

Proposed Research Outline

Parliamentary monitoring mechanism on intelligence agencies in selected places

1. Background

1.1 At the meeting of the Panel on Security on 8 May 2007, the Panel requested the Research and Library Services Division (RLSD) to collect current information on how overseas legislatures monitor government intelligence agencies, with reference to the 1995 RLSD paper entitled "Parliamentary Monitoring Mechanism on Intelligence Agencies".

2. Scope of research

2.1 This study will focus on the following aspects of the mechanisms established by selected legislatures in monitoring government intelligence agencies:

- (a) statutory basis, powers and functions;
- (b) design and composition;
- (c) administration and procedures;
- (d) access to sensitive information; and
- (e) restrictions on disclosure of sensitive information.

2.2 The analysis chapter will compare the key features of the legislatures' monitoring mechanisms on government intelligence agencies in the selected places and Hong Kong.

3. Overseas legislatures to be studied

3.1 Consistent with the 1995 paper, RLSD proposes to study the following legislatures, each of which has distinctive features in monitoring government intelligence agencies:

- (a) The House of Commons of the United Kingdom (UK) Parliament;
- (b) The House of Representatives of the Parliament of Australia;

- (c) The House of Representatives of the United States (US) Congress;
and
- (d) The House of Commons of the Parliament of Canada.

3.2 The UK House of Commons has a statutory committee monitoring the expenditure, administration and policy of government intelligence agencies. The membership of the committee is restricted to Members who are not Ministers. The committee has access to a wide range of intelligence agencies' activities and sensitive information. The committee reports directly to the Prime Minister, and its reports have to be tabled before the House. In consultation with the committee, the Prime Minister may exclude sensitive information from a report of the committee to be laid before the House.

3.3 In Australia, the House of Representatives has a statutory committee monitoring the expenditure and administration of government intelligence agencies. A majority of the committee's members must be government Members. The committee has specific limitations on its operation. In particular, the committee must not require a person or body to disclose to the committee operationally sensitive information.

3.4 The US House of Representatives has a permanent select committee monitoring the budget and activities of government intelligence agencies. Both the Speaker and the Minority Leader are ex officio members of the committee. With leave of the House, the committee may disclose sensitive information publicly, even when the President objects to the disclosure of such information.

3.5 Unlike the above three legislatures, the House of Commons of the Parliament of Canada does not have a body directly monitoring government intelligence agencies. Nevertheless, a statutory and independent review body has been established to report to the House on the operation of such intelligence agencies. The committee's members cannot be Members of the House, although the government must consult the leaders of major opposition parties in the House as regards the appointment of the committee members.

4. Proposed completion date

4.1 RLSD proposes to complete the research by September 2007.