

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 Monday, 19 June 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
Dr Hon David LI Kwok-po, GBS, JP
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 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
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
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 LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, 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

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

Miss Jenny HO
Legislative Assistant (2) 9

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -

Clause 39

- (a) to consider providing the Commissioner with the power to oversee compliance by the government as a whole, including officers from government departments not covered in Schedule 1;
- (b) to confirm that the power of the Chief Executive to direct the heads of law enforcement agencies would not override provisions in the Bill;
- (c) to consider expanding the scope of clause 39(a) to cover the Chief Executive;
- (d) to consider whether the terms "examine" and "review" in clause 39(b) should be combined into one term; and
- (e) to consider providing explicitly in the Bill that the specific functions of the Commissioner as set out in clause 39(b) were within the scope of the general functions as set out in clause 39(a).

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled in the same afternoon at 1:00 pm to continue discussion with the Administration.
4. The meeting ended at 10:30 am.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Monday, 19 June 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000410	Deputy Chairman	Opening remarks	
000411 - 003347	Hon Emily LAU Hon Margaret NG Hon LAU Kong-wah Hon Ronny TONG Hon Mrs Selina CHOW Chairman Admin	Remuneration package for the Commissioner; whether the Commissioner had to be an eligible judge	
003348 - 004253	Hon Margaret NG Admin Chairman	Whether the functions of the Commissioner should include the examination of emergency authorisations	
004254 - 005023	Hon James TO Admin	Providing the Commissioner with the power to oversee compliance by the government as a whole, including officers from government departments not covered in Schedule 1	Admin to consider providing the Commissioner with the power to oversee compliance by the government as a whole, including officers from government departments not covered in Schedule 1
005024 - 010046	Hon LI Kwok-ying Hon Albert HO Hon James TO Chairman Admin	Whether the Commissioner should be provided with the power to carry out examinations on his own initiative; difference between "reviews" and "examinations"	

Time marker	Speaker	Subject(s)	Action Required
010047 - 010729	Hon James TO Admin Chairman	Whether the Commissioner should be provided with the power to oversee compliance by the government as a whole, including officers from government departments not covered in Schedule 1; whether the power of the Chief Executive to direct the heads of law enforcement agencies would override provisions in the Bill	Admin to confirm that the power of the Chief Executive to direct the heads of law enforcement agencies would not override provisions in the Bill
010730 - 011536	Hon Emily LAU Chairman Admin	Expanding the scope of clause 39(a) to cover the Chief Executive; whether the Commissioner should be provided with the power to carry out examinations on his own initiative; drafting of clause 39(b)	Admin to consider expanding the scope of 39(a) to cover the Chief Executive
011537 - 013218	Hon Albert HO Hon LAU Kong-wah Hon Mrs Selina CHOW Hon Margaret NG Admin Chairman	Whether it should be provided in the Bill that the Commissioner had the power to carry out examinations on his own initiative under certain circumstances	
013219 - 014344	Hon James TO Hon Emily LAU Hon Margaret NG Chairman Admin	Whether the Commissioner should be provided with the power to oversee compliance by the government as a whole; whether there was a need for clause 39(b)(iv); whether the scope of clause 62 was too broad; whether the terms "examine" and "review" in clause 39(b) should be combined into one term	Admin to consider whether the terms "examine" and "review" in clause 39(b) should be combined into one term

Time marker	Speaker	Subject(s)	Action Required
014345 - 014910	Hon Margaret NG Hon Albert HO Chairman Admin	Providing explicitly in the Bill that the specific functions of the Commissioner as set out in clause 39(b) were within the scope of the general functions as set out in clause 39(a)	Admin to consider providing explicitly in the Bill that the specific functions of the Commissioner as set out in clause 39(b) were within the scope of the general functions as set out in clause 39(a)
014911 - 020300	Hon James TO Hon LAU Kong-wah Chairman Hon Mrs Selina CHOW Hon Albert HO Hon Margaret NG	Further examination of clauses 29 and 30 at the next meeting	