

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 Friday, 16 June 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
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
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
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP

- Members absent** : Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP

Dr Hon David LI Kwok-po, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon CHEUNG Hok-ming, 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

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 -

- (a) to explain whether authorisations would be given to the applicant or the officers in charge of a case, the working relationship between them, and who would make the application for renewal;
- (b) to consider providing in the Bill that an applicant for an executive authorisation should not be the same person as the authorising officer; and
- (c) to explain what the panel judge could do, if he considered that a previously approved Type 2 surveillance authorisation should have been Type 1 instead.

II. Date of next meeting

3. The Bills Committee noted that the next meeting had been scheduled for Saturday, 17 June 2006 at 9:00 am to continue discussion with the Administration.

4. The meeting ended at 10:35 am.

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 Friday, 16 June 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000828 - 000845	Chairman	Opening remarks	
000846 - 000945	Chairman Admin	Briefing on clauses 17, 18 and 19	
000946 - 001156	Chairman Hon LAU Kong-wah Admin	Difference between clauses 11, 14 and 17	
001157 - 002401	Chairman Hon Emily LAU Hon Ronny TONG Hon Mrs Selina CHOW SALA1 Admin	Whether an application for executive authorisation should be supported by a statement or an affidavit; penalties for providing false information in a statement or an affidavit; whether there should be increasingly stringent requirements on the renewal of an executive authorisation; whether authorisations would be given to the applicant or the officers in charge of a case, the working relationship between them, and who would make an application for renewal	Admin to explain whether authorisations would be given to the applicant or the officers in charge of a case, the working relationship between them, and who would make an application for renewal
002402 - 002900	Chairman Hon Audrey EU Admin	Whether there was a definition for the term "renewal" in clause 17(1); whether an application for renewal had to be made before the expiry of the existing executive authorisation	
002901 - 004326	Chairman Hon LI Kwok-ying Hon Albert HO Hon James TO Hon Emily LAU Hon LAU Kong-wah Admin	Whether it should be provided in the Bill that an applicant should not be a subordinate of the authorising officer; specifying in the Bill that the number of previous renewals should be a factor in considering the proportionality and necessity of an operation; providing in the Bill that an applicant for an executive authorisation should not be the same person as the authorising officer	Admin to consider providing in the Bill that an applicant for an executive authorisation should not be the same person as the authorising officer

Time marker	Speaker	Subject(s)	Action Required
004327 - 005042	Chairman Hon James TO Admin	Consequences of submitting an application for Type 2 surveillance authorisation when an application for Type 1 authorisation should have been submitted; circumstances under which a subject could seek compensation; whether subjects of interception of communication and surveillance would be notified afterwards of the activities conducted; what a panel judge could do, if he considered that a previously approved Type 2 surveillance authorisation should have been Type 1 instead	Admin to explain what a panel judge could do, if he considered that a previously approved Type 2 surveillance authorisation should have been Type 1 instead
005043 - 010225	Hon LI Kwok-ying Hon Emily LAU Chairman Admin	Whether an authorising officer should be required to give his reasons for issuing a renewed executive authorisation under clause 18(3)(a); whether an executive authorisation could be renewed indefinitely; whether surveillance could continue when a subject was outside the territory of Hong Kong	
010226 - 011722	Chairman Hon Albert HO Hon James TO Admin	How records of executive authorisation were maintained; whether information about refusal of executive authorisation was sealed and separated from the investigation file of the relevant case	
011723 - 012614	Chairman Hon LAU Kong-wah Admin	Whether there was a need for clause 20(1)(b)	
012615 - 012922	Chairman Hon LI Kwok-ying Admin	Why there was a need for clause 20(1)(a)(iv)	
012923 - 020606	Chairman Hon Emily LAU Hon James TO Hon Albert HO Hon LAU Kong-wah Admin	Whether an application for emergency authorisation should be supported by an affidavit or a statement; whether an emergency authorisation should be issued by a head of department or a judge; whether there was a need for clause 20(1)(b)	

Time marker	Speaker	Subject(s)	Action Required
020607 - 020629	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
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