

立法會
Legislative Council

LC Paper No. CB(2)445/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of special meeting
held on Monday, 17 October 2011, at 8:30 am
in Conference Room 1 of the Legislative Council Complex

- 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 CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-kin, BBS

**Public Officers : Item I
attending**

The Administration

Mr Ambrose LEE, GBS, IDSM, JP
Secretary for Security

Ms CHANG King-yiu, JP
Permanent Secretary for Security

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

Ms Carol YIP, JP
Deputy Secretary for Security 1

Miss Shirley YUNG
Deputy Secretary for Security 2

Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mrs Erika HUI, JP
Commissioner for Narcotics

Mr Victor LO, PDSM
Political Assistant to Secretary for Security

Miss Polly KWOK
Administrative Assistant to Secretary for Security

Item II

Independent Commission Against Corruption

Mr Timothy TONG Hin-ming
Commissioner

Mr Daniel LI Ming-chak, IDS
Head of Operations

Ms Julie MU Fee-man
Director of Community Relations

Mr TSE Man-shing
Director of Corruption Prevention

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

Staff in attendance : Ms Rita LAI
Senior Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Briefing by the Secretary for Security on the Chief Executive's 2011-2012 Policy Address
(LC Paper No. CB(2)16/11-12(01))

Secretary for Security ("S for S") briefed Members on the new and ongoing initiatives of the Security Bureau ("SB") in the 2011-12 Policy Agenda, as set out in the Administration's paper.

(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)91/11-12(01) on 17 October 2011.)

Progress of review of the Daya Bay Contingency Plan ("DBCP")

2. Mr WONG Kwok-hing sought information from the Administration on the timetable for the completion of review of DBCP and the comprehensive exercise to be conducted in early 2012. He enquired about the transparency of the comprehensive exercise and whether there would be participation of members of the public in the exercise.

3. Ms Audrey EU expressed concern about a lack of experts with relevant experience in the Government to conduct the review of DBCP. She sought information on the membership of the team responsible for the current review of DBCP and the participation of members of the public in the comprehensive exercise. She asked whether there would be any consultation before the exercise. The Chairman requested the Administration to provide the membership of the team undertaking the review of DBCP.

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(*Post-meeting note:* The Administration's response was circulated to members vide LC Paper No. CB(2)224/11-12 and LC paper No. CB(2)246/11-12 on 4 November 2011 and 7 November 2011 respectively.)

4. Ms Cyd HO requested that the comprehensive exercise should cover an area up to 50 km instead of 20 km from the Daya Bay with participation of residents.

5. S for S responded that -

- (a) since the Fukushima nuclear incident in Japan in March 2011, the Government had been conducting a comprehensive review of DBCP with reference to the latest international standards and practices. Officers from SB and other relevant departments of the Government had joined the Chinese delegation as members of the International Atomic Energy Agency ("IAEA") to attend the IAEA Ministerial Conference in June 2011. It was expected that the review of DBCP would be completed by the end of 2011. A comprehensive exercise would be conducted in early 2012 with appropriate participation of the community in relevant parts of the exercise. The Government would make use of various channels such as production of Announcement in Public Interests and publication of related publicity materials to enhance the public's awareness and understanding on radiation safety and nuclear emergency preparedness;
- (b) a task force led by a Deputy Secretary for Security had been formed for the review of DBCP. Local experts in nuclear technology and engineering, atmospheric science, radiation, medicine and related fields had been invited to join the task force; and
- (c) the area of the coverage for the evacuation was a major issue in the review of DBCP and there was not yet a decision. The Administration would adopt the latest safety standards and practices being developed by international organizations and the practices of other countries and also take into account the circumstances of Hong Kong.

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Dissemination of case information by disciplined forces

6. Referring to the Police's delay in releasing information on the wounding cases in Tseung Kwan O and a series of indecent assault on schoolgirls in Kwun Tong, Mr WONG Kwok-hing enquired whether there was a change in the Police's practice regarding release of case information. He considered that the public had a right to know and the timely release of information on cases would alert members of the public to potential danger. Mr LEUNG Kwok-hung shared a similar view. Mr WONG asked whether the Police would conduct a review on its release of case information.

7. Ms Emily LAU recalled that the Police had assured the timely release of case information when the communication system of the Police was digitalized. She commented that the recent delay in disclosing recurrent offences was unacceptable to members of the public, who felt that their personal safety was jeopardized. She queried whether the dissemination of case information was deliberately delayed to create a false impression of a peaceful society.

8. Mr CHEUNG Man-kwong considered that the dissemination of case information involved press freedom as well as public safety. He said that if certain crime cases became recurrent in a particular district, there was an urgent need to alert members of public. He considered that the Police should not compromise public safety and delay warning members of the public in order to facilitate investigation.

9. Ms Audrey EU said that the dissemination of case information had no conflict with protection of the privacy of victims as long as the particulars of individuals were not disclosed. She asked about the criteria for disseminating case information.

10. Ms Cyd HO queried whether the Police had delayed disseminating case information for the purpose of using residents as a bait to facilitate detection of crime. She considered that the selective dissemination of case information would jeopardize the safety of members of the public. She recalled that since the Police's communication system was digitalized about 10 years ago, the media had found it difficult to obtain case information. She asked whether the Police would consider establishing a dedicated line for dissemination of case information to the media and the cost involved.

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11. Dr PAN Pey-chyou asked whether the recent delay in disseminating case information was related to the strategy of not to alert the culprit during the investigation as reported by some media.

12. S for S responded that -

- (a) public safety was the prime concern of the Police and it recognized the importance of the timely release of case information. The Police had no intention to conceal case information of incidents of public interest or with public safety concern. The Police had taken into account the public safety and public interest in disseminating case information. In connection with the dissemination of information on four wounding cases in Tseung Kwun O, the Police would review if there was any room for improvement in disseminating case information. As for the series of indecent assault cases, the Police might not release case information of incidents of sensitive nature immediately, having regard to protecting privacy and personal safety of the victims, the investigation of the cases concerned, the public's right to know and the operational needs of the Police; and
- (b) the suggestion of establishing a dedicated line for dissemination of case information to the media had to be studied having regard to policy, financial and technical considerations.

13. The Chairman said that the release of case information on recurrent crime would alert members of the public against such crime. As the issue would be discussed at a special meeting to be held in Nov 2011, the Administration could conduct a review and report its improvement measures at the special meeting in November.

Right of abode of foreign domestic helpers

14. The Deputy Chairman said that members of the public had grave concern over the ruling of the Court of First Instance ("CFI") on the judicial review regarding right of abode lodged by a foreign domestic helper. He asked whether the Administration had made overall assessment of the situation. Noting the Government's decision to appeal against the ruling and the hearing of the application to the Court for temporary relief on 26 October 2011, he enquired about the Government's relevant contingent measures in the event of unsuccessful application and

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the impact on the society if the Government finally lost in the case. Dr LAM Tai Fai urged the Administration to disclose the assessment of the potential impact on the society.

15. Mr WONG Yung-kan said that members of the public had much concern about the domestic helpers' eligibility for right of abode in Hong Kong as it might have serious impact on the community, including job opportunities, housing, medical service and education.

16. In view of the ongoing legal proceedings, Mr WONG Yuk-man considered it inappropriate to comment on the appeal case concerned. Mr Paul TSE remarked that there were overseas examples where the legislature amended the relevant laws as necessary while awaiting results of the ongoing legal proceedings.

17. Mr LEUNG Kwok-hung asked the Administration to provide information on the assessment of resources requirements if the Administration lost in the case concerned.

18. In response, S for S advised that the Government shared the concerns of members of the public over the ruling of CFI as it would have far-reaching implications on the future development of Hong Kong. The Government attached great importance to the issue and had already lodged an appeal against the ruling. Relevant information on the assessment of the implications had been submitted to the court and the Government had made application to the court for temporary relief. It believed that the relevant provision of the Immigration Ordinance was consistent with the Basic Law. Given the ongoing legal proceedings, the Government was not in a position to provide details on its assessment and contingency plan. The Government had drawn up different contingency plans based on its assessment of the potential impact and the details would be made public at a later stage, if necessary.

Anti-drug efforts

19. Noting that some 40 schools would join the Trial Scheme on School Drug Testing in Tai Po District ("the Scheme") in the school year 2011-12, Dr LAM Tai-fai commented that the figure, which amount to around 5% of all primary and secondary schools in Hong Kong, was too small. While expressing support for the Scheme, he asked -

- (a) whether the Government had any plans to extend the Scheme to all schools in Hong Kong and the relevant timetable;

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- (b) about the timing for completion of the study on drug testing at the community level, and whether there would be any public consultation on the way forward; and
- (c) whether measures would be introduced to combating the problem at source.

20. Mr WONG Yuk-man shared the view that the participation rate of schools in the Scheme was low. He asked whether it would be viable to extend it throughout the territory.

21. S for S responded that -

- (a) the Scheme had been extended beyond the Tai Po District. As participation in the Scheme was voluntary, it was difficult to provide a timetable for the extension of the Scheme to all primary and secondary schools. The Government would step up enforcement actions and would exchange intelligence with relevant overseas and Mainland law enforcement agencies to combat the problem of youth drug abuse. In the past few months, drug amounting to \$1.2 billion had been seized. It was a long-term battle and the Administration would continue its effort in this respect;
- (b) the Administration had commissioned the University of Hong Kong to conduct a review on the effectiveness of the Scheme. The report would be published in a few months' time. Regarding the question of whether legislative amendments would be introduced on drug testing at the community level, the Administration noted that there might be different views in the community on the issue. An internal study would first be conducted on the issue, followed by public consultation before determining the way forward.

Establishing sexual conviction record check for child-related work

22. Dr PAN Pey-chyou asked about the Administration's progress of establishing an administrative mechanism for checking sexual conviction record for child-related work. He enquired about the kind of institutions which would be allowed to access the record and how the privacy of the sexual offenders and public safety would be balanced.

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23. S for S responded that reference had been made to the recommendation of the Law Reform Commission to establish an administrative mechanism first to enable employers of persons undertaking child-related work and work relating to mentally incapacitated persons ("MIPs") to check the sexual conviction records of employees. The scope would cover prospective employees involved in work related to children or MIPs. The scheme would be voluntary in nature and required the consent of prospective employees and subject to the Personal Data (Privacy) Ordinance. The Police would provide prospective employees with a one-stop application service. An employer could make use of the Police's Auto-Telephone Answering System to check whether a prospective employee has previous sexual conviction records. All "clean" record check result would not be recorded in writing but would be communicated verbally to the applicant or his employer. The reason was to avoid creating a situation in which there would be a sub-class of people in society who would be unable to produce a no sexual offences conviction certificate for general employment purposes.

Cross-boundary students

24. Mr WONG Yung-kan expressed concern about the difficulties of the cross-boundary students in travelling from Shenzhen to attend schools in Hong Kong and the Government's plan to reduce the number of Closed Area Permits ("CAP") for cross-boundary students for access to Lo Wu Station Road. In anticipation of the increasing number of these cross-boundary students, he enquired about the Government's measures to cope with the needs of these students and whether the Government would explore the possibility of widening the Lo Wu Station Road to cope with the needs of cross-boundary students.

25. In response, S for S pointed out that it was undesirable for cross-boundary students to spend hours travelling daily between Hong Kong and the Mainland to attend school. Parents had been encouraged to arrange their children to study in schools near the place of their residence in the Mainland. In view of the growing number of the cross-boundary students in these few years, the Government had increased the number of CAPs for cross-boundary students to cope with the need. Given the limited capacity of Lo Wu Control Point and the fact that Lo Wu Station Road was the only emergency vehicular access to the Lo Wu Control Point, the use of the road by nanny buses for cross-boundary students would affect the emergency vehicles and other road users. With the boundary control point at Lo Wu reaching full capacity, the Government

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had already been using other land boundary control points, including those at Man Kam To and Lok Ma Chau, to provide door-to-door cross-boundary school coaches to meet the needs of the cross-boundary students. Instead of issuing more CAPs to cross-boundary students at Lo Wu Station Road, the Government was inclined to issue more permits to cross-boundary school coach operators to provide door-to-door transportation service for cross-boundary students and had been liaising with the relevant Mainland authorities in this respect.

Measures to facilitate immigration clearance of visitors at boundary control points

26. Mr Paul TSE expressed concern about the time required for arriving visitors to complete immigration clearance at land boundary control points, in particular during festive periods. While noting that there were long-term measures, including the construction of new boundary control points and the introduction of more e-channels, to improve the situation, he considered that there was still room for improvement. He sought information on the short-term and medium-term measures to address the problem and asked about the possibility of converting vehicular gates for use by passengers.

27. S for S responded that in view of the increasing number of Mainland visitors, the Immigration Department ("ImmD") was increasing its capacity in immigration clearance for visitors. New boundary-crossing facilities had been planned for long-term development, including the Guangzhon-Shenzhen-Hong Kong Express Rail Link, the Hong Kong-Zhuhai-Macao Bridge and the Liantang-Heung Yuen Wai Boundary Control Point. Flexible deployment of manpower would be adopted especially during festive periods and frequent visitors residents from Shenzhen would be allowed to register for using the e-Channel service. The suggestion of converting the vehicular gates for the use by passengers would not be viable as the vehicular traffic was already very busy. Notwithstanding the increase in passenger throughput, ImmD had met the service pledge to complete immigration clearance for 92 % of the visitors within 30 minutes during the recent National Day.

(Members agreed to extend the meeting to 10:30 am.)

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II. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2011-2012 Policy Address

(LC Paper No. CB(2)48/11-12(01))

28. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed Members on the paper regarding the policy initiatives of the Independent Commission Against Corruption ("ICAC") in the year ahead.

Election-related corruption

29. Regarding election-related corruption complaints in the 2011 District Councils Election, C/ICAC reported that about 100 complaints had been received by 13 October 2011.

(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)91/11-12(02) on 17 October 2011.)

30. Referring to the 164 election-related complaints received by end of September 2011 among which 49 cases were related to the 2011 District Councils Election, Mr Paul TSE enquired about the nature of the remaining cases and asked whether they were related to the election of the Rural Committee. In respect of the 100 cases received by ICAC by 13 October 2011, he asked whether those received by the Registration and Electoral Office of the Electoral Affairs Commission had been included and whether the cases were related to corruption or less severe nature involving non-compliance with electoral regulations.

31. Head of Operations/ICAC advised that among the 100 cases, 40 cases were related to bribery of electors, 26 cases related to provision of false or misleading information and nine cases related to provision of refreshment and services. Among the cases, about 70% were related to corrupt practices.

Corruption complaints relating to the finance and insurance sector

32. The Chairman expressed concern about the increasing number of corruption complaints in the finance and insurance sector. As such cases were usually complicated and involved the handling of voluminous information within a short period of time, he asked how ICAC would handle such cases.

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33. C/ICAC responded that the number of corruption complaints relating to the finance and insurance sector had been increasing since the 1997 Asian financial crisis. However, in terms of monetary value, the increase in major cases involving listed companies was comparatively modest. Around 30 to 40 cases, which was less than 10% of the total number, were recorded in each year after the global financial tsunami in 2008. The cases were complicated and the conduct of investigation involved voluminous information, different skills, long span of time and legal procedures. With the cumulative know-how of investigators and the establishment of a dedicated Forensic Accounting Group ("FAG") within ICAC, the capacity of ICAC to deal with such complex corruption cases had been strengthened. As it was necessary to collect cross-boundary evidence in some cases, cooperation from the Mainland had been sought in such cases.

34. Head of Operations/ICAC said that ICAC had been monitoring the corrupt activities in the financial sector, apart from conducting investigation in response to complaints. ICAC worked closely with the Securities and Futures Commission and exchanged information as necessary. FAG had been specifically established to render professional in-house service to frontline investigators in investigating corruption complaints relating to the banking sector, financial market and listed companies. Frontline staff of ICAC would work closely with FAG in carrying out financial analysis of target personnel and companies. Public companies that were listed in Hong Kong with major business outside Hong Kong had increased the difficulty in gathering evidence. Much resources and manpower were required in conducting investigation in this respect.

Corruption complaints in 2011

35. Dr PAN Pey-chyou asked about the reasons for a 11% increase in the total number of corruption complaints in the first nine months of 2011 and an increase of 11% in pursuable complaints.

36. C/ICAC responded that while complaints related to the government and the public bodies remained stable in the first nine months of 2011, complaints relating to building management accounted for the major increase in the private sector. There was significant increase in complaints in the business sector involving products which had a high demand in the Mainland, including milk powder and tablet computers. There were also corruption complaints about medical services for Mainland pregnant women giving birth in Hong Kong.

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Corruption complaints relating to building management

37. Noting that complaints relating to building management recorded a higher increasing rate in comparison with other corruption complaints, Dr PAN Pey-chyou enquired about the reasons for such increase and asked whether it was a result of strengthened operations against such activities. He said that according to his experience in providing assistance to some members of the public to lodge complaints relating to building management with ICAC, the issues were complicated and involved different parties, including management committee and contractors, and owners felt helpless about misuse of their management fees. He asked about measures taken by ICAC to address such problems.

38. C/ICAC advised that a two-year plan had been conducted against corruption relating to building management through stepping up enforcement actions, education and publicity. Most of the complaints received involved building management and works. For the latter, some professionals and syndicates were found involved at different stages.

39. Director of Community Relations/ICAC said that following the launching of Operation Building Bright in 2009, the Corruption Prevention Department ("CPD") of ICAC had been working with the Hong Kong Housing Society and Urban Renewal Authority in promoting corruption prevention practices relating to building maintenance and renovation work. A toolkit on building maintenance had been produced by CPD and briefings on corruption prevention was provided to owners' corporations ("OC") and contractors. In addition, on-site visit were conducted to provide advice on proper procedures. Another two toolkits on financial management for OC and building management had also been issued. A hotline service had been established to provide advice and answer enquiries. She stressed that participation of OC and the owners in the building maintenance projects at an early stage was important in preventing future problems.

Appeal case relating to media authority

40. Mr Paul TSE expressed concern about a recent case about allegations of corruption related to the media and enquired whether there were plans to introduce legislative amendments against such corruption.

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41. C/ICAC and Head of Operations/ICAC responded that while they were not in a position to comment on individual case, the need for introduction of legislative amendments, if any, would be raised with the Operations Review Committee, the Administration and the Department of Justice for consideration.

III. Any other business

42. The Chairman said that at the meeting on 13 October 2011, members agreed that two out of three items proposed by the Administration would be discussed at the next regular meeting on 1 November 2011 together with two items proposed by members. However, the Administration had advised after the meeting that none of the three items it proposed for discussion in November could be deferred to December. Members agreed that the three items proposed by the Administration would be discussed at the regular meeting to be held on 1 November 2011 and another special meeting would be held in November to discuss the items "dissemination of case information by disciplined forces" and "security arrangements at the Central Government Complex" proposed by members. Members also noted that the handling of public meetings and public processions relating to the Central Government Complex would be discussed at a special meeting to be held on 12 November 2011.

43. The meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
5 December 2011