

立法會
Legislative Council

LC Paper No. CB(2)713/19-20
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 7 January 2020, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon YUNG Hoi-yan, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, 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 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 CHAN Han-pan, BBS, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan

Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon CHAN Chun-ying, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS

**Members
absent**

: Hon CHAN Kin-por, GBS, JP
Hon WU Chi-wai, MH
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon LAM Cheuk-ting
Hon Wilson OR Chong-shing, MH
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu

**Public Officers
attending**

: Item IV

The Administration

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

Ms Mimi LEE Mei-mei, JP
Deputy Secretary for Security 1

Mr Michael KWAN Ke-lin
Assistant Secretary for Security E2

Independent Commission Against Corruption

Ms Brenda WONG Yuk-fei
Acting Assistant Director / Operations 3

Mr Gary LEUNG Hiu-yin
Chief Investigator / R1 Group

Item V

The Administration

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

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

Mr Sam KEUNG Sai-ming
Assistant Director (Fire Safety) (Acting)
Fire Services Department

Mr Ken NG Kin-shing
Assistant Director / Mandatory Building Inspection
Buildings Department

Urban Renewal Authority

Mr Daniel HO Chi-wai
Director, Building Rehabilitation

Item VI

The Administration

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

Mr LAU Wai-ming
Administrative Assistant to Secretary for Security

Mr NG Chiu-kok
Assistant Commissioner (Operations)
Correctional Services Department

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

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

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Ms Gloria TSANG
Senior Council Secretary (2) 7

Ms Priscilla LAU
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)464/19-20)

The minutes of the special meeting held on 16 December 2019 were confirmed.

II. Information paper issued since the last meeting
(LC Paper No. CB(2)433/19-20(01))

2. Members noted that a letter dated 19 December 2019 from Dr Priscilla LEUNG regarding strengthening cyber security had been issued since the last meeting.

III. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)466/19-20(01) and (02))

Regular meeting in February 2020

3. Members agreed that the next regular meeting would be held on 4 February 2020 from 2:00 pm to 4:30 pm to receive a briefing by the Commissioner of Police on the crime situation in 2019. The Chairman advised that Police's handling of protests since June 2019 and related issues would also be briefed on during the context of discussion.

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(Post-meeting note: In view of the latest situation of the novel coronavirus infection, the Chairman directed that the Panel meeting scheduled for 4 February 2020 would be rescheduled. Members were informed vide LC Paper No. CB(2)580/19-20 on 31 January 2020.)

4. Members noted a letter dated 7 January 2020 from Dr Priscilla LEUNG, which was tabled at the meeting, suggesting the Panel to discuss security matters of the Judiciary. The Chairman said that the letter would be forwarded to the Administration for a written response before deciding the next course of action.

5. Members also noted a letter dated 7 January 2020 from Mr Andrew WAN, which was tabled at the meeting, requesting the Panel to discuss his draft Member's Bill entitled "Criminal Jurisdiction (Amendment) Bill 2019" as soon as possible. The Chairman said that he would arrange the draft Member's Bill be discussed at the Panel meeting in March 2020. He further said that two other draft Member's Bills entitled "Public Inquiry (2019 Disturbances) Bill" and "Public Order (Amendment) Bill 2019", respectively proposed by Mr Kenneth LEUNG and Mr CHU Hoi-dick, would be arranged to be discussed at the Panel meetings in April and May 2020.

(Post-meeting note: The respective letters from Dr Priscilla LEUNG and Mr Andrew WAN were circulated to members vide LC Paper No. CB(2)490/19-20(01) and (02) on 8 January 2020.)

Local visit

6. The Chairman said that a visit of the Panel to San Uk Ling Holding Centre would be held in around late February to mid-March 2020. Members would be informed of the arrangement in due course. Ms Tanya CHAN requested the Administration to provide information relating to the changes in the facilities in the Holding Centre upon the decision of not using it to detain arrested demonstrators in September 2019.

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(Post-meeting note: In view of the latest situation of the novel coronavirus infection, the Chairman directed that the visit scheduled for 2 March 2020 would be rescheduled. Members were informed vide LC Paper No. CB(2)645/19-20 on 28 February 2020.)

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7. The Chairman further said that the visit to the Government Flying Service to understand operations of new H175 Helicopters, which was originally scheduled to be held in the last session but subsequently cancelled, would be arranged in this session. Members agreed.

IV. Results of study of matters raised in the Annual Report 2018 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance

(LC Paper Nos. CB(2)295/19-20(01) and CB(2)466/19-20(03))

8. Secretary for Security ("S for S") briefed Members on the results of the Administration's study of matters raised in the Annual Report 2018 ("the Annual Report") to the Chief Executive by the Commissioner on Interception of Communications and Surveillance ("the Commissioner"), which were set out in the paper to the Panel.

9. Members noted an updated background brief entitled "Results of Study of Matters Raised in the Annual Report to the Chief Executive by the Commissioner on Interception of Communications and Surveillance" prepared by the Legislative Council ("LegCo") Secretariat.

Compliance with the requirements of the Interception of Communications and Surveillance Ordinance

10. Mr CHAN Chun-ying considered that the three non-compliance cases in 2018 were relatively mild. He referred to paragraph 6 of the background brief prepared by the Secretariat and asked whether the forum provided by the Commissioner to frontline officers of the law enforcement agencies ("LEAs") was a regular activity, and whether any reviews or assessments were being put in place to ensure relevant frontline officers were familiar with the requirements in the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO").

11. S for S responded that the forum in which the Commissioner provided on the requirements in ICSO was held upon the invitation of and request from the Security Bureau ("SB"). The forum had active participation among LEA officers, and was useful. SB would liaise with the Commissioner as to whether the forum should be held again, considering in particular whether there were any specific issues arising from the Commissioner's inspections that had not been raised before.

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Although relevant LEA officers were not required to undergo assessment on the requirements in ICSO, LEAs concerned consider training to be important, and had provided diversified training to relevant officers, including induction and refresher training, briefings, seminars, workshops, practical training, theoretical and case-sharing sessions, which particularly covered issues on legal professional privilege and journalistic material. All officers newly assigned to ICSO work would receive training, while existing officers would also receive refresher training.

12. Referring to paragraph 8 of the Administration's paper, Mr POON Siu-ping asked about the progress of the remaining case being reviewed by the Commissioner and further measures taken by LEAs to minimize careless mistakes committed by frontline officers. Assistant Secretary for Security E2 said that the outstanding case (i.e. case 6.15 in the Annual Report) was still under investigation and would be covered in the Annual Report 2019. As regards the measures taken to reduce the chance of careless mistakes, S for S advised that apart from training being provided to relevant officers, corresponding computer systems in LEAs were enhanced to streamline some manual work process so as to prevent recurrence of technical mistakes and avoid human errors. Supervisory process had also been strengthened with additional levels of report and assessment. Where necessary, relevant officers were briefed on new requirements and guidelines under ICSO.

13. Mr Andrew WAN expressed concern about the credibility of police officers in performing ICSO duties. S for S stressed that police operations were conducted strictly adhering to the relevant laws and regulations. Besides, the Commissioner did not find any deliberate disregard of the statutory provisions or the Code of Practice, or any ulterior motive or ill will on the part of the officers involved during the report period. The Commissioner also observed that LEAs had adopted a very cautious approach in handling ICSO cases. It was also noted that the Annual Report had not named the LEA concerned for each of the cases of non-compliance or irregularity.

Inadequacy of the Interception of Communications and Surveillance Ordinance

14. Mr Charles MOK and Mr James TO considered that the ICSO regime had provided a stringent control and monitoring at all stages of covert operations. However, having regard to the proliferation of use of

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social media and instant message applications (e.g. WhatsApp and Telegram) among members of the public, members including Mr Andrew WAN, Mr Alvin YEUNG, Ms Claudia MO, Dr Fernando CHEUNG, Mr CHAN Chi-chuen, Mr Charles MOK and Mr James TO expressed concern about the inadequacy and possible loophole of ICSO. They considered that there was a genuine need to review ICSO as electronic messages/digital contents transmitted via these types of applications were within seconds and difficult, if not impossible, to be intercepted, and those records stored in mobile phones or other similar devices after transmission were beyond the scope of regulation under the existing ICSO.

15. S for S pointed out that as defined in ICSO, "interception" meant "in relation to any communication, means the carrying out of any intercepting act in respect of that communication; or when appearing in a context with no specific reference to any communication, means the carrying out of any intercepting act in respect of any communication." It did not explicitly stipulate the means of communication to be regulated, and was sufficiently broad so as not to be circumvented by specific technologies. ICSO also specified the types of information that the Commissioner needed to disclose in the Annual Reports. Such regime and practice were similar to those in many overseas jurisdictions, and considered suitable for the situation in Hong Kong and should continue to operate. As such, it was considered not necessary for a review of or amendments to ICSO.

16. Dr Priscilla LEUNG expressed concern about the limitations of ICSO under the current technological environment. Mr MA Fung-kwok was particularly concerned about the limitations of ICSO in performing enforcement actions over the past few months since June 2019.

17. S for S responded the requirements under ICSO were necessary to strike a balance between combatting serious crime and privacy protection. The cases of non-compliance and irregularity mentioned in the report period did not involve issues that could not be overcome. He further pointed out that difficulties in verifying the identity of offenders upon intelligence gathering were in fact a global challenge faced by LEAs worldwide. Nevertheless, it was noteworthy that some 200 persons were arrested in 2018 pursuant to ICSO, and around 4 000 persons were arrested since ICSO came into force. It was believed that ICSO would continue to operate effectively in the coming years.

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Application for court warrants by law enforcement agencies

18. Mr IP Kin-yuen commended the Commissioner for overseeing the compliance by LEAs and their officers with the relevant requirements in ICSO. He expressed concern about the power of police officers when seizing and examining mobile phones and other similar devices, and asked whether a court warrant was required in doing so. Dr Fernando CHEUNG shared a similar concern. Mr CHAN Chi-chuen further asked whether a person could refuse the Police's request to unlock his/her mobile phone. S for S affirmed that search warrants were required to examine the content of mobile phones, unless consent was obtained from the persons concerned.

19. Mr Alvin YEUNG and Ms Claudia MO, however, pointed out that it had been reported that an arrestee had recently indicated that some of the instant messaging records in his locked mobile phone had been admitted as part of the evidence by the prosecution, but he had never disclosed to the Police the password for unlocking his mobile phone since his arrest and he had not been informed before the court hearing of the Police having obtained a relevant warrant. S for S stressed that Police had already publicly clarified that the case was conducted under a search warrant. He further said that when conducting criminal investigations, LEAs could apply to the Court in accordance with the relevant laws for a search warrant. LEAs had to observe stringent requirements when applying for search warrants, swear an oath before the magistrate and set out clearly the justifications for as well as the scope of the search warrant being sought. The magistrates could impose conditions when issuing a search warrant having regard to individual circumstances. The magistrates could also refuse the issue of the search warrant if they considered that the justifications to be insufficient. Once issued, LEAs would have to act on strict compliance with the search warrant, including any conditions imposed by the magistrate.

20. Ms Claudia MO further pointed out that the Police were given power to request information from Internet Service Providers even without obtaining a warrant. As it fell outside the scope of ICSO and could not be regulated, Ms MO considered that such practice had seriously contravened privacy protection.

21. Dr Fernando CHEUNG and Mr Charles MOK expressed concern about recent media reports on Police's seizure and examination content of mobile phones without appropriate warrants. S for S clarified that some

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of these factually inaccurate accusations were from unidentified sources. He reiterated that police operations aimed to target serious crimes, and were conducted strictly adhering to the relevant laws and regulations. He added that in criminal proceedings, the prosecution would be required to disclose all the relevant evidence, whether used or unused materials.

22. Dr Fernando CHEUNG and Mr CHAN Chi-chuen expressed concern about whether the Police had used hacking software or other cracking tool for unlocking mobile phones to access the instant messaging contents or other information therein. S for S stressed that methods and technologies used for the examinations were confidential information involving LEAs' operations and thus could not be disclosed.

23. Ms Elizabeth QUAT sought information on the difficulties faced by frontline LEA officers in applying for court warrants for evidence gathering work, given the huge number of arrestees in recent months. S for S advised that there was an established system in handling urgent warrant applications outside office hours in the Magistrates' Courts. While a simpler process would undoubtedly help LEAs to conduct investigations more efficiently, it was necessary to have in place a stringent regime to ensure LEAs comply with the relevant legal requirements, so as to strike a balance between combatting serious crime and protecting one's privacy and interests. The professionalism and independence of the Court should also be respected.

24. S for S emphasized that applying to the Court for search warrants and applying for prescribed authorizations for covert operations under ICSO were two separate legal procedures for different purposes, and should not be mixed up. The purpose of search warrants was for collecting evidence for production in the Court, while the information which operations under ICSO sought to collect was mainly used for intelligence. Both were being governed stringently under the relevant laws.

V. Enhancements to the Fire Safety Improvement Works Subsidy Scheme

(LC Paper Nos. CB(2)466/19-20(04) and (05))

25. Under Secretary for Security ("US for S") briefed Members on the implementation progress of the Fire Safety Improvement Works Subsidy Scheme ("FSW Scheme") and the Administration's proposal to allocate

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an additional funding to the FSW Scheme to subsidize more owners of target composite buildings (TCBs) in complying with the requirements on enhancing the fire safety of common areas of the buildings concerned pursuant to the Fire Safety (Buildings) Ordinance (Cap. 572) ("FS(B)O").

26. Members noted a background brief entitled "Fire Safety Improvement Works Subsidy Scheme" prepared by the LegCo Secretariat.

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

Implementation progress of the Fire Safety Improvement Works Subsidy Scheme

28. Noting that the Urban Renewal Authority ("URA") had approached the persons in charge of around 840 applications of the FSW Scheme as at end November 2019 and it was estimated that URA could finish approaching the remaining some 1 000 applications by June 2021, Mr CHAN Chun-ying asked whether more manpower resources would be allocated to expedite the implementation progress of the Scheme.

29. Given that only about 200 to 300 TCBs had complied with Fire Safety Directions ("Directions") out of 9 300 TCBs inspected, Mr YIU Si-wing expressed concern about the implementation progress of FS(B)O and the FSW Scheme.

30. While expressing support for the FSW Scheme, Mr Tony TSE criticized the slow implementation progress of the Scheme. He considered that the Administration should be more proactive and make it clearer that fire safety improvement works were necessary enhancement for TCBs. He expressed concern about the relevant manpower support in URA and asked whether outsourcing would be a way out.

31. Mr Holden CHOW said that he had no objection to the proposed allocation of additional funding to the FSW Scheme. However, he was concerned about the slow implementation progress of the Scheme.

32. US for S responded that the estimation of processing around 400 to 500 applications per year under the FSW Scheme was drawn up taking into account the market capacity of qualified professionals. There were

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currently some 800 registered fire service installation contractors and some 1 500 authorized persons in the market, and the estimation of the annual number of applications to be processed was made to avoid driving up the costs of the fire safety improvement works required under FS(B)O and to ensure the quality of the works carried out. That said, the Administration noted members' concerns and would keep in view the implementation progress of the Scheme. Director, Building Rehabilitation, URA ("D(BR)/URA") added that URA was willing to act in concert with the market demand, provided that qualified contractors were available in the market. Mr Holden CHOW considered that the Administration should take the initiative to strengthen relevant manpower training.

33. The Deputy Chairman expressed support for the proposed additional funding to the FSW Scheme. Noting that URA would continue to process around 400 to 500 applications per year while the FSW Scheme was estimated to benefit around 6 000 to 6 500 TCBs in overall, she was concerned that some owners of TCBs might need to wait for 10 years for the subsidy to carry out the required fire safety improvement works, and sought information on the measures taken to assist these owners.

34. Assistant Director (Fire Safety) (Acting), Fire Services Department ("AD(FS)(Ag)/FSD") advised that TCBs constructed on or before 1 March 1987 generally met the prevailing fire safety standards at the time of their construction. Nevertheless, FS(B)O sought to provide further enhancement and better protection to the buildings concerned. Once TCBs were served with Directions issued by FSD and the Buildings Department ("BD"), designated case officers would conduct inspections to monitor the compliance progress and offer fire safety messages for ensuring the proper maintenance of the existing fire service installations and equipment in the buildings concerned. US for S further explained that in assessing applications under the FSW Scheme, the age of a building, the time lapsed after a Direction was issued and other relevant factors would be taken into consideration to compile a priority list. D(BR)/URA also pointed out that URA would approach the owners concerned to kick off relevant tendering work based on the priority list, and disburse subsidies at 60% of the works costs and consultancy fees, or the corresponding subsidy ceiling imposed depending on the number of storeys of the buildings. URA would keep in view the subsidy amount and liaise with SB if there was a need for any upward adjustment of the subsidy ceiling.

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Additional funding to the Fire Safety Improvement Works Subsidy Scheme and the financial implication

35. Mr CHAN Chun-ying sought clarification on the number of TCBs estimated to be benefited by the additional funding of \$3.5 billion. Given the slow implementation progress of the FSW Scheme, Mr YIU Si-wing was concerned as to whether the additional funding of \$3.5 billion was required at this stage. He further sought information on the average subsidy per application and the estimated number of TCBs required to be subsidized out of the 10 500 TCBs regulated under FS(B)O.

36. US for S pointed out that the estimated average subsidy of about \$0.8 million for each TCB, and taking into account the number of storeys of the buildings concerned, the subsidy in most cases was about 30% to 40% lower than the corresponding subsidy ceiling imposed. Out of the 10 500 TCBs regulated under FS(B)O, about 80% met the criteria for the average annual rateable value under the FSW Scheme, and among them, about 60% had owners' corporations ("OCs") formed; hence, very roughly speaking, about 5 000 to 6 000 TCBs would meet the eligibility criteria for the subsidy scheme. It was thus believed that the additional funding of \$3.5 million should cover all eligible TCBs regulated by FS(B)O and in need for subsidy.

37. Referring to the Annex to the Administration's paper, Mr CHAN Chun-ying queried why a decline was shown in the estimated cash flow requirement in 2022 to 2023. D(BR)/URA explained that the estimated cash flow requirement was calculated based on the estimated number of TCBs to be inspected by FSD and BD, as well as the estimated number of Directions to be issued per year.

38. Ms Elizabeth QUAT expressed support for the proposed additional funding to the FSW Scheme. She was concerned about the subsequent maintenance costs and the handling of the 500 applications currently placed on the waiting list upon the additional funding approval. US for S said that the applications currently on the waiting list would be handled first, and the waitlisted applicants would not have to submit fresh applications.

39. Dr Helena WONG referred to paragraph 8 of the Administration's paper and expressed concern about the administrative costs of implementing the FSW Scheme and the use of funds, such as TCBs

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approved with subsidies, amount of subsidies disbursed, the improvement works required and corresponding costs concerned, etc. She considered that the regular progress report from URA on the FSW Scheme should be made public and submitted to LegCo. D(BR)/URA advised that URA would submit a report on the FSW Scheme to SB every year. US for S added that SB was agreeable to providing relevant information to the Panel, taking into account the established practice of similar subsidy schemes and with due regard to the privacy of relevant parties.

Difficulties encountered by owners of old buildings

40. Mr Andrew WAN expressed support for the proposed additional funding to the FSW scheme. He sought information on the assistance provided to owners of "three-nil" buildings if OCs could not be established eventually, and asked whether consideration would be given to carrying out fire safety improvement works by the Administration and recovering the outstanding costs from owners of the buildings concerned.

41. US for S explained that FS(B)O did not empower the Administration to carry out fire safety improvement works for TCBs. Besides, relevant improvement works required under FS(B)O often involved the provision of fire service installation in the common areas of old buildings, which required the agreement and coordination amongst the owners. Thus, legal proceedings might arise and the works might be delayed if the Administration carried out the works without the owners' agreement. That said, the Administration had been studying how to further improve the assistance to owners of "three-nil" buildings. D(BR)/URA added that URA had assisted in examining the Deed of Mutual Covenant for about 80 "three-nil" buildings during the first round of applications, and about 60 cases had successfully set up OCs and joined the FSW Scheme.

42. Mr Tony TSE suggested that an explanatory note be provided to owners of TCBs to enhance their understanding on the requirements stipulated in Directions, in particular those improvement works in the common areas of old buildings. US for S said that URA had all along been providing support upon owners' requests. The Administration noted and would consider Mr TSE's suggestion.

43. Noting that the Administration had adopted a flexible and pragmatic approach in handling individual cases, in particular those aged buildings subject to structural or spatial constraints in the installation of

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fire service water tanks and pumping stations, Ms Elizabeth QUAT sought information on the latest compliance statistics of those buildings.

44. AD(FS)(Ag)/FSD advised that about 7 800 out of 10 500 TCBs had been served with Directions. In view of various difficulties faced by some owners in complying with Directions, FSD had since 2016 introduced a series of facilitation measures, including the installation of "improvised hose systems" with direct water supply from the government pipes which spared the installation of water tank, and lowering of the capacity requirement of fire service water tanks. About 3 300 TCBs were accepted in principle for the adoption of facilitation measures, and around 2 500 TCBs had submitted plans of the improvement works for approval. Over 200 TCBs had fully complied with Directions thus far. With the joint effort by various departments, it was anticipated that more TCBs would benefit from the facilitation measures and be able to comply with Directions accordingly.

45. The Chairman concluded that members had no objection in principle to the Administration's funding proposal.

VI. Installation of electric locks security system in Shek Pik Prison
(LC Paper Nos. CB(2)466/19-20(06) and (07))

46. US for S briefed Members on the Administration's proposal to install the electric locks security system ("ELSS") in the Shek Pik Prison ("SPP").

47. Members noted an updated background brief entitled "Installation of electric locks security system at correctional institutions" prepared by the LegCo Secretariat.

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

Operation and the facial recognition functions of the electric locks security system

49. Ms Elizabeth QUAT expressed support for the proposal to install ELSS in SPP. She sought information on current operation of ELSS in Lo Wu Correctional Institution and Tai Lam Centre for Women (the

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redeveloped parts), in particular on circumstances of malfunction or power supply problem.

50. Assistant Commissioner (Operations), Correctional Services Department ("AC(Ops)/CSD") advised that ELSS was a highly reliable system with a back-up server and uninterrupted power supply to ensure its continuous operation. There was generally no operational problem or system failure in ELSS operation in the aforementioned correctional institutions. Furthermore, it was observed that ELSS had enhanced the efficiency of prison operation, such as speeding up rescue and support actions in case of emergency.

51. With the newly facial recognition technology, Ms Elizabeth QUAT was concerned about the handling of staff information upon their resignation or retirement from the services. AC(Ops)/CSD said that relevant staff information and data would be deleted then.

52. Dr KWOK Ka-ki expressed grave concern about the facial recognition function of the proposed installation of ELSS in SPP. US for S affirmed that the facial recognition function was used for staff identification only.

53. Mr CHU Hoi-dick asked whether the facial recognition technology was adopted in ELSS installed at Lo Wu Correctional Institution and Tai Lam Centre for Women as well. He also expressed concern about the possible extension of the facial recognition function in the future, and sought information on the enhancement in institutional management with the adoption of such technology.

54. AC(Ops)/CSD said that ELSS in the aforementioned institutions was not equipped with facial recognition technology. As the facial recognition function allowed staff in the control room to promptly confirm the identity of staff pressing the call button, ensure the security and safety of entering staff and prevent unauthorized access to restricted areas, the overall institutional support and efficiency would be enhanced. There was currently no plan to extend the facial recognition function in ELSS in SPP.

55. Mr SHIU Ka-chun said that some staff members of CSD were worried about daily institutional operation due to malfunction or power supply problem of ELSS. They were also concerned that not every gate was installed with ELSS. In view of the heavy workload faced by CSD

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staff, concern was also raised on the manpower deployment upon ELSS installation. AC(Ops)/CSD advised that after the installation of ELSS, CSD would streamline work process and redeploy staff, with a view to strengthening the rehabilitation, counselling programmes, etc.

Implementation plan and financial implications of the electric locks security system

56. Mr YIU Si-wing expressed concern about the implementation time of seven years for the proposed installation of ELSS in SPP and asked whether it could be shortened. He also sought information on the estimated saving costs after implementing ELSS, and the estimated financial implications arising from coping with advances in technology and system upgrade or maintenance.

57. AC(Ops)/CSD explained that SPP had been operating since 1984, and some facilities would need to be refurbished and/or modified before ELSS installation. Hence, the whole project was expected to take longer time to complete. Senior Engineer/Security/Electronic Project, Electrical & Mechanical Services Department ("SE/S/EP/EMSD") advised that the lifespan of ELSS was estimated to be around 10 years. System enhancement and upgrade would be arranged afterwards. In response to Mr Holden CHOW's enquiry, SE/S/EP/EMSD clarified that ELSS's lifespan of 10 years was projected upon system commissioning. As regards the savings incurred after implementing ELSS, US for S said that CSD would streamline work process and better deploy staff to help alleviate the existing workload. It was also reiterated that the emergency support and rescue actions in CSD would be enhanced.

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

Other issues

58. In view of the insufficient facilities and intolerable environment in most of the correctional institutions, Dr KWOK Ka-ki asked whether improvement in other facilities would also be in place so as to provide a more humane environment for persons in custody ("PICs").

59. AC(Ops)/CSD advised that as many correctional institutions had been operating for decades, any alterations or renovations might probably be subject to structural and electrical constraints. That said, CSD had all

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along been committed to providing a more humane and healthier environment for PICs. Notably, with EMSD's support, the ventilation system in Stanley Prison had been improved by converting the domestic fans into industrial fans. Furthermore, CSD was conducting a feasibility study on the use of indoor drum fans in the cells of correctional institutions. He further said that PICs could express their opinions in accordance with the established mechanism.

60. Mr CHU Hoi-dick, however, was dissatisfied with CSD's slow response to the opinions made by PICs. Mr SHIU Ka-chun queried why electrical constraint was not an issue in the development of "Smart Prison" and ELSS, and further asked about the progress of the feasibility study on the use of drum fans in correctional institutions. AC(Ops)/CSD advised that CSD was currently studying the installation of ventilation system in correctional institutions with EMSD and the Architectural Services Department. He added that relevant departments would also conduct appropriate assessment before incorporating new facility or adoption of new technology in correctional institutions.

61. The Chairman concluded that members had no objection in principle to the Administration's funding proposal.

62. There being no other business, the meeting ended at 4:50 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2020