

立法會

Legislative Council

LC Paper No. CB(2)1606/20-21

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Ref : CB2/PL/SE

Panel on Security

**Minutes of policy briefing-cum-meeting
held on Monday, 25 October 2021, at 4:00 pm
in Conference Room 1 of the Legislative Council Complex**

**Members
present**

: Hon CHAN Hak-kan, SBS, JP (Chairman)
Hon YUNG Hoi-yan, JP (Deputy Chairman)
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, SBS
Hon MA Fung-kwok, GBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon Tony TSE Wai-chuen, BBS, JP

**Members
absent**

: Hon CHAN Han-pan, BBS, JP
Hon Jimmy NG Wing-ka, BBS, JP

**Public Officers
attending** : Item II

The Administration

Mr TANG Ping-keung, PDSM, JP
Secretary for Security

Ms Carol YIP, JP
Permanent Secretary for Security

Miss Shirley YUNG, JP
Deputy Secretary for Security (1)

Miss Hinny LAM, JP
Deputy Secretary for Security (3)

Mrs Apollonia LIU, JP
Deputy Secretary for Security (4)

Ms Ivy LAW, JP
Commissioner for Narcotics

Mr LAU Wai-ming
Administrative Assistant to Secretary for Security

Item III

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
Principal Assistant Legal Adviser

Ms Gloria TSANG
Senior Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

Ms CHAU Kwan-bing
Legislative Assistant (2) 7

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I. Information papers issued since the last meeting

(LC Paper Nos. CB(2)1507/20-21(01), CB(2)1540/20-21(01), CB(2)1561/20-21(01) and CB(2)1576/20-21(01))

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

- (a) joint letter dated 27 September 2021 from Mr Steven HO and Ms Elizabeth QUAT regarding the enforcement work against sea smuggling and the Administration's response dated 8 October 2021; and
- (b) letter dated 18 October 2021 from Ms Elizabeth QUAT regarding the regulation of products containing cannabis components and the Administration's response dated 23 October 2021.

II. Briefing by the Secretary for Security on the Chief Executive's 2021 Policy Address

(LC Paper No. CB(2)1529/20-21(01), The Chief Executive's 2021 Policy Address and The Chief Executive's 2021 Policy Address Supplement)

- 2. Secretary for Security ("S for S") briefed Members on the initiatives of the Security Bureau in 2021, as set out in the Administration's paper.

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(*Post-meeting note*: The speaking note of S for S was issued to members vide LC Paper No. CB(2)1582/20-21(01) on 26 October 2021.)

Issues relating to national security

3. Dr Priscilla LEUNG and Ms Elizabeth QUAT enquired about the timetable of the legislation on Article 23 of the Basic Law ("BL23"). S for S said that BL23 covered seven types of acts endangering national security in which some of the acts were not stipulated in the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("HKNSL"). The bill submitted to the Legislative Council ("LegCo") in 2003 would only serve as a starting point. The Government would take into account the actual circumstances in Hong Kong in recent years, with a view to drawing up effective and pragmatic proposals and provisions. While relevant work in respect of the enactment of legislation on BL23 was never easy, the Government was striving to push forward the work concerned as soon as practicable, with a view to taking forward the relevant consultation in the current term of Government.

4. The Chairman, the Deputy Chairman and Mr Holden CHOW hoped that the Administration would make progress for the legislation on BL 23 as soon as possible. To enhance public understanding of HKNSL, the Deputy Chairman asked whether consideration would be given to publishing a compendium in respect of HKNSL and relevant judicial decisions. S for S said that the court had handed down judgment in respect of one case relating to HKNSL offence so far and the case was pending appeal. The Security Bureau ("SB") would definitely take into account relevant court judgments in formulating the legislation on BL23. The feasibility of publishing the proposed compendium of judicial decision at a suitable juncture would be considered.

5. Mr LEUNG Che-cheung thanked SB and the disciplined services departments for restoring the order and stability in Hong Kong. Given that there were still a small number of extremists attempting to carry out terrorist activities, he was concerned about the "moderate" threat level of terrorist attacks faced by Hong Kong. S for S explained that "moderate" level meant there was the possibility of an attack, but there was no specific intelligence suggesting that Hong Kong was likely to be a target. Although the terrorist threat level was maintained to be "moderate", the Government would stay highly vigilant and strengthen counter-terrorism preparedness, response

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capability and intelligence gathering, with a view to reacting attacks effectively.

6. Ms Alice MAK and Mr Holden CHOW expressed concern about various issues relating to cybercrime, including spreading of fake messages, hate speech and violence on social media, as well as interfering normal commercial activities via online platform. Mr CHOW sought details about the proposed enactment of cybersecurity legislation.

7. S for S said that while the offences of criminal intimidation and seditious intention under the Criminal Ordinance (Cap. 200) might cover acts such as cyberbullying or other online incitement and intimidation, the Government was reviewing if there were grey areas beyond the scope of the existing legislation. Separately, the Law Reform Commission was studying the topic of cybercrime and reviewing relevant legislation and measures. S for S further highlighted that critical information infrastructures ("CIIs") were of great significance to the normal operation of the society. If their information systems or networks were disrupted or destroyed, the normal operation of major infrastructure would be affected, causing serious harm to the economy, people's livelihood and public safety. As such, the Government would make preparatory work for the enactment of cybersecurity legislation, with a view to strengthening the cybersecurity of CIIs.

8. While supporting the enactment of cybersecurity legislation, Ms Elizabeth QUAT and Mr Holden CHOW were also concerned about the legislation against spreading of fake news, hate speech and insulting public officers. The Chairman added that legislation against insulting public officers was a consensus in LegCo. Dr Priscilla LEUNG considered that it was indispensable to enact legislation against insulting law enforcement officers.

9. S for S advised that as stated in the 2021 Policy Address Supplement, the Home Affairs Bureau ("HAB") was studying and examining relevant matters. SB would fully support HAB's work and believed that legislation would be one of the options to tackle the issues concerned. Mr Holden CHOW called on SB and HAB to effectively communicate with each other in studying relevant matters.

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10. In response to Ms Elizabeth QUAT's enquiry about the handling of Falun Gong Organization, S for S stressed that the Government would pursue in accordance with the law the legal liabilities of any organizations violating the law.

Enhancing the law-abiding awareness of young people

11. Ms Alice MAK and Mr Christopher CHEUNG welcomed the Administration to enhance its youth engagement work undertaken by the disciplined services and auxiliary services. Mr CHEUNG sought statistics on relevant youth uniformed groups and asked whether consideration would be given to further expanding resources and encouraging all secondary students to take part in youth uniformed groups. Mr MA Fung-kwok was concerned about the resources allocated to disciplined services departments for youth engagement work, particularly the Government Flying Service ("GFS").

12. S for S said that six of the disciplined services and auxiliary services departments had set up their own youth uniformed groups to develop a sense of discipline and enhance young people's sense of national identity. For instance, the Junior Police Call ("JPC") had a total of 160 000 members and about 4 000 were active members. The Immigration Department Youth Leaders Corps comprised 423 members. The "Customs YES" programme comprised 1 102 members. The Rehabilitation Pioneer Leaders comprised 174 members. The Civil Aid Service Cadet Corps and the Auxiliary Medical Service Cadet Corps had a total of 3 743 and 2 147 members respectively. The Fire Services Department ("FSD") was planning to set up a youth uniformed group as well. Members of the public ageing between six and 25 were welcome to join the uniformed groups through school or community channels. S for S added that, apart from internal staff deployment for carrying out youth engagement work, some organizations were identified for cooperation. For instance, GFS had established a strategic partnership with the Hong Kong Air Cadet Corps to maximize the use of resources. SB would keep reviewing the situation and seek extra resources as appropriate.

13. The Deputy Chairman enquired about the feasibility of JPC's uniform requirement and ways to build up a sense of belonging for former JPC members. S for S said that some existing JPC members were uniformed, and the uniform requirement would be further promoted. For former JPC members, they were welcome to join the JPC Fellows to support JPC development and serve the community.

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14. Mr MA Fung-kwok expressed concern about the Police's image and relationship with schools and young people. S for S said that the Police had set up a Force Working Group on Community Engagement last year, and was responsible for communicating with school principals, teachers and parent-teacher associations. With the priority values of law-abidingness and sense of national security being promoted by the Education Bureau, more schools were willing to invite the Police for sharing. While a few schools were still hesitant about Police's engagement, the Working Group had generally received positive response and police-school relationship had basically returned to normal in the past six months.

15. S for S further highlighted that the Correctional Services Department ("CSD") had launched an educational programme "Understanding History is the Beginning of Knowledge" to strengthen the values, moral and civic education for young offenders. A "Change Lab" would be set up to provide them with psychological rehabilitation and rebuilding, with a view to adjusting their mode of thinking. Mr Tony TSE appreciated CSD's effort in formulating rehabilitation programmes to enhance the law-abiding awareness of young persons in custody.

16. Dr Priscilla LEUNG was concerned about the handling of political figures upon release from custody. S for S advised that the Government would make enhanced effort based on the principles of "correction" and "education", with a view to minimizing the chance of recidivism. He further stressed that every person breaching the law would be treated in strict accordance with the law.

General law and order issues and enforcement matters

17. While expressing support for enhancing the law-abiding awareness of young people, Mr Frankie YICK was of the view that the overall law-abiding awareness of the society had weakened. Specifically, he pointed out that the activities of using motor vehicles for illegal carriage of passengers for hire or reward had been quite rampant in recent years and asked about the measures taken by the Administration to combat such activities. S for S stressed that the Police would continue taking enforcement actions against illegal carriage of passengers. Mr YICK suggested that members of the public be reminded of the consequences of using vehicles concerned, in particular the possible invalidation of the third-party risk insurance.

18. Mr Frankie YICK referred to paragraph 17 of the Administration's paper and asked whether consideration would be given to making use of

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traffic control and surveillance systems of the Transport Department to assist in traffic enforcement. S for S said that SB was exploring the feasibility of exchanging information with other government departments, with a view to facilitating law enforcement.

19. Mr CHAN Kin-por was concerned about the significant increase in the number of online deception cases in recent years, as well as the corresponding manpower support and resources in the Police. He said that the ever-changing mode of online deception had caused great loss to victims, and asked whether consideration would be given to cooperating with the Office of the Communications Authority to combat various types of deception including fraudulent SMS messages from banks.

20. S for S advised that a Chief Superintendent post responsible for combatting cybercrime was approved by LegCo last year. Besides, the Cyber Security and Technology Crime Bureau of the Police had commenced investigations with relevant telecommunications services providers to look for technological solutions. Furthermore, public education had been strengthened to remind members of the public not to fall prey to deception. The Police would keep reviewing the situation and seek extra resource as and when necessary. S for S further said that SB's proposed cybersecurity legislation was important to ensure the safe operation of information systems and networks.

21. The Chairman pointed out that there had been a number of burglary cases recently in remote areas and low-density residential premises, and was concerned about the security issues therein. He enquired about the measures taken by the Administration to combat such crime. S for S advised that the Police had adopted intelligence-gathering and risk-assessment approach to combat rural burglary. Apart from regular patrol, the Rural Patrol Team and the Police Tactical Unit would step up patrol at rural areas on a need basis. Relevant public education had also been strengthened by advising the installation of closed-circuit television system and launching mutual assistance scheme.

22. Being the Vice-Chairman of the Independent Police Complaints Council, Mr Frankie YICK was concerned about the large number of fake complaints received which had consumed abundant public resources. He was of the view that the Police should take strict enforcement actions against fake complaints. S for S said that the Police had been attaching great importance to fake complaints and would spare no effort to pursue the matter in spite of the difficulties encountered in evidence gathering.

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23. Mr Steven HO expressed concern about and the lack of resources in sea enforcement, as well as the rampant sea smuggling and illegal fishing. Mr WONG Kwok-kin considered that sea patrol and interdiction by law enforcement agencies ("LEAs") were highly risky yet ineffective. He suggested curbing sea smuggling at source and reviewing corresponding legislation against smuggling.

24. S for S pointed out that sea smuggling had been getting serious particularly because of the outbreak of COVID-19 pandemic and the prohibition of importing specific articles into the Mainland. While emphasizing the importance of the safety of frontline law enforcement officers in marine operations, LEAs had recently been focusing on curbing smuggling at source, including tracing the source of smuggling syndicates, as well as the storage of high-powered speedboats and goods. To do so, LEAs had adopted an intelligence-driven strategy with cross-departmental collaboration and cross-boundary operations. S for S added that LEAs would review relevant pieces of legislation, improve their arrangements on training and equipment to ensure the safety of officers in marine operations, and be prepared for the application of technology to effectively combat sea smuggling.

25. As regards illegal fishing, S for S said that the Government did understand the concerns of local fisheries. The Police had been collaborating with the Agriculture, Fisheries and Conservation Department ("AFCD"), which was the enforcement agency of the Fisheries Protection Ordinance (Cap. 171), to tackle the matter. From January to September 2021, 114 joint operations were conducted and 11 illegal immigrants were arrested. Mr HO said that the relatively few arrestees had weakened public confidence in local enforcement capability. He was also worried that the Administration's negligence of illegal fishing problem might cause fatal loss. S for S stressed that the Police and AFCD would further strengthen corresponding joint operations.

Fire Safety of subdivided units

26. Mr Tony TSE expressed concern about the potential fire hazards of subdivided units and urged officers of FSD to take safety into primary account during inspection of buildings concerned.

27. S for S stressed that the Government had been attaching great importance to fire safety. To further enhance the fire safety of old composite and domestic buildings, the Fire Safety (Buildings) Ordinance

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(Cap. 572) ("FS(B)O") would be amended to empower FSD and the Buildings Department to carry out fire safety improvement works for owners of old buildings who had not complied with the requirements of FS(B)O, and to recover relevant fees from them after the completion of works. A public consultation exercise would be commenced in the coming year.

Quality Migrant Admission Scheme

28. Mr LEUNG Che-cheung sought information on the annual quota and selection mechanism of the Quality Migrant Admission Scheme ("QMAS"). S for S said that the Advisory Committee on Admission of Quality Migrants and Professionals, comprising official and non-official members with different professional backgrounds, had been established to advise the Immigration Department on the assessment and allocation of quota under the Scheme. Most of talents admitted under the Scheme had international work experience, and many came from the financial services and the information technology sectors.

29. Mr Frankie YICK said that the logistics industry had been facing serious difficulties in hiring container truck drivers, and asked about the measures taken by the Administration to alleviate driver shortage. S for S advised that the Government would attract skilled labour and professionals which were in shortage in Hong Kong through various schemes, such as the General Employment Policy, the Admission Scheme for Mainland Talents and Professionals, QMAS, etc.

Other issues

30. Mr Tony TSE sought details about the implementation of co-location arrangement at the boundary control points at the future Hong Kong-Shenzhen Western Rail Link and redeveloped Lo Wu Station as stated in the Report on Northern Metropolis Development Strategy. S for S said that as previously announced by the Chief Executive, co-location arrangement would be considered at future boundary control points. The Government would examine the feasibility of co-location arrangement at both the Hong Kong-Shenzhen Western Rail Link and new Lo Wu terminal.

31. In response to Mr Tony TSE's concern about raising public awareness of the safety of water sports activities, S for S said that the Marine Police, FSD, the Leisure and Cultural Services Department and the Marine Department would carry out relevant publicity work, and would further strengthen the work during summer time.

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III. Briefing by the Commissioner, Independent Commission Against Corruption on the Chief Executive's 2021 Policy Address

(LC Paper No. CB(2)1529/20-21(02), The Chief Executive's 2021 Policy Address and The Chief Executive's 2021 Policy Address Supplement)

32. 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)1582/20-21(02) on 26 October 2021.)

[The Chairman directed that the meeting would be appropriately extended to allow sufficient time for discussion of the agenda item.]

Corruption-related issues in the building management subsector

33. Mr Tony TSE commended ICAC's anti-corruption effort over the years to maintain Hong Kong as a clean and honest city. Being the Chairperson of the Property Management Services Authority, he expressed gratitude over ICAC's assistance in drawing up the Code of Conduct on Prevention of Corruption and the related Best Practice Guide for the industry. Given that owners' corporations ("OCs") played an important role in managing the work of property management companies, he was concerned about ICAC's work in enhancing corruption prevention awareness and strengthening integrity culture among members of OCs.

34. C/ICAC pointed out that ICAC had been maintaining close relationship with OCs and mutual aid committees over the years. Director of Community Relations, ICAC ("Dir(CR)/ICAC") added that as a regular education activity, the Community Relations Department had been conducting briefings on various issues relating to the Prevention of Bribery Ordinance (Cap. 201) upon OCs' invitation. The Department would also assist in enhancing OCs' awareness of the new licensing regime for property management companies and practitioners in the near future. Mr Tony TSE suggested that corruption prevention briefings be mandatorily arranged for members of OCs.

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35. Following the implementation of the "Smart Tender" Building Rehabilitation Facilitating Services, the Deputy Chairman enquired about the effectiveness in the prevention of tender-rigging. C/ICAC advised that while the building management subsector was at the top of the list attracting the most corruption complaints in the private sector, tender-rigging cases had significantly reduced. Head of Operations, ICAC ("H(Ops)/ICAC") further elaborated that although building management complaints accounted for about one-third of complaints in the private sector, there were few cases involving tender-rigging. The implementation of "Smart Tender" had definitely posed a strong deterrent effect. Besides, ICAC had been, apart from traditional approach of investigation, conducting early intervention action in potential cases to alert OCs concerned to the possible risks of tender-rigging in recent years.

Corruption-related issues in the government sector and public bodies

36. The Deputy Chairman expressed concern about the lack of transparency in the tendering procedure in the government sector and public bodies, and sought details about ICAC's "Integrity Promotion Campaign for Public Bodies".

37. C/ICAC stressed that ICAC had all along been attaching great importance to the integrity standard of public bodies. The two-year "Integrity Promotion Campaign for Public Bodies" sought mainly to promote clean corporate governance and strengthen integrity management systems within public bodies.

Other issues

38. Mr Steven HO declared that he was a member of ICAC Complaints Committee. With technology advancement, he called on ICAC to be fully prepared for the emerging technology-related corruption. C/ICAC advised that ICAC would keep abreast of the times, closely monitor resource deployment and strive their best in updating the latest trend in technology crime. H(Ops)/ICAC added that in terms of law enforcement, ICAC would investigate and analyze every single case to examine new mode of corruption. Besides, ICAC had been strengthening investigation capabilities and upgrading relevant technology, in particular among the Forensic Accounting Group and the Computer Forensics Section. Mr HO suggested that ICAC be more innovative in this regard.

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39. There being no other business, the meeting ended at 5:34 pm.

Council Business Division 2
Legislative Council Secretariat
19 November 2021