

**Extracts from SB Ref: ICSB 8/06 (LC Paper No. CB(2)1866/05-06(02))  
(For information on 2 May 2006)**

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

**Response to issues raised  
in connection with “Public Security”**

**Proposed Committee Stage Amendments**

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7. The proposed amendments are -

(a) To add to clause 2(1) the following definition :

*““public security” (公共安全) means the public security of Hong Kong;”*

This wording is used in the IOCO. It has the effect of making it explicit that “public security” should be that of Hong Kong;

(b) To replace paragraph (b)(v) of Part 1 of Schedule 3 (and similarly for paragraph (b)(vi) of Part 2 and paragraph (b)(vi) of Part 3 of that Schedule with minor adaptations) by the following new sub-paragraph:

*“(v) the following information –*

*(A) where the purpose sought to be furthered by carrying out the interception is that specified in section 3(1)(a)(i) of this Ordinance, the nature of, and an assessment of the immediacy and gravity of, the serious crime to be prevented or detected; or*

*(B) where the purpose sought to be furthered by carrying out the interception is that specified in section 3(1)(a)(ii) of this Ordinance, the nature of, and an assessment of the immediacy and gravity of, the particular threat to public security, and an assessment of the impact, both direct and indirect, of*

*the threat on the security of Hong Kong, the residents of Hong Kong, or other persons in Hong Kong;”*

This requires the applicant and the approving authority to consciously consider and articulate the impact, direct or indirect, of the threat on the security of Hong Kong, the residents of Hong Kong, or other persons in Hong Kong; and

(c) To add after clause 2(5) the following new sub-clause:

*“(5A) For the purposes of this Ordinance, advocacy, protest or dissent (whether in furtherance of a political or social objective or otherwise), unless likely to be carried on by violent means, is not of itself regarded as a threat to public security.”*

This expressly provide that peaceful advocacy should not of itself be considered a threat to public security.

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