

立法會
Legislative Council

Ref : CB2/BC/2/05

LC Paper No. CB(2)697/06-07
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Friday, 14 July 2006, at 2:30 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)
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, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, 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 Vincent FANG Kang, JP
Hon LI Kwok-ying, MH, 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 CHEUNG Hok-ming, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Patrick LAU Sau-shing, SBS, JP

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 Joseph LEE Kok-long, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon WONG Ting-kwong, BBS

Public Officers attending : Mr Stanley YING
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 attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr LEE Yu-sung
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 provide further information, if any, on the offences in existing legislation that attracted a maximum penalty of \$ 1 million and an imprisonment term of less than three years; and
 - (b) to consider incorporating a sunset clause in the Bill.

II. Date of next meeting

3. The Chairman informed members that the Bills Committee would report its deliberations to the House Committee on 21 July 2006. She reminded members that the deadline for giving notice of Committee Stage amendments to the Bill was 24 July 2006.
4. The Bills Committee noted that the next meeting had been scheduled for 19 July at 4:30 pm to discuss with the Administration the draft code of practice to be issued by the Secretary for Security under the Bill.
5. The meeting ended at 7:00 pm.

Council Business Division 2
Legislative Council Secretariat
18 December 2006

**Proceedings of meeting of the
Bills Committee on
Interception of Communications and Surveillance Bill
on Friday, 14 July 2006, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000125	Chairman	Opening remarks	
000126 - 002011	Chairman Hon Margaret NG Hon Ronny TONG Hon James TO	Committee Stage amendments (CSAs) proposed by Hon Margaret NG to clauses 29, 30 and 30A	
002012 - 002725	Chairman Hon Margaret NG Hon Ronny TONG Hon James TO Hon Emily LAU	CSAs proposed by Hon Margaret NG to clauses 32, 33, 38 and 39	
002726 - 003609	Chairman Hon Margaret NG Hon Ronny TONG	CSAs proposed by Hon Margaret NG to clauses 40, 43 and 44	
003610 - 004240	Chairman Hon Margaret NG Hon Ronny TONG	CSAs proposed by Hon Margaret NG to clauses 45 and 46A	
004241 - 005413	Hon Margaret NG Hon Ronny TONG Hon James TO Chairman	CSAs proposed by Hon Margaret NG to clauses 51, 54A, 55 and 55A	
005414 - 011301	Chairman Hon Margaret NG	CSAs proposed by Hon Margaret NG to clauses 56, 57, 58, 65, Schedule 2 and Schedule 3	

Time marker	Speaker	Subject(s)	Action Required
011302 - 015706	Chairman Hon James TO Hon Mrs Selina CHOW Hon Emily LAU Hon Howard YOUNG Hon LAU Kong-wah Hon Ronny TONG	CSAs proposed by Hon James TO; introduction of a sunset clause in the Bill; CSAs proposed by Hon James TO to clauses 2 and 3; Administration's position regarding the amendments proposed by Hon James TO on the threshold for crimes subject to the Bill; offences in existing legislation that attracted a maximum penalty of \$ 1 million and an imprisonment term of less than three years	Admin to provide further information, if any, on the offences in existing legislation that attracted a maximum penalty of \$ 1 million and an imprisonment term of less than three years
Break			
021303 - 022849	Chairman Hon James TO Hon LAU Kong-wah Hon Mrs Selina CHOW Hon Margaret NG	CSAs proposed by Hon James TO to clauses 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19	
022850 - 023231	Hon James TO	CSAs proposed by Hon James TO to clause 20	
023232 - 023839	Chairman Hon LAU Kong-wah Hon James TO Admin Hon Margaret NG	CSAs proposed by Hon James TO to clauses 21, 22, 23 and 24	
023840 - 023940	Chairman Hon James TO Hon Howard YOUNG	CSAs proposed by Hon James TO to clauses 25, 26, 27 and 28	
023941 - 032637	Chairman Hon James TO	CSAs proposed by Hon James TO to clauses 29, 30, 30A, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 46A, 47, 48, 49, 50, 51 and 52	
Break			
033330 - 034703	Chairman Admin Hon James TO Hon Margaret NG Hon Emily LAU	CSAs proposed by the Administration to clause 65 in response to issues raised by members at the meeting in the morning	

Time marker	Speaker	Subject(s)	Action Required
034704 - 035352	Chairman Hon James TO	CSAs proposed by Hon James TO to clauses 55, 55A, 57, 58 and 65	
035353 - 035527	Chairman	Report of the Bills Committee to the House Committee; deadline for giving notice to move CSAs; date of resumption of Second Reading debate on the Bill	
035528 - 042735	Chairman Hon James TO Hon Emily LAU Hon Margaret NG Hon LAU Kong-wah Hon Mrs Selina CHOW Hon Howard YOUNG Hon Alan LEONG Admin	Whether a sunset clause should be provided in the Bill; review of the Bill after a certain period of time	Admin to consider incorporating a sunset clause in the Bill
042736 - 042800	Chairman	Date of next meeting	