

## **Press Release**

### **2006 Annual Report of the Commissioner on Interception of Communications and Surveillance**

31/10/2007

This afternoon (31 October 2007), Mr Justice Woo, the Commissioner on Interception of Communications and Surveillance, met the media to deal with his report to the Chief Executive on his supervision and review of interception and surveillance operations conducted by the four law enforcement agencies ('LEAs'), namely, Police, Customs & Excise, Immigration and ICAC.

His conclusion was that the LEAs in the main had complied with the requirements of the Interception of Communications and Surveillance Ordinance ('the Ordinance') and the panel judges who had issued authorizations had applied the statutory conditions stringently.

Since the commencement of the Ordinance on 9 August 2006 and up to the end of December 2006 ('the report period'), a total of 526 authorizations (including fresh and renewed authorizations) were issued. Among them, 449 were judges' authorizations for interception, 30 were judges' authorizations for Type 1 surveillance and 47 were executive authorizations (ie authorizations granted by the designated authorizing officers of the LEAs) for Type 2 surveillance.

During the report period, a total of 67 applications were refused (including 35 applications for interception, 29 applications for Type 1 surveillance and 3 applications for Type 2 surveillance).

A total of 177 persons had been arrested as a result of or further to interception or covert surveillance carried out pursuant to prescribed authorizations.

The Commissioner received a total of 19 applications for examination during the report period. Save for one of these applications that was

subsequently not pursued by the applicant, the Commissioner carried out examination for the remaining 18 applications. For these applications, five concerned suspected cases of interception and one alleged surveillance. The other 12 related to a combination of both. After making enquiries with the necessary parties, the Commissioner found all these cases not in the applicants' favour. Under the Ordinance, the Commissioner was not allowed to provide reasons for his determination.

There were 4 cases of irregularities reported to the Commissioner. The first related to a mistake in the date of discontinuance of surveillance written on the revocation. The second and the third cases related to starting interception of a telephone line each 4 days prior to the authorized commencement date. The fourth case related to an interception of a wrong telephone line for 7 days. The Commissioner found all these were caused by careless inadvertence and not deliberate flouting of the law or with any ulterior motive. The LEAs were advised to take measures to prevent recurrence. The Commissioner commented: "The LEAs were very co-operative in designing methods to make improvements."

The Commissioner had also made a number of recommendations to the Secretary for Security and heads of LEAs including amendments to forms adopted by the LEAs to improve the content and wording, enhancement of the procedures and practices between the LEAs and panel judges and of data submission by LEAs to the Commissioner for audit. The Commissioner also pointed out parts and areas of the Ordinance that were unclear or subject to different interpretations.

"All in all, the situation was satisfactory," said the Commissioner, who also stated that he did not detect any deliberate breach of the provisions of the Ordinance by any LEAs or their officers.

The report has been uploaded onto the webpage of the Secretariat, Commissioner on Interception of Communications and Surveillance (<http://www.sciocs.gov.hk>) for access by the members of the public.