

立法會
Legislative Council

LC Paper No. CB(2)1378/19-20
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 2 June 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
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
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
Hon Christopher CHEUNG Wah-fung, SBS, JP
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 LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-chun
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS

**Members
absent** : Hon WONG Kwok-kin, SBS, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN

**Public Officers
attending** : Item III

The Administration

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

Ms Jenny CHAN Wai-man
Principal Assistant Secretary for Security A

Mr SIU Chak-yee, PMSM
Deputy Commissioner (Operations)
Hong Kong Police Force

Mr CHU Man-lung
Senior Superintendent
(Inter-departmental Counter-Terrorism Unit)
Hong Kong Police Force

Ms Betty CHAN Ka-yee
Assistant Commissioner (Quality Assurance)
Correctional Services Department

Mr CHAN Tsz-tat
Assistant Commissioner (Intelligence and Investigation)
Customs and Excise Department

Mr Terrance TSANG Wing-hung
Assistant Director (Headquarters)
Fire Services Department

Mr James SZE Wan-lung
Chief Pilot (Operations)
Government Flying Service

Mr FAN Hiu-sing
Assistant Director (Enforcement)
Immigration Department

Item IV

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

Mr Joe LEE Yat-sau
Director of Corruption Prevention

Ms Sally KWAN Yee-lan
Assistant Director / Administration

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

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

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. Information papers issued since the last meeting
(LC Paper Nos. CB(2)987/19-20(01), CB(2)1062/19-20(01),
CB(2)1092/19-20(01) and CB(2)1112/19-20(01))

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

- (a) letter dated 13 May 2020 from Dr KWOK Ka-ki;
- (b) letter dated 20 May 2020 from Mr LAM Cheuk-ting;
- (c) letter dated 26 May 2020 from Mr Jeremy TAM; and
- (d) letter dated 1 June 2020 from Mr Andrew WAN.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(2)1081/19-20(01) and (02))

Regular meeting in July 2020

2. Members agreed that the following items would be discussed at the next regular meeting on 7 July 2020 at 2:30 pm:

- (a) Proposed Member's Bill entitled "Public Inquiry (2019 Disturbances) Bill";
- (b) Drug situation in Hong Kong in 2019; and

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- (c) Proposed introduction of offences on voyeurism and non-consensual photography of intimate parts, and related offences.

(Post-meeting note: As shown in the updated paper (LC Paper No. CB(2)1286/19-20(01) provided by Mr Kenneth LEUNG on 30 June 2020, the item in paragraph 2(a) was updated as "Proposed Member's Bill entitled 'Public Inquiry (2019 Public Order) Bill'".)

3. Mr LAM Cheuk-ting said that a special meeting should be held to discuss issues relating to the "Thematic Study Report on the Public Order Events arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response" published by the Independent Police Complaints Council, as stated in his letter dated 20 May 2020 (LC Paper No. CB(2)1062/19-20(01)). He further said that matters in relation to the "Integrity Audit Action Group" to be set up by the Police and the conduct of Police should also be discussed in one go.

4. Referring to Mr LAM Cheuk-ting's suggestion, Ms Alice MAK considered that issues relating to the handling of recent riots in the United States of America ("USA") should be discussed as well. The Chairman said that he would discuss the issues raised by members with the Deputy Chairman and the Administration after the meeting.

III. Strengthening the prevention and tackling of terrorist activities
(LC Paper Nos. CB(2)1081/19-20(05) and (06))

5. Secretary for Security ("S for S") briefed members on the latest situation regarding the terrorist threat of Hong Kong, as well as how the Hong Kong Special Administrative Region ("HKSAR") Government and members of the public could strengthen their prevention and response.

6. Members noted an updated background brief entitled "Strengthening the prevention and tackling of terrorist activities" prepared by the Legislative Council ("LegCo") Secretariat.

Issues relating to the United Nations (Anti-Terrorism Measures) Ordinance

7. Mr CHEUNG Kwok-kwan said that he and the Democratic Alliance for the Betterment and Progress of Hong Kong supported the

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Police to vigorously combat terrorist acts according to the laws. He expressed concern about the cases involving explosives and firearms over the past few months and asked about the investigation progress. S for S responded that there were over 10 cases involving explosives and firearms since July 2019 and at least 70 persons had been arrested thus far. At least three of the cases were found to be carried out with the intention to compel the Government and for the purpose of advancing a political cause, which might have constituted a "terrorist act" according to the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) ("UNATMO"). The Police would strengthen the investigation work and if sufficient evidence was found upon investigation, the Police would consider proceeding under UNATMO and would also consider freezing assets suspected to be involved in terrorist activities to cut off the funding sources of the terrorist groups concerned and prevent them from growing in Hong Kong.

8. Mr CHAN Chun-ying and Mr LUK Chung-hung expressed concern about the definition of terrorist organizations. S for S explained that under UNATMO, where a person was designated by the Committee of the United Nations Security Council as a terrorist or terrorist associate, the Chief Executive ("CE") could publish a notice in the Gazette specifying the name(s) of the person. CE could also make an application to the Court for an order to specify a person as a terrorist or terrorist associate. Furthermore, where S for S had reasonable grounds to suspect that any property held by any person was terrorist property, he could by notice in writing specifying the property, direct that a person should not, directly or indirectly, deal with the property except under the authority of a licence.

9. Mr YIU Si-wing, Mr Jimmy NG and the Deputy Chairman considered that many of the violent acts occurred since the second half of 2019, such as occupying the Airport, destroying public transport and shops, throwing petrol bombs, setting fires, etc, might have constituted a "terrorist act" in accordance with UNATMO. Mr YIU asked whether consideration would be given to prosecuting under UNATMO and reviewing the prosecution threshold, so as to strengthen relevant deterrence effect. Mr Martin LIAO asked about the scenarios for invoking UNATMO and the Crimes Ordinance (Cap. 200). The Deputy Chairman expressed concern that the effect of UNATMO would be undermined if it were not invoked for prosecution. Dr Helena WONG was concerned about the comparison in the application between UNATMO and the Crimes Ordinance.

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10. S for S responded that any prosecutions would be considered thoroughly based on the facts and evidence collected. Apart from setting a clear definition of "terrorist act" in UNATMO, the Ordinance also empowered the Government to freeze assets suspected to be involved in terrorist activities, so as to cut off the funding sources. Whether UNATMO or the Crimes Ordinance would be used was a matter to be considered by the Department of Justice based on the applicability and severity of an individual case. Notably, the application of UNATMO would strengthen relevant deterrence effect. The Government would, when available, endeavour to enhance public education by disseminating relevant court cases and legal consequences, with a view to curbing the breeding of local terrorism.

11. Mr Kenneth LEUNG said that special rapporteurs of the United Nations Human Rights Council had issued a letter expressing concerns about some human rights challenges on UNATMO. He asked whether consideration would be given to reviewing and amending UNATMO. Mr SHIU Ka-chun added that the special rapporteurs were concerned that the definition of "terrorist act" under UNATMO was too broad and imprecise, and a state should not invoke national security as a justification for measures aimed at suppressing opposition or to justify repressive practices against its population. Dr KWOK Ka-ki further said that, according to the letter, UNATMO did not comply with the right to freedom of expression and association as stipulated under the International Covenant on Civil and Political Rights. He asked about the Administration's response in this matter.

12. S for S clarified that it was only a letter with some observations from some special rapporteurs, but not an official stance of the United Nations Human Rights Council. The HKSAR Government would provide its response through the Ministry of Foreign Affairs of the People's Republic of China ("PRC") in due course. He further drew to the attention of members that the definition of "terrorist act" under UNATMO, including the action or threat of action which would have the effect of causing serious damage to property, had drawn reference to the laws adopted in the United Kingdom and Canada.

Local terrorism

13. Mr LUK Chung-hung and Mr Martin LIAO expressed concern about the breeding of local terrorism threat, as well as the source of firearms and the raw materials for making explosives. Deputy

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Commissioner of Police (Operations), Hong Kong Police Force ("DCP(Ops)/HKPF") said that the Police had seized five genuine firearms since December 2019, including an AR15 rifle and over 1 000 bullets. Upon investigation, the firearms were believed to be assembled in Hong Kong using the parts ordered online and delivered from USA. The Deputy Chairman expressed concern about inciting others to commit crime and the infiltration of foreign powers in local terrorist activities.

14. Dr CHENG Chung-tai was concerned about the explosives and firearms seized recently and queried whether the Police or the Customs and Excise Department were incapable of combatting them at source. Dr KWOK Ka-ki questioned the real intention of placing bombs and explosives, in particular when there was a Sergeant who was arrested over a patrol bomb plot and suspected of perverting the course of justice. Mr WU Chi-wai shared a similar view, and expressed further concern about police officers' violation of UNATMO. S for S stressed that everyone was equal before the law. Any breach of the law by police officers would be handled and prosecuted by relevant law enforcement agencies ("LEAs") in accordance with the law.

15. Mr POON Siu-ping acknowledged the efforts of the Administration and the Police in prevention and tackling of terrorist activities. Noting that the current terrorist threat level of Hong Kong was "moderate", he asked whether the assessment methodology was similar to the international standard. Dr Helena WONG sought information on the methodology to assess the terrorist threat level.

16. S for S said that the assessment of terrorist threat level in Hong Kong was similar to that in overseas countries. Based on relevant intelligence collected and taking into account a wide range of factors, including local, regional and international situations, as well as the trend on the internet, the threat of terrorist attacks in Hong Kong was currently assessed to be "moderate" on a three-level scale.

17. Mr POON Siu-ping referred to paragraphs 10, 11 and 13 of the Administration's paper, and sought details about the work platform established under the Inter-departmental Counter-Terrorism Unit ("ICTU"), the training provided for relevant industry stakeholders since April 2020, and the strategy of "Run, Hide and Report". Ms Alice MAK expressed concern about the capability and manpower of ICTU, and asked about the measures taken to combat the funding sources suspected to be involved in terrorist activities.

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18. S for S said that there were indications that financial support was provided in various violent incidents since June 2019. One such indication was the abundant supply of helmets and safety masks which protesters willingly discarded at scene after the violence. The Government was very concerned in combatting the funding support and the Police had arrested some people suspected of money laundering. If sufficient evidence was found upon investigation, consideration would be given to prosecuting them under UNATMO and freezing the assets suspected to be involved in terrorist activities.

19. Ms Claudia MO requested S for S to provide solid evidence to support his saying of "financial support in various violent incidents". Dr Helena WONG was concerned about the investigation progress of the cases involving explosives and firearms since July last year. S for S considered that Ms MO had played down the violent acts, adding that relevant case exhibits were displayed during press conference and court proceedings. DCP(Ops)/HKPF supplemented that there were 14 cases involving explosives and four cases involving genuine firearms since July 2019. The Police had arrested 76 people and 30 of them were charged for offences including making explosives with intent to endanger life or property, making or possession of explosives, shooting with intent to commit grievous bodily harm and possession of arms or ammunition without licence.

20. Mr SHIU Ka-chun cited the bomb scare at Wong Tai Sin Temple on 17 May 2020, which was finally discovered to be a data-collection device from a university, and expressed concern about relevant training provided to frontline police officers. S for S responded that the Police should handle suspicious objects of explosives with serious caution as potential consequence could be very serious. Under the current circumstance with local terrorism showing signs of breeding, any behaviours or acts of persons or organizations which might cause social panic should be avoided. S for S and the Chairman added that the university concerned had subsequently admitted that they had not notified the temple before placing the device and apologized to the public over the matter.

21. Dr Fernando CHEUNG and Dr KWOK Ka-ki expressed grave concern about the use of excessive force by police officers and considered that the Administration should not play it down. Mr WU Chi-wai said that almost half of the respondents in a public opinion poll were dissatisfied at the performance of the Police since June 2019.

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Dr CHEUNG asked whether any police officer was prosecuted because of violating the guidelines on the use of force. S for S said that Dr CHEUNG was disseminating misleading information, adding that appropriate force had to be used to stop violence. Moreover, a complaint-handling mechanism was in place to deal with public dissatisfaction at the conduct of or procedures adopted by police officers. Any breach of the law by police officers would be seriously handled.

22. Ms Claudia MO and Dr CHENG Chung-tai expressed concern about the incident of assaults occurred in Yuen Long Station of West Rail Line of the MTR Corporation Limited on 21 July 2019 ("the 721 incident"). S for S pointed out that some people had connived, romanticized or even supported those using violence, which in turn incited more youths to take part in illegal and violent acts since June 2019. He highlighted that 40% of the persons arrested were students.

23. Ms Elizabeth QUAT was worried about the breeding of local terrorism in Hong Kong, and said that some people had romanticized violence and misled youths to take part in illegal acts. Hence, she considered that the Administration should strengthen ICTU's intelligence gathering and analysis work, and fully cooperate with relevant Mainland authorities to implement "Hong Kong's national security legislation".

Counter-terrorism awareness and education

24. Mr CHAN Chun-ying referred to paragraph 11 of the Administration's paper and asked whether ICTU had collaborated with the Education Bureau to promote the counter-terrorism ("CT") awareness and education in schools, in particular in educating students about the danger of explosives and the consequences of taking part in making explosives. Mr Jimmy NG asked whether consideration would be given to increasing public awareness about "terrorist act". Given that an increasing proportion of secondary students were involved in the social incidents since June 2019, Dr Priscilla LEUNG asked whether consideration would be given to launching and strengthening CT education in secondary schools. Dr LEUNG further expressed concern about some overseas students involved in sourcing and supporting resources for the demonstrations and protests in Hong Kong. Ms Elizabeth QUAT urged the Administration to enhance youth education so as to raise their law-abiding awareness.

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25. S for S thanked members' suggestions and said that the Government would actively follow up such matter. He also said that the proportion of youngsters arrested kept increasing since June 2019. Around 40% of the arrested persons in recent incidents were students, and it was noteworthy that 70% of them were secondary students. S for S stressed that the law-abiding awareness in the society was important and to achieve it, concerted efforts from the Government, schools and family were indispensable.

Other issues

26. Mr KWONG Chung-yu expressed concern about the delineation of work between the Hong Kong Police Force and the state security officials when taking enforcement actions relating to terrorist activities in Hong Kong. S for S responded that the Force and state security officials would have their own roles and responsibilities to take relevant actions under the laws.

27. Mr LAM Cheuk-ting expressed concern about the exchange activities between the Hong Kong Police Force and the state security officials, in particular on the sharing of Xinjiang's CT work. Mr CHU Hoi-dick said that he and some other members had submitted a letter to the Panel expressing concern about ICTU's visit to Xinjiang in December 2018 and suggesting the Panel to pay a visit to Xinjiang. He was particularly concerned about the adoption of various types of electronic systems as Xinjiang's CT measures reported in the media.

28. S for S said that the officers had been making visits to other places, including some Western countries, East Asian countries and the Mainland, from time to time to learn more about their CT practices and experience. As the Ministry of Public Security of PRC was experienced in respect of CT measures and preparedness, the exchange and sharing activities would be beneficial to Hong Kong in formulating and optimizing its CT strategy and capability. In response to Mr LAM's further concern about the human rights issues on the Mainland, he stressed that LEAs in Hong Kong would conduct investigations and take enforcement actions in accordance with the laws.

Motion

29. The Chairman said that Mr Dennis KWOK and Mr CHEUNG Kwok-kwan had respectively indicated intention to move a motion under

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the agenda item. He ruled that the two motions were directly related to the agenda item in accordance with Rule 22(p) of the House Rules. He said that the two motions would be proceeded with and voted on in the order in which they were presented to the Panel.

30. Mr Dennis KWOK moved the following motion:

"六位聯合國人權特別報告員於 2020 年 4 月 23 日發信，指出《聯合國(反恐怖主義措施)條例》及《刑事罪行條例》的煽動罪，存有多項人權問題，建議香港政府檢視並修訂有關法例；該六位人權特別報告員提出可為香港政府檢視和修訂有關法例以符合人權標準，提供技術方面的協助。本委員會要求香港政府

- (1) 盡快全面檢視及修訂有關條例以符合人權標準
- (2) 接受聯合國人權特別報告員提供技術方面的協助"

(Translation)

"The six United Nations special rapporteurs on human rights issued a letter on 23 April, 2020, stating that there were a number of human rights problems with the sedition offences under the United Nations (Anti-Terrorism Measures) Ordinance and the Crimes Ordinance, and suggesting that the Hong Kong Government should review and revise the relevant legislation. The six special rapporteurs on human rights have offered to provide technical assistance for the Hong Kong Government to review and revise the relevant legislation to bring it into conformity with human rights standards. This Panel calls on the Hong Kong Government to

- (1) expeditiously and comprehensively review and revise the relevant legislation to bring it into conformity with human rights standards; and
- (2) accept technical assistance offered by the United Nations special rapporteurs on human rights."

31. The Chairman put Mr KWOK's motion to vote. Members requested a division.

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The following members voted in favour of the motion:

Mr WU Chi-wai, Mr Charles MOK, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting and Mr SHIU Ka-chun (nine members)

The following members voted against the motion:

Deputy Chairman, Dr Priscilla LEUNG, Mr Paul TSE, Mr Frankie YICK, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr POON Siu-ping, Mr Jimmy NG, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr Tony TSE. (11 members)

32. The Chairman declared that nine members voted in favour of the motion and 11 members voted against it. He declared that the motion was negatived.

33. Mr CHEUNG Kwok-kwan moved the following motion:

"鑒於自爆發反修例暴亂以來，種種跡象顯示本土恐怖主義正在本港滋生，本委員會留意到全國人大常委會將進行"港區國安法"的立法工作，由於該法包涵打擊恐怖主義行為，故敦促當局全力配合全國人大常委會的相關立法工作，以便採取有力措施防範、制止及懲治任何來自反修例暴亂所引發的各項恐怖主義行為。"

(Translation)

"As there have been signs showing the breeding of local terrorism in Hong Kong since the outbreak of the anti-extradition amendment bill riots, this Panel notices that the Standing Committee of the National People's Congress ("NPCSC") will take forward the legislative exercise for "Hong Kong's national security legislation". In view that this law covers the combat against terrorist acts, this Panel urges the authorities to fully cooperate with NPCSC in the relevant legislative work, so as to facilitate the adoption of vigorous measures to prevent, curb and sanction various terrorist acts stemmed from the anti-extradition amendment bill riots."

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34. The Chairman put Mr CHEUNG's motion to vote.

The following members voted in favour of the motion:

Deputy Chairman, Mr Abraham SHEK, Dr Priscilla LEUNG, Mr Paul TSE, Mr Frankie YICK, Mr YIU Si-wing, Ms Alice MAK, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr Jimmy NG, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr Tony TSE. (15 members)

The following members voted against the motion:

Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM. (14 members)

35. The Chairman declared that 15 members voted in favour of the motion and 14 members voted against it. He declared that the motion was carried.

IV. Work progress and planning of the Independent Commission Against Corruption for 2020 to 2021
(LC Paper No. CB(2)1081/19-20(07))

36. Commissioner, Independent Commission Against Corruption ("C/ICAC") briefed members on Hong Kong's corruption situation in 2019 and the first four months of 2020, as well as the major ICAC anti-corruption initiatives for 2020 to 2021.

(Post-meeting note: The speaking note of C/ICAC was issued to members vide LC Paper No. CB(2)1127/19-20(01) on 2 June 2020.)

Corruption-related issues in the public sector

37. Mr LAM Cheuk-ting expressed concern about the conduct and integrity of police officers, and asked whether ICAC had closely monitored the Police's corrupt practice and strengthened relevant prevention measures. C/ICAC responded that the civil service in Hong

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Kong, including the Police Force, generally remained clean and honest. Head of Operations, ICAC ("H(Ops)/ICAC") added that ICAC had been monitoring the corruption complaints concerning Police. Notably, a dedicated group was set up in ICAC's Operations Department to investigate complaints against Police. While about three to four police officers were prosecuted every year, he stressed that ICAC would continue monitoring and following up relevant corruption complaints.

38. Dr KWOK Ka-ki expressed reservation about C/ICAC's response that the Police Force generally remained clean and honest. He quoted the Corruption Perceptions Index ("CPI") released by the Transparency International and said that Hong Kong's score had dropped from 84/100 in 2010 to 76/100 in 2019. He also pointed out that high-ranking police officers involved in corruption or misconduct in public office would create a negative impact on the anti-corruption awareness in the society. C/ICAC responded that the Transparency International had adopted a different CPI research and scoring methodology several years ago and hence a direct score comparison between 2010 and 2019 was not appropriate. Given that Hong Kong's CPI was ranked top 20 among 180 countries and territories over the years, Hong Kong had all along maintained a high integrity level and ICAC had a good reputation worldwide. C/ICAC further pointed out that Police's corruption had reduced tremendously when compared with the situation in the 1960s and 1970s, and reiterated that the Police Force generally remained clean and honest. He stressed that ICAC would follow up all complaints and investigate all pursuable reports of corruption in a fair and objective manner.

(Post-meeting note: ICAC clarified that ICAC's score in 2010 was indeed 8.4 in a scale of 0 to 10. The index adopted a new scale of 0 to 100 since 2012.)

39. Mr POON Siu-ping sought information on the government bureaux/departments involved in corruption complaints and the corresponding conviction figures in 2019. He also asked about the measures taken by ICAC to prevent corruption in the civil service. C/ICAC responded that ICAC had been closely monitoring the complaint and conviction figures involving civil servants in different bureaux/departments. The Corruption Prevention Department and the Community Relations Department would strengthen their work as appropriate. H(Ops)/ICAC added that ICAC had provided relevant corruption figures involving government bureaux/departments when

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replying to question serial no. 5332 of the Special Finance Committee meeting in examining the Estimates of Expenditure 2020 to 2021. Normally, departments with a larger establishment and frequent contact with members of the public would attract more corruption complaints. The Police, the Food and Environmental Hygiene Department ("FEHD") and the Housing Department were the top three departments attracting most corruption complaints in 2019, and the pattern in the past few years was by and large the same. During the past five years, 10 to 16 civil servants were prosecuted per year.

ICAC 40. Mr SHIU Ka-chun sought further information on the respective numbers of complaints involving misconduct in public office against the Police, FEHD and the Housing Department in 2019, as well as the corresponding number of civil servants being investigated and prosecuted. H(Ops)/ICAC agreed to provide the requested information after the meeting. He also drew members' attention to the fact that misconduct in public office, being a common law offence, was not an offence specified in the Prevention of Bribery Ordinance (Cap 201), and that both the Police and ICAC could take enforcement actions in respect of the offence. Concerning cases involving misconduct in public office prosecuted by ICAC, most of these cases in fact originated from corruption investigations where there was insufficient evidence to prove any corruption offence.

41. Mr CHAN Chun-ying declared that he was a member of ICAC's Operations Review Committee and the Panel of the Witness Protection Review Board. He said that the element on innovation and technology was getting more important in Government's tendering exercises, which might not be easy to quantify and measure in tender assessment. He asked about the corruption prevention strategy and ways to assess the effectiveness of ICAC's work in such area. He also expressed concern on the Integrity Management System to be adopted by public works contractors. Director of Corruption Prevention, ICAC responded that the Corruption Prevention Department had given suggestions to the Government in drawing up work practices and evaluation guidelines in respect of the element on innovation and technology in procurement. Relevant integrity and professional trainings were provided to various departments. ICAC would continue providing advice and suggestions when needed.

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Other issues

42. Mr CHU Hoi-dick expressed concern about ICAC's investigation progress of the 721 incident and the recent appointment of Mr HO Kai-ming as the Under Secretary for Labour and Welfare. As Mr HO was a Member of LegCo when the appointment announcement was made, Mr CHU queried whether a LegCo Member should make relevant declaration once he/she accepted Government's invitation for political appointment.

43. H(Ops)/ICAC responded that ICAC had earlier confirmed that it had received complaints regarding the 721 incident and would follow them up in a serious manner. In compliance with the confidentiality requirements, ICAC would not comment on individual cases. However, he emphasized that all ICAC investigations would be handled in an independent, fair and professional manner in accordance with the law. He further said that any public officers, including LegCo Members, should be cautious in handling official business, and might seek legal advice when necessary.

44. There being no other business, the meeting ended at 4:37 pm.

Council Business Division 2
Legislative Council Secretariat
17 July 2020