

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1078/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of policy briefing cum meeting  
held on Tuesday, 3 February 2015, at 2:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon IP Kwok-him, GBS, JP (Chairman)  
Hon NG Leung-sing, SBS, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Cyd HO Sau-lan, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS  
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 Frankie YICK Chi-ming  
Hon YIU Si-wing  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
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, SBS, JP  
Dr Hon Elizabeth QUAT, JP

Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Members attending** : Hon LEE Cheuk-yan  
Hon WONG Kwok-hing, BBS, MH  
Dr Hon KWOK Ka-ki  
Hon POON Siu-ping, BBS, MH

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

**Public Officers attending** : Item IV

The Administration

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

Mr Billy WOO  
Principal Assistant Secretary for Security D

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

Mr David CHIU Wai-kai, IDSM  
Assistant Director (Personal Documentation)  
Immigration Department

Miss Caroline FAN Mei-hing  
Chief Systems Manager (Technology Services)  
Immigration Department

Item VI

The Administration

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

Mr Joshua LAW, JP  
Permanent Secretary for Security

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

Ms Mimi LEE, JP  
Deputy Secretary for Security 1

Miss Shirley YUNG  
Deputy Secretary for Security 2

Ms Maggie WONG, JP  
Deputy Secretary for Security 3

Mrs Erika HUI, JP  
Commissioner for Narcotics

Ms Wendy LEUNG  
Administrative Assistant to Secretary for Security

#### Item VII

#### Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM  
Commissioner

Mr Ryan WONG Sai-chiu, IDS  
Head of Operations

Ms Julie MU Fee-man  
Director of Community Relations

Mr TSE Man-shing, BBS, JP  
Director of Corruption Prevention

#### Item VIII

#### The Administration

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 Patrick Douglas Gerard Hodson  
Deputy Regional Commander (Marine)  
Hong Kong Police Force

Mr James Mather  
Superintendent (Support) (Marine Regional Headquarters)  
Hong Kong Police Force

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

**Staff in attendance** : Mr KAU Kin-wah  
Senior Assistant Legal Adviser 3

Mr Raymond LAM  
Senior Council Secretary (2) 7

Ms Mina CHAN  
Council Secretary (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

---

Action

**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)652/14-15)

The minutes of the meeting held on 6 January 2015 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)623/14-15(01) and CB(2)724/14-15(01))

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

- (a) letter dated 12 January 2015 from Mr James TO; and

Action

(b) letter dated 23 January 2015 from Dr Kenneth CHAN.

3. Regarding the letter dated 23 January 2015 from Dr Kenneth CHAN, members noted that the subject of implementation of the Garrison Law in Hong Kong was already on the Panel's list of outstanding items for discussion.

**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)654/14-15(01) and (02))

4. Members agreed that the following items would be discussed at the next regular meeting on 3 March 2015 at 2:30 pm -

- (a) Relaxation of the Upper Age Limit for Category B Security Personnel Permits;
- (b) Construction of Staff Quarters for Immigration Department ("ImmD") at Heng Lam Street, Kowloon;
- (c) Creation of a Deputy Chief Fire Officer post for implementing quality assurance and training accreditation mechanisms in the Fire Services Department; and
- (d) Latest situation of the operation of control points.

**IV. Matters arising**

(LC Paper Nos. CB(2)534/14-15(03) to (04) and CB(2)654/14-15(03))

The next generation Smart Identity Card System

5. The Chairman said that the subject had been discussed at length at the meeting on 6 January 2015 and the Administration had provided a supplementary paper setting out its response to issues raised at the meeting. Members who considered it necessary for the Administration to provide further information could spell out their requests for the Administration's inclusion of such information in its paper for the Finance Committee ("FC"). The Chairman further said that the question of whether the Panel supported in principle the Administration's submission of its proposal to FC was put to vote at the meeting on 6 January 2015. However, the voting was not conducted due to a lack of quorum.

Action

6. Referring to the 17 countries in which an identity ("ID") card must be produced upon demand by authorised personnel under specified circumstances in Annex D to the Administration's supplementary paper, Mr Kenneth LEUNG said that the Administration should provide information on the countries in which there were statutory provisions empowering authorised personnel to do so and the countries in which refusal to produce the ID card upon request by an authorised personnel was a criminal offence.

7. Ms Cyd HO asked whether the Administration would, in order to alleviate overcrowding at boundary control points, consider imposing a daily quota on the number of visitors allowed to use e-Channels for immigration clearance. Mr James TO asked whether capacity would be reserved in the new smart ID card for implementation of such an arrangement, if adopted.

8. Referring to paragraph 20 of the Administration's supplementary paper, Mr CHAN Chi-chuen said that the Administration should provide information on whether the Registration of Persons Regulations (Cap. 177A) could protect information stored in a new smart ID card from unauthorised access outside the territory of Hong Kong, such as in the Macao Special Administrative Region or the Mainland.

9. Ms Emily LAU said that the Administration should provide the consultancy report and comments of the Privacy Commissioner on the next Generation Smart Identity Card System.

10. Ms Claudia MO said that the Administration should confirm whether contactless technology would be employed for the proposed new smart ID card.

11. Ms Emily LAU, Mr Dennis KWOK, Mr Charles MOK, Mr James TO, Mr Kenneth LEUNG and Mr WONG Yuk-man considered that the Administration's response should be discussed at a meeting. Mr Dennis KWOK and Mr LEUNG Kwok-hung said that if the Panel would not further discuss policy issues relating to the subject, FC should be informed accordingly so that the policy issues would be further discussed at FC meetings. The Chairman said that he would consider members' views regarding discussion of the Administration's response at a meeting.

Action

(*Post-meeting note: On the instruction of the Chairman, the item "The next generation Smart Identity Card System" was subsequently scheduled for discussion at the meeting on 3 March 2015 and the item "Latest situation of the operation of control points" was deferred to a future meeting.*)

12. The Chairman invited members' views on whether they supported in principle the Administration's submission of its proposal to FC. As there were divided views among members, the Chairman put to vote the question that the Panel supported in principle the Administration's submission of its proposal to FC. Mr LEUNG Kwok-hung requested a division.

The following members voted in favour of the question -

Mr CHAN Kam-lam, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr NG Leung-sing, Mr Frankie YICK, Mr YIU Si-wing, Mr LEUNG Che-cheung, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan and Mr Christopher CHUNG.

(14 members)

The following members voted against the question -

Mr James TO, Ms Emily LAU, Ms Cyd HO, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Mr Kenneth LEUNG and Mr Dennis KWOK.

(11 members)

13. The Chairman declared that 14 members voted in favour of and 11 members voted against the question. He concluded that the Panel supported in principle the Administration's submission of its proposal to FC.

**V. Proposal to appoint a subcommittee under the Panel to review the Police's guidelines and procedures on the use of force as well as facilitating media reporting work at public assemblies**  
(LC Paper No. CB(2)654/14-15(04))

14. Members noted a submission from Civil Rights Observer relating to the discussion item, which was tabled at the meeting.

Action

(*Post-meeting note: The submission tabled at the meeting was issued to members vide LC Paper No. CB(2)784/14-15(01) on 4 February 2015.*)

15. Members noted a joint letter from Mr James TO, Ms Cyd HO and Mr Kenneth LEUNG proposing the appointment of a subcommittee under the Panel to review the Police's guidelines and procedures on the use of force as well as facilitating media reporting work at public assemblies.

16. Ms Cyd HO said that there had been allegations about abuse of power by police officers in the last few months. Although the number of police officers involved might be small, there was a need for the Legislative Council ("LegCo") to review the Police's guidelines and procedures on the use of force to prevent possible abuse.

17. Mr James TO said that the Panel had previously formed a subcommittee to review the Police's searches of detainees and handling of sex workers. After a series of meetings with the subcommittee, the Administration had revised the Police's relevant guidelines and procedures, after which there was a substantial drop in the number of strip searches.

18. Mr Kenneth LEUNG said that many other jurisdictions, including the United States of America and the Philippines, had disclosed to the public their principles or guidelines on the use of force by police officers. However, the Police General Orders ("PGO") in Hong Kong were only made available for perusal by Members and not disclosed to the public.

19. Mr WONG Yuk-man expressed support for the proposal. He considered that members of the public had the right to know the Police's procedures and guidelines on the use of force. The Police should also facilitate media reporting work at public assemblies.

20. Ms Claudia MO considered that the Police had not facilitated media reporting work on public assemblies relating to Occupy Central ("the Movement"). She expressed concern that a reporter had been accused of assaulting a police officer with an aluminum ladder, although the reporter was finally released. She expressed support for the proposal.

21. Ms Emily LAU expressed support for the proposal. She said that the work of a subcommittee previously formed under the Panel to review the Police's searches of detainees and handling of sex workers had been effective, resulting in a substantial drop in the number of strip searches.



Action

22. Dr Kenneth CHAN expressed support for the proposal. He considered that the proposed subcommittee would facilitate the public to understand the Police's criteria and guidelines on the use of force, which might affect civil rights and press freedom.

23. Mr YIU Si-wing said that issues relating to the Police's use of force had already been discussed many times by the Panel. The use of force by police officers was regulated by PGO as well as internal guidelines and monitored by the Independent Police Complaints Council. A petition relating to the Police's use of force had also been referred to a select committee in accordance with Rule 20(6) of the Rules of Procedure at the Council meeting of 15 October 2014. He considered that there was no need to form the proposed subcommittee.

24. Mr CHAN Kam-lam said that while the reporting work of the media was difficult and sometimes dangerous, the Police had been doing a good job in facilitating media reporting work at public assemblies.

25. Mr CHAN Kin-por opposed to the proposal. He said that there were established mechanisms for complaints against police officers and prosecution against police officers in breach of the law. There were concerns in the community about reluctance of police officers to enforce the law because of possible allegations about restricting freedom of assembly. He expressed concern that some people claimed themselves to be media workers, made their own media cards and participated in charging police cordon lines. He said that the question of conflict of interests might arise, if members who might face prosecution for offences relating to unlawful assembly were to examine relevant internal guidelines and procedures of the Police.

26. Dr CHIANG Lai-wan said that she was not supportive of the proposal, as it was inappropriate for LegCo to meddle in the internal guidelines and procedures of the Police. She pointed out that Members who had any particular concerns could raise relevant questions at Council meetings.

27. Dr Priscilla LEUNG said that it was not necessary to form the proposed subcommittee, as police officers in Hong Kong were among the most restrained and tolerant in the world. To facilitate the Police's law enforcement work, consideration should be given in the longer term to allocating more resources to the Police and enacting legislation against the offence of insulting police officers.

Action

28. The Chairman invited members' views on whether they supported the proposal of Mr James TO, Ms Cyd HO and Mr Kenneth LEUNG. As there were divided views among members, the Chairman put to vote the proposal of appointing a subcommittee under the Panel to review the Police's guidelines and procedures on the use of force as well as facilitating media reporting work at public assemblies. Ms Claudia MO requested a division.

29. The Chairman drew members' attention to the maximum number of subcommittees on policy issues under House Committee and Panels that might be in operation at any one time was 10. Pursuant to Rule 26(b) of the House Rules, any new subcommittees formed after the quota had been filled would be put on a waiting list.

The following members voted in favour of the proposal -

Mr James TO, Ms Emily LAU, Ms Cyd HO, Mr LEUNG Kwok-hung, Mr WONG Yuk-man, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Mr Kenneth LEUNG and Mr Dennis KWOK.

(11 members)

The following members voted against the proposal -

Mr CHAN Kam-lam, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr NG Leung-sing, Mr Frankie YICK, Mr YIU Si-wing, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan and Mr Christopher CHUNG.

(13 members)

30. The Chairman declared that 11 members voted in favour of and 13 members voted against the proposal. The Chairman declared that the proposal was negated.

*[To allow sufficient time for discussion, members agreed that the meeting be extended to 5:30 pm.]*

Action

**VI. Briefing by the Secretary for Security on the Chief Executive's 2015 Policy Address**

(LC Paper No. CB(2)654/14-15(05), The 2015 Policy Address booklet and The 2015 Policy Agenda booklet)

31. Secretary for Security ("S for S") briefed Members on the initiatives of the Security Bureau in 2015, as set out in the Administration's paper.

*(Post-meeting note: The speaking note of S for S was issued to members vide LC Paper No. CB(2)784/14-15(02) on 4 February 2015.)*

Relaxation of the upper age limit of Category B security personnel

32. Referring to Administration's proposal to relax the upper age limit of Category B security personnel, Mr WONG Kwok-hing sought information on the proposed upper age limit and asked whether medical examination would be required before employment was extended beyond the age of 65. He also asked whether security personnel seeking such extension would be required to pay any medical examination fee.

33. Mr WONG Yuk-man referred to paragraph 2 of the Administration's paper and sought clarification on the meaning of "suitably relax the upper age limit".

34. Mr LEUNG Kwok-hung considered that the proposed relaxation of upper age limit of Category B security personnel would result in a decrease in the income of employees in the industry.

35. S for S responded that the Security and Guarding Services Industry Authority ("SGSIA") was the statutory body responsible for setting the upper age limit of security personnel. The Administration would recommend to SGSIA the upper age limit and arrangements relating to medical examination and make announcements after the recommendations were adopted by SGSIA. He said that the Administration would soon brief the Panel on the proposed legislative amendments.

Action

Attracting talents from outside Hong Kong

*Relaxation of the stay arrangements for entrants under the General Employment Policy ("GEP"), the Admission Scheme for Mainland Talents and Professionals ("ASMTP") and the Quality Migrant Admission Scheme ("QMAS")*

36. Mr LEE Cheuk-yan said that about 8 000 applications under ASMTP had been approved in 2013. He expressed concern that the Administration's plan to relax the stay arrangements for entrants under GEP and ASMTP might attract more Mainland professionals to stay in Hong Kong, thus reducing the employment opportunities of local graduates.

37. Mr WONG Yuk-man considered that the Administration should launch public consultation on its plans to attract talents from outside Hong Kong.

38. Ms Claudia MO expressed grave concern about the Administration's population policy. She said that while the Administration was urging young people to seek employment in the Mainland, it was also admitting more Mainland professionals into Hong Kong. She expressed concern that according to a media report, more than 60 000 Mainland professionals had been admitted into Hong Kong, among whom more than 40 000 persons were earning less than \$10,000 per month, more than 10 000 persons were earning between \$10,000 and \$20,000 per month and about 4 000 persons were earning more than \$20,000 per month. The Financial Services Development Council had also commented that many Hong Kong people were weak in English and Putonghua. She queried whether the Administration wished to replace local employees with Mainland professionals.

39. S for S responded that in 2014, about 31 000 persons had been admitted from other countries under GEP and about 9 000 persons from the Mainland under ASMTP. He said that the Steering Committee on Population Policy, which was led by the Chief Secretary for Administration and comprised representatives from different sectors of the community, had always sought to maintain opportunities for the people of Hong Kong. He stressed that entrants admitted under GEP and ASMTP must possess skills and knowledge not readily available or in shortage in Hong Kong. The proposal only involved relaxation of their stay pattern in Hong Kong. There was no question of replacing local employees with Mainland professionals.

Action

40. Mr POON Siu-ping expressed concern whether admissions under ASMTP were subject to screening criteria similar to those for the Supplementary Labour Scheme and whether such screening was carried out jointly with the Labour Advisory Board. Referring to paragraph 8 of the Annex to the Administration's paper, Mr POON expressed concern about whether top-tier entrants under QMAS who met the assessable income level would already be eligible for the relaxation of stay arrangements.

41. Mr LEUNG Kwok-hung expressed concern that a number of entrants under ASMTP and QMAS might be senior Mainland officials.

42. S for S reiterated that entrants under ASMTP must possess skills and knowledge not readily available or in shortage in Hong Kong. They should also have secured an employment offer with market level remuneration. He stressed that the relaxation of stay arrangements was intended to complement the ageing and declining local workforce with non-local talents and professionals. Such a measure was already in place before the Mainland's resumption of the exercise of sovereignty over Hong Kong.

43. Dr Kenneth CHAN said that although professionals were admitted to address short-term shortage of manpower supply in some sectors, the Administration should not rely on such measure to address long-term manpower shortage problems. The admission of professionals should only be the last resort after all other means of tackling manpower shortage had been exhausted. The Administration should also examine how the manpower needs of the sectors concerned could be addressed through the provision of relevant education and training.

44. S for S responded that professionals were admitted from other places to promote economic development in Hong Kong. Such admission of professionals only sought to address short-term gaps in the labour market arising from economic change. The Administration noted the importance of releasing local manpower to meet the needs of the labour market. There was no question of replacing local employees with Mainland professionals.

45. Mr Charles MOK queried why there was a need for the relaxation of stay arrangements for entrants under GEP and ASMTP. He asked whether a points system was adopted in the assessment of applications and whether the points awarded under the system were sector-specific.

Action

46. Ms Cyd HO said that more relevant training should be provided to the youth, if their skills could not meet the needs of the labour market. She queried whether the Administration was seeking the speedy replacement of local graduates with Mainland professionals.

47. S for S responded that the Administration was dedicated to training local people to meet the specific needs of different sectors. However, there might be periods when there was a gap between local manpower supply and the needs of different sectors. The admission of talents sought to fill such a gap. He said that the admission of talents under QMAS was examined on a case-by-case basis by the Advisory Committee on Admission of Quality Migrants and Professionals. There was a quota of 1 000 persons per year for QMAS and the average number admitted was around 400 persons per year. There was no question of replacement of local graduates with Mainland professionals.

*Pilot scheme to attract the second generation of Chinese Hong Kong permanent residents who had emigrated overseas to return to Hong Kong*

48. Noting that the Administration planned to implement a pilot scheme to attract the second generation of Chinese Hong Kong permanent residents who had emigrated overseas to return to Hong Kong, Mr Christopher CHEUNG sought information on the estimated number of such persons who might return to Hong Kong. He also expressed concern about the duration of the pilot scheme and whether publicity would be launched on the pilot scheme.

49. S for S responded that for Chinese Hong Kong permanent residents who had emigrated overseas, their children born overseas after the Mainland's resumption of the exercise of sovereignty over Hong Kong had no right of abode in Hong Kong. The pilot scheme sought to attract such persons to return to Hong Kong. It was estimated that such persons might be small in number initially.

Suspension of Capital Investment Entrant Scheme ("CIES")

50. Mr CHUNG Kwok-pan queried why the Administration had suspended CIES when there was a global trend towards attracting investment immigrants. He expressed concern that those involved in the provision of services to applicants under CIES, including investment immigrant consultancy firms, financial institutions, accounting firms and insurance companies, were all seriously affected by the suspension. He asked whether CIES could be resumed with the imposition of a quota or the additional requirement of creating a certain number of local jobs.

Action

51. S for S responded that CIES was introduced after the outbreak of the Severe Acute Respiratory Syndrome in 2003 when the economy was in recession. As the economic situation of Hong Kong had changed, the Administration had suspended CIES and shifted its focus towards attracting investors who would create local jobs. He pointed out that about 15 000 applications under CIES were still to be processed by ImmD. With about 3 000 to 4 000 applications processed by ImmD in a year, it was estimated that about three to four years would be needed for all the outstanding applications to be processed. Thus, there would still be continued demand for the services of the industries concerned for a few years. Mr CHAN Kam-lam expressed support for the suspension of CIES.

Immigration clearance at land boundary control points

52. Mr CHAN Kam-lam expressed concern about recent overcrowding problem at boundary control points arising from a substantial increase in the number of persons using e-Channels at land boundary control points. He asked whether the Administration had any plans to increase the number of e-Channels at such boundary control points. S for S responded that the Administration was also very concerned about the problem. In 2016, 150 additional multi-purpose e-Channels would be constructed and about 300 traditional e-Channels would be converted to multi-purpose e-Channels.

53. Mr YIU Si-wing expressed concern about media reports regarding overcrowding at land boundary control points on the Mainland side. He said that there were reports that such overcrowding arose from Mainland residents and Hong Kong residents being required to share the same automated clearance facilities at Mainland control points. He asked whether the Administration would liaise with the Mainland authorities on the measures to address such a problem. S for S responded that the Administration was discussing the issue with the Mainland authorities. To his knowledge, the recent overcrowding was mainly due to the implementation of a temporary arrangement.

Support for the work of police officers

54. Dr Priscilla LEUNG expressed concern that most police officers were exhausted and some even became unconscious whilst on duty when handling the Movement. She said that consideration should be given to enactment of legislation against the offence of insulting police officers.

Action

She also expressed concern about the poor Police-community relations after the Movement and asked whether measures would be introduced to address the problem. S for S responded that various district councils and district fight crime committees had expressed support for the Police's work during the Movement. The Police had also received over 17 000 emails expressing appreciation for its work.

55. Dr Priscilla LEUNG expressed concern about the turnover rate of police officers and asked whether the retirement age of 55 for police officers could be raised. S for S responded that issues relating to the retirement age of disciplined services were under the purview of the Civil Service Bureau.

Non-refoulement claims

56. Dr Elizabeth QUAT sought information on the number of non-refoulement claims received by the Administration, the number of claims processed, the number of claimants currently in Hong Kong and the number of claimants who had committed crime in Hong Kong.

57. Mr WONG Kwok-hing expressed concern that many illegal immigrants from African countries had lodged non-refoulement claims in Hong Kong and applied for legal aid. He considered that measures should be introduced to tackle the problem.

58. Deputy Secretary for Security 3 said that since the implementation of the unified screening mechanism, over 900 non-refoulement claims had been determined by ImmD and there were currently more than 9 000 non-refoulement claims awaiting determination. S for S added that some claimants had been arrested for serious criminal offences such as drug offences.

Whether there were plans to apply Mainland national security law to the Hong Kong Special Administrative Region ("HKSAR")

59. Mr James TO expressed concern that a deputy of the National People's Congress had suggested applying the Mainland national security law to HKSAR before the latter enacted legislation to implement Article 23 of the Basic Law ("BL23"). He asked whether the Administration had been involved in making the suggestion and enquired about the Administration's position on the suggestion.



Action

60. S for S responded that the Administration had no involvement in the suggestion. The Administration had no intention or plan to apply the Mainland national security law to HKSAR. BL 23 required HKSAR to enact laws on its own. He did not see the possibility of introducing the Mainland national security law as such.

Other issues

61. Ms Cyd HO sought information on the arrangements for those Mainland persons who had entered Hong Kong on the strength of a One-Way Permit but could not adapt to the life of Hong Kong to return and reside on the Mainland. S for S responded that the Administration had conveyed its views to the relevant Mainland authorities, which were still considering the issue.

62. Referring to paragraph 5 of the Administration's paper, Mr YIU Si-wing said that the reciprocal use of automated immigration clearance services had allowed greater travel convenience for visitors as well as Hong Kong residents who visited these countries. He asked whether the Administration had plans to enter into such reciprocal arrangements with more countries. S for S responded that it was the Administration's intention to enter into such reciprocal arrangements with more countries which had similar automated immigration clearance systems.

63. Mr WONG Yuk-man also said that the Administration should examine whether there was a continued shortage of ambulancemen in the Fire Services Department and whether the lunch break of ambulancemen was too short.

*[To allow sufficient time for discussion, members agreed that the meeting be further extended to 6:00 pm.]*

**VII. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2015 Policy Address**

(LC Paper No. CB(2)654/14-15(06), The 2015 Policy Address booklet and The 2015 Policy Agenda booklet)

64. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed Members on the paper provided by the Independent Commission Against Corruption ("ICAC") regarding its initiatives in the year ahead.

Action

*(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)784/14-15(03) on 4 February 2015.)*

Complaints against Chief Executive ("CE") and a former Commissioner of ICAC

65. Ms Claudia MO said that to her knowledge, ICAC had provided its findings regarding complaints against a former CE to the Department of Justice. She asked whether ICAC had identified any misconduct in public office in the case concerned. She also sought information on the progress in respect of ICAC's investigation into complaints against a former Commissioner of ICAC.

66. Mr WONG Yuk-man expressed concern about the progress of ICAC's investigation into allegations relating to misconduct in public office of a former Commissioner of ICAC, a former CE and the incumbent CE.

67. C/ICAC responded that all investigations of ICAC were kept confidential. As was the practice in the past, ICAC would not comment on any individual case.

68. Ms Cyd HO asked how C/ICAC could avoid a conflict of role in the investigation of allegations against the incumbent CE, given that the Commissioner of ICAC was accountable to CE for the work of ICAC. C/ICAC responded that it was ICAC's duty to enforce the Prevention of Bribery Ordinance (Cap. 201), which was applicable to CE, apart from sections 3 and 8.

69. Mr Paul TSE said that it was the time to carry out a review on whether the Commissioner of ICAC should be appointed by CE, given that ICAC had been involved in the investigation of complaints against CE in recent years.

70. C/ICAC responded that the Commissioner of ICAC was nominated by CE for appointment by the Central People's Government. He stressed that everyone was equal under the law.

Action

Complaints against some Members

71. Mr WONG Kwok-hing said that there were complaints about some Members having received "dark money" from a merchant. There were also complaints against the merchant, organisers of the Movement, some Members and political groups for involvement in money politics. He sought information on the number of such complaints received by ICAC and asked whether investigation had been carried out into such complaints. He requested ICAC to take enforcement actions in such cases to uphold the rule of law.

72. C/ICAC responded that ICAC would not comment on issues relating to complaints and investigations.

73. Dr Elizabeth QUAT said that the decrease in the number of corruption complaints in 2014 in both the private and public sectors reflected the effectiveness of ICAC's anti-corruption work. She expressed concern that many members of the public had complained of having lodged complaints with ICAC against some Members involved in "money politics" but no action had so far been taken by ICAC. C/ICAC responded that ICAC had always handled all complaints impartially and acted in accordance with the law, regardless of the background of the subject of a complaint. Prosecution would be instituted if there was sufficient evidence indicating the commission of an offence. The findings of all cases were reported to the Operations Review Committee of ICAC.

Anti-corruption work in the public sector

74. Mr CHAN Chi-chuen said that a comparison of paragraph 191 of the 2014 Policy Agenda Booklet and paragraph 214 of the 2015 Policy Address Booklet indicated that the term "clean" was no longer used to describe the civil service. He queried whether the civil service was no longer required to be clean from corruption. He asked whether ICAC had made efforts to foster an anti-corruption culture among the civil service and principal officials.

75. C/ICAC said that it was a fundamental requirement that all civil servants and principal officials should be corruption-free. He said that anti-corruption talks attended by 20 000 to 30 000 civil servants were organised by ICAC in each year. Anti-corruption talks had also been organised for principal officials.

Action

76. Mr WONG Yuk-man said that the case of *HKSAR v. HUI Si-yan Rafael and others* reflected weaknesses in the Government's mechanism for prevention of corruption. He considered that integrity check should be undertaken when there was new posting for a civil servant.

77. Mr Paul TSE said that many civil servants had expressed concern that there was a lack of definition in legislation for "misconduct in public office", which was a common law offence. He considered that it was time to consider prescribing the offence by law. Head of Operations, ICAC ("H/Ops") responded that successful prosecutions had been brought against the common law offence of "misconduct in public office" in the past. The offence had also been clarified by the Court of Final Appeal ("CFA") in *Shum Kwok-sheer v HKSAR (2002)* and *Sin Kam-wah v HKSAR (2005)*. ICAC had examined the need to codify the offence, but noted CFA's view in *Shum Kwok-sheer v HKSAR (2002)* regarding the merits of a common law offence in developing with time.

Confidence of the public in the work of ICAC

78. Mr Kenneth LEUNG expressed concern about media reports that members of the public lacked confidence in the work of ICAC. C/ICAC responded that according to the latest ICAC Annual Survey, 80.6% of the respondents had responded that they would report corruption if they were aware that someone had committed corruption and 96.9% had responded that ICAC deserved their support. Such a level of confidence had been maintained over the years.

International conferences to be organised by ICAC

79. Referring to paragraph 21 of the Administration's paper, Mr Kenneth LEUNG expressed concern about how ICAC could ensure that the international conferences concerned would be held within budget. He requested ICAC to provide information on its budgets for hosting the 6<sup>th</sup> ICAC Symposium in Hong Kong and the third annual meeting of the Economic Crime Agencies Network.

ICAC

80. C/ICAC undertook to provide information on the expenses of the two international conferences. He said that apart from the costs incurred by the invited speakers of the Symposium and invited participants of the third annual meeting of the Economic Crime Agencies Network which would be borne by ICAC, participants of the Symposium would have to bear their own expenses.

Action

Election-related complaints

81. Dr Priscilla LEUNG declared that she was a member of ICAC Complaints Committee. Referring to an election-related complaint case in 2014 in which one person was prosecuted, Dr LEUNG said that although the case mainly involved late submission of information, the subject of complaint was eventually convicted and required to pay legal costs of more than \$2 million to the Department of Justice. Noting that apart from the case concerned, 214 persons had only received warnings in 2014, she queried ICAC's impartiality and consistency in the handling and investigation of election-related complaints.

82. H/Ops responded that ICAC would not comment on individual cases. He stressed that regardless of the background of the subject of a complaint, ICAC handled all complaints impartially and acted in accordance with the law.

Bid-rigging in the maintenance of buildings

83. Mr WONG Yuk-man expressed concern about the actions taken by ICAC against bid-rigging in the maintenance of buildings. He also expressed concern about recent allegations relating to construction works of the Civil Aviation Department.

84. Ms Cyd HO said that there was widespread bid-rigging in the maintenance of buildings. She queried whether ICAC's community relations work was inadequate in the area of building management. Director of Community Relations, ICAC responded that both the Community Relations Department and Corruption Prevention Department of ICAC had done a lot in the area of building management. She pointed out that besides corruption, the problem of bid-rigging in the maintenance of buildings usually involved other issues such as triad activities and the Police had formed a working group with ICAC input to tackle the problem.

Money laundering

85. Mr Kenneth LEUNG expressed concern about increased money laundering activities in recent years. He sought information on the division of work between ICAC and the Joint Financial Intelligence Unit ("JFIU"), which was jointly formed by the Police and the Customs and Excise Department, in combating money laundering. Given that many financial institutions were recently recruiting a number of people with

Action

relevant expertise, he asked whether there was a high staff turnover rate in ICAC.

86. H/Ops responded that there was an established mechanism for cooperation between ICAC and JFIU in combating money laundering activities involving corruption. He said the staff turnover rate of ICAC had decreased from about 4% or 5% in recent years to a level below 3% in 2013 and 2014.

**VIII. Provision of a Barge Operating Platform for the Marine Region of the Hong Kong Police Force**  
(LC Paper No. CB(2)534/14-15(07))

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

88. Under Secretary for Security ("US for S") briefed Members on the Police's proposal to acquire a Barge Operating Platform ("BOP") to provide the necessary facilities and capabilities to ensure continued effective and efficient policing of waters within and near Starling Inlet and the northern portion of the HKSAR Boundary of Administration ("BoA").

89. Dr Elizabeth QUAT asked why the acquisition of a BOP for policing waters within and near Starling Inlet and the northern portion of BoA had not been proposed until four years after the installation of the Sha Tau Kok maritime anti-smuggling floating barrier ("STK Barrier") in the waters concerned. She sought information on the role of the proposed BOP in the Police's combating of maritime crime and smuggling.

90. US for S responded that the specifications and equipment required of new police launches and the priority of procurement were examined and recommended by the Police Regional Fleet Review Committee. He said that the present STK Barrier temporary platform was not equipped with an engine or communication equipment. There was no raised vantage point on the STK Barrier for long-range observation. As the STK Barrier was not equipped with any fast response craft, there was delay in the deployment of small fast response craft to deal with incidents. The proposed BOP would be equipped with modern communications and radar systems as well as night vision devices. It would be equipped with a superstructure supporting a high vantage point for long-range observation. Dr Elizabeth QUAT expressed support for the Administration's proposal.

Action

91. Mr Frankie YICK asked whether the Administration's proposal involved the construction of a new BOP or conversion of an old vessel. He also asked whether consideration would be given to constructing a helipad on the proposed BOP. US for S responded that tenders would be invited for the supply of a new BOP. The Police had examined the facilities required of the proposed BOP and noted that there was no need for a helipad on the proposed BOP.

92. Dr CHIANG Lai-wan sought information on the effectiveness of the existing BOP at Deep Bay, Tolo Channel and Rocky Harbour in combating maritime crime and smuggling activities. US for S responded that in 2014, the Marine Police had carried out over 80 000 inspections on vessels and received around 35 000 reports or requests for assistance. 40 smuggling cases involving goods valued at \$46 million and 95 cases involving other crime had been detected in 2014. There had been more than 300 occasions when high speed boats were found in Hong Kong waters in 2014 and the Marine Police had arrested over 500 immigrants, rescued 50 persons and provided assistance to about 160 persons.

93. Noting that it would take about five years before the proposed BOP could come into use, Mr Paul TSE asked how the Marine Police satisfied its operational needs. US for S responded that the Marine Police adopted in recent year the Versatile Maritime Policing Response Strategy ("VMPR") in maintaining law and order at sea. VMPR comprised a central command and radar system as well as a fleet of launches and versatile marine crafts. All these elements complemented and supplemented each other to achieve the Marine Police's operational needs.

94. The Chairman said that he had inspected the existing anti-smuggling floating barrier and noted that there was a need for the proposed BOP. He expressed support for the Administration's proposal.

95. Members expressed support in principle for the Administration's financial proposal.

96. There being no other business, the meeting ended at 5:50 pm.