

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/05

LC Paper No. CB(2)325/06-07  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Monday, 19 June 2006, at 1:00 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 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 LI Kwok-ying, MH  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS

**Members absent** : Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
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  
Dr Hon Joseph LEE Kok-long  
Hon Daniel LAM Wai-keung, BBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Hon Patrick LAU Sau-shing, SBS, JP

**Public Officers :** Mr Stanley YING  
**attending** Permanent Secretary for Security

Miss S H CHEUNG  
Deputy 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

Ms Sandy HAU  
Clerical Assistant (2) 1

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## **I. Meeting with the Administration**

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

### 2. The Bills Committee requested the Administration -

#### Clause 29

- (a) to consider tightening up the wording of clause 29(6)(c);
- (b) to consider providing explicitly that the authorisation of entry by force under sub-clauses (a)(ii), (b)(ii) and (c)(ii) of clause 29(7) was not applicable to executive authorisation; and

#### Clause 30

- (c) to consider providing expressly that clause 30 only covered incidental conduct; and

#### Schedule 3

- (d) to consider amending "used for identifying any communication that is to be intercepted" in sub-clause (b)(iii) of Part 1 of Schedule 3 along the lines of "using, or is likely to use".

### 3. The Bills Committee requested the Legal Service Division to provide information on the powers which were proposed to be given to authorised officers under the then United Nations (Anti-Terrorism Measures) Bill.

## **II. Date of next meeting**

### 4. The Bills Committee noted that the next meeting had been scheduled for Tuesday, 20 June 2006 at 8:30 am to continue discussion with the Administration.

### 5. The meeting ended at 2:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
9 November 2006

**Proceedings of meeting of the  
Bills Committee on  
Interception of Communications and Surveillance Bill  
on Monday, 19 June 2006, at 1:00 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000218	Chairman	Opening remarks	
000219 - 000943	Hon James TO Admin	Examination of clause 29(1)(b) and Schedule 3; amending "used for identifying any communication that is to be intercepted" in sub-clause (b)(iii) of Part 1 of Schedule 3 along the lines of "using, or is likely to use"	<b>Admin to consider amending "used for identifying any communication that is to be intercepted" in sub-clause (b)(iii) of Part 1 of Schedule 3 along the lines of "using, or is likely to use"</b>
000944 - 001147	Hon Emily LAU Chairman Admin	Interpretation of the term "by force" in clause 29(6)(b); compensation for damages	
001148 - 004032	Hon James TO Hon Emily LAU Hon LEUNG Kwok-hung Admin Chairman	Interpretation of clause 29(2); scope of clause 29(1)(b); setting out in the Code of Practice the procedures for the addition of phone numbers for named person authorisations, such as why the numbers were believed to be "likely to be used" by the subject of the covert operation	
004033 - 004953	Hon Margaret NG Admin	Drafting of clause 29; whether a prescribed authorisation under clause 29 was subject to any restriction	
004954 - 005712	Hon James TO Admin Chairman	Interpretation of the term "conceal" in clause 29(3); drafting of clause 29(6)(c)	<b>Admin to consider tightening up the wording of clause 29(6)(c)</b>

Time marker	Speaker	Subject(s)	Action Required
005713 - 010419	Hon Emily LAU Hon Margaret NG Admin	Scope of clause 29 and clause 29(2)(c)	
010420 - 011529	Hon James TO Chairman Admin Hon Margaret NG	Difference between clause 29(5) and clause 30(g); powers which were proposed to be given to authorised officers under the then United Nations (Anti-Terrorism Measures) Bill	<b>SALA1 to provide information on the powers proposed to be given to authorised officers under the then United Nations (Anti-Terrorism Measures) Bill</b>
011530 - 012449	Hon James TO Hon Margaret NG Admin Chairman	Interpretation of clause 29(6)(d), clause 29(7) and clause 30; providing explicitly that the authorisation of entry by force under sub-clauses (a)(ii), (b)(ii) and (c)(ii) of clause 29(7) was not applicable to executive authorisation; providing expressly that clause 30 only covered incidental conduct	<b>Admin to consider providing explicitly that the authorisation of entry by force under sub-clauses (a)(ii), (b)(ii) and (c)(ii) of clause 29(7) was not applicable to executive authorisation; to consider providing expressly that clause 30 only covered incidental conduct</b>
012450 - 012549	Admin	Briefing on clauses 40 and 41	
012550 - 012717	Hon Margaret NG Chairman Admin	Whether clauses 40 and 41 set out the responsibilities or the rights of the Commissioner	
012718 - 013343	Hon LAU Kong-wah Chairman Admin Hon Margaret NG	Meaning of "relevant requirement" in clause 40(2)(a)	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013344 - 013402	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
9 November 2006