

立法會
Legislative Council

LC Paper No. CB(3) 422/08-09

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From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 11 March 2009

**Proposed amendments to motion on
“Reviewing the Interception of Communications and Surveillance Ordinance”**

Further to LC Paper No. CB(3) 390/08-09 issued on 26 February 2009, three Members (Hon LAU Kong-wah, Hon James TO Kun-sun and Hon LEUNG Kwok-hung) have respectively given notice of their intention to move separate amendments to Hon Cyd HO Sau-lan’s motion on “Reviewing the Interception of Communications and Surveillance Ordinance” scheduled for the Council meeting of 11 March 2009. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. To assist Members in debating the above motion and amendments, I set out below the procedure to be followed during the debate:

- (a) Hon Cyd HO moves her motion;
- (b) the President proposes the question on Hon Cyd HO’s motion, and orders a joint debate;
- (c) the President calls on the three Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon LAU Kong-wah;
 - (ii) Hon James TO; and
 - (iii) Hon LEUNG Kwok-hung;

- (d) the President calls upon the designated public officer(s) to speak;
- (e) joint debate on the motion and the amendments follows thereafter;
- (f) the President gives leave to Hon Cyd HO to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon LAU Kong-wah to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon LAU Kong-wah's amendment;
- (i) after Hon LAU Kong-wah's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon Cyd HO to reply. Thereafter, the President puts to vote the question on Hon Cyd HO's motion, or her motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Reviewing the Interception of Communications and Surveillance Ordinance”
to be held at the Legislative Council meeting
of Wednesday, 11 March 2009**

1. Hon Cyd HO Sau-lan’s original motion

That, as the report released by the Commissioner on Interception of Communications and Surveillance in June 2008 has revealed that currently there are many malpractices in the enforcement actions of the law enforcement agencies, this Council urges the Government to immediately review the Interception of Communications and Surveillance Ordinance.

2. Motion as amended by Hon LAU Kong-wah

That, as ~~the report~~ *the reports* released by the Commissioner on Interception of Communications and Surveillance in *June 2007 and* June 2008 ~~has~~ *have* revealed that currently there are many malpractices in the enforcement actions of the law enforcement agencies, *arousing public concern*, this Council urges the Government to, *in the light of the various recommendations mentioned in the two annual reports by the Commissioner, expeditiously adopt measures to comprehensively review the existing code of practice under the Interception of Communications and Surveillance Ordinance and make appropriate amendments thereto; in addition, the Government should strive to improve the attitude of law enforcement officers in taking law enforcement actions, enhance their understanding of the Interception of Communications and Surveillance Ordinance, and honour its undertaking to* immediately review the Interception of Communications and Surveillance Ordinance *after the Commissioner has submitted the second full-year report.*

Note: Hon LAU Kong-wah’s amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon James TO Kun-sun

That, as the ~~report~~ *reports* released by the Commissioner on Interception of Communications and Surveillance in *June 2007 and* June 2008 ~~has~~ *have* revealed that currently there are many malpractices in the enforcement actions of the law enforcement agencies, this Council urges the Government to immediately review the

Interception of Communications and Surveillance Ordinance, *comprehensively improve the mechanisms and procedures for supervising the interception of communications and covert surveillance, as well as consider introducing a change whereby officers independent of the Hong Kong Police Force and the Independent Commission Against Corruption are responsible for interception of communications, so as to prevent law enforcement officers from abusing their powers and protect the rights of the people; and expeditiously table the 2008 annual report by the Commissioner on Interception of Communications and Surveillance in the Legislative Council and release it to the public after receiving it.*

Note: Hon James TO's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon LEUNG Kwok-hung

That, as the report released by the Commissioner on Interception of Communications and Surveillance in June 2008 has revealed that currently there are many malpractices in the enforcement actions of the law enforcement agencies, this Council urges the Government to immediately review the Interception of Communications and Surveillance Ordinance, *and with regard to the lack of existing legislation to regulate law enforcement agencies permanently keeping information about individuals/organizations collected by intercepting communications under the pretext of "intelligence", restrict such practice by enacting legislation so as to protect the privacy of the people and prevent the Government from abusing its power.*

Note: Hon LEUNG Kwok-hung's amendment is marked in *bold and italic type*.