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With Chinese Translation

2 January 2003

Mrs. Sharon Tong
Clerk to Panel
Legislative Council
8 Jackson Road
Central
Hong Kong

(Fax : 2509 0775)

Dear Mrs. Tong,

**Panel on Security
And
Panel on Administration of Justice and Legal Services

Proposals to implement Article 23 of the Basic Law**

Thank you for your letter of 27 December 2002.

We have set aside two sessions on every weekday (9:00 – 9:30 a.m. and 2:00 – 2:30 p.m.) for a duty magistrate in every magistrates' court to deal with applications for search warrants. If necessary, magistrates will also sign search warrants during the court morning break at about 11:30 a.m. and after court adjournment at about 4:30 p.m. For urgent applications made outside these hours, we will put them before any magistrate who is available.

Outside office hours, police officers will visit a magistrate residing near their police station and arrange for applications for search warrants to be dealt with at his/her home.

The police and other law enforcement agencies are well aware of the above arrangements. We reckon that an application for a search warrant can be processed within half an hour in a magistrates' court.

The proposal for a search warrant to be issued by way of fax, telephone or other electronic means is not practically feasible due to the following reasons :-

- (a) an officer applying for a search warrant has to lay information on oath before a magistrate, who having been satisfied will sign the warrant under seal;
- (b) the original search warrant has to be produced at the time of execution; and
- (c) applications for search warrants are confidential.

Yours sincerely,

(Augustine L.S. Cheng)
for Judiciary Administrator

c.c. D of Admin (Attn. Mr. James Chan) - w/e
Chief Magistrate