

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/05

LC Paper No. CB(2)595/06-07  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Saturday, 24 June 2006, at 9:00 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-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  
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 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 LEUNG Kwok-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS
- Members absent** : Hon LAU Kong-wah, JP (Deputy Chairman)  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon Bernard CHAN, JP

Hon SIN Chung-kai, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Ronny TONG Ka-wah, SC  
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

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 -

Clause 2(1) : Definition of "surveillance device"

(a) to consider expressly prohibiting the implantation or causing the swallowing of a surveillance device into a human body;

- (b) to consider prohibiting the use of surveillance devices which were harmful to health;

Clause 2(1) : Definition of "postal interception"

- (c) to consider stating at the resumption of Second Reading debate on the Bill that the authorisation of a postal interception did not cover putting foreign contents or objects in postal packets;

Clause 2(1) : Definition of "telecommunications interception"

- (d) To advise whether the equipment number of a mobile telephone, the location of the mobile telephone, and the Internet protocol address of electronic mails would be captured in a telephone interception;

Clause 2(1) : Definition of "Type 2 surveillance"

- (e) to consider stipulating in the code of practice that a judge's authorisation would be required, if a Type 2 surveillance operation involved a higher level of expectation of privacy; and

Clause 2(2)

- (f) to consider further amending clause 2(2) to clarify that "activity" did not include spoken and written words.

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

3. The Bills Committee noted that the next meeting would be held in the same afternoon at 2:00 pm to continue discussion with the Administration.
4. The meeting ended at 1:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 December 2006

**Proceedings of meeting of the  
Bills Committee on  
Interception of Communications and Surveillance Bill  
on Saturday, 24 June 2006, at 9:00 am  
in the Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000520	Chairman	Opening remarks	
000521 - 000738	Admin	Briefing on paragraphs 1 to 6 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
000739 - 002604	Hon James TO Hon Mrs Selina CHOW Hon Howard YOUNG Chairman SALA1 Admin	Whether implantation or causing the swallowing of devices into a human body should be excluded from the scope of the Bill	<b>Admin to consider expressly prohibiting the implantation or causing the swallowing of a surveillance device into a human body</b>
002605 - 005512	Hon James TO Hon Mrs Selina CHOW Dr Hon Joseph LI Hon Howard YOUNG Hon Mrs Sophie LEUNG Chairman SALA1 Admin	Prohibiting the use of surveillance devices which were harmful to health	<b>Admin to consider prohibiting the use of surveillance devices which were harmful to health</b>
005513 - 005609	Admin	Briefing on paragraphs 7 to 9 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
005610 - 005747	Hon James TO Admin	Effect of the Administration's proposed Committee Stage amendment (CSA) to the definition of "information system"	
005748 - 012302	Hon James TO Hon Albert HO Hon LI Kwok-ying Chairman Admin	Paragraphs 10 and 11 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)); how interception of telephone	

Time marker	Speaker	Subject(s)	Action Required
		lines were conducted; briefing on interception of communications	
012303 - 012434	Admin	Briefing on paragraph 12 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
012435 - 012529	Admin	Briefing on paragraph 13 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
012530 - 013617	Hon James TO Hon Mrs Selina CHOW Chairman Admin	Effect of the Administration's proposed CSAs to the definition of "maintain"; difference between the meanings of "relocate" and "reposition"	
013618 - 013713	Admin	Briefing on paragraphs 14 to 16 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
013714 - 015151	Hon James TO Hon Mrs Selina CHOW Hon Howard YOUNG Chairman Admin	Providing that the authorisation of a postal interception did not cover putting foreign contents or objects in postal packets	<b>Admin to consider stating at the resumption of Second Reading debate on the Bill that the authorisation of a postal interception did not cover putting foreign contents or objects in postal packets</b>
015152 - 015207	Admin	Briefing on paragraph 17 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
015208 - 015510	Hon James TO Admin	Scope of the term "postal service"	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
015511 - 021003	Hon James TO Admin Chairman Hon Mrs Selina CHOW Hon Mrs Sophie LEUNG Hon Howard YOUNG Hon WONG Ting-kwong	Paragraphs 18 and 19 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
<b>Break</b>			
022220 - 022304	Admin	Briefing on paragraphs 20 and 21 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
022305 - 023103	Chairman Hon James TO Hon Mrs Selina CHOW Hon Mrs Sophie LEUNG Hon Audrey EU	Attendance of members	
023104 - 024046	Chairman Hon James TO Admin Hon Mrs Selina CHOW Hon Howard YOUNG	Background for the proposed amendment to the definition of "postal interception"	
024047 - 024150	Admin	Briefing on paragraph 22 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
024151 - 025418	Chairman Hon James TO Admin Hon Mrs Selina CHOW	Examples of serious crime	
025419 - 030844	Hon James TO Chairman	Quorum for the meeting	
030845 - 030905	Admin	Briefing on paragraph 23 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	

Time marker	Speaker	Subject(s)	Action Required
030906 - 031114	Admin	Briefing on paragraphs 24 to 26 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
031115 - 031915	Hon James TO Admin	Meaning of "reasonable expectation of privacy"	
031916 - 032621	Hon Margaret NG Admin	Stipulating in the code of practice that a judge's authorisation would be required, if a Type 2 surveillance operation involved a higher level of expectation of privacy; amending clause 2(2) to clarify that "activity" did not include spoken and written words	<b>Admin to consider stipulating in the code of practice that a judge's authorisation would be required, if a Type 2 surveillance operation involved a higher level of expectation of privacy; to consider further amending clause 2(2) to clarify that "activity" did not include spoken and written words</b>
032622 - 032934	Hon Albert HO Admin	Scope of Type 1 surveillance	
032935 - 033626	Hon James TO Admin	Whether all covert surveillance operations involving entry into a person's premises could be classified as Type 1 surveillance	
033627 - 033720	Admin	Briefing on paragraph 27 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
033721 - 034059	Hon James TO Admin	Type of authorisation required for covert surveillance operations involving participant monitoring and the use of surveillance devices	

Time marker	Speaker	Subject(s)	Action Required
034100 - 034141	Admin	Briefing on paragraph 28 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
034142 - 034354	Hon James TO Admin Chairman	Effect of the proposed amendment to clause 2(1)	
034355 - 034437	Admin	Briefing on paragraph 29 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
034438 - 034454	Admin	Briefing on paragraphs 30 and 31 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
034455 - 035301	Hon James TO Admin Chairman	Effect of clause 2(4)(b); scope of clause 2(5); whether the equipment number of a mobile telephone, the location of the mobile telephone, and the Internet protocol address of electronic mail would be captured in a telephone interception	<b>Admin to advise whether the equipment number of a mobile telephone, the location of the mobile telephone, and the Internet protocol address of electronic mails would be captured in a telephone interception</b>
035302 - 035338	Admin	Briefing on paragraphs 32 and 33 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
035339 - 035347	Hon James TO	Whether the threshold of "likely" in the proposed clause 2(5A) provided an appropriate test	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
035348 - 035421	Admin	Briefing on paragraph 34 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01))	
035422 - 040019	Hon James TO Admin	Scope of oral application	
040020 - 040042	Chairman	Date of next meeting	

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8 December 2006