

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本函編號 Our Ref.: 2810 2712

來函編號 Your Ref.: 2868 5074

29 June 2006

Hon Mrs Rita Fan, GBS, JP
President of the Legislative Council
Room 109,
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear President,

Interception of Communications and Surveillance Bill

The Interception of Communications and Surveillance Bill (the Bill) was introduced into the Legislative Council for first and second readings on 8 March 2006. I am writing to request that you consider convening an additional Council meeting for the purpose of resuming the second reading debate on the Bill on 2 August 2006.

The Bills Committee has up to 28 June 2006 held 36 sessions of meeting totaling 92 hours of discussion to scrutinize the Bill. We are most grateful for the tireless work of Bills Committee Members and for their valuable suggestions. The clause-by-clause examination has already been completed, and the Bills Committee is now considering the Administration's proposed Committee Stage Amendments and other responses to Members' questions. We understand that the Bills Committee still requires some more time for the purpose and it will not be practicable to resume the second reading of the Bill on 12 July 2006, the last scheduled meeting of the 2005-06 session.

The Administration fully respects the Bills Committee's wish to have more time to consider our proposed Committee Stage Amendments and other responses to various issues. We will certainly continue to do our best to work closely with the Bills Committee in this regard. At the same time, it is essential that a bill be enacted by early August 2006 to provide the necessary statutory basis for our law enforcement agencies to continue carrying out interception of communications and covert surveillance operations. This is because the current basis on which these operations are being carried out has

been ruled by the court to be unconstitutional, and the temporary validity to stay the court's order will expire on 8 August 2006. On the expiry of the temporary validity, there would be no legal basis for these operations, which are critical to the protection of law and order of the society and safeguarding the safety and property of members of the public. Whilst seeking an extension of the temporary validity is a theoretical possibility, we believe that it is in Hong Kong's best interest to put in place the new statutory regime, with its enhanced safeguards, as soon as possible. It is also not prudent to plan on the basis that the court would necessarily grant the extension, even if applied for.

Given the unique circumstances of the case, I would request that you consider convening an additional Council meeting on 2 August 2006, the last Wednesday before the 8 August 2006 deadline, for the resumption of the second reading of the Bill. Subject to your agreement, I will give the notice of resumption of the second reading in accordance with established procedures.

Yours sincerely,



(Ambrose S K Lee)
Secretary for Security

c.c. Hon Miriam Lau, GBS, JP
Chairman, House Committee, Legislative Council