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香港下亞厘畢道



GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

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TEL. NO. : 2810 2433

FAX. NO. : 2810 7702

By fax: 2185 7845
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24 October 2011

Mr Raymond Lam
Clerk to Panel on Security
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Mr Lam,

**Meeting of the Legislative Council Panel on Security
on 1 November 2011**
**Agenda Item IV : Proposal to Appoint a Subcommittee to Review
Intelligence Management of Law Enforcement Agencies**

I refer to your letter dated 17 October 2011 to which you attached the agenda for the Panel meeting on 1 November. Regarding the Panel's discussion of a proposal on whether to form a subcommittee to review intelligence management of law enforcement agencies (LEAs), we would like to provide the following input for Members' reference.

We would like to reiterate that the intelligence management system of the LEAs is tightly controlled. At the Panel meeting held on 5 July 2011, we have submitted paper to the Panel and briefed Members on the outcome of our review on the intelligence management system. In order to strengthen their intelligence management system, the LEAs must comply strictly with their internal guidelines to ensure that all steps including the input, storage, access, use, updating, disposal or destruction of intelligence, etc are subject to stringent internal control and audit. Audit trail record is kept for all access to and processing of intelligence.

The LEAs have established procedures for reviewing the information contained in the intelligence database in a timely manner to ensure that the intelligence kept is necessary and remains accurate. Stringent control measures have also been put in place by the LEAs for ensuring their officers' compliance with the requirements set out in the internal guidelines and procedures. To enhance accountability in the overall operation of the intelligence database of the LEAs, it has been agreed that each LEA should designate an officer (at or above a rank equivalent to the Assistant Commissioner of Police) as the system owner who is responsible for the overall management of the intelligence database system. The head of the LEA has the ultimate responsibility to ensure LEA officers' compliance with the requirements set out in the internal guidelines and procedures. For details, please refer to LC Paper No. CB(2)2245/10-11(01).

We note Members' concern over the intelligence management system of the LEAs. In view of this, we held a close-door briefing for Members on this topic on 14 September 2011 in which the Police introduced in detail the operation of its intelligence management system. The Police had also responded to Members' questions and explained the actual operation situation. We believe that the two discussions have already covered the items in the terms of reference of the proposed subcommittee, including the procedures for the input, storage, access, use, updating, disposal or destruction of intelligence, and the measures to ensure the security of the system, etc.

Since the intelligence management system of the LEAs contains highly confidential information, disclosing such information through the subcommittee may reveal the law enforcement capabilities of the LEAs to criminals, who may be able to evade justice, thereby jeopardising the interests of the public. Therefore, we do not consider it appropriate to set up the subcommittee. If Members have any further enquiries on intelligence management, we would be glad to provide the necessary information to Members as far as possible under the premise of not affecting the law enforcement capabilities of the LEAs.

Yours sincerely,

(Mrs Millie Ng)
for Secretary for Security