

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)661/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Monday, 10 July 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
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, GBS, 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 Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
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

Members absent : Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon SIN Chung-kai, JP

Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS

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 -

Clause 46A

(a) to consider amending "carried out by a department" in clause 46A(1) as "carried out by any public officer";

- (b) to consider adding "as soon as practicable" before "give notice" in clause 46A(1);
- (c) to consider amending clause 46A(3) along the lines that notification would be given only if it would not be prejudicial to the prevention or detection of crime or the protection of public security;

Clause 47

- (d) to consider adding in clause 47(2)(d) a reference to clause 48;
- (e) to consider adding "and implementation of this Ordinance" after "requirements" in clause 47(2)(e);
- (f) to consider providing in clause 47(2) a breakdown of public officers and other persons among the subject of interception of communications or covert surveillance;

Code of practice

- (g) to consider setting out in the code of practice that the disciplinary action referred to in clause 46(2) included the various stages of disciplinary actions; and

Others

- (h) to confirm whether records on telephone numbers intercepted would form part of the records to be kept by law enforcement agencies.

3. The Bills Committee agreed that the suggestion of conducting a research study on the monitoring of law enforcement agencies in covert operations by legislatures in overseas jurisdictions, including how confidential information in such regard were provided to the legislatures, would be referred to the Panel on Security for follow-up.

II. Date of next meeting

4. The Bills Committee noted that the next meeting had been scheduled for 11 July 2006 at 2:30 pm to continue discussion with the Administration.

5. The meeting ended at 12:55 pm.

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Monday, 10 July 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000319	Chairman	Opening remarks	
000320 - 001059	Admin Hon Margaret NG Chairman	Administration's proposed Committee Stage amendments (CSAs) to clauses 6, 8, 9, 10, 11, 12, 13, 17, 18, 20, 22, 23, 24, 26 and 27; meaning of "information" in the proposed clause 27(3)(b)	
001100 - 001616	Admin Hon LAU Kong-wah Chairman	Administration's proposed CSAs to clauses 29, 30 and 30A; drafting of the proposed clause 30A(3)	
001617 - 002549	Admin Chairman	Administration's proposed CSAs to clauses 36, 38, 39, 40, 41, 42, 43, 44 and 45	
002550 - 003429	Admin Hon Emily LAU Hon Margaret NG Chairman	Administration's proposed CSAs to clause 46; whether the disciplinary action referred to in clause 46(2) included the various stages of disciplinary actions	Admin to consider setting out in the code of practice that the disciplinary action referred to in clause 46(2) included the various stages of disciplinary actions

Time marker	Speaker	Subject(s)	Action Required
003430 - 020221	Chairman Hon LAU Kong-wah Hon Martin LEE Hon Albert HO Hon Emily LAU Hon Ronny TONG Hon Howard YOUNG Hon Mrs Sophie LEUNG Hon Margaret NG Admin	Administration's proposed CSAs in clause 46A; scope of clause 46A(1) and whether the clause covered "mistaken" and "wrongful" cases; timing and contents of notification	Admin to consider amending "carried out by a department" in clause 46A(1) as "carried out by any public officer"; to consider adding "as soon as practicable" before "give notice" in clause 46A(1); to consider amending clause 46A(3) along the lines that notification would be given only if it would not be prejudicial to the prevention or detection of crime or the protection of public security
Break			
021657 - 024237	Chairman Hon Mrs Sophie LEUNG Hon Howard YOUNG Hon James TO Hon Margaret NG Admin	Whether notification should be made in "mistaken" or "wrongful" cases	
024238 - 040109	Chairman Hon James TO Hon Emily LAU Hon Ronny TONG Hon Mrs Sophie LEUNG Admin SALA1	Administration's proposed CSAs to clause 47; expenditure on covert operations in 2007-08; statistics to be included in the annual report of the Commissioner to the Chief Executive; providing in clause 47(2) a breakdown of public officers and other persons among the subject of interception of communications or covert surveillance	Admin to consider adding a reference to clause 48 in clause 47(2)(d); to consider providing in clause 47(2) a breakdown of public officers and other persons among the subject of interception of communications or covert surveillance

Time marker	Speaker	Subject(s)	Action Required
040110 - 041723	Hon James TO Admin Chairman	Adding "and implementation of this Ordinance" after "requirements" in clause 47(2)(e); whether records on the number of telephone lines intercepted would form part of the records to be kept by law enforcement agencies and provided to the Commissioner on Interception of Communications and Surveillance; referring to the Panel on Security the suggestion of conducting a research study on the monitoring of law enforcement agencies in covert operations by legislatures in overseas jurisdictions	Admin to consider adding "and implementation of this Ordinance" after "requirements" in clause 47(2)(e); to confirm whether records on the number of telephone lines intercepted would form part of the records to be kept by law enforcement agencies
041724 - 042256	Chairman Hon James TO Hon Howard YOUNG	Business for subsequent meetings	