



Community Perceptions Towards Surveillance Cameras in Public Places

**Report by the Office of the
Privacy Commissioner for Personal Data
Hong Kong SAR**

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1 Surveillance Cameras in Public Places: Background

- 1.1 In previous years the PCO has commissioned the Social Sciences Research Centre at the University of Hong Kong to conduct research on privacy-related issues among samples of data users and data subjects. The findings of these surveys have been informative regarding perceptions towards personal data privacy and related issues. However, with the concept of personal data privacy well entrenched within the community, the Office of the Privacy Commissioner (“the PCO”) has, last year, decided to undertake a survey with a more specific focus.
- 1.2 Public surveillance cameras are not a new phenomenon in Hong Kong and to that extent Hong Kong reflects practices that are now commonplace elsewhere. However, Hong Kong does not deploy cameras with the same level of intensity as jurisdictions such as the UK where a history of terrorist attacks have led to massive deployment of public surveillance cameras. It is now virtually impossible in the UK to use a main railway station in London without having ones image captured. In contrast, while the use of surveillance cameras operated by public authorities in Hong Kong has become more pervasive their application is limited.
- 1.3 It would also be true to say that because surveillance cameras ‘have always been there’ the citizens of Hong Kong have largely become indifferent to them. There has not been an expression of any extensively held concern about the deployment of surveillance cameras and only a limited number of privacy-related complaints have been filed with the PCO. However, this rather benign acceptance was disturbed by an announcement in February 2002 by the Deputy Police Commissioner. The announcement was to the effect that the Hong Kong Police (“the HKP”) were intent upon installing surveillance cameras in the vicinity of Lan Kwai Fong (“LKF”) ostensibly for crime prevention and crowd control purposes.
- 1.4 On the surface this may have looked like a reasonable proposal and yet it was one that attracted considerable media coverage and public debate. Views were divided in that debate between those who felt there was a legitimate purpose to the police deploying cameras in LKF and those who felt it was an improbable location given its low incidence of crime. It was further argued that public place surveillance cameras could, at the flick of a switch, be used to both record and compile information on a person or persons without them realising it. Inevitably this led to allegations that the proposed scheme would amount to the thin end of the wedge leading to a progressive infringement of personal data privacy and the onset of the ‘Big Brother’ syndrome.

1.5 The level of interest in the proposal put forward by the HKP was mirrored in a LegCo Panel on Security (“the Panel”) debate held on 9 April 2002. During that debate the following reservations were expressed by Panel members.

- LKF was not regarded as a location beset with a high incidence of crime. Other areas in Hong Kong were more prone to crime and those areas should be given priority.
- The proposal would result in an unnecessary increase in police powers.
- LKF differs from other locations in which public surveillance cameras are deployed e.g. shopping malls and housing estates, in that it is a public place.
- If the installation of public surveillance cameras in LKF were to go ahead, and if the trial were subsequently judged by the police to be a success, the concern expressed was that this might result in the police rolling out the scheme to other public places. If that were the case then the police might be encouraged to conduct wider surveillance of the public.

It was further suggested by two members of the Panel that the proposed trial by the HKP should be subject to public consultation; the more so as no Member expressed support for the scheme at the Panel meeting. The meeting concluded by passing the motion, “That this Panel urges the Police to withdraw the pilot scheme of installing a closed-circuit television system operating round the clock in Lan Kwai Fong.”

1.6 At the time of the debate the Lan Kwai Fong Association (“the Association”), which represents the interests of bar, club and restaurant owners in the vicinity, reportedly came out in favour of the HKP proposal. However, after further deliberations with members, the Association modified its earlier stance maintaining that the presence of police surveillance cameras would keep customers away and that this was unacceptable given the state of the Hong Kong economy¹.

¹ Mr Alan Zeman of the Lan Kwai Fong Association was quoted in the South China Morning Post of 10 April 2002 as saying, “Especially under the bad economy, I don’t want to tell tourists that Big Brother is here [LKF]. Since the majority [of Association members] don’t feel comfortable with the plan, it would definitely affect business. The time is not right.”

Other proprietors opposed the proposals largely on the grounds that cameras would infringe the privacy of LKF clientele and detract from their sense of relaxation and enjoyment.

- 1.7 More generally it is worth noting that the privacy issues raised by the installation of public surveillance cameras are not new. In those jurisdictions where the use of public surveillance cameras are pervasive e.g. the UK, the privacy issues have a long history and are well known and understood. However, it would be fair to say that public response to the proliferation of cameras in public places has been mixed. In the UK, which for decades was subject to terrorist attacks, the installation of cameras in a wide variety of public places was held to be in the public interest and largely supported by the general public. Elsewhere, in the USA, Canada and Australia, public surveillance cameras have been seen as a controversial development with potentially sinister overtones and, as a result, have received a mixed reception in the community.
- 1.8 The jurisdiction that has probably been most proactive in terms of regulating the use of public surveillance cameras is the State of New South Wales (“NSW”) in Australia. In 1998 the NSW state government passed the Workplace Surveillance Act. Although this act does not explicitly address the use of surveillance cameras in public places it did result in a NSW government initiative. In 2000 NSW issued a Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places the substance of which was derived from the 1998 legislation. More importantly it led to the NSW police issuing a Police Service Policy on the Development and Use of CCTV which explicitly states that the NSW police will neither fund nor operate CCTV equipment that may be used in the detection or prevention of crime².
- 1.9 More recently the Canadian Federal Privacy Commissioner became involved in litigation with the Royal Canadian Mounted Police (“the RCMP”) in British Columbia. Having sought counsel advice the Privacy Commissioner filed an action in British Columbia’s Supreme Court seeking a ruling to instruct the RCMP to decommission public surveillance cameras in the town of Kelowna. The Commissioner’s case was based upon the view that the surveillance of law-abiding citizens in public places by the RCMP was a contravention of the Canadian Charter of Rights and Freedoms and, accordingly, unconstitutional. Indeed, the Canadian

² The statement continues with a declaration that the police service will not routinely monitor CCTV cameras. It regards the police service role as responding to incidents identified by control room operators. Monitor-control for specific incidents can be transferred to police in emergency situations, to assess incidents and determine the appropriate response.

Commissioner went further by indicating that, in his view, the RCMP, in their surveillance activities in Kelowna, were in breach of international covenants on human rights. The Supreme Court has yet to rule but the ‘Kelowna case’ has heightened the profile of surveillance in public places and renewed interest in the related privacy issues. Again, public opinion is divided upon the merits of the respective arguments of the principal protagonists.

2 Rationale

- 2.1 For some time now the PCO have been studying the privacy-related issues associated with surveillance. This interest culminated in 2002 with the promulgation and launch of a draft Code of Practice on Monitoring and Personal Data Privacy at Work (“the Code”). Although this Code offers specific guidance on surveillance in the employer/employee relationship many of the issues identified, if not all, are relevant to public place surveillance. Primarily these issues relate to notification, the collection, retention, use, security and access/correction of personal data. This project will conclude later this year with the PCO issuing a revised Code and set of practical guidelines that will inform employers and employees of their respective legal obligations and rights under the Personal Data (Privacy) Ordinance.
- 2.2 The PCO’s active involvement in the workplace surveillance project occurred at an opportune time given the LKF trial proposed by the HKP. There can be little doubt that the proposal had an influence upon public opinion but to quite what extent and in what way was less than clear. At the time of the announcement, and in its immediate aftermath, the PCO was unable to uncover any investigation or independent reporting into public perceptions towards surveillance cameras in public places. The survey commissioned by the PCO sought to fill this information gap by mapping public perceptions towards surveillance cameras in public places. The objectives established for the project were as follows.
 - 2.2.1 To better understand the strength of public convictions held towards surveillance and the circumstances under which the practice is deemed acceptable, or otherwise.
 - 2.2.2 To identify those variables that may impact upon any modification to the expression of perceptions cited in 2.2.1 e.g. location of cameras, purpose of surveillance etc.

- 2.2.3 To review a range of situations in which surveillance cameras are commonly deployed e.g. public transport, car parks etc. and identify any privacy issues specific to surveillance in those locations.
 - 2.2.4 To better understand public perceptions towards aspects of surveillance that might be of concern to the public e.g. real-time monitoring as distinct from recording.
 - 2.2.5 The safeguards, if any, that the public regard as necessary if the privacy rights of the individual are to be protected.
 - 2.2.6 To identify any expectations regarding the role of the PCO in regulating public place surveillance e.g. practical guidelines for operators, code of practice etc.
- 2.3 One of the issues that the PCO wished to gain greater understanding of was the capacity for public place surveillance cameras to be instantaneously switched from a real-time monitoring mode to recording mode. The creation of a record containing personal data would mean that the data user would need to comply with the provisions of the Personal Data (Privacy) Ordinance (“the Ordinance”). Not only is it a matter of ensuring that data user procedures are compliant with the Ordinance it is also a matter of recognising that personal data on video and disk may be viewed retrospectively with the intention of compiling personal data on specific individual(s). For example, in the event of a breach of security or suspicion of criminal wrongdoing a camera operator may access records with the express intent of identifying suspects, although there was no intention to identify any particular individual at the time the images were captured by the camera.

If this is accepted then it is reasonable to suggest that concern might be expressed about the propensity of a camera operator to switch from monitoring to recording mode. This capability would give rise to the need for the data user to notify the public of the purpose and manner of collection of personal data.

- 2.4 Another matter of interest to the PCO is the broader issue of striking a balance between the public interest, those of camera operators and the personal data privacy interests of the individual. Clearly, if the assumption is made that the intentions of the police and camera operators are genuine then there are legitimate security and commercial concerns that need to be accommodated. However, these concerns need to be cognizant of the personal data privacy rights bestowed upon the individual. It should be

noted that the PCO have never subscribed to the view that privacy rights are in any way superordinate to other societal rights. By extension neither should those rights be subordinate to other rights as this would be tantamount to marginalising privacy interests. As a consequence the PCO felt it was appropriate to look at personal data privacy interests in the context of other interests. This approach would eliminate the likelihood of isolating public perceptions towards surveillance cameras in public places from other variables that might impact upon the valency of those perceptions.

3 Research Design and Methodology

3.1 The Social Sciences Research Centre at the University of Hong Kong was commissioned by the PCO to develop a research design and undertake field surveys in order to:

- ❑ better understand respondent perceptions towards surveillance cameras in public places;
- ❑ investigate those intervening variables that may impact on the nature of generally held perceptions;
- ❑ isolate common themes pertaining to the privacy-related aspects of surveillance cameras in public places;
- ❑ identify the expectations of the public, if any, regarding the role of the PCO in terms of safeguarding privacy rights in the face of increased deployment of public surveillance cameras in Hong Kong.

3.2 The research design developed by the SSRC had three related components.

3.2.1 Focus Group Discussions

In June 2002 focus group discussions were held to investigate six situations in which customers or employees were subject to surveillance cameras: retail shop workers, car park users, MTR/KCR travellers, LKF customers and employees, housing estate residents and tertiary education students. In addition tourists from Mainland China and Britain were interviewed to establish the extent to which surveillance cameras might influence perceptions of public safety which, in turn, may impact upon an individual's choice of holiday destination.

All focus group discussions contained two elements: surveillance issues in general and surveillance issues that might be specific to a particular context e.g. public car parks.

3.2.2 Household Telephone Survey

The second element of the research design involved a survey of 1103 domestic households with fixed telephone lines. The questionnaire was designed around concepts and issues that came to light in the focus group discussions. The intention here was to present respondents with a series of situations they could readily identify with rather than run the risk of making the investigation too abstract. However, the situations were deliberately designed to be different enough such that it would be possible to gain an understanding of particular camera applications which, in the view of the general public, necessitated the application of some form of restrictions.

For each situation respondents were asked about the use of surveillance cameras, with and without recording, and the retention period for tape records. The situations investigated were: retail shops, car parks, transport (on trains and platforms), Lan Kwai Fong, during public demonstrations and at the entrance to housing estate blocks. In the latter case respondents were asked to make privacy and security assessments for three alternative forms of surveillance. Respondents were then asked about alternative possible means of controlling the use of cameras.

The household survey also collected demographic data including car ownership, whether they had ever visited LKF, the type of surveillance at the entrance to their apartment block as well as gender, age, education and personal income details. All subjective assessments used a standardised five-point scale.

3.2.3 Users of Surveillance Cameras

Six users of surveillance cameras, covering the focus group situations, with the exception of university students, were interviewed to further investigate the issues raised in focus groups and the telephone survey. The interviews covered current purpose and operation of cameras, taping and the control of access to tapes, notification of filming, benefits of cameras, privacy safeguards and

attitudes towards the PCO formulating a code of practice or, alternatively, government licensing.

4 Focus Groups: A Summary of Discussions

4.1 Discussions about the Use of Surveillance Cameras in Lan Kwai Fong

Discussant views towards the installation of surveillance cameras in LKF were diverse. On the one hand, some discussants were in agreement with their installation for security purposes. Some accepted the justification on the basis of crowd control and accident prevention, while others were more discerning and accepted cameras only if they were to be used for collecting evidence pertaining to criminal acts and for deterrent purposes. There was also some acceptance of the need to install cameras during special events e.g. festivals, or in quiet locations where security needs were pressing.

For those discussants that agreed with the installation of cameras, there was a tendency to consider LKF as a public place where privacy was not an issue. Some respondents mentioned the circumstances under which the operation of cameras was considered legitimate e.g. where the police periodically erased the record and where the public were notified of cameras being in operation.

However, some discussants opposed the use of cameras because they felt uncomfortable about being tracked by a camera [that created a permanent record] notably in places intended for socialising and relaxation. For some, this practice amounted to an invasion of privacy. These discussants mentioned an even greater concern which was the prospect of linking cameras in specific installations to create a surveillance network throughout Hong Kong.

Queries were also raised about the rationale for operating CCTV cameras around the clock in LKF. Some considered such a move might violate the mutual trust that exists between the public and the police. It was also suggested that 24-hour surveillance might be wasteful.

When considering the purpose of enhancing security levels, some discussants considered CCTV alone to be an inadequate measure in the event of an incident. The feeling was that additional police patrols would be more appropriate.

Discussants also questioned whether the choice of LKF as a trial location reflected the right priorities in terms of public order as other districts in

Hong Kong were known to have higher crime rates. This sort of questioning led to more extended discussions about the use of surveillance cameras in public places.

4.2 **Discussions about the Use of Surveillance Cameras in Public Places**

In looking at circumstances in which discussants regarded the deployment of surveillance cameras to be justified the debate tended to emphasize security issues in public places. The general view was that CCTV was justified in places with a high crime rate and locales that posed some risk to the person e.g. car parks and crowded areas at festival times. In such circumstances the belief was that surveillance cameras would have a deterrent effect. It was felt that video footage would be of value in terms of providing useful information if incidents were to happen. There was also the prospect that CCTV might result in cost savings because of a reduction in the deployment of police manpower.

Other discussants felt that the installation of cameras was justifiable as long as their operation were properly regulated. The handling of “personal data” i.e. the tape record, was the focus of some concern. This gave rise to suggestions that access to the tapes should be regulated while others insisted that public place camera systems should be publicly announced and surveillance subjects notified of their operation. Other issues touched upon in discussions made reference to:

- the visibility of cameras as distinct from their being hidden or partially hidden;
- the operation of cameras should not be permitted to infringe upon the rights and personal freedoms of the individual;
- the balancing of security needs in a public place and privacy needs in a private place.

Priorities in Terms of Public Security and Privacy

In discussions about the respective priorities of public security and privacy, views were mixed. However, the respective values attached to security and privacy were conditional upon context with most discussants giving a higher priority to security in public places. For example, in places where people were strangers, safety and security needs were pressing. Respondents were also of the view that in locations with a high incidence

of crime public safety was of greater concern and consequently the installation of cameras was justified.

In contrast, they tended to think that privacy was a personal issue, and an issue to be concerned with only at home i.e. a private place.

Timing was another point that emerged from the discussions. During seasonal festivals such as Christmas or at events such as flower markets in Victoria Park, discussants felt that it was reasonable to install cameras for crowd control purposes. In these circumstances privacy issues were accorded a lower priority.

However, outside of festivals and special events, public safety alone did not provide sufficient justification for the use of cameras, particularly in those locations where leisure and recreation were of primary importance.

Others discussants mentioned the need to protect privacy rights. They thought that privacy was a basic freedom and that the dignity of the individual should not be sacrificed.

Respondents identified situations where the installation of CCTV should be prohibited if privacy were to be protected. For example, a venue for a private meeting, a window into somebody's home, and at the beach.

The focus groups revealed that some discussants were worried about the use of information collected by video cameras operated by government agencies. Some discussants expressed concern that the government might make use of the tape for doubtful purposes. One suggestion made was that government agencies should offer a guarantee that they would not intrude upon citizens' privacy or misuse tape records.

Discussants were concerned about operational aspects of public surveillance systems. Some suggested that a policy and guidelines should be drafted and enforced to ensure that control measures were in place. These guidelines should address issues such as when tape recording was permitted, who had access to the records, and the conditions governing access. In short, the conditions relating to the operation of CCTV should be made transparent to the public.

A few discussants suggested the introduction of a system of licensing for the use of CCTV in public places. Others emphasized the government's role in monitoring the operation of surveillance cameras. There were two suggestions relating to monitoring.

- Firstly, there should be an independent organization such as the PCO to monitor the operation of surveillance cameras in public places so as to protect the privacy of citizens. However, some discussants felt that this suggestion would question the independence of government departments if they were required to coordinate efforts and cooperate with one another.
- Apart from monitoring, a few discussants identified educating the public about the need to respect privacy as an important long term responsibility of the government.

4.3 **Discussions about the Use of Surveillance Cameras in Housing Estates**

In this focus group discussion evolved around the following topics:

- ~ attitudes towards the installation of CCTV in housing estates;
- ~ attitudes towards scanning as distinct from video recording; and
- ~ the impact upon the installation of CCTV on choice.

Attitudes Towards the Installation of CCTV in Housing Estates

Regarding the installation of CCTV in housing estates, discussants tended to be of the view that their effectiveness for enhancing security was limited. Although cameras served a deterrent function and provided “evidence” in the event of an incident, their installation did not necessarily make public housing estates safer. In general they were in favour of installing CCTV, given the choice, but qualified this by saying that CCTV should not be the only security measure deployed.

Discussants did not feel that the installation of CCTV intruded upon their privacy because the cameras were in a public place. However, how the system operated was of concern. For example, the practice of connecting CCTV to all apartments giving every household access to every location in which CCTV was in operation.

Attitudes Towards Scanning vs Video Recording

Discussants tended to think that video recording was necessary because taped records could be accessed and played back if an incident occurred. However, they expressed concern about issues like whether the tapes would be properly handled, the duration of retention of tapes, and whether there would be any regulation over access to tape records.

The Impact of the Installation of CCTV on Choice

It was felt that the installation of CCTV would have an impact upon an individual's behaviour. Discussants said they would be conscious of the need to behave themselves and would try not to remain in locations where CCTV was operated.

Discussants revealed that the installation of CCTV would convey a sense of safety, although the effectiveness of CCTV in terms of enhancing security was questioned.

4.4 Discussions about the Use of Surveillance Cameras in the MTR/KCR

This focus group investigated the same three themes.

Attitudes Towards the Installation of CCTV in the MTR/KCR

In this focus group, discussants generally felt safer having CCTV installed at MTR/KCR locations for security purposes. They valued the use of CCTV for identifying problems inside stations and ensuring crowd control on the platform especially during peak hours.

They tended to feel that their privacy was not intruded upon in this context. The transient nature of passenger movement was mentioned as a possible explanation for this. In addition, the operation of CCTV was considered acceptable because it was obviously transparent.

Attitudes Towards Scanning vs. Video Recording

Discussants tended to think that video recording was desirable. However, they were concerned about how long the tape records would be retained and thought that tapes should be erased after a period of time.

The Impact of the Installation of CCTV on Choice

In discussions concerning the installation of CCTV and the quality of service delivered by the respective transport operators, discussants revealed that they would not take cameras into consideration when coming to a view about the quality of services provided by MTR/KCR.

When given the choice, discussants indicated that they were generally in favour of CCTV in this context. They were of the view that CCTV was essential on station platforms. A few discussants stated that they would not have any reservations if CCTV were to be installed inside trains.

In terms of selecting between alternative modes of transport discussants indicated that the presence of CCTV would have no bearing upon their choice. However, it was considered undesirable for CCTV to be installed in taxis because there was no obvious purpose to be served.

4.5 Discussions about the Use of Surveillance Cameras in Car Parks

Attitudes Towards the Installation of CCTV in Car Parks

Discussants were generally of the view that the installation of CCTV in car parks would enhance the level of security; something that was valued by car-owners. They tended to think that privacy would not be an issue in this context.

Some discussants cited personal experiences about the deployment of CCTV in car parks. For example, there were cases where vehicles had been stolen or damaged but CCTV records were of little value because the recording was of such poor quality.

Attitudes Towards Scanning vs. Video Recording

Discussants expressed the view that a video recording was important for security purposes and that the cost of video recording would be much less than having guards patrolling 24 hours a day. However, discussants also valued the employment of guards because they could take immediate action when incidents occurred.

The Impact of the Installation of CCTV on Choice

Discussants revealed that the value of installing CCTV in car parks would

be influenced by factors such as the period of time for which their car were parked and whether it was an expensive model. Otherwise, pragmatic issues such as price and availability of parking space would be of greater concern.

4.6 Discussions about the Use of Surveillance Cameras at University

Attitudes Towards the Installation of CCTV on Campus

In student discussions regarding the installation of CCTV on campus, opinions were diverse. Having CCTV scanning in locations such as deposit areas for personal belongings in a library afforded a greater sense of security. However, the effectiveness of CCTV in certain locations was questioned. For example, where CCTV scanned campus access roads, cars might not be required to stop. As a result it might prove hard to capture and identify a vehicle license plate number.

Some discussants felt that CCTV would have a limited deterrent effect, rather than a more practical effect, because those contemplating any wrongdoing would have strategies expressly designed to defeat the CCTV system.

CCTV was not generally considered to be privacy-intrusive as the campus locations in which cameras were deployed were considered to be public places.

Attitudes Towards Scanning vs. Video Recording

A few discussants maintained that video recording was necessary because scanning would only have a deterrent effect. It was also felt that the scanning/recording decision should be a function of the location under surveillance. In places where security measures were effective e.g. the entrance outside a residential hall, scanning was considered adequate.

The Impact of the Installation of CCTV on Choice

Discussants were of the view that the operation of CCTV would not affect their choice of place for congregating. Indeed, for some the presence of cameras might make them more conscious of their behaviour in public.

In a discussion about preferences regarding the installation of CCTV on campus, opinions differed towards the use of surveillance in specific

locations e.g. the library. Some discussants supported surveillance in the interests of library security while others were opposed to the idea. More generally discussants tended to think that CCTV was not a big issue if the individual was not intent upon wrongdoing.

The need to notify people of the operation of cameras was emphasized.

4.7 Discussions about the Impact of Surveillance Cameras on Tourism

Attitudes Towards Public Security in Hong Kong

Discussants from the PRC and UK both agreed that public security in Hong Kong was good; they felt safe visiting the city. They commented that they saw few police on the streets and inferred from this that all was well.

Attitudes Towards the Operation of CCTV

PRC tourists stated that the operation of CCTV was common in China, in places such as shopping plazas, squares, supermarkets and at traffic lights. UK discussants indicated that CCTV was effective in curbing vandalism in Britain and that people had grown accustomed to them. Both sets of tourists regarded the operation of cameras in Hong Kong as unobtrusive.

Discussants felt a sense of security in having CCTV in public places and valued their deployment in protecting security. They stated that, from a tourist viewpoint, they were pleased to have a high level of security measures to protect them. They felt CCTV could have a deterrent effect on criminals and would provide tape records to assist in tracing criminals. However, they acknowledged that “skilful criminals” might be able to outwit CCTV systems.

Discussants seemed accustomed to CCTV because their operation was commonplace in the PRC and the UK.

Circumstances Under Which the Installation of CCTV is Regarded as Legitimate

Discussants generally accepted the installation of CCTV in public places for security purposes. However, they felt that the installation of CCTV in private places, or locations with good security, to be unacceptable. In general they felt that CCTV would not intrude upon the privacy of citizens.

Some discussants thought that camera operators should post notices in the vicinity of CCTV cameras to notify the public that they were in operation.

The Impact of Security on Choice of Travel Destination

PRC and UK tourists agreed that the security of a place was an important factor influencing their choice of travel destination. Some mentioned that they would not go to certain destinations in Asia and beyond because public security levels were an issue.

4.8 Attitudes Towards the Installation of CCTV in Retail Shops

Discussants mentioned that the installation of CCTV in retail shops served two main purposes: the prevention of crime and as a means of monitoring staff performance. There was general agreement that CCTV had a deterrent effect on curbing theft and discussants felt safer as a result.

Discussants cited situations where there was the prospect of wrongdoing and this justified the use of CCTV e.g. theft from stock-keeping areas.

Attitudes Towards Scanning vs. Video Recording

Discussants saw value in having tape records and generally supported video records over scanning.

The Impact of the Installation of CCTV on Choice

Insofar as employees working in retail shops were concerned, they did not feel their privacy was unduly intruded upon by the presence of cameras. They were more inclined to regard surveillance as one aspect of working and shopping in a retail store.

- 4.9 Given that focus groups are comprised of small samples and are generally intended to yield qualitative data it is not meaningful to assign percentages to views expressed by discussants. The purpose of conducting these group discussions was to obtain from participants the parameters, meaning, values and perceptions attached to a particular phenomenon. In effect the focus groups permitted the development of a conceptual map which was subsequently used to frame the design of the telephone questionnaire: a quantitative research tool. In this survey all focus groups were asked to discuss two common issues: the use of surveillance cameras in general and the HKP proposal to deploy cameras in LKF. Having aired these topics

discussion moved on to a consideration of the issues associated with operating cameras in a specific context.

5 Telephone Survey: Summary of Findings

5.1 Methodology

1103 respondents completed the questionnaire giving a response rate of 41% (see Figure 1 for details). This response rate is a little low, but not unreasonable given the subject matter. Respondents were chosen using the last birthday rule to select one adult respondent from each of 1103 different households.

Figure 1 - Telephone Survey Responses

| Category | Number | % |
|------------------------------------|---------------|------------|
| Completed Interview | 1103 | 41 |
| Partial Interview | 130 | 5 |
| Refusal by household or respondent | 1477 | 54 |
| Total | 2710 | 100 |

The telephone questionnaire was designed around situations and concepts raised during the focus group discussions. The intention was to present situations that most respondents could both identify with, and assess, without too much difficulty. However, the situations were also designed with variety in mind so that it would be possible to gain some understanding of where the general public believes that limits should be placed in terms of the use of surveillance cameras.

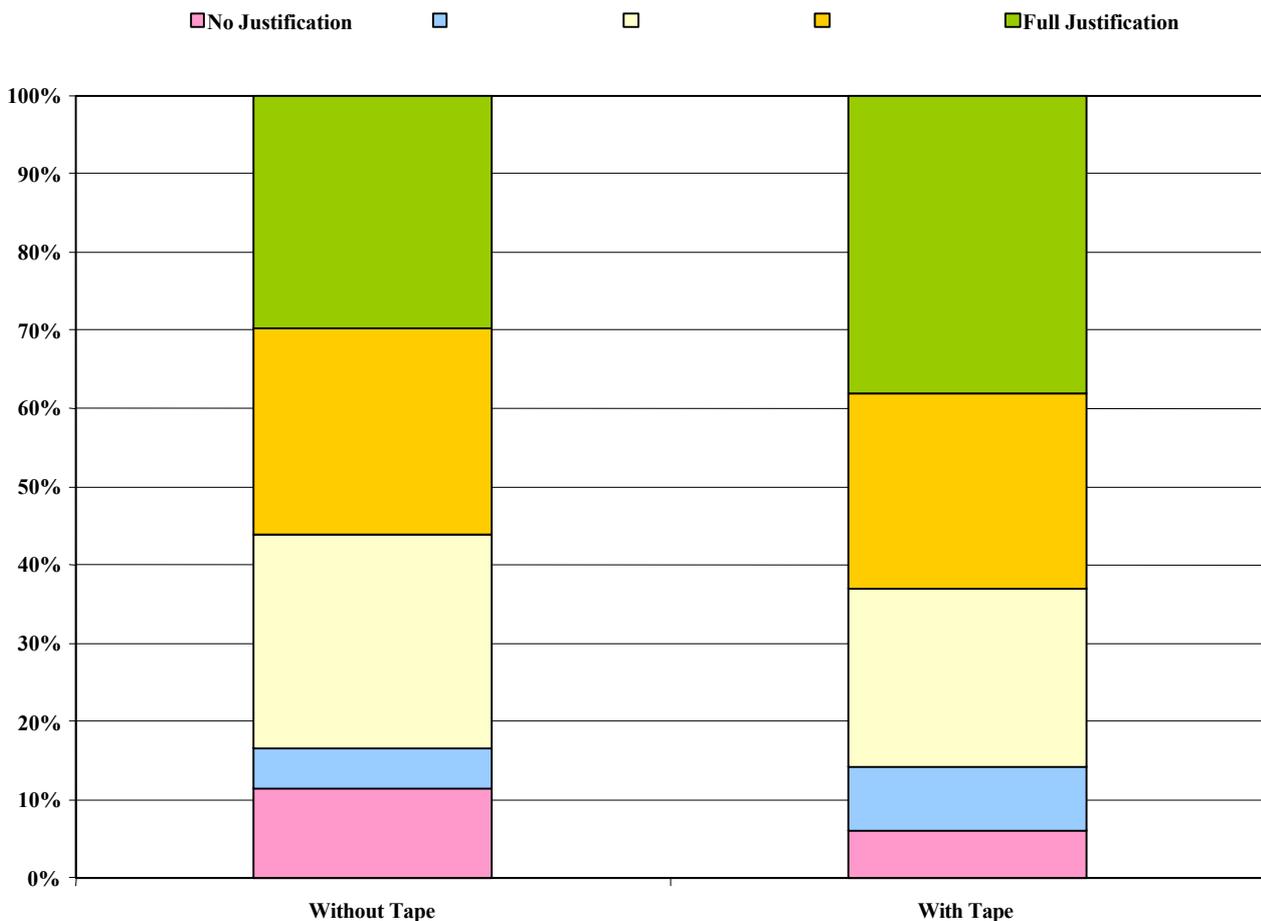
Respondents were presented with six different scenarios. In the first five of these they were asked about the use of surveillance cameras with and without recording. They were also asked about the retention period where a tape record was kept. The six scenarios were retail shops, car parks, transport (on trains and platforms), Lan Kwai Fong, during public demonstrations and at the entrance to apartment blocks. In the latter example respondents were asked to make privacy and security assessments for three different forms of surveillance. Participants were then asked about seven different possible means of controlling the use of cameras e.g. licensing. Finally, they were asked for demographic data including car

ownership, whether they had ever visited Lan Kwai Fong, the type of surveillance at the entrance to their home as well as gender, age, education and personal income details. All subjective assessments were recorded using a standardised five-point scale.

5.2 Retail Shops

Respondents were asked about the use of surveillance cameras for the prevention and detection of crime in retail outlets, both with and without the use of taping. The response scale ran from “No Justification” to “Full Justification”. Figure 2 shows summary responses which indicate that 29% of respondents found filming without taping fully justified and 38% found filming with taping fully justified. They were then asked about the possible retention period for any tapes, other than when a crime had been committed, 59% thought that tapes should be kept for at least a week before destruction.

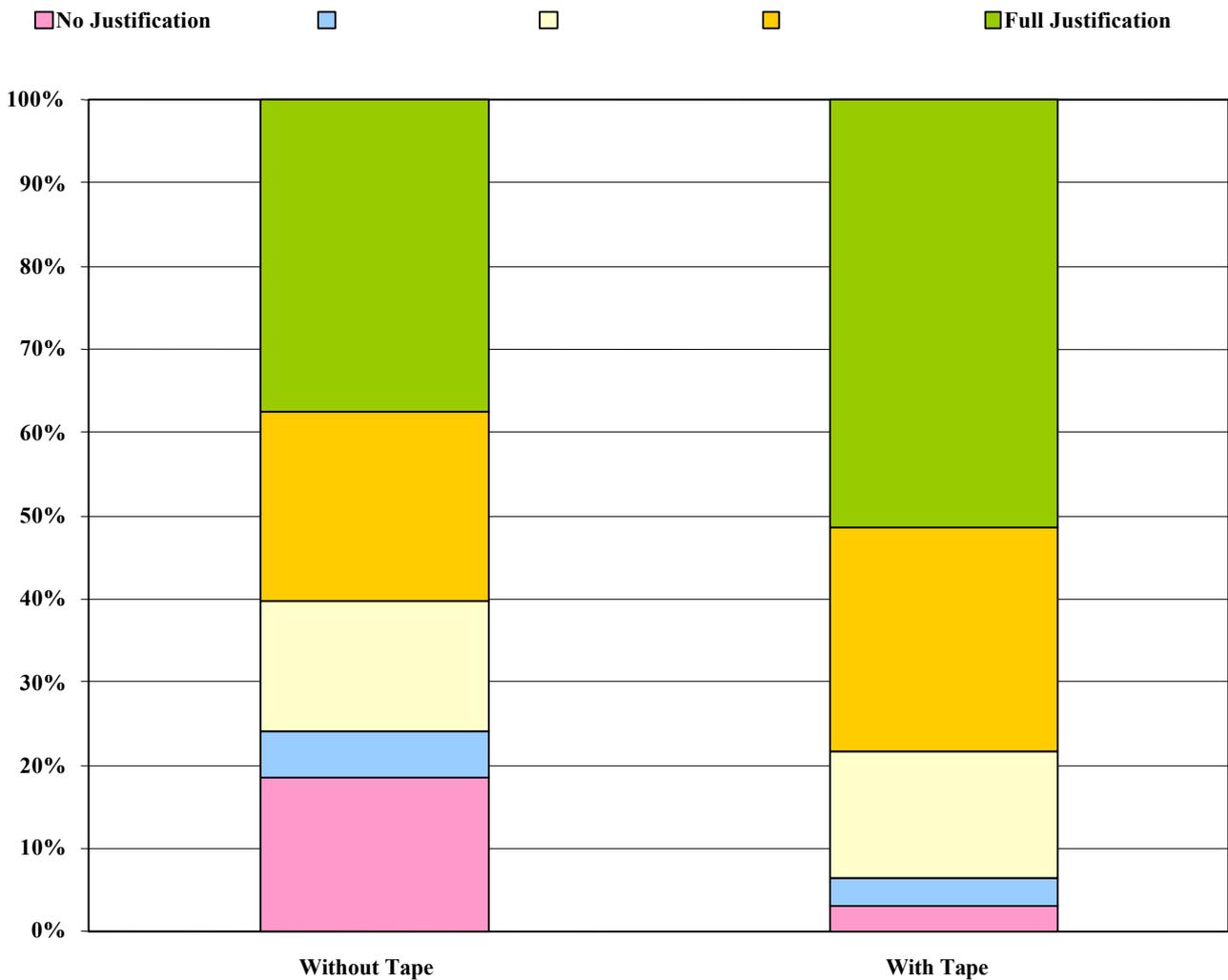
Figure 2 CCTV Retail Shops



5.3 Car Parks

Respondents were asked whether they thought the use of cameras were justified to prevent theft or damage in public car parks, both with or without the use of taping. In this scenario, 38% of respondents found filming without taping fully justified and 51% found filming with taping fully justified (Figure 3). When asked about the possible retention period for tapes, other than when a crime had been committed, 62% thought the tapes should be kept for at least a week before destruction.

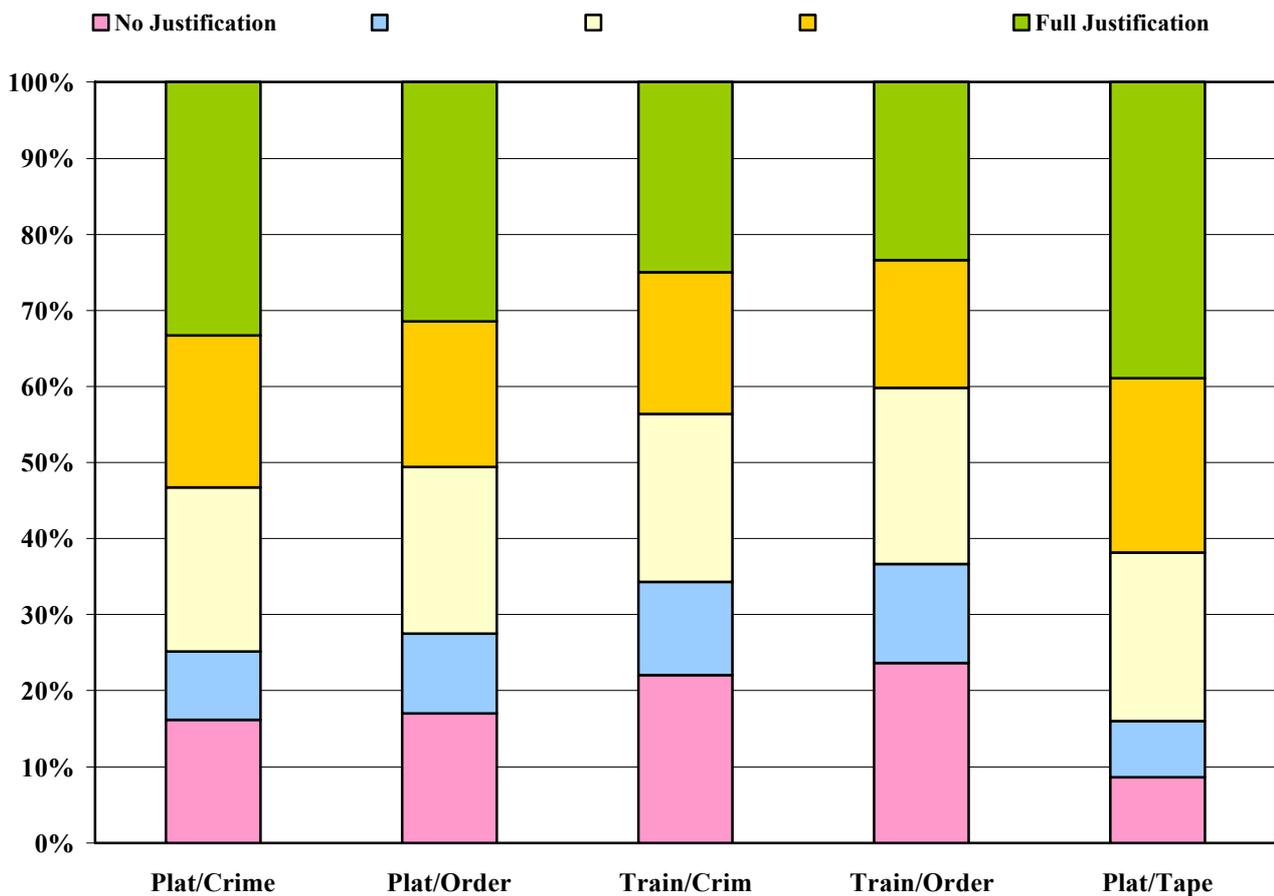
Figure 3 CCTV Car Park



5.4 Transport

In the transport scenario, questions distinguished between filming on the platform and in a train and also between the purposes of preventing and detecting crime on the one hand and retaining public order on the other. Filming without taping was thought to be fully justified by 33% for preventing and detecting crime and 32% for keeping public order on the platform. The corresponding figures for filming inside a train were 25% and 23%. Filming on the platform with taping was thought fully justified by 39% for preventing and detecting crime. Figure 4 shows a summary of the five questions and findings. 56% of respondents supported keeping tapes for at least a week other than when a crime had been committed.

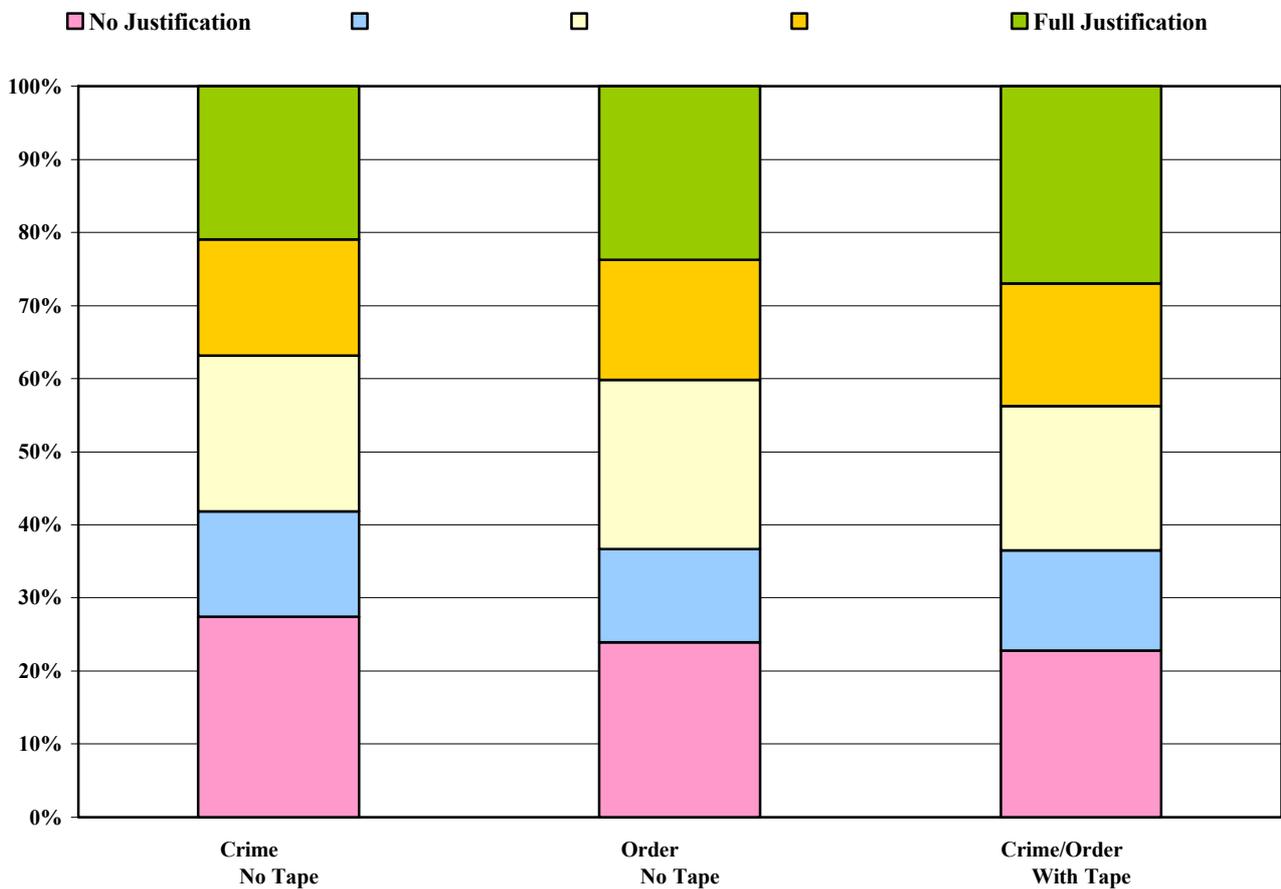
Figure 4 CCTV Platform/Train



5.5 Lan Kwai Fong

For Lan Kwai Fong, the distinction was between ensuring public order (the reason given by the police) and preventing and detecting crime. Filming without taping was thought fully justified by 21% for the purpose of preventing and detecting crime and by 24% for the purpose of keeping public order (Figure 5). 27% of respondents felt that taping was fully justified for preventing crime and keeping public order. 50% of respondents supported keeping tapes for at least a week.

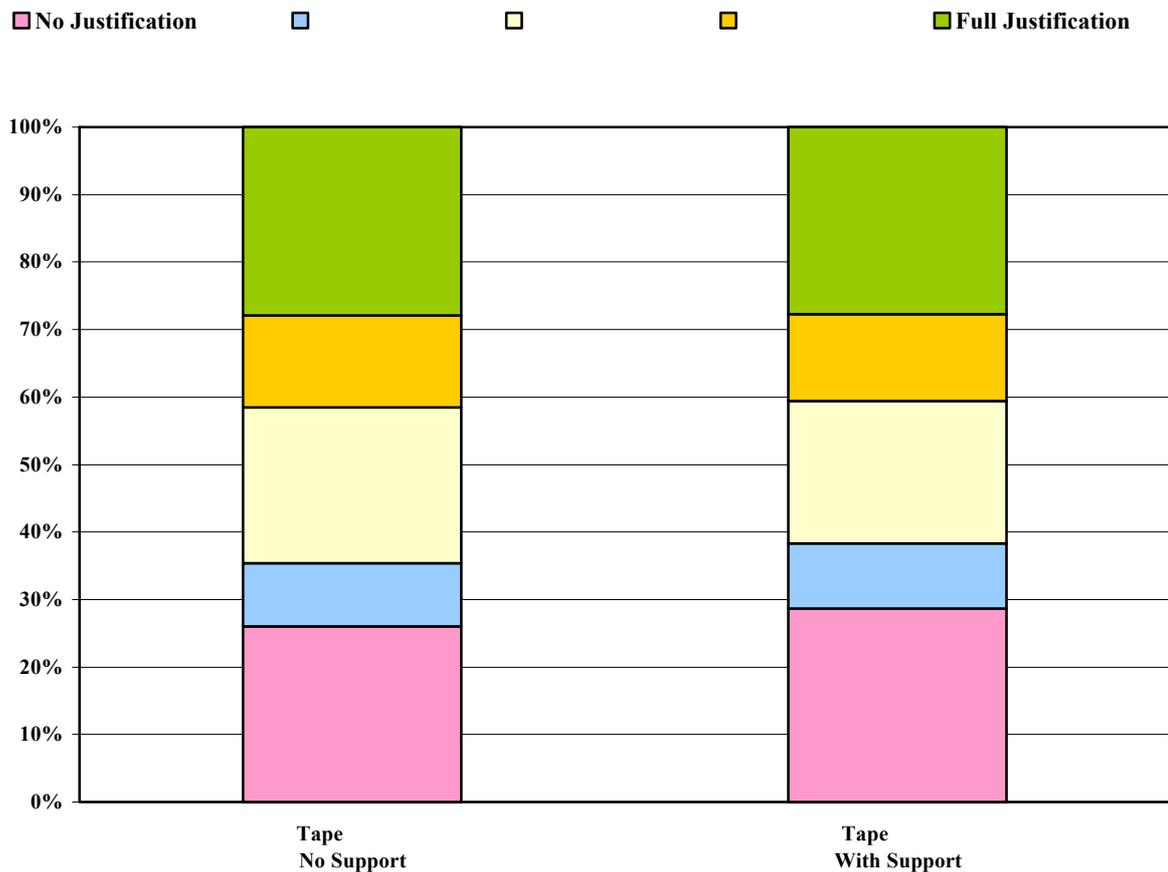
Figure 5 CCTV Lan Kwai Fong



5.6 Demonstrations

This situation attempted to identify the extent to which privacy concerns are based on personal concerns, as distinct from social concerns. Respondents were asked how they felt about video-taping demonstrators where they *did not* support the demonstrators, and video-taping when *they did* support the demonstrators, and might consider taking part. The results were identical with 28% feeling that taping was fully justified (Figure 6). The answers to retaining the tapes were similar with 47% and 49% respectively supporting retention for at least a week.

Figure 6 Taping Demonstrators



5.7 A Comparison of Five Locations

Comparisons between questions about filming *without taping* are illustrated in Figure 7.1. What this shows is that car parks had the greatest proportion of respondents stating that filming was fully justified (38%). This was followed by train platforms (33% and 32% for crime and public order respectively), then by shops (29% for crime), in trains (25% for crime and 23% for public order respectively) and lastly Lan Kwai Fong (24% for public order and 21% for crime respectively). These figures appear to reflect the extent to which respondents felt that cameras were able to help solve a genuine problem in different circumstances.

Figure 7.1 CCTV Without Taping

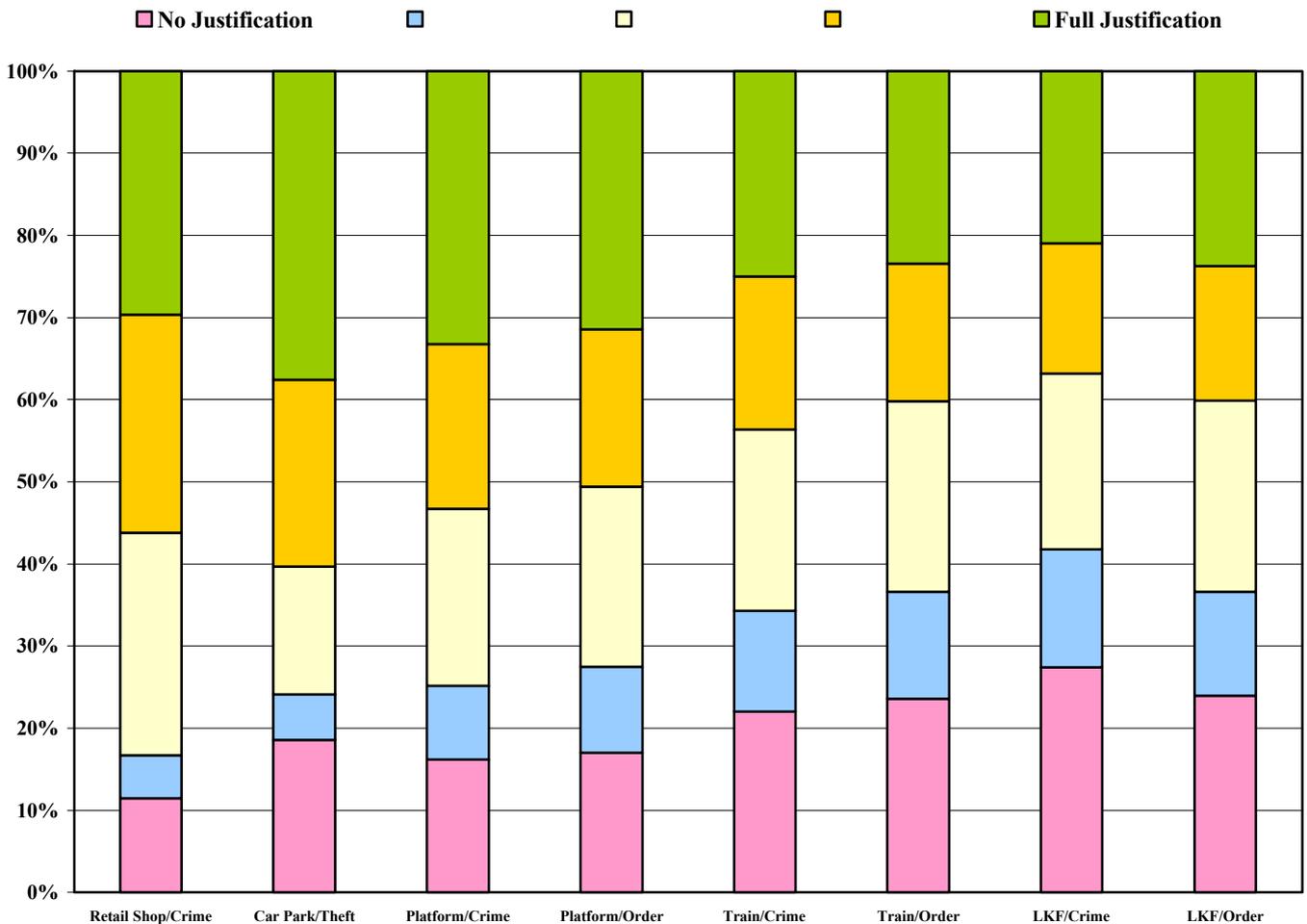


Figure 7.2 shows the comparison of filming *with taping*. The highest level of support was for car parks (51% of respondents indicated full justification for the prevention of crime and damage), followed by train platforms and shops (39% and 38% respectively), trailed by demonstrations and Lan Kwai Fong (28% and 27% respectively). This is consistent with the filming without taping and interestingly, the figures are slightly higher than the figures without taping, suggesting that taping is seen as essential, if the filming is to achieve the stated purpose.

Figure 7.2 CCTV With Taping

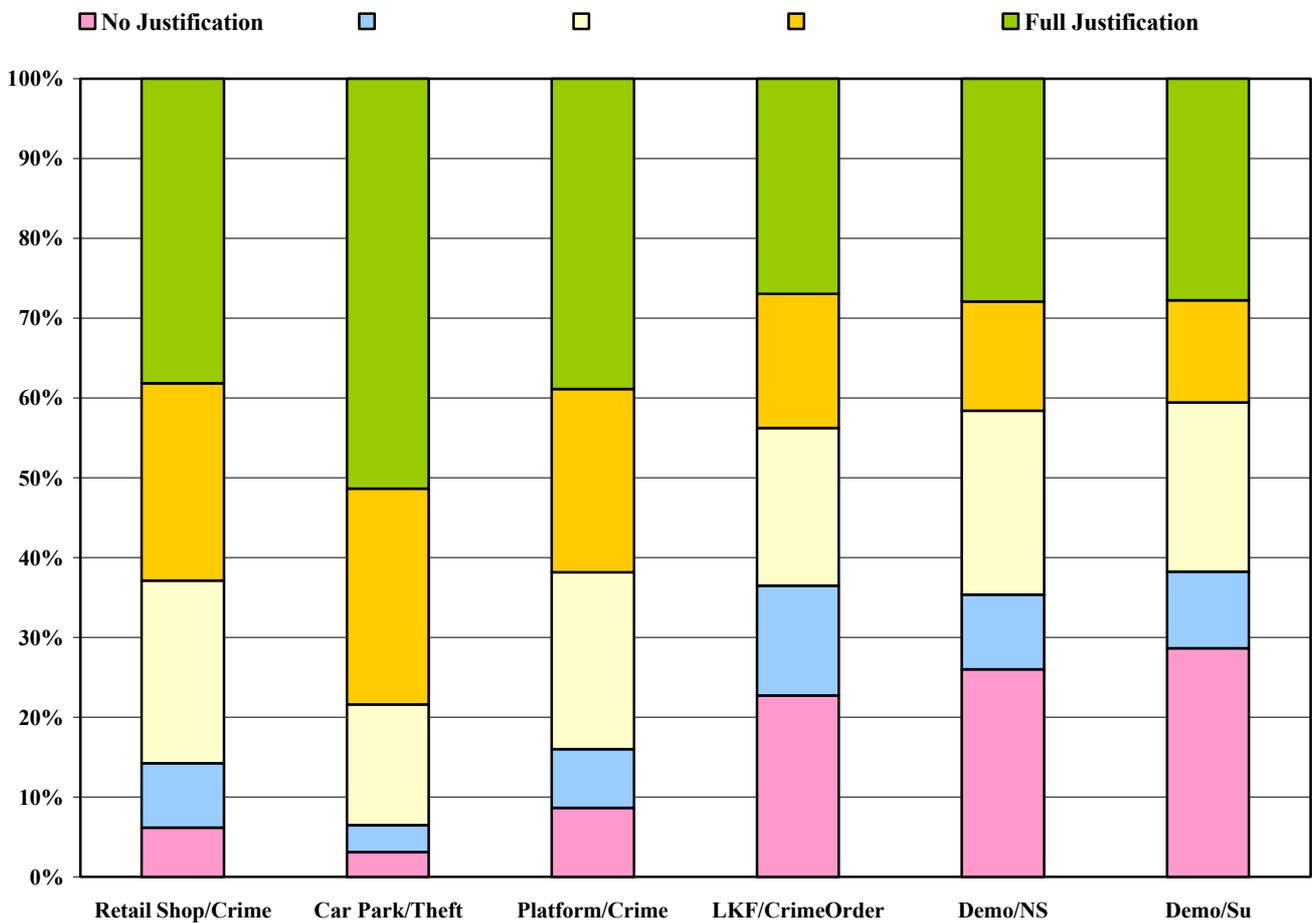
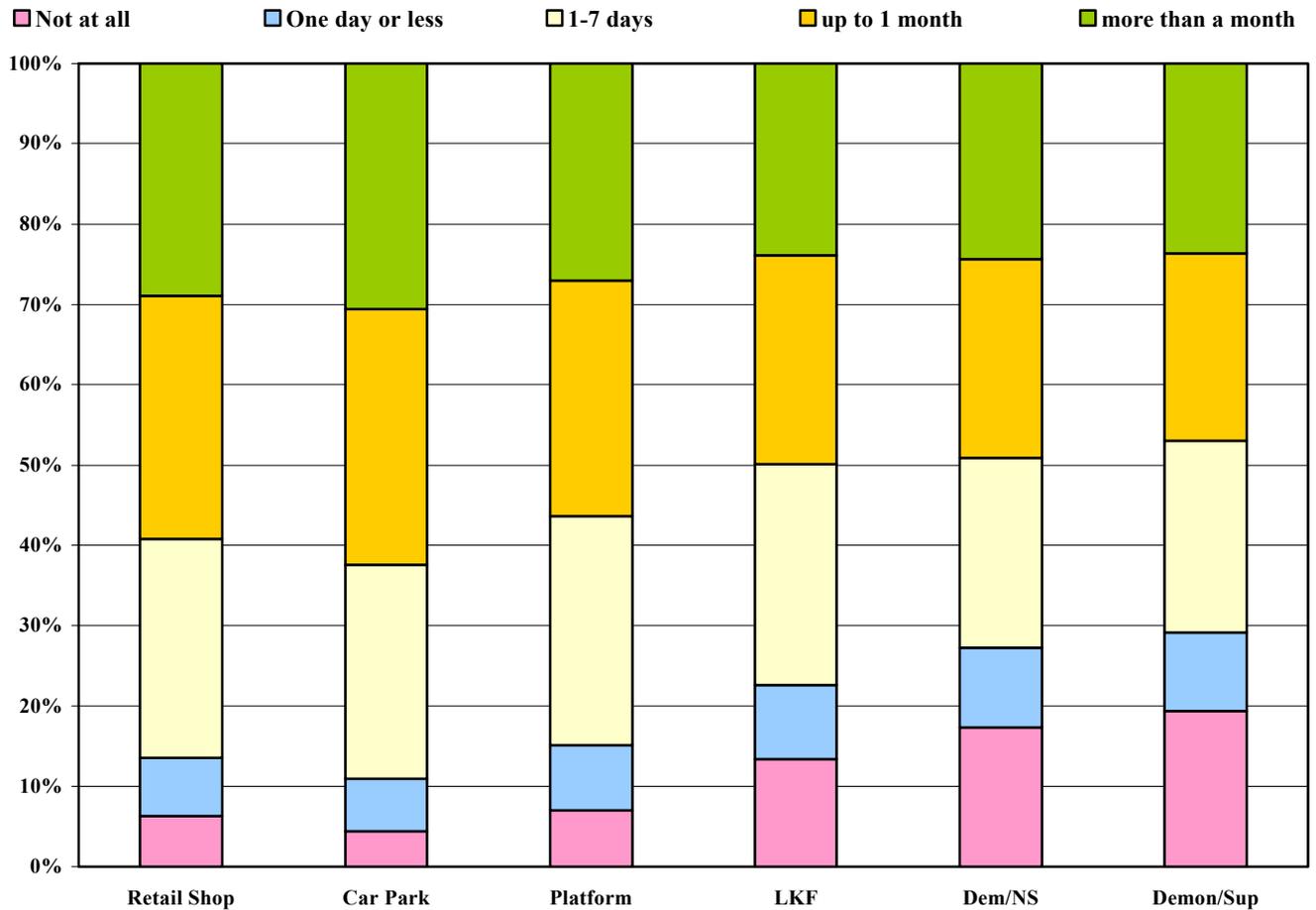


Figure 7.3 compares retention times in different situations. The responses are quite consistent across the range of situations with a high of 62% supporting retention of more than one week for car parks and a low of 47% for demonstrations for the same period. This suggests that the majority of respondents see this as a distinct issue in terms of how long a retention period is necessary in order to be able to make real use of the tapes for the stated purposes.

Figure 7.3 Tape Retention Time



5.8 Housing

In the housing category, respondents were asked to compare three different types of surveillance used for visitors to tower blocks namely: audio only, video seen only by the tenant and video seen by all tenants. Respondents were asked to evaluate the three systems in terms of privacy (on a scale from very privacy-invasive to very privacy-safe) and security (on a scale from very insecure to very secure). For privacy, voice was stated to be very privacy-safe by 40% of respondents, tenant video by 39% and all video by 18% (Figure 8.1). For security, 21% found voice only to be very secure, 44% found tenant video to be very secure and 40% found all video to be very secure (Figure 8.2). Lastly, respondents were asked which system they preferred. 61% preferred tenant video, 30% preferred all video and only 7% preferred voice only (Figure 8.3).

Figure 8.1 Housing Privacy

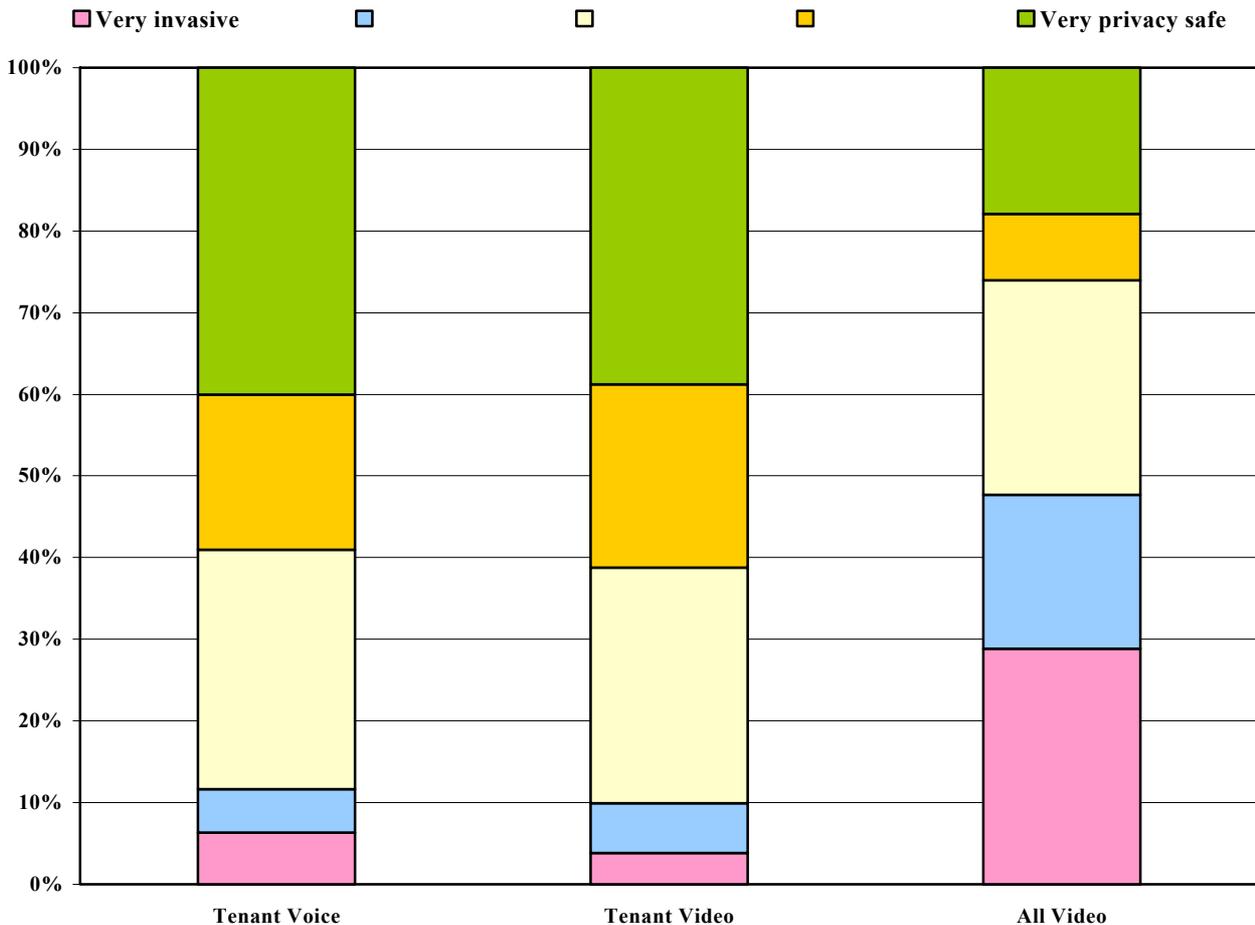


Figure 8.2 Housing Security

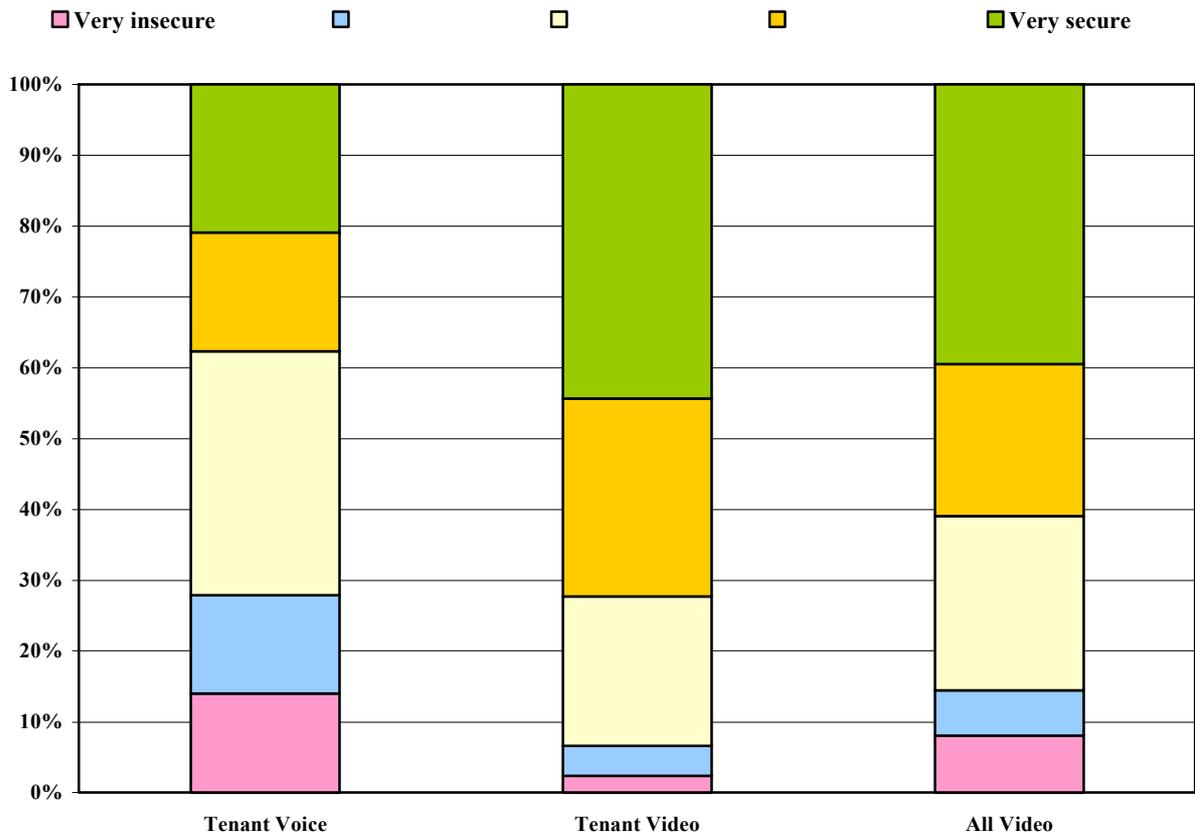
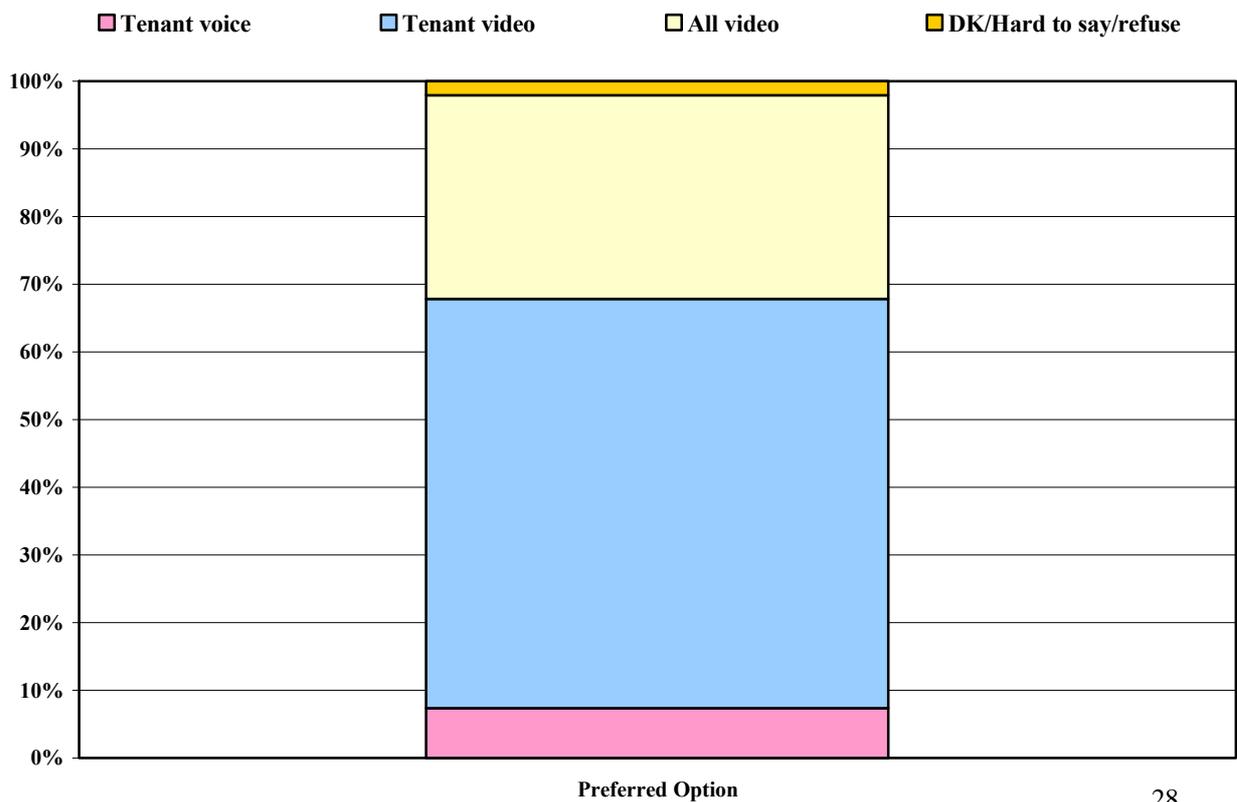


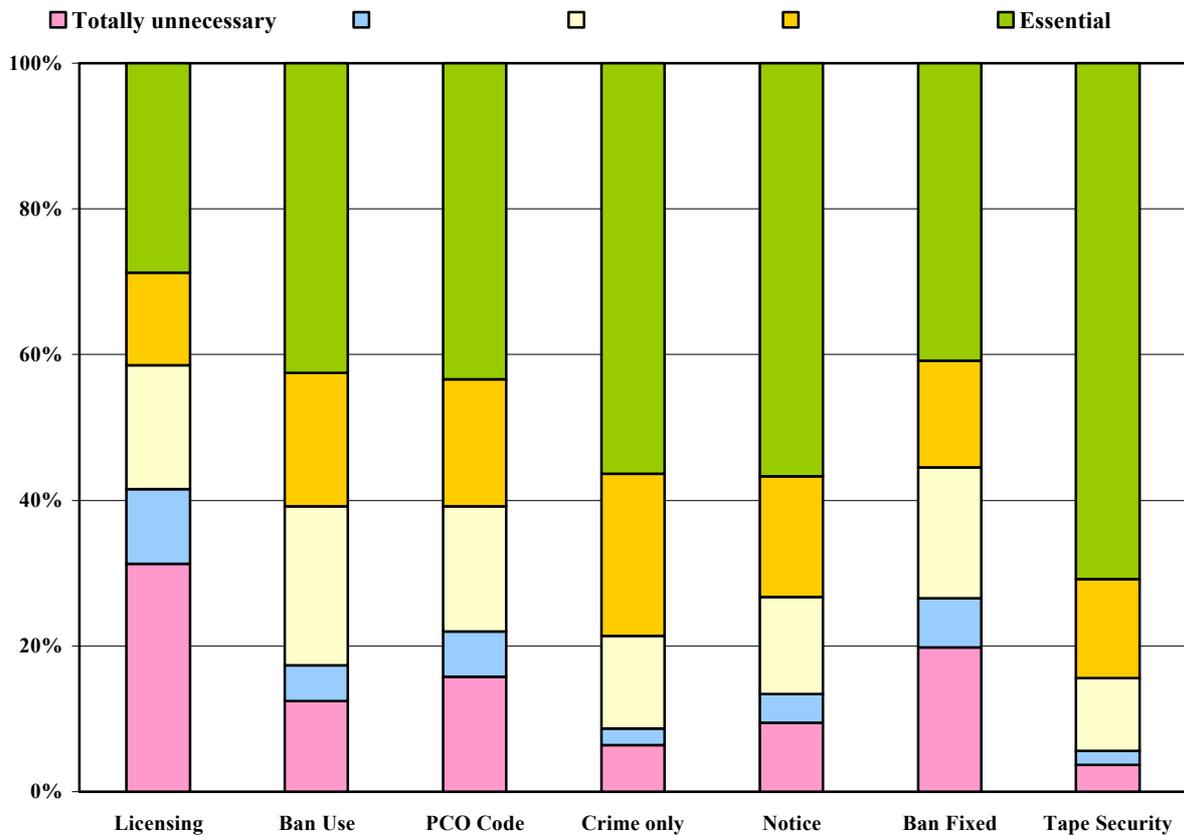
Figure 8.3 Housing Preference



5.9 Evaluation of Controls

Using ideas first raised in the focus groups, respondents were presented with seven possible means of controlling the use of surveillance cameras and asked to evaluate each one on a five-point scale from totally unnecessary to essential. The most popular option was tape security requirements with 71% of respondents considering it essential. This was followed by: requiring public notification when using cameras (57% essential); only permitting access to the tapes in the case of crime (56% essential); a PCO code of conduct (43% essential); banning the use of cameras in some situations (43% essential); banning filming that is fixed on individuals (41%); and licensing the use of cameras (29%). A summary is shown in Figure 9.

Figure 9 Necessity of Safeguards



5.10 Demographics

In terms of demographics by far the strongest association was between educational attainment level and the response provided. Generally, those with primary education or below were more likely to believe that surveillance cameras were fully justified in virtually all situations. For example, in retail shops, 60% of those with primary education, compared with 37% of those with secondary education and 30% of those with tertiary education found taping fully justified. Those with a lower education standard also found all the means of housing surveillance more privacy-safe and more secure.

Age also impacted upon many responses, with older people generally finding the alternative means of housing surveillance safer and more private. They also found taping more justifiable for shops, car parks and platforms and were supportive of requiring tape security and only showing tapes for crime-related purposes.

People with higher incomes were less supportive of cameras without tape in Lan Kwai Fong but were supportive of requiring public notification, banning fixed filming and requiring tape security. However, they were less supportive of licensing camera use.

Men were more likely to find cameras in retail shops as justified, while women were more likely to support longer retention periods for tapes across a wide range of situations. Women were also more supportive of licensing, banning some camera uses and a PCO code of practice.

Car owners were more likely to find camera taping in car parks justified (60% versus 49% for non-owners).

Those who had visited Lan Kwai Fong were less likely to support filming without taping (24% found it fully justified versus 32% for non-visitors).

For home visitor surveillance, respondents generally had a higher opinion of the system used in their own home, but there was still a clear preference for tenant-only video across all groups (56% amongst those with systems that show video to everyone against 70% for those who already had tenant video).

5.11 Discussion of Findings

A superficial inspection of the findings presented might lead to the conclusion that Hong Kong people are generally tolerant of video surveillance in that many of them are persuaded that surveillance is justified in a broad range of situations. They also seem prepared to accept quite long retention periods for any surveillance tape records and find taping more justified than cameras without taping. However, it is important to balance this interpretation against widespread support for various controls on the use of cameras. In effect all the controls proposed, with the exception of licensing camera use, show strong support.

While the telephone survey did not attempt to identify the reasons why people should show stronger support for filming in some situations than others, the results are consistent with those of the focus groups in that they indicate the influence of crime prevention and public security upon the views expressed. Most focus group respondents accepted that car parks, shops and train platforms need cameras, while they were less persuaded of the need in LKF, which was seen as relatively crime free.

The questions on surveillance at entry to housing also illustrate that the general public is quite able to assess the relative privacy and security issues, and those support procedures that are less privacy-invasive, as long as they provide adequate security.

The only critical demographic gradient seems to be that the more educated are generally more cautious of the justifications advanced in support of surveillance in a wide range of situations.

6 Operators Attitudes Towards the Use of Surveillance Cameras in Public Places

6.1 The third stage of the research design involved in-depth interviews with operators of surveillance cameras in situations that matched those covered in the focus groups: retail outlets; car parks; MTR/KCR; LKF; housing estates; and tertiary education institutions.

6.2 A standard set of questions were put to all interviewees. These are summarised below.

6.2.1 Operations

~ Where and how many surveillance cameras were operated?

- ~ What are the main purposes of operating the cameras?
- ~ Does the operation of such cameras involve workplace surveillance?

6.2.2 Tapes

- ~ If you make video tape recordings, how long do you retain tape records and how do you dispose of them?
- ~ Is it possible to identify individuals from the tapes and do you collect information about a person(s) you have identified?
- ~ Who is responsible for controlling access to, and use of, video tapes and what instructions and measures are in place for control and access?
- ~ Does your organisation disclose the content of video tapes to third parties?

6.2.3 Notification

- ~ How does your organisation inform individuals of the operation of cameras?
- ~ Has your organisation ever received any enquiry about the use or purpose of cameras and video tape records?

6.2.4 Benefits

- ~ How do you think that cameras enhance security in your organisation?
- ~ Do you think that the operation of cameras is an indicator of service quality?
- ~ How and why do you think that cameras can bring benefit to your organisation?

6.2.5 Privacy

- ~ Has your organisation formally adopted written policies to comply with the Personal Data (Privacy) Ordinance?
- ~ How necessary do you find the following privacy safeguards, and what difficulties do you foresee if they were to be implemented?
 - Tape disclosure only in the event of crime.
 - Public notice of camera operation.
 - Prohibiting the use of cameras for constant surveillance of individuals.
 - Organisation security guarantees for the security of video tapes.
 - A PCO Code of Conduct on the use of surveillance cameras in public places.

- Requiring licensing for surveillance cameras in public places.

~ Do you have any suggestions regarding privacy safeguards in terms of the operation of cameras in public places?

6.3 The in-depth interviews with camera operators indicate that in nearly all situations cameras are widely used primarily for two purposes: the prevention and detection of crime and to ensure public safety and order.

Tapes Nearly all situations use tapes, which are retained for varying periods, often depending upon advice from the police.

Notification Many cameras were placed in locations without proper public notification. However, the impression gained from interviewees was that notification was unnecessary because the operation of cameras was obvious to the public, as distinct from any desire on the part of the operator to conceal the existence of cameras from the public.

Benefits Operators all seem convinced of the value of cameras although in the case of crime they clearly expect the main benefit to be in terms of prevention rather than detection. For safety, such as in lifts, cameras enable operators to review accidents.

Privacy

- Tape disclosure only in the event of crime was supported if this reason were to be widened to include the reviewing of accidents.
- The requirement to notify the public was widely supported.
- Banning the constant surveillance of individuals was fully supported.
- There was support for a security guarantee for tape records subject to the proviso that security cannot be total.
- Strong support for the PCO to formulate a Code of Conduct for public place surveillance.
- There was a very negative response towards the licensing proposal with the only possible exception being for highly sensitive situations.

7 Implications of the Findings for the PCO

7.1 The findings derived from the three stages of this survey of perceptions towards surveillance cameras in public places have a number of implications for the PCO in terms of the future development of privacy policy. In looking at the results it is possible to extract some key findings that need to be taken into account prior to developing a position on

surveillance in a public place. What emerges from each of the three stages of the survey is that few respondents or interviewees have a principled objection towards surveillance cameras in public places. In addition, the respondents surveyed are supportive of the use of taping. However, support is conditional upon a number of issues that first emerged in focus group discussions and were subsequently reinforced by the responses given in the telephone survey.

- 7.2 Most people seem to be of the view that both security and privacy are important considerations although there was a wide range of opinion about how to balance them. Generally, most participants were persuaded that there are very often sufficient security and prevention of crime benefits to justify the use of surveillance cameras. In nearly all the situations investigated respondents supported the use of taping for these purposes.
- 7.3 Support for surveillance cameras in public places was conditional upon the following considerations.
 - 7.3.1 The use of cameras needs to be justified in terms of public security and/or crime prevention and detection.
 - 7.3.2 The use of cameras needs to be convincingly demonstrated in terms of a specific location e.g. a high crime area, and the time during which the cameras are operational e.g. festivals, or where there is the risk of an incident.
 - 7.3.3 Privacy-related interests need to be considered even though they may be accorded a lower priority than security or crime prevention or detection.
 - 7.3.4 There is a clearly expressed need for transparency over the use and purpose of cameras including procedures relating to notification, tape security, access to tapes and the period of their retention.
 - 7.3.5 There should be some supervisory mechanism, possibly a Code of Practice formulated by the PCO, for use by government departments, to ensure appropriate controls over the access and use of tape recordings and to avoid abuse.
 - 7.3.6 Support for licensing camera use was quite low which suggests a preference for a supervisory regimen that does not place too great a burden upon responsible users.