

# 立法會

## *Legislative Council*

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### **Report of the Panel on Security for submission to the Legislative Council**

#### **Purpose**

This report gives an account of the work of the Panel on Security ("the Panel") during the 2020-2021 session of the Legislative Council ("LegCo"). It will be tabled at the Council meeting of 13 October 2021 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

#### **The Panel**

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to security, public order, corruption-related matters and nationality and immigration matters. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 24 members in the 2020-2021 session, with Hon CHAN Hak-kan and Hon YUNG Hoi-yan elected as its Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

#### **Major work**

##### Maintaining public order and safety

##### *Prevention and tackling of terrorist activities*

4. In the light of a spate of cases involving explosives and firearms stemmed from the protests and rallies since July 2019, most members expressed grave

concern about the threat of domestic terrorism. The Panel discussed the Administration's prevention and response strategies regarding the terrorist threat in Hong Kong.

5. Most members were concerned that domestic terrorist activities had transformed into "lone-wolf" attacks and showed signs of going underground. Some members also expressed concern about voluminous messages glorifying and rationalizing such acts on the internet. They considered that those advocated violence and glorified terrorism should be regarded as assisting in terrorist activities and breaching the law. Members also called on the Administration to step up public education and publicity on counter-terrorism awareness and strengthen law-abiding value of the public to prevent domestic terrorism from taking root in Hong Kong.

6. As advised by the Administration, since the promulgation and implementation of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL"), there had been a significant drop in violent acts. That said, various kinds of terrorist and seditious acts could be prosecuted in accordance with section 9 of the Crimes Ordinance (Cap. 200), Article 27 of NSL or the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575), having regard to the evidence collected.

7. The Administration further advised that apart from taking enforcement actions, an Inter-departmental Counter-terrorism Unit comprising members from six disciplined services had been set up to strengthen the Government's overall counter-terrorism capability and public education programmes on counter-terrorism awareness. Pursuant to Article 9 of NSL, the Government would strengthen its work on safeguarding national security and counter-terrorism education in all aspects. The Chief Secretary for Administration had been coordinating departments/bureaux to take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organizations, the media and the internet. 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.

#### *Enhancing law-abiding awareness*

8. Members were deeply concerned about the increasing number of youth taking part in illegal and violent acts since July 2019. Members considered that the Administration should strengthen its youth engagement work to instill correct values and law-abiding awareness among young people.

9. Members noted that apart from working with other departments and organizations to promote youth development, the disciplined and auxiliary services departments also organized respective youth programmes relating to their areas of work, such as setting up their own youth uniformed groups. Members expressed support for such work which, in their view, could enhance young people's appreciation of these departments and their law enforcement work, contribute to fight against false information that smeared the Government and the disciplined services departments, as well as enhance their law-abiding awareness and sense of social responsibility. Some members took the view that the disciplined and auxiliary service departments should enhance collaboration with schools in organizing youth engagement activities so as to instill correct values among young people at their development stage. There was also a view that more Mainland exchange programmes should be arranged under relevant youth programmes so as to broaden the participants' horizon and deepen their national identity.

10. According to the Administration, the Security Bureau ("SB") set up a central platform in 2021, comprising representatives of the disciplined and auxiliary services departments, to enhance the effectiveness of youth engagement work. SB would take heed of members' views and work with various disciplined and auxiliary services departments to continue strengthening the youth engagement work.

#### *Combating deception cases*

11. Members were very much concerned about an upsurge in the number of deception cases, in particular online shopping scams, telephone deception and investment. They noted that the upsurge accounted for a quarter of the overall crime figures in 2020 and victims incurred losses totalling over \$3.5 billion. Members generally considered that with the COVID-19 outbreak, more people stayed at home because of the social distancing and work from home arrangements, and thus used frequently the internet and social media to shop and make friends, making themselves more susceptible to various types of deception. Members were particularly concerned about the Police's capability and manpower as well as the cross-boundary collaboration in combating the deception cases. They also called on the Police to step up relevant publicity and education initiatives to raise the public's anti-deception awareness.

12. Members were assured that the Police attached great importance to combating various types of deception cases. The Police kept providing comprehensive training programmes to officers concerned and maintained close cooperation with local, Mainland and overseas law enforcement agencies

("LEAs") for exchanging intelligence and taking anti-crime joint operations, which included combating online deception, romance scams and telephone deception such as pretending government officials. To prevent and combat online deception cases, the Police had launched the cyber security campaign and set up the Anti-Deception Coordination Centre ("ADCC"). ADCC managed to stop victims of hundreds of scams from sending funds to fraudsters, as well as cooperated with banks and relevant industries to intercept payments made by victims.

13. Members were also concerned about the proliferation of stock investment fraud via instant messaging applications. They considered that such kinds of deception would pose a negative impact to Hong Kong's reputation as an international financial centre. The Administration advised that depending on the case nature and the amount of monetary losses, different police units would take over the investigations. To further enhance the detection, prevention and disruption of serious financial crimes through effective sharing of information and intelligence, the Fraud and Money Laundering Intelligence Taskforce was set up by the Police, in collaboration with the Hong Kong Monetary Authority, the Hong Kong Association of Banks and a number of banks. The Police would continue exchanging information with the financial and banking industry, as well as launching publicity education in this aspect.

#### Fire safety regulatory and prevention work

14. The Fire Services Department ("FSD")'s work in the promotion of fire safety and emergency preparedness was of equal concern to the Panel. The Panel discussed with the Administration its policies, measures and initiatives to enhance fire safety standards and fire protection measures as well as strengthen the public's emergency preparedness and evacuation awareness in case of a fire.

#### *Enhancing fire safety*

15. The Panel was consulted on the legislative proposal of promoting the use of stand-alone fire detectors ("SFDs") of owners/occupants' own volition in buildings and premises, particularly in domestic premises for enhancing fire safety. While supporting the legislative proposal, members expressed concern about the quality and maintenance of the device if the procurement and installation were to be carried out by members of the public on their own accord. Members suggested that guidelines should be provided to the public to ensure proper use and maintenance of the device. According to the Administration, the installation and maintenance of SFDs, which were simple and did not require any specific skill, would be the simplest and most practical way to ensure building occupants to evacuate timely in case of a fire. Notably, users could simply

follow the instructions in the user manual that came with the device upon purchase, or the guidelines to be published by FSD for installation and maintenance. Moreover, members of the public could make enquiries by calling FSD's hotline when necessary. Subsequently, the Administration tabled the Fire Service (Installations and Equipment) (Amendment) Regulation 2021 at the Council meeting of 9 June 2021, which came into operation on 1 September 2021.

16. The Chief Executive ("CE") announced at the Question and Answer Session of the Council meeting of 4 February 2021 that having regard to the experience of the Buildings Department ("BD") in carrying out works related to building safety, the Government would consider amending the Fire Safety (Buildings) Ordinance (Cap. 572) to empower FSD and BD to carry out fire safety improvement works for the owners of old composite and domestic buildings who had not complied with the requirements of the Ordinance, and to recover the fees incurred from such owners afterwards. In September 2021, the Panel was consulted on basic principles of the relevant legislative proposals.

17. While expressing general support for the legislative proposals to further enhance fire safety of old buildings, members were concerned about the criteria for determining the priorities of buildings that were selected for the default works and how to prevent the default works mechanism from being abused. Most members considered that priority should be given to those owners of old buildings, especially "three-nil" buildings (i.e. buildings without owners' corporations, residents' organizations or property management companies) who had encountered genuine difficulties in coordinating fire safety works and were unable to comply with the statutory fire safety requirements due to structural or spatial constraints of their buildings. Some members took the view that when contemplating the default works mechanism, the Administration should give due consideration to preventing some owners from shifting the responsibility of carrying out fire safety improvement works to the Government. To better understand the genuine difficulties encountered by owners of target buildings for not being able to carry out the required fire safety improvement works, members urged the Administration to conduct extensive consultation at district level to gauge the public views on the default works mechanism. Members also called on the Administration to continue improving fire safety standards by provision of financial, technical and coordination support to building owners concerned.

18. The Administration advised that it was the responsibility of owners to repair and properly maintain the private building as well as carry out the required fire safety improvement works. That said, various government departments had been proactively providing assistance to owners of old buildings in complying with the statutory fire safety requirements, such as the introduction of the "Improvised Hose Reel System" for buildings of three storeys or less and the

implementation of the \$5.5 billion Fire Safety Improvement Works Subsidy Scheme to subsidize eligible owners of old buildings to carry out the required fire safety improvement works. The Administration further advised that after consulting the Panel on the basic principles of the legislative proposals, it would draw reference to a similar mechanism and its implementation under the prevailing Buildings Ordinance (Cap. 123) to formulate the concrete legislative proposals. It aimed to launch a public consultation exercise on details of the proposals in 2022.

#### *Enhancing emergency preparedness*

19. Members noted that FSD had been developing the Fire and Ambulance Services Academy ("FASA") as a regional training centre for emergency rescue and local platform for community emergency preparedness education. When the Panel was briefed on the progress made by FASA, members took the view that to serve as a regional training centre for emergency rescue, FASA should enhance its cooperation and training with the Mainland counterparts. The Administration advised that FASA had been arranging exchange programmes, conferences and experience sharing sessions with the Mainland counterparts on various aspects. FASA had also held specialized techniques training courses for the Mainland counterparts every year since its commissioning in 2016. Though most of the overseas and Mainland exchange programmes and conferences were either cancelled or postponed due to the COVID-19 outbreak, FSD still conducted video conferences with the Mainland counterparts to continuously strengthen communications and experience sharing.

#### *Regulation of dangerous goods*

20. As part and parcel of the fire protection strategy, the Administration has put in place a regulatory system to control the manufacture, storage, conveyance and use of dangerous goods ("DG"). In November 2020, the Panel was consulted on the legislative proposals to update the existing regulatory system of DG with a view to aligning it with the international standards and enhancing the safety of the manufacture, storage, conveyance and use of DG. While members raised no objection to the legislative proposals, there was concern over how the Administration would keep the local regulatory system in line with the latest international standards. Noting that a grace period would be given for the trades and the public to adapt to the new regulations, members called on the Administration to strike a proper balance between fire safety and trade facilitation. The Administration advised that it would make reference to the standards set by international organizations and propose necessary legislative amendments when needed. After the passage of the legislative proposals, a grace period of 24 months would be given for the trades and the public to adapt to the new

regulations. The Administration would maintain close liaison with the stakeholders and draw up practical guidelines and codes of practice to facilitate their compliance with the new regulations. Relevant publicity work would be launched to facilitate public understanding on the new regulations.

21. Subsequently, the Administration tabled the Dangerous Goods (Control) Regulation and Dangerous Goods (Application and Exemption) Regulation 2012 (Amendment) Regulation 2021, which updated the existing regulatory system of DG, at the Council meeting of 24 February 2021. The Dangerous Goods (Miscellaneous Amendments) Bill 2021, which sought to make consequential amendments to other relevant Ordinances and subsidiary legislation in respect of updated regulatory system of DG, was introduced to LegCo on 14 July 2021 and passed through LegCo at its meeting of 15 September 2021.

### Legislative proposals to enhance law enforcement

#### *Proposed introduction of new offences on voyeurism and non-consensual recording of intimate parts, and related offences*

22. According to the Administration, there was currently no specific offence against voyeurism or non-consensual recording of intimate parts (such as upskirt photography). Depending on the circumstances of each case, such acts had been prosecuted under various existing legal provisions. However, there were limitations on application of these offences. For instance, if the act involved only the use of the suspect's own computer, or if the act occurred in a private place, those offences might not be applicable for prosecution against such acts. The need for a piece of specific legislation to address the above issues had long been of concern to the Panel. Following up with the long standing call for introducing new offences on voyeurism and non-consensual recording of intimate parts with criminal sanctions, the Panel was consulted on the relevant legislative proposals in January 2021.

23. Members were generally supportive of the legislative proposals. Members were advised that in line with the principle of gender neutrality, the proposed offences would be equally applicable to all genders. It was mindful of the possibilities of inadvertent contravention of abuse, as well as the different levels of concern regarding the exposure of female and male breasts. The Administration therefore proposed to proceed with the legislative amendments to deal with upskirt photography first, and to tackle the issue of down-blousing as appropriate in the future. Some members, however, considered that "down-blousing" was as serious as "upskirting" and should be covered in the proposed offence of non-consensual recording of intimate parts. These members urged the Administration to reconsider including "down-blousing" in

the proposed legislation. Of equal concern to these members was that blackmailing and threatening to distribute non-consensual intimate images would cause undue distress and pressure on the victims. They took the view that threat to distribute intimate images should also constitute an offence.

24. Some members were also concerned about the Administration's proposal that the proposed offences on the publication of intimate images would not be covered under the Sexual Conviction Record Check ("SCRC") Scheme. According to the Administration, as it was observed that offences related to the distribution of obscene and indecent articles under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) were currently not included in the list of sexual offences under the SCRC Scheme, it was proposed that the two offences on the publication of intimate images should by the same token not be covered in the Scheme.

25. The Administration subsequently introduced the Crimes (Amendment) Bill 2021 into LegCo on 24 March 2021. The main object of the Bill was to provide for new offences of voyeurism, non-consensual recording of intimate parts, publication of images originating from voyeurism or non-consensual recording of intimate parts as well as publication or threatened publication of intimate image without consent. Members were pleased to note that the Administration had taken into account members' views in drafting the Bill, viz. "down-blousing" was included in the proposed offence of non-consensual recording of intimate parts, and threat to distribute non-consensual intimate images would also constitute an offence under the Bill. Upon completion of scrutiny by the Bills Committee formed to study the Bill, the resumption of Second Reading debate on the Bill took place at the Council meeting of 29 September 2021.

*Proposed control of genuine firearm component parts*

26. There has been a worrying increase in cases involving arms and ammunition in Hong Kong in recent years. According to the Administration, under the existing Firearms and Ammunition Ordinance (Cap. 238), even if components parts proved to be fit for genuine firearms were located, the prosecution still had to prove to the court that such component parts were used or intended to be used for the discharge of a missile from arms. There were often practical difficulties in proving this element of the offence. To rectify the situation, the Panel was consulted on the legislative proposals to amend the Firearms and Ammunition (Declaration of Arms) Regulations (Cap. 238D) which sought to provide a clearer and more concrete definition of firearm component parts.



27. Members considered it necessary to tighten the control of genuine firearm component parts so as to prevent the misuse of arms by criminals and to protect people's lives and properties. They expressed support for the legislative proposals to plug the legal loophole. With respect to members' concern over the implementation of the legislative proposals, the Administration advised that the Customs and Excise Department ("C&ED") had been adopting a risk-based and intelligence-led mode of operation and conducted checks through air, land and sea channels, in addition to the deployment of advanced equipment at various boundary control points ("BCPs"). Separately, the Police had been conducting intelligence-led operations effectively to combat the use of arms. C&ED and the Police had been working closely and a comprehensive mechanism regarding the handling procedures when suspected genuine firearms and component parts were seized at BCPs was established.

28. Subsequently, the Administration tabled the Firearms and Ammunition (Declaration of Arms) (Amendment) Regulation 2021 at the Council meeting of 9 June 2021, which would come into operation on 1 November 2021. According to the Administration, the provision of a grace period would allow those being affected (e.g. some existing licensees or those who were in possession of firearm component parts to be regulated) to dispose of the component parts concerned or to apply for a licence from the Police.

#### Anti-drug work

29. Following up with its work in the past years, the Panel continued to monitor the drug situation in Hong Kong. In May 2021, the Administration reported to the Panel on the drug situation in 2020 and its anti-drug work. Members generally considered that the problem of hidden drug abuse remained serious, given half of the newly reported cases had a drug history of at least five years. They were mostly concerned that the proportion of newly reported drug abusers being young adults remained at a relatively high level. Members took the view that the Administration should examine the effectiveness of the measures in place to combat drug abuse.

30. Subsequent to the legalization of the use of recreational cannabis and the availability of a wide range of cannabis products in some overseas jurisdictions, members noted with concern that cannabis ranked the most popular drug abused among all newly reported drug abusers in 2020. Members urged the Administration to refute any mistaken information such as cannabis was not a dangerous drug and strengthen stemming the illegal import of dangerous drugs.

31. Members were advised that the Administration acknowledged that hidden drug abuse was still a concern. With an increasing number of young cannabis

abusers aged under 21, the Administration had been enhancing anti-drug efforts to raise the awareness of drug harms of cannabis through different media and web-based platforms. As for parents, the Administration also put great efforts to enhance their knowledge of drug harms and how to identify and help their children with drug problem. On law enforcement front, the Police and C&ED had strengthened cyber patrol and detection of drug trafficking involving postal packets and express parcels, with a view to stemming the supply of drugs at source. The Administration stressed that to respond to the latest drug situation, it would continue to enhance community awareness of the drug problem, promote early identification of hidden drug abusers, and encourage early help-seeking.

32. Given that many new types of synthetic drugs had emerged in recent years, members had time and again urged the Administration to catch up with the new drugs trend and include timely such substances under control of the Dangerous Drug Ordinance (Cap. 134) ("DDO"), which was the principal legislation dealing with dangerous drugs. According to the Administration, it was keeping track of emergence of new drugs in different areas, including the latest recommendations of the Expert Committee on Drug Dependence of the World Health Organization and the United Nations Commission on Narcotic Drugs, as well as reports on the drug situation in other jurisdictions, in considering proposals for legislative control of any new psychotropic substances. Its aim was to bring newly emerging dangerous drugs under control before they became prevalent in Hong Kong. In April 2021, the Panel was consulted on the Administration's proposals to bring eight dangerous drugs under control in the First Schedule to DDO and bring one precursor chemical under control in Schedule 2 to the Control of Chemicals Ordinance (Cap. 145). The two relevant items of subsidiary legislation, which were supported by the Panel, were tabled at the Council meeting of 23 June 2021 and came into operation on 13 August 2021.

#### Application of innovation and technology to enhance law enforcement capabilities and improve services for the public

33. In the 2018 and 2020 Policy Addresses, CE put forward the application of innovation and technology to enhance the capabilities of LEAs and improve the services for the public. In this session, the Panel followed up with the Administration on the progress of these various initiatives.

#### *Enhancing efficiency of institutional management by the Correctional Services Department*

34. The Panel was consulted on the funding proposal to install electronic locks security system ("ELSS") in Siu Lam Psychiatric Centre to enhance the efficiency of institutional management and level of security. According to the

Administration, most of the correctional facilities were either aged or converted from buildings originally used for other purposes. The manually-operated mechanical locks at the gates of correctional institutions were one of the facilities that required improvement. While expressing support for the funding proposal, members were concerned about the long lead time of ELSS installation and the reliability of the facial recognition technology adopted therein.

35. The Administration advised that the facial recognition technology was a dual identity-verification arrangement, implying that apart from facial recognition, staff in the control room had to verify the identity of the requesting staff through the intercom and closed-circuit television system before unlocking the gate. Although the reliability rate of ELSS could be up to about 97% to 98%, the Administration would further examine the impact of wearing face masks under the current COVID-19 epidemic on the reliability of the system. It would also examine if there was any room for further shorting the lead time of ELSS installation, bearing in mind that the installation works had to be carried out in stages.

36. Given that ELSS would help improve the existing facilities to better cater for the custodial needs and institutional management, members were concerned about the Administration's timetable in upgrading facilities and equipment in other correctional institutions, as well as the development progress of Smart Prison. The Administration advised that the concept of Smart Prison and ELSS were two major projects to improve the custodial environment and working condition therein. ELSS would be installed at various institutions by phases. Smart Prison, which comprised different systems including the Security and Monitoring System, Operation and Management System, Person In Custody Self-Management System, etc., were being put on trial at various correctional institutions. Specifically, the Tai Tam Gap Correctional Institution would be transformed into the first-generation Smart Prison. SB would fully support the Correctional Services Department in upgrading institutional facilities and modernizing their services.

#### *Use of information technology by the Immigration Department*

37. According to the Administration, the Immigration Department ("ImmD") proactively deployed existing resources in the past year to incorporate "anti-epidemic elements" in various services through the use of digital technology, with a view to supporting Government's public health policy and addressing public concerns about anti-epidemic measures.

38. Members noted that ImmD had been encouraging members of the public to complete their application and payment processes in one go on ImmD's

electronic platform, and were concerned about the payment systems adopted at the platform. The Administration advised that ImmD's electronic platform had been supporting the mobile applications of 18 banks (including major banks) and six e-wallet operators. ImmD would continue to explore other payment systems as appropriate. By the fourth quarter of 2021, all the payment services of ImmD would support electronic and contactless payment.

39. Following the launch of "Smart Departure" in 2017, visitors holding eligible passports could use the Automated Passenger Clearance System (commonly known as "e-Channel") which employed facial recognition technology to perform self-service departure clearance without prior enrolment. Noting that ImmD was going to extend the use of the contactless e-Channels employing facial recognition technology, members were concerned about the privacy issues associated and its operation.

40. The Administration advised that Hong Kong residents were free to choose whether to use the contactless e-Channels which employed facial recognition technology. Eligible Hong Kong residents could enroll the use of the contactless e-Channels through ImmD mobile applications or at various control points when performing immigration clearance. All personal data collected during the immigration clearance process would be deleted upon completion of the immigration clearance in accordance with relevant privacy provisions. Based on ImmD's assessment, self-service immigration clearance using facial recognition technology would be at least one second faster than using existing fingerprint verification. More importantly, contactless e-Channels would enable members of the public to reduce contact with shared equipment during self-service immigration clearance, resulting in a more efficient, convenient and hygienic immigration clearance service.

#### *Smart Customs Blueprint*

41. Members were briefed on C&ED's implementation of Smart Boundary Management as well as Smart Investigation and Case Management, which form part of the "Smart Customs Blueprint" to enhance customs clearance effectiveness, fortify law enforcement capabilities and upgrade services to the public. Members expressed appreciation about C&ED's application of innovation and technology in enhancing customs clearance and law enforcement capabilities.

42. As advised by the Administration, C&ED had deployed advanced equipment at various BCPs to elevate customs clearance efficiency. For instance, the auto-detection devices for existing X-ray checkers with artificial intelligence ("AI") functions embedded would significantly shorten the time

needed for recognition of contrabands from 10 to 15 seconds to two seconds. Besides, the implementation of Smart Customs had strengthened C&ED's intelligence gathering and fortified law enforcement capabilities. Notably, C&ED had detected 17 and 29 smuggling cases with seizure values of over \$10 million in respect of illicit cigarettes and dangerous drugs respectively in 2020. These new records of smuggling cases were believed to be attributable to the use of advanced equipment in detection and AI in case analysis.

43. Members expressed concern about the application of innovation and technology in detecting illegal firearms and their component parts at BCPs, as well as the effectiveness in crime prevention and counter-terrorism work. The Administration advised that C&ED had all along been playing a key role in counter-terrorism work and conducting checks on passengers, parcels and cargoes at BCPs. All incoming parcels at the mail centre would be screened by X-ray checkers. In recent years, over 100 cases involving firearms and their component parts were detected by C&ED, and were subsequently referred to the Police for investigation. In addition, C&ED had been procuring 112 sets of auto-detection devices for existing X-ray checkers to assist in screening of suspicious objects in a more efficient and precise manner. Separately, C&ED was going to procure computed tomography scanners capable of producing high resolution 3-D images of the scanned subject. The scanners would be deployed at various BCPs to enable speedy automatic detection of contrabands, including suspicious firearms and component parts, against voluminous information stored in the database.

#### Implementation of co-location arrangement

44. As announced in the CE's 2020 Policy Address, the Hong Kong Special Administrative Region ("HKSAR") Government would continue to enhance the infrastructure of land BCPs between Hong Kong and Shenzhen and implement progressively the "East in East out, West in West out" planning strategy for cross-boundary goods traffic ("the strategy"). To tie in with the strategy and tap the opportunity of Shenzhen Municipal Government's plan to redevelop the Huanggang Port in-situ, both governments reached consensus on the principle issues of implementing co-location arrangement similar to that in place at the Shenzhen Bay Port at the redeveloped Huanggang Port.

45. In March 2021, the Panel was briefed on the progress of implementing the co-location arrangement at the redeveloped Huanggang Port and the strategy. Members were advised that the HKSAR Government would exercise full jurisdiction in the Hong Kong Port Area ("HKPA") at the redeveloped Huanggang Port and carry out customs, immigration and quarantine clearance inspections in accordance with the laws of Hong Kong. Members expressed

general support for the early implementation of co-location arrangement at the redeveloped Huanggang Port to enhance the handling capacity of the control point and facilitate travel convenience to cross-boundary passengers. Members were concerned about the funding allocation of the entire project and the estimated costs to be borne by the HKSAR Government in the event that there were cost overruns. The Administration advised that having regard to the funding arrangement adopted for the construction of the Express Rail Link West Kowloon Station, the Shenzhen Municipal Government agreed to bear the design and construction costs for the Huanggang Port building, including any cost overruns, whereas the HKSAR Government would bear the costs of other capital non-work items and pay the Shenzhen Municipal Government a nominal rent of RMB1,000 per year for the use of HKPA at the new Huanggang Port in future.

46. Noting that under the strategy, cross-boundary goods traffic currently using the Huanggang/Lok Ma Chau Control Point would have to use other control points in future, members called on the Administration to assess carefully the impact of the strategy on the cross-boundary goods vehicle trade and communicate with the stakeholders concerned. Members also urged the Administration to be proactive in studying the use and development of the 20 hectares of land to be released from the current Lok Ma Chau Control Point upon implementation of the strategy, with a view to supporting the development of the Lok Ma Chau Loop nearby.

47. After gauging the views of the Panel, the Secretary for Security subsequently moved a Government motion at the Council meeting of 24 March 2021 to solicit LegCo's support for implementing the co-location arrangement at the redeveloped Huanggang Port. The motion was carried. According to the Administration, the HKSAR Government and the Shenzhen Municipal Government would seek the approval of the Standing Committee of the National People's Congress for the implementation of co-location arrangement at the redeveloped Huanggang Port when the construction of the new port was near completion by end-2023 at the earliest and all specific details of HKPA were available.

#### Interception of communications and surveillance

48. Under section 49 of the Interception of Communications and Surveillance Ordinance (Cap. 589) ("ICSO"), the Commissioner on Interception of Communications and Surveillance ("the Commissioner") shall, for each report period, submit a report to CE. In the course of examination of the Interception of Communications and Surveillance Bill, the Administration undertook, inter alia, to report to the Panel the results of the Administration's study of matters raised in the Commissioner's annual report to CE. The Administration reported

to the Panel in January 2021 on its responses to the observations and recommendations made in the Commissioner's 2019 Annual Report.

49. Members in general considered that the ICSO regime had provided a stringent control and monitoring at all stages of LEAs' interception of communications and covert surveillance operations. Noting that most of the non-compliant cases mentioned in the Commissioner's annual report were occasions where officers were not vigilant and cautious enough in discharging ICSO duties, some members were concerned about the follow-up actions against relevant law enforcement officers. The Administration advised that depending on the seriousness and circumstances of the cases, appropriate actions, including verbal warning or disciplinary actions, would be taken by LEAs concerned. This apart, LEAs had provided diversified training to all officers assigned to ICSO duties, including induction and refresher training, briefings, seminars, workshops, practical training, theoretical and case-sharing sessions, which particularly covered issues on legal professional privilege and journalistic materials.

50. Some members expressed concern that electronic messages/digital contents were transmitted via social media and instant message applications within seconds and it would be difficult to be intercepted. Hence, records stored in mobile phones or other similar electronic devices after transmission were beyond the scope of regulation under the existing ICSO. Having regard to the proliferation of use of social media and instant message applications among members of the public, these members took the view that the Administration should conduct an overhaul of ICSO to address the inadequacy and possible loophole of the regime.

51. The Administration advised that as the definition of "interception" in ICSO did not explicitly stipulate the means of communication to be regulated, it was sufficiently broad so as not to be circumvented by specific technologies. The ICSO regime was similar to those in many overseas jurisdictions, and considered suitable for the situation in Hong Kong and should continue to operate. The Administration did not see the need for a review of or amendments to ICSO. The Administration assured members that it would continue to closely monitor the operation of ICSO, and fully cooperate with the Commissioner and the panel judges, with a view to better carrying out the objects of ICSO.

52. Pointing out that the Commissioner had no power to oversee the interception and surveillance work conducted by the National Security Department of the Police, some members were concerned about the impact on ICSO upon implementation of NSL. The Administration advised that the existing ICSO regime and the regime for interception and covert surveillance

operations under NSL were proceeded in parallel. The conduct of interception and surveillance work on cases relating to national security would be handled according to the Implementation Rules of NSL, while other cases not involving national security would be dealt with pursuant to the existing regime under ICSO.

### Resources matters

53. The Panel was consulted on the following funding proposals to cope with the development and operational needs of individual departments under the purview of SB.

#### *Works projects*

54. The Panel was consulted on the proposed construction of a fire station-cum-ambulance depot with departmental quarters and facilities for FSD in Tseung Kwan O, and the proposed redevelopment of Western Police Married Quarters site. While expressing support for the submission of the two proposals to the Public Works Subcommittee for consideration, members were concerned about the long waiting time for eligible officers to be allocated with departmental quarters ("DQs"). Members generally held the view that the construction and redevelopment of DQ projects had to be expedited so as to attract more young people to join the disciplined services departments. To resolve the shortfall of disciplined services DQs, some members called on the Administration to consider improving the housing benefits (e.g. raising cash allowance) to eligible staff, so that fewer staff would opt for DQs. The Administration advised that subject to the availability of resources, it had all along been the Government's established policy to provide DQs for eligible officers in the disciplined services so as to attract, retain and motivate staff.

55. The Panel also discussed the funding proposal in respect of the construction of Chai Wan Government Complex and Vehicle Depot. The proposed works project sought to accommodate the facilities of multiple government departments currently scattered across the territory in the Complex so that various sites could be released. Members expressed support for the proposed works project and the subsequent release of various sites for long-term development.

#### *Staffing proposal*

56. The Panel was briefed on the proposal to rationalize the directorate support in C&ED by creating one Assistant Commissioner post (D2 equivalent), to be offset by deleting one permanent Customs Civil Secretary post (ranked at Administrative Officer Staff Grade C (D2)) to ensure continued provision of



pertinent professional support for C&ED to cope with the increasingly complex duties and heavy workload. Members expressed support for the proposal to rationalize the directorate support in C&ED without incurring additional staff costs, and considered that the proposal was pragmatic in a way that the department's professional knowledge and experience were honoured. They also called on other government departments to make reference to the proposal to use public money in a prudent manner.

57. Separately, members were consulted on the staffing proposal to create a Chief Fire Officer post to strengthen the supervision, direction and support to the operation in the New Territories Command. While members supported the submission of the staffing proposal to the Establishment Subcommittee for consideration, some members were concerned about FSD's future directorate support and development plans for additional fire stations and ambulance depots in the New Territories, in light of the development of the Northeast part of the New Territories and the Three-Runway-System of the Hong Kong International Airport. The Administration advised that FSD had been monitoring the demand for emergency services and assessing the need for additional new fire stations and ambulance depots in new development areas in the New Territories based on its overall population density, intensity of development, building use, height index and the risk associated with these factors. The coverage of geographical divisions would be reviewed, if necessary. FSD would keep an eye on the situation and seek additional resources as appropriate.

#### Meetings held and visit conducted

58. From October 2020 to September 2021, the Panel held a total of 11 meetings. The Panel has scheduled another meeting in October 2021 to receive a briefing by the Administration on the 2021 Policy Address. The Panel also conducted a visit to the Tai Tam Gap Correctional Institution on 23 July 2021 to facilitate members' understanding of the operation of Smart Prison.

**Legislative Council**

**Panel on Security**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to security, public order, public safety, corruption-related matters, nationality and immigration.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Panel on Security**

**Membership list for the 2020-2021 session\***

<b>Chairman</b>	Hon CHAN Hak-kan, SBS, JP
<b>Deputy Chairman</b>	Hon YUNG Hoi-yan, JP
<b>Members</b>	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 CHAN Han-pan, BBS, 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 Hon Jimmy NG Wing-ka, BBS, JP 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

(Total : 24 members)

**Clerk** Miss Betty MA

**Legal adviser** Mr Timothy TSO

\* Changes in membership are shown in Annex.

## Annex to Appendix II

### Panel on Security

#### Changes in membership

<b>Member</b>	<b>Relevant date</b>
Hon WONG Ting-kwong, GBS, JP	Since 3 November 2020 Up to 8 December 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon Charles Peter MOK, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon SHIU Ka-chun	Up to 11 November 2020
Hon HUI Chi-fung	Up to 11 November 2020
Hon Jeremy TAM Man-ho	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Hon Claudia MO	Up to 12 November 2020
Hon WU Chi-wai, MH	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon LAM Cheuk-ting	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 18 November 2020
Hon Abraham SHEK Lai-him, GBS, JP	Up to 2 December 2020
Hon POON Siu-ping, BBS, MH	Up to 2 December 2020
Hon Jeffrey LAM Kin-fung, GBS, JP	Up to 14 December 2020
Hon Wilson OR Chong-shing, MH	Up to 5 January 2021 Since 4 May 2021
Dr Hon CHENG Chung-tai	Up to 25 August 2021

For **changes in LegCo Membership**, please refer to the link below:  
(<https://www.legco.gov.hk/general/english/members/yr16-20/notes.htm>)