

Head 169 — SECRETARIAT, COMMISSIONER ON INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE

Controlling officer: the Secretary, Secretariat, Commissioner on Interception of Communications and Surveillance will account for expenditure under this Head.

Estimate 2016–17 **\$20.1m**

Establishment ceiling 2016–17 (notional annual mid-point salary value) representing an estimated 22 non-directorate posts as at 31 March 2016 and as at 31 March 2017 **\$11.6m**

In addition, there will be an estimated one directorate post as at 31 March 2016 and as at 31 March 2017.

Controlling Officer's Report

Programme

Compliance with Interception and Surveillance Legislation

This programme contributes to Policy Area 9: Internal Security (Secretary for Security).

Detail

| | 2014–15 (Actual) | 2015–16 (Original) | 2015–16 (Revised) | 2016–17 (Estimate) |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------------------|
| Financial provision (\$m) | 18.3 | 21.5 | 20.5 (–4.7%) | 20.1 (–2.0%) |
| | | | | (or –6.5% on 2015–16 Original) |

Aim

2 The aim of the Secretariat, Commissioner on Interception of Communications and Surveillance (the Secretariat) is to provide support to the Commissioner on Interception of Communications and Surveillance (the Commissioner) in overseeing the compliance by law enforcement agencies (LEAs) and their officers with the relevant requirements under the Interception of Communications and Surveillance Ordinance (Cap. 589) (the Ordinance).

Brief Description

3 The Commissioner is appointed by the Chief Executive (CE) as an independent oversight authority to discharge the following functions under the Ordinance:

- conducting reviews on compliance by LEAs and their officers with the relevant requirements under the Ordinance;
- carrying out examinations upon applications from persons who suspect that they are subjects of interception or covert surveillance carried out by LEAs;
- submitting annual reports to the CE which will be tabled at the Legislative Council, and any further reports on matters relating to the performance of his functions under the Ordinance; and
- making recommendations to the Secretary for Security on the code of practice and to heads of LEAs on changes to any arrangements made by the respective LEAs to better carry out the objects of the Ordinance or the provisions of the code of practice.

4 The Secretariat assists the Commissioner in developing and implementing the procedures for overseeing the compliance by LEAs with the relevant requirements under the Ordinance, and in co-ordinating with the Security Bureau, LEAs and the Panel Judges' Office (PJO) in order to ensure the smooth functioning of the regime under the Ordinance. It also provides support to the Commissioner in processing applications for examination and in performing the review function which includes vetting the weekly reports, checking device registers, conducting inspection visits, and investigating cases of non-compliance. The Secretariat also assists the Commissioner in the compilation of the annual report to the CE and in the formulation of recommendations to the Secretary for Security and the heads of LEAs to improve the arrangements in place for the better operation of the Ordinance.

5 In 2015, the Secretariat met its targets and objectives. The annual report of the Commissioner for 2014 was submitted to the CE in June 2015.

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6 The key performance measures are:

Targets

| | Target | 2014 (Actual) | 2015 (Actual) | 2016 (Plan) |
|--|--------|------------------|------------------|----------------|
| Commissioner's Annual Report to the CE | 1 | 1 | 1 | 1 |
| standard response time for answering enquiries | | | | |
| immediately for enquiries by telephone or in person (%)..... | 100 | 100 | 100 | 100 |
| within ten days for enquiries in writing (%)..... | 100 | 100 | 100 | 100 |

Indicators

| | 2014 (Actual) | 2015 (Actual) | 2016 (Estimate) |
|--|------------------|------------------|--------------------|
| enquiries received# | 94 | 65 | 80 |
| applications for examination | | | |
| received | 15 | 11 | 13 |
| not pursued | 2 | 1 | —Ω |
| not entertained | 0 | 1 | —Ω |
| weekly reports from | | | |
| LEAs | 208 | 208 | 208 |
| PJO | 52 | 52 | 52 |
| no. of visits to LEAs for checking purpose | 27 | 27 | 27 |

The number of enquiries received hinges on public needs and may vary from year to year.

Ω Not possible to estimate.

Matters Requiring Special Attention in 2016–17

7 In 2016–17, the Secretariat will continue to assist the Commissioner in carrying out the functions conferred on him under the Ordinance to monitor the compliance by LEAs and their officers with the relevant requirements under the Ordinance.

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ANALYSIS OF FINANCIAL PROVISION

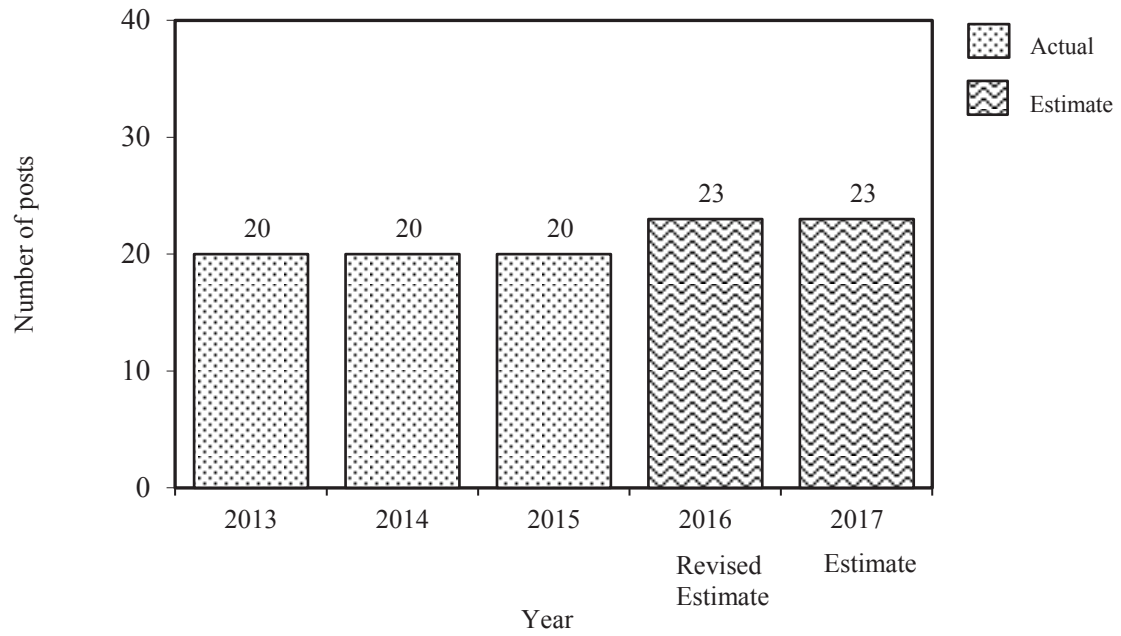
| | 2014-15 (Actual) (\$m) | 2015-16 (Original) (\$m) | 2015-16 (Revised) (\$m) | 2016-17 (Estimate) (\$m) |
|---|------------------------------|--------------------------------|-------------------------------|---|
| Programme | | | | |
| Compliance with Interception and Surveillance Legislation..... | 18.3 | 21.5 | 20.5 (-4.7%) | 20.1 (-2.0%) |
| | | | | (or -6.5% on 2015-16 Original) |

Analysis of Financial and Staffing Provision

Provision for 2016-17 is \$0.4 million (2.0%) lower than the revised estimate for 2015-16. This is mainly due to the decrease in operating expenses.

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*Changes in the size of the establishment
(as at 31 March)*



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| Sub-head (Code) | Actual expenditure 2014–15 | Approved estimate 2015–16 | Revised estimate 2015–16 | Estimate 2016–17 | |
|--------------------------|----------------------------------|---------------------------------|--------------------------------|-----------------------------|----------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 | |
| Operating Account | | | | | |
| Recurrent | | | | | |
| 000 | Operational expenses | 18,340 | 21,452 | 20,510 | 20,126 |
| | Total, Recurrent..... | 18,340 | 21,452 | 20,510 | 20,126 |
| | Total, Operating Account | 18,340 | 21,452 | 20,510 | 20,126 |
| <hr/> | | | | | |
| | Total Expenditure | 18,340 | 21,452 | 20,510 | 20,126 |
| | | <u>18,340</u> | <u>21,452</u> | <u>20,510</u> | <u>20,126</u> |

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Details of Expenditure by Subhead

The estimate of the amount required in 2016–17 for the salaries and expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance is \$20,126,000. This represents a decrease of \$384,000 against the revised estimate for 2015–16 and an increase of \$1,786,000 over the actual expenditure in 2014–15.

Operating Account

Recurrent

2 Provision of \$20,126,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance.

3 The establishment as at 31 March 2016 will be 23 permanent posts. No change in establishment is expected in 2016–17. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2016–17, but the notional annual mid-point salary value of all such posts must not exceed \$11,558,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

| | 2014–15 (Actual) (\$'000) | 2015–16 (Original) (\$'000) | 2015–16 (Revised) (\$'000) | 2016–17 (Estimate) (\$'000) |
|---|---------------------------------|-----------------------------------|----------------------------------|-----------------------------------|
| Personal Emoluments | | | | |
| - Salaries..... | 9,907 | 12,743 | 11,154 | 13,518 |
| - Allowances..... | 333 | 281 | 259 | 341 |
| - Job-related allowances..... | — | 1 | — | 1 |
| Personnel Related Expenses | | | | |
| - Mandatory Provident Fund contribution..... | 29 | 12 | 23 | 9 |
| - Civil Service Provident Fund contribution..... | 346 | 632 | 445 | 715 |
| Departmental Expenses | | | | |
| - General departmental expenses | 7,725 | 7,783 | 8,629 | 5,542 |
| | 18,340 | 21,452 | 20,510 | 20,126 |