

立法會
Legislative Council

Ref : CB2/BC/6/01

LC Paper No. CB(2) 605/02-03
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Thursday, 14 November 2002 at 10:45 am
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 Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SIN Chung-kai
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon Henry WU King-cheong, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
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

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 Raymond WONG Wai-man
Assistant Director
Immigration Department

Mr TSOI Hon-kuen
Assistant Director
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

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 representatives from the Office of the Privacy Commissioner for Personal Data and the Administration

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

2. The Bills Committee requested the Administration -
 - (a) To give an undertaking, such as during the resumption of Second Reading debate on the Bill, stating the number and timing of privacy compliance audits to be conducted and the audit reports to be submitted to the Legislative Council; or to specify such provisions in the Bill;
 - (b) To advise on whether it was a general practice that a notice published in the Gazette on persons authorised by the Chief Executive was not subsidiary legislation; and
 - (c) To review the drafting of the proposed Regulation 11A of the Registration of Persons Regulations, having regard to the views of members and the legal adviser to the Bills Committee.
3. The Administration undertook to set out provisions on the conducting of privacy compliance audit in the code of practice relating to the smart identity card system. It also undertook to draw up the code of practice after the completion of the third and fourth Privacy Impact Assessment studies.

II. Date of next meeting

4. Members agreed that the next meeting would be scheduled for 20 November 2002 at 8:30 am to continue discussion with the Administration and commence on the clause-by-clause examination of the Bill.
5. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2002

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Thursday, 14 November 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000336	Chairman	Relevant papers	
000337 - 000817	Admin	Administration's undertaking to set out provisions on the conduct of privacy compliance audit in the code of practice relating to the smart identity card system; and to draw up the code of practice after the completion of the third and fourth Privacy Impact Assessment studies	
000818 - 001821	Office of the Privacy Commissioner for Personal Data	Briefing on the submission dated 23 October 2002 from the Privacy Commissioner for Personal Data	
001822 - 002720	Hon Audrey EU Office of the Privacy Commissioner for Personal Data	Whether there was a need for setting out the requirement of privacy compliance audit in the Bill	
002721 - 003832	Hon SIN Chung-kai Chairman Office of the Privacy Commissioner for Personal Data Admin Office of the Privacy Commissioner for Personal Data	Conduct of privacy compliance audit by the Office of the Privacy Commissioner for Personal Data (PCO) and providing for such a requirement in legislation	
003833 - 004237	Hon SIN Chung-kai Admin Chairman	Contents, timing and application of the code of practice relating to the smart identity card system to be drawn up by the Administration in consultation with PCO	
004238 - 004412	Hon SIN Chung-kai Chairman Admin	Party to be responsible for conducting privacy compliance audit	

004413 - 005306	Hon SIN Chung-kai Admin Chairman Hon LAU Kong-wah Office of the Privacy Commissioner for Personal Data	Timing for privacy compliance audit, mechanism for the submission of privacy compliance audit reports to the Legislative Council (LegCo) and availability of resources for conducting privacy compliance audit	
005307 - 005455	Hon LAU Kong-wah Office of the Privacy Commissioner for Personal Data	Resources required for a privacy compliance audit	
005456 - 010040	Hon LAU Kong-wah Hon SIN Chung-kai Chairman Admin	Number and timing of privacy compliance audits to be conducted and submission of reports to LegCo	Admin to give an undertaking, such as during the resumption of Second Reading debate on the Bill, stating the number and timing of privacy compliance audits to be conducted and the audit reports to be submitted to LegCo; or to specify such provisions in the Bill
010041 - 011410	SALA2 Hon Audrey EU Hon LAU Kong-wah Chairman Office of the Privacy Commissioner for Personal Data	Coverage of privacy compliance audit, conducting of privacy compliance audit on a regular basis, relevant practice and legislation in Australia	
011411 - 011819	Hon SIN Chung-kai Admin	Implementation details for the taking of fingerprints with the use of smart card readers	
011820 - 011927	Hon SIN Chung-kai Admin Chairman	Whether it was a general practice that a notice published in the Gazette on persons authorised by the Chief Executive was not subsidiary legislation	Admin to advise on whether it was a general practice that a notice published in the Gazette on persons authorised by the Chief Executive was not subsidiary legislation

011928 012434	- Admin	Briefing on the Administration's paper entitled "Existing legislation empowering members of the Immigration Service or Police officers to take fingerprints" (LC Paper No. CB(2) 319/02-03(01))	
012435 014523	- Hon SIN Chung-kai Hon LAU Kong-wah Chairman Admin	Circumstances under which a member of the Immigration Service could take fingerprints from a person and possibility for abuse	
014524 015915	- Hon Audrey EU SALA2 Hon Miriam LAU Hon Margaret NG Hon LAU Kong-wah Admin	Scope and drafting of the proposed Regulation 11A of the Registration of Persons Regulations	
015916 020231	- Chairman	Date of next meeting and clause-by-clause examination of the Bill at the next meeting	Admin to review the drafting of the proposed Regulation 11A of the Registration of Persons Regulations, having regard to the views of members and the legal adviser to the Bills Committee

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

Council Business Division 2
Legislative Council Secretariat
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