

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2229/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of meeting**  
**held on Tuesday, 3 June 2014, at 2:30 pm**  
**in Conference Room 2 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 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 LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
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

**Member attending** : Dr Hon Fernando CHEUNG Chiu-hung

**Member absent** : Hon Frankie YICK Chi-ming

**Public Officers attending** : Item IV

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 LAU Mei-yam  
Divisional Commander of Tin Shui Wai  
Hong Kong Police Force

Item V

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 Lawrence WONG Ying-wai  
Chief Superintendent (Crime Commercial Bureau)  
Hong Kong Police Force

Item VI

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

Mr Billy WOO  
Principal Assistant Secretary for Security D

Mr FUNG Pak-ho  
Assistant Director of Immigration  
(Enforcement and Removal Assessment)

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

**Staff in attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Mr Raymond LAM  
Senior Council Secretary (2) 7

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)1619/13-14)

The minutes of the meeting held on 8 April 2014 were confirmed.

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

2. Members noted that no information paper had been issued since the last meeting.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)1621/13-14(01) and (02))

3. Members agreed that the following items would be discussed at the next regular meeting on 8 July 2014 at 2:30 pm -

- (a) Public Consultation on RESCUE Drug Testing Scheme - Updates;
- (b) Contingency plan for nuclear incidents near Hong Kong; and
- (c) Development of computer system for provision of post-dispatch advice in the Fire Services Department.

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4. The Deputy Chairman said that the subject of weapons training for police officers should be discussed at the Panel meeting in July 2014. The Chairman said that he would explore whether arrangement could be made for the subject to be discussed at the meeting in July 2014.

*(Post-meeting note: On the instruction of the Chairman, the item "Weapons training for police officers" was included in the agenda for the meeting in July 2014 and the item "Contingency plan for nuclear incidents near Hong Kong" was deferred to a future meeting.)*

5. Mr CHAN Kam-lam expressed concern about the timing for discussion of the co-location arrangement at the control point for the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). The Chairman said that he had also received a letter from Mr Dennis KWOK on the same subject, which was already on the Panel's list of outstanding items for discussion. As the co-location arrangement at the control point concerned was part and parcel of the XRL project spearheaded by the Transport and Housing Bureau, he would consider the possible arrangements for discussing the subject, such as the holding of a joint Panel meeting.

6. The Chairman informed members that a visit to better understand the operations of the Government Flying Service would be held in the afternoon of 23 June 2014.

*(Post-meeting note: With the concurrence of the Chairman, the visit was subsequently rescheduled to a future date to be advised.)*

**IV. Police's efforts in engaging the district community in crime prevention**

(LC Paper Nos. CB(2)1621/13-14(03) and (04))

7. Under Secretary for Security ("US for S") briefed members on the Police's efforts in crime prevention by enhancing co-operation with community groups and engaging the district community, as detailed in the paper provided by the Administration.

8. Members noted the information note entitled "Police's efforts in engaging the district community in crime prevention" prepared by the Legislative Council ("LegCo") Secretariat.

Action

Effectiveness of the Police's efforts in engaging the community

9. Mr WONG Yuk-man expressed concern whether the crime situation and anti-crime awareness of the community had improved as a result of the Police's efforts referred to in the Administration's paper, in particular the services rendered to over 1 100 schools and the Senior Police Call Scheme.

10. US for S responded that the effectiveness of the Police's efforts had been reflected in the crime statistics. It could be noted that the overall crime rate in 2013 had recorded a decrease of about 4% over 2012 and the latest drug abuse statistics reflected a decrease of over 10% in the number of young drug abusers.

11. Mr NG Leung-sing commended the Police for maintaining Hong Kong as one of the safest cities in the world. He sought information on the audience rating of the television programme "Police Magazine". US for S agreed to provide members with the requested information.

Admin

Role of District Fight Crime Committees

12. Mr CHAN Kam-lam said that consideration should be given to reviewing the role of District Fight Crime Committees, with a view to strengthening their anti-crime role at district level. US for S undertook to refer Mr CHAN's views to the Police and District Fight Crime Committees for consideration.

Household Policing Plan ("HPP")

13. In response to Mr NG Leung-sing's question regarding the effectiveness of HPP, US for S said that HPP had successfully assisted the Police in engaging the community in the district concerned.

14. Mr WONG Yuk-man considered that HPP might become a channel for the Police to gather information at district level.

15. Dr LAM Tai-fai expressed concern whether the Police had any plans to implement HPP in districts other than Tin Shui Wai. Mr LEUNG Che-cheung said that HPP had been effective in establishing a positive interactive relationship and engaging the community in a concerted effort to combat crimes. He considered that it should at least be continued in Tin Shui Wai.

Action

Engagement of the youth

16. Noting that microfilms were increasingly popular among the youth, Mr NG Leung-sing asked whether consideration would be given to augmenting the crime prevention awareness of the youth through the production of microfilms. Mr Michael TIEN said that the Police should consider organising a microfilm production competition for young people on the theme of crime prevention.

17. Assistant Commissioner of Police (Support) ("ACP(S)") responded that a number of microfilms had been uploaded onto the Hong Kong Police YouTube Channel, covering a range of subjects including prevention of cruelty to animals and "Naked Chat".

Junior Police Call ("JPC")

18. Mr CHAN Kam-lam said that consideration should be given to further promoting JPC among schools and providing JPC members with discipline-related training similar to that for scouts.

19. US for S responded that JPC had been established for about 40 years and had a membership of over 200 000 members. There was an advisory committee in JPC which was responsible for suggesting improvements to JPC. Although there was no formal drill training provided, training courses on policing knowledge, personal development and leadership skills were organised for JPC members.

20. Dr Elizabeth QUAT said that consideration might be given to establishing a cyber patrol team under JPC to facilitate the reporting of cyber crime.

21. Mr Charles MOK expressed concern that the establishment of such a cyber patrol team might lead to more conflicts and confrontations on the web between different social groups.

22. US for S stressed that everyone had an obligation to report crime to the Police, regardless of whether the crime was cyber-related.

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School Liaison Officers ("SLOs")

Admin

23. Mr KWOK Wai-keung expressed support for the measures referred to in the Administration's paper. Referring to paragraph 4 of the Administration's paper, he asked about the total number of SLOs involved in paying 19 000 visits to schools and how such visits were conducted. ACP(S) responded that 97 SLOs had paid more than 19 000 visits to schools in 2013. In response to the request of Mr KWOK, he agreed to provide more information on how the 19 000 visits to schools were carried out by 97 SLOs.

Hong Kong Police Mobile Application

24. Mr KWOK Wai-keung asked whether "the Hong Kong Police Mobile Application" was constantly updated. ACP(S) responded that the Mobile Application was updated when necessary.

25. Dr Elizabeth QUAT suggested that a notification service similar to that provided under the "MyObservatory" Mobile Application should be provided under the Hong Kong Police Mobile Application. US for S agreed to convey the suggestion to the Police. He said that the Police regularly reviewed its Mobile Application.

Communication with non-Chinese ethnic communities

26. Mr LEUNG Che-cheung commended the Police for its effort in crime prevention and maintaining Hong Kong as one of the safest cities in the world. He considered it important for the Police to maintain communication with non-Chinese ethnic communities. He said that the Yuen Long Police District had done a lot in such communication and organising Chinese classes for ethnic minorities. US for S responded that ongoing efforts were made by the Police to maintain a positive interactive relationship with non-Chinese ethnic communities.

Police-community relations

27. Dr Elizabeth QUAT commended police officers for attendance at meetings of mutual aid committees to provide crime prevention advice outside their office hours.

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28. Dr LAM Tai-fai expressed support for the Police's work in engaging the district community in crime prevention. He declared that he was a Vice-chairman of the Independent Police Complaints Council ("IPCC") and expressed his disagreement with the view of the former IPCC Chairman that police-community relations had been deteriorating. He sought the Administration's views on the current state of police-community relations.

29. US for S responded that although there were occasional incidents, as seen in some clips of the media, in which a small number of members of the public adopted a confrontational attitude towards the Police, they did not represent the full picture. There was generally good community support for the Police as indicated during the Administration's attendance at meetings of District Councils and District Fight Crime Committees as well as other community activities. Besides, he stressed that the Police could not have discharged its work effectively without the support and cooperation of members of the public. Such support and cooperation were reflected in the continuously improving crime situation in the past few years.

Other issues

30. Mr Christopher CHEUNG considered that the Police's efforts in engaging the district community in crime prevention had been a key factor to maintaining Hong Kong as one of the safest cities in the world. He expressed concern about the seizure of firearms in connection with a recent gun shooting case at Kai Ching Estate and sought information on the measures adopted by the Police in preventing the smuggling of firearms into Hong Kong.

31. US for S responded that there was strict control over firearms in Hong Kong and there had not been any robbery involving genuine firearms in Hong Kong for many years. The Administration tackled the illegal smuggling of firearms into Hong Kong through undertaking intelligence-led operations, enforcing customs control at boundary control points and cooperation with other jurisdictions.

32. Mr Michael TIEN expressed concern that there had been 13 cases of abuse of cats in Tsuen Wan district between July 2013 and April 2014. He considered that the problem should be tackled by encouraging the district community to report animal abuse. US for S agreed to relay the suggestion to the Police.



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**V. Creation of a Chief Superintendent of Police post for the Cyber Security and Technology Crime Bureau**

(LC Paper No. CB(2)1621/13-14(05))

33. US for S briefed members on the Police's proposal to create a permanent post of Chief Superintendent of Police ("CSP") to head the Cyber Security and Technology Crime Bureau ("CSTCB"), as detailed in the paper provided by the Administration.

Manpower of CSTCB

Admin

34. Mr WONG Yuk-man said that although he had no objection to combating cyber crime, he opposed the creation of a CSP post and 74 non-directorate posts as proposed in the Administration's paper. He queried the need to upgrade the existing Technology Crime Division ("TCD") to form a new CSTCB. Referring to paragraph 3 of the Administration's paper, he requested the Administration to provide information on the duties of 74 non-directorate staff members and explain why the proposed CSP post was not to be filled by an information technology specialist.

35. Dr Elizabeth QUAT sought information on the specialisation of the officers to be appointed to CSTCB. US for S responded that among the officers to be appointed to CSTCB, a number of whom possessed doctor or master degrees, about 10 had been awarded relevant certificates issued by INTERPOL for conducting training in cyber security and technology crimes for member countries. He said that dedicated teams would be designated in CSTCB for strengthening thematic researches on the latest trend of cyber crime and mode of operation, computer worms, malware and vulnerabilities of computer systems.

Scope of work of CSTCB

36. Mr MA Fung-kwok sought information on the division of work between the Commercial Crime Bureau and CSTCB. US for S responded that a case would be followed up by CSTCB if highly sophisticated technology crime was involved.

37. Mr MA Fung-kwok asked whether CSTCB would adopt any specific measures against hacking by agencies of other governments. US for S responded that the Police would take actions when there was a breach of the laws, regardless of the identity or background of the offender.

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38. Ms Claudia MO asked whether CSTCB would monitor the dissemination of information on the web and information relating to national security. She also asked whether the dissemination of false information on the web would be a criminal or civil offence.

39. US for S responded that the Police had always and would continue to perform its duties impartially. Action would be taken when there was a breach of the law and legal proceedings would be instituted by the Police if there was sufficient evidence indicating the commission of a criminal offence. It was the Police's duty to enforce the law, regardless of whether the act concerned was cyber-related or not.

40. Ms Emily LAU expressed concern whether CSTCB would carry out any monitoring of members of the public and whether the freedom of expression would be restricted by its work.

41. US for S responded that as explained in the Administration's paper, the objective of upgrading TCD to form CSTCB was to strengthen the overall capability of the Police in combating technology crime and cyber security incidents, including -

- (a) detecting syndicated and highly sophisticated technology crimes and conducting preventive investigation; and
- (b) providing assistance to critical infrastructure in conducting timely cyber threat audits and analysis in preventing and detecting cyber attacks against critical infrastructure.

42. Mr Charles MOK said that some academics who would launch a poll on universal suffrage had said that there had been cyber attack on their webpage. He asked whether the Police was aware of the matter and had taken any actions. He expressed concern about whether the overseas law enforcement agencies referred to in paragraph 3 of the Administration's paper included Mainland authorities.

43. US for S responded that the Police encouraged any organisation or persons whose websites were hacked to report the matter to the Police.

44. Mr CHAN Chi-chuen expressed concern whether separate statistics were kept by the Police on technology crime. He asked whether undercover operations were undertaken in the investigation of cyber crime. He also asked whether measures had been taken to combat blackmail related to "Naked Chat". US for S responded that the work of

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TCD would remain unchanged after being upgraded to CSTCB. He stressed that one of the major duties of CSTCB was to protect critical infrastructures in Hong Kong from cyber attack.

45. Mr YIU Si-wing asked whether CSTCB would be involved in any interception of communications, investigation of credit card fraud or hacking. US for S responded that CSTCB would be involved in the investigation of cases of hacking. It would not generally investigate credit card fraud unless sophisticated technology was involved.

46. The Chairman sought members' views regarding their support for the Administration's submission of its proposal for consideration by the Establishment Subcommittee. Five members expressed support for and three members opposed the Administration's submission of its proposal to the Establishment Subcommittee. Five members did not express views.

**VI. Implementation of the Unified Screening Mechanism**

(LC Paper Nos. CB(2)1621/13-14(06) to (08), CB(2)1657/13-14(01), CB(2)1675/13-14(01), CB(2)1677/13-14(01) and (02))

47. Security for Security ("S for S") briefed members on the latest progress of the implementation of the Unified Screening Mechanism ("USM") for determining non-refoulement claims.

48. Members noted the updated background brief entitled "Unified Screening Mechanism" prepared by the LegCo Secretariat.

Screening of non-refoulement claims and the reasons for rejection of claims

49. The Deputy Chairman considered that problems would arise if some types of non-refoulement claims were processed under a statutory mechanism, while other types of non-refoulement claims were processed under non-statutory mechanisms.

50. Mr MA Fung-kwok expressed concern that substantial expenditure was incurred by the Administration in the provision of legal assistance and in-kind humanitarian assistance to claimants but only 22 claims had so far been substantiated since 2009. He asked whether the criteria for screening non-refoulement claims and the reasons for rejection of claims had been made public. He expressed concern whether there was any penalty for failure, without reasonable excuse, of a claimant to attend a scheduled interview with an immigration officer.

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51. S for S responded that while the reasons for rejection of a claim had been provided in writing to the claimant concerned, such reasons had not been made public. He said that legal representatives of claimants had received relevant training and were fully aware of the requirements for substantiation of a claim. Although the reasons for the determination of the Torture Claims Appeal Board were not made public, the reasons for rejecting a claim would be disclosed to the court in the course of a judicial review.

Time allowed for non-refoulement claimants to complete their claim forms

52. Mr YIU Si-wing asked how the time allowed for non-refoulement claimants to complete their claim forms compared with those of other jurisdictions. S for S responded that under the statutory mechanism, claimants had 28 days to complete their claim forms. Claimants were generally given an additional 21 days under USM to complete their non-refoulement claim forms. He pointed out that the time allowed in Hong Kong for non-refoulement claimants was longer than that allowed in other jurisdictions. In Canada, the time allowed had been shortened from 28 days to 15 days from December 2012 onwards. In the United Kingdom, the provision of 10 days for claimants to complete their claim forms had been replaced in 2007 by directly obtaining information from a claimant during an interview. He said that since the implementation of USM, 95% of the claimants completed the claim form within the extended deadline of 49 days. The average time involved for return of the completed claim forms was 35 days, as compared to an average of 27 days under the former mechanism.

Statistics on non-refoulement claims

53. Mr Michael TIEN sought information on the number of non-refoulement claims received since 1993 and the number of successful claims. Principal Assistant Secretary for Security D (PAS(S)D) responded that since the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was applied to Hong Kong in 1992, almost 13 000 torture claims had been received. Since then, a few thousands of these claimants had left Hong Kong. Following the court's judgment in some cases in 2004 and 2008, the screening mechanism had been enhanced in 2009, after which more than 4 000 claims had been processed, among which 22 claims had been substantiated.

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Expenditure incurred by the Administration in the provision of assistance to claimants

54. In response to Mr Michael TIEN's question about the expenditure incurred by the Administration in the provision of assistance to claimants, PAS(S)D said that for 2013-2014, the annual expenditure on legal assistance for torture claimants was about \$90 million and that on humanitarian assistance was about \$203 million.

55. Mr Paul TSE expressed concern that additional expenditure was incurred under USM for handling asylum claims, which was the responsibility of the United Nations High Commissioner for Refugees. S for S responded that before the introduction of USM, many claimants had submitted torture claims and refugee claims at different times, thus lengthening the processing time. After the introduction of USM, all grounds of a non-refoulement claim would be determined in one go.

Requests for medical examination of a claimant to verify claims of his physical or mental condition which were in dispute

56. Referring to paragraph 11 of the Administration's paper, Mr KWOK Wai-keung sought information on the percentage of claimants who had made requests for medical examination to verify claims of physical or mental condition which were in dispute, the percentage of claimants on whom such medical examination had been conducted and the number of claimants who eventually refused to undergo such medical examination. He also asked about the expenditure incurred by the Administration in conducting such medical examination.

57. PAS(S)D responded that among some 1 500 to 2 000 claims determined in a year, less than 100 requests were made by claimants for such kind of medical examination and there was so far no claim substantiated on grounds of medical condition. Such requests were relatively small in number because they would be met with only where the alleged physical or mental condition was related to the non-refoulement claim and where such condition of the claimant was in dispute. As such medical examination was carried out by doctors of the Department of Health and the Hospital Authority, there was no information on the expenditure incurred in carrying out such medical examination.

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Concerns of the legal profession

58. Mr Dennis KWOK said that the Law Society of Hong Kong and the Hong Kong Bar Association had, in a joint letter dated 2 May 2014 to the Administration which was copied to the Panel, raised a number of issues relating to USM. S for S responded that the joint letter was received on 14 May 2014 and the Administration had provided a written response, which had been copied to the Panel, on 30 May 2014.

Clerk

59. Mr Dennis KWOK said that he had prepared a list of written questions on USM for a response by the Administration. Members agreed that the list of questions provided by Mr Dennis KWOK be forwarded to the Administration for a written response.

Other issues

60. Dr Elizabeth QUAT expressed concern about recent media reports that a local woman had been raped by a torture claimant. She said that many members of the public were very concerned about non-refoulement claimants taking up illegal employment in Hong Kong and the security threats arising from the claimants.

61. S for S responded that all persons in Hong Kong, including non-refoulement claimants, had to abide by the laws of Hong Kong. It was unlawful for non-refoulement claimants to take up employment in Hong Kong. A special task force of the Immigration Department had been designated for combating illegal employment. He informed members that between 2009 and 2013, about 2 600 illegal immigrants or overstayers were arrested for various offences in breach of the laws of Hong Kong.

62. Mr Paul TSE expressed concern that some claimants were displaying banners on a footbridge in Central to express their dissatisfaction about the assistance provided by the International Social Service ("ISS"). S for S responded that the Administration was confident of the service provided by ISS, which was a reputable organisation in the provision of social service worldwide.

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