

**立法會**  
**Legislative Council**

LC Paper No. CB(2)586/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 3 December 2013, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon James TO Kun-sun (Deputy Chairman)  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Hon WONG Kwok-kin, BBS  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon YIU Si-wing  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon KWOK Wai-keung  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, JP  
Dr Hon Elizabeth QUAT, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Members attending** : Hon Ronny TONG Ka-wah, SC  
Hon Gary FAN Kwok-wai

**Members absent** : Hon Paul TSE Wai-chun, JP  
Hon Frankie YICK Chi-ming  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG

**Public Officers attending** : Item IV

The Administration

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

Mr Joshua LAW Chi-kong, JP  
Permanent Secretary for Security

Ms Mimi LEE Mei-mei, JP  
Deputy Secretary for Security 1

Mrs Millie NG KIANG Mei-nei  
Principal Assistant Secretary for Security E

Ms Alice YEUNG Lai-shan  
Assistant Secretary for Security E2

Mr Godfrey KAN Ka-fai  
Senior Assistant Solicitor General  
Department of Justice

Independent Commission Against Corruption

Mr Steven LAM Kin-ming  
Assistant Director / Operations 3

Mr KO Dale  
Acting Senior Principal Investigator / R Group

Item V

The Administration

Mr John LEE, PDSM, PMSM, JP  
Under Secretary for Security

Ms Amy WONG  
Principal Assistant Secretary for Security C

Mr Corrado CHOW, IDSM  
Assistant Director of Immigration  
(Information Systems)

Mr WONG Yin-sang  
Assistant Director of Immigration (Control)

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 11

Mr Raymond LAM  
Senior Council Secretary (2) 7

Ms Kiwi NG  
Legislative Assistant (2) 1

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**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)380/13-14)

The minutes of the meeting held on 5 November 2013 were confirmed.

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**II. Information paper(s) issued since the last meeting**

(LC Paper Nos. CB(2)317/13-14(01), CB(2)322/13-14(01) and CB(2)399/13-14(01))

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

- (a) letter from Hong Kong Refugee Advice Centre regarding the screening of non-refoulement claims;
- (b) Administration's response to issues raised in a letter from Dr Kenneth CHAN regarding personal data leakage arising from loss of police notebooks and Fixed Penalty Tickets by police officers; and
- (c) letter from Dr Kenneth CHAN regarding legal liability under the Garrison Law.

3. Regarding paragraph 2(a) above, the Chairman said that the Panel might consider following up the unified mechanism for screening of non-refoulement claims after implementation for some period of time. He added that the subject referred to in paragraph 2(c) above would be incorporated into the item "Use of military sites and implementation of the Garrison Law in Hong Kong" in the list of outstanding items for discussion.

**III. Date of next meeting and items for discussion**

(LC Paper Nos. CB(2)382/13-14(01) and (02))

4. Members agreed that the following items would be discussed at the next regular meeting on 7 January 2014 at 2:30 pm -

- (a) RESCUE Drug Testing Scheme: Public Consultation; and
- (b) Follow up on the Court of Final Appeal order in the Judicial Review case *W v Registrar of Marriages* (FACV 4/2012).

5. Regarding paragraph 4(a) above, members agreed that the following professional bodies be invited to give views under the item -

- (a) The Hong Kong Medical Association;

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- (b) The Hong Kong College of Psychiatrists;
- (c) The Hong Kong College of Family Physicians;
- (d) Hong Kong Public Doctors' Association;
- (e) Hong Kong Bar Association; and
- (f) The Law Society of Hong Kong.

6. The Chairman said that members who would like to propose the invitation of other professional organizations to give views on the item in paragraph 4(a) above could inform the Clerk.

**IV. Results of study of matters raised in the Annual Report 2012 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance**  
(LC Paper Nos. CB(2)359/13-14(01) and CB(2)382/13-14(03))

7. Members noted a Summary of the Annual Report 2012 ("the Annual Report") to the Chief Executive by the Commissioner on Interception of Communications and Surveillance ("the Commissioner") prepared by the Secretariat of the Commissioner, which was tabled at the meeting.

*(Post-meeting note: The Summary tabled at the meeting was circulated to members vide LC Paper No. CB(2)431/13-14 on 4 December 2013.)*

8. The Chairman informed Members that the Commissioner, who had been invited to attend the meeting, had replied that it was not appropriate for him to attend. The Commissioner had, in line with the practice of the former Commissioner, held a briefing on the Annual Report in the morning of 3 December 2013, which had been attended by some Legislative Council ("LegCo") Members, the media and members of the public.

9. Secretary for Security ("S for S") briefed Members on the results of the Administration's study of matters raised in the Annual Report, details of which were set out in the Administration's paper.

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10. Members noted the background brief entitled "Results of Study of Matters Raised in the Annual Report to the Chief Executive by the Commissioner on Interception of Communications and Surveillance" prepared by the LegCo Secretariat.

Empowering the Commissioner to check and listen to interception products

11. Mr WONG Yuk-man said that the Annual Report contained much fewer pages than past annual reports. He considered that this might reflect that the Commissioner was less stringent on law enforcement agencies ("LEAs") in comparison with the former Commissioner. Regarding the Commissioner's recommendation of expressly empowering him and his designated staff to listen to, view and monitor the products from interception and covert surveillance, Mr WONG Yuk-man asked when the Administration would introduce legislative amendments to implement the recommendation. He considered that without such a power, it would be very difficult for the Commissioner to verify matters reported by LEAs and perform his monitoring role.

12. Referring to paragraph 5.10 of the Annual Report, Mr Dennis KWOK expressed concern that without the power to listen to the recording of interception products, the Commissioner could not make any finding as to -

- (a) the veracity of the content of the conversations in the reported legal professional privilege ("LPP") call as stated in the REP-11 reports; and
- (b) whether the calls preceding the reported LPP call also contained LPP information or likely LPP information or increased likelihood that ought to have been reported to the panel judge in the first instance.

13. Mr CHUNG Kwok-pan expressed concern whether information subject to LPP would be better protected with the Administration's proposed legislative amendments to the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO").

14. S for S responded that the Administration had already issued drafting instructions regarding legislative amendments to give effect to the former Commissioner's recommendations. It was working with the Department of Justice on the legislative amendments and would

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communicate with the Commissioner and panel judges where necessary in the process. The Administration was working towards introducing legislative amendments to ICSO into LegCo within 2014.

Information subject to LPP

15. Referring to paragraph 5.7 of the Annual Report, Mr Dennis KWOK queried why additional conditions were imposed to guard against the risk of obtaining LPP information, instead of terminating the interception operation immediately upon noticing that information subject to LPP had been obtained. He sought information on the additional conditions imposed by the panel judge.

16. S for S responded that it was not appropriate to disclose the additional conditions imposed by the panel judge, which were specific to cases. He said that when making an application for a prescribed authorization, an LEA applicant had to submit with his application an affidavit or written statement on his assessment of the likelihood of involvement of LPP to a panel judge. Whenever there were subsequent changes which might affect the assessment, the LEA concerned had to submit an REP-11 report to the panel judge, who would then determine whether the prescribed authorization should continue and if so, whether any additional condition needed to be imposed.

17. Referring to paragraph 11 of the background brief prepared by the LegCo Secretariat, Mr YIU Si-wing asked about the number of cases in which LEAs had notified the Commissioner of operations that were likely to involve LPP information or where LPP information had been obtained inadvertently. He also asked whether LPP information thus obtained could be presented as evidence in court.

18. S for S responded that the Code of Practice ("CoP") required LEAs to report such cases. There were 27 LPP reports in 2010, 37 LPP reports in 2011 and 13 LPP reports in 2012. The decrease in the number of LPP reports might result from better knowledge on the part of law enforcement officers in handling information which might be subject to LPP. Among the 13 LPP reports in 2012, only one report involved obtaining of information subject to LPP. As soon as the listener formed the view that information subject to LPP had been obtained, an REP-11 report and discontinuance report were submitted to the panel judge who duly revoked the prescribed authorization. He pointed out that information subject to LPP could not be presented as evidence in court.

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19. The Deputy Chairman considered that the Commissioner was less stringent than the former Commissioner in the performance of his monitoring role. Referring to paragraphs 4.35 and 4.36 of the Annual Report, he expressed concern that although confession was made by the Storekeeper concerned in late March 2012, the LEA concerned had not taken a statement from the Storekeeper until three weeks later and the Secretariat of the Commissioner's office was not advised of the confession until May 2012. He considered this might reflect that the LEA concerned had attempted to cover up the incident.

20. S for S pointed out that the Commissioner had stated in the Annual Report that he was very concerned about the case. He informed Members that the disciplinary actions taken against the officers concerned were comparatively severer, which included severe reprimand, reprimand and verbal warning, and would be recorded in the officers' personal files.

Cases involving journalist material ("JM")

21. Ms Claudia MO expressed concern that there were three reports relating to JM in 2012. She asked whether a prescribed authorization would be granted, if an LEA applicant indicated at the time of application that JM would be obtained. She expressed concern about the possibility of cases where an application for a prescribed authorization was submitted without informing the panel judge that JM would likely be obtained.

22. S for S responded that there was no question of an LEA submitting an application for a prescribed authorization without informing the panel judge if JM would likely be obtained. ICSO required an applicant to set out, at the time of applying for a prescribed authorization, the likelihood that any information which might be the contents of any JM would be obtained by carrying out the interception or covert surveillance sought to be authorized. LEAs were required to notify the panel judges of cases where information which might be the contents of any JM had been obtained. Among one of the three JM cases in 2012, the panel judge had imposed additional conditions on the prescribed authorization. In the other two cases, REP-11 reports and discontinuance reports were submitted to the panel judge who revoked the prescribed authorizations.



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Use of a personal mobile phone by a law enforcement officer to take a photograph in an observation

23. Referring to paragraphs 4.37 to 4.39 of the Annual Report, Mr WONG Yuk-man expressed grave concern about the use of a personal mobile phone by a law enforcement officer to take a photograph in an observation.

24. Mr LEUNG Kwok-hung considered that law enforcement officers should not be allowed to use personal mobile phone during operations.

25. Dr Elizabeth QUAT asked whether the Administration had any plans to amend ICSO to prohibit law enforcement officers from using personal mobile phone during operation.

26. S for S responded that the LEA concerned had issued a reminder to its officers spelling out the need to strictly adhere to the requirement that only officially issued devices should be used in discharging operational duties under ICSO. Records were kept on the issue and return of devices used in interception of communications and covert surveillance operations.

Interception of communications and surveillance by the non-government sector

27. Mr Michael TIEN expressed concern that ICSO only regulated four designated LEAs. He asked whether the Administration had any plans to extend the application of ICSO to members of the public and private investigators.

28. S for S responded that the purpose of ICSO was to empower four designated LEAs to undertake lawful interception of communications and covert surveillance operations to prevent and detect serious crimes and protect public security. Regarding the interception of communications and surveillance by the non-government sector, the Law Reform Commission ("LRC") had published five reports related to privacy between 1996 and 2006, including reports on regulating the interception of communications and the regulation of covert surveillance. The Administration noted that when the reports were published, the media sector and journalists expressed grave concern that the recommendations might compromise press freedom. Given the complexity and sensitivity of the issues involved, the Constitutional and Mainland Affairs Bureau ("CMAB") was handling the relevant reports by stages and would

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consider very carefully the views of all parties concerned. The issues raised in the LRC report on stalking were comparatively less controversial, and CMAB would first deal with it.

Whether there was interception of communications by the Security and Futures Commission ("SFC")

29. Mr Christopher CHEUNG asked whether the interception of communications by SFC was subject to regulation by ICSO. S for S responded that ICSO only empowered four designated LEAs to undertake interception of communications and covert surveillance to prevent and detect serious crime and protect public security. The interception of communications required the prescribed authorization of a panel judge. ICSO did not empower SFC, which was a statutory body, to carry out such operations.

30. Mr CHEUNG asked whether ICSO would be amended to regulate SFC. S for S said that the Administration had no plan to do so.

31. Dr LAM Tai-fai asked whether a member of the public whose communication was intercepted by SFC and suffered losses should claim damages through criminal procedures or civil procedures.

32. S for S responded that it was not appropriate for him to provide a response on hypothetical situations. He said that statutory bodies had to discharge their duties in accordance with relevant legislation. A person who suffered losses could seek legal advice on lodging claims under civil procedures. Where there was any crime involved in a specific case, such as a breach of the relevant provisions of the Crimes Ordinance (Cap. 200), the Personal Data (Privacy) Ordinance (Cap. 486) or the Telecommunications Ordinance (Cap. 106), the case would be followed up by LEAs and the relevant regulatory body.

33. S for S added that the enactment of ICSO mainly arose from concerns about the need to regulate interception of communications and covert surveillance following the delivery of relevant court judgments. He reiterated that the scope of ICSO was confined to four designated LEAs. A regulatory body had to act in accordance with the law. Any person who had queries about SFC's work could enquire with it direct.

34. The Chairman pointed out that issues relating to SFC were under the purview of the Panel on Financial Affairs.

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Retention by a law enforcement officer of documents suspected to be related to interception operations

35. Referring to paragraph 7.12 of the Annual Report, the Deputy Chairman expressed concern whether the officer concerned had kept the documents for the purpose of crime.

36. Ms Cyd HO considered that the Commissioner was less stringent than the former Commissioner in monitoring LEAs. Referring to paragraphs 7.10 to 7.14 of the Annual Report, she expressed concern that the Commissioner considered the case concerned not a case of non-compliance. She asked whether there was any reduction in pension or other benefits of the officer concerned as a result of the case. She also asked why the supervisor of the officer was not aware of the non-compliance and whether CoP had been amended to prevent the recurrence of similar incidents.

37. Mr LEUNG Kwok-hung considered that the Commissioner's view in respect of the case reflected that he was not stringent enough on LEAs.

38. Mr CHAN Chi-chuen queried why documents suspected to be related to interception operations had been kept by the officer concerned for a long time, despite the existence of internal guidelines on their destruction. He considered that the Administration should investigate why the officer concerned had kept the document for such a long time, and whether it was intended or had been used in any crime. The Administration should also examine whether the supervisor of the law enforcement officer concerned should be held responsible and whether there was any loophole in the existing system.

39. S for S responded that the case was reported by an LEA to the Commissioner in accordance with established procedures. The case had been reviewed by the former Commissioner and the LEA concerned had provided all relevant information to the former Commissioner. As the officer concerned was undergoing a criminal trial at that time, the case was carried forward to 2012 and concluded by the Commissioner. As the officer concerned had already been struck off the strength of the LEA concerned after the criminal trial, no disciplinary action had been taken. Whether the officer concerned would forfeit his pension or other benefits after the criminal trial would be dealt with by the Civil Service Bureau in accordance with the established rules and regulations of the civil service.

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40. S for S said that the Commissioner had acted independently and in accordance with ICSO in his review of the case. The Administration fully respected the views and conclusion of the Commissioner. The Commissioner had pointed out in the Annual Report that he considered it not a case of non-compliance because the LEA concerned had issued guidelines to ensure that the destruction requirements under ICSO and CoP was satisfied. S for S stressed that amendments would be introduced to CoP, if considered necessary by the Commissioner after his review of cases.

41. Referring to paragraph 7.14 of the Annual Report, the Chairman asked whether there was non-compliance of ICSO on the part of the officer concerned but not the LEA in the case.

42. The Deputy Chairman considered that the Administration should investigate into the case concerned to see if the document retained had been used for any illegal purpose and whether the supervisor concerned should also be held responsible.

43. S for S responded that as stated in the Annual Report, the LEA had conducted an investigation and revealed that the law enforcement officer concerned had violated the departmental guidelines of the LEA. There was no non-compliance on the part of the LEA concerned, as it had issued guidelines to ensure that the destruction requirements under ICSO and CoP were satisfied. S for S said that the supervisor of the law enforcement officer concerned was not aware of the matter until it was discovered. He pointed out that the Commissioner had not taken the view that the supervisor should be held responsible.

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44. Ms Cyd HO requested the Administration to provide, in relation to the case referred to in paragraphs 7.10 to 7.14 of the Annual Report, information on -

- (a) the ranks of the law enforcement officer concerned and his supervisor; and
- (b) any new procedures adopted as a result of the case.

Surveillance devices

45. Mr YIU Si-wing expressed concern whether there was regulation of the use of surveillance devices. S for S responded that all surveillance devices were subject to stringent control, including the use of surveillance devices for non-ICSO purposes as set out in Chapter 4 the Annual Report.

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Attitude problem among law enforcement officers

46. Dr Elizabeth QUAT said that a reduced number of irregularities identified in the Annual Report reflected that the former Commissioner's monitoring work had been effective. She asked how the problem of lax attitude of some law enforcement officers towards ICSO was tackled by the Administration.

47. S for S responded that the Administration agreed with the Commissioner's view that LEAs should devote more time and effort to instill in officers implementing and supervising the control mechanism for the movement of surveillance devices the need for strict adherence to ICSO procedures. It also agreed with the Commissioner's view that LEAs should introduce computer-based process to reduce human error.

48. The Deputy Chairman said that measures such as the deployment of a seal should be adopted to prevent the possible removal of memory cards from surveillance devices and copying of data from these memory cards to other devices.

49. S for S responded that there was already mechanism and procedures in place to prevent the removal of memory storage media from surveillance devices. The Deputy Chairman requested the Administration to provide a written response on whether all surveillance devices were subject to such mechanism and procedures.

Admin

Statistics on interception of communications and covert surveillance under ICSO

50. Ms Emily LAU hoped that the Commissioner would fully perform his monitoring role under ICSO. Ms LAU expressed concern that -

- (a) the number of applications for prescribed authorization to carry out interception had decreased from 1 556 in 2007 to about 1 100 in 2012;
- (b) the number of applications for Type 1 surveillance had decreased from 136 in 2007 to six in 2012;
- (c) the number of Type 2 surveillance had decreased from about 120 in 2007 to 11 in 2012;

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- (d) the number of subject persons arrested as a result of or further to interception carried out pursuant to a prescribed authorization had decreased from 121 in 2007 to 70 in 2012;
- (e) the number of non-subject persons arrested as a result of or further to interception carried out pursuant to a prescribed authorization had decreased from 396 in 2007 to 164 in 2012;
- (f) the number of subject persons arrested as a result of or further to surveillance carried out pursuant to a prescribed authorization had decreased from 127 in 2007 to 12 in 2012; and
- (g) the number of non-subject persons arrested as a result of or further to surveillance carried out pursuant to a prescribed authorization had decreased from 110 in 2007 to 13 in 2012.

Ms LAU asked whether the Administration had analyzed whether such decreases were due to improved crime situation or reluctance on the part of LEAs to submit applications for prescribed authorizations and executive authorizations.

51. S for S responded that it was the mission of LEAs to perform interception and surveillance operations in compliance with ICSO. There was no question of reluctance on the part of LEAs to apply for prescribed authorizations and executive authorizations under ICSO for the investigation of serious crime. He pointed out that there had generally been continued improvement in the crime rate in Hong Kong in the past few years. It could be noted from the Commissioner's Annual Report that there were no cases of non-compliance in 2012.

*[To allow sufficient time for discussion, the Chairman directed that the meeting be extended for 15 minutes.]*

**V. Latest progress on the electronic exit-entry permit for travelling to and from Hong Kong and Macao**  
(LC Paper Nos. CB(2)382/13-14(04) and (05))

52. Under Secretary for Security ("US for S") briefed Members on the latest progress of the complementary arrangements undertaken by the Immigration Department ("ImmD") in relation to a new card-type electronic Exit-entry Permit ("EEP") to be issued by the Mainland authorities.

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53. Members noted the information note on the subject prepared by the LegCo Secretariat.

Whether the proposed addition of multi-purpose e-Channels would be adequate for coping with the projected increase in the number of visitors

54. Mr KWOK Wai-keung expressed concern that frontline immigration staff faced heavy work pressure arising from the large volume of people using immigration control points. He asked whether the proposed addition of 179 multi-purpose e-Channels would relieve the work pressure on frontline immigration staff and whether additional immigration manpower would be needed following the addition of such multi-purpose e-Channels.

55. US for S responded that the immigration clearance time for a visitor at a traditional immigration counter was about 75 seconds, while that at an e-Channel was about 20 seconds. He said that about 21 additional multi-purpose e-Channels would be installed in 2014. With each e-Channel being capable of handling 180 visitors per hour and operating 15 to 24 hours a day, the 21 multi-purpose e-Channels to be installed in 2014 should be more than adequate for coping with the projected increase of Mainland visitors to 23.5 million by 2014. He said that the total number of visitors had increased by 12 % in the first 10 months of 2013 and the number of Mainland visitors had increased by 10% during the same period. ImmD newly recruited nearly 400 staff in the officer and rank and file grades in 2012 and further recruited more than 200 in those grades in 2013. Immigration manpower and immigration counters were flexibly deployed to cope with changes in visitor volume at different hours of a day. With the increase in the number of visitors using e-Channels, more frontline immigration staff could be relieved from traditional immigration counters for monitoring work at e-Channels, thus strengthening monitoring work at e-Channels.

*(Post meeting note: The Administration advised that the total number of new recruits by ImmD in 2013 was more than 300, with 32 additional new recruits in December 2013.)*

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Immigration control under the Administration's proposed complementary arrangements

56. Mr Gary FAN said that the Neo Democrats was very concerned about the impact of the Administration's proposed arrangements on immigration control regarding Mainland pregnant women whose husbands were non-Hong Kong residents. He sought information on the additional manpower required for carrying out monitoring work at boundary control points if the total movement of Mainland visitors using e-Channels increased to the projected level of 23.5 million in 2014. He queried how the frontline immigration staff originally deployed at traditional counters and redeployed for monitoring visitors at e-Channels could exercise effective immigration control.

57. The Deputy Chairman expressed concern that if the immigration clearance time for a visitor was reduced from about 75 seconds for a traditional immigration counter to about 20 seconds for an e-Channel, the time available for monitoring visitors would be substantially reduced. He queried whether the immigration manpower saved from the reduction in traditional immigration counters would all be redeployed for the monitoring of visitors using e-Channels.

58. US for S stressed that the monitoring of visitors was not confined to the time when a visitor was at a traditional immigration counter or an e-Channel, but throughout the time when the visitor were inside a control point. In the first 11 months of 2013, ImmD had refused the entry of over 4 000 non-local pregnant visitors.

59. Assistant Director of Immigration (Information Systems) explained that with the addition of multi-purpose e-Channels, more frontline immigration staff could be deployed for monitoring of visitors. It was the international trend to focus on visitors with a high risk and suspicious visitors. Assistant Director of Immigration (Control) added that Health Surveillance Assistants were also stationed at strategic locations at boundary control points, such as the Lo Wu Bridge, to help monitor incoming Mainland pregnant women.

60. Mr Gary FAN suggested that a visit be arranged to facilitate Members' understanding about the monitoring of visitors using e-Channels and traditional immigration counters at control points. The Chairman said that visits of the Panel to different LEAs were being arranged to facilitate members' understanding of the operations of different LEAs. The suggestion might be considered when a visit to ImmD was arranged.



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Possible impact of the proposed complementary measures on Hong Kong residents using e-Channels

61. Mr CHUNG Kwok-pan considered that the long queue of visitors at control points would probably reduce after the implementation of the proposed complementary measures by ImmD. He asked whether different e-Channels were designated for Hong Kong residents and Mainland visitors at boundary control points. He expressed concern whether parallel trade activities would intensify after the introduction of the proposed complementary measures.

62. US for S responded that different e-Channels were designated for Hong Kong residents and visitors. Where necessary, e-Channels for visitors could also be designated as e-Channels for Hong Kong residents. He said that as Mainland visitors with booklet EEPs could currently apply for using e-Channels, the proposed complementary measures should not have any substantial impact on parallel trade activities. He said that 11 500 parallel traders had so far been refused entry at control points.

Combating the use of faked fingerprint at e-Channels

63. Mr Gary FAN expressed concern how the use of faked fingerprint at e-Channels was tackled by the Administration. US for S responded that a series of measures had been adopted to combat the problem, including the use of optical scanners, which deployed multi-spectral technology involving detection of the textural and optical characteristics of the outer and inner skin of a finger, in fingerprint authentication.

Visitors with adverse record

64. Referring to paragraphs 5 and 6 of the Administration's paper, Dr Kenneth CHAN expressed concern about the source of information and legislation on which adverse record was based and whether there was a "black list" of visitors. He asked whether the source of information included intelligence provided by agencies of other jurisdictions and whether Mr WUER Kaixi had been refused entry into Hong Kong because of adverse record.

65. US for S responded that adverse record might include record of undertaking illegal employment and committing crime, or intelligence indicating the involvement of the visitor in terrorist activities. All adverse records were drawn up making reference to local legislation.

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Contingency measures during breakdown of the e-Channel system

66. Mr Christopher CHEUNG asked whether contingency measures had been drawn up to deal with a breakdown of the e-Channel system. US for S responded that in the event of a breakdown of the e-Channel system, arrangement would be made for visitors to undergo clearance at traditional immigration counters. There was also a back-up system for the computer terminals at traditional immigration counters. He stressed that traditional immigration counters would not be abolished with the addition of e-Channels.

67. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
3 January 2014