

EXTRACT

立法會
Legislative Council

LC Paper No. CB(2)633/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

**Minutes of special meeting
held on Wednesday, 7 November 2001
at 10:45 am in the Chamber of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon LAU Kong-wah (Deputy Chairman)
Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
- Member attending** : Hon SIN Chung-kai
- Members absent** : Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
- Public Officers attending** : Item II
Mr Michael WONG
Deputy Secretary for Security 3

Mr Alan K M CHU
Principal Assistant Secretary for Security D

Miss May CHAN
Assistant Secretary for Security D

Mr T P WONG
Deputy Director of Immigration

Mr Raymond W M WONG
Principal Immigration Officer
Immigration Department

Mr TSOI Hon-kuen
Principal Immigration Officer
Immigration Department

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2)5

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**II. Hong Kong Special Administrative Region Identity Card Project :
Progress Report**
(LC Paper Nos. CB(2) 243/01-02(01) and (02))

23. At the invitation of the Chairman, Deputy Secretary for Security 3 (DS for S3) and Deputy Director of Immigration (DD of Imm) briefed Members on the progress of the Hong Kong Special Administrative Region Identity Card Project (the Project) as detailed in the paper provided by the Administration.

24. Miss Margaret NG asked whether legislative amendments for the Project would be introduced collectively under one bill or separately. She considered that all legislative amendments should be introduced together under one bill rather than separately in a piecemeal manner.

25. DD of Imm responded that legislative amendments relating to the Registration of Persons (ROP) legislation would be grouped under one bill to be introduced in January 2002. While the Administration hoped that all legislative amendments relating to the Project could be introduced at one time, some other policy bureaux and

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departments were still working on the legislative amendments relevant to their respective policy areas. Amendments to other legislation might be necessary, if it was decided that non-immigration applications were to be included in the new smart identity (ID) card. For example, the Road Traffic Ordinance might have to be amended if a decision is taken to incorporate a driving licence in a smart ID card. The Administration would propose to set out in a schedule to the ROP Ordinance the immigration-related and non-immigration related data to be printed on the surface of a smart ID card as well as the items to be stored in the chip.

26. Miss Margaret NG considered that the Administration should coordinate with the relevant policy bureaux and provide a full list of all legislative amendments to be introduced under the Project.

27. DS for S3 responded that it was not possible to provide a full list of legislative amendments at this stage as the applications to be included in the smart ID card might develop with time. Non-immigration related applications, such as the incorporation of a library card, driving licence and digital certificate might be added at a future stage.

28. The Chairman said that the Administration should at least provide a full list of legislative amendments to be introduced in the next one or two years.

29. DD of Imm responded that the Administration had already undertaken to consult LegCo before adding new applications to smart ID cards. There would also be a schedule to the ROP Ordinance setting out the data to be printed on the surface of a smart ID card as well as the items to be stored in the chip of a smart ID card. He undertook to convey members' request for a full list of legislative amendments to the Information Technology and Broadcasting Bureau for consideration.

Adm

30. Mr LAU Kong-wah pointed out that at the Panel meeting on 1 November 2001, he had requested the Administration to advance the introduction of automated immigration clearance systems under the updated Information Systems Strategy (ISS-2) of ImmD. He asked whether the Administration had plans to advance the introduction of automated vehicle clearance system to tie in with the introduction of the smart ID card.

31. DS for S3 responded that the Administration was working on an updated implementation plan for ISS-2 having regard to the views expressed by Members at the Panel meeting on 1 November 2001. The Administration would brief members on its updated plan at the next Panel meeting on 6 December 2001. DD of Imm added that the tender document had already contained detailed specifications on smart card and thumbprint identification technologies so as to provide a platform for automated passenger and vehicle clearance at immigration control points. It was not necessary to amend the tender document for the purpose of advancing the introduction of automated clearance systems.

32. To expedite the introduction of automated vehicle clearance system, Dr LUI

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Ming-wah considered that legislative amendments relevant to the introduction of such a system should be introduced with priority before other legislative amendments were introduced. DS for S3 took note of the suggestion.

Adm

33. Mr IP Kwok-him requested the Administration to provide the tender document to facilitate their understanding of the specifications and requirements for the Project. The Chairman said that in view of the bulkiness of the tender document, the Administration could provide a few copies of the tender document to the LegCo Secretariat for perusal by interested members.

Adm

(Post-meeting note : The Administration subsequently provided the LegCo Secretariat with some hardcopies as well as CD-ROMs containing the softcopy of the tender document for perusal by interested members. A circular informing members of the arrangements was issued vide LC Paper No. CB(2) 345/01-02 on 14 November 2001.)

34. The Chairman said that there were reports that the former Privacy Commissioner for Personal Data (the former Privacy Commissioner), Mr K M LAU, had joined a company that had lodged tender for the smart ID card system under the Project. Being the former Privacy Commissioner, Mr LAU had been a major adviser on privacy aspects of the Project, some of the views given by Mr LAU might have an effect on the criteria adopted in the tender evaluation process. He asked whether the Administration had assessed whether there was any impact on the fairness of the tendering exercise and whether any amendment to the tender document was necessary.

35. DS for S3 responded that the Administration had examined the matter and come to the conclusion that the fairness of the tendering exercise had not been affected. He added that all privacy-related issues that might have an effect on tendering had already been set out in the tender document.

36. The Chairman asked whether the Independent Commission Against Corruption (ICAC) had taken part in the assessment referred to in paragraph 34.

37. DD of Imm responded that ICAC had been consulted on the tendering procedures and the tender document at an early stage. However, ICAC had not taken part in the recent assessment of the tendering exercise as there was no evidence indicating that anyone had tried to influence the tendering exercise. He added that all information supplied to the Privacy Commissioner had been provided to LegCo Members or included in the tender documents. While the Administration had sought the views of the Privacy Commissioner in preparing the tender document, both the Privacy Commissioner's views and the criteria to be adopted in tender evaluation had been set out in the tender documents.

38. The Chairman stressed that his concerns did not arise from the belief that anyone had tried to influence the tendering exercise. However, he considered it important for the tendering exercise to be a fair one.

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39. In response to Dr LUI Ming-wah's question about the addition of new applications to smart ID cards, DD of Imm said that such addition would not necessitate a replacement of smart ID cards.

40. Dr LUI Ming-wah asked about the memory size of a smart ID card. DD of Imm responded that different memory sizes, including 16K, 32K and 64K, had been proposed by tenderers for the chip of a smart ID card. The difference might be due to the different amount of programme stored in the smart card.

41. In response to the Chairman's question about the period of retention of the old records referred to in paragraph 3 of the LegCo Brief, DD of Imm said that the old records would not occupy much space and therefore would be kept for a long time.

Adm

42. The Chairman requested the Administration to provide members with the bill as early as practicable. DS for S3 agreed to consider.

43. The Chairman asked the Administration to provide Members with information on new privacy measures, if any, that had been developed since the Panel's meeting on the subject on 14 February 2001. He hoped that the Administration would introduce further safeguards on the matching of records.

44. DS for S3 said that in essence, the legislative amendments to be proposed would prohibit unauthorised access, storage, use and disclosure of personal data held by the Commissioner of Registration.

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Council Business Division 2
Legislative Council Secretariat
29 November 2001