

**立法會**  
**Legislative Council**

LC Paper No. CB(2)332/18-19  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/SE

**Panel on Security**

**Minutes of policy briefing-cum-meeting  
held on Friday, 2 November 2018, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon CHAN Hak-kan, BBS, JP (Chairman)  
Hon James TO Kun-sun (Deputy Chairman)  
Hon Starry LEE Wai-king, SBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon YIU Si-wing, BBS  
Hon MA Fung-kuok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, SBS, MH, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Hon Alvin YEUNG  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying, JP  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Dr Hon CHENG Chung-tai

Hon AU Nok-hin  
Hon Tony TSE Wai-chuen, BBS

**Members  
absent** : Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon CHAN Han-pan, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Hon LAM Cheuk-ting

**Public Officers  
attending** : Item IV

The Administration

Mr John LEE, SBS, PDSM, PMSM, JP  
Secretary for Security

Mrs Marion LAI, JP  
Permanent Secretary for Security

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP  
Under Secretary for Security

Ms Mimi LEE, JP  
Deputy Secretary for Security 1

Mr Vic YAU  
Deputy Secretary for Security 2

Ms Maggie WONG Siu-chu, JP  
Deputy Secretary for Security 3

Ms Manda CHAN, JP  
Commissioner for Narcotics

Mr LAU Wai-ming  
Administrative Assistant to Secretary for Security

Item V

The Administration

Mr Sonny AU Chi-kwong, PDSM, PMSM, JP  
Under Secretary for Security

Ms Maggie WONG Siu-chu, JP  
Deputy Secretary for Security 3

Mr Billy WOO Tak-ying  
Principal Assistant Secretary for Security (Review)

Mr LAW Chun-nam, IDSM  
Deputy Director of Immigration

Mr FUNG Ngai-wa  
Assistant Director of Immigration  
(Removal Assessment and Litigation)

Item VI

Independent Commission Against Corruption

Mr Simon PEH Yun-lu, SBS, IDSM  
Commissioner

Mr Ricky YAU Shu-chun  
Head of Operations

Mr HO Wai-chi  
Director of Community Relations

Ms Rita LIAW Lily  
Director of Corruption Prevention

**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 Gloria TSANG  
Council Secretary (2) 1

Ms Kiwi NG  
Legislative Assistant (2) 1

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**I. Confirmation of minutes of previous meeting**  
(LC Paper No. CB(2)118/18-19)

The minutes of the meeting held on 11 October 2018 were confirmed.

**II. Information papers issued since the last meeting**  
(LC Paper Nos. CB(2)143/18-19(01), CB(2)144/18-19(01),  
CB(2)150/18-19(01), CB(2)164/18-19(01) and CB(2)172/18-19(01))

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

- (a) letter dated 12 October 2018 from Mr Michael TIEN;
- (b) letter dated 24 October 2018 from Dr Elizabeth QUAT;
- (c) Administration's information paper on its proposals to revise fees for services provided by the Hong Kong Police Force ("the Police");
- (d) letter dated 25 October 2018 from the Deputy Chairman; and
- (e) letter dated 31 October 2018 from Mr AU Nok-hin.

3. Regarding paragraph 2(c) above, the Chairman said that no member proposed discussing the paper at a meeting of the Panel.

4. Regarding paragraph 2(a), (b), (d) and (e) above, members noted that the issues raised in the respective letters from the Deputy Chairman, Mr Michael TIEN, Dr Elizabeth QUAT and Mr AU Nok-hin had been incorporated into the Panel's list of outstanding items for discussion.

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**III. Date of next meeting and items for discussion**  
(LC Paper Nos. CB(2)41/18-19(01) and (02))

List of outstanding items for discussion

5. The Chairman informed members that he and the Deputy Chairman had discussed the work plan of the Panel for the 2018-2019 session with the Secretary for Security ("S for S") and the Panel's list of outstanding items for discussion had been updated accordingly.

Regular meeting in December 2018

6. Members agreed that the following items would be discussed at the next regular meeting on 4 December 2018 at 2:30 pm:

- (a) Results of study of matters raised in the Annual Report 2017 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance;
- (b) Construction of Immigration Headquarters in Tseung Kwan O; and
- (c) Proposed amendments to the First Schedule to the Dangerous Drugs Ordinance.

**IV. Briefing by the Secretary for Security on the Chief Executive's 2018 Policy Address**

(LC Paper No. CB(2)27/18-19(01), The Chief Executive's 2018 Policy Address and The Chief Executive's 2018 Policy Agenda)

7. S for S briefed members on the initiatives of the Security Bureau in 2018, 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)188/18-19(01) on 2 November 2018.)*

Manpower shortage of law enforcement agencies

8. Mr Holden CHOW expressed concern that the manpower deployed by the Customs and Excise Department ("C&ED") for enforcement of the

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Trade Descriptions Ordinance (Cap. 362) ("TDO") was less than 200 and inadequate. He asked whether there was any plan to increase the manpower of C&ED for enforcement of TDO. S for S responded that as issues relating to TDO were under the purview of the Commerce and Economic Development Bureau ("CEDB"), he would convey Mr HO's views to CEDB. He said that besides increasing its manpower when necessary, C&ED was employing new technology to assist in its law enforcement work, such as in the classification and analysis of cases.

9. Mr POON Siu-ping expressed concern that the Correctional Services Department was facing a manpower shortage problem. He asked whether the application of innovation and technology to enhance law enforcement capabilities would help to address the manpower shortage problem and sought information on the resources involved in such application. S for S responded that the application of innovation and technology to enhance law enforcement capabilities was implemented through deployment of the existing resources of law enforcement agencies ("LEAs") and funds offered by the Innovation and Technology Bureau.

New smart identity card replacement exercise

10. Noting that persons who proceeded to the Smart Identity Card Replacement Centres for smart identity card replacement could bring along elderly persons to apply for their new smart identity cards together, Mr Holden CHOW expressed concern whether there was a limit to the number of such accompanying elderly persons.

11. Ms Starry LEE sought information on the new applications offered in the new smart identity card. S for S responded that incorporation of non-immigration applications in the new smart identity card, such as library card applications and access to the Electronic Health Record Sharing System, required consent of the cardholder.

12. Mr POON Siu-ping asked when the on-site smart identity card replacement service for elderly persons and persons with disabilities residing in registered residential care homes ("RCHs") would commence. Deputy Secretary for Security 3 responded that such service was expected to commence in the second quarter of 2019. More than 1 000 RCHs would be involved and the proposed target group was estimated to be around 80 000. The Immigration Department ("ImmD") was liaising with RCHs on the detailed arrangements.

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Counter-terrorism

13. Mr YIU Si-wing asked whether the Administration would update its counter-terrorism strategy having regard to the commissioning of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Hong Kong-Zhuhai-Macao Bridge and the Lintang/Heung Yuen Wai Boundary Control Point. S for S responded that the protection of critical infrastructures was coordinated by the Police's Critical Infrastructure Security Coordination Centre. It maintained close contact with operators of critical infrastructures, provided professional advice on security improvement and helped formulating effective security plans to protect critical infrastructures, landmark buildings and port facilities. A mechanism had also been established for its exchange of intelligence with Mainland LEAs for counter-terrorism purpose.

14. Mr AU Nok-hin asked whether there was any overlapping between the anti-terrorism work of the Police's Security Wing and the Interdepartmental Counter-terrorism Unit ("ICTU"). S for S responded that ICTU provided an inter-departmental counter-terrorism platform on top of the original counter-terrorism framework to enhance the collation, coordination and analysis of counter-terrorism intelligence and information. It would not replace any of the existing counter-terrorism work of the relevant LEAs, including the Police.

Combating crime

*Prosecution against clandestine photo-taking of women under their skirts using smart phones*

15. Dr Elizabeth QUAT welcomed the application of innovation and technology to enhance law enforcement capabilities and the implementation of the "Animal Watchers" Scheme. She expressed concern that the Department of Justice ("DoJ") had suspended prosecution under section 161 of the Crimes Ordinance (Cap. 200) concerning access to computer with criminal or dishonest intent after the judgment of the court on a case relating to prosecution under the section. She asked whether the Administration would continue to institute prosecution against clandestine photo-taking of women under their skirts using smart phones. She considered that specific legislation should be enacted against such an act. S for S responded that the Administration had lodged an appeal in relation to the case concerned and DoJ had issued

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guidelines on prosecution in similar cases. Investigation into such cases was still underway. He said that besides the section, such an act might be prosecuted for the offence of loitering.

*Cyber crime*

16. Mr CHAN Chun-ying expressed concern that according to a report released by a global cyber security company, over two million persons in Hong Kong were victims of cyber attack. He considered that the Administration should establish a website for free download of cyber security software by members of the public.

17. Ms Starry LEE expressed concern about an increase in online fraud and online romance scams in Hong Kong. She said that more manpower should be deployed and legislative amendments should be introduced, where necessary, to combat such crime. She asked whether undercover operations were launched to combat such crime.

18. The Deputy Chairman expressed concern about increased online fraud and said that more resources should be deployed for combating such crime.

19. S for S responded that while different tactics were adopted by the Police to combat such crime, it was inappropriate for the Administration to disclose the operational methods adopted by the Police. He said that officers of the Cyber Security and Technology Crime Bureau of the Police attended international conferences to update their knowledge on the latest trend of cyber crime. It played an important role in international police cooperation to combat cyber crime. A mechanism had been established for its exchange of intelligence on cyber crime with LEAs of other jurisdictions on a 24-hour basis. The Police had also established the Anti-Deception Coordination Centre ("ADCC"), which had set up a 24-hour telephone hotline to receive reports of deception, answer enquiries and provide timely assistance to victims. ADCC cooperated with the banking sector to intercept payments to fraudsters, so as to minimize the loss of victims.

*Crime committed by non-refoulement claimants*

20. Ms YUNG Hoi-yan declared that she was one of the legal representatives of non-refoulement claimants. Noting that over 1 500 non-refoulement claimants had been arrested for criminal offences in



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Hong Kong in 2016, she suggested that latest technology should be employed to assist in law enforcement at black spots of such crime. S for S responded that he would convey the suggestion to the Police. He said that the Police had established a dedicated team under the Organized Crime and Triad Bureau and strengthened the gathering of intelligence to combat such crime. The Police would also analyze such crime and strengthen patrol at black spots of such crime.

Enactment of legislation against insulting police officers

21. Dr Elizabeth QUAT asked about the progress of the Administration's study on the enactment of legislation against insulting police officers. S for S responded that the Administration had an open mind towards the issue. It was carrying out a study on the legal issues concerned and overseas practice. The Administration noted that there were different views on the issue in the community.

22. Dr Priscilla LEUNG said that she was concerned about the issue and had drafted a Member's bill on the offence of insulting police officers. She had withheld introduction of her Member's Bill after noting that the problem of some members of the public insulting police officers with abusive language had become less serious.

Application of innovation and technology to enhance law enforcement capabilities

23. Mr CHAN Chun-ying welcomed the application of innovation and technology to enhance law enforcement capabilities. Referring to paragraph 3 of the Administration's paper, he asked how the employment of video analytics would enhance the efficiency of prison management and level of security in prisons. S for S responded that for example, the gathering of persons in custody ("PICs") at a few spots during meal time in a penal institution might be an indication of possible fighting amongst PICs. Video analytics would facilitate the early detection of such gathering of PICs, thus enabling timely deployment of correctional staff to the scene. The deployment of digital wristband for patients in the hospital of a penal institution would also facilitate the monitoring of the pulse rate of patients.

24. Referring to paragraph 4 of the Administration's paper, Mr CHAN Chun-ying asked whether the research and development ("R&D") work concerned would be carried out by LEAs on their own.

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S for S responded that besides dedicated R&D teams in the Police, the R&D work was also carried out by external experts when necessary. Technological support was also provided by relevant government departments, if necessary.

25. Dr Elizabeth QUAT sought information on the timetable for equipping all frontline police officers with body-worn video cameras ("BWVCs"). S for S responded that more BWVCs were being procured by the Police and there were plans for the deployment of BWVCs by frontline police officers to tie in with the commissioning of the Fourth Generation Command and Control Communications System.

26. The Deputy Chairman said that there was a global trend towards employment of latest technology to enhance law enforcement. He said that video cameras should be installed in police vehicles to monitor law enforcement inside such vehicles.

27. Mr AU Nok-hin expressed concern whether the Police would, as in the case of the Mainland, install a large number of closed-circuit television ("CCTV") cameras throughout Hong Kong. He asked whether the Privacy Commissioner for Personal Data would be consulted, if such CCTV cameras were to be installed. S for S responded that LEAs had to comply with the laws of Hong Kong and the Personal Data (Privacy) Ordinance (Cap. 486) when taking law enforcement actions.

Issues relating to non-refoulement claims

28. Mr SHIU Ka-chun expressed concern that the percentage of successful non-refoulement claims was very low. He queried whether the screening of non-refoulement claims was carried out in accordance with the standards laid down by the United Nations High Commission for Refugees. He also asked whether the immigration staff responsible for screening of claims had received sufficient training and had sufficient knowledge about the situation of countries of origin of claimants. S for S responded that the 1951 Refugee Convention and its 1967 Protocol had never applied to Hong Kong. Non-refoulement claims were screened in Hong Kong under a unified screening mechanism ("USM"), which incorporated the high standards of fairness required by the court and an appeal mechanism. The percentages of substantiated claims and successful appeals were very low.

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29. Referring to paragraph 9 of the Administration's paper, Mr SHIU Ka-chun sought information on the overseas countries and overseas laws to which reference were made by the Administration in drawing up its legislative amendments to the Immigration Ordinance (Cap. 115). S for S responded that reference was being made to relevant legislation in Australia, Canada and New Zealand.

Fire safety

30. Referring to paragraph 17 of the Administration's paper, Mr Tony TSE expressed concern that the new requirements to improve fire safety of old industrial buildings, if too stringent, might have a negative impact on the conversion of such buildings into transitional housing. He also expressed concern whether there was sufficient manpower for monitoring compliance with fire safety requirements.

31. S for S responded that the enforcement authorities had, without compromising fire safety and statutory requirements, adopted a flexible and pragmatic approach in handling individual cases and allowed flexibility in complying with fire safety requirements in the enforcement of similar laws in the past. Besides the provision of adequate manpower for carrying out fire safety inspections and licensing, the Fire Services Department was expediting such work through computerization.

Other issues

32. Mr YIU Si-wing said that Canada had recently relaxed control on the sale of products containing cannabis in October 2018. He expressed concern that Hong Kong residents and visitors arriving from Canada might bring products containing cannabis into Hong Kong without knowing that it was in breach of the law. Commissioner for Narcotics responded that although Canada had legalized recreational cannabis in October 2018, only persons aged 18 or above were permitted to purchase, possess and take cannabis under prescribed conditions. Food containing cannabis was not yet legalized in Canada. Any person who brought products containing cannabis into Hong Kong would contravene the Dangerous Drugs Ordinance (Cap. 134). C&ED would issue a press statement to remind Hong Kong citizens and travellers.

33. The Deputy Chairman and Dr CHENG Chung-tai expressed concern that the jury had reached a verdict of unlawful killing in a recent inquest by the Coroner's Court into the death of a taxi driver.

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34. S for S said that the Police would study the recommendations of the Coroner's Court in the recent death inquest of a taxi driver. He added that BWVCs had been found to have a de-escalating effect in confrontational situations.

35. Dr CHENG Chung-tai asked about the timetable for introduction of legislative amendments to the Road Traffic Ordinance (Cap. 374) to require a driver to stop in case of a traffic accident involving injury to an animal and whether publicity would be launched under the "Animal Watchers" Scheme to raise public awareness on the new requirement. S for S responded that the relevant legislative work was being undertaken by the Food and Health Bureau. He said that regardless of the timing for the legislative amendments, the "Animal Watchers" Scheme, which would be implemented in the 2019-2020 financial year, would incorporate publicity efforts to raise public awareness on prevention of cruelty to animals.

36. Dr CHENG Chung-tai expressed concern whether legislative amendments would be introduced to the Money Lenders Ordinance (Cap. 163) to combat unscrupulous practices of money lenders and intermediaries. S for S responded that as the policy concerned was under the purview of the Financial Services and the Treasury Bureau ("FSTB"), he would convey Dr CHENG's concern to FSTB.

37. Dr Priscilla LEUNG welcomed the implementation of the "Animal Watchers" Scheme and the implementation of the Fire Safety Improvement Works Subsidy Scheme to subsidize owners of composite buildings to undertake required fire safety improvement works. She expressed concern about the impact of conviction of law enforcement officers for acts in the course of performing their duties on the morale of police officers.

38. Mr CHAN Chi-chuen noted that after the Court of Final Appeal handed down its judgment in *QT v. Director of Immigration* (FACV No. 1 of 2018), the Administration had issued a Legislative Council ("LegCo") Brief regarding its new immigration policy on entry of dependents. He asked whether a non-local dependent who had entered into a same-sex marriage outside Hong Kong with an eligible sponsor, who was a Hong Kong permanent resident, was eligible to apply for a dependent visa/entry permit in Hong Kong. S for S responded that the new immigration policy had already been set out clearly in the LegCo Brief.

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**V. Manpower proposal for the comprehensive review of the strategy of handling non-refoulement claims**

(LC Paper Nos. CB(2)41/18-19(03) and (04))

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

40. Under Secretary for Security ("US for S") briefed members on the manpower proposal for the comprehensive review of the strategy of handling non-refoulement claims.

41. Members noted an information note entitled "Manpower proposal for the comprehensive review of the strategy of handling non-refoulement claims" prepared by the LegCo Secretariat.

Pre-arrival control, detention and crimes committed by non-refoulement claimants

42. Considering that some non-refoulement claimants had posed security threat to local residents, Mr POON Siu-ping expressed support for the Administration's manpower proposal with a view to expediting the handling of claims and removal procedures of rejected claimants. He also sought information on cases heard by the court since the commencement of the Immigration (Unauthorized Entrants) (Amendment) Order 2016 under which heavier penalties were imposed on syndicates smuggling illegal immigrants.

43. US for S said that under the Immigration (Unauthorized Entrants) (Amendment) Order 2016, persons/syndicates who arranged or assisted in smuggling illegal immigrants from specified places to or their remaining in Hong Kong were on conviction liable to up to 14 years of imprisonment and a fine of \$5,000,000.

44. Ms Claudia MO was concerned about the potential claimants smuggling into Hong Kong from the Mainland and whether the Administration had an established view that most of these claimants were economic migrants. US for S said that the Administration had launched several joint operations with the Mainland authorities since February 2016 to combat illegal immigration across the boundary. Such operations and enforcement actions taken by the border control

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departments and the exit and entry offices of relevant provinces against illegal immigration activities in various Mainland provinces had led to the interception of over 67 000 non-ethnic Chinese illegal immigrants. They also foiled 53 organized syndicates and 293 cases of attempted illegal entry to Hong Kong involving over 3 400 persons. In addition, ImmD and the Police had carried out joint operations to combat illegal immigration activities, and 440 persons were arrested. US for S stressed that the Administration did not have any preconceived views on illegal immigrants and every case was impartially treated.

45. Dr Priscilla LEUNG, Mr LEUNG Che-cheung and Mr CHAN Kin-por expressed support for the Administration's manpower proposal. Dr Priscilla LEUNG said that it was reported that the Administration had been identifying sites for setting up detention centres. She sought the Administration's response in this regard. Mr LEUNG Che-cheung sought information on the feasibility of accommodating claimants in open holding centres.

46. US for S advised that it would continue studying the issue of setting up of detention centres, including exploring into any lawful, practicable and effective options, and would keep LegCo updated when ready.

47. Mr CHEUNG Kwok-kwan expressed support for the Administration's manpower proposal. Pointing out that USM was being abused by some non-refoulement claimants, he expressed concern about the Administration's action against crime committed and illegal employment taking up by claimants in Hong Kong.

48. US for S advised that the Police had established a dedicated team under the Organized Crime and Triad Bureau to combat such crime. In addition, ImmD had enhanced enforcement actions against illegal employment of claimants and kept disseminating information about the legal consequences of employing illegal workers to employers.

Pending claims and appeals

49. Dr Fernando CHEUNG and Mr AU Nok-hin expressed opposition to the manpower proposal. Dr CHEUNG said that as the number of pending claims had been reduced, he did not see the need to extend the two supernumerary directorate posts in the Security Bureau and ImmD for a period of three years. He also considered that the asylum seeking

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policy in Hong Kong was not in compliance with the international obligation and stressed his view that claimants should be treated in a fair and humane manner. While agreeing that the screening procedures should be streamlined, Mr AU Nok-hin was concerned that fairness in handling claims would be compromised under the proposed legislative amendments to the Immigration Ordinance (Cap. 115). The proposal to shorten the timeframes for submitting claim forms and lodging appeals would cause practical difficulties for legal representatives of claimants. Given that the number of pending claims had been significantly reduced in recent years and the complexity of the claim forms, he considered that the proposed tightening of the statutory timeframe for submission of claim forms was unnecessary. He instead called on the Administration to introduce measures to shorten the screening time for each claim.

50. US for S advised that the proposal to shorten the timeframe for submission of claim forms had been drawn up having regard to the overseas practice and USM operational experience. Stressing that the proposed arrangements would meet the high standards of fairness required by the court, the Administration assured members that it would exchange views with the Hong Kong Bar Association, the Law Society of Hong Kong and other relevant stakeholders before introducing the proposed amendments into LegCo.

51. Mr LEUNG Che-cheung asked whether the design of claim forms in Hong Kong was much more complicated than those in other countries. US for S advised that the claim form was designed in a way to protect claimants' rights and facilitate the screening procedures. Non-refoulement claimants could provide in detail their personal particulars and distressing circumstances in the form.

52. Dr Junius HO expressed support for the Administration's time-limited manpower proposal. Noting the expenditure of \$4.8 billion on handling of non-refoulement claims and provision of assistance to claimants in the past five years, he was of the view that claimants in Hong Kong were being treated in a humane and generous manner. Dr HO and Dr Priscilla LEUNG added that the Administration should endeavor to expedite screening of claims and clear the backlog as early as possible. Mr CHEUNG Kwok-kwan considered that besides treating claimants in a humane and fair manner, the Administration should safeguard the overall interests of Hong Kong as well.

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53. Mr Jimmy NG expressed support for the Administration's manpower proposal. Noting that the screening of all claims currently in the backlog was anticipated to be completed within the first half of 2019, he asked whether additional manpower, apart from the proposed extension of the two supernumerary posts, was required. Dr Junius HO noted with concern about the large number of pending appeals and judicial reviews. Considering that the pending cases would not be able to be cleared within two to three years if the Judiciary manpower could not cope with the caseload, he urged the Administration to liaise with the Judiciary about the manpower resources in need. Mr POON Siu-ping sought information on the average time required to determine an appeal.

54. US for S advised that as at end September 2018, around 1 700 claims were pending screening by ImmD. Although the number of pending claims had significantly dropped as compared with the peak, ImmD was going to shift its work focus downstream to support the Torture Claims Appeal Board ("TCAB") in the handling of appeals and ensuring early removal of rejected claimants from Hong Kong. US for S remarked that both handling of appeals and removal of rejected claimants were challenging tasks. Complications might arise in the repatriation arrangements in particular when there was no direct flight from Hong Kong to the claimant's home country. US for S further said that to expedite the handling of appeals, the membership of TCAB had been expanded from 28 to 99 and extra financial resources were allocated to enhance its ancillary facilities. With a view to further speeding up the handling of appeals, an amendment bill would be introduced to LegCo early next year to, among others, improve and enhance the appeal procedures.

55. While expressing support for the Administration's manpower proposal, Mr Tony TSE asked whether an extension for a period of three years for the two supernumerary posts was sufficient given a large number of pending appeals. US for S said that the proposal to extend the two supernumerary posts for three years was put forward having regard to the principle of prudent use of public resources. The Administration would continue monitoring the development of the comprehensive review, including pre-arrival control measures, the screening and appeal procedures as well as the repatriation process. US for S stressed that handling non-refoulement claims was a challenging task and appealed for members' support of the manpower proposal.



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Publicly-funded legal assistance

56. Dr Elizabeth QUAT expressed support for the Administration's manpower proposal. She was concerned about the alleged abuse of the Pilot Scheme for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants ("Pilot Scheme") by some law firms and asked whether the Administration would look into ways to prevent such abuse. US for S explained that the Pilot Scheme, which had been running for around a year, was in parallel with the Legal Assistance Scheme for Non-refoulement Claimants provided by the Duty Lawyer Service. To ensure the prudent use of public fund while maintaining timely and quality publicly-funded legal assistance to claimants, he said that a review of the Pilot Scheme, covering issues such as the prevention of abuse, would be carried out soon.

57. The Chairman said that apart from two members who did not support the proposal, a majority of attending members supported the Administration's manpower proposal. He concluded that the Panel had no objection in principle to the Administration's submission of its proposal to the Establishment Subcommittee for consideration.

*[To allow sufficient time for discussion, members agreed that the meeting would be extended by 15 minutes.]*

**VI. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2018 Policy Address**

(LC Paper No. CB(2)27/18-19(02), The Chief Executive's 2018 Policy Address and The Chief Executive's 2018 Policy Agenda)

58. 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.

*(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)188/18-19(02) on 2 November 2018.)*

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Corruption in public works projects

59. Mr CHAN Chun-ying declared that he was a member of the Operations Review Committee ("ORC") and the Witness Protection Review Board of ICAC. Referring to paragraph 14 of ICAC's paper, he said that corruption in public works projects were usually uncovered by the employees of contractors, who might not prefer lodging a complaint by electronic mail or in person. He asked whether there were other channels for such employees to lodge corruption complaints. C/ICAC responded that besides lodging a corruption complaint in person or by electronic mail, a person could also lodge a corruption complaint through making a telephone call to the ICAC hotline or writing a letter to ICAC.

60. Referring to paragraph 14 of ICAC's paper, Mr AU Nok-hin asked whether ICAC would review the system of site supervision and management of sub-contractors of the MTR Corporation Limited ("MTRCL") and propose improvement measures. He noted that ICAC had conducted an assignment study in 1999 on the project administration of MTRCL on civil construction contracts and asked whether ICAC would conduct a new assignment study on the works project administration of MTRCL.

61. Mr Tony TSE asked whether ICAC had evaluated the effectiveness of corruption prevention measures with relevant policy bureaux, government departments, public bodies and relevant professional bodies.

62. Director of Corruption Prevention, ICAC ("DCP/ICAC") responded that corruption prevention in public works projects required the concerted efforts of all stakeholders. Besides monitoring by government departments and public bodies, the integrity and capability of consultants, contractors and sub-contractors were also key factors. ICAC collaborated with relevant policy bureaux, government departments and public bodies to enhance public works consultants' and contractors' corruption prevention awareness and capabilities, especially in the areas of integrity management, site supervision and management of sub-contractors. It provided corruption prevention input to government departments on contract letting and administration such as at the stage of preparation of tender exercise, including the incorporation of probity and anti-bid rigging provisions in tender documents. ICAC would also assist the Development Bureau to review, among other areas, the management of the List of Contractors for Public Works ("the List") and the mechanism for managing consultants. Assignment studies were

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conducted on major public works projects where necessary. ICAC also maintained communication with relevant professional bodies and would provide contractors on the List with corruption prevention advice on integrity management, site supervision and quality control of major construction materials, etc.

63. Dr Fernando CHEUNG said that ICAC should, instead of deploying excess manpower for investigation of election-related complaints, carry out proactive investigation of possible corruption in construction projects and public works projects. Head of Operations, ICAC ("H(Ops)/ICAC") responded that it was ICAC's practice to proactively investigate into alleged corruption offences having regard to the specific circumstances of individual cases. In this regard, it should be noted that ICAC was responsible for conducting criminal investigation, which had to be guided by evidence.

Corruption in lift maintenance projects

64. Referring to paragraph 16 of the Administration's paper, Mr CHAN Chun-ying asked whether ICAC would take actions to prevent corruption in lift maintenance works arising from the Lift Modernization Subsidy Scheme ("LIMSS").

65. Mr Tony TSE expressed concern about the possibility of bid-rigging in lift maintenance under LIMSS, given the small number of lift maintenance companies in Hong Kong.

66. DGP/ICAC responded that ICAC provided early corruption prevention advice in the Administration's formulation of new policies and new subsidy schemes as and when necessary. ICAC also assisted building owners to put in place corruption prevention safeguards in their management of building maintenance projects under various subsidy schemes. Regarding LIMSS, ICAC had started to provide corruption prevention advice to relevant policy bureau at an early stage when the scheme was being drawn up. ICAC would assist the policy bureau/government department and the implementation agent responsible for LIMSS to develop corruption prevention measures in administering the subsidy scheme.

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Election-related corruption complaints

67. Ms Claudia MO expressed concern that many election-related corruption complaints involved irregularities relating to insignificant amounts of election expenses. She asked whether the threshold for follow-up by ICAC could be raised to cases involving election expenses exceeding \$1,000.

68. H(Ops)/ICAC responded that election-related legislation set out clearly the requirements on candidates for election. ICAC had a statutory duty to conduct investigation into complaints of non-compliance with such requirements and such complaints were processed with simplified procedures. He said that ICAC had been reviewing the issue with the relevant policy bureau and the Electoral Affairs Commission ("EAC"). To his knowledge, consideration was being given by the relevant policy bureau to revise the threshold.

*[To allow sufficient time for discussion, members agreed that the meeting would be further extended by 15 minutes.]*

69. Dr Priscilla LEUNG said that election-related corruption complaints involving irregularities relating to insignificant amounts of election expenses should be handled by EAC instead of ICAC, given that such work was mainly administrative in nature. C/ICAC responded that ICAC was responsible for enforcement of relevant legislation. He would convey the suggestion to the relevant policy bureau.

Cross-boundary corruption

70. Mr MA Fung-kwok commended ICAC for its anti-corruption work. He sought information on ICAC's work in combating cross-boundary corruption after the enactment of the National Supervision Law on the Mainland in 2018. He said that ICAC should consider including information on combating cross-boundary corruption in its paper in future.

71. C/ICAC responded that ICAC and relevant Mainland authorities had set up a scheme to render mutual assistance in conducting enquiries in corruption cases since some 30 years ago. ICAC's contact point on the Mainland was the Supreme People's Procuratorate. With the enactment of the National Supervision Law on the Mainland and establishment of National Commission of Supervision ("NCS") in 2018,

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NCS had taken over the role of contact point with ICAC. A memorandum of understanding on mutual case assistance between NCS and ICAC in conducting enquiries in corruption cases was being drafted.

Other issues

72. Ms Claudia MO expressed concern that there was very slow progress in the investigation by ICAC into a case involving a former senior public officer's alleged receipt of payments from a company.

73. Dr Fernando CHEUNG expressed support for ICAC's work and hoped that ICAC would continue to discharge its duties impartially. He said that the prolonged investigation of some cases might have a negative impact on the image of ICAC.

74. C/ICAC stressed that ICAC had always discharged its duties impartially. All cases were treated equally by ICAC and it would not delay any investigation work. H(Ops)/ICAC added that depending on the complexity of a case, the time needed for investigation varied. ICAC had always acted in accordance with the law and established procedures in its investigation work. Advice would be sought from DoJ, where necessary. The outcome of investigation into each case would be reported to ORC.

75. There being no other business, the meeting ended at 11:23 am.