

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SB116

Question Serial No.

2282

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

Under the Indicators of this programme, it is stated that one application for examination was not pursued in 2006 and 2007 each. What are the reasons for not pursuing those cases?

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

There was one application for examination each in 2006 and 2007 that was not pursued because the applicants did not wish to further pursue with their applications.

Signature _____

Name in block letters _____

MISS CHENG WAI FUNG

Post Title _____

Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

Date _____

20.3.2008

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**CONTROLLING OFFICER'S REPLY TO
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Reply Serial No.

SB117

Question Serial No.

2283

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

Under the Indicators of the Programme, the Government says that the number of weekly reports received from the law enforcement agencies (LEAs) in 2007 is 208. What are the numbers of reports from the respective LEAs in 2007? What are the natures of these reports?

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

In 2007, law enforcement agencies governed by the Interception of Communications and Surveillance Ordinance (namely Hong Kong Police Force, Independent Commission Against Corruption, Customs and Excise Department and Immigration Department) have each submitted 52 weekly reports to the Commissioner on Interception of Communications and Surveillance, that is 208 weekly reports in total. The weekly reports are mainly to provide information on each and every application for interception of communications and covert surveillance approved or refused during the week and the number of various types of cases.

Signature

Name in block letters

Post Title

Date

MISS CHENG WAI FUNG

Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

20.3.2008

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Reply Serial No.

SB118

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Question Serial No.

2324

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

The Commissioner on Interception of Communications and Surveillance is required to review and assess the compliance of law enforcement agencies (LEAs) with the relevant requirements under the Interception of Communications and Surveillance Ordinance (Cap.589). How many cases of illegal interception of communications and covert surveillance by LEAs were there for the period from 1.1.2007 to 31.12.2007? What LEAs and officers were involved? What were the illegal acts? Please give figures by categories.

Asked by : Hon. TO Kun-sun, James

Reply :

The Commissioner on Interception of Communications and Surveillance ('the Commissioner') is required under the Interception of Communications and Surveillance Ordinance to set out in his annual report to the Chief Executive the number and broad nature of any cases of irregularities or errors identified in the reviews during the report period. The relevant information for the period from 1.1.2007 to 31.12.2007 will therefore be included in the Commissioner's annual report for 2007.

Signature _____

Name in block letters

MISS CHENG WAI FUNG

Post Title

Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

Date

20.3.2008

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Reply Serial No.

SB119

Question Serial No.

2325

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

The number of visits conducted by the Secretariat to law enforcement agencies for checking purpose in 2006 and 2007 were 8 and 33 respectively while the estimated number for 2008 is also 33. Will it consider increasing the number of visits for checking purpose? If yes, what are the details? If not, what are the reasons? Is it because of insufficient financial resources?

Asked by : Hon. TO Kun-sun, James

Reply :

The Commissioner on Interception of Communications and Surveillance will visit law enforcement agencies (LEAs) for checking purpose on a regular basis to ensure full compliance with the relevant requirements of the Interception of Communications and Surveillance Ordinance by LEAs. The figure of 33 visits in 2008 is only an estimate. The actual number of visits will be determined in the light of operational needs.

Signature _____

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MISS CHENG WAI FUNG

Post Title _____

Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

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20.3.2008

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Reply Serial No.

SB120

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Question Serial No.

2326

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

Regarding the staff establishment of the Secretariat, Commissioner on Interception of Communications and Surveillance, please provide a breakdown of the number of staff, the ranks/functions as well as the salary and allowances.

Asked by : Hon. TO Kun-sun, James

Reply :

The Secretariat, Commissioner on Interception of Communications and Surveillance has an establishment of 17 permanent posts. The functions of these posts are to provide support to the Commissioner on Interception of Communications and Surveillance in carrying out his functions under the Interception of Communications and Surveillance Ordinance. The estimated annual salaries and allowances for the 17 posts for 2008-09 is \$7.16 million. The number and rank of the 17 posts are:

<u>Rank</u>	<u>Establishment</u>
Principal Executive Officer	1
Senior Executive Officer	2
Executive Officer I	4
Senior Personal Secretary	1
Personal Secretary II	1
Clerical Officer	2
Assistant Clerical Officer	4
Office Assistant	1
Chauffeur	1
Total	17

Signature _____

Name in block letters MISS CHENG WAI FUNG

Post Title Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

Date 20.3.2008

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Reply Serial No.

SB121

Question Serial No.

0792

Head : 169 Secretariat, Commissioner on Interception of
Communications and Surveillance

Subhead (No. & title) :

Programme : Compliance with Interception and Surveillance Legislation

Controlling Officer : Secretary, Secretariat, Commissioner on Interception of
Communications and Surveillance

Director of Bureau : Secretary for Security

Question :

There are currently only 16 staff members in the Secretariat, Commissioner on Interception of Communications and Surveillance. Can the existing manpower cope with the operational needs? If not, how to deploy the manpower to meet the needs?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

The Secretariat, Commissioner on Interception of Communications and Surveillance (the Secretariat) has an establishment of 17 permanent posts. The functions of these posts are to provide support to the Commissioner on Interception of Communications and Surveillance in carrying out his functions under the Interception of Communications and Surveillance Ordinance. The Secretariat will review its establishment from time to time to ensure that there is sufficient manpower to meet operational needs.

Signature _____

Name in block letters

MISS CHENG WAI FUNG

Post Title

Secretary, Secretariat,
Commissioner on Interception of
Communications and Surveillance

Date

20.3.2008