

Panel on Security

List of outstanding items for discussion

(position as at 5 November 2012)

**Proposed timing
for discussion**

- 1. Monitoring of anti-terrorism measures by the Administration** To be confirmed

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.

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 ("S for S") 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

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for discussion**

to start in 2004-2005.

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.

The proposed amendments by the Administration to the United Nations (Anti-Terrorism Measures) Ordinance was discussed at the meeting on 7 November 2011.

The United Nations (Anti-Terrorism Measures) (Amendment) Bill was introduced into the Council at its meeting of 22 February 2012. The Bills Committee formed to study the Bill completed scrutiny of the Bill on 7 May 2012. The Bill was passed at the Council meeting of 27 June 2012.

[Updates provided by the Administration: At its Plenary meeting in October 2012, FATF members were satisfied that Hong Kong had made substantial progress in implementing its recommendations and improving its anti-money laundering and counter terrorist financing regime, and decided to remove Hong Kong from its "follow-up process". The Administration considers that this demonstrates that Hong Kong's current regime

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is in line with the international standards. As regards the review of suspicious transaction reporting in the context of FATF compliance, the Administration reported at the meeting on 21 October 2008 that FATF was satisfied with the suspicious transaction reporting system in Hong Kong and had given Hong Kong a "Largely Compliant" rating in this respect. The Administration proposes that this item be deleted.]

2. Follow-up on issues relating to the Police's List of Recordable Offences To be confirmed

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 ("CNCC"). 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.

[Updates provided by the Administration: In response to the Chairman's request, the Administration provided a paper to the Panel on 29 June 2004 (LC Paper No. CB(2)2986/03-04(01)). The paper set out the full list of 167 categories of offences for which the Police regularly maintained conviction records to assist in the discharge of their statutory duties of preventing, detecting and investigating crimes; the criteria for the Police to record

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an offence; the circumstances under which the court would order a particular conviction be recorded; and the information on the circumstances under which a CNCC would be issued. The Administration proposes that this item be deleted.]

3. Legislative amendments to the Public Order Ordinance and Police's internal guidelines To be confirmed

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.

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, together with a related note prepared by the Police, were issued to members vide LC Paper No. CB(2)1224/05-06 on 23 February 2006 for reference.

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

[Updates provided by the Administration: Legislative amendments to the Societies Ordinance and Public Order Ordinance were passed at the Council meeting of 30 April 2008. Separately, the Police issued "Guideline on the approach to the Public Order Ordinance in relation to public meetings and public processions" for reference by

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frontline police officers. The Guideline was circulated to the Panel on 22 February 2006 (LC Paper No. CB(2)1224/05-06) and also uploaded onto the Police's website for information by the public. The Administration proposes that this item be deleted.]

4. Review of the Interception of Communications and Surveillance Ordinance (ICSO)

The Administration briefed members on its review of ICSO at the meetings on 5 July 2011 and 3 January 2012. Two rounds of consultation with stakeholders have been conducted and the Administration is preparing drafting instructions for legislative amendments.

The Administration intends to brief members on its progress of review of ICSO in the first quarter of 2013.

1st Quarter of
2013

5. Monitoring mechanism on government intelligence agencies

To be confirmed

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.

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. The Administration's written response to the issues raised in the research report was circulated vide LC Paper No. CB(2)852/08-09(01) on 11 February 2009.

At the Panel meeting on 14 October 2008,

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for discussion**

Hon Emily LAU suggested that the subject of parliamentary monitoring mechanism on intelligence agencies should be discussed at a future meeting.

[Updates provided by the Administration: In response to the Panel's request, the Administration issued a written response to the Panel on 11 February 2009 (LC Paper No. CB(2)852/08-09(01) setting out the unique situation of Hong Kong when compared to selected overseas jurisdictions in relation to intelligence activities and the stringent controls in place in governing the operations of the law enforcement agencies in Hong Kong. The Administration proposes that this item be deleted.]

6. Policy and measures for enhancing the safety of sex workers To be confirmed

Item discussed at the meeting on 5 May 2008. On 2 December 2008, Hon Emily LAU suggested that the Panel should discuss the issue at a future meeting.

[Updates provided by the Administration: An information note on measures for enhancing the safety of sex workers was issued to the Panel (LC Paper No. CB(2)1742/07-08(01)). The Administration proposes that this item be deleted.]

7. Measures against cross-boundary corruption To be confirmed

At the meeting on 20 October 2009, Hon Cyd HO suggested that measures taken by Independent Commission Against Corruption ("ICAC") against cross-boundary corruption should be discussed at a future meeting.

An information paper on the efforts made by ICAC in forging closer cooperation with the Guangdong

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for discussion**

Provincial People's Procuratorate ("GDPP") and the Commission Against Corruption of Macao ("CCAC") on corruption prevention and education was circulated to members vide LC Paper No. CB(2)910/09-10(02).

At the meeting on 1 June 2010, in the context of discussing the item "Security matters under the Framework Agreement on Guangdong/Hong Kong Co-operation", members were briefed on the collaboration among ICAC, GDPP and CCAC in the exchange of anti-corruption experiences on practical issues and the provision of corruption prevention services to cross-boundary business enterprises in the Pearl River Delta region.

According to ICAC, it had agreed with GDPP and CCAC in July 2010 to set up a standing working group to jointly map out long-term strategies and objectives to strengthen tripartite cooperation on corruption prevention and education. The working group has agreed that a conference for small and medium size enterprises ("SMEs") in the Pearl River Delta region be held in Hong Kong in September 2011 and a practical guide be published in 2012.

ICAC advised that the conference with the theme of "Integrity and Professionalism - Key to Business Success" was held on 22 September 2011 in Hong Kong. It was attended by some 200 participants from major chambers of commerce, trade associations, as well as entrepreneurs from Hong Kong, Macao and Guangdong. Speakers included government officials, professionals and entrepreneurs from the three places, sharing with participants anti-corruption strategies, corruption prevention measures and business ethics related to SME operation. The conference helped gauge the needs of cross-boundary SME entrepreneurs and shed light on the framework and contents of the corruption prevention guide. Production of the guide, a joint publication of ICAC, GDPP and CCAC, had been completed. The guide, covering respective

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anti-corruption legislation of Hong Kong, the Mainland and Macao as well as corruption prevention measures for cross-boundary SMEs entrepreneurs, was launched and promoted to businessmen in Hong Kong through related chambers of commerce and trade associations in early October 2012.

8. Immigration clearance for visitors

To be confirmed

Item proposed by Hon Paul TSE at the meetings on 13 October 2011 and 16 October 2012.

A paper provided by the Administration on the measures to facilitate immigration clearance for visitors was circulated to members vide LC Paper No. CB(2)186/11-12 on 31 October 2011. The Administration proposes that this item be deleted.]

9. Measures to combat theft of belongings of taxi passengers

To be confirmed

Item proposed by Hon Paul TSE at the meeting on 16 October 2012.

The Administration has been requested to provide a paper on the measures to combat theft of belongings of taxi passengers.

10. Use of force by staff of the Correctional Services Department in penal institutions

January 2013

Item proposed by Hon Albert HO at the meeting on 16 October 2012.

[Updates provided by the Administration: Since the Coroner's hearing of this case is expected to run until mid/late November 2012, the Administration proposes

**Proposed timing
for discussion**

that this item be discussed in January 2013 the earliest.]

- 11. Upgrading of the Tseung Kwan O Police Division to a police district** 1st Quarter of 2013

Item proposed by Hon Emily LAU and Dr Hon Elizabeth QUAT at the meeting on 16 October 2012.

The Administration intends to brief the Panel on its arrangements to upgrade the Tseung Kwan O Police Division to a police district.

- 12. Construction of Kowloon East Regional Police Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station** 2nd Quarter of 2013

The Administration intends to brief the Panel on its plan to construct Kowloon East Regional Police Headquarters and Operational Base-cum-Ngau Tau Kok Divisional Police Station to tie in with the upgrading of the Tseung Kwan O Police Division to a police district and the policing needs in the Kowloon East Region.

- 13. Development of a computer system in the Fire Services Department ("FSD") for provision of advanced post-dispatch advice** 1st Quarter of 2013

FSD plans to procure and develop a computer system which provides an internationally accredited questioning protocol to allow the provision of more elaborated and comprehensive post-dispatch advice to callers of emergency ambulance service. The Administration plans to consult the Panel on the proposal before submission to the Finance Committee.

**Proposed timing
for discussion**

14. Final report of the Independent Police Complaints Council ("IPCC") on complaint cases arising from the visit by Vice Premier Mr LI Keqiang

1st Quarter of
2013

Item proposed by Hon James TO at the meeting on 16 October 2012.

The Panel considered the interim report of IPCC on complaints cases arising from the visit by Vice Premier Mr LI Keqiang at the meeting on 5 June 2012. The final report by IPCC is expected to be completed by end 2012.

The Administration intends to brief the Panel on its response to issues raised in the Final Report when it is published.

15. Community-based drug testing

2nd Quarter of
2013

The Administration intends to brief the Panel on the proposed way forward in respect of its public consultation exercise on community-based drug testing.

16. Progress of implementation and review of a sexual conviction record check mechanism for child-related work

2nd Quarter of
2013

The Administration intends to brief the Panel on its progress of implementation of a sexual conviction record check mechanism for child-related work and related review.