

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)610/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Wednesday, 28 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 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 SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, 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 CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Hon Jasper TSANG Yok-sing, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC

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

Mr Ian MCWALTERS
Senior Assistant Director of Public Prosecutions

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

I. Meeting with the Administration

- The Bills Committee deliberated (index of proceedings attached at **Annex**).
2. The Bills Committee requested the Administration -

Clause 3

- (a) to consider amending the Committee Stage amendments (CSAs) to clause 3(1)(b)(iii) by expressly referring to journalistic material and/or providing for a public interest test;

Schedule 2

- (b) to consider amending the CSAs to section 3(3)(b) of Schedule 2 along the lines of "including those performed at the request of the Commissioner under clause 51(1A)";
- (c) to consider providing that "in private" in section 1(1) of Schedule 2 applied to cases where there were hearings;

Schedule 3

- (d) to consider further amending the CSAs to paragraph (b)(x) of Part 1 of Schedule 3 and other similar provisions to refer to telephone numbers and addresses put under surveillance;
- (e) to consider providing expressly in the Bill or the code of practice that the determination in respect of previous applications should be included in the affidavit under paragraph (b)(x) of Part 1 of Schedule 3; and

Other issues

- (f) to consider including more information and justifications in the examples at Annex B to the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)).

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 29 June 2006 at 4:30 pm 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 Wednesday, 28 June 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|---|---|------------------------|
| 000000 - 000108 | Chairman | Opening remarks | |
| 000109 - 000340 | Hon Emily LAU Chairman Hon Mrs Selina CHOW Hon Howard YOUNG Admin | Whether any changes should be made to the schedule of subsequent meetings | |
| 000341 - 000809 | Chairman Hon Emily LAU Admin | Administration's response in paragraphs 131 to 133 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)); effect of section 4 of Schedule 2 | |
| 000810 - 001119 | Chairman Hon Howard YOUNG Admin | Administration's response in paragraphs 134 to 135 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)); mechanism for the opening of sealed packets | |
| 001120 - 001419 | Chairman Admin | Administration's response in paragraphs 136 to 147 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 |
|--------------------|--|---|--|
| 001420 - 012503 | Chairman Hon James TO Hon Emily LAU Hon Mrs Selina CHOW Hon Margaret NG Admin | Why a period of two years was proposed in paragraph 143 of the Administration's paper; effect of the Committee Stage amendments (CSAs) proposed in paragraph 145 of the Administration's paper; amending the CSAs to paragraph (b)(x) of Part 1 of Schedule 3 and other similar provisions to refer to telephone numbers and addresses put under surveillance; amending the CSAs to clause 3(1)(b)(iii) by expressly referring to journalistic material and/or providing for a public interest test | Admin to consider amending the CSAs to paragraph (b)(x) of Part 1 of Schedule 3 and other similar provisions to refer to telephone numbers and addresses put under surveillance; to consider amending the CSAs to clause 3(1)(b)(iii) by expressly referring to journalistic material and/or providing for a public interest test |
| 012504 - 013243 | Chairman Hon James TO Hon Howard YOUNG Admin | Providing expressly in the Bill or the code of practice that the determination in respect of previous applications should be included in the affidavit under paragraph (b)(x) of Part 1 of Schedule 3 | Admin to consider providing expressly in the Bill or the code of practice that the determination in respect of previous applications should be included in the affidavit under paragraph (b)(x) of Part 1 of Schedule 3 |
| 013244 - 013310 | Chairman Admin | Administration's response in paragraph 148 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 |
|--------------------|---|---|--|
| 013311 - 015316 | Chairman Hon Emily LAU Hon Margaret NG Hon James TO Admin | Including more information and justifications in the examples at Annex B to the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)) | Admin to consider including more information and justifications in the examples at Annex B to the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)) |
| 015317 - 015347 | Hon James TO Chairman Admin | Whether the Administration would hold a briefing on interception of communications | |
| 015348 - 015751 | Chairman Hon Margaret NG | Amending the CSA to section 3(3)(b) of Schedule 2 along the lines of "including those performed at the request of the Commissioner under clause 51(1A)"; providing that "in private" in section 1(1) of Schedule 2 applied to cases where there were hearings | Admin to consider amending the CSA to section 3(3)(b) of Schedule 2 along the lines of "including those performed at the request of the Commissioner under clause 51(1A)"; to consider providing that "in private" in section 1(1) of Schedule 2 applied to cases where there were hearings |
| 015752 - 015826 | Chairman Hon Emily LAU | Including more information and justifications in the examples at Annex B to the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2532/05-06(01)) | |
| 015827 - 015907 | Hon James TO Chairman Hon Margaret NG | Whether the Administration should hold a briefing on interception of communications | |

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|----------------|----------------------|------------------------|
| 015908 - 015933 | Chairman | Date of next meeting | |

Council Business Division 2
Legislative Council Secretariat
11 December 2006