

Administration's proposed Committee Stage amendments to clause 65 of the Bill

65. Transitional arrangements

(1) Where any materials have been obtained by or on behalf of any department by carrying out any telecommunications interception pursuant to an order issued or renewed before the commencement of this Ordinance under the ~~provision then in force as~~ section 33 of the Telecommunications Ordinance (Cap. 106), sections 56 ~~applies and 58 apply~~, with necessary modifications, to the materials, to the extent that they are any of the contents of the communication intercepted or a copy of such contents, ~~and to the relevant matters as if –~~

(a) the order were a prescribed authorization issued or renewed under this Ordinance, and accordingly –

(i) the materials were, ~~for the purposes of sections 56 and 58 respectively~~, protected product ~~and telecommunications interception product~~; and

(ii) the application for the issue or renewal of the order were an application for the issue or renewal of a prescribed authorization under this Ordinance; and

(b) the purpose sought to be furthered by carrying out the operation required to be carried out under the order were the relevant purpose of the order.

(2) Subsection (1) is in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(2A) Nothing in this section operates to validate or authorize any telecommunications interception carried out pursuant to an order referred to in subsection (1).

(3) In this section,—

“copy” (文本), in relation to any contents of a communication referred to in subsection (1), means any of the following (whether or not in documentary form) —

- (a) any copy, extract or summary of such contents;
- (b) any record referring to the telecommunications interception referred to in subsection (1) which is a record showing, directly or indirectly, the identity of any person who is the sender or intended recipient of the communication;

~~“relevant matters” (有關事宜) —~~

- ~~(a) in relation to section 58(2), means any particulars as to the telecommunications interception referred to in subsection (1); and~~
- ~~(b) in relation to section 58(3), means any evidence or question which tends to suggest any of the following matters—~~
 - ~~(i) that an application has been made for the issue or renewal of the order referred to in subsection (1);~~
 - ~~(ii) that the order has been issued or renewed;~~
 - ~~(iii) that any requirement has been imposed on any person to provide assistance for the execution of the order;~~
 - ~~(iv) that any information has been obtained pursuant to the order.~~