

LCQ20: Images or videos captured by CCTV systems

Following is a question by the Hon Charles Mok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (March 18):

Question:

At present, disciplined services such as the Hong Kong Police Force (HKPF) and the Immigration Department (ImmD), as well as government departments such as the Leisure and Cultural Services Department (LCSD), the Food and Environmental Hygiene Department and the Housing Department, have installed closed-circuit television (CCTV) camera systems in areas under their purview or in public places, or provided their staff with body-worn video cameras (BWVCs). As the authorities may identify the individuals recorded by comparing their facial features recorded by CCTV cameras with the personal data in relevant databases, some members of the public are worried that law enforcement agencies may use the CCTV cameras in public places for recording large quantities of video clips, possibly intruding on personal privacy. In this connection, will the Government inform this Council:

(1) of the details of the existing CCTV cameras installed by each of the government departments concerned (set out in the table below);

	Government department		
Details of CCTV camera systems	HKPF	...	LCSD
(i) Installation location(s) and quantity of cameras			
(ii) Use(s) of video clips			
(iii) Brand(s) and model(s) of camera lenses			
(iv) Resolution of cameras			
(v) Retention period of video clips			
(vi) Date of installation/ updating of system			
(vii) Procurement date and amount of expenditure			
(viii) Name of supplier and the country to which it belongs			
(ix) Whether auto-tracking function is available (if so, whether the function has been activated)			

(x) Whether face detection function is available (if so, whether the function has been activated)			
(xi) Whether pickup function is available (if so, whether the function has been activated)			

(2) of the number of occasions last year on which HKPF requested other government departments to provide the CCTV video clips recorded by them, with a tabulated breakdown by (i) the month in which the request was made, (ii) the name of the department concerned, (iii) the date on which the video clip was recorded, (iv) the location where the video clip was recorded, (v) the length of the video clip, and (vi) whether the request was acceded to;

(3) of the number of video clips recorded last year during public events by police officers using BWVCs and hand-held video cameras, with a tabulated breakdown by the month in which the video clip was recorded and the public event concerned; the current storage details of such video clips, including the respective numbers of video clips which (i) have been retained due to their evidential value, (ii) will be produced in court as evidence, (iii) have been destroyed, and (iv) have been retained for more than 31 days; the number of requests, made under the Personal Data (Privacy) Ordinance (Cap 486) by persons recorded in such video clips, for access to the relevant video clips, and the number of such requests acceded to; and

(4) whether HKPF has, since January last year, (i) made use of software such as video explorer, advanced image processing and facial recognition to identify individuals in the video clips recorded by CCTV cameras, and (ii) sought other government departments' permission for using the personal data in the databases under such departments' purview (e.g. the Smart Identity Card database under ImmD) for making comparisons with the facial features recorded by CCTV cameras for the purpose of identification of individuals?

Reply:

President,

The Personal Data (Privacy) Ordinance (Cap 486) (PDPO) is applicable to public and private organisations as well as government departments. All organisations/departments are required to comply with PDPO and its relevant Data Protection Principles when collecting and using personal data. From the perspective of safeguarding personal data privacy, government departments will make reference to internal guidelines when capturing images or videos and using closed-circuit television (CCTV) systems in public spaces. These guidelines state that only authorised officers are allowed to use the systems, and seek to ensure that the use of the systems, the collection of recorded images, and the handling of data are in compliance with PDPO, so as to safeguard the protection of citizens' personal data privacy.

My reply to various parts of the question raised by the Hon Charles Mok is as follows:

(1) The Government does not maintain statistics on the details of the CCTV systems of each department.

Furthermore, information on CCTV systems involve security matters, disclosing detailed information of the systems may reveal to criminals relevant government departments' security arrangements, as well as the capabilities and investigatory techniques of law enforcement agencies. Therefore, it is not appropriate to disclose such information.

(2) One of the statutory duties of the Police is crime prevention and detection. Personal data collected by the Police in the course of case investigation will only be used for the purposes of crime detection and prevention, the collection of which must also be in compliance with the law. The personal data will be retained by the Police having regard to the purpose of data collection and the required period of data retention. Once the personal data is no longer necessary for the particular purpose, the data will be destroyed within a reasonable time unless further retention is otherwise required by law. The Police have not maintained the statistics as requested in the question.

(3) The Police have clear and strict guidelines and procedures for handling video clips captured by body-worn video cameras (BWVCs) and digital camcorders. Video clips with investigative or evidential value will be classified as evidence and be retained until the relevant investigation or judicial procedures are completed. Video clips carrying no investigative or evidential value, or constituting no other legitimate purpose, will be deleted after 31 days from the date of recording.

In 2019, the Police recorded 160 clips and 5 347 clips using BWVCs and digital camcorders respectively at public order events, among which 25 clips and 3 804 clips respectively with investigative or evidential value were retained. The remaining clips have been deleted in accordance with the established mechanism.

The Police do not maintain the statistics of requests to review video clips made under PDPO.

(4) The Police have always been proactively applying any technology that can assist law enforcement and investigation, and have from time to time reviewed the effectiveness of various types of investigation tools and equipment. Should there be a need to obtain any data from other departments in the course of case investigations, the Police will do so in compliance with the law. As for the other information requested in the question, it is not appropriate for disclosure lest it compromises the Police's technologies and capabilities in the prevention and detection of crime.