

立法會
Legislative Council

Ref : CB2/BC/6/01

LC Paper No. CB(2) 1301/02-03
(These minutes have been seen by
the Administration)

**Bills Committee on
Registration of Persons (Amendment) Bill 2001**

**Minutes of meeting
held on Tuesday, 11 February 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon James TO Kun-sun
Hon SIN Chung-kai
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-yea, JP
Hon Emily LAU Wai-hing, JP
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-yea, GBS, JP

Public Officers attending : Mr Michael WONG
Deputy Secretary
Security Bureau

Mr Alan CHU
Principal Assistant Secretary
Security Bureau

Ms Anne TENG
Assistant Secretary
Security Bureau

Mr Michael STONE
E-government Coordinator
Commerce, Industry and Technology Bureau

Ms Joyce TAM
Principal Assistant Secretary
Commerce, Industry and Technology Bureau

Miss Sabrina LAW
Assistant Secretary
Commerce, Industry and Technology Bureau

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Mr WONG Tat-po
Deputy Director
Immigration Department

Mr Raymond WONG Wai-man
Assistant Director
Immigration Department

Mr TSOI Hon-kuen
Assistant Director
Immigration Department

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Raymond LAM
Senior Assistant Secretary (2)5

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to provide a written response on the following -

- (a) to explain the effect of the expression "Without prejudice to regulation 5(1)(a)" in the proposed regulation 4A of the Registration of Persons (ROP) Regulations and whether it would be in conflict with the principle that the inclusion of non-immigration related information in the chip of an identity card would require the consent of the cardholder;
- (b) to consider providing in the principal legislation the principle that the inclusion of non-immigration related information in the chip of an identity card would require the consent of the cardholder; and
- (c) to explain why there was a need for a person to furnish to a registration officer the information set out in regulation 4(1)(b) of the ROP Regulations.

3. The Administration undertook -

- (a) to make necessary arrangements with the Privacy Commissioner for Personal Data (Privacy Commissioner) for a privacy compliance audit to be conducted in 12 months after the Smart Identity Card System (SMARTICS) was up and running;
- (b) to draw up a code of practice relating to SMARTICS, which would be covered under section 12 of the Personal Data (Privacy) Ordinance, after the completion of the fourth Privacy Impact Assessment studies;
- (c) to state the undertakings on privacy compliance audit and code of practice relating to SMARTICS referred to in paragraphs (a) and (b) above in the speech of the Secretary for Security during the resumption of Second Reading debate on the Bill;
- (d) to arrange a demonstration on the prototype of SMARTICS before the resumption of Second Reading debate on the bill;
- (e) to amend the term "Services" in the proposed Committee Stage amendment to clause 3(b) as "Service"; and
- (f) to prepare a paper for the Panel on Security on the implementation of SMARTICS before publishing in the Gazette a notice on the "specified date" referred to in the proposed section 1A(2) of the ROP Ordinance.

4. The Bills Committee requested the Secretariat to draw up a list of amendments proposed by organisations/individuals to specific clauses in the Bill which were reflected/not reflected in the proposed Committee Stage amendments.

5. The Bills Committee agreed to invite the Privacy Commissioner's views concerning how the privacy compliance audit on SMARTICS would be conducted.

II. Dates of subsequent meetings

6. The Bills Committee noted that the next meeting had been scheduled for Tuesday, 18 February 2003 at 8:30 am to continue discussion with the Administration. The Bills Committee agreed that the following meetings be scheduled to continue discussion with the Administration -

- (a) Friday, 21 February 2003 from 8:30 am to 12:30 pm;
- (b) Friday, 28 February 2003 from 8:30 am to 10:30 am; and
- (c) Saturday, 1 March 2003 from 9:00 am to 11:30 am.

7. The meeting ended at 4:40 pm.

Council Business Division 2
Legislative Council Secretariat
25 February 2003

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Tuesday, 11 February 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|------------------------------------|--|---|
| 000000-000249 | Chairman | Opening remarks and relevant papers | |
| 000250-000814 | Hon Audrey EU Chairman Admin | Whether the expression "身份證" should be used instead of "身分證" in legislation and list of amendments proposed by organisations/ individuals to specific clauses in the Bill which were reflected/not reflected in the proposed Committee Stage amendments (CSAs) | The Secretariat to draw up a list of amendments proposed by organisations/ individuals to specific clauses in the Bill which were reflected/not reflected in the proposed CSAs |
| 000815-000831 | Chairman Admin | Administration's response to outstanding issues raised by members | |
| 000832-001642 | Hon Emily LAU Chairman Admin | Privacy compliance audit and code of practice relating to the Smart Identity Card System (SMARTICS) and | Clerk to invite the views of the Privacy Commissioner for Personal Data concerning how the privacy compliance audit on SMARTICS would be conducted |
| 001643-001839 | Hon James TO Chairman | Need for a person to furnish to a registration officer the information set out in regulation 4(1)(b) of the Registration of Persons (ROP) Regulations | |
| 001840-001859 | Admin Chairman | Briefing on the proposed amendments in page 1 of LC Paper No. CB(2)1124/02-03(01) | |
| 001900-001954 | Chairman Admin | Briefing on the proposed amendments in page 2 of LC Paper No. CB(2)1124/02-03(01) and amendment of the term "Services" in the proposed CSA to clause 3(b) as "Service" | |

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| 001955-005339 | Hon James TO Chairman Hon Emily LAU Hon Howard YOUNG Hon Miriam LAU Hon Audrey EU Hon LEUNG Fu-wah SALA2 Admin | Whether a notice on the "specified date" in the proposed section 1A(1) of the ROP Ordinance should be subsidiary legislation | Admin to prepare a paper for the Panel on Security on the implementation of SMARTICS before publishing in the Gazette a notice on the "specified date" referred to in the proposed section 1A(2) of the ROP Ordinance |
| 005340-005417 | Hon SIN Chung-kai Chairman | Renewal of identity cards for Hong Kong Special Administrative Region permanent residents living overseas | |
| 005418-011148 | Hon Miriam LAU Hon Emily LAU Chairman Hon James TO SALA2 Admin | Whether a notice on the "specified date" in other legislation was subsidiary legislation | |
| 011149-013047 | Hon Emily LAU Chairman Hon Howard YOUNG Hon James TO Hon SIN Chung-kai Admin | Demonstration on the prototype of SMARTICS before the resumption of Second Reading debate on the bill | Admin to arrange a demonstration on the prototype of SMARTICS before the resumption of Second Reading debate on the bill |
| 013048-013106 | Chairman | Proposed amendments in page 3 of LC Paper No. CB(2)1124/02-03(01) | |
| 013107-015922 | Hon James TO Chairman Hon Audrey EU Hon SIN Chung-kai SALA2 Admin | Need for the proposed section 7(2)(h) and (haa) of the ROP Ordinance; whether the Chief Executive in Council was empowered to make regulations to include any additional information in the chip of an identity card; and requirement of the consent of the cardholder for inclusion of non-immigration related information in the chip of an identity card | Admin to explain the effect of the expression "Without prejudice to regulation 5(1)(a)" in the proposed regulation 4A of the ROP Regulations and whether it would be in conflict with the principle that the inclusion of non-immigration related information in the chip of an identity card would require the consent of the cardholder; and to consider providing the principle in the principal legislation |

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| 015923-020016 | Chairman Hon Emily LAU | Date of next meeting | |
| 020017 - 020031 | Hon James TO | Need for a person to furnish to a registration officer the information set out in regulation 4(1)(b) of the ROP Regulations | Admin to explain why there was a need for a person to furnish to a registration officer the information set out in regulation 4(1)(b) of the ROP Regulations |
| 020032 - 020957 | Chairman Hon Emily LAU Clerk | Dates of subsequent meetings | |

Note : The audio records of the above proceedings are kept at the LegCo Library

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Legislative Council Secretariat
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