

Head 169 — SECRETARIAT, COMMISSIONER ON INTERCEPTION OF COMMUNICATIONS AND SURVEILLANCE

Controlling officer: the Secretary, Secretariat, Commissioner on Interception of Communications and Surveillance will account for expenditure under this Head.

Estimate 2018–19 **\$24.6m**

Establishment ceiling 2018–19 (notional annual mid-point salary value) representing an estimated 22 non-directorate posts as at 31 March 2018 and as at 31 March 2019 **\$12.4m**

In addition, there will be an estimated one directorate post as at 31 March 2018 and as at 31 March 2019.

Controlling Officer's Report

Programme

Compliance with Interception and Surveillance Legislation

This programme contributes to Policy Area 9: Internal Security (Secretary for Security).

Detail

	2016–17 (Actual)	2017–18 (Original)	2017–18 (Revised)	2018–19 (Estimate)
Financial provision (\$m)	19.1	21.2	20.4 (–3.8%)	24.6 (+20.6%)
				(or +16.0% on 2017–18 Original)

Aim

2 The aim of the Secretariat, Commissioner on Interception of Communications and Surveillance (the Secretariat) is to provide support to the Commissioner on Interception of Communications and Surveillance (the Commissioner) in overseeing the compliance by law enforcement agencies (LEAs) and their officers with the relevant requirements under the Interception of Communications and Surveillance Ordinance (Cap. 589) (the Ordinance).

Brief Description

3 The Commissioner is appointed by the Chief Executive (CE) as an independent oversight authority to discharge the following functions under the Ordinance:

- conducting reviews on compliance by LEAs and their officers with the relevant requirements under the Ordinance;
- carrying out examinations upon applications from persons who suspect that they are subjects of interception or covert surveillance carried out by LEAs;
- submitting annual reports to the CE which will be tabled at the Legislative Council, and any further reports on matters relating to the performance of his functions under the Ordinance; and
- making recommendations to the Secretary for Security on the code of practice and to the heads of LEAs on changes to any arrangements made by the respective LEAs to better carry out the objects of the Ordinance or the provisions of the code of practice.

4 The Secretariat assists the Commissioner in developing and implementing the procedures for overseeing the compliance by LEAs and their officers with the relevant requirements under the Ordinance, and in co-ordinating with the Security Bureau, LEAs and the Panel Judges' Office (PJO) in order to ensure the smooth functioning of the regime under the Ordinance. It also provides support to the Commissioner in processing applications for examination and in performing the review function which includes vetting the weekly reports, checking device registers, conducting visits for checking purpose, and investigating cases of non-compliance. The Secretariat also assists the Commissioner in the compilation of the annual report to the CE and in the formulation of recommendations to the Secretary for Security and the heads of LEAs to improve the arrangements in place for the better operation of the Ordinance.

5 In 2017, the Secretariat met its targets and objectives. The annual report of the Commissioner for 2016 was submitted to the CE in June 2017.

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6 The key performance measures are:

Targets

	Target	2016 (Actual)	2017 (Actual)	2018 (Plan)
Commissioner's Annual Report to the CE..	1	1	1	1
standard response time for answering enquiries				
immediately for enquiries by telephone or in person (%)	100	100	100	100
within ten days for enquiries in writing (%).....	100	100	100	100

Indicators

	2016 (Actual)	2017 (Actual)	2018 (Estimate)
enquiries received#.....	82	96	89
applications for examination			
received	19	5	12
not pursued	2	2§	—Ω
not entertained.....	0	0	—Ω
weekly reports from			
LEAs	208	212	208
PJO.....	52	53	52
no. of visits to LEAs for checking purpose.....	42	75Λ	80Λ

The number of enquiries received hinges on public needs and may vary from year to year.

§ The figure refers to two applications that were received in 2016 and classified as not pursued in 2017.

Ω Not possible to estimate.

Λ The increase in 2017 and estimated increase in 2018 are mainly due to the implementation of checking of the protected products after the enactment of the Interception of Communications and Surveillance (Amendment) Ordinance 2016.

Matters Requiring Special Attention in 2018–19

7 In 2018–19, the Secretariat will continue to assist the Commissioner in carrying out the functions conferred on him under the Ordinance to monitor the compliance by LEAs and their officers with the relevant requirements under the Ordinance.

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ANALYSIS OF FINANCIAL PROVISION

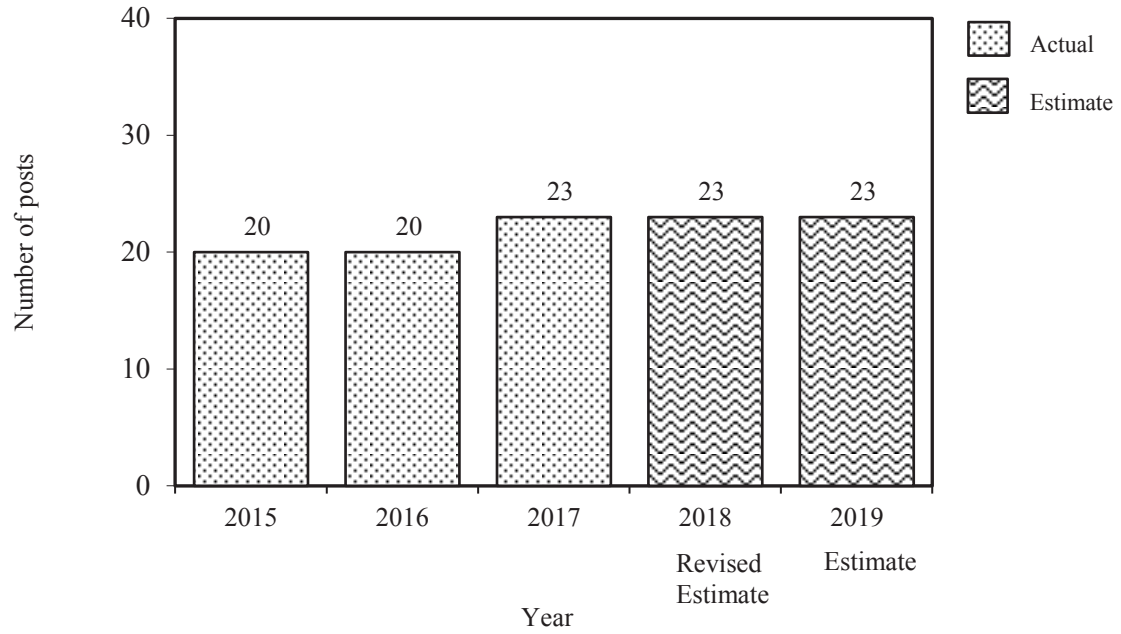
	2016-17 (Actual) (\$m)	2017-18 (Original) (\$m)	2017-18 (Revised) (\$m)	2018-19 (Estimate) (\$m)
Programme				
Compliance with Interception and Surveillance Legislation.....	19.1	21.2	20.4 (-3.8%)	24.6 (+20.6%)
				(or +16.0% on 2017-18 Original)

Analysis of Financial and Staffing Provision

Provision for 2018-19 is \$4.2 million (20.6%) higher than the revised estimate for 2017-18. This is mainly due to increase in salary provision and increased requirement for operating expenses.

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*Changes in the size of the establishment
(as at 31 March)*



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Sub-head (Code)	Actual expenditure 2016-17	Approved estimate 2017-18	Revised estimate 2017-18	Estimate 2018-19	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	19,146	21,202	20,373	24,573
	Total, Recurrent	19,146	21,202	20,373	24,573
	Total, Operating Account	19,146	21,202	20,373	24,573
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	Total Expenditure	19,146	21,202	20,373	24,573
		<u>19,146</u>	<u>21,202</u>	<u>20,373</u>	<u>24,573</u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2018–19 for the salaries and expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance is \$24,573,000. This represents an increase of \$4,200,000 over the revised estimate for 2017–18 and \$5,427,000 over the actual expenditure in 2016–17.

Operating Account

Recurrent

2 Provision of \$24,573,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Secretariat, Commissioner on Interception of Communications and Surveillance. This represents an increase of \$4,200,000 (20.6%) over the revised estimate for 2017–18. This is mainly due to increase in salary provision and increased requirement for operating expenses.

3 The establishment as at 31 March 2018 will be 23 permanent posts. No change in establishment is expected in 2018–19. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2018–19, but the notional annual mid-point salary value of all such posts must not exceed \$12,394,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2016–17 (Actual) (\$'000)	2017–18 (Original) (\$'000)	2017–18 (Revised) (\$'000)	2018–19 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	12,497	13,420	13,671	14,087
- Allowances.....	549	545	391	378
- Job-related allowances.....	—	1	—	1
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	8	—	7	9
- Civil Service Provident Fund contribution.....	815	1,045	1,013	1,055
Departmental Expenses				
- General departmental expenses	5,277	6,191	5,291	9,043
	19,146	21,202	20,373	24,573