

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)2194/05-06
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Wednesday, 17 May 2006 at 8:30 am
in Conference Room A 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 David LI Kwok-po, GBS, 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 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
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Kwok-ying, MH
Hon Daniel LAM Wai-keung, BBS, JP
Hon LEUNG Kwok-hung
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

Mr Raymond LAM
Senior Council Secretary (2)5

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration to provide information on the existing mechanism for the authorisation and monitoring of undercover operations not using devices by law enforcement agencies, and the role of the Department of Justice, if any, in the mechanism.

II. Date of next meeting

3. The Bills Committee noted that the next two meetings had been scheduled for Thursday, 25 May 2006 at 8:30 am and 4:30 pm to continue discussion with the Administration.

4. The meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
30 May 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Wednesday, 17 May 2006 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000626	Chairman Admin Hon Audrey EU	Relevant papers; timing for discussion of the issues raised in the two submissions from the Law Society of Hong Kong; whether the Law Society of Hong Kong and the Hong Kong Bar Association would be invited to attend when the two submissions were discussed	
000627 – 002150	Admin	Briefing on the Administration's paper entitled "Response to issues raised at the Bills Committee Meeting held on 9 May 2006" (LC Paper No. CB(2)2010/05-06(01))	
002151 – 003230	Hon Margaret NG Admin	Whether undercover operations not using devices were subject to any regulation; Administration's proposed amendments in relation to the term "systematic" in the definition of "covert surveillance"	
003231 – 004325	Hon Ronny TONG Admin	Drafting of the Chinese version of the Administration's proposed amendments in relation to the term "systematic" in the definition of "covert surveillance"; whether there was a need to regulate undercover operations not using devices	

Time marker	Speaker	Subject(s)	Action Required
004326 – 005440	Hon LAU Kong-wah Chairman Admin	Effect of the Administration’s proposed amendments in relation to the term “systematic” in the definition of “covert surveillance”; existing mechanism for regulation of covert operations not using devices	
005441 – 011437	Hon Albert HO Hon Emily LAU Admin Chairman	Whether executive authorisation was required for undercover operations not using devices; provision of a revised version for the paper entitled “Response to issues raised at the Bills Committee Meeting held on 9 May 2006”; whether covert surveillance not using devices should be regulated under the Bill; whether the human eye and ear were limited in their ability to intrude into privacy	
011438 – 011907	Hon Martin LEE Admin Chairman	Existing mechanism for authorisation and monitoring of undercover operations; whether such a mechanism should be incorporated into the Bill	
011908 – 012424	Hon LEE Cheuk-yan Admin	Whether the mechanism for authorisation and monitoring of undercover operations should be incorporated into the Bill; whether participant monitoring not using devices should be regulated under the Bill	
012425 – 013539	Hon Margaret NG Admin	Protection of the freedom and privacy of communication under Article 30 of the Basic Law; whether participant monitoring not using devices should be regulated under the Bill; long title of the Bill	
013540 – 014822	Hon James TO Admin	Whether participant monitoring not using devices should be regulated under the Bill	

Time marker	Speaker	Subject(s)	Action Required
014823 – 015145	Hon LEE Cheuk-yan Chairman SALA1	Effect of the drafting of the long title of the Bill	
015146 – 015336	Hon Mrs Selina CHOW	Whether the scope of the Bill should be expanded to cover participant monitoring not using devices	
015337 – 015640	Hon James TO Chairman Admin	Existing mechanism for the authorisation and monitoring of undercover operations not using devices	Admin to provide a paper on the existing mechanism for the authorisation and monitoring of undercover operations not using devices by law enforcement agencies, and the role of the Department of Justice, if any, in the mechanism
015641 – 020048	Hon Margaret NG Chairman SALA1 Admin	Whether the long title of the Bill was amendable; factors taken into consideration when determining whether a Committee Stage amendment to a Bill was in order; whether participant monitoring not using devices should be regulated under the Bill	
020049 – 020125	Chairman	Date of the next two meetings	