

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 Thursday, 25 May 2006 at 4:30 pm
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 Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
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 LI Kwok-ying, MH
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
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon SIN Chung-kai, JP

Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon CHIM Pui-chung

Public Officers : Mr Stanley YING
attending 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 : Mrs Sharon TONG
attendance Chief Council Secretary (2)1

Staff in : Mr LEE Yu-sung
attendance 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 –

Definition of “data surveillance device”

- (a) to consider amending the phrase “device or program” in the definition of “data surveillance device” along the lines of device, program or any other means;

Definition of “information system”

- (b) to provide the definitions of “information system” in other local legislation and consider amending the definition of “information system”, having regard to such definitions;

Definition of “listening device”

- (c) to consider improving the drafting of the Chinese version of the definition of “listening device”;

Definition of “maintain”

- (d) to consider deleting, qualifying or substituting the term “relocate” in the definition of “maintain”;

Definition of “optical surveillance device”

- (e) to consider including optical surveillance device in the Administration’s paper or briefing, if any, on the data surveillance devices used by law enforcement agencies of Hong Kong;

Definition of “postal interception” and “postal service”

- (f) to explain whether postal interception covered opening a postal article for the purpose of forensic examination of the contents, obtaining the name and address of the sender or changing the contents of the article without reading the contents; and
- (g) to consider providing a clearer definition for “postal service”.

3. The Administration would move CSAs to –

- (a) amend “the communication” in paragraph (a) of the definition of “interception” along the lines of “that communication”; and

- (b) amend “in respect of communications” in paragraph (b) of the definition of “interception” along the lines of “in respect of any communication”.

II. Date of next meeting

- 4. Members noted that the next meeting had been scheduled for Thursday, 1 June 2006 at 2:30 pm to continue discussion with the Administration.
- 5. The meeting ended at 6:35 pm.

Council Business Division 2
Legislative Council Secretariat
19 June 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Thursday, 25 May 2006 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000518	Chairman	Opening remarks	
000519 – 000555	Chairman Admin	Examination of the definition of “listening device” in clause 2	
000556 – 001948	Hon James TO Chairman Admin	Examination of the definition of “information system” in clause 2	
001949 – 002631	Hon Emily LAU Chairman Admin	Meaning of “overhear” and “listen to” in the definition of “listening device”; drafting of the Chinese version of the definition of “listening device”	
002632 – 003042	Hon Ronny TONG Hon Margaret NG Chairman Admin	Scope of data surveillance device	
003043 – 003131	Hon Howard YOUNG Chairman	Whether the definition of “listening device” was appropriate; drafting of the Chinese version of the definition of “listening device”	Admin to consider improving the drafting of the Chinese version of the definition of “listening device”
003132 – 003955	Hon James TO Chairman Admin	Whether the definition of “information system” was too broad	Admin to provide the definitions of “information system” in other local legislation and consider amending the definition of “information system”, having regard to such definitions

Time marker	Speaker	Subject(s)	Action Required
003956 - 005054	Hon James TO Chairman Admin Hon Howard YOUNG Hon Andrew LEUNG	Examination of the definition of “data surveillance device” in clause 2; meaning of “program” in the definition; attendance of representatives from the technical units of relevant law enforcement agencies when data surveillance device was further discussed	Admin to consider amending the phrase “device or program” in the definition of “data surveillance device” along the lines of device, program or any other means
005055 - 005905	Hon James TO Admin Hon Mrs Selina CHOW Chairman Hon LAU Kong-wah	Examination of the definition of “install” in clause 2	
005906 – 010106	Hon James TO Admin	Examination of the definition of “inspect” in clause 2	
010107 – 010455	Hon James TO Hon Mrs Selina CHOW Chairman Admin	Examination of the definition of “intercepting act” in clause 2	
010456 - 011459	Hon James TO Hon LEUNG Kwok-hung Hon Mrs Selina CHOW Hon Mrs Sophie LEUNG Hon Ronny TONG Chairman Admin	Examination of the definition of “interception” in clause 2; drafting of the definition	Admin to amend “the communication” and “in respect of communications” in paragraphs (a) and (b) of the definition of “interception” along the lines of “that communication” and “in respect of any communication” respectively
011500 – 011908	Hon James TO Chairman Admin	Examination of the definition of “interception product” in clause 2; whether interception product covered those in transcribed form	

Time marker	Speaker	Subject(s)	Action Required
011909 – 013016	Chairman Hon Emily LAU Admin Hon Margaret NG Hon Ronny TONG Hon Mrs Selina CHOW	Examination of the definition of “maintain” in clause 2; whether the term “relocate” in the definition of “maintain” should be deleted, qualified or substituted	Admin to consider deleting, qualifying or substituting the term “relocate” in the definition of “maintain”
013017 – 013227	Hon James TO Hon Emily LAU Chairman	Examination of the definition of “optical surveillance device” in clause 2	Admin to consider including optical surveillance device in its paper or briefing, if any, on the data surveillance devices used by law enforcement agencies of Hong Kong
013228 - 013307	Chairman Hon Emily LAU Admin	Examination of the definition of “oral application” and “panel judge” in clause 2	
013308 – 020154	Hon James TO Hon Howard YOUNG Hon Ronny TONG Hon LAU Kong-wah Hon Mrs Sophie LEUNG Hon LEUNG Kwok-hung Hon Margaret NG SALA1 Chairman Admin	Examination of the definition of “postal interception” in clause 2; whether postal interception covered opening a postal article for the purpose of forensic examination of the contents, obtaining the name and address of the sender or changing the contents of the article without reading the contents; providing a clearer definition for “postal service”	Admin to explain whether postal interception covered opening a postal article for the purpose of forensic examination of the contents, obtaining the name and address of the sender or changing the contents of the article without reading the contents; to consider providing a clearer definition for “postal service”
020155 – 020215	Chairman	Date of next meeting	