

**For information
December 2020**

Legislative Council Panel on Security

**2020 Policy Address
Policy Initiatives of Security Bureau**

This paper elaborates on the Security Bureau (SB)'s major initiatives in the 2020 Policy Address and Supplement.

National Security

2. The Standing Committee of the National People's Congress passed on 30 June 2020 the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) and listed the National Security Law in Annex III to the Basic Law in accordance with the procedures under Article 18 of the Basic Law. The Hong Kong Special Administrative Region (HKSAR) Government promulgated the National Security Law for implementation on the same day to provide the legal basis for the work in preventing, suppressing and imposing punishment for offences endangering national security.

3. The Committee for Safeguarding National Security of the HKSAR chaired by the Chief Executive held its first meeting on 6 July 2020 and enacted the relevant Implementation Rules for the purpose of applying the measures stipulated under Article 43 of the National Security Law. The Implementation Rules took effect on 7 July 2020, thereby enhancing the enforcement mechanisms in safeguarding national security and strengthening the enforcement capability.

4. The Hong Kong Police Force (HKPF) and Department of Justice have respectively set up dedicated offices to implement the National Security Law, proactively implementing the legal system and enforcement mechanisms for safeguarding national security. As for the implementation and enforcement of the National Security Law, the relevant law enforcement agencies have exchanged views on related matters and established coordination mechanisms.

5. Since the implementation of the National Security Law, three

persons have been prosecuted for violating the National Security Law, and one person has been prosecuted for violating the Crimes Ordinance (offence of uttering seditious words).

6. In addition, the HKSAR Government has strengthened intelligence collection and analysis, and stepped up the work on preventing terrorist activities. In particular, in light of the numerous previous cases involving explosives and firearms, the HKSAR Government has enhanced the internal counter-terrorism preparedness. Departments and agencies concerned have devised relevant action plans to ensure immediate and effective responses in the event of terrorist attacks.

7. Since its implementation, the effect of the National Security Law in restoring stability in Hong Kong is clearly seen. The National Security Law is vital in bringing the HKSAR back on track and maintaining its long-term prosperity and stability. The law enforcement agencies of the HKSAR Government will seriously handle, in accordance with the law, any illegal acts suspected of endangering national security. The HKSAR Government has also been introducing the National Security Law to various sectors through different channels and means (including publication of pamphlets, press releases, newspaper advertisements, and officials taking part in interviews on television, radio, webinars and other media, etc.), as well as introducing the National Security Law to the international community and responding to concerns raised. In the days ahead, the HKSAR Government will continue to strengthen publicity and education, so as to enhance Hong Kong people's understanding of national security and law-abiding awareness and deepen the understanding of the international community on the National Security Law.

Assisting juveniles in rehabilitation

8. Among the more than 10 000 arrestees in connection with the series of violent incidents since June last year, 40% of them are students, with nearly 2 000 primary and secondary students. Over 2 300 arrestees have been prosecuted, and the legal proceedings of most cases are underway. Among the cases where judicial proceedings have been concluded, over 80% of the persons have to bear legal consequences.

9. For arrestees under the age of 18 who have expressed contrition and are not involved in serious offences, the Police are prepared to consider handling the cases with measures conducive to their rehabilitation as appropriate, for example, by cautioning them under the Police Superintendent's Discretion Scheme (PSDS) or imposing bind over orders

with the prerequisite that the minors must admit their wrongdoings. Under PSDS, a police officer at the rank of Superintendent or above may exercise his discretion in considering the issue of a caution to a juvenile offender in place of criminal prosecution with a view to facilitating the rehabilitation of juvenile offenders. In deliberating whether to administer a caution, a police officer will carefully take into account a number of factors related to the case, such as whether the juvenile offender was under the age of 18 at the time the caution is administered; whether the offender voluntarily and unequivocally admits the offence; and whether the offender and his parents or guardian(s) agree(s) to the superintendent's caution; the nature, seriousness and prevalence of the offence (e.g. the harm suffered by the victim, the degree of damage done to the property, the value of the property stolen, etc.); the offender's previous criminal record, etc.. The Police have also been implementing measures on various fronts to facilitate the rehabilitation of juveniles issued with superintendent's cautions in an effort to reduce recidivism, for example considering to refer them to the Social Welfare Department, Education Bureau and/or non-governmental organisations.

Implementing co-location arrangement at New Huanggang Port

10. The Huanggang Port/Lok Ma Chau (LMC) Control Point is currently the only land boundary control point (BCP) between Hong Kong and Shenzhen operating on 24-hour basis. It was developed and commissioned in the late 1980's, providing clearance service for both passenger and goods vehicles. In 2019, on average about 68 000 passengers and 19 700 vehicles (including 9 700 goods vehicles, 1 400 cross-boundary coaches and 8 600 private cars) passed through the control point every day. As the control point was built three decades ago, the facilities thereat are aged and may not be able to cope with growing demand and service expectation.

11. Tapping the opportunity of Shenzhen Municipal Government's plan to redevelop the Huanggang Port in-situ, the Hong Kong SAR Government will explore with the Shenzhen Municipal Government on the implementation of co-location arrangement similar to that in place at the Shenzhen Bay Port. At the new Huanggang Port after redevelopment, there will be a Mainland Port Area and a Hong Kong Port Area co-located in the same building to facilitate cross-boundary passengers and enhance clearance efficiency.

12. The redevelopment of Huanggang Port will benefit both Hong Kong and Shenzhen. Through the redevelopment project, the current

facilities, environment and transportation support at the Huanggang Port/Lok Ma Chau Control Point will be upgraded. The implementation of co-location arrangement will greatly improve the efficiency of clearance services and facilitate the fast and smooth flow of passengers and vehicles. It will also enhance the convenience and comfortability for travellers; and the connectivity between Hong Kong and Shenzhen as well as other cities in the Greater Bay Area. In addition, after the customs, immigration and quarantine facilities are relocated to the Hong Kong Port Area of the new Huanggang Port, the current Lok Ma Chau Control Point will be vacated and over 20 hectares of the land concerned can be released for other uses.

Enhancing the handling capacity of control points and providing clearance facilitation

13. The passenger flow between Hong Kong and Shenzhen has been on persistent rise. Between 2013 and 2019, the passenger flow via the four vehicular land BCPs between Hong Kong and Shenzhen had increased by 6.4%, and the increase reached 18.7% for the Shenzhen Bay Port alone. With the development of the Greater Bay Area of Guangdong, Hong Kong and Macao, passenger flow at the land BCPs between Hong Kong and Shenzhen is expected to increase further in the long run.

14. The Government has been striving to enhance the handling capacity of control points and provide clearance facilitation. With the completion of the new Liantang/Heung Yuen Wai Control Point and the commissioning of cargo clearance service on 26 August 2020, Hong Kong and Shenzhen are now directly connected via five land BCPs with passenger and cargo clearance functions. With the further expanded network of BCPs, Hong Kong and Shenzhen will adjust the functions and extend the operating hours of some of these land BCPs so as to progressively implement the “East in East out, West in West out” planning strategy for cross-boundary goods traffic. Under the “East in East out, West in West out” strategy, cross-boundary goods vehicles now using the Huanggang/LMC, Man Kam To and Sha Tau Kok BCPs will have to use the Lian Tang/Heung Yuen Wai Control Point in the east and the Shenzhen Bay Port in the west, reserving the remaining land BCPs mainly for passenger traffic (save for fresh food trucks which will continue using Man Kam To Control Point).

15. On extension of the operating hours of control points, the governments of Hong Kong and Shenzhen originally planned to extend the operating hours of the Shenzhen Bay Port to 24-hour by phases by the end of this year, but this plan has been postponed due to the COVID-19

epidemic. The two governments now plan to implement 24-hour operation for goods vehicles clearance first by mid-December 2020. Subject to the development of the COVID-19 epidemic, the two sides will aim to fully implement the 24-hour operation of the Shenzhen Bay Port as early as practicable.

Application of innovation and technology to enhance the law enforcement capabilities

16. The fast-changing technology nowadays has presented new opportunities to disciplined services departments in enhancing their management efficiency and improving their services to the public. The SB, together with its disciplined services departments, will continue to apply innovation and technology to enhance the law enforcement capabilities.

17. These measures include –

- (i) the HKPF are actively studying the application of new technologies to assist frontline officers in enforcement against traffic offences. In March 2020, the Police rolled out the “e-Ticketing Pilot Scheme” in Wan Chai, Tseung Kwan O and Sham Shui Po police districts. Frontline officers will make use of a mobile device to capture the data of offending vehicles, and print fixed penalty tickets immediately. This can reduce human error in the manual processes of issuing tickets, thereby enhancing the overall accuracy in enforcement. The pilot scheme has been extended to all police districts throughout the territory;
- (ii) the Immigration Department (ImmD) is actively exploring the feasibility of introducing innovative immigration clearance mode through the use of information technology to enhance the Automated Passenger Clearance System (i.e. e-Channels), thereby facilitating immigration clearance for both Hong Kong residents and visitors;
- (iii) the Customs and Excise Department (C&ED) will apply artificial intelligence, big data analytics, etc. to further enhance the effectiveness of passenger, vehicle and cargo clearance, as well as the enforcement capacity against smuggling and other offences. For example, C&ED will procure more advanced inspection equipment, including computed tomography scanners with

artificial intelligence and auto-detection devices for existing X-ray checkers. Moreover, C&ED is in pursuit of more projects involving applied technologies, such as introducing “Robot Assistants” at control points and “Online Chatbot” at C&ED’s website, with a view to bringing convenience to members of the public, travellers, and relevant trades, and promoting cross-boundary passenger and logistical flows;

- (iv) the Fire Services Department (FSD)’s “Implementation of Logistics Solution of Dangerous Drugs” makes use of radio-frequency identification tracking system and Internet of Things to simplify the procedures of handling, replenishing and procuring dangerous drugs, as well as to monitor the stock level and expiry date of dangerous drugs in all units with a view to enhancing the emergency ambulance service level. FSD also plans to establish “Unmanned Aircraft System for Fire and Emergency Services” to assist frontline fire personnel in formulating more effective firefighting and rescue strategies by generating 3D terrain model of the incident ground through real-time videos and images; and
- (v) the Correctional Services Department is actively developing the first generation of “Smart Prison” by introducing and adopting various innovative technologies, such as intelligent robotics, as well as video analytics and monitoring technologies, etc., with respect to security and monitoring, operation and management, staff capacity enhancement, and self-management of persons-in-custody, with a view to enhancing the efficiency of penal operations, institutional security, and the effectiveness of various rehabilitation programmes.

Enhancing the handling of non-refoulement claims - Amendment to Immigration Ordinance (Cap. 115)

18. The Government commenced a comprehensive review of the strategy of handling non-refoulement claims in early 2016, and has in the past four years implemented various initiatives which have achieved positive results, including -

- (i) the number of non-ethnic Chinese illegal immigrants (“NECIIs”) dropped by around 80% (from a monthly average of 318 in 2015 to 72 in 2019);

- (ii) the number of overstaying visitors from India dropped by over 80% (from a monthly average of 38 in 2016 to less than 9 since 2017);
- (iii) the number of new claims received dropped by around 80% (from a monthly average of 421 in 2015 to around 101 in 2019);
- (iv) the average time for the ImmD to handle a claim is reduced by 60% (from the average of 25 weeks previously to 10 weeks at present);
- (v) the backlog of outstanding claims has been cleared by ImmD (from the peak of over 11 000 cases in 2016 to about 300-400 at present); and
- (vi) the number of appeals pending handling by the Torture Claims Appeal Board (“TCAB”) has also dropped from the peak of over 6 500 to about 1 700 in end October 2020. It is expected that TCAB will be able to complete the handling of pending appeals by mid-2021 at the earliest.

19. As for removal, while many countries and regions have restricted or suspended their international flights in view of the Coronavirus Disease 2019 (“COVID-19”) pandemic this year, ImmD has made use of the return flights of those chartered flights which brought back Hong Kong residents stranded overseas to remove some claimants to their places of origin over the period. In the first 10 months of 2020, a total of 469 claimants were removed from Hong Kong. ImmD will continue to maintain close liaison with airlines and Consulates-General in Hong Kong of the main source countries, such as India, Pakistan, Bangladesh, Vietnam, etc., and discuss how the removal procedure can be further expedited, including expediting the issue of travel documents.

20. Despite the positive progress made by the Government in handling non-refoulement claims, a number of challenges remain. As at end October 2020, about 13 000 claimants or unsuccessful claimants still remained in Hong Kong for various reasons. Among them, majority of claimants have applied for leave to apply for judicial review after their claims and appeals are rejected by ImmD and TCAB respectively. The number of applications pending handling by the court is estimated to be over 8 000.

21. The Government will amend the Immigration Ordinance (Cap. 115) to more effectively address various problems in relation to non-

refoulement claims, which include enhancing the screening efficiency of ImmD and preventing delaying tactics; improving the procedures and functions of TCAB; enhancing detention and combating unlawful employment, etc. The Government will introduce the amendment bill into LegCo in the first half of this legislative session.

Fire Safety in Buildings

22. The Government attaches importance to fire safety in buildings, in particular the aged buildings with fire safety facilities not up to the current standard. The HKSAR Government enhances fire safety in buildings and improves the living environment of residents through urban renewal and building rehabilitation. At the same time, the FSD and the Buildings Department (BD) will continue to inspect old buildings to request property owners or occupants to rectify irregularities, providing necessary assistance in the process.

23. In light of the risks exposed by the fatal fire incident in Yau Ma Tei on 15 November, on 23 November, the FSD and the BD embarked on a special exercise with a target to complete the inspection of some 2 800 domestic or composite buildings that are of comparable age (namely, aged 60 or above) by the end of 2020, paying special attention to the condition of the buildings' common means of escapes and whether there are fire hazards. The FSD and BD will, depending on the inspection findings as well as information and evidence gathered, take appropriate enforcement actions according to the relevant legislation against contraventions. These include instigating prosecution against offenders to safeguard fire and building safety. In addition, the FSD has taken the initiative to reach out to local ethnic minorities and relevant groups to learn more about their gathering places where religious and cultural activities are held, and conduct fire safety inspections in these places and enhance these people's knowledge on fire safety, such as fire prevention and actions to be taken in the event of a fire.

24. At the same time, we will continue to implement measures to facilitate old composite building owners' early compliance with the fire safety directions issued under the Fire Safety (Buildings) Ordinance (Cap. 572). The Government, in partnership with the Urban Renewal Authority (URA), has launched the \$2-billion Fire Safety Improvement Works Subsidy Scheme (FSWS) since 2018 to subsidise owners of eligible old composite buildings to undertake the required fire safety improvement works. Subsequently, the Government has injected additional funding of \$3.5 billion into FSWS. The whole subsidy scheme is estimated to

benefit around 6 000 to 6 500 buildings. A new round of application opened on 2 July 2020 and closed on 30 October 2020. URA is now processing and vetting the applications received.

Amending the Crimes Ordinance (Cap. 200)

25. On 30 April 2019, the Law Reform Commission (“LRC”) published the “Report on Voyeurism and Non-consensual Upskirt-Photography” (“the Report”), in which it recommended the introduction of an offence of “voyeurism” against the acts of observing or recording of intimate acts for the purpose of obtaining sexual gratification. It also recommended the introduction of a specific offence in respect of “non-consensual upskirt-photography”. Such acts violate the victim’s right to privacy and sexual autonomy, and cause long-term distress, humiliation, harassment, and stress to the victim.

26. Based on the Report of LRC, the Government puts forward the proposal to amend the Crimes Ordinance (Cap. 200), with a view to introducing new criminal offences of voyeurism (i.e. observing or recording of intimate acts for the purpose of obtaining sexual gratification); intimate prying (i.e. observing or recording of intimate acts irrespective of the purpose); non-consensual photography of intimate parts; distribution of surreptitious intimate images; and non-consensual distribution of intimate images. A three-month public consultation exercise was conducted from July to October 2020. During the public consultation, the Government received a total of about 200 submissions, including submissions from the Hong Kong Bar Association, the Law Society of Hong Kong, the Equal Opportunities Commission, the Office of the Privacy Commissioner for Personal Data, and other groups/organisations which are concerned with sexual offences, etc. The majority of them supports the legislative proposals and the relevant groups/organisations have also offered different constructive views on the details of specific proposals.

27. The Government is now carefully studying the public views received with a view to finalising the legislative proposals. Meanwhile, the Government has also commenced the law drafting work. The Government plans to report to the LegCo Panel on Security the outcome of the consultation and the concrete legislative proposals in January 2021, and introduce the amendment bill into LegCo in the second half of the current legislative session.

Anti-drug efforts

28. Hong Kong's anti-drug policy and measures are based on a multi-pronged strategy, comprising preventive education and publicity (PE&P), treatment and rehabilitation (T&R), legislation and enforcement, external co-operation and research. With concerted efforts from different sectors of the community, the drug problem in Hong Kong is generally under control. The number of reported drug abusers has been on the decline over the past few years, having decreased by 18 % (from 6 883 to 5 614) from 2017 to 2019. That said, youth drug abuse, increase in the number of cannabis abusers, a higher proportion of drug abusers being young adults aged between 21 and 35, and hidden drug abuse, still warrant attention. In response to the latest drug situation, we will continue to take forward targeted PE&P in order to strengthen the awareness of drug harms by different target groups (including youngsters, young adults, parents, ethnic minorities, etc.), especially on the harms of cannabis; and promote early identification of hidden drug users and encourage help-seeking. Since schools is an important avenue for anti-drug preventive education, we have been implementing a number of school-based anti-drug programmes, such as the Healthy School Programme with a Drug Testing Component and providing anti-drug professional training to teachers and school personnel, etc.

29. Regarding multi-modality T&R services, the Narcotics Division is now, in consultation with stakeholders, preparing a Three-year Plan on Drug Treatment and Rehabilitation Services (2021 to 2023) to set the relevant strategic directions. We will also continue to encourage stakeholders to make use of the Beat Drugs Fund to carry out suitable anti-drug projects with a view to mobilising the community widely to fight drugs. In the past three financial years (i.e. the 2017/18 to 2019/20 financial years), the Beat Drugs Fund Association has approved funding of around \$650 million to support more than 640 projects on PE&P, T&R and research.

30. On legislation and enforcement, the Government will continue to have regard to the latest drug trend to make legislative proposals in order to strengthen the regulation of emerging drugs under the Dangerous Drugs Ordinance and the Control of Chemicals Ordinance. The Hong Kong Police Force and C&ED are committed to interdicting drug trafficking activities, and have detected major drug cases. In the first nine months of this year, around 4 200 kilograms of drugs had already been seized. Law enforcement agencies will continue to strive to curb illicit drug supply and combat the latest drug trafficking means proactively, such as online drug trafficking or via postal or cargo channels, etc.

Quality Migrant Admission Scheme

31. The Government launched the Quality Migrant Admission Scheme (QMAS) in June 2006 to attract highly skilled professionals or talented persons to settle in Hong Kong and enhance Hong Kong's international competitiveness, with an annual quota of 1,000. In the past, applications came from around 100 countries and territories. Having considered the recommendations from the Advisory Committee on Admission of Quality Migrants and Professionals and other relevant factors, ImmD has cumulatively allotted 6,153 quota to applicants under the QMAS. Among them, 4,687 applicants have completed an interview in Hong Kong in person and have been issued a visa/entry permit. Entrants who are admitted to Hong Kong under the QMAS include talented persons with outstanding achievement (e.g. recipients of international award), or unique talents who have been awarded very high points under the General Points Test.

32. The annual quota of 1,000 under the QMAS has remained unchanged since its implementation. Following the promulgation of the first Talent List Hong Kong in August 2018, the number of QMAS applications has substantially increased. The number of applicants who were allotted a quota has substantially increased from 411 in 2017 to 874 in 2019. This figure further increased to 735 in the first half of 2020, accounting for over 70% of the annual quota. The Government therefore decided to increase the annual quota of the QMAS to 2,000 from September 2020 onwards with a view to enlarging Hong Kong's talent pool and reinforcing the city's competitiveness.

Security Bureau
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