

立法會
Legislative Council

LC Paper No. CB(2)1029/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Friday, 7 February 2014, at 10:45 am
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 Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming
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 LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Hon Dennis KWOK

Member attending : Hon Gary FAN Kwok-wai

Members absent : Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Public Officers attending : Item IV

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

Ms Amy WONG
Principal Assistant Secretary for Security C

Mr LAW Chun-nam
Assistant Director of Immigration (Visa and Policies)

Item V

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

Miss Bella MUI Bun-ngai
Principal Assistant Secretary for Security B

Mr LAM Kwok-leung
Assistant Commissioner of Correctional Services
(Operations)

Mr Sunny PANG Kwok-keung
Senior Engineer
Electrical & Mechanical Services Department

Item VI

Mr John LEE Ka-chiu, PDSM, PMSM, JP
Under Secretary for Security

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

Mr Edwin LAM Man-wing
Assistant Commissioner of Police (Support)

Mr Nelson LUI Hon-Kwok
Deputy Regional Commander (New Territories South)
Hong Kong Police Force

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

Miss Kay CHU
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)773/13-14)

The minutes of the meeting held on 7 January 2014 were confirmed.

II. Information paper(s) issued since the last meeting
(LC Paper Nos. CB(2)627/13-14(01), CB(2)745/13-14(01) to (02)
and CB(2)805/13-14(01))

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

- (a) referral from the Public Complaints Office regarding monitoring of the Independent Police Complaints Council;

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- (b) referral from the Public Complaints Office on rezoning a site at the Central waterfront from "Open Space" to "Military Use"; and
 - (c) Administration's paper on the Police's handling of cases of abuse of foreign domestic helpers by employers.
3. Dr Kenneth CHAN suggested that the referral in paragraph 2(c) above be followed up when the subject of "Use of military sites and implementation of the Garrison Law in Hong Kong" was discussed.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)775/13-14(01) and (02))

4. Members agreed that the following items would be discussed at the next regular meeting on 18 March 2014 at 10:45 am -
- (a) Use of body-worn video camera by Police;
 - (b) Progress of implementation of the Household Policing Plan;
 - (c) Replacement of 18 police launches;
 - (d) Construction of departmental quarters for customs officer grade officers at Yau Yue Wan Village Road, Tseung Kwan O; and
 - (e) Replacement of radio communications system of the Operations Department of the Independent Commission Against Corruption.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the item "Replacement of 18 police launches" was subsequently deferred to a future meeting.)

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IV. Immigration arrangements for entry of Mainland residents for family reunion

(LC Paper Nos. CB(2)775/13-14(03) to (05))

5. Secretary for Security ("S for S") briefed Members on the immigration arrangements for entry of Mainland residents for family reunion, as detailed in the paper provided by the Administration. He informed Members that the Administration had been taking enforcement actions against persons seeking entry into Hong Kong for settlement by means of bogus marriage with Hong Kong residents. Between February 2007 and December 2013, the Administration had investigated 5 544 cases of such a nature and successfully prosecuted 1 537 persons, who were sentenced to imprisonment of four to 48 months.

6. Members noted the background brief entitled "Immigration arrangement for entry of Mainland residents for family reunion" prepared by the Legislative Council ("LegCo") Secretariat.

Applications from Mainland residents for entry into Hong Kong for family reunion

7. Ms Claudia MO expressed concern about the number of persons prosecuted in connection with seeking entry into Hong Kong for settlement by bogus marriage. She asked how the Administration tackled cases of entry of Mainland residents into Hong Kong for settlement by means of bribery or submission of false documents in the Mainland. She considered that the Hong Kong Special Administrative Region Government ("HKSARG") should be responsible for the screening and approval of applications from Mainland residents for One-way Permits ("OWPs").

8. Mr Gary FAN said that there was a lack of transparency in the processing of OWP and Exit Entry Permit ("EEP") applications. HKSARG should be responsible for the screening and approval of OWP applications.

9. Mr KWOK Wai-keung considered that if HKSARG was responsible for screening and approval of applications for OWP, the number of OWP applications would probably increase.

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10. Mr CHAN Kam-lam said that the transparency of the existing OWP Scheme, which had enabled the reunion of many families, had been enhanced over the years. He considered that the Scheme should not be revised merely because of individual corruption cases.

11. S for S said that any person who entered Hong Kong with OWP or EEP obtained with the submission of false information was in breach of the laws of Hong Kong and laws of the Mainland. Such persons would be repatriated to the Mainland. He pointed out that applicants who applied for OWPs or EEPs in the Mainland and their Hong Kong family members concerned were required to submit in person the originals of relevant documents to the Mainland authorities. Where the Mainland side had doubt about an application, information about the case would be provided to the Hong Kong side for further investigation.

12. S for S further said that both the Administration and the Mainland authorities were taking firm actions to combat corruption. The Mainland authorities adopted a point-based system, which set out open and transparent approval criteria, for OWP applications. The Mainland authorities assessed the eligibility and priority of applicants with reference to these criteria, updated annually the "eligibility points" required for approval of the OWP application and announced the updates through media and the Internet. The Mainland authorities published the names of applicants under certain categories whose approval procedures were completed. In some provinces, applicants could check the status of their applications online.

13. Mr Paul TSE considered that the Administration should not only repatriate persons who submitted false information in their OWP applications, but investigate into the cases concerned and institute prosecution where appropriate.

14. Referring to paragraph 5 of the Administration's paper, Dr Kenneth CHAN said that the Administration should, instead of rendering assistance when necessary in verifying supporting documents by applicants and their relatives concerned, proactively verify the documents submitted in each case.

15. S for S responded that OWP applicants, who were Mainland residents, had to submit all relevant documents together with their applications to the Mainland authorities. The Administration was responsible for examining and verifying the documents and their claimed relationship with their relatives in Hong Kong.

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16. Dr Kenneth CHAN considered that the Administration should play a more active role in preventing corruption relating to OWP applications. S for S said that as the names of applicants under certain categories whose approval procedures were completed were published, anyone who identified irregularity in the list displayed could lodge a complaint. Dr CHAN expressed concern that some people might be reluctant to lodge a complaint because of concerns about the possible consequences.

17. Mr Alan LEONG said that it was not mandatory under Article 22(4) of the Basic Law ("BL") for HKSARG to admit all Mainland residents approved by the Mainland authorities to enter Hong Kong for the purpose of settlement. He considered that there was room for the Administration to arrange these persons to enter Hong Kong at a time and in an order determined by HKSARG.

18. S for S responded that Article 22(4) of BL should be read in conjunction with the Interpretation by the Standing Committee of the National People's Congress of Articles 22(4) and 24(2)(3) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section XIV of Annex I to the Sino-British Joint Declaration. He said that there was no ground to refuse the entry of a Mainland resident approved by the Mainland authorities under BL and relevant Mainland laws to settle in Hong Kong.

Household registration of OWP holders in the Mainland after their entry into Hong Kong for settlement

19. Mr Gary FAN expressed concern whether the Administration had discussed with the Mainland authorities the possibility of retaining the Mainland household registration of OWP holders for a period of time after their arrival in Hong Kong.

20. Mr KWOK Wai-keung expressed concern that some OWP holders who could not adapt to the life in Hong Kong could not return to live in the Mainland. He asked whether there was any progress regarding the Administration's discussion of the issue with the Mainland authorities.

21. S for S said that the Administration was discussing the issue with the Mainland authorities. He said that such persons could still enter the Mainland with Home Visit Permits.

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Collection and use of information about Mainland residents who entered Hong Kong on the strength of OWPs

22. Mr Frankie YICK asked whether the Administration had assessed the impact of the entry of OWP holders on population policy, land supply, employment, public transportation, education and welfare service in Hong Kong. He asked whether the Administration had carried out any analysis of the profile, such as age, education level and skills, of persons who entered Hong Kong on the strength of OWPs to facilitate manpower planning.

23. S for S responded that data on demographic and social characteristics of new arrivals from the Mainland were collected by the Immigration Department ("ImmD") through the issue of a questionnaire to OWP holders who first entered Hong Kong via the Lo Wu Control Point. A survey was conducted by the Home Affairs Department ("HAD") on new arrivals from the Mainland when they applied for Hong Kong identity cards. The survey focussed on the service needs and facts about the new arrivals from the Mainland. The statistical reports concerned were disseminated to relevant government departments and non-governmental organisations for service planning, and were uploaded onto the HAD website. Among OWP holders who came to settle in Hong Kong in 2012, 86% had received secondary education level or above and 14 % had received tertiary education.

24. Mr YIU Si-wing asked whether any government department had been designated for the provision of centralised support and counselling services to OWP holders who arrived Hong Kong. S for S responded that matters relating to immigration and registration of persons were handled by ImmD, while other services were provided by various departments as relevant. He said that a leaflet entitled "District-based Integration Programme for New Arrivals from the Mainland" was issued to all new arrivals from the Mainland to facilitate their understanding of the supportive services available.

25. Dr Kenneth CHAN said that besides conducting surveys to understand the needs of OWP holders who came to settle in Hong Kong, the Administration should seek to understand through the surveys how these persons could contribute to the economy of Hong Kong.

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26. S for S responded that arrival of OWP holders to settle in Hong Kong had helped to mitigate the consequences of an ageing population and replenish the workforce in Hong Kong. The Administration had been collecting information about the education level of these persons and providing employment services to assist them to integrate into the community.

27. Mr Paul TSE expressed concern that there was no consequence for refusal to complete the questionnaire for OWP holders. He considered that instead of asking OWP holders to complete a questionnaire upon their first entry, the Administration should seek to obtain information from these persons when they submitted their applications and verify the supporting documents submitted in each application.

28. S for S responded that the Administration's collection of information from OWP holders was mainly for the purpose of identifying service needs. He said that by the time an OWP application was approved, the information provided at the time of submission of application might be outdated.

29. Dr Kenneth CHAN expressed concern that as the Administration's statistics on new arrivals were based on data collected by sampling, there might be variance in the results. S for S responded that the questionnaire was distributed to all new arrivals on the strength of OWPs. Although it was not mandatory for the new arrivals to complete the questionnaire, most of them had completed the questionnaire after being informed of the survey purpose.

Checking of application status by OWP applicants

30. Mr LEUNG Che-cheung expressed concern that although the Guangdong Province allowed applicants to check the status of their OWP applications online, other provinces did not provide such a service. He considered that other provinces should be suggested to provide such a service.

31. S for S responded that as the Guangdong Province had more resources than other provinces, it was able to launch such a service at an earlier time when other provinces were working in the same direction. He pointed out that although other provinces had not posted such information online, names of applicants under certain categories whose approval procedures were completed were displayed on the notice boards of the respective offices.

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Mainland single mothers with minor children in Hong Kong

32. Mr YIU Si-wing expressed concern that a Mainland single mother whose child was born in Hong Kong had become ineligible for OWP application after the death of her husband. Mr LEUNG Che-cheung asked whether some of the daily quota under the OWP Scheme could be allocated to Mainland single mothers with minor children in Hong Kong.

33. Dr Kenneth CHAN and Mr Alan LEONG considered that some of the daily quota under the OWP Scheme should be allocated to Mainland single mothers with minor children in Hong Kong.

34. S for S said that the OWP Scheme was a Mainland scheme regulated by the Interim Measures for the Control of Chinese Citizens Travelling on Private Business to or from the Regions of Hong Kong or Macao (中國公民因私往來香港地區或澳門地區的暫行管理辦法). Mainland single parents were outside the categories of eligible persons under the law. For individual cases with special family difficulties but did not fall within the categories in paragraph 3 of the Administration's paper, ImmD would meet with such persons to understand their cases and reflect their problems in writing to the Mainland authorities. The Mainland authorities had responded positively by exercising discretion and issuing OWPs or one-year multiple exit endorsements for visiting relatives to some of these applicants.

One-year multiple exit endorsements for visiting relatives

35. Referring to paragraph 11 of the Administration's paper, Mr KWOK Wai-keung asked about the criteria for determining whether an applicant should be issued an OWP or one-year multiple exit endorsement for visiting relatives. Assistant Director of Immigration (Visa and Policies) responded that the Administration was mainly involved in the provision of information about individual cases to the Mainland authorities, which would determine on a case-by-case basis whether an applicant should be issued an OWP or one-year multiple exit endorsement for visiting relatives.

36. Mr Paul TSE asked whether there was an upper limit on the number of times a holder of one-year multiple exit endorsement for visiting relatives could visit Hong Kong within a year. S for S responded that there was not a limit on the number of such visits within the one-year period.

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Mainland adult children born to Hong Kong residents

37. Mr CHAN Kam-lam said that some Mainland adult children born to Hong Kong residents might only wish to visit their relatives in Hong Kong but had no intention to apply for OWPs. He suggested that one-year multiple exit endorsement for visiting relatives be issued to such Mainland adult children. S for S agreed to follow up the suggestion.

38. The Deputy Chairman asked whether all Mainland adult children born to Hong Kong residents were eligible to apply for OWPs.

39. S for S said that the age limit for OWP applications of accompanying children of separated spouses was 14 before 2003 and relaxed to 18 in 2003. While waiting for their applications to be approved, many of these children had grown beyond the age limit. After a series of discussions between the Administration and the Mainland authorities, the latter announced that from 1 April 2011 onwards, Mainland overage children born to Hong Kong residents could apply for OWP to settle in Hong Kong if they were below the age of 14 when their natural fathers or mothers, on or before 1 November 2001, obtained their first Hong Kong identity cards, as long as their natural fathers or mothers still resided in Hong Kong on 1 April 2011.

40. S for S informed Members that the phased submission of applications by "overage children" to the Exit and Entry Administration Offices of the Public Security Bureau were scheduled chronologically according to the order in which their natural fathers or mothers obtained their Hong Kong identity cards. Since 1 April 2011, the Mainland authorities had been accepting applications from Mainland residents whose natural fathers or mothers obtained their first Hong Kong identity cards before 1980. Starting from 10 February 2014, the Mainland authorities accepted a fourth round of applications for OWP to settle in Hong Kong from applicants whose natural fathers or mothers obtained their first Hong Kong identity cards before 1984. The arrangement was a short-term one and only sought to tackle the historical problem. In response to the Deputy Chairman's question regarding the time by which applications from such a category of persons would all be processed, S for S said that it was difficult to assess the number of Mainland overage children involved, which was in the region of tens of thousands.

Action

V. Installation of electric locks security system at Tai Lam Centre for Women

(LC Paper Nos. CB(2)775/13-14(06) and (07))

41. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

42. Under Secretary for Security ("US for S") briefed Members on the Administration's proposal to install electric locks security system ("ELSS") at the Tai Lam Centre for Women ("TLCW") of the Correctional Services Department ("CSD").

43. Members noted the background brief entitled "Tai Lam Centre for Women" prepared by the LegCo Secretariat.

ELSS for TLCW

44. Mr Paul TSE noted that the Finance Committee ("FC") had approved funding in July 2012 for the partial redevelopment of TLCW. He asked whether the installation of ELSS had been included in the relevant funding request submitted to FC in 2012. US for S responded that financial provision for the installation of ELSS had been included in the funding request for the partial redevelopment of TLCW approved by FC in July 2012. The current proposal involved the installation of ELSS at the remaining parts of TLCW which were outside the partial redevelopment area.

Operation of ELSS

45. Mr Kenneth LEUNG asked whether ELSS could be operated manually when it was out of order or when there was no power supply. US for S responded that ELSS would incorporate a back-up server and uninterrupted power supply ("UPS"). ELSS could be manually operated with keys when the system was out of order or when there was no power supply. Senior Engineer, Electrical & Mechanical Services Department added that when ELSS and UPS were both out of order, the system could be manually operated with keys in the same way as the existing mechanical locks system.

46. The Deputy Chairman asked whether security gates would be unlocked at the control room under ELSS. US for S replied in the affirmative. He added that all gates would be automatically locked after being opened for a certain time interval.

Action

Implications on manpower deployment at TLCW

47. Mr YIU Si-wing asked whether any saving in CSD manpower could be achieved from the installation of ELSS at TLCW. US for S responded that as the operation of the existing mechanical locks only constituted a small part of the duties of CSD staff, who were also involved in other tasks such as patrolling and search of persons in custody, the installation of ELSS would not result in any particular change in the manpower need at TLCW. Assistant Commissioner of Correctional Services (Operations) added that as the penal population at TLCW had remained fairly stable, there would not be any change to manpower deployment at TLCW.

Installation of ELSS at other penal institutions

48. The Deputy Chairman and Mr Kenneth LEUNG asked whether ELSS would be installed at all other penal institutions. US for S responded that ELSS had been installed at Lo Wu Correctional Institution, some detention facilities at courts and hospitals, some premises in Stanley Prison, Lai Chi Kok Reception Centre, Lai King Correctional Institution and Shek Pik Prison. A group formed by CSD to study the installation of ELSS at penal institutions had recommended that existing manual locks would be replaced by ELSS according to need and subject to practicality. CSD would make use of the opportunity to do so on a case-by-case basis when relevant improvement works were carried out to a penal facility.

Other issue

49. Mr Paul TSE asked whether there had been any delay in the rescue of persons in penal institutions arising from the time needed for the manual operation of existing mechanical locks. US for S replied that there was no evidence in the past suggesting that the manual operation of existing locks had caused delay in rescue which resulted in any death.

50. The Chairman concluded that members in general supported the Administration's submission of its proposal to FC.

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VI. Proposal to write off a judgment debt

(LC Paper Nos. CB(2)775/13-14(08) and (09))

51. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning personal pecuniary interest to be disclosed.

52. US for S briefed Members on the Administration's proposal to write off an irrecoverable judgment debt totalling \$824,344.47, which was inclusive of interest, owed to the Government by a former Supplies Supervisor II ("the former SS II") responsible for handling case property of the Police.

53. Members noted the information note entitled "Proposal to write off a judgment debt" prepared by the LegCo Secretariat.

[To allow sufficient time for discussion, members agreed that the meeting be extended to 1:00 pm.]

Investigation into the case concerned

54. The Deputy Chairman expressed concern about the value of stolen case exhibits and cash in the case concerned. He queried why the case exhibits concerned had not been safely kept and whether investigation had been conducted into the Property Control Officer ("PCO") concerned, who was the supervisor of the former SSII.

55. US for S responded that the former SSII was not the only person examined in the case. Investigation had been conducted into the PCO concerned and it was found that he had been deceived by the former SSII. However, the PCO concerned had failed to properly administer access to valuable properties in the property office according to the prescribed procedures. The Administration had taken actions against the PCO concerned for his alleged misconduct in accordance with the established procedures under the Public Service (Administration) Order.

Preventive and improvement measures

56. Mr Kenneth LEUNG asked whether there was a property office in each police district or police region. He expressed concern whether there had been other cases of theft of property kept in property offices.

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57. Mr Paul TSE said that according to his experience, the Police had been very cautious in the custody of case exhibits. Noting that case exhibits and cash had been stolen by the former SSII in the case concerned, he expressed concern whether the case in which the case exhibits were involved had been affected as a result of loss of case exhibits. He also expressed concern whether there had been other cases in which case exhibits had been stolen at the property office of police stations.

58. US for S responded that there was a property office in each police station. Each property office had a property officer and a PCO. Upon discovery of the incident, the Police had, besides conducting comprehensive investigation into the case, reviewed and improved its property control procedures. The responsibility for regulating the operation of the property office had been transferred to inspectorate officers across the board. A PCO in the Police was generally the Commander of Administration and Support Sub-unit ("ASSUC") or the Commander of Property Office Sub-unit. Both were officers of the inspectorate rank. In divisions or formations without an ASSUC, a PCO would be an inspectorate officer designated by a superintendent. Exhibits of different value were stored at different locations and subject to different levels of security. The PCO at inspectorate rank conducted weekly random checks and inspections of property in the property office with reference to the record in the Communal Information System ("CIS"). Random checks were also conducted by police officers at the rank of chief inspector and superintendent. Property of a high value was kept in a safe. Only the relevant officers could retrieve property from the property office for further investigation or presentation to court as evidence.

59. US for S said that a supervisory officer might, through the supervisory and monitoring function of CIS, check the withdrawal and receipt of property in the safe and the property office under his supervision, as well as the inspection records of the management staff. The Police had formulated policies on posting arrangements with a view to ensuring that posts involving property control duties were to be taken up by suitable officers. The Police had also stepped up its efforts in promoting integrity management and enhancing the good conduct of police officers to prevent similar incidents.

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Authentication of the identity of property handling officers

60. Noting that CIS of the next generation might require officers using the new system for return and receipt of property to place their warrant cards on a card reader for verifying their identities, Mr LEUNG Kwok-hung said that the Police should instead verify the identity of these officers through authentication of fingerprint or pupil profile. US for S responded that the Police was examining ways to enhance security relating to the handling of property, having regard to the necessity and the proportionality of the measures to be taken.

Handling of lost property

61. Dr Kenneth CHAN said that a member of the public had informed him of having passed a cash coupon found on the road to the Police and had been issued a receipt. After some time, the member of the public made enquiries with the police station regarding how the cash coupon had been handled but no definite answer was given. The member of the public was concerned whether the cash coupon had been handled properly by the Police.

62. US for S responded that when a member of the public passed articles believed to be lost property to a police officer, the police officer must record the matter and issue a receipt bearing a report number. If the lost property was not claimed by any person within three months, the property would be given to the informant, who would be informed accordingly. He suggested that Dr Kenneth CHAN could provide him with further information about the case for follow-up.

63. The Chairman concluded that members had no objection to the Administration's submission of its proposal to FC.

64. There being no other business, the meeting ended at 12:55 pm.