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By Fax (2147 3263) and By Post

Secretary for Security
Security Bureau
(Attn. : Mr Michael WONG,
Deputy Secretary)
6/F, Main Wing
Central Government Offices
HONG KONG

10 February 2002

Dear Mr WONG,

Registration of Persons (Amendment) Bill 2001

With reference to the paper issued on 7 February 2003 by your Bureau on Proposed Committee Stage Amendments, I would like to set out some preliminary queries as follows -

- (a) what are the differences and relationship between "records kept by the Commissioner on particulars furnished to a registration officer under this Ordinance", "a register of persons" and "particulars furnished under regulation 4(1)(b)" in the proposed sections 9, 10 and 11?
- (b) what is the need for adding in particular a reference to the "fee prescribed for the purposes of section 9A" in section 7(2)(p) of the principal ordinance?
- (c) under what legislative authority (section 9 or 10 or other legislative provisions) is the example of a legitimate request referred to in paragraph 2(f) of the paper made? What are the other legitimate requests? What makes such requests legitimate - the existence of a statutory authority for the requested particulars to be granted e.g. section 9(c)?

- (d) what persons are intended to be referred to in the written permission, registration officer(s) or person(s) whose photograph or particulars are to be disclosed or both?
- (e) in the proposed definition of "portable smartcard reader", should paragraph (a) be restricted to proposed paragraph 1(h) of Schedule 1 and what about the additional information in the proposed Schedule 5?
- (f) is the newly proposed regulation 4A(a) intended to cover information that will not be stored in the chip? If so, would it affect the content of forms in Schedule 1 or regulation 5(1)(a), which requires such content to be in a form approved by the Chief Executive in Council? What would be included in the permission in the proposed regulation 4A without the provision in the originally proposed subsection (2)?
- (g) how would the proposal, if implemented, to provide self-service kiosks with smart card readers to facilitate use by the public (discussion paper for the LegCo Panel on Security issued by the Information Technology and Broadcasting Bureau in December 2001) affect what appears to be a general prohibition against free access to data stored in a chip as proposed to be added to regulation 12(1A)?

Yours sincerely,

(Arthur CHEUNG)
Senior Assistant Legal Adviser

c.c. Clerk to Bills Committee