

LCQ20: Installation of Internet Protocol cameras at illegal refuse deposit blackspots

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 27):

Question:

In December 2016, the Food and Environmental Hygiene Department (FEHD) launched a six-month pilot scheme on installation of Internet Protocol (IP) cameras (the Scheme) to step up combating acts of illegal refuse deposits. Extended since the 6th of this month, the Scheme will gradually cover the various districts across the territory, with the number of illegal refuse deposit blackspots to be installed with cameras increasing to 80. In this connection, will the Government inform this Council:

(1) whether, in the past two years, the FEHD (i) deployed staff to step up patrols at the aforesaid 80 blackspots and investigated the peak hours for illegal refuse deposits, as well as (ii) took other measures to combat acts of illegal refuse deposits at such places; if patrols were stepped up, of the number of such patrols and the number of prosecutions instituted; if other measures were taken, of the details and the manpower involved;

(2) of (i) the costs and unit cost to be incurred as well as the cost breakdown, and (ii) the manpower to be deployed, for the Scheme in the current financial year;

(3) of the anticipated completion time for installing the cameras; the resolution of the cameras and how many pixels the recorded footage has; whether the recording system is equipped with face recognition function; whether the cameras are operated on a round-the-clock basis; of the methods for storage and transmission of the footage recorded and whether encryption has been made; if encryption has been made, of the standard applied;

(4) whether any staff members from outsourced service contractors are involved in the operation of the Scheme; if so, of the measures put in place to prevent such staff members from intruding on the privacy of members of the public; whether the FEHD has deployed staff to conduct real-time surveillance of the images captured by the cameras; of the measures put in place to ensure that the Scheme is operated in compliance with the six data protection principles set out in Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486); the reasons why the FEHD has not consulted the Office of the Privacy Commissioner for Personal Data on the implementation of the Scheme;

(5) given that, at present, any footage recorded by police officers using

their body worn video cameras, which does not carry any investigative or evidential value or is not suitable for training or review purposes, must be deleted after 31 days from the date it was produced, of the justifications for the FEHD to keep its recorded footage for as long as six months;

(6) as the FEHD has stated that the information collected from the footage is for the purpose of identifying the patterns of the acts of illegal refuse deposits with a view to formulating more effective law enforcement actions, whether the same purpose can be achieved through FEHD deploying staff to conduct on-site surveillance; if so, whether it has assessed if the collection of personal data through the Scheme complies with the following provisions under Principle 1 of the Data Protection Principles: (i) the data is adequate but not excessive in relation to the purpose, and (ii) subject to the said provision, the collection of the data is necessary for the purpose;

(7) of the number of prosecutions instituted by the FEHD since December 2016 using the footage recorded under the Scheme as evidence against people who had illegally deposited refuse and, among such cases, the number of convictions; and

(8) of the respective numbers of occasions since December 2016 on which the FEHD has (i) provided the footage recorded under the Scheme to other government departments, and (ii) approved staff members from other government departments to conduct real-time surveillance of the blackspots through the Scheme (broken down by name of department and reason for making such a request), as well as the procedure for vetting and approval of such requests?

Reply:

President,

The staff of the Food and Environmental Hygiene Department (FEHD) pay special attention to the situation of illegal refuse deposit blackspots during their routine work. Illegal deposit of refuse or feeding of wild birds by some people are often found at these blackspots, thereby causing environmental hygiene problems and affecting streetscape. The FEHD has to arrange clean-ups and conduct blitz operations and take enforcement actions, which requires enormous manpower resources and affects FEHD's daily operation, but lacks significant and long-lasting effects. In view of the above, the FEHD launched a six-month pilot scheme on installation of Internet Protocol (IP) cameras at a total of six refuse deposit blackspots in Central and Western, Sham Shui Po and Yuen Long districts in late December 2016, which has effectively curbed illegal deposits of refuse through targeted surveillance and enforcement actions. Given the encouraging results, the FEHD has, after consulting all District Councils, extended the scheme to cover some 80 refuse deposit blackspots in the territory for a trial period of one year.

My reply to the various parts of the question is as follows:

(1) The FEHD often reviews its enforcement approach in tackling illegal

refuse deposit blackspots in various districts. To address the environmental hygiene problems caused by frequent illegal deposits of refuse and waste at individual blackspots at midnight or in early morning, the FEHD has stepped up publicity, education, scavenging and enforcement efforts. Among the some 80 target blackspots under the scheme, the FEHD instituted 153 and 248 prosecutions in 2016 and 2017 respectively. As this is part of the day to day work of the FEHD, it is not possible to give a breakdown on the manpower involved.

(2) The total cost of the one-year service contract for the installation of IP cameras is about \$12.7 million. As the implementation of the IP camera system is part of the day to day work of the FEHD, it is not possible to give a breakdown on the manpower involved.

(3) IP cameras will be installed in two phases at some 80 refuse deposit blackspots over the territory. Phase I started on June 6, 2018 with cameras installed at 46 blackspots, while phase II is anticipated to commence in early October with cameras to be installed at more than 30 other blackspots. The IP camera system mainly records the situation at illegal refuse deposit blackspots and does not have any facial recognition function. The IP cameras operate on a round-the-clock basis. The storage and transmission of data are all encrypted and comply with the Government's requirements on information technology security.

(4) Rental, installation and maintenance services of the IP cameras are provided by the FEHD contractor. According to the service contract, the contractor shall observe and comply with the requirements specified in the contract regarding protection of personal data, operation, physical security and information technology security. Only authorised staff of the contractor are allowed to handle the video recordings. They have to sign an undertaking for compliance with and execution of the contract requirements. FEHD staff will conduct regular checks at the contractor's offices and server rooms storing the video recordings to ensure the contractor and its staff's observance and compliance with the contract requirements. Before implementation of the scheme, the FEHD has sought advice from the Department of Justice (DoJ) regarding the implementation details to ensure that the operation is in compliance with the laws of Hong Kong, including the Personal Data (Privacy) Ordinance (Cap. 486) (the Ordinance) and the data protection principles.

(5) Footage without suspected cases being captured will normally be deleted forthwith after random checking (approximately within one month). For cases that prosecution may be instituted, staff of the FEHD may take some time to conduct investigation basing on the images captured. Since the statutory time limit for prosecution is generally six months from the date of the incident, the video recordings may be retained for a maximum period of six months or until the completion of investigation. In the event that the recordings shall be produced as evidence in court, the FEHD is required to retain them until the conclusion of the case.

(6) Although the FEHD has stepped up publicity, education, scavenging and

enforcement efforts, illegal deposits of refuse has worsened, which has aroused dissatisfaction among the public. Therefore, the FEHD installed IP cameras at the refuse deposit blackspots to enhance the monitoring of the time and patterns of the offences, based on which more effective enforcement actions could be planned.

On-site surveillance at the blackspots to collect information and take enforcement actions requires a lot of manpower resources. Moreover, the effects are not significant and long-lasting. The installation of IP cameras can facilitate FEHD's work to combat illegal deposit of refuse and enhance deterrence. In addition, staff of the FEHD may apply the real-time surveillance function of IP cameras in blitz operations at blackspots and initiate on-the-spot enforcement against the offenders at high time of illegal activities.

The main aim of installing IP cameras is to record the situation of the blackspots rather than to collect information of the persons identified. Before extending the scheme to all districts, the FEHD has sought DoJ's advice again on the implementation details to ensure that the implementation of the scheme is in compliance with the laws of Hong Kong, including the Ordinance, and the data protection principles.

(7) As at May 31, 2018, the FEHD has used the footage recorded under the scheme to analyse the patterns of offences and/or as evidence against people who had illegally deposited refuse in 79 cases, among which convictions were secured in 72 cases.

(8) The FEHD has provided the Hong Kong Police Force with four video recordings and the Agriculture, Fisheries and Conservation Department with one video recording in response to their requests for enforcement and investigation purposes. If other Government departments would like to obtain the footage taken by the FEHD for enforcement actions and prosecutions, the FEHD will consider the requests in accordance with section 58 of the Ordinance.