

Interception of Communications and Surveillance (Amendment) Bill 2015

Committee Stage

Amendments to be moved by the Honourable Dennis KWOK

<u>Clause</u>	<u>Amendment Proposed</u>
4	<p>(a) By renumbering the clause as clause 4(1).</p> <p>(b) By adding –</p> <p>“(2) After section 3(2) –</p> <p>Add</p> <p>“(3) For the avoidance of doubt, a prescribed authorization in subsection (1) must not be for the purpose of –</p> <p>(a) an act of which the effect is to make some or all of the contents of the communication available to a person who is not the sender or the intended recipient of the communication when the communication is stored in or by the telecommunications system (whether before or after its transmission but not in the course of its transmission); or</p> <p>(b) an act of which the effect is to make available any data (other than that already in the public domain) which is (or is to be or is capable of being) held or obtained by, or on behalf of, an operator in the provision of telecommunications service.</p> <p>(4) An officer or any other person of a department who intends to conduct any of the acts mentioned in subsection (3) must apply for an order pursuant to section 103 of the Criminal Procedure Ordinance (Cap. 221).”.”.</p>