



廉政公署

INDEPENDENT COMMISSION AGAINST CORRUPTION

Your Ref : CB2/PL/SE

Our Ref : (165) in SF/80/1/19 SF1 Pt.3

Tel No. : 28264409

18 January 2007

Clerk to Panel
 (Attn : Mr Raymond LAM)
 Legislative Council
 Legislative Council Building
 8 Jackson Road
 Central
 Hong Kong.

Dear Mr. LAM,

**Panel on Security - List of follow-up actions
 Journalistic Materials**

I refer to your letter dated 6 December 2006 addressed to the Security Bureau concerning the powers of the Independent Commission Against Corruption (ICAC) to search for and seize journalistic materials.

Following the promulgation of the Security Bureau Circular No.4/2006 on 8 September 2006, a new regime was promulgated for the application of production orders and search warrants in respect of journalistic material under Part XII of the Interpretation and General Clauses Ordinance (Cap.1). The new arrangements are applicable to all law enforcement agencies, including the ICAC. The Commission Standing Orders have been amended in accordance with the new arrangements.

With the implementation of the SB circular, a mechanism with clear guidelines is now in place to regulate the powers of all law enforcement agencies, including the ICAC, to search for and seize journalistic materials and a balance can

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be made between the need to protect journalistic material and the effective investigation of corruption cases.

In response to the Panel's enquiry for information concerning a particular case involving habeas corpus proceedings relating to a witness, it would be inappropriate to comment on a specific case while proceedings are incomplete.

Please note that it is the duty of the prosecution to disclose all relevant information and material to the defence and the court before and during any proceedings. This obligation is strictly complied with by the ICAC. This general principle applies to the aforementioned habeas corpus proceedings. Additionally, the new regime governing the search and seizure of journalistic material adequately addresses any concern that may arise from a similar case in the future.

Yours sincerely,



(G. R. Osborn)

for Commissioner

Independent Commission Against Corruption

c.c. S for S (Attn : Miss Rosalind CHEUNG)

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