

## 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 2017–18** ..... **\$21.2m**

**Establishment ceiling 2017–18** (notional annual mid-point salary value) representing an estimated 22 non-directorate posts as at 31 March 2017 and as at 31 March 2018 ..... **\$12.1m**

In addition, there will be an estimated one directorate post as at 31 March 2017 and as at 31 March 2018.

### Controlling Officer's Report

#### Programme

##### **Compliance with Interception and Surveillance Legislation**

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

#### Detail

	2015–16 (Actual)	2016–17 (Original)	2016–17 (Revised)	<b>2017–18 (Estimate)</b>
Financial provision (\$m)	20.4	20.1	19.2 (–4.5%)	<b>21.2</b> (+10.4%)
				(or +5.5% on 2016–17 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 visits for checking purpose, 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 2016, the Secretariat met its targets and objectives. The annual report of the Commissioner for 2015 was submitted to the CE in June 2016.

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6 The key performance measures are:

**Targets**

	Target	2015 (Actual)	2016 (Actual)	2017 (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**

	2015 (Actual)	2016 (Actual)	2017 (Estimate)
enquiries received# .....	65	82	74
applications for examination			
received .....	11	19	15
not pursued .....	1	2	—Ω
not entertained .....	1	0	—Ω
weekly reports from			
LEAs .....	208	208	208
PJO .....	52	52	52
no. of visits to LEAs for checking purpose .....	27	42Λ	86Λ

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

Ω Not possible to estimate.

Λ The increase in 2016 and estimated increase in 2017 reflect that more visits have been conducted since October 2016 to implement the checking of the protected products after the enactment of the Interception of Communications and Surveillance (Amendment) Ordinance 2016.

**Matters Requiring Special Attention in 2017–18**

7 In 2017–18, 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**

	2015-16 (Actual) (\$m)	2016-17 (Original) (\$m)	2016-17 (Revised) (\$m)	<b>2017-18 (Estimate) (\$m)</b>
<b>Programme</b>				
Compliance with Interception and Surveillance Legislation.....	20.4	20.1	19.2 (-4.5%)	<b>21.2 (+10.4%)</b>
				<b>(or +5.5% on 2016-17 Original)</b>

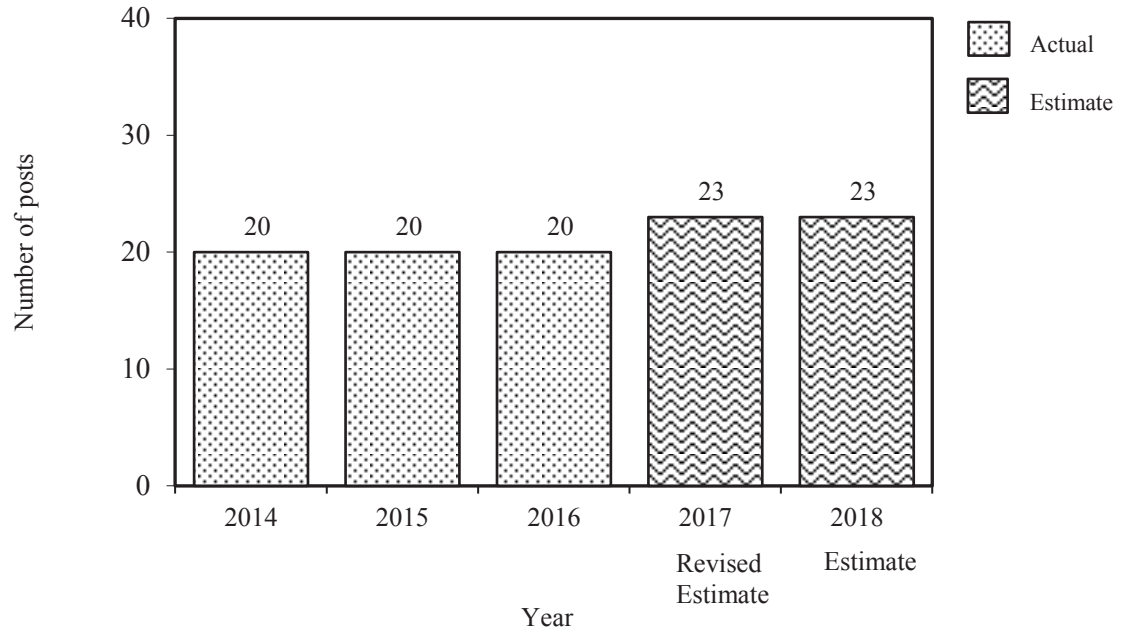
**Analysis of Financial and Staffing Provision**

Provision for 2017-18 is \$2.0 million (10.4%) higher than the revised estimate for 2016-17. This is mainly due to the full-year effect of filling three new posts created in 2016-17, salary increments and increased requirement for 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 2015-16	Approved estimate 2016-17	Revised estimate 2016-17	<b>Estimate 2017-18</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	20,419	20,126	19,211	<b>21,202</b>
	Total, Recurrent.....	20,419	20,126	19,211	<b>21,202</b>
	Total, Operating Account .....	20,419	20,126	19,211	<b>21,202</b>
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	Total Expenditure .....	20,419	20,126	19,211	<b>21,202</b>
		<u>20,419</u>	<u>20,126</u>	<u>19,211</u>	<u><b>21,202</b></u>

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### Details of Expenditure by Subhead

The estimate of the amount required in 2017–18 for the salaries and expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance is \$21,202,000. This represents an increase of \$1,991,000 over the revised estimate for 2016–17 and \$783,000 over the actual expenditure in 2015–16.

#### *Operating Account*

#### Recurrent

**2** Provision of \$21,202,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance. This represents an increase of \$1,991,000 (10.4%) over the revised estimate for 2016–17. This is mainly due to the full-year effect of filling three new posts created in 2016–17, salary increments and increased requirement for operating expenses.

**3** The establishment as at 31 March 2017 will be 23 permanent posts. No change in establishment is expected in 2017–18. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2017–18, but the notional annual mid-point salary value of all such posts must not exceed \$12,080,000.

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

	2015–16 (Actual) (\$'000)	2016–17 (Original) (\$'000)	2016–17 (Revised) (\$'000)	<b>2017–18 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	10,950	13,518	12,550	<b>13,420</b>
- Allowances.....	249	341	584	<b>545</b>
- Job-related allowances.....	—	1	—	<b>1</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	23	9	9	—
- Civil Service Provident Fund contribution.....	444	715	816	<b>1,045</b>
Departmental Expenses				
- General departmental expenses .....	8,753	5,542	5,252	<b>6,191</b>
	20,419	20,126	19,211	<b>21,202</b>