

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)699/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 20 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 David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, 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
- Members absent** : Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon SIN Chung-kai, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, 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
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

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 Jenny HO
Legislative Assistant (2) 9

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -

- (a) to consider highlighting in the draft code of practice the spirit of Article 30 of the Basic Law and the need to protect the privacy of communication of individuals;
- (b) to consider providing examples of "public place" in the draft code of practice;

- (c) to consider setting out in paragraph 11 the actual contents of the reference materials as referred to in footnote 4 of the draft code of practice;
- (d) to consider spelling out the exceptions referred to in the last sentence of paragraph 17 of the draft code of practice; and
- (e) to consider revising paragraphs 11 and 12 of the draft code of practice to explain more clearly the meaning of "reasonable expectation of privacy".

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for 27 July 2006 at 4:30 pm to continue discussing the draft code of practice with the Administration. The Bills Committee agreed that the Clerk would liaise with the Chairman on the dates of additional meetings to discuss the draft code of practice with the Administration.

4. The meeting ended at 10:40 am.

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 Thursday, 20 July 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000513	Chairman	Opening remarks	
000514 - 000649	Admin	Administration's response to issues raised at the meeting on 19 July 2006	
000650 - 000836	Admin Chairman	Paragraph 8 of the draft code of practice provided by the Administration (LC Paper No. CB(2)2772/05-06(01))	
000837 - 001555	Hon Margaret NG Hon Howard YOUNG Hon Emily LAU Chairman Admin	Contents of the draft code of practice	
001556 - 002903	Hon James TO Hon Margaret NG Chairman Admin	Inadequacies of the draft code of practice; spelling out in the draft code of practice the need to strike a balance between the need to investigate crime and rights of persons being investigated; elaborating the phrase "through any other person or otherwise" in paragraph 4 of the draft code of practice	
002904 - 003323	Hon LAU Kong-wah Admin Chairman	Interpretation of the term "record" in paragraph 8 of the draft code of practice	
003324 - 003922	Hon Emily LAU Hon Margaret NG Admin Chairman	Highlighting in the draft code of practice the need to protect the privacy of communication of individuals; highlighting the spirit of Article 30 of the Basic Law (BL30) in the draft code of practice	Admin to consider highlighting in the draft code of practice the spirit of BL30 and the need to protect the privacy of communication of individuals

Time marker	Speaker	Subject(s)	Action Required
003923 - 004359	Hon LI Kwok-ying Hon James TO Admin Chairman	Why email addresses fell within the scope of "other data" in paragraph 8 of the draft code of practice; whether the insertion of objects into a postal packet in the case of a postal interception was prohibited in the draft code of practice	
004400 - 005230	Hon Margaret NG Admin Chairman	Drafting of paragraph 8 of the draft code of practice	
005231 - 005958	Admin Chairman	Paragraphs 9 to 18 of the draft code of practice	
005959 - 012241	Hon LAU Kong-wah Hon James TO Hon LI Kwok-ying Hon Emily LAU Admin Chairman	Meaning and scope of "private information" and "private life" in paragraphs 10 and 11 of the draft code of practice; whether the term "private information" in paragraph (a)(iii) of the definition of "covert surveillance" should be amended as "non-public information"; meaning of "public place" in paragraph 13 of the draft code of practice	Admin to consider providing examples of "public place" in the draft code of practice
012242 - 012938	Hon Emily LAU Admin Chairman	Setting out in paragraph 11 the actual contents of the reference materials as referred to in footnote 4 of the draft code of practice	Admin to consider setting out in paragraph 11 the actual contents of the reference materials as referred to in footnote 4 of the draft code of practice
012939 - 013133	Hon LAU Kong-wah Admin Chairman	Drafting of the sentence "A permission for entry obtained by deception is not regarded as permission" in paragraph 17 of the draft code of practice	Admin to consider spelling out the exceptions referred to in the last sentence of paragraph 17 of the draft code of practice

Time marker	Speaker	Subject(s)	Action Required
013134 - 021107	Hon James TO Hon Emily LAU Hon Margaret NG Chairman Admin	Drafting of paragraph 11 of the draft code of practice; whether journalistic materials should be referred to in paragraph 16 of the draft code of practice; meaning of the phrase "the lawful owner or the person having the right to exclusive use" in paragraph 17 of the draft code of practice; spelling out the spirit of BL30 in the draft code of practice	Admin to consider revising paragraphs 11 and 12 of the draft code of practice to explain more clearly the meaning of "reasonable expectation of privacy"
021108 - 021142	Chairman	Date of next meeting; scheduling of additional meetings	

Council Business Division 2
Legislative Council Secretariat
18 December 2006