

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, 15 June 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 LEE Cheuk-yan
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
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 Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
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 CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP

**Members
absent** : Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon SIN Chung-kai, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon CHEUNG Hok-ming, 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 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

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 providing information on the number of cases involving participant monitoring in respect of the figures provided for Type 2 surveillance for the period between 20 February and 19 May 2006;
 - (b) to provide information on the rank of officers who could currently make applications for covert operations; and
 - (c) to consider requiring the officer in charge of a case to make an application for executive authorisation.
3. The Administration advised that it would provide in the Code of Practice that an approving authority should keep a written record of oral applications.

II. Date of next meeting

4. The Bills Committee agreed that the schedule of additional meetings between 16 June 2006 and 14 July 2006 would be as follows -

Date	Time
16 June 2006 (Friday)	1:00 pm - 2:30 pm
17 June 2006 (Saturday)	2:00 pm - 6:00 pm
19 June 2006 (Monday)	1:00 pm - 2:30 pm
20 June 2006 (Tuesday)	10:45 am - 12:45 pm 2:30 pm - 4:30 pm
22 June 2006 (Thursday)	8:30 am - 2:00 pm
23 June 2006 (Friday)	1:00 pm - 2:30 am

24 June 2006 (Saturday)	9:00 am - 1:00 pm
	2:00 pm - 6:00 pm
26 June 2006 (Monday)	8:30 am – 10:30 am
28 June 2006 (Wednesday)	8:30 am – 10:30 am
29 June 2006 (Thursday)	4:30 pm – 6:30 pm
30 June 2006 (Friday)	8:30 am – 10:30 am
4 July 2006 (Tuesday)	8:30 am - 12:45 pm
6 July 2006 (Thursday)	4:30 pm - 6:30 pm
8 July 2006 (Saturday)	9:00 am - 1:00 pm
10 July 2006 (Monday)	8:30 am - 12:45 pm
11 July 2006 (Tuesday)	2:30 pm – 6:30 pm
12 July 2006 (Wednesday)	8:30 am – 10:30 am
14 July 2006 (Friday)	8:30 am - 12:45 pm
	2:30 pm – 6:30 pm

5. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
29 September 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Thursday, 15 June 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 002628	Chairman Hon LEUNG Kwok-hung Hon Mrs Selina CHOW Hon LAU Kong-wah Hon Margaret NG Hon Emily LAU Hon Tommy CHEUNG Hon Howard YOUNG Hon Ronny TONG Hon Mrs Sophie LEUNG Hon James TO Kun-sun	Whether additional meetings of the Bills Committee should be scheduled; voting on whether the length of each additional meeting should not exceed four hours; voting on whether the schedule of additional meetings tabled at the meeting should be adopted	
002629 – 002709	Admin	Briefing on clause 13	
002710 – 003213	Hon Emily LAU Chairman SALA1 Admin	Whether a judge's authorisation could be renewed indefinitely; role of the Commissioner in the renewal of judge's authorisations	
003214 – 003341	Admin	Briefing on clause 14 and Part 3 of Schedule 3	
003342 – 003620	Hon LAU Kong-wah Admin	Whether an application for executive authorisation could be made to any authorising officer	
003621 – 004422	Hon Margaret NG Admin Chairman	Why an application for executive authorisation was to be supported by a statement but not an affidavit; providing information on the number of cases involving participant monitoring in respect of the figures provided for Type 2 surveillance for the period between 20 February and 19 May 2006	Admin to consider providing information on the number of cases involving participant monitoring in respect of the figures provided for Type 2 surveillance for

Time marker	Speaker	Subject(s)	Action Required
			the period between 20 February and 19 May 2006
004423 – 005202	Hon Ronny TONG Admin Chairman	Meaning of “an authorizing officer of the department” in clause 14(1); whether an application for executive authorisation should be supported by an affidavit instead of a statement	
005203 – 005926	Hon James TO Admin Chairman	Information on the rank of officers who could currently make applications for covert operations	Admin to provide information on the rank of officers who could currently make applications for covert operations
005927 – 010133	Hon LAU Kong-wah Admin	Whether clarification could be sought in respect of an application for executive authorisation; whether an approving authority should keep a written record of oral applications	
010134 – 010810	Hon Ronny TONG Admin Chairman	Requiring the officer in charge of a case to make an application for executive authorisation	Admin to consider requiring the officer in charge of a case to make an application for executive authorisation
010811 – 011019	Chairman SALA1 Hon James TO Hon Ronny TONG	Penalties for providing false information in a statement and an affidavit	
011020 – 011658	Hon Margaret NG Admin	Mechanism for application for executive authorisation	

Time marker	Speaker	Subject(s)	Action Required
011659 – 012406	Hon James TO Chairman Admin	Whether representatives from the Police and the Independent Commission Against Corruption should attend meetings of the Bills Committee; requiring the officer in charge of a case to make an application for executive authorisation	
012407 – 012601	Hon LAU Kong-wah SALA1 Chairman Admin	Chinese version of the term “statement” in Part 3 of Schedule 3	
012602 – 013927	Hon James TO Admin Chairman	Officer responsible for making an application for executive authorisation; scope of subsection (b)(ii) and (iii) of Part 3 of Schedule 3	
013928 – 014121	Hon LAU Kong-wah Admin	Requirements on the disclosure of previous applications in an application for executive authorisation	
014122 – 014428	Hon Howard YOUNG Hon James TO Chairman Admin	Whether an authorising officer should be required to give reasons for refusal to issue an executive authorisation	
014429 – 014948	Hon James TO Chairman Admin	Whether an executive authorisation would specify the team of officers who would carry out the operation concerned	
014949 – 015035	Hon LAU Kong-wah Admin	Date on which a renewed executive authorisation would take effect	
015036 – 020025	Hon James TO Hon Mrs Sophie LEUNG Chairman Admin	The maximum duration of three months for a renewed executive authorisation	
020026 – 020049	Chairman	Date of next meeting	