

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 25 May 2006 at 8:30 am
in Conference Room A 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
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
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 Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP

Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung

Public Officers : Mr Stanley YING
attending 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 : Mrs Sharon TONG
attendance Chief Council Secretary (2)1

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

Mr Raymond LAM
Senior Council Secretary (2)5

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration –

Data surveillance devices

- (a) to provide information on the functions of data surveillance devices used by law enforcement agencies of Hong Kong and consider conducting a briefing on the data surveillance devices used by law enforcement agencies of Hong Kong; and

Enhancement equipment

- (b) to provide examples of enhancement equipment and explain the impact, if any, of such equipment on the health of the subject of interception of communications or surveillance.

3. The Administration advised that it would move Committee Stage amendments to –

- (a) amend the term “deputy of the head of the department” along the lines of “deputy head of the department”; and
- (b) amend the term “judicial authorization” to “judge’s authorization”.

II. Date of next meeting

4. Members noted that the next meeting had been scheduled for the same afternoon at 4:30 pm to continue discussion with the Administration.
5. The meeting ended at 10:30 am.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Thursday, 25 May 2006 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000509 – 000607	Chairman	Opening remarks	
000608 – 001255	Admin Chairman Hon LAU Kong-wah Hon Emily LAU	Examination of the definitions of “data surveillance device”, “department”, “device”, “device retrieval warrant”, “directorate officer”, “emergency authorization”, “enhancement equipment”, “examination”, “executive authorization” and “function” in clause 2	
001256 – 001424	Chairman SALA1 Admin	Examination of the definition of “head” in clause 2	
001425 – 001727	Chairman Admin	Examination of the definitions of “information system”, “inspect”, “install”, “intercepting act”, “interception” and “interception product” in clause 2	
001728 – 004021	Chairman SALA1 Hon Ronny TONG Hon Emily LAU Admin Hon Albert HO Hon Howard YOUNG Hon James TO Hon LAU Kong-wah Hon Mrs Selina CHOW	Examination of the definition of “judicial authorization” in clause 2	Admin to move CSA to amend the term “judicial authorization” in the Bill to “judge’s authorization”
004022 – 013114	Hon James TO Chairman Admin Hon Mrs Selina CHOW Hon Emily LAU	Meaning of “specific”, “reasonable expectation of privacy” and “private information” in the definition of “covert surveillance” in clause 2; meaning of “public place”	

Time marker	Speaker	Subject(s)	Action Required
013115 – 015124	Hon James TO Chairman Admin Hon Jeffery LAM Hon Howard YOUNG Hon Margaret NG Hon Emily LAU Hon SIN Chung-kai Hon LAU Kong-wah Hon Albert HO	Meaning and scope of “data surveillance device” in clause 2; functions of data surveillance devices used by law enforcement agencies of Hong Kong; whether the Administration should conduct a briefing on the data surveillance devices used by law enforcement agencies of Hong Kong	Admin to provide information on the functions of data surveillance devices used by law enforcement agencies of Hong Kong and consider conducting a briefing on the data surveillance devices used by law enforcement agencies of Hong Kong
015125 – 015948	Chairman Hon James TO Hon Margaret NG Hon Emily LAU Admin	Meaning of “enhancement equipment” in clause 2; impact of such equipment on health	Admin to provide examples of enhancement equipment and explain the impact, if any, of such equipment on the health of the subject of interception of communications or surveillance
015949 – 020110	Hon Howard YOUNG Hon James TO Chairman	Approach for examining the Bill clause-by-clause	
020111 – 020130	Chairman	Date of next meeting	