

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)406/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Friday, 23 June 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Miriam LAU Kin-yee, 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-yee, GBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, 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 Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH
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

Members absent : Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Hon SIN Chung-kai, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Hon CHEUNG Hok-ming, SBS, JP
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

Miss Jenny HO
Legislative Assistant (2) 9

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 arranging a briefing on interception of telecommunications and the Police's intelligence management system;
 - (b) to consider whether the Commissioner on Interception of Communications and Surveillance or the Privacy Commissioner for Personal Data should oversee the system for storage of intelligence derived from operations authorised under the Bill; and
 - (c) to advise on the decision chain, including the rank of officers involved, for the keeping of intelligence obtained from covert surveillance operations.

II. Date of next meeting

3. The Bills Committee noted that the next meeting would be held in the same afternoon at 1:00 pm to continue discussion with the Administration.
4. The meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
20 November 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Friday, 23 June 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000049 - 000307	Chairman	Opening remarks	
000308 - 001043	Admin	Briefing on the Administration's paper entitled "Response to Issues Raised by the Bills Committee" (LC Paper No. CB(2)2444/05-06(01))	
001044 - 001619	Hon Howard YOUNG Admin	The Administration's position on the keeping and destruction of intelligence derived from interception of communications and surveillance under the Bill	
001620 - 002410	Hon Margaret NG Chairman Admin	Whether the Chief Executive should be subject to regulation under the Bill; context of the cases referred to in Annex B of the Administration's paper	
002411 - 003805	Hon James TO Admin Chairman Hon Emily LAU	Mechanism for the keeping and destruction of intelligence derived from interception of communications and surveillance under the Bill; arrangement of a briefing on interception of telecommunications and the Police's intelligence management system	Admin to consider arranging a briefing on interception of telecommunications and the Police's intelligence management system
003806 - 004525	Hon Margaret NG Admin	Whether the safeguards provided under clause 56 were adequate; whether there should be a definition of "public security"	
004526 - 004955	Hon Howard YOUNG Admin	How mobile phone communications were intercepted; length of period for which records were kept	
004956 - 005845	Hon Ronny TONG Hon James TO Chairman	Perceived major weaknesses of the Bill; progress of scrutiny of the Bill	

Time marker	Speaker	Subject(s)	Action Required
005846 - 010543	Hon James TO Admin Chairman	Process for the retention of information useful to the prevention and detection of crime or the protection of public security	
010544 - 013303	Hon Margaret NG Hon LAU Kong-wah Hon Emily LAU Hon Mrs Selina CHOW Admin Chairman	Administration's response to issues raised by members; whether scrutiny of the Bill was thorough; whether the Administration should arrange a briefing on interception of communications	
013304 - 014019	Hon Ronny TONG Chairman	Object and scope of the Bill	
014020 - 014919	Hon James TO Admin Chairman	Whether the Commissioner on Interception of Communications and Surveillance or the Privacy Commissioner should oversee the system for storage of intelligence derived from operations authorised under the Bill; to advise on the decision chain, including the rank of officers involved, for the keeping of intelligence obtained from covert surveillance operations	Admin to consider whether the Commissioner on Interception of Communications and Surveillance or the Privacy Commissioner for Personal Data should oversee the system for storage of intelligence derived from operations authorised under the Bill; to advise on the decision chain, including the rank of officers involved, for the keeping of intelligence obtained from covert surveillance operations
014920 - 020313	Hon Emily LAU Hon LEUNG Kwok-hung Chairman SALA1 Admin	Whether the Chief Executive was and should be subject to the Bill	

Time marker	Speaker	Subject(s)	Action Required
020314 - 020332	Chairman	Date of next meeting	

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