

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, 11 July 2006, at 2:30 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)
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, GBS, JP
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 Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
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 Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP

Dr Hon David LI Kwok-po, GBS, JP
Hon SIN Chung-kai, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS

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 : Mr Raymond LAM
attendance Senior Council Secretary (2)5

Staff in : Mr LEE Yu-sung
attendance Senior Assistant Legal Adviser 1

Mrs Justina LAM
Assistant Secretary General 2

Miss Josephine SO
Council Secretary (2)1

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 52

- (a) to consider providing in clause 52 that the report to be submitted to the Commissioner on Interception of Communications and Surveillance should include any disciplinary action taken in respect of any officer;

Clause 57

- (b) to advise whether records on telephone numbers and email addresses intercepted would form part of the records to be kept, and whether such records would be kept under clause 57;

Clause 58

- (c) to consider setting out in the code of practice that departments should take appropriate steps to watch out for exculpatory material to ensure compliance with the requirements under clause 58(4) were observed;

Clause 60

- (d) to consider amending "in it" in the proposed clause 60(1) as "relating to it";
- (e) to provide case law on what constituted substantial or minor irregularity; and

Section 1(3) of Schedule 2

- (f) to consider providing that the panel judge might consider an application in such manner as he considered appropriate.

3. The Administration agreed to the suggestion of reinstating section 1(1) of Schedule 2 and deleting section 1(4) of Schedule 2.

II. Date of next meeting

4. The Bills Committee noted that the next meeting had been scheduled for 12 July 2006 at 8:30 am to continue discussion with the Administration.

5. The Bills Committee agreed that additional meetings would be scheduled as follows to discuss the draft code of practice to be issued by the Secretary for Security under the Bill -

<u>Date</u>	<u>Time</u>
19 July 2006 (Wednesday)	4:30 pm - 6:30 pm
20 July 2006 (Thursday)	8:30 am - 10:30 am
27 July 2006 (Thursday)	4:30 pm - 6:30 pm
28 July 2006 (Friday)	9:00 am - 1:00 pm
	2:30 pm - 6:30 pm

6. The meeting ended at 6:35 pm.

Council Business Division 2
Legislative Council Secretariat
18 December 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Tuesday, 11 July 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 001207	Chairman Hon Margaret NG Hon Mrs Sophie LEUNG Hon CHAN Kam-lam Hon LAU Kong-wah	Date of briefing by the Administration on interception of communications; scheduling of further meetings to discuss the code of practice to be issued under the Bill; timetable for completion of scrutiny of the Bill; discussion of Committee Stage amendments to be proposed by Members; introduction of a sunset clause	
001208 - 001920	Admin Hon Ronny TONG Chairman	Administration's proposed Committee Stage amendments (CSAs) to clauses 51, 55 and 55A	
001921 - 004624	Chairman Hon Emily LAU Hon Ronny TONG Hon James TO Admin	Administration's proposed CSAs to clause 56; drafting and effect of the proposed clause 56(1A)	
004625 - 005159	Chairman Hon James TO Hon Mrs Selina CHOW Admin	Administration's proposed CSAs to clause 57; whether records on telephone numbers and email addresses intercepted would form part of the records to be kept, and whether such records would be kept under clause 57	Admin to advise whether records on telephone numbers and email addresses intercepted would form part of the records to be kept, and whether such records would be kept under clause 57

Time marker	Speaker	Subject(s)	Action Required
005200 - 011159	Chairman Hon James TO Hon Mrs Sophie LEUNG Admin	Administration's proposed CSAs to clause 58; setting out in the code of practice that departments should take appropriate steps to watch out for exculpatory material to ensure that the requirements under clause 58(4) were observed	Admin to consider setting out in the code of practice that departments should take appropriate steps to watch out for exculpatory material to ensure that the requirements under clause 58(4) were observed
011200 - 011229	Chairman Admin	Administration's proposed CSAs to clause 58A	
011230 - 012742	Chairman Hon Emily LAU Hon Ronny TONG Hon Mrs Sophie LEUNG Hon James TO Hon LEUNG Kwok-hung Admin	Administration's proposed CSAs to clause 59; consequences of non-compliance with the code of practice	
012743 - 014611	Chairman Hon James TO Hon Howard YOUNG Admin SALA1	Administration's proposed CSAs to clause 60; amending "in it" in the proposed clause 60(1) as "relating to it"; provision of case law on what constituted substantial or minor irregularity	Admin to consider amending "in it" in the proposed clause 60(1) as "relating to it"; to provide case law on what constituted substantial or minor irregularity
014612 - 014702	Chairman Admin	Administration's proposed CSAs to clauses 62 and 63	
014703 - 014732	Chairman Admin	Administration's proposed CSAs to clauses 63 to 65	

Time marker	Speaker	Subject(s)	Action Required
014733 - 015937	Chairman Hon Emily LAU Hon James TO Admin SALA1	Administration's proposed CSAs to section 1 of Schedule 2; providing that the panel judge might consider an application in such manner as he considered appropriate; reinstating section 1(1) of Schedule 2 and deleting section 1(4) of Schedule 2	Admin to consider providing that the panel judge might consider an application in such manner as he considered appropriate
Break			
021626 - 021714	Chairman Admin	Administration's proposed CSAs to section 3 of Schedule 2	
021715 - 033130	Chairman Hon Emily LAU Hon Ronny TONG Hon Howard YOUNG Hon LEUNG Kwok-hung Hon James TO Admin	Administration's proposed CSAs to Schedule 3; effect of the proposed CSA to paragraph (b)(v)(B), (b)(viii) and (b)(x)(B) of Part 1 of Schedule 3	
033131 - 033154	Chairman Admin	Administration's proposed CSAs to Schedule 4	
033155 - 034802	Hon James TO Hon Howard YOUNG Hon LEUNG Kwok-hung Hon Mrs Sophie LEUNG Chairman Admin	Whether the number of cases where journalistic material had been obtained should be included in clause 47(2)(d)(vi)	
034803 - 040109	Chairman Hon Emily LAU Hon LAU Kong-wah Hon Ronny TONG Admin	Consequences of non-compliance with the code of practice; providing in clause 52 that the report to be submitted to the Commissioner on Interception of Communications and Surveillance should include any disciplinary action taken in respect of any officer	Admin to consider providing in clause 52 that the report to be submitted to the Commissioner on Interception of Communications and Surveillance should include any disciplinary action taken in respect of any officer
040110 - 040208	Chairman Hon James TO	Newspaper clippings relating to covert surveillance	

Time marker	Speaker	Subject(s)	Action Required
040209 - 040339	Chairman	Date of next meeting	

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