

立法會
Legislative Council

LC Paper No. CB(2) 351/02-03

(These minutes have been seen
by the Administration)

Ref : CB2/BC/6/01

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

**Minutes of meeting
held on Monday, 28 October 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
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 Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon LAU Kong-wah
Hon Audrey EU Yuet-mee, SC, 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

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

Principal 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 WONG Wai-man, Raymond
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) Statistics about the number of requests received from other government departments for the provision of registration of persons data by the Immigration Department (ImmD) and the number of requests turned down by ImmD in the past one or two years;

- (b) A response on the points raised in the letter dated 23 October 2002 from the Privacy Commissioner for Personal Data and the further submission from Professor Matthew LEE;
- (c) A response on access to (including access by the Chief Secretary for Administration) and the use of Police's checking records when smart card readers were adopted to conduct identity checks and opportunity for abuse;
- (d) Information on the maintenance of records on the checking of identity cards by the Police before and after the smart identity card was introduced;
- (e) Information on the number and ranking of law enforcement officers to be issued with handheld smart card readers, the work flow and the ranking of officers to be authorised to access the relevant logs; and
- (f) A paper explaining the provision of Regulation 11(3) of the Registration of Persons Regulations (Cap. 177) and the legal basis for Police to take thumbprints for the purpose of identity checks.

II. Dates of subsequent meetings

3. Members agreed that further meetings be scheduled for 11 November 2002 at 10:45 am and 14 November 2002 at 10:45 am to continue discussion with the Administration. Members also agreed that the Privacy Commissioner for Personal Data be invited to the meeting on 11 November 2002 to discuss privacy compliance audit relating to the smart identity card scheme.

(Post-meeting note : As the Chairman had other commitment on 11 November 2002, the meeting scheduled for 11 November 2002 was subsequently cancelled on the advice of the Chairman and the Privacy Commissioner for Personal Data was invited to the meeting on 14 November 2002.)

4. There being no other business, the meeting ended at 4:30 pm.

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Monday, 28 October 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Index	Speaker	Subject(s)	Action required
000000 - 000239	Chairman	Relevant papers	
000240 - 000711	Admin	Briefing on the Administration's paper entitled "Provision of Registration of Persons Records" (LC Paper No. CB(2) 150/02-03(01)).	
000712 - 001204	Chairman Admin	Requests received from other government departments for the provision of registration of persons data by the Immigration Department (ImmD) and requests turned down by ImmD in the past one or two years.	The Administration to provide statistics about the number of requests received from other government departments for the provision of registration of persons data by the ImmD and the number of requests turned down by ImmD in the past one or two years
001205 - 002355	Hon Margaret NG Chairman Admin	Mechanism and party responsible for conducting privacy compliance and provision of resources to the Office of the Privacy Commissioner for Personal Data in conducting privacy compliance audit.	
002356 - 003332	Hon Emily LAU Chairman Admin	Existing mechanism for monitoring privacy compliance and the need for privacy compliance audit by an independent body. Invitation to the Privacy Commissioner for Personal Data (the Privacy Commissioner) to the next meeting.	The Administration to provide a response to the points raised in the letter dated 23 October 2002 from the Privacy Commissioner for Personal Data and the further submission from Professor Matthew LEE
003333 - 004129	Hon SIN Chung-kai Admin Chairman	Whether there was a need for privacy compliance audit and appropriateness of setting out in the Registration of Persons Ordinance the duty of the Privacy Commissioner to conduct privacy compliance audit.	
004130 - 004307	Hon Miriam LAU Chairman	Proposed code of practice relating to the smart ID card system	

004308 - 004715	Admin	Briefing on the Administration's paper entitled "Driving licence functions and handheld smart card readers" (LC Paper No. CB(2) 150/02-03(02)).	
004716 - 005216	Hon Howard YOUNG Admin	Address records maintained respectively by the Transport Department and ImmD and functions of handheld smart card readers.	
005217 - 010234	Hon Margaret NG Admin Chairman	Whether the checking of a person's driving licence would be accompanied by the checking of his smart identity card and access to (including access by the Chief Secretary for Administration) and the use of Police's checking records when smart card readers were adopted to conduct identity checks and opportunity for abuse.	The Administration to provide a response on access to (including access by the Chief Secretary for Administration) and the use of Police's checking records when smart card readers were adopted to conduct identity checks and opportunity for abuse
010235 - 010842	Hon Miriam LAU Admin	Whether a separate driving licence would be issued after the introduction of the smart identity card and access to a person's own driving licence information, including the expiry date, through the Internet; Whether production of a person's identity card would also be necessary when his driving licence was checked.	
010843 - 011603	Hon James TO Admin	Maintenance of records on the checking of identity cards by the Police before and after the smart identity card was introduced.	The Administration to provide information on the maintenance of records on the checking of identity cards by the Police before and after the smart identity card was introduced
011604 - 012313	Hon SIN Chung- kai Admin Chairman	Information on the number and ranking of law enforcement officers to be issued with handheld smart card readers, the work flow and the ranking of officers to be authorised to access relevant logs.	The Administration to provide the requested information
012314 - 012938	Hon Emily LAU Admin	Circumstances under which a handheld smart card reader would be used and issuing of fixed penalty tickets by frontline Police officers after the driving licence was incorporated into the smart identity card.	

012939 - 013641	Hon Selina CHOW Admin	Whether the Administration would have increased power after the introduction of smart identity cards.	
013642 - 014338	Hon Margaret NG Admin Chairman	Issues relating to whether fingerprint authentication with smart card readers was an infringement on individual right and legal basis for the Police to take thumbprints from persons for the purpose of identity checks.	The Administration to provide a paper explaining the legal basis for the Police to take thumbprints from persons for the purpose of identity checks
014339 - 014800	Hon James TO Admin	Effect of possible concentration of data on privacy.	
014801 - 015140	Hon LEUNG Fu- wah Admin	Issues relating to whether fingerprint authentication with smart card readers was an infringement on individual right.	
015141 - 015241	Hon LEUNG Fu- wah Admin	Period for which data on the checking of smart identity cards with handheld smart card readers would be kept.	
015242 - 015431	Hon Margaret NG	Regulation 11(3) of the Registration of Persons Regulations (Cap. 177).	The Administration to provide a paper explaining the provision of Regulation 11(3) of the Registration of Persons Regulations (Cap. 177)
015432 - 015613	Hon James TO	Issues relating to whether fingerprint authentication with smart card readers was an infringement on individual right and possible consequences of incorporation of driving licence into a smart identity card.	
015614 - 020032	Chairman Hon James TO	Dates of subsequent meetings.	

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

Council Business Division 2
Legislative Council Secretariat
13 November 2002