

## 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 2007–08** ..... **\$11.1m**

**Establishment ceiling 2007–08** (notional annual mid-point salary value) representing an estimated 16 non-directorate posts as at 31 March 2007 and as at 31 March 2008 ..... **\$5.3m**

In addition, there will be an estimated one directorate post as at 31 March 2007 and as at 31 March 2008.

### Controlling Officer's Report

#### Programme

**Compliance with Interception and Surveillance Legislation**

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

#### Detail

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)#	<b>2007–08 (Estimate)</b>
Financial provision (\$m)	—	—	5.7	<b>11.1</b> (+94.7%)

# The revised estimate for 2006–07 represents the provision required for the eight months from August 2006 to March 2007.

#### 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 (the Ordinance).

#### Brief Description

3 The Commissioner was appointed by the Chief Executive on 9 August 2006 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 Chief Executive 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 establishing the procedures for overseeing the compliance by LEAs with the relevant requirements under the Ordinance, co-ordinating with the Panel Judges' Office and LEAs in order to ensure the smooth functioning of the review and complaint handling systems, and compiling the annual reports to the Chief Executive and other reports as required. The Secretariat also assists the Commissioner in assessing the compliance of LEAs with the relevant requirements under the Ordinance and making recommendations on the code of practice and changes to arrangements made by the LEAs for the better operation of the Ordinance.

5 The key performance measures are:

#### Targets

	Target	2005 (Actual)	2006 (Actual)	<b>2007 (Plan)</b>
Commissioner's Annual Report to the Chief Executive@ .....	1	—	—Ω	<b>1</b>

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	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
standard response time for answering enquiries				
by telephone or in person (%)@ .....	immediately	—	100	<b>100</b>
in writing (%)@ .....	within 10 days	—	100	<b>100</b>

@ New target as from 2006.

Ω The first Annual Report is to cover the period from the commencement of the Ordinance on 9 August 2006 to 31 December 2006 and is to be submitted within six months after the end of the period covered.

**Indicators**

	2005 (Actual)	2006 (Actual)^	2007 (Estimate)
enquiries received.....	—	54	<b>130</b>
applications for examination received.....	—	19	<b>50</b>
applications for examination processed.....	—	18	<b>50</b>
weekly reports from LEAs.....	—	76	<b>208</b>
no. of visits to LEAs for checking purpose .....	—	8	<b>30</b>

^ As the Secretariat was established in August 2006, the figures reflected part-year effect only.

**Matters Requiring Special Attention in 2007–08**

6 In 2007–08, the Secretariat will continue to assist the Commissioner in carrying out the functions conferred on him under the Ordinance to monitor LEAs' compliance with the relevant requirements under the Ordinance.

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**ANALYSIS OF FINANCIAL PROVISION**

<b>Programme</b>	2005-06 (Actual) (\$m)	2006-07 (Original) (\$m)	2006-07 (Revised)# (\$m)	<b>2007-08 (Estimate) (\$m)</b>
Compliance with Interception and Surveillance Legislation.....	—	—	5.7	<b>11.1 (+94.7%)</b>

# The revised estimate for 2006-07 represents the provision required for the eight months from August 2006 to March 2007.

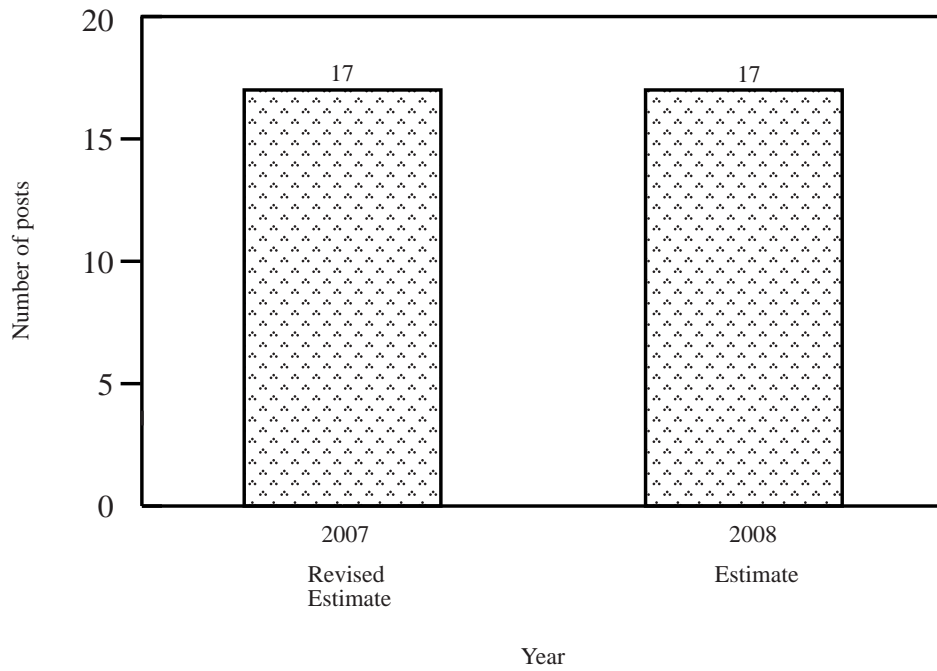
**Analysis of Financial and Staffing Provision**

Provision for 2007-08 is \$5.4 million (94.7%) higher than the revised estimate for 2006-07. This is mainly due to the full-year provision required for the posts created in 2006-07 and the operating expenses following the establishment of the Secretariat in August 2006.

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



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Sub-head (Code)	Actual expenditure 2005-06	Approved estimate 2006-07	Revised estimate# 2006-07	<b>Estimate 2007-08</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses.....	—	—	5,652	<b>11,092</b>
	Total, Recurrent .....	—	—	5,652	<b>11,092</b>
	Total, Operating Account.....	—	—	5,652	<b>11,092</b>
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	Total Expenditure.....	—	—	5,652	<b>11,092</b>

# The revised estimate for 2006-07 represents the provision required for the eight months from August 2006 to March 2007.

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**Details of Expenditure by Subhead**

The estimate of the amount required in 2007–08 for the salaries and expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance is \$11,092,000. This represents an increase of \$5,440,000 over the revised estimate for 2006–07.

*Operating Account*

Recurrent

**2** Provision of \$11,092,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance. The increase of \$5,440,000 (96.2%) over the revised estimate for 2006–07 is mainly due to the full-year provision required for the posts created in 2006–07 and the operating expenses following the establishment of the Secretariat in August 2006.

**3** The establishment as at 31 March 2007 will be 17 permanent posts. No change in establishment is expected in 2007–08. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2007–08, but the notional annual mid-point salary value of all such posts must not exceed \$5,288,000.

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

	2005–06 (Actual) (\$'000)	2006–07 (Original) (\$'000)	2006–07 (Revised)# (\$'000)	<b>2007–08 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	—	—	3,400	<b>6,545</b>
- Allowances.....	—	—	160	<b>325</b>
Departmental Expenses				
- General departmental expenses.....	—	—	2,092	<b>4,222</b>
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	—	—	5,652	<b>11,092</b>
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