

立法會
Legislative Council

LC Paper No. CB(2)1437/15-16
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 12 April 2016, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon IP Kwok-him, GBS, JP (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 Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon NG Leung-sing, SBS, 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
Hon Christopher CHEUNG Wah-fung, SBS, JP
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
Hon Alvin YEUNG Ngok-kiu

**Members
absent** : Hon CHUNG Kwok-pan (Deputy Chairman)
Hon WONG Yuk-man
Hon Frankie YICK Chi-ming, JP

**Public Officers
attending** : Item IV

Mr T K LAI, SBS, IDSM, JP
Secretary for Security

Ms Maggie WONG, JP
Deputy Secretary for Security 3

Mr Billy WOO
Principal Assistant Secretary for Security D

Mr C N LAW
Deputy Director of Immigration

Mr P H FUNG
Assistant Director of Immigration
(Enforcement and Removal Assessment)

Mr Nelson CHENG
Assistant Commissioner of Police (Operations)

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 Stanley CHUNG Siu-yeung
Assistant Commissioner of Police (Crime)

Mr Joe CHOW Yat-ming
Senior Superintendent (Crime Wing Headquarters)
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 WOO Ying-ming
Assistant Commissioner of Correctional Services
(Operations)

Mr Dennis CHENG Tung-kit
Senior Engineer / Project 1
Electrical & Mechanical Services Department

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

Miss Lulu YEUNG
Clerical Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1217/15-16)

The minutes of the meeting held on 1 March 2016 were confirmed.

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II. Information paper issued since the last meeting
(LC Paper No. CB(2)1215/15-16(01))

2. Members noted that a letter from Dr Priscilla LEUNG suggesting the discussion of issues relating to the establishment of detention centres for non-refoulement claimants and the cessation of application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Hong Kong ("CAT") had been issued since the last meeting. The Chairman said that the issues raised by Dr LEUNG would be incorporated into the Panel's list of outstanding items for discussion.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1219/15-16(01) and (02))

Regular meeting in May 2016

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

- (a) Computer Systems for the Immigration Department ("ImmD") at the Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities;
- (b) Drug Situation in Hong Kong in 2015; and
- (c) Departmental Quarters for Correctional Services Department and Customs and Excise Department.

4. Members noted the respective letters from Mr James TO and Ms Claudia MO, which were tabled at the meeting, suggesting the discussion of issues relating to security checks at the Hong Kong International Airport. The Chairman said that the issues concerned had been discussed at the special meeting of the Finance Committee to examine the Estimates of Expenditure 2016-2017 on 8 April 2016. He would request the Administration to provide a response to the issues raised in the letters from Mr James TO and Ms Claudia MO as well as consider the timing for discussion of the item.

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(Post-meeting note: On the instruction of the Chairman, the item "Security arrangement for passengers and baggage at the Hong Kong International Airport" was included in the agenda for the meeting on 3 May 2016 and the meeting was extended to end at 5:00 pm.)

5. Members noted a letter from Dr Fernando CHEUNG, which was tabled at the meeting, suggesting the discussion of issues relating to the unified screening mechanism for non-refoulement claims. Dr CHEUNG suggested that the views of the public should be invited when the subject was discussed. The Chairman pointed out that the subject had been discussed at the meeting on 2 February 2016. He said that the issues raised in the letter from Dr CHEUNG would be incorporated into the Panel's list of outstanding items for discussion. Ms Emily LAU said that the subject was related to item 9 of the list of outstanding items for discussion, which should be arranged for discussion as soon as possible.

(Post-meeting note: The respective letters from Mr James TO, Ms Claudia MO and Dr Fernando CHEUNG were issued to members vide LC Paper No. CB(2)1283/15-16 on 13 April 2016.)

IV. Proposed amendment to the Immigration (Unauthorized Entrants) Order

(LC Paper Nos. CB(2)1219/15-16(03) and (04))

6. Secretary for Security ("S for S") briefed members on the Administration's proposal to amend the Immigration (Unauthorized Entrants) Order (Cap. 115D) to enhance enforcement against criminal activities of smuggling non-ethnic Chinese illegal immigrants ("NECIIs").

7. Members noted an information note entitled "Proposed amendment to the Immigration (Unauthorized Entrants) Order" prepared by the Legislative Council ("LegCo") Secretariat.

Views on the Administration's legislative proposal

8. Referring to Annex A of the Administration's paper, Mr CHAN Kam-lam expressed concern about the increasing number of NECIIs intercepted in Hong Kong. He also expressed concern that there were about 11 000 non-refoulement claims pending screening in Hong Kong by the end of 2015 and there were increased crime involving

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claimants in many districts. Referring to paragraph 4 of the Administration's paper, he sought information on the number of successful prosecutions against smuggling of NECIIs into Hong Kong and the sentences imposed.

9. Assistant Commissioner of Police (Operations) responded that he had no information on hand about the sentences imposed by court in relation to the 82 cases referred to in paragraph 4 of the Administration's paper. Between 2015 and March 2016, the Police had detected eight cases of smuggling of NECIIs, arresting 11 members of smuggling syndicates and 103 NECIIs. Among these, prosecution could not be instituted under sections 37C and 37D of the Immigration Ordinance (Cap. 115) ("IO") in seven cases because the NECIIs who were being smuggled were South Asians.

10. Dr Elizabeth QUAT expressed concern that non-refoulement claims were increasing at a rate of about 300 claims per month and there were over 1 000 reports of crime committed by non-refoulement claimants in the previous year. She considered that measures should be taken to prevent abuse of the non-refoulement claim mechanism. Noting that a large proportion of NECIIs came from Vietnam, which was already covered by sections 37C and 37D of IO, she expressed doubt about the effectiveness of the Administration's legislative proposal. S for S responded that besides NECIIs from Vietnam who were covered by existing legislation and mainly entered Hong Kong by land, there were a large number of NECIIs from other countries and the Administration's proposal was directed at the smuggling of NECIIs from these countries.

11. Dr Elizabeth QUAT asked why the Administration's proposal did not cover Indonesia, which was the country of origin of a number of claimants. S for S responded that claimants from Indonesia were mainly overstayers and there was very few NECIIs from Indonesia in the past few years.

12. Mr LEUNG Che-cheung expressed support for the Administration's proposal. He asked why the proposed legislative amendments would apply to designated countries but not all countries.

13. S for S responded that the subsidiary legislation to be amended was directed at syndicates smuggling illegal immigrants ("IIs") from specified countries. Expanding the list to cover all countries might deviate from the original intent of the subsidiary legislation and required amendment

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of the principal Ordinance. He said that the Administration had analysed the profile of NECIIs before proposing the list of countries to be covered under the legislative proposal.

14. Dr Fernando CHEUNG asked whether the Administration's legislative proposal would have any effect on NECIIs from Vietnam. S for S stressed that the Administration's proposal sought to impose a heavier penalty on syndicates involved in the smuggling of NECIIs into Hong Kong. NECIIs who were being smuggled would not be subject to a heavier sentence even if they were declared as unauthorized entrants ("UEs").

15. Ms Emily LAU said that a group of organizations and individuals had issued a declaration calling for the community to stop discrimination in debates relating to refugees. She said that while abuse of the non-refoulement claim mechanism had to be addressed, Hong Kong had a responsibility under CAT to screen non-refoulement claims and the court had said that a high standard of fairness should be achieved in the screening of non-refoulement claims.

16. S for S responded that non-refoulement claims were screened in Hong Kong under procedures which met high standards of fairness required by law. Claimants aggrieved with the determination of ImmD could lodge an appeal with the Torture Claims Appeal Board ("TCAB"). ImmD/TCAB's determinations were subject to judicial review.

17. Dr Fernando CHEUNG said that although there was a need to combat the smuggling of IIs, he was concerned about whether the legislative proposal would lead to a change in a claimant's status and hence the chance of success in his claim. S for S responded that the Administration's proposal sought to impose a heavier penalty on syndicates involved in the smuggling of unauthorized entrants into Hong Kong. NECIIs who were being smuggled would not be subject to a heavier sentence even if they were declared as UEs.

18. Mr Paul TSE said that many people were concerned about the impact of non-refoulement claimants on law and order in Hong Kong and noted that the Administration's proposal was directed at syndicates involved in human smuggling of NECIIs. He expressed support for the legislative proposal and said that it should not be applicable to certain countries only. He expressed concern about whether actions would be taken against law firms involved in aiding and abetting the smuggling of IIs into Hong Kong.

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19. Ms Cyd HO expressed support for the legislative proposal. She said that it would be more effective for the Administration and the Mainland authorities to jointly combat the problem at source. She said that while some people called for the cessation of application of CAT to Hong Kong, it should be noted that provisions in CAT did not only protect claimants, but also members of the public from torture.

20. Mr WONG Kwok-kin expressed concern that the non-refoulement claim mechanism was abused by a majority of claimants, a number of whom had taken up illegal employment in Hong Kong, thus affecting the job opportunities of local employees. While expressing support for the Administration's legislative proposal, he expressed doubt about its effectiveness.

21. S for S said that it had been stated in the judgment of the High Court in *HKSAR v. Villan Palpandi and another* (HCMA 569/2015) that "I have voiced my serious concern in previous Magistracy Appeal cases about the phenomenon and upsurge trends of torture claimants in Hong Kong. The system is being abused, and is being abused sadly and badly, which clearly calls for certain remedial actions to be taken by the executive government". The Administration had briefed the Panel at the meeting on 2 February 2016 on the proposed measures to be considered under the comprehensive review of the strategy of handling non-refoulement claims ("comprehensive review") to address problems relating to illegal immigration. The Administration's legislative proposal was one of the proposed measures to address the problems.

Introduction of closed camps for claimants

22. Ms Claudia MO expressed concern about whether the Administration intended to accommodate claimants in closed camps.

23. S for S responded that as part of the comprehensive review, the Administration had commenced research into proposals to enhance ImmD's legal powers to detain claimants.

24. Dr CHIANG Lai-wan expressed concern that the residents of many districts were seriously affected by non-refoulement claimants, whose involvement in crime had increased significantly. She also expressed concern that because of the need to meet high standards of fairness in the screening of claims, it would at least take five to six years to complete the screening of the existing outstanding non-refoulement claims. She

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considered that the Administration should speed up the screening of such claims and consider introducing closed camps for claimants. Mr WONG Kwok-kin shared the view that consideration should be given to the introduction of closed camps for claimants.

25. Dr Priscilla LEUNG said that many residents belonging to the ethnic minorities had expressed concern about the threat to personal safety posed by non-refoulement claimants in their districts. She considered that claimants who arrived Hong Kong after a specified date should be put under closed detention. Claimants convicted of criminal offences in Hong Kong should be repatriated.

26. Mr CHAN Chi-chuen said that the resources to be deployed for introducing closed camps for claimants should be used instead for increasing the manpower for screening of claims.

27. S for S responded that the suggestion to re-introduce closed camps, which had been used for Vietnamese boat people in the past, had resource implications and might require legislative amendments, both of which would require the support of LegCo. While the Administration had an open mind on the issue, he noted that there were divergent views among LegCo Members. He added that the Administration had proposed the creation of two supernumerary directorate posts as well as about 80 additional non-directorate posts under ImmD to conduct the review of the strategy of handling non-refoulement claims and expedite screening of claims.

Operations to intercept NECIIs

28. Noting that Hong Kong had long coastlines, Mr LEUNG Che-cheung expressed concern about whether the Administration would strengthen its operations to intercept NECIIs.

29. Mr Alvin YEUNG said that while the Administration's legislative proposal was basically in order, it would be more effective for the Administration to cooperate with other jurisdictions to intercept IIs.

30. S for S said that since February 2016, the relevant Mainland authorities had launched joint operations with the Hong Kong Police to combat human smuggling at the boundary, resulting in three human smuggling syndicates being neutralized and the arrest of about 2 900 NECIIs. Such joint operations would continue at least until the end of June 2017.

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31. Mr James TO expressed concern about when the Administration had commenced discussion with Mainland authorities on the launching of recent joint operations to intercept NECIIs. S for S responded that discussions with relevant Mainland authorities had commenced for some time before joint operations were launched in recent months.

Pre-arrival registration of visitors from certain countries

32. Mr Paul TSE expressed concern about when the pre-arrival registration of visitors from certain countries would be implemented. S for S responded that the Administration was developing the details for introducing pre-arrival registration to prevent those visitors with a high risk of lodging non-refoulement claims from boarding in the first place. It was expected that the measure would be implemented in 2016-2017.

33. Mr Kenneth LEUNG said that the introduction of pre-arrival registration should be considered prudently, as it might affect trade with countries such as India. S for S responded that the pre-arrival registration requirement would not affect existing visa-free arrangements.

34. Mr Paul TSE expressed concern about why NECIIs from Vietnam had increased substantially in the past two years. S for S responded that there had all along been NECIIs from Vietnam who mainly entered Hong Kong by land. After the Court of Final Appeal handed down its judgment in *Ubamaka Edward Wilson v. Secretary for Security* (FACV 15/2011), there had been a surge in the number of NECIIs from Vietnam arriving Hong Kong and lodging non-refoulement claims. A number of claimants from Vietnam were found taking up illegal employment with counterfeit Hong Kong identity cards and the Shatin Magistrates' Courts had recently sentenced five claimants who took up illegal employment to imprisonment.

Compressing the process of determination of a claim

35. Noting that claimants in Canada were given 15 days to return a claim form while Australia and New Zealand required a claim form to be completed when the claim was lodged, Mr Michael TIEN queried why a claimant was allowed seven weeks to return a claim form in Hong Kong. He said that although the Administration intended to propose measures to shorten the average time for screening of a claim from about 25 weeks to around 15 weeks, he considered that it should be further shortened to 10 weeks, comprising two weeks for returning a claim form, three weeks for processing a claim and five weeks for determining a claim.

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36. S for S noted Mr Michael TIEN's suggestion. He said that the screening of a claim by ImmD was only part of the entire process; a claimant could lodge an appeal against the determination of ImmD with TCAB, and then apply for judicial review of the determination of ImmD/TCAB. He pointed out that it had been stated in the judgment of the Court of First Instance in *SC v. Torture Claims Appeal Board* (HCAL 99/2014) that "In fact, Hong Kong is still in the development phase of the jurisprudence relating to torture claims, and the Director is facing tremendous pressure both in handling the vast number of torture claims and in conducting the screening process in accordance with the latest standard set by the courts".

37. Mr Kenneth LEUNG asked whether the procedures of TCAB could be compressed while maintaining a high standard of fairness. S for S responded that the procedures involved were in substance a rehearing of the claim concerned. The determination of TCAB was subject to judicial review.

Other issues

38. Ms Claudia MO said that the Administration should not describe non-refoulement claimants as "bogus refugees". Although some of the claimants might be economic migrants, there might also be claimants who had genuine grounds for lodging a non-refoulement claim.

39. S for S responded that the 1951 Convention relating to the Status of Refugees did not apply to Hong Kong. He said that non-refoulement claims were screened in Hong Kong in accordance with the law and the standards laid down in court judgments and the Administration had never described non-refoulement claimants as "bogus refugees". There was recently an influx of a large number of NECIIs via the Mainland to Hong Kong and the Administration's proposal sought to impose a heavier penalty on the smuggling of NECIIs into Hong Kong.

40. Mr LEUNG Kwok-hung expressed concern about whether there was any association between human smuggling syndicates and Mainland authorities. S for S pointed out that relevant Mainland authorities had recently launched joint operations with the Police, neutralizing three human smuggling syndicates and arresting about 2 900 NECIIs.

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41. Mr Alvin YEUNG said that representatives of the Administration should visit countries which were the major origins of NECIIs to explain the Administration's policy.

42. Mr Kenneth LEUNG expressed support for the legislative proposal. He said that the Administration should discuss the problem with relevant government departments of these countries and launch publicity in these countries to clarify the Administration's policy.

43. S for S explained that representatives of the Administration had recently visited relevant government departments of India to discuss the problems and launch publicity in the country on Hong Kong's law and policy. Similar visits would be made to other major countries where NECIIs originated.

44. Mr Alvin YEUNG asked whether the Administration would educate the public on the international obligations of Hong Kong under international human rights treaties signed by Hong Kong. S for S responded that publicity relating to human rights treaties were under the auspices of the Constitutional and Mainland Affairs Bureau. He said that as Hong Kong was a special administrative region of the People's Republic of China ("PRC"), the international human rights treaties were signed by PRC and their applications extended to Hong Kong.

45. Mr CHAN Chi-chuen asked whether the legislative proposal would be introduced within the current legislative session. S for S responded that the subsidiary legislation concerned would soon be introduced into LegCo for negative vetting in accordance with the relevant provisions in IO.

46. Ms Emily LAU expressed concern that the subsidiary legislation to be introduced would be subject to negative vetting procedures. Dr Fernando CHEUNG said that as the subsidiary legislation concerned would be subject to negative vetting procedures and commence on the date of gazettal, consideration should be given to inviting the views of the public on the subject concerned. The Chairman said that it would be more appropriate for the matter to be considered by the subcommittee to be formed, if any, to study the relevant subsidiary legislation.

[To allow sufficient time for discussion, the Chairman advised that the meeting would be extended to 5:00 pm.]

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V. Policy and measures to combat illegal prostitution activities
(LC Paper Nos. CB(2)1219/15-16(05) and (06))

47. Under Secretary for Security ("US for S") briefed members on the Administration's policy and measures to combat illegal prostitution activities.

48. Members noted an information note entitled "Policy and measures to combat illegal prostitution activities" prepared by the LegCo Secretariat.

Police's measures to combat illegal prostitution activities

49. Referring to Annexes A and B to the Administration's paper, Dr Fernando CHEUNG asked why the number of persons arrested for being suspected of taking up unlawful employment involving sex work had increased in recent years but that arrested for procuring or controlling of prostitution and keeping a vice establishment had decreased.

50. US for S responded that the number of persons arrested for procuring or controlling of prostitution and keeping a vice establishment had decreased mainly due to changes in the modus operandi from traditional fixed location vice establishments to shifting locations and using online platforms.

51. Mr CHAN Kam-lam sought information on the number of private premises for use as a vice establishment in which case the owners were arrested. He considered that there should be more publicity to the owners of private building units about the legal consequences of permitting or letting premises for use as a vice establishment. US for S agreed to provide some snapshot statistics in this regard as requested by Mr CHAN.

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52. Mr LEUNG Kwok-hung sought information on the number of Mainland residents whose exit endorsements had been cancelled after being convicted of taking up unlawful employment in Hong Kong. US for S said that the particulars of convicted Mainland residents, including those taking up unlawful employment involving sex work in Hong Kong, which was in the region of about 4 000 persons per year, had been passed to the relevant Mainland authorities for consideration of cancelling their exit endorsements and prohibiting them from visiting Hong Kong for at least two years.

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53. Referring to paragraph 9(g) of the Administration's paper, Mr YIU Si-wing sought information on the effectiveness of exchange of intelligence with the Mainland and overseas law enforcement agencies to combat organized prostitution and human trafficking activities. US for S responded that intelligence exchange with the Mainland law enforcement agencies had resulted in successful prosecutions in three cases involving illegal prostitution activities in 2014.

Police's undercover operations against vice activities

54. Mr CHAN Chi-chuen expressed concern that the Police had not, in reply to a written question raised by him in relation to the Estimates of Expenditure 2016-2017, provided information on the Police's internal guidelines for undercover operations against vice activities. He sought information on the number of police officers found in breach of the internal guidelines.

55. US for S responded that there were 91 complaints from sex workers in the past five years. Among these, 12 complaints involved Police's undercover operations against vice activities, 11 of which had been found unsubstantiated while the remaining one was still under investigation.

Adequacy of existing legislation against illegal prostitution activities

56. Mr LEUNG Che-cheung asked whether the Administration had identified any need to amend the law to facilitate combating illegal prostitution activities.

57. US for S responded that the existing legislation was adequate for combating illegal prostitution activities and the problem was under control. He said that the conviction rate in relation to illegal prostitution was high and most of the convicted persons were sentenced to imprisonment. In the first nine months of 2015, there were :

- (a) five prosecution cases for "control over persons for the purpose of unlawful sexual intercourse or prostitution", in two of which immediate imprisonment was imposed;
- (b) six prosecution cases for "causing prostitution", in five of which immediate imprisonment was imposed;

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- (c) 13 prosecution cases for "living on earnings of prostitution of others", in 11 of which immediate imprisonment was imposed;
- (d) 86 prosecution cases "for keeping a vice establishment", in 75 of which immediate imprisonment was imposed; and
- (e) 262 prosecution cases for "soliciting for an immoral purpose", in 218 of which immediate imprisonment was imposed.

Possibility of establishment of a red light district and protection of sex workers

58. Mr Kenneth LEUNG said that consideration should be given to establishing a "red light district" similar to that in Amsterdam to address problems relating to illegal prostitution activities.

59. US for S responded that the establishment of a "red light district" involved a major policy change which would require in-depth discussion in the community. Overseas experience indicated that even after a "red light district" was established, problems such as extortion, triad involvement, exploitation of underaged girls, or control over persons for the purpose of unlawful sexual intercourse or prostitution still existed. The problem of illegal prostitution activities in Hong Kong was kept under control and many people would not accept the establishment of a "red light district" near where they lived. The Administration did not consider there was any need to establish a "red light district".

60. Mr Kenneth LEUNG expressed concern about whether adequate protection was provided to individual sex workers. US for S responded that communication was maintained between the Police and five sex worker concern groups. Police officers conducted visits to one-sex-worker apartments for crime prevention purpose.

Other issues

61. Dr Fernando CHEUNG expressed concern that although the provision of sex services in one-sex-worker apartments was not in breach of the law, the sex workers concerned might sometimes be prosecuted for the offence of providing massage service if there was no evidence in substantiating other charges. US for S responded that a licence was required under the law for operating a massage establishment.

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62. Mr YIU Si-wing asked how the Administration would deal with complaints about repeated use of certain premises as a vice establishment. US for S responded that if certain premises were found repeatedly used as a vice establishment, the Police might apply to the court for an order to close the premises in question for six months.

63. Mr LEUNG Kwok-hung asked about the statistics on premises for which a closure order had been issued. US for S responded that the Police did not maintain a central record of this statistic.

VI. Replacement and enhancement of the closed-circuit television systems for Pak Sha Wan Correctional Institution and Siu Lam Psychiatric Centre

(LC Paper Nos. CB(2)1219/15-16(07) and (08))

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

65. US for S briefed members on the Administration's proposal to replace and enhance the closed circuit television systems ("CCTV") for Pak Sha Wan Correctional Institution ("PSWCI") and Siu Lam Psychiatric Centre ("SLPC").

66. Members noted an information note entitled "Closed-circuit television systems at correctional institutions" prepared by the LegCo Secretariat.

67. Noting that the Administration's proposal involved the installation of about 900 high resolution CCTV cameras at PSWCI and SLPC, Mr MA Fung-kwok expressed concern about whether the installation of such cameras had any impact on the privacy of staff and persons in custody in the correctional institutions concerned.

68. US for S responded that the proposed CCTV cameras would not be installed at the offices and specific areas such as shower rooms, toilets, sick bays and X-ray rooms of the correctional institutions concerned. Assistant Commissioner of Correctional Services (Operations) ("ACCS(O)") added that under the Administration's proposal, the number of CCTV cameras at PSWCI would be increased from 200 to 498 and

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that at SLPC would be increased from 296 to 394. He said that the locations of new CCTV cameras would provide a better coverage of all areas accessible by persons in custody while protecting the privacy of individuals inside the correctional institutions.

69. Mr YIU Si-wing asked whether images captured by the proposed CCTV cameras would be accessible by senior officials at other locations. US for S responded that the images captured by the proposed CCTV cameras would only be accessible at the control room of the respective correctional institution, which was operated round the clock.

70. Mr YIU Si-wing asked whether there were contingency plans to deal with breakdown of the existing systems before the proposed systems were commissioned in 2020. US for S responded that the existing systems were comparatively simple and the procurement of replacement parts or substitutes was still possible. ACCS(O) added that the information obtained from annual inspections of existing CCTV cameras carried out by the Electrical and Mechanical Services Department as well as security and operational needs of the concerned institutions would be taken into consideration when scheduling the replacement of existing CCTV cameras.

71. The Chairman concluded that members supported in principle the Administration's submission of its proposal to the Finance Committee.

72. There being no other business, the meeting ended at 4:55 pm.

Council Business Division 2
Legislative Council Secretariat
9 May 2016