

SBCR 1/1486/81

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14 March 2003

Dear Mr To,

Registration of Persons (Amendment) Bill 2001

Thank you for your letter of 7 March 2003.

In considering whether and what further particulars should be furnished by a person when he applies for an identity card, the registration officer has to determine whether such further particulars are related to any of the particulars required under regulation 4(1)(b) of the Registration of Persons (ROP) Regulations (Cap.177, sub. leg.) and whether such particulars are necessary, taking into account all relevant circumstances in each case. The particulars furnished to a registration officer may be used for enabling the Commissioner of Registration (“the Commissioner”) to keep records on such particulars and such records may be used for enabling verification of identity of individuals by public officers in discharge of their official duties, enabling verification of identity of individuals for any other lawful purposes and such purposes as may be authorized, permitted or required by or under any Ordinance.

As regards the collection of information on education level, the Commissioner is of the view that this information is related to the particulars collected on the applicant's profession (which is a prescribed particular under regulation 4(1)(b)(x) of the ROP Regulations). In this regard, the information to be collected is not ultra vires of the ROP Ordinance/ROP Regulations. In so far as use of information on education level for the Jury Ordinance (Cap.3) is concerned, it is noted that the Commissioner already has power under the Jury Ordinance to collect the information in question. Under section 4A of the Jury Ordinance, the Commissioner may require any person to supply him with such information, as he considers necessary to enable him to determine whether any person has a sufficient knowledge of the language in which the proceedings are to be conducted to be able to understand the proceedings. This may provide authority for the Commissioner to use the information on education level from the ROP database for the lawful purpose of the Jury Ordinance.

Yours sincerely,

(Alan K M CHU)
for Secretary for Security

c.c. Chairman & Members of Bills Committee