

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 Tuesday, 20 June 2006, at 2:30 pm
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
 - 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 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
 - Hon Jeffrey LAM Kin-fung, SBS, JP
 - Hon Andrew LEUNG Kwan-yuen, SBS, JP
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung
 - Hon Patrick LAU Sau-shing, SBS, JP

- Members absent** :
- Hon LEE Cheuk-yan
 - Hon Martin LEE Chu-ming, SC, JP

Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN, JP
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
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 : Mrs Sharon TONG
attendance Chief Council Secretary (2)1

Staff in : Ms Bernice WONG
attendance Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2)5

Mr Ken WONG
Legislative Assistant (2) 8

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -
- (a) to consider including in the annual report of the Commissioner on 'Interception of Communication and Surveillance' (the Commissioner') -
 - (i) a breakdown of Type 1 and Type 2 surveillance;
 - (ii) a breakdown of the cases by crime and public security;
 - (iii) information on the duration of renewals;
 - (iv) the number of positive notification cases;
 - (v) the number of cases involving information subject to legal professional privilege;
 - (vi) the number of oral applications and authorisations;
 - (b) to consider providing information on the expenditure on covert operations in the 2007-08 Estimates;
 - (c) to advise on the types of information included in reports similar to the Commissioner's annual report in other jurisdictions;
 - (d) to consider providing that the Commissioner should be appointed in his personal capacity;
 - (e) to consider providing explicitly that the Commissioner had the power to administer his supporting staff;
 - (f) to consider introducing a special advocate system; and
 - (g) to consider requiring law enforcement agencies to report mistakes to the Commissioner.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 22 June 2006 at 8:30 am to continue discussion with the Administration.

4. The meeting ended at 4:40 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Tuesday, 20 June 2006, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000135	Chairman	Opening remarks	
000136 - 000929	Hon LAU Kong-wah Admin Chairman	Scope of clause 47(2)(e); information excluded under clause 47(5); scope of reports under clause 48	
000930 - 002145	Hon Albert HO Chairman Admin Hon Margaret NG	Scope of annual reports to the Chief Executive by the Commissioner on Interception of Communications and Surveillance (the Commissioner); types of information included in reports similar to the Commissioner's annual report in other jurisdictions	Admin to advise on the types of information included in reports similar to the Commissioner's annual report in other jurisdictions
002146 - 003014	Hon Audrey EU Chairman Admin	Including in the Commissioner's annual report a breakdown of Type 1 and Type 2 surveillance	Admin to consider including in the Commissioner's annual report a breakdown of Type 1 and Type 2 surveillance
003015 - 003158	Hon Margaret NG Admin	Including information on the duration of renewals in the Commissioner's annual report	Admin to consider including information on the duration of renewals in the Commissioner's annual report

Time marker	Speaker	Subject(s)	Action Required
003159 - 003801	Hon LAU Kong-wah Admin Chairman	Whether all recommendations on the code of practice should be made to the Secretary for Security; how the Commissioner could give recommendations on the provisions of the Bill	
003802 - 004227	Hon Emily LAU Chairman Admin	Whether reports under clause 48 would be made public	
004228 - 005441	Hon Audrey EU Admin Chairman Hon Margaret NG	Including in the Commissioner's annual report the number of positive notification cases and the number of cases involving information subject to legal professional privilege	Admin to consider including in the Commissioner's annual report the number of positive notification cases and the number of cases involving information subject to legal professional privilege
005442 - 010102	Hon Emily LAU Admin Chairman	Information on the expenditure on covert operations in the 2007-08 Estimates	Admin to consider providing information on the expenditure on covert operations in the 2007-08 Estimates
010103 - 010201	Admin	Briefing on clauses 51 to 53	
010202 - 010459	Hon Margaret NG Admin Chairman	Whether the Commissioner should be appointed in his personal capacity	Admin to consider providing that the Commissioner should be appointed in his personal capacity

Time marker	Speaker	Subject(s)	Action Required
010500 - 011243	Hon LAU Kong-wah Admin Chairman Hon Albert HO	Requiring law enforcement agencies to report mistakes to the Commissioner	Admin to consider requiring law enforcement agencies to report mistakes to the Commissioner
011244 - 011528	Hon Emily LAU Admin Chairman	Why the Commissioner was not regarded as court under clause 53	
011529 - 011617	Hon LI Kwok-ying Admin Chairman	Whether there were any consequences for non-compliance with clause 51(1)(a)	
011618 - 012214	Hon Patrick LAU Hon Albert HO Chairman Admin	Drafting of clause 51(4); whether procedures adopted by the Commissioner in performing his functions under the Bill would be made public; whether the Commissioner had the power to recruit his own staff	
012215 - 013654	Hon Emily LAU Chairman Admin ALA1 Hon James TO	Principles adopted respectively by panel judges and the Commissioner in performing their functions under the Bill	
013655 - 014412	Hon Albert HO Admin Chairman	Providing explicitly that the Commissioner had the power to administer his supporting staff	Admin to consider providing explicitly that the Commissioner had the power to administer his supporting staff

Time marker	Speaker	Subject(s)	Action Required
014413 - 015905	Hon James TO Admin Chairman	Introduction of a special advocate system; including in the Commissioner's annual report the number of oral applications and authorisations as well as a breakdown of the cases by crime and public security	Admin to consider introducing a special advocate system; to consider including in the Commissioner's annual report the number of oral applications and authorisations; to consider including in the Commissioner's annual report a breakdown of the cases by crime and public security
015906 - 021026	Chairman Hon Albert HO Hon LAU Kong-wah Hon Mrs Selina CHOW Hon Emily LAU	Timing for resumption of Second Reading debate on the Bill	