

**Bills Committee on
Land Registration (Amendment) Bill 2000**

Information requested by Members
at the second meeting held on 20 February 2001

Name searches conducted by Government departments

- Annex 1 - Application form for Owners' Properties Information Check Services
- Annex 2 - A list of Government departments together with their purposes for conducting name searches and the relevant exemptions under the Personal Data (Privacy) Ordinance/consent from relevant persons
- Annex 3 - Relevant extract of the Personal Data (Privacy) Ordinance in relation to Data Protection Principles and exemptions
- Annex 4 - The Administration's decision on the proposal of setting up a mechanism to monitor the number of name searches conducted by Government departments.

Owner's Properties Information Check Service

It is necessary for this department to have access to the Owner's Properties Information Check (OPIC) service of the Land Registry to obtain property ownership information of individuals concerned for the following purposes which in my view do not contravene the Personal Data (Privacy) Ordinance :-

<u>Purpose(s) for which information is required and to be used</u>	<u>Division/ Section requiring/ using information</u>	<u>Mode of access (see Footnote 1)</u>
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2. I wish to seek your approval for this department to have access to the OPIC service.

3. I confirm that the service provided shall be used by duly authorized officers solely for the purposes stated in the first paragraph and subject to stringent internal control of this department. If there are any changes in circumstances, I undertake to inform you immediately.

4. I understand that the OPIC service is available at the Land Registrar's sole discretion and may be withdrawn at any time if there is any doubt that the provisions of the Personal Data (Privacy) Ordinance might have been violated.

()
Rank : _____ (See Footnote 2)
for Head of Department

Footnote :

1. Mode of access :

- (i) RT : Request for reports-on-title;
- (ii) IP : OPIC searches in person; and
- (iii) DAS : On-line computer check via the Direct Access Services (DAS) for Government Departments. DAS Account No. _____.

2. The form must be signed by a directorate officer responsible for the subject.

**List of departments together with their purposes
for conducting name search**

<u>Department</u>	<u>Purpose for which owner's information is required and to be used</u>	<u>Exemption under the Personal Data (Privacy) Ordinance / consent from relevant person</u>
1. Agriculture, Fisheries and Conservation Department (AFCD)	(a) To institute legal actions against the person concerned who has defaulted in repayment of loans under the loan funds administered by AFCD or in settling of outstanding debts owe to the Fish Marketing Organization, a statutory organization under the administration of the Director of Marketing (currently the Director of Agriculture, Fisheries and Conservation). (b) For recovery of outstanding debts due to the Vegetable Marketing Organization, an organization under the administration of the Director of Marketing (currently the Director of Agriculture, Fisheries and Conservation).	s. 58(1)(d)
(2) Customs & Excise Department	For the purposes of enforcing the Ordinances as listed in Schedule 2 to the Customers and Excise Service Ordinance, Cap. 342, attached at Appendix A.	s. 58(1)(a)/(b)
(3) ICAC	(a) The detection of crime. (b) The apprehension, prosecution or detention of offenders.	(a) s. 58(1)(a) (b) s. 58(1)(b)



- (4) Home Affairs Department
- (a) Land under application for succession to rural land under s. 12 of the New Territories Land (Exemption) Ordinance. (a) Consent from applicant will be obtained.
 - (b) Property list of individual owners in the NT for processing succession. (b) Consent from applicant will be obtained.
 - (c) Property list of Tso/Tong for appointment of manager and sale of Tso/Tong property. (c) Consent from applicant will be obtained.
 - (d) To facilitate Chief Officer (Licensing Authority) to carry out policing and prosecution action under the Hotel & Guesthouse Accommodation Ordinance, Clubs (Safety of Premises) Ordinance and Bedspace Apartments Ordinance. (d) s. 58(1)(b)
- (5) Housing Department
- (a) To facilitate investigation on the application for public housing. (a) Consent from applicant will be obtained.
 - (b) To check if applicants have violated the regulations under the Home Ownership Scheme, Home Purchase Loan Scheme and Home Ownership Scheme Secondary Market Scheme or the Housing Ordinance and to deal with complaints against applicants. (b) s. 58(1)(d)
- (6) Immigration Department
- (a) Prevention/detection of crime. (a) s. 58(1)(a)
 - (b) Apprehension, prosecution, detention of offenders under the Immigration Ordinance; Immigration Service Ordinance and Registration of Persons Ordinance. (b) s. 58(1)(b)



- (c) Apprehension, prosecution, detention of offenders under the Births and Deaths Registration Ordinance and Marriage Ordinance. (c) s. 58(1)(b)
- (7) Inland Revenue Department
- (a) To ascertain whether a person is carrying on a business of property dealing. (a) s. 58(1)(c)
- (b) To ascertain the assets and liabilities of a person for :
- i. determining whether and the extent to which income/asset has been understated;
- ii. computing the amount of tax/duty payable;
- iii. processing suspected cases of tax avoidance/evasion.
- (c) To trace the whereabouts of taxpayers and /or to recover tax/duty in default. (c) - " -
- (8) Legal Aid Department For processing legal aid applications since s. 9 of the Legal Aid Ordinance (Cap. 91) empowers the Director of Legal Aid to make such inquiries as he thinks fit as to the means of the applicant and the merits of the case. Consent from applicant will be obtained.
- (9) Lands Department For processing small house concessionary land grant applications - to verify the eligibility of the applicant. Consent from applicant will be obtained.
- (10) Official Receiver's Office As receiver/ trustee/ provisional liquidator/ liquidator, to check whether a debtor/bankrupt/book debtor/related person is the owner of any properties, in order to carry out Official Receiver's statutory duties under the Bankruptcy Ordinance (Cap. 6)/Companies Ordinance (Cap. 32). s. 58(1)(b) and s. 58(1)(f)(i)



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|--------------------------------|--|--|
| (11) Social Welfare Department | To establish the eligibility for financial assistance for clients since ownership of property will affect the eligibility. | Consent from client will be obtained. |
| (12) Hong Kong Police Force | (a) the prevention or detection of crime.

(b) the apprehension, prosecution or detention of offenders.

(c) to trace the assets under Section 25 of the Drug Trafficking (Recovery of Proceeds) Ordinance, Cap 405.

(d) to confiscate proceeds of crime under the Organized and Serious Crimes Ordinance, Cap 455. | (a) s. 58(1)(a)

(b) s. 58(1)(b)

(c) s. 58(1)(a)

(d) s. 58(1)(a) |



附表 2

[第 17 及 17A 條]

第 17 及 17A 條內所述的條例

- (版權條例)(第 528 章) (由 1997 年第 92 號第 280 條增補)
 - (進出口條例)(第 60 章)
 - (郵政署條例)(第 98 章)
 - (海關稅則條例)(第 109 章)
 - (除害劑條例)(第 133 章) (由 1977 年第 143 號法律公告增補。由 1990 年第 79 號第 21 條修訂)
 - (危險藥物條例)(第 134 章)
 - (衛生業條例)(第 137 章)
 - (藥劑業及毒藥條例)(第 138 章) (由 1997 年第 62 號法律公告修訂)
 - (乙炔化物(管制)條例)(第 145 章) (由 1975 年第 253 號法律公告增補)
 - (動植物(國際保護生物保護)條例)(第 187 章) (由 1976 年第 233 號法律公告增補)
 - (植物(進口管制及府處官控制)條例)(第 207 章) (由 1976 年第 117 號法律公告增補。由 1997 年第 39 號法律公告修訂)
 - (武器條例)(第 217 章) (由 1981 年第 361 號法律公告增補)
 - (火器及彈藥條例)(第 228 章) (由 1981 年第 361 號法律公告代替)
 - (危險品條例)(第 295 章) (由 1974 年第 1 號法律公告增補)
 - (儲備商品條例)(第 296 章) (由 1983 年第 73 號法律公告增補)
 - (空氣污染管制條例)(第 311 章) (由 1993 年第 13 號第 37 條增補)
 - (商品說明條例)(第 362 章) (由 1980 年第 39 號第 37 條代替)
 - (淫褻及不雅物品管制條例)(第 390 章) (由 1987 年第 112 號法律公告代替)
 - (保護臭氧層條例)(第 403 章) (由 1989 年第 24 號第 19 條增補)
 - (販毒(追討得益)條例)(第 405 章) (由 1989 年第 35 號第 33 條增補)
 - (狂犬病條例)(第 421 章) (由 1995 年第 452 號法律公告增補)
 - (玩具及兒童產品安全條例)(第 424 章) (由 1992 年第 80 號第 36 條增補)
 - (有組織及嚴重銀行條例)(第 455 章) (由 1994 年第 82 號第 33 條增補)
 - (消費品安全條例)(第 456 章) (由 1994 年第 84 號第 36 條增補)
 - (刑事事宜相互法律協助條例)(第 525 章) (由 1997 年第 87 號第 35 條增補)
 - (防止盜用版權條例)(第 544 章) (由 1998 年第 22 號第 42 條增補)
- (由 1995 年第 13 號第 2 條修訂)

SCHEDULE 2

[ss. 17 & 17A

ORDINANCES REFERRED TO IN SECTIONS 17 AND 17A

- Copyright Ordinance (Cap. 528) (Added 92 of 1997 s. 280)
 - Import and Export Ordinance (Cap. 60)
 - Post Office Ordinance (Cap. 98)
 - Dutiable Commodities Ordinance (Cap. 109)
 - Pesticides Ordinance (Cap. 133) (Added L.N. 143 of 1977. Amended 79 of 1990 s. 21)
 - Dangerous Drugs Ordinance (Cap. 134)
 - Antibiotics Ordinance (Cap. 137)
 - Pharmacy and Poisons Ordinance (Cap. 138)
 - Acetyating Substances (Control) Ordinance (Cap. 145) (Added L.N. 253 of 1975)
 - Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) (Added L.N. 233 of 1976)
 - Plant (Importation and Pest Control) Ordinance (Cap. 207) (Added L.N. 117 of 1976)
 - Weapons Ordinance (Cap. 217) (Added L.N. 361 of 1981)
 - Firearms and Ammunition Ordinance (Cap. 238) (Replaced L.N. 361 of 1981)
 - Dangerous Goods Ordinance (Cap. 295) (Added L.N. 1 of 1974)
 - Reserved Commodities Ordinance (Cap. 296) (Added L.N. 73 of 1983)
 - Air Pollution Control Ordinance (Cap. 311) (Added 13 of 1993 s. 37)
 - Trade Description Ordinance (Cap. 362) (Replaced 39 of 1980 s. 37)
 - Control of Obscene and Indecent Articles Ordinance (Cap. 390) (Replaced L.N. 132 of 1987)
 - Ozone Layer Protection Ordinance (Cap. 403) (Added 24 of 1989 s. 19)
 - Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) (Added 35 of 1989 s. 33)
 - Rabies Ordinance (Cap. 421) (Added L.N. 452 of 1995)
 - Toys and Children's Products Safety Ordinance (Cap. 424) (Added 80 of 1992 s. 36)
 - Organized and Serious Crimes Ordinance (Cap. 435) (Added 82 of 1994 s. 33)
 - Consumer Goods Safety Ordinance (Cap. 456) (Added 84 of 1994 s. 36)
 - Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) (Added 87 of 1997 s. 36)
 - Prevention of Copyright Piracy Ordinance (Cap. 544) (Added 22 of 1998 s. 42)
- (Amended 13 of 1995 s. 2)

(2) 凡——

- (a) 個人資料是為第(1)款所提述的目的而使用(不論該等資料是否為該等目的而持有);及
- (b) 第3保障資料原則的條文就該等使用而適用便相當可能會損害該款所提述的任何事宜,

該等資料獲豁免而不受第3保障資料原則的條文所管限,而在為任何人違反任何該等條文而針對他進行的法律程序中,如該人證明他當時有合理理由相信不如此使用該等資料便相當可能會損害任何該等事宜,即為免責辯護。

(3) 就任何個人資料是否需有第(1)款下的豁免或曾在任何時間需有第(1)款下的豁免的問題,可由行政長官或政務司司長決定,而一份由行政長官或政務司司長簽署並證明需有或曾在任何時間需有該項豁免的證明書,即為該事實的證據。(由1997年第362號法律公告修訂;由1999年第34號第3條修訂)

(4) 就第(2)款而言,一份由行政長官或政務司司長簽署的證明個人資料是為或曾為第(1)款所提述的任何目的而使用的證明書,即為該事實的證據。(由1997年第362號法律公告修訂;由1999年第34號第3條修訂)

(5) 行政長官或政務司司長可在第(3)或(4)款所提述的證明書中,就該證明書所關乎的個人資料及為該證明書所指明的理由,指示專員不得進行視察或調查,而在此情況下,專員須遵從該項指示。(由1997年第362號法律公告修訂;由1999年第34號第3條修訂)

(6) 看來是第(3)或(4)款所提述的證明書的文件,須獲收取為證據,而在沒有相反證據的情況下,該文件須當作該等證明書。

(7) 在本條中——

“保安”(security)包括防止或排拒無權進入香港及留在香港的人(包括按照《入境條例》(第115章)的條文被扣留的人)進入香港及留在香港;(由1997年第80號第103(1)條修訂)

“國際關係”(international relations)包括與任何國際組織的關係。

58. 罪行等

(1) 為——

- (a) 罪行的防止或偵測;

(2) Personal data are exempt from the provisions of data protection principle 3 in any case in which—

- (a) the use of the data is for any of the purposes referred to in subsection (1) (and whether or not the data are held for any of those purposes); and
- (b) the application of those provisions in relation to such use would be likely to prejudice any of the matters referred to in that subsection,

and in any proceedings against any person for a contravention of any of the provisions it shall be a defence to show that he had reasonable grounds for believing that failure to so use the data would have been likely to prejudice any of those matters.

(3) Any question whether an exemption under subsection (1) is or at any time was required in respect of any personal data may be determined by the Chief Executive or Chief Secretary for Administration; and a certificate signed by the Chief Executive or Chief Secretary for Administration certifying that the exemption is or at any time was so required shall be evidence of that fact. (Amended L.N. 362 of 1997; 34 of 1999 s. 3)

(4) For the purposes of subsection (2), a certificate signed by the Chief Executive or Chief Secretary for Administration certifying that personal data are or have been used for any purpose referred to in subsection (1) shall be evidence of that fact. (Amended L.N. 362 of 1997; 34 of 1999 s. 3)

(5) The Chief Executive or Chief Secretary for Administration may, in a certificate referred to in subsection (3) or (4), in respect of the personal data to which the certificate relates and for the reasons specified in that certificate direct the Commissioner not to carry out an inspection or investigation and, in any such case, the Commissioner shall comply with the direction. (Amended L.N. 362 of 1997; 34 of 1999 s. 3)

(6) A document purporting to be a certificate referred to in subsection (3) or (4) shall be received in evidence and, in the absence of evidence to the contrary, shall be deemed to be such a certificate.

(7) In this section—

“international relations” (國際關係) includes relations with any international organization;

“security” (保安) includes the prevention or preclusion of persons (including persons detained in accordance with the provisions of the Immigration Ordinance (Cap. 115)) entering and remaining in Hong Kong who do not have the right to enter and remain in Hong Kong.

58. Crime, etc.

(1) Personal data held for the purposes of—

- (a) the prevention or detection of crime;

- (b) 犯罪者的拘捕、檢控或拘留；
- (c) 任何稅項的評定或收取；
- (d) 任何人所作的非法或嚴重不當的行為、或不誠實的行為或舞弊行為的防止、排除或糾正(包括懲處)；
- (e) 防止或排除因——
 - (i) 任何人輕率的業務經營手法或活動；或
 - (ii) 任何人所作的非法或嚴重不當的行為、或不誠實的行為或舞弊行為，

而引致的重大經濟損失；

- (f) 確定有關的資料當事人的品格或活動是否相當可能對以下事情有重大不利影響——

- (i) 由該資料使用者執行法定職能所關乎的事情；或
- (ii) 與本段憑藉第(3)款而適用的職能的執行有關的事情；或

- (g) 本段憑藉第(3)款而適用的職能的執行，

而持有的個人資料，在以下情況下獲豁免而不受第6保障資料原則及第18(1)(b)條的條文所管限——

- (i) 該等條文適用於該等資料便相當可能會損害本款所提及的任何事宜；或
- (ii) 該等條文適用於該等資料便相當可能會直接或間接識別屬該等資料來源的人的身分。

- (2) 凡——

- (a) 個人資料是為第(1)款所提及的目的而使用(不論該等資料是否為該等目的而持有)；及

- (b) 第3保障資料原則的條文就該等使用而適用便相當可能會損害該款所提及的任何事宜，

則該等資料獲豁免而不受第3保障資料原則的條文所管限，而在為任何人違反任何該等條文而針對他進行的法律程序中，如該人證明他當時有合理理由相信不如此使用該資料便相當可能會損害任何該等事宜，即為免責辯護。

- (3) 第(1)款(f)(ii)及(g)段適用於財經規管者的以下職能——

- (a) 保障公眾免受因以下事情導致的財政損失的職能——
 - (i) 屬——

- (b) the apprehension, prosecution or detention of offenders;
- (c) the assessment or collection of any tax or duty;
- (d) the prevention, preclusion or remedying (including punishment) of unlawful or seriously improper conduct, or dishonesty or malpractice, by persons;
- (e) the prevention or preclusion of significant financial loss arising from—
 - (i) any imprudent business practices or activities of persons; or
 - (ii) unlawful or seriously improper conduct, or dishonesty or malpractice, by persons;
- (f) ascertaining whether the character or activities of the data subject are likely to have a significantly adverse impact on any thing—
 - (i) to which the discharge of statutory functions by the data user relates; or
 - (ii) which relates to the discharge of functions to which this paragraph applies by virtue of subsection (3); or
- (g) discharging functions to which this paragraph applies by virtue of subsection (3),

are exempt from the provisions of data protection principle 6 and section 18(1)(b) where the application of those provisions to the data would be likely to—

- (i) prejudice any of the matters referred to in this subsection; or
- (ii) directly or indirectly identify the person who is the source of the data.

(2) Personal data are exempt from the provisions of data protection principle 3 in any case in which—

- (a) the use of the data is for any of the purposes referred to in subsection (1) (and whether or not the data are held for any of those purposes); and
- (b) the application of those provisions in relation to such use would be likely to prejudice any of the matters referred to in that subsection,

and in any proceedings against any person for a contravention of any of those provisions it shall be a defence to show that he had reasonable grounds for believing that failure to so use the data would have been likely to prejudice any of those matters.

(3) Paragraphs (f)(ii) and (g) of subsection (1) apply to any functions of a financial regulator—

- (a) for protecting members of the public against financial loss arising from—
 - (i) dishonesty, incompetence, malpractice or seriously improper conduct by persons—

的事項、服務或設施而招致或相當可能招致的)；專員亦可就規例中指定的某些情況或某些個案而為相同的事項、服務或設施訂明不同的費用。

70. 規例——一般條文

(1) 民政事務局長可就以下所有或任何事項訂立規例——(由 1997 年第 362 號法律公告修訂)

- (a) 在資料使用者紀錄簿內所須記入的詳情，包括第 27(2)(a)、(b) 及 (c) 條所提及的詳情；
 - (b) 訂明任何根據本條例須予訂明或可予訂明的事情。
- (2) 根據本條訂立的任何規例可——
- (a) 授權專員就一般情況或就某個案豁免任何人使其無須遵守有關規例；
 - (b) 就不同的情況訂定不同的條文，及為某個案或某類個案訂定條文；
 - (c) 限於只適用於其本身所訂明的情況。

(3) 根據本條訂立的任何規例，可就違反規例訂明罪行，並可規定就任何該等罪行可處不超過第 3 級的罰款及監禁不超過 2 年；如屬持續罪行，可處每日罰款不超過 \$1,000。

71. 附表 2、4 及 6 的修訂

行政長官會同行政會議可藉憲報公告修訂附表 2、4 及 6。
(由 1999 年第 34 號第 3 條修訂)

72-73. (已失時效而略去)

附表 1 [第 2(1) 及 (6) 條]

保障資料原則

1. 第 1 原則——收集個人資料的目的及方式

(1) 除非——

- (a) 個人資料是為了直接與將會使用該等資料的資料使用者的職能或活動有關的合法目的而收集；
- (b) 在符合 (c) 段的規定下，資料的收集對該目的是必需的或直接與該目的有關的，及

matter, service or facility to which such fee relates, and different fees may be so prescribed for the same matter, service or facility in order to provide for particular circumstances or particular cases specified in the regulations.

70. Regulations—general

(1) The Secretary for Home Affairs may make regulations for all or any of the following matters—

- (a) the particulars to be entered in the log book of a data user, including particulars referred to in section 27(2)(a), (b) and (c);
 - (b) prescribing anything that is required or permitted to be prescribed under this Ordinance.
- (2) Any regulations made under this section may—
- (a) empower the Commissioner to grant exemptions from the regulations, either generally or in a particular case;
 - (b) make different provisions for different circumstances and provide for a particular case or class of case;
 - (c) be made so as to apply only in such circumstances as are prescribed by the regulations.

(3) Any regulations made under this section may prescribe offences in respect of contraventions of the regulations, and may provide for the imposition in respect of any such offence of a fine not exceeding level 3 and of imprisonment for a period not exceeding 2 years and, in the case of a continuing offence, to a daily penalty not exceeding \$1,000.

71. Amendment of Schedules 2, 4 and 6

The Chief Executive in Council may, by notice in the Gazette, amend Schedule 2, 4 or 6.

(Amended 34 of 1999 s. 3)

72-73. (Omitted as spent)

SCHEDULE 1

[s. 2(1) & (6)]

DATA PROTECTION PRINCIPLES

1. Principle 1—purpose and manner of collection of personal data

(1) Personal data shall not be collected unless—

- (a) the data are collected for a lawful purpose directly related to a function or activity of the data user who is to use the data;
- (b) subject to paragraph (c), the collection of the data is necessary for or directly related to that purpose; and

- (c) 就該目的而言，資料屬足夠但不超乎適度，否則不得收集資料。
- (2) 個人資料須以——
- 合法；及
 - 在有關個案的所有情況下屬公平。
- 的方法收集。
- (3) 凡從或將會從某人收集個人資料，而該人是資料當事人，須採取所有切實可行的步驟，以確保——
- 他在收集該等資料之時或之前，以明確或暗喻方式而獲告知——
 - 他有責任提供該等資料抑或是可自願提供該等資料；及
 - (如他有責任提供該等資料) 他若不提供該等資料便會承受的後果；及
 - 他——
 - 在該等資料被收集之時或之前，獲明確告知——
 - 該等資料將會用於甚麼目的(須一般地或具體地說明該等目的)；及
 - 該等資料可能轉移予甚麼類別的人；及
 - 在該等資料首次用於它們被收集的目的之時或之前，獲明確告知——
 - 他要求查閱該等資料及要求改正該等資料的權利；
 - 該等要求可向其提出的個人的姓名及地址，
- 但在以下情況屬例外：該等資料是為了在本條例第 VIII 部中指明為個人資料而其種類及不受第 6 條保障資料原則的條文所管限的目的而收集，而遵守本款條文相當可能會損害該目的。

2. 第 2 原則——個人資料的準確性及保留期間

- (1) 須採取所有切實可行的步驟，以——
- 確保在顯及有關的個人資料被使用於或會被使用於的目的(包括任何直接有關的目的)下，該等個人資料是準確的；
 - 若有合理理由相信有關的個人資料被使用於或會被使用於的目的(包括任何直接有關的目的)下，該等個人資料是不準確時，確保——
 - 除非該等理由不再適用於該等資料(不論是藉着更正該等資料或以其他方式)及在此之前，該等資料不得使用於該目的；或
 - 該等資料被刪除；
 - 在於有關個案的整體情況下知悉以下事項屬切實可行時——
 - 在指定日當日或之後向第三者披露的個人資料，在顯及該等資料被使用於或會被使用於的目的(包括任何直接有關的目的)下，在要項上是不準確的；及
 - 該等資料在如此披露時是不準確的，確保第三者——
 - 獲告知該等資料是不準確的；及
 - 獲提供所需詳情，以令他能在顯及該目的下更正該等資料。
- (2) 個人資料的保存時間，不得超過將其保存以貫徹該等資料被使用於或會被使用於的目的(包括任何直接有關的目的)所需的時間。

3. 第 3 原則——個人資料的使用

- 如無有關的資料當事人的訂明同意，個人資料不得用於下列目的以外的目的——
- 在收集該等資料時會將其使用於的目的；或
 - 直接與 (a) 段所提述的目的有關的目的。

- (c) the data are adequate but not excessive in relation to that purpose.
- (2) Personal data shall be collected by means which are—
- lawful; and
 - fair in the circumstances of the case.
- (3) Where the person from whom personal data are or are to be collected is the data subject all practicable steps shall be taken to ensure that—
- he is explicitly or implicitly informed, on or before collecting the data, of—
 - whether it is obligatory or voluntary for him to supply the data; and
 - where it is obligatory for him to supply the data, the consequences for him if he fails to supply the data; and
 - he is explicitly informed—
 - on or before collecting the data, of—
 - the purpose (in general or specific terms) for which the data are to be used and
 - the classes of persons to whom the data may be transferred; and
 - on or before first use of the data for the purpose for which they were collected—
 - his rights to request access to and to request the correction of the data; and
 - the name and address of the individual to whom any such request may be made,
- unless to comply with the provisions of this subsection would be likely to prejudice the purpose for which the data were collected and that purpose is specified in Part VIII of this Ordinance as purpose in relation to which personal data are exempt from the provisions of data protection principle 6.

2. Principle 2—accuracy and duration of retention of personal data

- (1) All practicable steps shall be taken to ensure that—
- personal data are accurate having regard to the purpose (including any directly related purpose) for which the personal data are or are to be used;
 - where there are reasonable grounds for believing that personal data are inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used—
 - the data are not used for that purpose unless and until those grounds cease to be applicable to the data, whether by the rectification of the data or otherwise; or
 - the data are erased;
 - where it is practicable in all the circumstances of the case to know that—
 - personal data disclosed on or after the appointed day to a third party are materially inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used by the third party; and
 - that data were inaccurate at the time of such disclosure,
 - is informed that the data are inaccurate; and
 - is provided with such particulars as will enable the third party to rectify the data having regard to that purpose.
- (2) Personal data shall not be kept longer than is necessary for the fulfilment of the purpose (including any directly related purpose) for which the data are or are to be used.

3. Principle 3—use of personal data

- Personal data shall not, without the prescribed consent of the data subject, be used for any purpose other than—
- the purpose for which the data were to be used at the time of the collection of the data; or
 - a purpose directly related to the purpose referred to in paragraph (a).

4. 第 4 原則——個人資料的保安

須採取所有切實可行的步驟，以確保由資料使用者持有的個人資料(包括採用不能切實可行的方式以存儲或處理的形式的資料)受保障而不受未經准許的或意外的查閱、處理、刪除或其他使用所影響，尤其須考慮—

- (a) 該等資料的種類及如該等事情發生便能造成的損害；
- (b) 儲存該等資料的地點；
- (c) 儲存該等資料的設備所包含(不論是藉自動化方法或其他方法)的保安措施；
- (d) 為確保能查閱該等資料的人的良好操守、審慎態度及辦事能力而採取的措施；及
- (e) 為確保在保安良好的情況下傳送該等資料而採取的措施。

5. 第 5 原則——資訊須在一般情況下可提供

須採取所有切實可行的步驟，以確保任何人—

- (a) 能確定資料使用者在個人資料方面的政策及實務；
- (b) 能獲告知資料使用者所持有的個人資料的種類；
- (c) 能獲告知資料使用者持有的個人資料是為或將會為甚麼主要目的而使用的。

6. 第 6 原則——查閱個人資料

資料當事人有權—

- (a) 確定資料使用者是否持有他屬其資料當事人的個人資料；
- (b) 要求—
 - (i) 在合理時間內查閱；
 - (ii) 在支付並非超乎速度的費用(如有的話)下查閱；
 - (iii) 以合理方式查閱；及
 - (iv) 查閱採用清楚易明的形式的個人資料；
- (c) 在(b)段所提述的要求被拒絕時獲提供理由；
- (d) 反對(c)段所提述的拒絕；
- (e) 要求改正個人資料；
- (f) 在(e)段所提述的要求被拒絕時獲提供理由；及
- (g) 反對(f)段所提述的拒絕。

附表 2

[第 5(7)、10(2)(c)
及 71 條]

專員的財務事宜等

1. 專員的資源等

(1) 專員的資源計有—

(a) 以下一切款項—

- (i) 經立法會撥作委員會用途並由政府付予專員的款項；及 (由 1999 年第 34 號第 3 條修訂)

4. Principle 4—security of personal data

All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user are protected against unauthorised or accidental access, processing, erasure or other use having particular regard to—

- (a) the kind of data and the harm that could result if any of those things should occur;
- (b) the physical location where the data are stored;
- (c) any security measures incorporated (whether by automated means or otherwise) into any equipment in which the data are stored;
- (d) any measures taken for ensuring the integrity, prudence and competence of persons having access to the data; and
- (e) any measures taken for ensuring the secure transmission of the data.

5. Principle 5—information to be generally available

All practicable steps shall be taken to ensure that a person can—

- (a) ascertain a data user's policies and practices in relation to personal data;
- (b) be informed of the kind of personal data held by a data user;
- (c) be informed of the main purposes for which personal data held by a data user are to be used.

6. Principle 6—access to personal data

A data subject shall be entitled to—

- (a) ascertain whether a data user holds personal data of which he is the data subject;
- (b) request access to personal data—
 - (i) within a reasonable time;
 - (ii) at a fee, if any, that is not excessive;
 - (iii) in a reasonable manner; and
 - (iv) in a form that is intelligible;
- (c) be given reasons if a request referred to in paragraph (b) is refused;
- (d) object to a refusal referred to in paragraph (c);
- (e) request the correction of personal data;
- (f) be given reasons if a request referred to in paragraph (e) is refused; and
- (g) object to a refusal referred to in paragraph (f).

SCHEDULE 2

[ss. 5(7), 10(2)(c)
& 71]

FINANCES, ETC. OF COMMISSIONER

1. Resources of Commissioner

(1) The resources of the Commissioner shall consist of—

(a) all money—

- (i) paid by the Government to the Commissioner and appropriated for that purpose by the Legislative Council; and

**Administration's decision to
monitor the number of name searches**

In order to monitor the number of name searches conducted by individual authorized government departments efficiently, the Land Registry has decided to enhance the current computer system. The number of name searches will be recorded in the system so that monthly statistics can be generated. The enhancement work is underway and the production of the first batch of statistics will be available in early April 2001.