

立法會

Legislative Council

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Paper for the House Committee meeting on 30 June 2006

Interim report of the Bills Committee on Interception of Communications and Surveillance Bill

Purpose

This paper reports on the view of the Bills Committee on Interception of Communications and Surveillance Bill on the proposed date of resumption of the Second Reading debate on the Bill.

The Bills Committee

2. At the House Committee meeting on 10 March 2006, Members formed a Bills Committee to study the Bill. Under the chairmanship of Hon Miriam LAU Kin-ye, the Bills Committee held 36 meetings (i.e. 46 two-hour sessions) with the Administration between 16 March and 28 June 2006. The Bills Committee has also met with 10 organisations and individuals, including the Hong Kong Bar Association and The Law Society of Hong Kong, and received written submissions from the Privacy Commissioner for Personal Data. In addition, the Bills Committee has received a briefing by the Police on surveillance devices.

Resumption of Second Reading debate on the Bill

3. At its meeting on 27 June 2006, the Bills Committee reviewed the progress of work and also discussed the date of resumption of the Second Reading debate on the Bill with the Administration.

4. The Administration has informed members that it will not give notice to resume the Second Reading debate on the Bill at the Council meeting on 12 July 2006, as the Bills Committee has not yet completed scrutiny of the Bill. The Administration has explained to the Bills Committee that it is necessary to

enact the legislation before 9 August 2006, given that the suspension of the effect of the declarations made by the Court of First Instance in *Leung Kwok Hung and Koo Sze Yiu v Chief Executive of the Hong Kong Special Administrative Region* concerning the validity of section 33 of the Telecommunications Ordinance (Cap. 106) and the Law Enforcement (Covert Surveillance Procedures) Order made by the Chief Executive in 2005 will expire on that date. The Administration has indicated its intention to request the President to determine that a Council meeting be held on 2 August 2006 in order that the Second Reading debate on the Bill may be resumed at that Council meeting.

5. The Bills Committee has raised no objection to the resumption date of 2 August 2006 proposed by the Administration.

6. The Bills Committee will hold meetings between 29 June and 14 July 2006 to continue discussion on the Bill.

Advice sought

7. Members are invited to note the view of the Bills Committee on the proposed date of resumption of the Second Reading debate on the Bill in paragraph 5 above.

Council Business 2
Legislative Council Secretariat
29 June 2006