

**立法會**  
**Legislative Council**

Ref : CB2/BC/6/01

LC Paper No. CB(2) 606/02-03  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Wednesday, 20 November 2002 at 8:30 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 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 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 James TO Kun-sun

**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

**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 the Administration**

The Bills Committee examined the Bill clause-by-clause (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration -

### General issue

- (a) To consider providing a paper setting out provisions in the Registration of Persons Ordinance (Cap. 177) where the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO) would apply and provisions exempted from

PDPO;

Clause 3

- (b) To consider defining "smart card reader" and "holder of an identity card" in the proposed section 1A(1);
- (c) To consider setting out in the proposed section 1A(1) that records included data stored in smart card readers, electronic and digital images;

Clause 4

- (d) To consider amending section 7(1) along the line of "The Chief Executive in Council may make such regulations as may be necessary for the purposes of this Ordinance and in compliance with the Personal Data (Privacy) Ordinance (Cap. 486)";
- (e) To examine the consistency of provisions in section 7(2) with the Data Protection Principles in Schedule 1 to PDPO;
- (f) To consider adding a provision for the making of regulation in respect of smart card readers in section 7(2);
- (g) To consider amending the proposed section 7(2)(gb) to include the storage and reading of digital images;
- (h) To explain why the word "chips" was used in the proposed section 7(2)(haa) instead of "chip"; and
- (i) To consider amending section 7(2)(n) to include "films and digital images".

3. The Administration undertook to amend the expression "及香港境內的人的詳情的紀錄" in the Chinese version of clause 2(a) along the line of "及其紀錄".

4. The Bills Committee requested the legal adviser to the Bills Committee to check whether there was any provision in other Ordinances requiring subsidiary legislation to be made in compliance with another Ordinance.

## **II. Date of subsequent meetings**

5. The Bills Committee agreed that the following meetings would be scheduled to continue discussion with the Administration -

- (a) Tuesday, 17 December 2002 from 8:30 am to 11:00 am;
- (b) Tuesday, 7 January 2003 from 10:45 am to 12:45 pm; and

- (c) Monday, 13 January 2003 from 10:45 am to 12:45 pm.
- 6. There being no other business, the meeting ended at 10:40 am.

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 Wednesday, 20 November 2002 at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000408	Chairman	Opening remarks and relevant papers	
000409 - 000532	Admin Chairman	Amendments proposed under clause 2 of the Bill and amendments to be proposed by the Administration to the Chinese version of clause 2(a)	<b>Admin undertook to amend the expression "及香港境內的人的詳情的紀錄" in the Chinese version of clause 2(a) along the line of "及其紀錄"</b>
000533 - 000606	Hon Audrey EU Admin Chairman	Meaning of "application" in clause 2(b) of the Bill	
000607 - 000728	Admin	Briefing on clause 3 of the Bill	
000729 - 000759	Chairman Admin	Meaning of "specified date" in clause 3	
000800 - 000930	Hon LAU Kong-wah Admin	Defining "smart card reader" and "holder of an identity card" in the proposed section 1A(1)	<b>Admin to consider defining "smart card reader" and "holder of an identity card" in the proposed section 1A(1)</b>
000931 - 001516	Chairman Hon LAU Kong-wah Admin	Proposals in clause 4 of the Bill and difference in meaning between "套取" and "印取"	
001517 - 001911	Hon LAU Kong-wah Chairman Admin	Storage and reading of digital images	<b>Admin to consider amending the proposed section 7(2)(gb) to include the storage and reading of digital images</b>
001912 - 002951	Hon Emily LAU Admin Chairman SALA2	Incorporation of a provision empowering the making of a regulation on the protection of privacy and prevention of abuse	
002952 - 003502	Hon Audrey EU Admin	Setting out the principles of privacy protection in the long title or preamble of the Registration of Persons (ROP) Ordinance	

003503 - 003751	Hon LAU Kong-wah Admin	Provisions for the making of regulation in respect of smart card readers and amendment of section 7(2)(n) to include "films and digital images"	<b>Admin to consider adding a provision for the making of regulation in respect of smart card readers in section 7(2); and to consider amending section 7(2)(n) to include "films and digital images"</b>
003752 - 004218	Admin Chairman	Technical and policy aspects of setting out the principles of protection of privacy and prevention of abuse	
004219 - 004355	Hon LAU Kong-wah Admin	Provisions for the making of regulation in respect of smart card readers and the storage and reading of digital images	
004356 - 004913	Hon Henry WU Admin SALA2	Difference in the use of the terms "thumbprint" and "fingerprint" in the Bill	
004914 - 011125	Hon Emily LAU Admin Chairman Hon Miriam LAU Hon LEUNG Fu-wah	Whether there was a need for the incorporation of a provision empowering the making of a regulation on the protection of privacy and prevention of abuse; and request for the Administration to consider providing a paper setting out provisions in the Registration of Persons Ordinance (Cap. 177) where the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO) would apply and provisions exempted from PDPO	<b>Admin to consider providing the requested paper</b>
011126 - 011347	Hon LEUNG Fu-wah Admin	Use of the expression "member of the Immigration Service"; and setting out that records included data stored in smart card readers, electronic and digital images.	<b>Admin to consider setting out in the proposed section 1A(1) that records included data stored in smart card readers, electronic and digital images</b>
011348 - 014720	Hon Emily LAU SALA2 Chairman Hon LAU Kong-wah Hon Audrey EU Admin	Different possibilities and effect of setting out the principles of protection of privacy in the ROP Ordinance, applicability of the PDPO and the Administration's measures on the protection of privacy	

014721 - 020002	Hon Audrey EU Hon Miriam LAU Hon LAU Kong- wah Hon LEUNG Fu- wah Hon Emily LAU Chairman SALA2 Admin	Suggestion of amending section 7(1) along the line of "The Chief Executive in Council may make such regulations as may be necessary for the purposes of this Ordinance and in compliance with the Personal Data (Privacy) Ordinance (Cap. 486)" and effect on the application of other Ordinances not mentioned. Consistency of provisions in section 7(2) with the Data Protection Principles in Schedule 1 to PDPO	<b>Admin to consider the suggested amendment to section 7(1); and to examine the consistency of provisions in section 7(2) with the Data Protection Principles in Schedule 1 to PDPO; legal adviser to the Bills Committee to check whether there was any provision in other Ordinances requiring subsidiary legislation to be made in compliance with another Ordinance</b>
020003 - 020026	Hon SIN Chung- kai Chairman	Use of the term "chips" instead of "chip" in the proposed section 7(2)(haa)	<b>Admin to explain why the word "chips" was used in the proposed section 7(2)(haa) instead of "chip"</b>
020027 - 020924	Chairman Hon Emily LAU Hon SIN Chung- kai CAS(2)1 Admin	Date of subsequent meetings	

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

Council Business Division 2  
Legislative Council Secretariat  
9 December 2002