



香港個人資料私隱專員公署
Office of the Privacy Commissioner for Personal Data, Hong Kong

Our Ref. : PCO(O)115/156 pt.12

Your Ref.: SBCR 3/2/3231/94

15 June 2006

By Fax & By Post

Mr Stanley YING, JP
Permanent Secretary for Security
Security Bureau
Government Secretariat
Lower Albert Road
Hong Kong

Dear *Stanley*

Interception of Communications and Surveillance Bill ("the Bill")

I refer to your letter of 29 May 2006 enclosing the Administration's Response to Submissions to Bills Committee (SB Ref: ICSB7/06) addressing comments previously raised by me on the Bill.

I appreciate your responding to my comments. Your observations have been carefully examined. I note your further elaboration on Type 2 Surveillance and device retrieval warrant together with your explanation on the legislative intent of not imposing criminal sanction on breach of the requirements of the Bill. That being so, I have nothing further to add save my reiteration of those privacy concerns raised in my previous correspondence, some of which, as I understand, are shared by other interested parties. While I look at those issues from the privacy perspective having particular regard to the spirit of the Personal Data (Privacy) Ordinance, I understand that you have many other aspects to consider and address. It is after all a balancing exercise and I defer to the Bills Committee in determining on the weight to be attached to privacy amongst other concerns raised by the community.

To me, it is important that the spirit and philosophy laid down in the Personal Data (Privacy) Ordinance should be adhered to wherever practicable and that sufficient privacy safeguards be built-in to ensure proper compliance by the law enforcement agencies. There is no doubt in my mind that effective preventive measures are preferable to reliance on the review or complaint channels as remedy.

Lastly, I am delighted to learn your acceptance that the role of the Privacy Commissioner is not to be overlapped with the Commissioner on Interception of Communications and Surveillance appointed under the Bill. In this regard, I await your proposed amendment to the Bill.

Yours sincerely



(Roderick B WOO)
Privacy Commissioner for Personal Data

c.c. : Clerk to Bills Committee (Attn: Mrs Sharon Tong) - By Fax : 2509 0775

c.c. : Department of Justice (Attn: Mr Ian Wingfield) - By Fax : 2877 2130

c.c. : Secretary for Home Affairs (Attn: Ms Joanna Choi) - By Fax : 2573 8461