

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/05

LC Paper No. CB(2)407/06-07  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Friday, 23 June 2006, at 1:00 pm  
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 LUI Ming-wah, SBS, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LI Kwok-ying, MH  
Dr Hon Joseph LEE Kok-long  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon CHEUNG Hok-ming, SBS, JP  
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  
Dr Hon David LI Kwok-po, 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  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Vincent FANG Kang, JP  
Hon Daniel LAM Wai-keung, BBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP

**Public Officers :** Mr Stanley YING  
**attending** Permanent Secretary for Security

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

Ms Sherman CHAN  
Senior Assistant Law Draftsman

**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

Miss Helen DIN  
Legislative Assistant (2) 1

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## **I. Meeting with the Administration**

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

2. The Bills Committee requested the Administration -

- (a) to clarify the flowchart at Annex B to the Administration's paper entitled "Response to issues raised - Judge's Authorisations" in relation to the confirmation process for oral applications and the swearing of affidavits;
- (b) to state at the resumption of the Second Reading debate on the Bill that the Chief Justice would be advised when the pre-appointment checking

of a panel judge revealed a risk factor;

- (c) to advise who would be held responsible for loss of papers held by panel judges; and
- (d) to advise whether the Judiciary would acknowledge receipt of documents submitted by law enforcement agencies to panel judges.

## **II. Date of next meeting**

- 3. The Bills Committee noted that the next meeting had been scheduled for 24 June 2006 at 9:00 am to continue discussion with the Administration.
- 4. The meeting ended at 2:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
20 November 2006

**Proceedings of meeting of the  
Bills Committee on  
Interception of Communications and Surveillance Bill  
on Friday, 23 June 2006, at 1:00 pm  
in Conference Room A of the Legislative Council Building**

| <b>Time marker</b> | <b>Speaker</b>  | <b>Subject(s)</b>   | <b>Action Required</b>  |
|--------------------|---|---|---|
| 000000 -<br>000436 | Chairman  | Opening remarks   |   |
| 000437 -<br>001201 | Admin   | Briefing on the Administration's paper entitled "Response to issues raised - Judge's Authorisations" (LC Paper No. CB(2)2444/05-06(02))   |   |
| 001202 -<br>002325 | Hon Margaret NG<br>Hon Albert HO<br>Chairman<br>Admin   | Whether the proposed mechanism of authorisation by panel judges should be substituted by court procedures   |   |
| 002326 -<br>002930 | Hon Howard YOUNG<br>Hon Alan LEONG<br>Chairman<br>Admin | Confirmation process for oral applications and the swearing of affidavits   | <b>Admin to clarify the flowchart at Annex B to the Administration's paper entitled "Response to issues raised - Judge's Authorisations" in relation to the confirmation process for oral applications and the swearing of affidavits</b>               |
| 002931 -<br>003759 | Hon Albert HO<br>Hon LAU Kong-wah<br>Chairman<br>Admin  | Whether the Chief Justice would be advised when the pre-appointment checking of a panel judge revealed a risk factor; who would be held responsible for loss of papers held by panel judges | <b>Admin to state at the resumption of the Second Reading debate on the Bill that the Chief Justice would be advised when the pre-appointment checking of a panel judge revealed a risk factor; to advise who would be held responsible for loss of</b> |

| <b>Time marker</b> | <b>Speaker</b>   | <b>Subject(s)</b>   | <b>Action Required</b>             |
|--------------------|--|---|------------------------------------|
|                    |  |   | <b>papers held by panel judges</b> |
| 003800 -<br>004253 | Admin  | Briefing on Annex D to the Administration's paper entitled "Response to issues raised - Judge's Authorisations" (LC Paper No. CB(2)2444/05-06(02))  |                                    |
| 004254 -<br>005417 | Hon LAU Kong-wah<br>Chairman<br>Admin  | Effect of the proposed new clause 30A; meaning of "other relevant premises" in the proposed new clause 30A(1)(a)  |                                    |
| 005418 -<br>005930 | Hon Albert HO<br>Chairman<br>Admin   | How information relating to legal professional privilege would be dealt with  |                                    |
| 005931 -<br>010052 | Hon LAU Kong-wah<br>Admin  | Effect of the Administration's proposed Committee Stage amendments (CSAs) to Schedule 3   |                                    |
| 010053 -<br>010559 | Admin  | Briefing on the Administration's paper entitled "Notification of Subjects of Covert Operations" (LC Paper No. CB(2)2502/05-06(01))  |                                    |
| 010600 -<br>010722 | Hon LAU Kong-wah<br>Admin  | Timing for provision of the Administration's proposed CSAs to clauses 54 to 56  |                                    |
| 010723 -<br>011926 | Hon Howard YOUNG<br>Hon Albert HO<br>Hon Mrs Sophie LEUNG<br>Chairman<br>Admin | Notification of subjects of interception of communications or covert surveillance in "mistaken" cases   |                                    |
| 011927 -<br>012312 | Chairman<br>Hon LAU Kong-wah<br>Admin  | Paper provided by the Judiciary Administration on the system to be put in place to deal with documents and records relating to applications made to panel judges for the issuance and renewal of authorisations for |                                    |

| <b>Time marker</b> | <b>Speaker</b>  | <b>Subject(s)</b>  | <b>Action Required</b>  |
|--------------------|---|--|---|
|                    |   | interception of communications or Type 1 Surveillance under the Bill (LC Paper No. CB(2)2524/05-06(01))            |   |
| 012313 -<br>012529 | Chairman<br>Hon LUI Ming-wah<br>Admin<br>Hon LAU Kong-wah | Whether the Judiciary would acknowledge receipt of documents submitted by law enforcement agencies to panel judges | <b>Admin to advise whether the Judiciary would acknowledge receipt of documents submitted by law enforcement agencies to panel judges</b> |
| 012530 -<br>012547 | Chairman  | Date of next meeting   |   |

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