

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)611/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 29 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 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 Daniel LAM Wai-keung, BBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
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 Alan LEONG Kah-kit, SC
Hon CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC
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

Mr Ian MCWALTERS
Senior Assistant Director of Public Prosecutions

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

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -

Clauses 43 & 46A

- (a) to consider amending "without the authority of a prescribed authorisation" in clauses 43 and 46A along the lines of "in contravention of this Ordinance";
- (b) to consider requiring the Commissioner on Interception of Communications and Surveillance (the Commissioner) to give the notice under clause 46A(1) as soon as reasonably practicable, subject to clause 46A(3);
- (c) to consider providing the Commissioner with the discretion to give reasons for his findings and other details under clause 46A(4)(a), subject to clause 46A(3);
- (d) to consider providing the Commissioner with the discretion to extend the time limit beyond six months in clause 46A(1);
- (e) to reconsider if clause 46A(6) was necessary and, if so, -
 - (i) to consider adding "with reasonable effort" to the end of clause 46A(6)(a);
 - (ii) to consider deleting clause 46A(6)(b);
 - (iii) to clarify the meaning of "minimal" in clause 46A(6)(c); and

Clause 52

- (f) to consider adding "and errors" after "relevant requirement" in clause 52.

II. Date of next meeting

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

4. The meeting ended at 6:35 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Thursday, 29 June 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000506	Chairman	Opening remarks	
000507 - 000907	Admin	Briefing on the Administration's response in paragraphs 1 and 2 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2556/05-06(01))	
000908 - 003844	Hon James TO Hon LAU Kong-wah Hon Margaret NG Admin Chairman	Amending "without the authority of a prescribed authorisation" in clauses 43 and 46A along the lines of "in contravention of this Ordinance"	Admin to consider amending "without the authority of a prescribed authorisation" in clauses 43 and 46A along the lines of "in contravention of this Ordinance"

Time marker	Speaker	Subject(s)	Action Required
003845 - 012314	Hon Emily LAU Hon LEUNG Kwok-hung Hon LAU Kong-wah Hon Margaret NG Hon James TO Admin Chairman	Providing the Commissioner on Interception of Communications and Surveillance (the Commissioner) with the discretion to give reasons for his findings and other details under clause 46A(4)(a), subject to clause 46A(3); to reconsider if clause 46A(6) was necessary and, if so, to consider adding "with reasonable effort" to the end of clause 46A(6)(a), to consider deleting clause 46A(6)(b) and to clarify the meaning of "minimal" in clause 46A(6)(c)	Admin to consider providing the Commissioner with the discretion to give reasons for his findings and other details under clause 46A(4)(a), subject to clause 46A(3); to reconsider if clause 46A(6) was necessary and, if so, to consider adding "with reasonable effort" to the end of clause 46A(6)(a), to consider deleting clause 46A(6)(b) and to clarify the meaning of "minimal" in clause 46A(6)(c)
012315 - 013428	Hon Margaret NG Hon Mrs Selina CHOW Admin	Requiring the Commissioner to give the notice under clause 46A(1) as soon as reasonably practicable, subject to clause 46A(3); providing the Commissioner with the discretion to extend the time limit beyond six months in clause 46A(1)	Admin to consider requiring the Commissioner to give the notice under clause 46A(1) as soon as reasonably practicable, subject to clause 46A(3); to consider providing the Commissioner with the discretion to extend the time limit beyond six months in clause 46A(1)
013429 - 013534	Chairman Admin	Briefing on the Administration's response in paragraph 3 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2556/05-06(01))	

Time marker	Speaker	Subject(s)	Action Required
013535 - 014400	Hon LAU Kong-wah Hon Margaret NG Hon Mrs Selina CHOW Chairman Admin	Providing the Commissioner with the power to review emergency authorisations	
014401 - 014501	Chairman Admin	Briefing on the Administration's response in paragraph 4 of the Administration's paper entitled "Response to issues raised" (LC Paper No. CB(2)2556/05-06(01))	
014502 - 020201	Hon James TO Hon Mrs Selina CHOW Hon LAU Kong-wah Admin Chairman	Adding "and errors" after "relevant requirement" in clause 52	Admin to consider adding "and errors" after "relevant requirement" in clause 52
020202 - 020245	Chairman	Date of next meeting	