

香港特別行政區政府  
政務司司長辦公室



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CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
Special Administrative Region

File Ref : SBCR 1/1486/81

26 February 2003

Mrs Sharon Tong  
Clerk to Bills Committee  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Mrs Tong,

### **Registration of Persons (Amendment) Bill**

In response to Members' request at the Bills Committee meeting held on 18 February 2003, I write to explain the current practice relating to disclosure of Registration of Persons (ROP) records under Regulation 24 of the ROP Regulations.

#### **Delegation of power**

Regulation 24 of the ROP Regulations stipulates that a registration officer shall not disclose ROP records (e.g. particulars furnished under Regulation 4(1)(b)) without the written permission of the Chief Secretary for Administration (CS). Since the early 1970s, CS has delegated his power under this regulation to Secretary for Security (S for S), Deputy Secretary for Security (DS(S)) and Principal Assistant Secretary for Security (PAS(S)) pursuant to section 43 of the Interpretation and General Clauses Ordinance (Cap. 1).

Most of the requests for ROP records are straightforward requests for addresses or confirmation of identity card numbers of the data subjects for purposes such as crime investigation and service of summons, etc. Having regard to the nature and frequency of the requests for ROP records, we consider that the existing delegation of power is appropriate. The delegation represents a fine balance between operational requirements to deal with such requests as and when received and the need to closely supervise the disclosure of ROP data by the registration officer through the exercise of delegated power by officers in Security Bureau at sufficiently senior levels. In 2002, an average of about 5,000 such requests were processed every month.

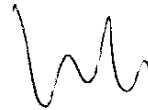
### **Mechanism for approving requests for ROP records**

There is a well-established procedure for processing requests for the release of ROP records. All requesting parties, i.e. Government departments or other organizations, have to ensure that their requests are justified. Normally, the requests have to be signed by designated officers at a senior level, e.g. Superintendent of Police in the case of Hong Kong Police. The Immigration Department vets all requests carefully and ensures that the purpose for release of the information is proper having regard to the spirit and principles of the Personal Data (Privacy) Ordinance (Cap. 486) before submitting them to the Security Bureau for consideration.

In Security Bureau, PAS(S) will consider all requests submitted by the Immigration Department. Before a permission under Regulation 24 is granted, he will duly examine the requests having regard to factors such as whether the purpose for which the request is made is the same as, or directly related to, any of the purposes for which the personal data were to be used at the time of collection; whether the consent of the data subject has been obtained and, if not, whether the request is covered by any of the exemption provisions in the Personal Data (Privacy) Ordinance; and whether the data requested are not excessive in relation to the purpose for which the request was made. In case of doubt, PAS(S) will consult DS(S), S for S or CS taking into account the advice of the Department of Justice and the Privacy Commissioner for Personal Data, as necessary. When an approval is granted to disclose the data requested, we will also specify in writing to the recipient that such data should only be used for the purpose stated in the request and should be destroyed when it is no longer required.

The current mechanism has been operating very smoothly. Nevertheless, we share the concern of Members of the Bills Committee that the Administration should ensure that the present mechanism/procedures should remain effective to guard against any abuses. In this regard, the Administration undertakes to consult the Privacy Commissioner for Personal Data with a view to conducting a privacy compliance audit in twelve months after the new ROP computer system for the issue of smart identity cards is up and running.

Yours sincerely,



( K S So )

Administrative Assistant to  
the Chief Secretary for Administration

c c Secretary for Security