



# 余若薇立法會議員辦事處

Office of Audrey Eu, Legislative Council Member

1<sup>st</sup> September 2005

The Hon. James To  
Chairman  
Panel on Security  
Legislative Council  
Hong Kong

Dear *James*

## Panel on Security Law Enforcement (Covert Surveillance Procedures) Order

I refer to LC Paper No. CB(2)2482/04-05 where you request that we send in our request for additional information from the Administration. I send this request on behalf of myself and Margaret Ng who are members of the panel:

Please ask the Administration :

1. to set out each and every type of activity, conduct, technique or procedure that is included in "surveillance" as used in the Executive Order and in particular, whether it includes or excludes interception of communications by any means and/or the recording of conversations where one or more participant is unaware that the conversation is being recorded,
2. to provide a full report giving a breakdown of the number of instances of covert surveillance authorized or carried out since the commencement of the SAR. The breakdown for each instance should clearly state (a) the person or the rank of the person who authorized it, (b) the relevant law, procedure or regulation which governed the authorization, (c) the department or bureau which carried out the surveillance, (d) the length and type of surveillance, (e) the use made of the materials or information obtained from such surveillance, including whether the same has been passed outside the department/bureau or out of the jurisdiction, (f) what had become of the material or information so obtained, (g) whether there had been any prosecution or other proceedings in which the material or information

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obtained had been used,

3. if the term "covert surveillance" excludes interception of communications, please provide similar information as requested in 2 above in relation to interception of communications,
4. a similar report in respect of the instances of covert surveillance authorized under the Executive Order since it has come into effect,
5. to explain section 4 of the Executive Order which provides that it "does not apply to any covert surveillance which is or has been authorized, permitted or required to be carried out by or under any law" and list all the "law" (or laws) referred to in section 4 in respect of which the Executive Order is inapplicable and explain in respect of each such law the procedural safeguards applicable in those situations, whether such procedural safeguards are published, how compliance with them is enforced and whether there is any specific remedy for violation of legal professional privilege,
6. to provide a full set of all internal procedure or regulation used or drawn up for all government officials or departments in respect of covert surveillance (and interception of communication if the same is not included in the term covert surveillance), please state whether such procedural safeguards are published, how compliance with them is enforced and whether there is any specific penalty for violation of legal professional privilege.

Yours sincerely,

Audrey Eu

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