

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)2449/05-06
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Tuesday, 2 May 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 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 Audrey EU Yuet-mee, SC, JP
- Hon Vincent FANG Kang, 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 WONG Ting-kwong, BBS
- Hon Ronny TONG Ka-wah, SC
- Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHEUNG Hok-ming, SBS, JP
Hon CHIM Pui-chung

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 Sharon TONG
Chief Council Secretary (2)1

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

Ms Bernice WONG
Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2)5

Miss Helen DIN
Legislative Assistant (2) 1

Ms Sandy HAU

Clerical Assistant (2) 1

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration –

- (a) to consider including in the speech of the Secretary for Security during the resumption of Second Reading debate on the Bill the statement that the public security ground would not be used for political purposes, nor for suppressing the right to freedom of expression or the right of peaceful assembly, and that the Bill was unrelated to the Article 23 of the Basic Law exercise; and
- (b) to provide a copy of the judgment in the case of *Esbester v. UK* and any other cases relevant to the view of the European Commission and Court of Human Rights referred to in paragraph 6 of the Administration's paper entitled "Response to issues raised at the meetings of 3, 6, and 12 April 2006".

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for Tuesday, 9 May 2006 at 8:30 am to continue discussion with the Administration.

4. The meeting ended at 6:40 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Tuesday, 2 May 2006 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000256	Chairman	Relevant papers	
000257-001308	Admin	Briefing on the Administration's paper entitled "Response to issues raised in connection with 'Public Security'" (LC Paper No. CB(2)1866/05-06(02))	
001309-002403	Hon James TO Admin Chairman	Whether national security could be excluded from the scope of "public security"; meaning of the term "violent means" in the proposed new clause 2(5A) of the Bill and whether the scope of the term could be narrowed	
002404-003508	Hon Margaret NG Chairman Admin	Whether the term "public security" in the Bill should be defined	
003509-004644	Hon Ronny TONG Admin Chairman	Whether the term "violent means" in the proposed exclusion provision for "public security" should be amended along the lines of "serious crime"	
004645-004754	Dr Hon Philip WONG	Whether the scope of the term "public security" in the Bill should be broad	
004755-005828	Hon Emily LAU Admin Chairman	Whether the term "public security" should be defined; definition of the term "security" in other jurisdictions	
005829-010810	Hon LEUNG Kwok-hung Chairman Admin	Whether the scope of the term "public security" should be broad; whether the term should be defined	

Time marker	Speaker	Subject(s)	Action Required
010811-012424	Hon James TO Hon Andrew LEUNG Chairman Admin	Whether “public security” covered economic well-being, protection against spy activities; whether offences under Article 23 of the Basic Law (BL23) on which legislation had not been enacted should be excluded from the scope of “public security”; whether the term “public security” should be defined	Admin to consider including in the speech of the Secretary for Security during the resumption of Second Reading debate on the Bill the statement given in paragraph 2(f) of the Administration’s paper entitled “Response to issues raised in connection with “Public Security””
012425-012801	Hon Patrick LAU Admin Chairman	Whether interception of communications or surveillance could be authorised under the Bill for offences under BL23	
012802-013341	Hon Howard YOUNG Admin	Whether national security and terrorist activities should be excluded from the scope of “public security”	
013342-020031	Hon Margaret NG Hon Ronny TONG Admin Chairman	Whether a definition could be provided for the term “public security”; comparison of the Administration’s proposed exclusion for the term and the definition of “security” in other jurisdictions	Admin to provide a copy of the judgment in the case of <i>Esbester v. UK</i> and any other cases relevant to the view of the European Commission and Court of Human Rights referred to in paragraph 6 of the Administration’s paper entitled “Response to issues raised at the meetings of 3, 6, and 12 April 2006”

Time marker	Speaker	Subject(s)	Action Required
020032- 020058	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
19 June 2006