

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 Friday, 2 June 2006, at 8:30 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 Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
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 Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC

Members absent : Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, JP
Hon Emily LAU Wai-hing, JP

Hon Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP

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 –

Clause 2(5)

- (a) to explain the scope of “data produced in association with the communication”, including whether it included data attached to the communication;

Clause 2(6)

- (b) to consider setting out the various types of oral application, including applications made in person, in clause 2(6);

Clause 2(7)

- (c) to consider deleting references to “panel judge” in clause 2(7)(b);

Clause 3

- (d) to consider including the test of “reasonable suspicion” in the conditions for authorisation in clause 3;
- (e) to consider whether the proportionality test provided in clause 3 was too restrictive and to explain whether the clause as presently drafted allowed the authorising authority to give sufficient consideration to human rights implications; and
- (f) to improve the drafting of clause 3 in relation to its conjunction with other parts of the Bill and to improve the drafting of the Chinese version.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for Saturday, 3 June 2006 at 9:00 am to continue discussion with the Administration.

4. The meeting ended at 10:35 am.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Friday, 2 June 2006, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000527	Chairman	Opening remarks	
000528 – 001543	Hon Margaret NG Hon Howard YOUNG Hon James TO Chairman Admin	Examination of clause 2(5); meaning of “any data produced in association with the communication” in the clause	Admin to explain the scope of “data produced in association with the communication”, including whether it included data attached to the communication
001544 – 002909	Chairman Admin Hon Margaret NG Hon James TO Hon Mrs Selina CHOW	Examination of clause 2(6); whether the term “regarded” should be used in clause 2(6); circumstances under which oral application would be made; amending clause 2(6) to set out the various types of oral application, including applications made in person	Admin to consider setting out the various types of oral application, including applications made in person, in clause 2(6)
002910 – 003711	Chairman Admin Hon Ronny TONG Hon Margaret NG	Examination of clause 2(7); whether there was a need for references to “panel judge” in clause 2(7)(b); coverage of section 54 of the Interpretation and General Clauses Ordinance	Admin to consider deleting references to “panel judge” in clause 2(7)(b)

Time marker	Speaker	Subject(s)	Action Required
003712 – 020329	Chairman Admin Hon Ronny TONG SALA1 Hon Margaret NG Hon James TO Hon Mrs Selina CHOW Hon Albert HO Hon LEUNG Kwok-hung	Examination of clause 3; Administration’s proposed Committee Stage amendments on public security; differences between sub-clauses (i) and (ii) of clause 3(1)(b); meaning of “preventing” in clause 3(1)(a)(i); meaning of “operational terms” in clause 3(1)(b)(i)	Admin to improve the drafting of clause 3 in relation to its conjunction with other parts of the Bill; to improve the drafting of the Chinese version of the clause; to consider whether the proportionality test provided in clause 3 was too restrictive; to explain whether clause 3 as presently drafted allowed the authorising authority to give sufficient consideration to human rights implications; to consider including the test of “reasonable suspicion” in the conditions for authorisation in clause 3
020330 – 020349	Chairman	Date of next meeting	