

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)687/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Wednesday, 12 July 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 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 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 Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
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 Bernard CHAN, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
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

Ms Sandy HAU
Clerical Assistant (2) 1

I. Meeting with the Administration

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

2. Regarding issues raised by members at the meeting on 10 July 2006, the Administration advised that -

Clause 46A

- (a) it would amend "carried out by a department" in clause 46A(1) as "carried out by an officer of a department";
- (b) it would amend clause 46A(3) along the lines that notification would be given only if it would not be prejudicial to the prevention or detection of crime or the protection of public security;

Clause 47

- (c) it would amend "sections 49 and 50" in clause 47(2)(d) as "sections 48, 49 and 50";
- (d) the Administration considered it not appropriate :
 - (i) to add "and implementation of this Ordinance" after "requirements" in clause 47(2)(e); and
 - (ii) to provide in clause 47(2) a breakdown of public officers and other persons among the subject of interception of communications or covert surveillance.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 14 July 2006 at 8:30 am to continue discussion with the Administration. The Bills Committee also noted that the Administration's briefing on interception of communications would be held on 13 July 2006 at 2:15 pm.

4. The meeting ended at 10:35 am.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Wednesday, 12 July 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000437	Chairman Admin	Paragraphs 3 and 4 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2708/05-06(01))	
000438 - 001250	Hon Emily LAU Admin Chairman	Whether sufficient safeguard was provided in the Bill for journalistic material	
001251 - 001423	Hon Albert HO Chairman Admin	Effect of the proposed clause 2(3A)	
001424 - 001612	Chairman Admin	Paragraph 5 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2708/05-06(01))	
001613 - 002104	Hon Margaret NG Admin	Whether the test of "without the authority of a prescribed authorisation" in clauses 43 and 46A was adequate	
002105 - 011459	Chairman Hon Emily LAU Hon LAU Kong-wah Hon James TO Hon Mrs Selina CHOW Hon Howard YOUNG Hon Albert HO Admin	Paragraphs 6 and 7 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2708/05-06(01)); Administration's response to issues raised by members at the meeting on 10 July 2006 in relation to clause 46A; scope of notification; meaning of the term "duration" in clause 46A(1)(a)	
011500 - 012000	Chairman Hon James TO Admin	Administration's response to issues raised by members at the meeting on 10 July 2006 in relation to clause 46A	

Time marker	Speaker	Subject(s)	Action Required
012001 - 012446	Chairman Admin	Paragraphs 8 and 9 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2708/05-06(01)); Administration's response to issues raised by members at the meeting on 10 July 2006 in relation to clause 47	
012447 - 014355	Hon James TO Hon Howard YOUNG Hon Mrs Selina CHOW Hon Emily LAU Admin	Whether the Commissioner on Interception of Communications and Surveillance should be provided with the power to monitor the overall implementation of the Ordinance; whether a breakdown of cases by departments should be included in the Commissioner's annual report	
014356 - 014549	Chairman Admin	Paragraphs 10, 11 and 12 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2708/05-06(01))	
014550 - 020119	Hon James TO Admin Chairman Hon Emily LAU	Mechanism for the partial discontinuance of interception of communications or covert surveillance operations	
020120 - 020336	Chairman Hon James TO Hon Emily LAU Hon Howard YOUNG	Business for the meetings on 14 July 2006	