

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 17 July 2013

**Amendments to motion on
“Following up the matter on Mr SNOWDEN’s disclosure of the
United States Government’s hacking into
the computer systems in Hong Kong”**

Further to LC Paper No. CB(3) 763/12-13 issued on 4 July 2013, three Members (Hon Charles Peter MOK, Hon Ronny TONG and Hon SIN Chung-kai) have respectively given notices of their intention to move separate amendments to Hon MA Fung-kwok’s motion on “Following up the matter on Mr SNOWDEN’s disclosure of the United States Government’s hacking into the computer systems in Hong Kong” scheduled for the Council meeting of 17 July 2013. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon MA Fung-kwok to speak and move his motion;
- (b) the President proposes the question on Hon MA Fung-kwok’s motion;

- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Charles Peter MOK;
 - (ii) Hon Ronny TONG; and
 - (iii) Hon SIN Chung-kai;
- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon MA Fung-kwok to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (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 Charles Peter MOK to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon Charles Peter MOK's amendment;
- (i) after Hon Charles Peter MOK'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 MA Fung-kwok to reply. Thereafter, the President puts to vote the question on Hon MA Fung-kwok's motion, or his motion as amended, as the case may be.

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

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Following up the matter on Mr SNOWDEN’s disclosure of the
United States Government’s hacking into
the computer systems in Hong Kong”
to be held at the Council meeting of 17 July 2013**

1. Hon MA Fung-kwok’s original motion

That, as Mr SNOWDEN, a former technical assistant for the Central Intelligence Agency of the United States (‘US’), disclosed during a media interview the matter on the US Government’s surveillance of and hacking into Hong Kong’s communications networks, this Council expresses strong dissatisfaction with the US Government in this regard, and urges the SAR Government to request clarification from the US Government, so as to safeguard the security of cyber communications in Hong Kong, and ensure the protection of Hong Kong people’s privacy.

2. Motion as amended by Hon Charles Peter MOK

~~That, as Mr SNOWDEN, a former technical assistant for the Central Intelligence Agency of the United States (‘US’), disclosed during a media interview the matter on~~ *SNOWDEN, a former employee of the Central Intelligence Agency of the United States (‘US’), recently disclosed to the media* the US Government’s surveillance of and ~~hacking into Hong Kong’s communications networks,~~ *Hong Kong’s networks and computer systems and its collection of Hong Kong people’s information and data;* this Council expresses strong dissatisfaction with the US Government in this regard, and urges the SAR Government to request clarification from the US Government, *hold the US Government responsible, and request the US Government to stop its theft of Hong Kong’s network data and immediately dispose of the information obtained;* *this Council also urges the Government to implement the following measures,* so as to safeguard the security of cyber communications in Hong Kong, and ensure the protection of Hong Kong people’s privacy:

- (1) *to formulate relevant policies to enhance the information security of Hong Kong’s small and medium enterprises, including assisting them in using more world-class and locally researched and developed information security technologies; and, by capitalizing on Hong Kong’s concern about information security arising from the*

SNOWDEN incident as an opportunity, to further support local research work on information technologies, and generate demands for local information technology products;

- (2) *to review the Computer Crimes Ordinance (including the relevant provisions of the Telecommunications Ordinance, the Crimes Ordinance and the Theft Ordinance) and the Interception of Communications and Surveillance Ordinance, targeting the enforcement loopholes in respect of governments, organizations, commercial organizations and individuals outside Hong Kong, so as to strengthen the combat against the relevant acts of communications interception and unauthorized retrieval and retention of network information; and*
- (3) *to review the approach and procedures for handling similar incidents in the future, including considering the circumstances under which the Central Government's assistance will be sought in the relevant incidents.*

Note: Hon Charles Peter MOK's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Ronny TONG

That, *although the Government has proposed amending the Interception of Communications and Surveillance Ordinance to allow the Commissioner on Interception of Communications and Surveillance to check law enforcement agencies' interception or surveillance products*, as Mr SNOWDEN, a former technical assistant for the Central Intelligence Agency of the United States ('US'), disclosed during a media interview the matter on the US Government's surveillance of and hacking into Hong Kong's communications networks, *which further highlights the inability of the Ordinance to regulate telephone tapping and interception of communications by non-law enforcement agencies or individuals and from outside Hong Kong, and to protect Hong Kong people's right to confidential communications against encroachment*, this Council expresses strong dissatisfaction with the US Government in this regard, and urges the SAR Government to request clarification from the US Government, *and enact legislation on protecting the freedom of confidential communications*, so as to safeguard the security of cyber communications in Hong Kong, and ensure the protection of Hong Kong people's privacy.

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

4. Motion as amended by Hon SIN Chung-kai

That, ~~as~~ *the Hong Kong authorities have all along stressed that they attach much importance to the Government's internal information security capabilities, but* Mr SNOWDEN, a former technical assistant for the Central Intelligence Agency of the United States ('US'), disclosed during a media interview the matter on the US Government's surveillance of and hacking into Hong Kong's communications networks, *which indicates that there is room for improvement on the part of the authorities in respect of information security and cyber security*; this Council expresses strong dissatisfaction with the US Government in this regard, and urges the SAR Government to request clarification from the US Government, so as to safeguard the security of cyber communications in Hong Kong, and *at the same time, to review and strengthen the monitoring of online security systems and enhance their technological level, so as to* ensure the protection of Hong Kong people's privacy.

Note: Hon SIN Chung-kai's amendment is marked in *bold and italic type* or with deletion line.