

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, 13 June 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
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 Bernard CHAN, JP
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 LI Kwok-ying, MH
Hon Jeffrey LAM Kin-fung, 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 Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
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 Andrew LEUNG Kwan-yuen, SBS, 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

Mr Raymond LAM
Senior Council Secretary (2)5

Miss Helen DIN
Legislative 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 -

Clause 9

- (a) to consider providing explicitly in the Bill that panel judges had the discretion to give reasons for variation;

Clause 10

- (b) to provide the Bills Committee with the judgment of the Privy Council regarding the meaning of the term "period", and consider whether it was necessary to amend clause 10(b) to make it clear that an authorisation would cease to have effect upon occurrence of a specified event;

Clause 11

- (c) to consider amending "a copy of any affidavit" in clause 11(2)(b)(ii) along the lines of "a copy of every affidavit";
- (d) to consider amending paragraph (a)(iii) of Part 4 of Schedule 3, such as by substituting the term "value" with "assessment";

Clause 12

- (e) to consider providing information on the average and maximum durations of previous covert operations;
- (f) to consider specifying that the number of previous renewals should be considered when examining the proportionality and necessity of an operation in applications for renewals; and
- (g) to consider providing in the Bill that applications for renewal of judicial authorisations should be considered by two panel judges.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for Thursday, 15 June 2006 at 4:30 pm to continue discussion with the Administration. The Bills Committee also noted that the Administration's briefing on surveillance devices would be held on 15 June 2006 at 11:00 am.

4. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
7 November 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Tuesday, 13 June 2006, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000257 - 005022	Chairman Dr Hon Philip WONG Hon LEUNG Kwok-hung Hon Mrs Sophie LEUNG Hon Emily LAU Admin Hon Margaret NG Hon Tommy CHEUNG Hon SIN Chung-kai Hon James TO Kun-sun Hon Ronny TONG Hon LAU Kong-wah Hon Albert HO Chun-yan Hon Howard YOUNG Hon Mrs Selina CHOW Hon CHAN Kam-lam	Whether additional meetings of the Bills Committee should be scheduled; timing for resumption of Second Reading debate on the Bill; comments of the Secretary for Security on the progress of scrutiny of the Bill at a radio programme on the previous day; deciding whether additional meetings should be scheduled at the next meeting	
005023 - 005304	Chairman Hon Margaret NG Hon James TO Admin	Examination of clause 9; whether reasons should be given for the issuance of a judge's authorisation under clause 9(3)(a); providing explicitly in the Bill that panel judges had the discretion to give reasons for variation	Admin to consider providing explicitly in the Bill that panel judges had the discretion to give reasons for variation
005305 - 011349	Chairman Hon Emily LAU Hon James TO Hon LAU Kong-wah Hon Mrs Selina CHOW Admin	Examination of clause 10; whether the duration of a judge's authorisation could be less than three months; why the maximum duration of a judge's authorisation was three months; providing the Bills Committee with the judgment of the Privy Council regarding the meaning of the term "period"; whether it was necessary to amend clause 10(b) to make it clear that an authorisation could cease to have effect upon occurrence of a specified event	Admin to provide the Bills Committee with the judgment of the Privy Council regarding the meaning of the term "period", and consider whether it was necessary to amend clause 10(b) to make it clear that an

Time marker	Speaker	Subject(s)	Action Required
			authorisation could cease to have effect upon occurrence of a specified event
011350 - 013341	Chairman Hon LAU Kong-wah Hon Ronny TONG Hon James TO Hon Emily LAU Hon Margaret NG Admin	Examination of clause 11; amending "a copy of any affidavit" in clause 11(2)(b)(ii) along the lines of "a copy of every affidavit"; amending subsection (a)(iii) of Part 4 of Schedule 3, such as by substituting the term "value" with "assessment"	Admin to consider amending "a copy of any affidavit" in clause 11(2)(b)(ii) along the lines of "a copy of every affidavit"; to consider amending paragraph (a)(iii) of Part 4 of Schedule 3, such as by substituting the term "value" with "assessment"

Time marker	Speaker	Subject(s)	Action Required
013342 - 020818	Chairman Hon Margaret NG Hon James TO Hon Emily LAU SALA1 Admin	Examination of clause 12; whether there should be an upper limit for renewals of judge's authorisation; whether the Commissioner had any role in monitoring the number of renewals of judge's authorisations; information on the average and maximum durations of previous covert operations; specifying that the number of previous renewals should be considered when examining the proportionality and necessity of an operation in applications for renewals; providing in the Bill that applications for renewal of judicial authorisations should be considered by two panel judges; Administration's response to issues raised by the Legal Service Division on clause 12	Admin to consider providing information on the average and maximum durations of previous covert operations; to consider specifying that the number of previous renewals should be considered when examining the proportionality and necessity of an operation in applications for renewals; to consider providing in the Bill that applications for renewal of judicial authorisations should be considered by two panel judges
020819 - 020916	Chairman	Date of next meeting	