

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Tuesday, 25 April 2006 at 4:30 pm
in the Chamber 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
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC

Members absent : Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP

Public Officers attending : Mr Stanley YING
Permanent Secretary for Security

Miss S H CHEUNG
Deputy Secretary for Security

Mrs Apollonia LIU
Principal Assistant Secretary for Security

Mr Ian WINGFIELD
Law Officer (International Law)
Department of Justice

Ms Sherman CHAN
Senior Assistant Law Draftsman

Ms Frances HUI
Senior Government Counsel

Clerk in attendance : Mrs Justina LAM
Assistant Secretary General 2

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2)5

Mr Ken WONG
Legislative Assistant (2)8

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration –

- (a) to illustrate, using past cases, the type of information that would be provided to a panel judge when an application was made for judicial authorisation of interception of communications or surveillance;
- (b) to reconsider the feasibility of providing the number of cases of interception of communications/surveillance, broken down by serious crime and public security;
- (c) to consider providing in the Bill that the Commissioner on Interception of Communications and Surveillance (the Commissioner) should be appointed by the Chief Executive with the endorsement of the Legislative Council;
- (d) to consider establishing a mechanism to keep the Legislative Council informed of any disagreement between the Commissioner and the Chief Executive on matters to be excluded from the copy of the Commissioner's annual report to be laid on the table of the Legislative Council under clause 47(5) of the Bill;
- (e) to consider establishing a committee to review the work of the Commissioner; and
- (f) to consider establishing a mechanism for the keeping and destruction of intelligence derived from interception of communications and covert surveillance activities, and requiring an application for the keeping of such intelligence to be submitted to a panel judge.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for Tuesday, 2 May 2006 at 4:30 pm to continue discussion with the Administration.

4. The meeting ended at 6:35 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Tuesday, 25 April 2006 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 002406	Chairman Hon LAU Kong-wah Hon Emily LAU Hon LEUNG Kwok-hung Hon James TO Hon Mrs Selina CHOW Hon Ronny TONG Hon Margaret NG	Papers issued since the last meeting; whether it was the time for the Bills Committee to commence clause-by-clause examination of the Bill	
002407 – 002556	Chairman Admin	Timing for provision of the Administration's response to outstanding issues	
002557 – 004240	Hon James TO Chairman Admin	Functions of the Commissioner on Interception of Communications and Surveillance (the Commissioner); powers of the Commissioner to require any public officer or any other person to provide information	
004241 – 005129	Hon Ronny TONG Admin Chairman	Whether reports of the Commissioner to the Chief Executive (CE) would be made public	

Time marker	Speaker	Subject(s)	Action Required
005130 – 010813	Chairman Hon James TO Admin	What information would be provided to a panel judge when an application was made for judicial authorisation of interception of communications or surveillance; whether the Commissioner should be appointed by CE with the endorsement of the Legislative Council (LegCo); whether reports of the Commissioner to CE should be provided without any exclusion to LegCo; providing the number of cases of interception of communications/surveillance, broken down by serious crime and public security	Admin to illustrate, using past cases, the type of information that would be provided to a panel judge when an application was made for judicial authorisation of interception of communications or surveillance; to reconsider the feasibility of providing the number of cases of interception of communications/surveillance, broken down by serious crime and public security; to consider providing in the Bill that the Commissioner on Interception of Communications and Surveillance (the Commissioner) should be appointed by the Chief Executive with the endorsement of the Legislative Council

Time marker	Speaker	Subject(s)	Action Required
010814 – 011314	Hon Alan LEONG Chairman Admin	Exclusion of matters in the report of the Commissioner to CE from the copy of the report to LegCo	Admin to consider establishing a mechanism to keep the Legislative Council informed of any disagreement between the Commissioner and the Chief Executive on matters to be excluded from the copy of the Commissioner’s annual report to be laid on the table of the Legislative Council under clause 47(5) of the Bill
011315 – 013016	Hon Albert HO Admin Chairman	Circumstances under which the Commissioner would not inform an applicant for examination whether he had found the case concerned in the applicant’s favour; circumstances under which an examination would not be carried out by the Commissioner; whether a committee should be established to review the work of the Commissioner; whether the time limit of one year in clause 44(1)(a) of the Bill should be removed	Admin to consider establishing a committee to review the work of the Commissioner
013017 – 014436	Hon LEUNG Kwok-hung Chairman Admin	Whether a record of the name of the target of interception of communications or surveillance could be maintained to facilitate examination by the Commissioner; keeping of records of interception of communications or surveillance and keeping of products obtained from such activities	

Time marker	Speaker	Subject(s)	Action Required
014437 – 020558	Hon James TO Chairman Admin Hon Mrs Selina CHOW Hon Albert HO	Whether intelligence generated from interception of communications or surveillance should be kept or destroyed	Admin to consider establishing a mechanism for the keeping and destruction of intelligence derived from interception of communications and covert surveillance activities, and requiring an application for the keeping of such intelligence to be submitted to a panel judge

Council Business Division 2
Legislative Council Secretariat
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