

**立法會**  
**Legislative Council**

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(These minutes have been seen  
by the Administration)

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

**Minutes of meeting  
held on Friday, 11 October 2002 at 9:00 am  
in the Chamber of the Legislative Council Building**

**Members present** : Hon IP Kwok-him, JP (Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon SIN Chung-kai  
Hon Howard YOUNG, JP  
Hon LAU Kong-wah  
Hon Miriam LAU Kin-ye, JP  
Hon Emily LAU Wai-hing, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Member absent** : Hon LEUNG Fu-wah, MH, JP

**Public Officers attending** : Mr Michael WONG  
Deputy Secretary  
Security Bureau  
  
Mr Alan CHU  
Principal Assistant Secretary  
Security Bureau  
  
Miss May CHAN  
Assistant Secretary  
Security Bureau  
  
Ms Joyce TAM

Acting E-government Coordinator  
Commerce, Industry and Technology Bureau

Ms Michelle CHAU  
Head, Information Technology Division  
Leisure and Cultural Services Department

Mr Michael CHUNG  
Director, Product Development & Marketing  
Hong Kong Post

Miss Amy CHOW  
Principal Executive Officer  
Transport Department

Mr Gilbert MO  
Deputy Law Draftsman  
Department of Justice

Mr WONG Tat-po  
Deputy Director  
Immigration Department

Mr WONG Wai-man, Raymond  
Assistant Director  
Immigration Department

Mr TSOI Hon-kuen  
Assistant Director  
Immigration Department

Mr LAI Chak-man, Albert  
Chief Systems Manager  
Immigration Department

**Attendance by invitation :** Office of the Privacy Commissioner for Personal Data

Mr Raymond TANG  
Privacy Commissioner for Personal Data

Mr Tony LAM  
Deputy Privacy Commissioner for Personal Data

Mr Eric PUN  
Legal Director

Hong Kong Institution of Engineers (Electronics and  
Information Technology Divisions)

Ir C K LAU  
Committee Member

Ir Dr Herman TSUI  
Committee Member

Asia Pacific Smart Card Association

Mr Greg POTE  
Chairman

Hong Kong Computer Society

Mr Daniel LAI, JP  
President

Mr Raymond YU  
Hon Secretary

Hong Kong Trade Development Council

Mr Alan WONG  
Director, Service Promotion

Hong Kong Tourism Board

Ms Ellen KWAN  
General Manager, Tourism Marketing

Individuals

Professor Graham GREENLEAF

Professor K Y LAM

Professor Matthew LEE

**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

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## **I. Meeting with deputations and the Administration**

The Bills Committee received the views of individuals/deputations on the Registration of Persons (Amendment) Bill 2001 and deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested –

- (a) the Administration to -
  - (i) consider whether to introduce further legislative amendments against hacking of data held in the chip of a smart identity (ID) card;
  - (ii) consider providing a mechanism for conducting privacy audit on the smart ID card system;
- (b) the Privacy Commissioner for Personal Data to provide a further submission on :
  - (i) the proposed code of practice relating to the smart ID card system;
  - (ii) the need for conducting privacy audit on access to and use of data under the smart ID card system, how the privacy audit was to be conducted, the body that should be responsible for conducting privacy audit and the power that should be provided to such a body;
  - (iii) whether amendments to existing legislation, including the Personal Data (Privacy) Ordinance, was required with the introduction of the proposed smart ID cards; and

- (c) Professor Matthew LEE to provide members with specific legislative amendments that should be introduced to give effect to his proposals on the Bill.
3. The Bills Committee also requested –
- (a) the Clerk to prepare a summary of amendments proposed by individuals/deputations to specific clauses in the Bill; and
  - (b) the legal adviser to the Bills Committee to provide members with the relevant Australian legislation relating to privacy audit.
4. The Administration agreed to provide a response to the points raised by individuals/deputations which were not covered in their submissions. Regarding the legislative timetable, the Administration advised that there was a pressing need for the Bill to be enacted. It hoped that the smart ID card could be implemented in May 2003.

## **II. Date of next meeting**

5. Members noted that the next meeting had been scheduled for 28 October 2002 at 2:30 pm to continue discussion with the Administration.
6. There being no other business, the meeting ended at 11:40 am.

Council Business Division 2  
Legislative Council Secretariat  
30 October 2002

**Proceedings of the meeting of the Bills Committee on  
Registration of Persons (Amendment) Bill 2001  
on Friday, 11 October 2002 at 9:00 am  
in the Chamber of the Legislative Council Building**

<b>Index</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000552	Chairman	Opening remarks	
000553 - 001129	Office of the Privacy Commissioner for Personal Data	Presentation of submission	
001130 - 002907	Professor Graham GREENLEAF	Presentation of submission	
002908 - 003914	Hong Kong Institution of Engineers (Electronics and Information Technology Divisions)	Presentation of submission	
003915 - 004524	Asia Pacific Smart Card Association	Presentation of submission	
004525 - 005539	Professor K Y LAM	Presentation of submission	
005540 - 010742	Professor Matthew LEE	Presentation of submission	
010743 - 011227	Hong Kong Computer Society	Presentation of submission	
011228 - 011437	Hong Kong Trade Development Council	Presentation of submission	
011438 - 011637	Hong Kong Tourism Board	Presentation of submission	

011638 - 012201	Hon Margaret NG Chairman Professor Graham GREENLEAF	Effect of proposed legislation to implement Article 23 of the Basic Law on the proposed smart identity (ID) card scheme	
012202 - 013532	Hon Emily LAU Hon SIN Chung- kai Office of the Privacy Commissioner for Personal Data	Privacy audit, the party that should be responsible for conducting privacy audit, and Legislative Council's control over the expansion of the smart ID card system	
013533 - 014159	Hon Audrey EU Chairman Hong Kong Institution of Engineers (Electronics and Information Technology Divisions) Professor Matthew LEE	Proposals on specific legislative amendments to give effect to the proposals of Professor Matthew LEE and proposal by the Hong Kong Institution of Engineers (HKIE) of having a smart ID card dedicated for immigration-related applications and another smart card dedicated for non-immigration related applications	<b>Professor Mathew LEE to provide specific legislative amendments that should be introduced</b>
014200 - 014714	Hon Howard YOUNG Professor Matthew LEE	Offence provisions and level of penalty on hacking on the chip in a smart ID card	
014715 - 015314	Hon LAU Kong- wah Hong Kong Institution of Engineers (Electronics and Information Technology Divisions) Hong Kong Tourism Board	Proposal by HKIE of having a smart ID card dedicated for immigration-related applications and another smart card dedicated for non-immigration related applications and proposal by the Hong Kong Tourism Board of extending smart card technology to the Hong Kong Special Administrative Region (HKSAR) Travel Pass for frequent travellers	
015315 - 020539	Hon James TO Office of the Privacy Commissioner for Personal Data Chairman	Privacy audit, proposed code of practice relating to the smart ID card system, exemption provisions in the Personal Data (Privacy) Ordinance (PDPO) and overseas practice	<b>Privacy Commissioner for Personal Data (Privacy Commissioner) to provide a further submission on privacy audit and code of practice</b>

020540 - 021311	Hon Audrey EU Office of the Privacy Commissioner for Personal Data Professor K Y LAM	Whether amendments to existing legislation, including PDPO, was required with the introduction of the proposed smart ID cards, exemption provisions in PDPO and amount of fingerprint information to be stored in a smart ID card	<b>Privacy Commissioner to provide a further submission on whether amendments to existing legislation was required</b>
021312 - 021814	Hon Emily LAU Hong Kong Trade Development Council Hong Kong Tourism Board Chairman	How privacy audit was to be conducted, the body that should be responsible for conducting privacy audit, the power that should be provided to such a body, and proposal by the Hong Kong Tourism Board of extending smart card technology to the HKSAR Travel Pass for frequent travellers	<b>Privacy Commissioner to provide a further submission on the mechanism for conducting privacy audit</b>
021815 - 023208	Admin	Response to issues raised at the meeting by deputations and members and legislative timetable	<b>Admin to provide a response to the points raised by individuals/deputations which were not covered in their submissions and to consider whether to introduce further amendments against hacking on data held in the chip of a smart ID card</b>
023209 - 023732	Hon Emily LAU Chairman Admin	Need for privacy audit, and Legislative Council's control over the expansion of the smart ID card system	<b>Admin to consider establishing a mechanism for conducting privacy audit</b>
023733 - 023958	Hon SIN Chung-kai	Summary of amendments proposed by individuals/deputations to specific clauses in the Bill and Australian legislation relating to privacy audit	<b>Clerk to prepare the summary and SALA2 to obtain the Australian legislation</b>
023959 - 024143	Chairman	Other submissions received and date of next meeting	

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