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Panel on Security

Updated background brief prepared by the Legislative Council Secretariat for the meeting on 6 July 2021

Strengthening the prevention and tackling of terrorist activities

Purpose

This paper summarizes past discussions of the Panel on Security ("the Panel") on issues relating to the Administration's prevention and tackling of terrorist activities and related public education.

Background

2. According to the Administration, Hong Kong has a strong legal framework and law enforcement capability to prevent and tackle terrorist activities. Specifically, any person who commits a terrorist offence in Hong Kong is punishable under the common law and various local ordinances, such as the Crimes Ordinance (Cap. 200) and the Offences Against the Person Ordinance (Cap. 212). In addition, a number of international conventions against terrorism have been made applicable to Hong Kong through local legislation to combat terrorist activities, such as collection of funds and supply of weapons to terrorists. Under the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) ("UNATMO"), a terrorist act is any action or threat of action that would have the effect of causing serious violence against a person, causing serious damage to property, endangering a person's life, creating a serious risk to the health or safety of the public, seriously interfering with or disrupting an electronic system, an essential service, facility or system with the purpose of compelling the Government or intimidating the public so as to advance a political, religious or ideological cause. The authority may, from time to time, specify terrorists and terrorist bodies in accordance with the latest announcement of the United Nations.

3. In recent years, terrorist activities around the globe and their trend have been changing and diversified modus operandi have evolved, imposing grave challenges to security and safety worldwide, including Hong Kong. The Administration has been assessing the threat level of Hong Kong being subject to terrorist attack, which is now "moderate", meaning that there is a possibility of attack but there is no specific intelligence suggesting that Hong Kong is likely to be a target. In order to cope with unexpected challenges, the Administration has been on full alert to guard against terrorist attacks and keep strengthening counter-terrorism ("CT") capability and preparedness.

Deliberations of the Panel

Inter-departmental Counter-terrorism Unit

4. Members noted that the Inter-departmental Counter-terrorism Unit ("ICTU"), which is led by a Senior Superintendent of Police and comprised members from six disciplined services¹, was set up in April 2018 to provide an inter-departmental CT platform to enhance coordination and analysis of CT intelligence and information. Members were concerned about how ICTU would collaborate with various government departments and overseas counterparts in its CT work. Information was also sought on the division of work between ICTU and the Police's existing CT units. Some members were concerned about the manpower and technological support provided to ICTU.

5. The Administration advised that ICTU would add on to the existing CT structure and system and strengthen coordination. ICTU was dedicated to monitoring the global terrorism trend and CT measures, reviewing and improving CT strategies in Hong Kong, developing specialized CT training, optimizing various emergency response plans, etc. Apart from enabling closer contact and smooth collaboration among departments, ICTU platform was expected to, more importantly, achieve synergy in such aspects as CT intelligence, training and emergency response education for comprehensive and holistic consideration of the overall CT deployment. The Administration further advised that adequate manpower was provided to ICTU. It was the Administration's policy to keep track of the latest technology for timely procurement of suitable equipment to meet CT needs.

¹ The six disciplined services are the Hong Kong Police Force, the Immigration Department, the Customs and Excise Department, the Correctional Services Department, the Fire Services Department and the Government Flying Service.

Threat of local terrorism

6. In the light of the numerous violent cases involving explosives and firearms stemmed from the protests and rallies since July 2019, some members expressed grave concern that these cases showed signs of the breeding of local terrorism which was definitely threatening public safety. To combat the threat of local terrorism, they considered that the Administration should institute prosecution against cases of explosives and firearms under UNATMO so as to strengthen the deterrence effect. Some other members, however, expressed the view that the Administration should not make use of the anti-terrorism legislation to suppress protests. These members pointed out that the definition of "terrorist act" under UNATMO was too broad and was not fully complied with the relevant United Nations Security Council Resolution. Notably, the use or threat of action in the course of any advocacy, protest, dissent or industrial action would be exempted from UNATMO only under certain circumstances. They considered that the Administration should instead narrow the definition of "terrorist act" to specific circumstances commensurate with the severity of the offence of terrorism, so as to prevent capturing inappropriately protests or acts, such as participating in public order events, as terrorist activities.

7. The Administration advised that some 10 cases involving explosives and firearms with modus operandi similar to overseas terrorist activities had been taken place in Hong Kong since July 2019. This indicated the breeding of local terrorism in Hong Kong. The Administration further advised that the definition of "terrorist act" was clearly spelt out in UNATMO. If sufficient evidence was found upon investigation, the Police and Department of Justice would consider prosecution under UNATMO, and would also consider freezing assets involved in such terrorist activities. Regardless of whether UNATMO was invoked, possession and use of explosives and firearms per se were very serious criminal offences which breached the Crimes Ordinance, the Firearms and Ammunition Ordinance (Cap. 238), the Organized and Serious Crimes Ordinance (Cap. 455) with a maximum penalty of life imprisonment. Members were assured that the Government would keep a close watch over the situation and keep enhancing its capability and preparedness in the prevention and response against terrorist attacks.

8. At its meeting on 2 June 2020, the Panel passed a motion urging the Administration to fully cooperate with the Standing Committee of the National People's Congress in the legislative work for Hong Kong's national

security legislation, 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.

Counter-terrorism drills and public education

9. Some members noted with concern that when a bomb-like object was identified near Ocean Terminal in May 2017, many people were standing and watching outside the police cordon line, without awareness of the safety risks involved. These members considered that the Administration should step up public education on what members of the public should do in case of terrorist attacks. They were also concerned about the channels for dissemination and publicity of CT information by the Administration.

10. The Administration advised that the Security Bureau ("SB") had produced illustrated booklets, which had been uploaded onto its website, to advise the public on what a person should do when encountering emergency incidents. SB from time to time disseminated to the public via its mobile application "Safeguard HK" instant updates on major emergencies through push notifications, and provided them with useful information on safety during travel and daily life. The Police also disseminated anti-terrorism posts through various social media to enhance the alertness of the public to terrorism and major dangerous incidents. Specifically, one of the objectives of ICTU was to monitor the global terrorism trend as well as to strengthen CT measures and public education accordingly.

11. Some members were concerned about the increasing number of youth taking part in illegal and violent acts since June 2019. These members considered that the Administration should enhance youth education in order to raise their law-abiding awareness. The Administration advised that it would endeavor to enhance public education by disseminating relevant court cases and legal consequences of such violent acts.

12. Members were concerned about the prevalence of "lone-wolf" terrorist attacks with the use of vehicles in other countries. Information was sought on whether intelligence was exchanged with other jurisdictions and whether the Administration would conduct CT drills against "lone-wolf" terrorist attacks with the use of vehicles.

13. The Administration advised that the exchange of intelligence with other jurisdictions was an important element of its CT work. Moreover, it had been strengthening CT preparedness through providing frontline law

enforcement officers with appropriate equipment and training as well as conducting drills. Having regard to the prevalence of "lone-wolf" terrorist attacks in other countries, training was focused on ensuring that officers arriving earliest at the scene were capable of making swift responses. The Police had also procured modular vehicle barriers, which had been deployed during large public events such as the fireworks displays at festivals, for preventing terrorist attacks using vehicles.

14. Given that the terrorist threat level in Hong Kong remained "moderate", some members were concerned about whether swift responses could be made by the Administration in case of terrorist incidents. Members further asked whether consideration would be given to the participation of members of the public in CT drills.

15. According to the Administration, an inter-governmental CT drill was conducted at the Hong Kong Coliseum in December 2017 with over 500 participants, including officers from the Counter Terrorism Response Unit, the Special Duties Unit, the Explosive Ordnance Disposal Bureau, the Organized Crime and Triad Bureau, the Fire Services Department ("FSD"), the Government Flying Service, etc. It was also the first drill with over 100 members of the public to take part. Besides, the MTR Corporation Limited, airline and transportation companies, etc. had participated in CT drills and would continue to do so. The Police would also actively explore the possibility of inviting private organizations to take part in the drills, so as to ensure that various sectors of the community had the opportunity to experience how they could effectively respond to terrorist attacks and other emergencies.

16. Some members expressed concern about whether the Administration would strengthen CT measures at venues where major events were held. Members were advised that the Administration would assess the risks involved in each event and adopt appropriate measures as necessary, having regard to the nature of activities and circumstances of individual events. The Police provided advice to organizers of high risk major events on security measures, equipment and security manpower. The Police would also assess the safety risks concerned and deploy appropriate manpower as necessary. The Police had stepped up patrol at high-risk locations and examined different methods as well as equipment for combating such terrorist attacks.

Preparation for different forms of possible terrorist attacks

17. Apart from physical attacks causing massive injuries and deaths, some members expressed concern about the Administration's preparation for other forms of terrorist attacks, such as biochemical, radiological, magnetic attacks, or cyber attacks which sought to paralyze the community or economy.

18. The Administration advised that it had set up the Standing Chemical, Biological, Radiological and Nuclear Planning Group, which comprised specialists from SB, the Police, FSD, Department of Health, the Hospital Authority, Government Laboratory, the Hong Kong Observatory and the Civil Aid Service. Separately, FSD had established the Hazardous Materials ("HazMat") Team and the HazMat Support Unit in 2012 and 2017 respectively. These teams were specialists in handling incidents involving hazardous materials including those involving chemical, biological, radiological or nuclear agents. In face of the threat of terrorist attacks on critical infrastructures of the banking, finance and information technology sectors, the Police had established the Critical Infrastructure Security Coordination Centre ("CISCC"), which sought to strengthen self-protection and self-restoration capabilities of these infrastructures through public-private cooperation, risk management, on-site security inspections, promotion of restoration plans and security designs. The Police's Cyber Security and Technology Crime Bureau ("CSTCB") also monitored network data flow and analyzed relevant intelligence to assist these infrastructures in guarding against network attacks. Communication between CISCC and CSTCB was maintained on a 24-hour basis.

19. Concern was raised on situations in which a person disseminated rumours on terrorist attacks which sought to create panic in the community, as well as information available online on the making of bombs or incited others to carry out terrorist attacks. The Administration advised that there was established mechanism for the gathering of intelligence to combat cyber crime, including the dissemination of false information which sought to create panic among members of the public.

Relevant papers

20. A list of relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
30 June 2021

**Relevant papers on
strengthening the prevention and tackling of terrorist activities**

Committee	Date of meeting	Paper
Legislative Council	26.3.2014	Official Record of Proceedings (Question 14)
Legislative Council	22.4.2015	Official Record of Proceedings (Question 1)
Legislative Council	6.1.2016	Official Record of Proceedings (Question 5)
Legislative Council	31.5.2017	Official Record of Proceedings (Question 22)
Panel on Security	6.6.2017 (Item V)	Agenda Minutes
Panel on Security	3.11.2017 (Item IV)	Agenda Minutes
Panel on Security	4.5.2018 (Item IV)	Agenda Minutes
Panel on Security	2.6.2020 (Item III)	Agenda Minutes