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BY FAX (28107702) AND BY EMAIL

7 February 2006

Mrs. Apollonia Liu
 Security Bureau
 Government Secretariat
 Lower Albert Road,
 Hong Kong.

URGENT

Dear Mrs. Liu

**INTERCEPTION OF COMMUNICATIONS AND COVERT SURVEILLANCE –
 PROPOSED LEGISLATIVE FRAMEWORK**

Thank you for your letter dated 1 February 2006 and the paper outlining the Administration's proposed legislative framework on Interception of Communications and Covert Surveillance.

The Criminal Law & Procedure Committee has not had much time to consider the legislative proposals but wishes to raise preliminary concerns as follows:

Paragraph 16

The Committee has reservations on the 3 months' duration of authorizations and considers this to be too long for the initial authorization.

Paragraph 17

The Committee believes that similar to an application for search warrant, applications for authorization or renewal for interception of communications or covert surveillance operations should at the least be supported by an affirmation from the relevant officers rather than by simply an oral application.

Paragraph 18

In cases of unauthorized interception of communications or covert surveillance operations, there should be provisions for sanctions for abuse.

Paragraph 19

The Committee has reservations about the practical implementation of the 2-tier system.

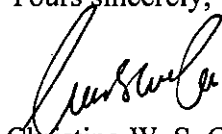
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Paragraphs 32 & 33

The Committee has reservations on the proposed destruction of material. The normal rule of disclosure should apply and the defence should have a right to disclosure of any unused material.

The Committee wishes to reserve its right to make additional comments on the legislative proposals.

Yours sincerely,



Christine W. S. Chu
Assistant Director of Practitioners Affairs

c.c.: Mr. James To - Chairman of the LegCo Panel on Security (Fax No.25090775)

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