

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)1661/05-06
(These minutes have been seen by
the Administration)

**Bills Committee on
Interception of Communications and Surveillance Bill**

**Minutes of meeting
held on Thursday, 16 March 2006 at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon LAU Kong-wah, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Mr Stanley YING
Permanent Secretary for Security

Miss S H CHEUNG
Deputy Secretary for Security

Mrs Apollonia LIU
Principal Assistant Secretary for Security

Mr Ian WINGFIELD
Law Officer (International Law)
Department of Justice

Ms Sherman CHAN
Senior Assistant Law Draftsman

Ms Frances HUI
Senior Government Counsel

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2)5

Ms Alice CHEUNG
Legislative Assistant (2)1

I. Election of Chairman

Ms Miriam LAU and Mr LAU Kong-wah were elected Chairman and Deputy Chairman of the Bills Committee respectively.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Bills Committee requested the Administration to –
 - (a) provide information on the definition of “public security” in other jurisdictions;
 - (b) explain the exceptions to the protection of legal professional privilege, the effect of Article 35 of the Basic Law, and provide its response to the views given by the judge on legal professional privilege in the case of *Three Rivers District Council and others v Governor and Company of the Bank of England* in the United Kingdom;
 - (c) explain whether an authorisation given by a panel judge for interception of communications or surveillance was a judicial authorisation; and
 - (d) explain the difference between “confidential information” and “highly sensitive materials” referred to in the paper entitled “Proposed Integrity Checking on Panel Judges”.

III. Dates of subsequent meetings

4. The Bills Committee agreed that further meetings would be held on Saturday, 25 March 2006 from 9:00 am to 11:00 am and Thursday, 6 April 2006 at 8:30 am to continue discussion with the Administration. The Bills Committee also agreed that a meeting would be held on Monday, 3 April 2006 from 9:00 am to 1:00 pm to receive public views on the Bill.

5. The meeting ended at 12:45 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Thursday, 16 March 2006 at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000657	Hon Albert HO Hon LAU Kong-wah Hon LEE Cheuk-yan Hon Miriam LAU Hon LEE Cheuk-yan Hon Emily LAU	Election of Chairman	
000658 – 001312	Chairman Hon Margaret NG Hon SIN Chung-kai Hon Andrew LEUNG Dr Hon Philip WONG Hon LAU Kong-wah	Election of Deputy Chairman	
001313 – 001609	Chairman Hon Margaret NG	Relevant papers	
001610 – 003049	Hon Emily LAU Chairman Hon Margaret NG Hon LEE Cheuk-yan Hon Mrs Selina CHOW Hon CHAN Kam-lam Hon Andrew LEUNG Hon Jeffrey LAM Hon LAU Kong-wah	Dates of subsequent meetings to continue discussion with the Administration and receive the views of the public on the Bill	
003050 – 003500	Hon LEE Cheuk-yan Chairman Admin Hon Emily LAU Hon Ronny TONG	Pace of scrutiny of the Bill	
003501 – 004357	Chairman Admin	Briefing on the Administration's paper entitled "Interception of Communications and Surveillance Bill – Overview" (LC Paper No. CB(2)1423/05-06(02))	

Time marker	Speaker	Subject(s)	Action Required
004358 – 004743	Hon Howard YOUNG Admin Chairman	Whether the Government had any plans to enact legislation on interception of communications and surveillance by non-government entities	
004744 – 005710	Hon Emily LAU Admin	Resource implications of proposals in the Bill on the Judiciary	
005711 – 010545	Hon LEE Cheuk-yan Admin Chairman	Purposes for which authorisation could be given under the Bill; whether there should be a definition for “public security”	Admin to provide information on the definition of “public security” in other jurisdictions
010546 – 011956	Hon Margaret NG Hon Ronny TONG Admin	Effect of the Bill on legal professional privilege; whether information subject to the protection of legal professional privilege could be acquired, if judicial authorisation was granted, through interception of communications or surveillance; effect of Article 35 of the Basic Law (BL35)	Admin to explain the exceptions to the protection of legal professional privilege and the effect of BL35
011957 – 012904	Hon Albert HO Admin	Whether an authorisation given by a panel judge for interception of communications or surveillance was a judicial authorisation	Admin to explain whether an authorisation given by a panel judge for interception of communications or surveillance was a judicial authorisation
012905 – 014243	Hon Emily LAU Admin Chairman Hon Margaret NG	Proposed integrity checking on judges; difference between “confidential information” and “highly sensitive materials” referred to in the paper entitled “Proposed Integrity Checking on Panel Judges” (LC Paper No. CB(2)1423/05-06(03))	Admin to explain the difference between “confidential information” and “highly sensitive materials” referred to in the paper

Time marker	Speaker	Subject(s)	Action Required
014244 – 015133	Hon Margaret NG Chairman Admin	Impact of proposals in the Bill on legal professional privilege; criteria to be adopted in the granting of authorisations	
015134 – 015600	Hon Alan LEONG Chairman Admin	Views regarding legal professional privilege given by the judge in paragraph 25 of his judgment in the case of <i>Three Rivers District Council and others v Governor and Company of the Bank of England</i> in the United Kingdom (UK); scope of proposals in the Bill relating to legal professional privilege	Admin to provide its response to the views given by the judge in the UK case
015601 – 020003	Hon Ronny TONG Chairman Hon Margaret NG	Providing interested members with overseas legislation on interception of communications and covert surveillance to which reference had been made by the Administration in drawing up its legislative proposals	