall threat level of Hong Kong being the subject of a terrorist attack.

9.   Mr CHAN Hak-kan said that to his knowledge, it was the practice of many overseas countries that in making public announcement on a potential terrorist threat, an alert would be issued with concrete information about the attack perceived so that various parties, including members of the public, could prepare to implement contingency measures. He asked whether the HKSAR Government would follow the practice of other overseas jurisdictions.

10.   S for S replied in the affirmative and advised that if any intelligence or information received suggested that Hong Kong had become a target for terrorist attacks and the threat was assessed as "high", the Administration would take prompt action to alert the public and give advice or instructions on possible preparatory actions that could be taken.

11.   Dr LAM Tai-fai sought details on how intelligence and information suggesting Hong Kong being a target for terrorist attacks were assessed. He asked whether the Administration would make public announcement, regardless of the threat level against which Hong Kong was assessed.

12.   Ms Cyd HO was concerned about the way how the Administration handled intelligence and information relating to terrorist threat, including those assessed to pose a "moderate" or "low" level of threat. In her view, the Administration should remain vigilant and take every precautionary measure even if the threat level of a terrorist attack was assessed to be "moderate" and a decision was taken eventually not to issue a terrorist threat alert. There was also a need for the Administration to maintain proper records of all occurrences involving the obtaining and assessment of information or intelligence relating to terrorist threat, for the purpose of monitoring the effectiveness of the assessment mechanism already put in place by the Administration. She said that independent parties should

be engaged to review the Police's assessment of and decisions on individual reports alleging terrorist attacks.

13.　　In response, S for S made the following points -

(a)　　the Administration attached great importance to ensuring public order and safety. All reports on potential terrorist activities and information or intelligence received would be clarified, analyzed and assessed by security experts in the Police in a professional manner, in order to ensure the accuracy of the information and its applicability in terrorist threat assessment;

(b)　　at present, the threat of a terrorist attack was assessed and categorized into three levels, namely "high", "moderate" and "low". In simple terms, a "high" threat level meant that there was a possibility of an attack, and there was specific intelligence suggesting that Hong Kong was likely to be a target. A "moderate" threat level meant that there was a possibility of an attack, but there was no specific intelligence suggesting that Hong Kong was likely to be a target. A "low" threat level meant that the possibility of an attack was low, and there was no specific intelligence of an attack;

(c)　　even if the threat level of a terrorist attack was assessed to be on the low side of the spectrum, the Administration would continue to closely monitor the actual situation and assess the possible consequences of such attack to see if further measures should be taken. The Police, in particular, would prepare for all possible contingencies. It would formulate a comprehensive manpower deployment plan and refine it on a continuous basis to reflect the updated assessment of threats; and

(d)　　the Police would keep a full record of all possible threats identified, including the Police's internal discussions and considerations leading to the assessment on the likelihood of their occurrence. The information or intelligence received and the relevant assessment reports were internal documents which could not be released to the public in order not to compromise the operational effectiveness of the Police.

14.　　S for S and Assistant Commissioner of Police (Operation) ("ACP") further said that whenever Hong Kong came under the threat of terrorist

attacks, the Administration would carefully consider the need for making public announcement. As explained earlier, the HKSAR Government had the responsibility to ensure that the content of the alert was clear, accurate and well substantiated. In deciding whether to issue a terrorist threat alert, the Government would take into account the confidentiality of the source of intelligence. It must also avoid revealing Hong Kong's capability and strategy in counter-terrorism or leaking information which might be of strategic value to the terrorists.

15.   Mr LEUNG Kwok-hung expressed dissatisfaction with the Administration's response to Dr LAM Tai-fai's enquiry as to whether and under what circumstances would the Administration make public announcement on the terrorist threat level against which Hong Kong was assessed, even if the threat was likely to be on the low side of the spectrum. Mr LEUNG raised queries as to who should be in a position to decide whether the public needed to be alerted to the danger of potential terrorist activities.

16.   In reply, S for S reiterated that if the Police, upon assessment, considered that the terrorist threat against Hong Kong had become greater and there was a need to raise the threat level, it would inform SB for consideration of making an announcement to alert the public. In making any such public announcement, the HKSAR Government had the responsibility to ensure that the content of the alert was clear, accurate and well substantiated. This was to avoid causing unnecessary unrest in the community, people's daily lives and economic activities, and not to give any opportunity for terrorists or criminals to create panic in society.

17.   S for S advised that after the 911 terrorist attacks in the United States, the Police immediately evaluated the threat towards Hong Kong. Since then, the HKSAR Government had been very transparent in updating the public on the latest situation and the overall threat level of Hong Kong under terrorist attacks. It should be noted that whether or not an alleged terrorist attack would endanger the lives of members of the public was the primary concern of the Government in considering whether to issue a terrorist threat alert.

18.   Dr PAN Pey-chyou appreciated the difficulties faced by the HKSAR Government in assessing terrorist threat and determining whether information on threat level should be widely disseminated. He was particularly concerned about the Police's cooperation with its counterparts in other jurisdictions regarding the exchange of intelligence, and the accuracy of assessment of such intelligence by experts in the Police.

19.   In response, <u>S for S</u> made the following points -

    (a)   assessment of terrorist threat was a complex task due to difficulties in establishing the credibility of information/ intelligence received;

    (b)   under the established mechanism as explained in paragraphs 8 and 13 above, the HKSAR Government had all along been able to arrive at a professional judgment whenever a report alleging potential terrorist activities was received;

    (c)   the Police worked closely with overseas law enforcement and intelligence agencies, through direct communication or their respective consulates in Hong Kong, on collection and exchange of intelligence; and

    (d)   it was the usual practice of the Police to conduct an internal review on its assessment of and preparations against possible terrorist attacks after each major event or incident, with a view to identifying room for improvement. The performance of Police experts responsible for assessing terrorist threat was considered highly effective in comparison with their overseas counterparts.

20.   <u>The Deputy Chairman</u> held the view that the HKSAR Government should exercise great care in deciding whether vague information about potential terrorist attacks which had yet to be verified should be released, lest it might cause unnecessary unrest in the community. In view of the seriousness of the matter, he suggested that the Administration should standardize the language and terminologies used when it communicated with the public on the possible threat level of Hong Kong being the subject of a terrorist attack in order to facilitate public comprehension of the issue. <u>The Deputy Chairman</u> was also concerned about the conflicting information regarding the terrorist threat against Hong Kong during the 2008 Olympic Equestrian Events. Noting from media reports that according to WikiLeaks, there was intelligence in 2008 suggesting that Hong Kong was a possible target for terrorist attacks by some East Turkestan groups during the Olympic Games in 2008, he enquired about the authenticity of the information disclosed.

21.   In response, <u>S for S</u> explained the existing mechanism for issuing terrorist threat alerts and disseminating security-related information, as outlined in paragraphs 5 and 6 of the Administration's paper. Regarding the Government's assessment of the terrorist threat to the 2008 Olympic

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Equestrian Events, <u>S for S</u> emphasized that during the run-up to the event, there was no specific intelligence suggesting that Hong Kong was likely to be a target for terrorist attacks.

22. <u>The Chairman</u> asked about the reason for the inconsistencies in information provided to the media by S for S, CP and D of Imm regarding the terrorist threat against Hong Kong during the 2008 Olympic Equestrian Events. He said that the integrity of these government officials was called into question as they seemed not to have told the truth.

23. <u>S for S</u> said that he could not accept the Chairman's comment that individual government officials had not told the truth. In his view, there was no inconsistency in information provided to the media by himself and D of Imm. <u>S for S</u> stressed that on 16 June 2008, two separate questions were raised to D of Imm, and D of Imm's answers to the questions had been misinterpreted and further reported as giving a terrorist threat alert. It should be noted that the assessment of terrorist threat was the responsibility of the Police, and D of Imm was actually referring to some raw data which were yet to be fully verified by Police experts. Nevertheless, the response of D of Imm to media enquiries regarding the threat level of Hong Kong during the Olympic Games in 2008 did not contradict the response made by SB on the same day.

24. In response to the Chairman's enquiry about the size and composition of the expert team within the Police responsible for assessing terrorist threat, <u>ACP</u> said that he was not in a position to disclose the information, since information about resource provision might reveal the law-enforcement capability of the Police against terrorist activities which might be of strategic value to the terrorists.

Admin

25. Noting the concern of members about the Police's work in terrorist threat assessment including the size and composition of the expert team, <u>S for S</u> said that he would explore the possibility of arranging a confidential briefing to facilitate members' understanding of the subject.

V. Replacement of the Case Processing System of Customs and Excise Department
  (LC Paper No. CB(2)679/10-11(06))

26. <u>Under Secretary for Security</u> ("US for S") briefed members on the Administration's proposal to replace the Case Processing System ("CAPS") of the Customs and Excise Department ("C&ED"), details of

which were set out in the Administration's paper.

27.   The Chairman enquired whether C&ED had, when working on the system analysis and design of the new CAPS, made reference to similar case processing systems of other law enforcement agencies ("LEAs"), with a view to enhancing the functions and operational efficiency of the newly proposed system. He considered that the experience of other LEAs in the development and implementation of their case processing systems might help to identify areas for improvements.

28.   In response, Assistant Commissioner (Excise and Strategic Support) and Senior Systems Manager (Information Technology Management Group) advised that -

(a)   C&ED was among the first batch of LEAs to introduce a computerized CAPS early in December 2001 to support the processing of cases leading to investigation and prosecution;

(b)   in determining the functionalities required of the replaced CAPS, C&ED would take into account the evolving operational needs and the recommendations from the Office of the Government Chief Information Officer. During the process, C&ED would make reference to comparable systems of other LEAs to explore the opportunities and merits of adopting their experience in system design of the new CAPS; and

(c)   under the present proposal, C&ED planned to enhance the existing CAPS in a number of aspects. Among others, the overall system security would be enhanced by adopting centralized Storage Area Network with encryption capability for proper storage and transmission of all relevant data and supporting documents. Digital certificates would be used for user authentication for deposit or retrieval of seized articles in the seizure stores. Moreover, the new system would strengthen investigation analysis and case management control by adding in computerized analysis tools and latest Document Management System technology.

29.   US for S said that subject to members' views on the proposal, the Administration would submit the funding proposal to the Finance Committee in early 2011. If the proposal was approved, C&ED would make reference to the operational experiences of similar systems of other LEAs in designing the new system. The Administration noted the

Chairman's suggestion to make reference to the experience of other LEAs in the development and implementation of their case processing systems.

30.   The Chairman concluded that members did not raise objection to the Administration submitting the proposal to the Finance Committee.

VI.   Measures to facilitate immigration clearance of visitors and vehicles at boundary control points
(LC Paper Nos. CB(2)679/10-11(07) and (08))

31.   US for S and Assistant Director of Immigration (Control) briefed members on the immigration clearance situation of passengers and vehicles at boundary control points ("BCPs") and the related facilitation and mitigating measures taken by the Immigration Department ("ImmD") and other government departments, as detailed in the Administration's paper.

32.   The Deputy Chairman noted the significant increase in the number of arriving passengers in the first 11 months of 2010, in particular that of Mainland visitors which stood at 27.4% as compared with the same period in 2009. Expressing concern over the tremendous work pressure generated on frontline ImmD staff, he asked whether the Administration had any measures to facilitate immigration clearance of passengers and to alleviate the work pressure on ImmD staff, apart from extending the e-Channel service to frequent Mainland visitors and arranging more staff to work overtime during the peak periods.

33.   The Chairman and Mr LEUNG Kwok-hung expressed concerns about the adequacy of manpower of ImmD in providing immigration clearance. They considered that the Administration should provide additional resources to ImmD to relieve the work pressure of frontline staff at control points.

34.   The Deputy Chairman was concerned about the heavy vehicular flow and the occasional traffic congestion at Lok Ma Chau. Noting that the Administration would carry out improvement works to enhance the clearance facilities at the Lok Ma Chau Control Point, he sought details about the improvement works to be carried out.

35.   In response, US for S and Assistant Director of Immigration (Control) advised that -

(a)   to cope with the anticipated surge in passenger traffic, the

Administration had all along been adopting a number of measures to strengthen the handling capacity of BCPs. For example, at the Lok Ma Chau Control Point, the busiest land BCP providing both passenger and vehicular clearance between Hong Kong and Huangguang, the Administration planned to increase the number of e-Channels from 20 to 46. With the installation of additional e-Channels, there would be a total of 96 immigration clearance counters, including e-Channels and traditional counters, at the Lok Ma Chau Control Point;

(b) the Administration was aware of the increasing trend and the high proportion of Mainland visitors making day trips to Hong Kong. To cope with the huge passenger flow at BCPs brought about by "same-day-return" visitors, ImmD would suitably deploy its existing manpower to enhance the immigration clearance service. If necessary, ImmD would seek additional resources through the established resource allocation mechanism;

(c) as long-term measures to address the increase in passenger and vehicular flows at BCPs, ImmD would move towards the direction of automation to improve operational efficiency. From 2012 onwards, the Mainland authorities would issue by phases electronic "Exit-Entry Permits for Travelling to and from Hong Kong and Macao" ("e-EEP") to Mainland residents travelling to Hong Kong and Macao. To tie in with this plan of the Mainland authorities, ImmD had secured funding approval from the Finance Committee in July 2010 for upgrading the computer system and installing facilities to enable eligible and enrolled Mainland visitors to use the e-Channel service with their e-EEP; and

(d) regarding the clearance of vehicles, expansion works were carried out in order to provide more vehicle inspection lanes at the Lok Ma Chau Control Point. Upon the completion of the relevant construction works, tentatively a total of around 18 private car inspection lanes would be available at Lok Ma Chau on the Hong Kong side. Coupled with the Administration's plan to increase the number of private car kiosks, the vehicular handling capacity at the Lok Ma Chau Control Point would be greatly enhanced.

36. Mr Paul TSE expressed concern about the time required for

arriving visitors to complete immigration clearance at land control points. Noting that ImmD had made a performance pledge that 95% of the visitors using land and sea BCPs could have their clearance completed within 30 minutes, he asked whether the waiting time on the Shenzhen side for admission to the arrival hall of the Passenger Terminal Building was included in the calculation of actual time taken for clearance at immigration control points.

37.   Assistant Director of Immigration (Control) advised that the time spent by individual visitor on immigration clearance was counted from the time when the visitor entered the immigration clearance hall of the Passenger Terminal Building.

38.   Mr Paul TSE held the view that the Administration should adopt further measures to expedite the passenger and vehicular clearance at BCPs. Taking the Shenzhen Bay Control Point as an example, he said that consideration should be given to extending the operating hours of the Shenzhen Bay Port and opening up the immigration clearance facilities on the second floor of the Passenger Terminal Building as far as possible to ease the heavy passenger traffic.

39.   In response, US for S advised that during the recent Christmas and New Year holidays with increased passenger traffic, ImmD had opened up the clearance facilities on the second floor of the Passenger Terminal Building at the Shenzhen Bay Control Point to ensure the provision of sufficient waiting space for all passengers. It should be noted that at present, 24-hour passenger clearance was only provided at the Lok Ma Chau Control Point. Regarding the suggestion of extending the operating hours of other BCPs, the issue needed to be carefully considered by the Administration and further discussed with the Mainland authorities, as corresponding arrangements would be required on both sides of the boundary. The HKSAR Government and the Mainland authorities would stay in close communication and take necessary measures to ensure the smooth flow of passengers.

40.   Dr LAM Tai-fai enquired whether ImmD's performance pledge to complete the clearance procedures for 95% of the visitors using land and sea BCPs within 30 minutes could be enhanced. Noting that the improvement works, involving the installation of additional e-Channels, at the Lok Ma Chau and the Man Kam To Control Points would commence in the first half of 2011 and complete by 2012, Dr LAM asked whether the improvement works could be speeded up so as to enhance the efficiency of self-service immigration clearance.

41.   US for S responded that ImmD had all along been making every endeavour to provide efficient immigration clearance service to visitors. The existing performance pledge to clear 95% of passengers within 30 minutes was introduced in early 2010, after careful review and modification of the original performance target of clearing 92% of land or sea passengers within the 30-minute waiting time. As explained earlier, to cope with the surge in passenger traffic, the Administration had adopted a number of facilitation and mitigating measures, including enhancing the automated passenger clearance service, to meet the demand. The HKSAR Government would continue to facilitate people from around the world to come to Hong Kong for visit, business and investment. It would strive to provide efficient immigration clearance service and at the same time, uphold effective immigration control.

42.   The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
1 February 2011