

立法會
Legislative Council

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Tel : 3919 3306

Date : 3 March 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 16 March 2016

Interception of Communications and Surveillance (Amendment) Bill 2015

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 16 March 2016. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Security to move proposed amendments to the Bill at its Committee stage.

2. As directed by the President, the proposed amendments are attached for Members' consideration.

(Boris LAM)
for Clerk to the Legislative Council

Encl.

Interception of Communications and Surveillance (Amendment) Bill 2015

Committee Stage

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
9	In the proposed section 38A, in the heading, by deleting “ Revocation of device retrieval warrant ” and substituting “ Report to panel judge: device retrieval warrant cannot be executed ”.
10	By deleting “month and year from” and substituting “date on”.
12(1)	By deleting “month and year from” and substituting “date on”.
17(1)	By deleting “ Revocation of prescribed authorization following ” and substituting “ Report to relevant authority: ”.
18	In the proposed section 58A, in the heading, by deleting “ Revocation of prescribed authorization in case of ” and substituting “ Report to relevant authority: ”.
19	By renumbering the clause as clause 19(1).
19(1)	In the proposed section 59(1)(c), by deleting “that the protected product” and substituting “that, except as otherwise provided in subsection (1A), the protected product”.
19	By adding— “(2) After section 59(1)—

Add

- “(1A) Subsection (1B) applies if the protected product consists of information described in section 23(3)(a), 24(3)(b)(i) or (ii), 26(3)(b)(i) or 27(3)(b)(i) or (ii).
- (1B) Despite section 23(3)(a) or 26(3)(b)(i) or any requirement in an order made under section 24(3)(b) or 27(3)(b), the head of the department concerned—
- (a) must immediately notify the Commissioner of the case;
 - (b) must make arrangements to ensure that the information is retained; and
 - (c) must—
 - (i) if the Commissioner notifies the head of the department that the Commissioner will not require the provision of the information under section 53(1)(a), cause the immediate destruction of the information; or
 - (ii) if the Commissioner requires the provision of the information under section 53(1)(a)—
 - (A) provide the information as required; and
 - (B) cause the immediate destruction of the information when it is no longer required by the Commissioner.”.”.