

立法會
Legislative Council

LC Paper No. CB(2)1217/15-16

(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

**Minutes of meeting
held on Tuesday, 1 March 2016, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon CHUNG Kwok-pan (Deputy Chairman)
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, 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 NG Leung-sing, SBS, JP
Hon Frankie YICK Chi-ming, JP
Hon YIU Si-wing, BBS
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
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

**Members
absent** : Hon Emily LAU Wai-hing, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP

**Public Officers
attending** : Item IV

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

Mr Billy WOO
Principal Assistant Secretary for Security D

Mr Erick TSANG, IDSM
Deputy Director of Immigration

Mr Raymond LOK
Assistant Director of Immigration
(Information Systems)

Mr N W FUNG
Acting Assistant Director of Immigration
(Personal Documentation)

Item V

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

Mr Andrew TSANG Yue-tung
Principal Assistant Secretary for Security E

Mr Dennis CHING Chung-cham
Assistant Secretary for Security E1

Mr Edwin LAM Man-wing
Assistant Commissioner of Police
(Information Systems Wing)

Mr Frankie FONG Yiu-hang
Chief Systems Manager
(Information Technology Branch)
Information Systems Wing
Hong Kong Police Force

Mr Jolly WONG Chun-kau
Chief Telecommunications Engineer
(Communications Branch)
Information Systems Wing
Hong Kong Police Force

Ms Cammy LAI Hoi-fung
Senior Management Services Officer A (Acting)
Corporate Services Division
Information Systems Wing
Hong Kong Police Force

Item VI

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

Mr Alex CHAN Yuen-tak
Principal Assistant Secretary for Security B

Mr LAW Yick-man
Assistant Commissioner of Correctional Services
(Quality Assurance)

Mr Steven WONG
Senior Superintendent (Integrated Technology)
Correctional Services Department

Mr Simon LEUNG Wing-hung
Senior Systems Manager (Security)
Security Bureau

Ms Susanna TANG Ka-ling
Systems Manager (Security) 2
Security Bureau

Item VII

Ms Manda CHAN Wing-man
Commissioner for Narcotics

Miss Rosalind CHEUNG Man-yee
Principal Assistant Secretary for Security
(Narcotics)¹

Mr Albert CHAN Kin-hung
Chief Superintendent (Narcotics Bureau)
Hong Kong Police Force

Mr Clive CHAN Hung-kin
Senior Pharmacist
Department of Health

Dr WONG Tze-tat
Acting Senior Chemist
Government Laboratory

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

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)947/15-16)

The minutes of the meeting held on 5 January 2016, a replacement sheet for which had been issued vide LC Paper No. CB(2)986/15-16 on 29 February 2016, were confirmed.

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II. Information paper issued since the last meeting
(LC Paper No. CB(2)966/15-16(01))

2. Members noted that a letter dated 23 February 2016 from Dr Elizabeth QUAT had been issued since the last meeting and agreed that the subject concerned would be included in the Panel's list of outstanding items for discussion.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)949/15-16(01) and (02))

Regular meeting in April 2016

3. Members agreed that the following items would be discussed at the next regular meeting on 12 April 2016 at 2:30 pm :

- (a) Proposed amendment to the Immigration (Unauthorized Entrants) Order;
- (b) Policy and measures to combat illegal prostitution activities; and
- (c) Replacement and enhancement of the closed-circuit television systems for Pak Sha Wan Correctional Institution and Siu Lam Psychiatric Centre.

Vessel fire at Shau Kei Wan Typhoon Shelter on 27 September 2015

4. Dr Kenneth CHAN expressed concern about the Administration's investigation into the No. 3 alarm vessel fire which broke out at Shau Kei Wan Typhoon Shelter on 27 September 2015 ("the fire incident") and suggested that the Administration be requested to provide a report on the fire incident. Members agreed.

IV. Proposed creation of a supernumerary post of Assistant Director of Immigration in the Immigration Department to oversee the development and implementation of the Next Generation Smart Identity Card System
(LC Paper Nos. CB(2)949/15-16(03) and (04))

5. Under Secretary for Security ("US for S") briefed members on the Administration's proposal to create a supernumerary Assistant Director

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("AD") post in the Immigration Department ("ImmD"), to be designated as Assistant Director (Identity Card) ("AD(ID)"), for about 24 months to head a project team for implementing the Next Generation Smart Identity Card System ("SMARTICS-2") and preparing the launching of a one-off territory-wide replacement exercise for the new Hong Kong identity card ("ID card") from 2018 to 2022.

6. Members noted a background brief entitled "The Next Generation Smart Identity Card System" prepared by the Legislative Council ("LegCo") Secretariat.

Proposed creation of a supernumerary AD post and manpower for the card replacement exercise

7. Mr WONG Yuk-man considered that there was not a need for the proposed supernumerary AD post. He said that there were already six AD posts in ImmD. While there might be a need for additional manpower in ImmD to take forward the card replacement exercise, manpower at such a senior rank would not be needed, as most duties of the proposed AD(ID) post would be related to technology and engineering. He added that it was not the practice of the private sector to create a senior supernumerary post for taking forward a new project.

8. Referring to paragraph 7 of the Administration's paper, Mr WONG Yuk-man expressed concern about :

- (a) whether the Administration had briefed the Privacy Commissioner for Personal Data ("PCPD") on SMARTICS-2 as well as the concerns of members; and
- (b) whether PCPD had provided any response on the protection of privacy under SMARTICS-2.

9. Mr YIU Si-wing expressed support for the Administration's proposal. He expressed concern about how the proposed supernumerary AD post would be filled.

10. Mr Charles MOK asked whether a person specialized in management or a person specialized in technology and engineering would be needed for filling the proposed supernumerary post.

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11. US for S responded that a person specialized in management would be required for filling the proposed supernumerary AD post. The proposed AD(ID) would lead a project team of about 50 staff to :

- (a) prepare for launching of the card replacement exercise, which included steering comprehensive publicity programmes;
- (b) respond to queries and address concerns raised by LegCo Members and District Council members as well as other sectors on SMARTICS-2;
- (c) commission qualified independent consultants to conduct Privacy Impact Assessments ("PIAs") during each critical stage of the implementation of SMARTICS-2; and
- (d) engage an independent auditor to conduct IT security risk assessment and audit at different stages of implementation of SMARTICS-2.

12. Mr Charles MOK asked whether a supernumerary AD post had been created in the last card replacement exercise. US for S responded that a supernumerary post at the Deputy Director level had been created for a period of four years in the last card replacement exercise. For the coming card replacement exercise, the Administration was only proposing the creation of a supernumerary AD post for a period of two years.

13. Dr CHIANG Lai-wan expressed support for the creation of the proposed supernumerary post. She asked why the Administration was proposing the creation of a supernumerary AD post for a period of two years only, although a supernumerary post at a senior rank of Deputy Director had been created for a longer period of four years in the last card replacement exercise. US for S responded that the Administration's proposal to create a supernumerary AD post for two years had been drawn up in the light of experience gained in the last card replacement exercise as well as the matters to be dealt with in the coming card replacement exercise.

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14. Mr LEUNG Che-cheung sought information on the manpower for the card replacement exercise. Deputy Director of Immigration ("DD of Imm") explained that ImmD planned to recruit a dedicated team of about 800 in-house and contract staff to prepare for and to conduct the card replacement exercise.

Photographs for new smart ID cards

15. Dr CHIANG Lai-wan suggested that more photographs should be taken for a cardholder to enable the choosing of the best one for use in the new smart ID card.

16. Ms Claudia MO said that as the service life of a smart ID card was more than 10 years, more photographs should be taken for cardholders to enable the best one to be chosen for use in the new smart ID card.

17. DD of Imm responded that it was the practice of ImmD to allow applicants for ID cards to choose the photograph to their satisfaction from those taken. Indeed, in ImmD's daily operations, it was not uncommon that more photographs than normally prescribed would be taken for an applicant to choose the satisfactory one. US for S said that the Administration would consider members' suggestion to take more photographs for cardholders in the coming card replacement exercise.

ID card replacement centres

18. Mr YIU Si-wing asked whether the nine card replacement centres referred to in paragraph 8 of the Administration's paper would be opened within the existing Registration of Persons ("ROP") offices of ImmD or at other locations. US for S responded that the nine card replacement centres would not be opened at existing ROP offices of ImmD, but at locations convenient to members of the public. Experience indicated that the public were more concerned about the availability of public transport to card replacement centres than the number of card replacement centres.

19. Dr Elizabeth QUAT expressed support for the Administration's proposal. She asked whether the proposed nine card replacement centres would be adequate for the card replacement exercise.

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20. Dr LAM Tai-fai expressed concern about the adequacy of the number of card replacement centres for the card replacement exercise. He asked whether the number of card replacement centres could be increased and whether more manpower could be allocated to the dedicated team of about 800 staff for the card replacement exercise to shorten the period of card replacement.

21. DD of Imm responded that the proposed number of card replacement centres had been drawn up having regard to experience gained in the last card replacement exercise as well as the geographical distribution of population in Hong Kong. Assistant Director of Immigration (Information Systems) ("AD of Imm(IS)") added that additional costs would be incurred if more card replacement centres were to be opened. US for S added that although the proposed card replacement period of four years was the same as that for the last card replacement exercise, the last card replacement exercise involved the replacement of 6.8 million ID cards whereas the coming card replacement exercise involved the replacement of 8.8 million cards.

Protection of privacy of ID card carholders

22. Mr LEUNG Che-cheung expressed concern about the measures to be adopted to protect the privacy of cardholders in the card replacement exercise.

23. Mr MA Fung-kwok sought information on the measures to be adopted by the Administration to address privacy concerns regarding SMARTICS-2.

24. US for S responded that ImmD would commission qualified independent consultants to conduct PIAs during each critical stage, including the feasibility study stage, system analysis and design stage, the pre-implementation stage and post-implementation stage. The reports on such PIAs would also be provided to PCPD. In this connection, the Administration had provided a copy of the PIA report on the feasibility study stage to PCPD and no adverse comments had been received.

25. Ms Claudia MO expressed concern about whether the use of wireless technology in SMARTICS-2 would allow information stored inside a smart ID card to be read within a certain distance without being noticed by the cardholder. US for S responded that under the latest

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known technology, it was not possible to do so. As explained at previous meetings of the Panel, a bi-level encryption mechanism would be adopted for the proposed new smart ID cards. To read information stored inside a smart ID card, an authorized optical card reader would first be needed for reading a "key text string" from the smart ID card face. Only after authentication was successful would encrypted communication be established between the smart ID card and the card reader.

26. Ms Claudia MO expressed concern that as AD(ID) was expected to be specialized in management, he might not be aware of latest technological developments which might allow information stored inside a smart ID card to be read within a certain distance without being noticed by the cardholder. US for S responded that AD(ID) would be assisted by a project team comprising people with relevant professional knowledge. The previous card replacement exercise had been conducted smoothly with such an arrangement.

Arrangements for ID card replacement

27. Mr YIU Si-wing asked whether there would be improvements in the process and time involved in the coming card replacement exercise in comparison with the previous one. DD of Imm responded that the process involved in the coming card replacement exercise would be simplified and some of the procedures would be automated. AD of Imm(IS) added that the improvement initiatives under SMARTICS-2 included online form filling, automatic record checking for application assessment and self-service collection kiosks with e-cabinet. All these would enhance operational efficiency and shorten the processing time.

28. Mr MA Fung-kwok expressed concern about how the Administration would ensure good coordination between the preparation work for card replacement and the replacement of ID cards, given that the proposed AD(ID) would be involved in the preparation work but not the replacement operations. He asked whether there were differences between the publicity efforts for the coming card replacement exercise and the last card replacement exercise. US for S explained that the proposed AD(ID) would be assisted by a project team of about 50 staff to carry out the necessary preparation work. Publicity for the coming card replacement exercise would vary from that for the last exercise in that there were more channels for publicity and dissemination of information.

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29. Dr Elizabeth QUAT asked whether the Administration would formulate a contingency plan to deal with the situation in which the Administration's staffing proposal could not be timely approved by the Finance Committee ("FC"). US for S responded that although such a situation would be very undesirable, the Administration would draw up a contingency plan to deal with such a situation. He added that a contingency plan would also be drawn up for the card replacement exercise.

30. The Chairman concluded that apart from Mr WONG Yuk-man who had expressed reservations about the Administration's proposal, members supported in principle the Administration's submission of its proposal to the Establishment Subcommittee.

V. Replacing and upgrading the information technology infrastructure and applications of the Hong Kong Police Force and replacement of the Command and Control Communications System of the Hong Kong Police Force
(LC Paper Nos. CB(2)949/15-16(05) and (06))

31. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning the requirement of disclosing personal pecuniary interest.

32. US for S briefed members on the Administration's proposal to replace and upgrade the Police's IT infrastructure and applications and replace the Police's Third Generation Command and Control Communications System ("the CC3 System").

33. Members noted an information note entitled "Information technology infrastructure and Command and Control Communications System of the Hong Kong Police Force" prepared by the LegCo Secretariat.

Functions of the proposed systems

34. Ms Claudia MO asked whether information on cases identified in cyber patrol and cases relating to access to computer with criminal or dishonest intent would be stored in the proposed systems. US for S responded that depending on the nature and circumstances of a case, information on crime or arrest might be stored in the relevant police computer system if necessary.

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35. Referring to paragraph 22 of the Administration's paper, Mr CHAN Chi-chuen expressed concern that if the coverage of the current function of automatically identifying the location of 999 callers was extended from local fixed-line users to cover also mobile phone users, there might be privacy concerns when the caller was only a person not involved in the emergency incident concerned. US for S responded that regarding privacy concerns, the Personal Data (Privacy) Ordinance (Cap. 486) has already provided for exemptions in emergency situations. The technological capability of automatically identifying the location of 999 callers would be important in rescue operations for hikers or callers who were not able to provide their locations. Even if the caller was only a person near the scene, the proposed function would still facilitate identification of the location of the emergency incident concerned and swift deployment of police resources to the scene.

36. Noting that the proposed Fourth Generation Command and Control Communications System ("the CC4 System") could transmit multimedia information including pictures and video clips to frontline officers, Mr CHAN Chi-chuen expressed concern about whether such pictures and video clips would be transmitted to the personal mobile phones of frontline officers. US for S responded that such pictures and video clips would be transmitted to police official devices of frontline officers, but not officers' own personal mobile phones.

Contingency measures to deal with possible failure of the existing systems before completion of the proposed replacement and upgrading work

37. Mr NG Leung-sing expressed support for the Administration's proposal. Noting from paragraph 25 of the Administration's paper that the proposed replacement and upgrading exercise would take seven years, he asked whether the Police would draw up contingency measures to deal with possible failure of the existing systems before the proposed replacement and upgrading exercise was completed. He also expressed concern about the compatibility of the proposed new systems with other existing systems.

38. US for S responded that arrangements would be made for monitoring the operation of the existing systems, timely maintenance and replacement of parts and procurement of parts from other suppliers in order to ensure that existing systems would be able to operate until the

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commissioning of the new systems. He said that the compatibility of different systems was one of the major considerations in the proposed replacement and upgrading exercise.

Projected life span of the proposed systems

39. Mr YIU Si-wing sought information on the projected life span of the proposed systems. US for S responded that the normal life expectancy of the proposed systems was 10 years subject to maintenance agreements with service providers. Merits points might be awarded to service providers who undertook to guarantee the proposed systems running beyond 10 years.

40. Referring to paragraph 29 of the Administration's paper, the Chairman sought information on the year by which the proposed new systems would reach the end of their normal service life. US for S responded that the proposed new systems were expected to have a normal service life span of 10 years. For instance, the CC4 System, which was expected to be fully commissioned in 2021, would reach the end of normal service life in around 2031.

Enhancement of services to the public

41. Referring to Category D of the table under paragraph 4 of the Administration's paper, Mr YIU Si-wing sought information on the percentage of services to the public which would be enhanced and whether there would be further enhancement of online services to the public in future. US for S responded that electronic services to the public were provided having regard to needs, with priority given to services which were frequently used by members of the public, such as temporary liquor licence applications and making appointments to apply for sexual conviction record checks. He added that the reporting of crime and lodging of complaints against the Police had already been made available online. He said that after implementing the current proposal, the Police would keep in view whether further electronic services could be provided.

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

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VI. Replacement of core information technology systems with the Integrated Custodial and Rehabilitation Management System for the Correctional Services Department

(LC Paper No. CB(2)949/15-16(07))

43. The Chairman drew members' attention to Rule 83A of the Rules of Procedure concerning the requirement of disclosing personal pecuniary interest.

44. US for S briefed members on the Administration's proposal to replace the core IT systems with an Integrated Custodial and Rehabilitation Management System ("iCRMS") for the Correctional Services Department ("CSD") to meet its evolving operational and IT needs.

45. The Chairman sought information on the merits of the proposed integrated iCRMS. US for S responded that the integration of existing aged IT systems into an integrated system would facilitate data sharing, operational planning, security control and system maintenance. The Administration proposed replacement of the existing eight core operational systems with an integrated iCRMS.

46. Mr Charles MOK asked whether the Administration's proposal would involve the use of new technology as well as enhancement in security and protection of personal data.

47. US for S responded that the proposed system would be required to meet established security standards, including those laid down by the Office of the Government Chief Information Officer. Access to the system would be restricted to authorized staff who had received relevant training. Assistant Commissioner of Correctional Services (Quality Assurance) added that the Administration's proposal involved replacement of the existing eight core operational systems with an integrated iCRMS with better recovery capability and system stability. Access to the system would be restricted to authorized CSD staff and required double authentication. Radio Frequency Identification technology would be deployed and data communication would be encrypted. Information stored in the mobile devices of CSD staff would be deleted after use.

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

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VII. Amendments to the First Schedule to the Dangerous Drugs Ordinance

(LC Paper Nos. CB(2)942/15-16(01) and CB(2)949/15-16(08))

49. Commissioner for Narcotics ("C for N") briefed members on the Administration's proposal to bring Tapentadol and AH-7921 under control in the First Schedule to the Dangerous Drugs Ordinance ("DDO") (Cap. 134).

50. Members noted an updated background brief entitled "Amendments to the First Schedule to the Dangerous Drugs Ordinance" prepared by the LegCo Secretariat.

Regulation of Tapentadol and AH-7921 before and after the legislative amendments came into force

51. Mr CHAN Chi-chuen asked how the sale of Tapentadol and AH-7921 was dealt with by the Administration before these substances were brought under control in the First Schedule to DDO. He also asked whether a person who had brought such substances into Hong Kong would be liable for prosecution, if the person was still in possession of the substances after the legislative proposal was implemented.

52. C for N responded that Tapentadol was already subject to control under the Pharmacy and Poisons Ordinance ("PPO") (Cap. 138). Under PPO, these products should only be supplied by an authorized seller of poisons in accordance with a prescription by a registered medical practitioner, dentist or veterinary surgeon. AH-7921 was currently not controlled under DDO or PPO in Hong Kong and a licence was not needed for the import or export of the substance. AH-7921 did not have any recognized medical use and there was no registered pharmaceutical product containing the substance in Hong Kong. There was no record of local seizure of AH-7921 by law enforcement agencies ("LEAs"). She informed members that Tapentadol and AH-7921 were subject to legislative control in the United Kingdom and Australia. The United Nations Commission on Narcotic Drugs had already placed AH-7921 in Schedule I of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol. After Tapentadol and AH-7921 were included in the First Schedule to DDO, illicit trafficking, manufacturing, possession, consumption, supply, import and export of the substances would be an offence under DDO. The import and export of the substances would require a licence issued by Department of Health ("DH").

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53. Mr YIU Si-wing asked whether cases of abuse of Tapentadol and AH-7921 had been found in Hong Kong. C for N responded that LEAs had not so far identified any case of abuse of these substances in Hong Kong.

54. Referring to paragraph 6 of the Administration's paper, the Chairman expressed concern about the possibility of Tapentadol being brought into Hong Kong without being noticed. C for N responded that the import of Tapentadol required a licence issued by DH. She said that eight pharmaceutical products containing Tapentadol had been registered under PPO in the last year and there was so far no record of prescription of these pharmaceutical products by medical practitioners, dentists or veterinary surgeons.

55. Mr CHAN Chi-chuen asked whether it would be in breach of the law for a traveller to bring any of the eight pharmaceutical products containing Tapentadol into Hong Kong for own use. C for N responded that under the Import and Export (General) Regulations (Cap. 60A), the import licensing requirement did not apply to bringing a reasonable quantity of these pharmaceutical products into Hong Kong for personal use.

Introduction of the legislative proposal into LegCo

56. Mr YIU Si-wing expressed concern about whether the relevant legislative process to bring Tapentadol and AH-7921 under control could be completed within the current legislative session. C for N responded that the Administration would table the relevant amendment order which was subsidiary legislation in LegCo for negative vetting in May 2016.

57. There being no other business, the meeting ended at 4:30 pm.