

BY FAX

政 府 總 部
香 港 下 亞 厘 畢 道



GOVERNMENT SECRETARIAT

LOWER ALBERT ROAD
HONG KONG

本函檔號 OUR REF.:

來函檔號 YOUR REF.: CB2/PL/SE

電話號碼 TEL. NO.: 2810 2443

傳真號碼 FAX. NO.: 2810 7702

來函傳真 YOUR FAX.: 2509 0775

1 June 2006

Clerk to Panel on Security
LegCo Secretariat
3/F, Citibank Tower
3 Garden Road
Hong Kong
(Attn: Mrs Sharon Tong)

Dear Mrs Tong,

**Procedures for search of communications service providers
by law enforcement agencies**

Thank you for your letter of 8 May regarding the follow-up issues raised by Hon Sin Chung-kai on the subject.

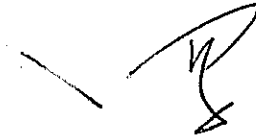
The law enforcement agencies (LEAs) have to comply with established procedures and guidelines for undertaking searches of premises when exercising the power vested in them under the law. These procedures and guidelines are applicable to searches of all premises, including those of communications service providers. Where the need arises, the LEAs may also formulate or review the procedures applicable to specific circumstances (if necessary).

As pointed out in the Secretary for Security's written reply to Hon Sin Chung-kai's question for the Legislative Council meeting on 22 March 2006, in executing the search warrants, the LEAs would minimise any interference of the daily operation of the companies being searched. The actual measures taken vary with situations, but in general include -

- (a) Where feasible, the law enforcement agencies would request the company concerned to provide the information needed for the investigation by showing the persons-in-charge concerned with the search warrant, without the need to undertake a physical search inside the company's premises;

- (b) Where it is necessary to undertake a physical search operation and the company concerned is not the target of the investigation, the law enforcement agencies would inform the persons in charge of the company in advance as far as possible, such that they could have sufficient time to make the necessary preparations, to minimize the impact on their operations; and
- (c) To save the time for the same communications service company to respond to different investigation teams separately, the requests will be centralized within an LEA as far as possible.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'H. Law', with a stylized flourish at the end.

(Hubert Law)
for Secretary for Security