

## **ITEM FOR FINANCE COMMITTEE**

**HEAD 147 – GOVERNMENT SECRETARIAT :  
FINANCIAL SERVICES AND THE TREASURY BUREAU  
(THE TREASURY BRANCH)**

**Subhead 700 General non-recurrent  
New Item “Scheme \$6,000”**

Members are invited to approve the creation of a new commitment of \$38,520 million for implementing “Scheme \$6,000” that gives a sum of \$6,000 to each Hong Kong Permanent Identity Card holder aged 18 or above.

### **PROBLEM**

We propose to implement “Scheme \$6,000” (the Scheme) that gives a sum of \$6,000 to each Hong Kong Permanent Identity Card (HKPIC) holder aged 18 or above, to leave wealth with the people and respond to public demand.

### **PROPOSAL**

2. The Secretary for the Financial Services and the Treasury proposes to create a new commitment of \$38,520 million for implementing the Scheme.

### **JUSTIFICATION**

3. On 2 March 2011, the Financial Secretary announced a number of adjustments to the 2011-12 Budget, including the proposal to give a sum of \$6,000 to each HKPIC holder aged 18 or above so as to leave wealth with the people.

**/Eligibility .....**

## Eligibility Criteria

4. As announced by the Financial Secretary on 2 March 2011, a person fulfils the eligibility criteria for the Scheme if he/she is aged 18 or above (i.e. the age criterion) **and** holds a valid HKPIC<sup>1</sup> (i.e. the HKPIC criterion).

5. Holders of non-permanent identity cards comprise different groups of people, such as new arrivals, imported labour, and others who come to Hong Kong for work or study, etc. Extending the proposal to non-permanent identity card holders may not fit in with the objective to leave wealth with the people. If the Scheme only covers some of such non-permanent identity card holders but not the others, such distinction among non-permanent identity card holders may not be justified in law. As for the age criterion, it is relevant that under Hong Kong law, a person attains full age on reaching the age of 18.

6. On the basis of the HKPIC criterion, we need to decide on two further issues. First, we propose that the Scheme should cover persons aged 18 or above who hold a Certificate of Exemption (EC). EC is issued by the Commissioner of Registration under the Registration of Persons Regulations (Chapter 177A) (ROP Regulations), to a person who, by virtue of regulation 25(e) of the Regulations, is not required to be registered under the Registration of Persons Ordinance (Chapter 177) (ROP Ordinance). Specifically, the aged, the blind and the infirm who satisfy a registration officer that compliance with the ROP Ordinance and its regulations will injure their health or the health of others are exempted from the requirement to register or apply for the issue of an identity card or for the renewal of an identity card. An EC holder can be reasonably expected to have obtained a HKPIC but for his/her physical constraint as recognised by the law.

7. Secondly, a person may be eligible for attaining permanent resident status but is in the process of applying for a HKPIC by the eligibility date. We propose that the Scheme should cover any person who is eligible for attaining the Hong Kong permanent resident status on or before the eligibility date, has submitted Verification of Eligibility for Permanent Identity Card application<sup>2</sup> on or before that date, and has the application for HKPIC approved before registration for the Scheme closes.

**/Eligibility .....**

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<sup>1</sup> A valid HKPIC refers to a smart HKPIC issued since 23 June 2003. According to the Registration of Persons (Invalidation of Identity Cards) Order 2008 (Chapter 177I), all identity cards issued before that date were declared invalid on 30 November 2008.

<sup>2</sup> Before a person can register for the issue of a HKPIC, he/she has to show that he/she is eligible to do so under the ROP Ordinance and ROP Regulations. Hence, a person needs to apply to the Immigration Department (ImmD) for Verification of Eligibility for Permanent Identity Card before he/she can proceed to apply for a HKPIC.

### **Eligibility Date and Registration**

8. There have been various suggestions for defining the eligibility date, but most comments have suggested that we should set a later date so as to enable more people to become eligible. Such later dates that have been suggested by some Legislative Council (LegCo) Members and members of the public include 31 December 2011 and 31 March 2012. Taking into account such suggestions, and the unique purpose and features of the Scheme, we propose that the eligibility date should be 31 March 2012. It is estimated that there will be about 6.19 million eligible persons on the eligibility date.

9. At the same time, in order that persons who already fulfil the HKPIC and age criteria need not wait until 31 March 2012 to register and receive payment, we propose to start the registration process for this category of persons as soon as the Scheme commences, as proposed in paragraph 12 below.

### **Implementation Timetable**

10. To meet public expectations for early disbursement of the sum, following the announcement on 2 March 2011, we immediately started liaison with various parties to devise implementation details of the Scheme to ensure that they comply with the statutory personal data protection requirements under the Personal Data (Privacy) Ordinance (Chapter 486) (PDPO); develop an efficient and orderly disbursement process with minimum hassle; and minimise risks of abuse and fraud. In the interest of time, we have designed the business flow of the registration platforms, kick-started the design and development of computer systems, as well as the necessary security risk and privacy impact assessment.

11. However, there remain preparations that we have to make after obtaining approval of the Finance Committee (FC) before we can start registration. Such preparations include finalising system development, conducting system testing and making logistics arrangements. It is also important that we allow time for publicity to inform the public of the procedures for registration and other relevant aspects of the Scheme. This is essential for ensuring implementation in an orderly and effective manner. These preparations will take about seven weeks from the date of FC approval.

12. Assuming FC's approval on 8 July 2011, and allowing seven weeks for pre-launch preparation and publicity, the Scheme can commence in late August 2011. As we propose to let elderly persons register first (see paragraph 13 below), we propose to designate a Sunday (tentatively 28 August 2011) as the commencement date for the Scheme so that dedicated efforts can be made to handle registration on that day. Persons who already meet the age and HKPIC criteria on the commencement date of the Scheme may register for the Scheme, and following

processing of their registrations, receive payment of \$6,000. We expect to be able to start making payments around ten weeks after the commencement of the Scheme.

13. We propose that registration under the Scheme closes on 31 December 2012. People who meet the age and HKPIC criteria on the commencement date can register any time from that date until 31 December 2012. However, it is possible that many such persons wish to register early. To ensure registration in an orderly and efficient manner, we propose to adopt a batching arrangement during the first ten weeks of registration according to the year of birth of the registrants, starting with the eldest. We also propose to give a bonus of \$200 to persons who fulfil the age and HKPIC criteria on the commencement date of the Scheme but who choose to register for the Scheme after 31 March 2012. This will also achieve some effect of staggering registrations.

14. Persons who do not meet the age and HKPIC criteria on the commencement date of the Scheme but who will do so on the eligibility date may submit forms for registration for \$6,000 under the Scheme. Their registration forms will be processed after the eligibility date.

15. Assuming that this Committee approves funding on 8 July 2011, the tentative implementation timetable for the Scheme is summarised as follows –

| <b><i>Persons who meet the age and HKPIC criteria on the commencement date of the Scheme and who choose to receive \$6,000</i></b>                 |  |                   |
|--|--|-------------------|
| Registration period<br>(Under the batching arrangement, the registration period for each batch is two weeks)                                       | Born in or before 1946<br>(Aged 65 or above) | From 28 Aug 2011  |
|  | Born in 1947-1956<br>(Aged 55-64)            | From 11 Sept 2011 |
|  | Born in 1957-1966<br>(Aged 45-54)            | From 25 Sept 2011 |
|  | Born in 1967-1981<br>(Aged 30-44)            | From 9 Oct 2011   |
|  | Born in 1982-1993<br>(Aged 18-29)            | From 23 Oct 2011  |
|  | All  | Until 31 Mar 2012 |
| Payment starts   | Early Nov 2011                               |                   |
| <b><i>Persons who meet the age and HKPIC criteria on the commencement date of the Scheme and who choose to receive \$6,000 with bonus</i></b>      |  |                   |
| Registration period  | From 1 Apr 2012 to 31 Dec 2012               |                   |
| Payment starts   | Early May 2012                               |                   |
| <b><i>Persons who do not meet the age and HKPIC criteria on the commencement date of the Scheme but who will do so on the eligibility date</i></b> |  |                   |
| Registration period  | Until 31 Dec 2012                            |                   |
| Payment starts   | Early May 2012                               |                   |

/Need .....

**Need for Registration**

16. There is no way for us to simply pay \$6,000 to each HKPIC holder aged 18 or above without requiring them to go through a process. For persons to receive payment under the Scheme, they must both fulfil the age and HKPIC criteria **and** duly register for the Scheme before registration closes. We need people to register so that they can –

- (a) for the purpose of the Scheme consent to their personal data being used by the Government and her agents;
- (b) opt whether to receive the sum;
- (c) opt whether to receive the sum immediately or to receive the sum plus a bonus (if applicable) on a later date; and
- (d) instruct how they would like to receive the money.

17. The first point above about personal data privacy is a key factor. While there are existing systems (e.g. civil service payroll and pension systems, the Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance (SSA) Scheme) that contain the relevant personal data of some HKPIC holders, there is no single system that captures data of all HKPIC holders necessary for establishing eligibility and for disbursing the sum. We would therefore in any event need to make arrangement for HKPIC holders not covered by existing systems. As for those covered by existing systems, the systems are not readily usable for the Scheme either, since the data have been collected and kept for specified purposes and we cannot presume that we can lawfully use such data for the purpose of the Scheme. According to the Data Protection Principle 3 in Schedule 1 of the PDPO concerning the use of personal data, without prescribed consent of the data subject, personal data should not be used for: (i) any purpose other than the purpose for which the data have been collected; or (ii) a purpose directly related to that purpose. If we were to use data of existing systems for the Scheme, we would need the relevant persons to indicate consent for such data to be used for the Scheme, possibly by completing and returning a form to the Government. In other words, there is no way to obviate the need for eligible persons to fill in and submit a form for the purpose of the Scheme. Instead of relying on various existing systems, we propose to devise a new and common platform for all eligible persons to register for the Scheme.

18. In devising this new platform, we have taken great care to ensure compliance with the statutory requirements under the PDPO. To comply with the Data Protection Principles provided under Schedule 1 of the PDPO concerning the collection of personal data, a Personal Information Collection Statement (PICS)

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will be printed on the registration forms. The PICS informs the registrants of, among other things, the purpose for which the data provided by the registrants are to be used and to whom the data may be transferred. Registrants will be asked to sign on the forms to acknowledge the PICS, and to give consent to the use of their personal data currently held by the relevant data user for the purpose of the Scheme. There have been suggestions that we state in the PICS that the information collected could be used for purposes other than implementation of the Scheme. We have stipulated in the PICS that the data may be used for other schemes operated for the same purpose, and for other purposes as may be required, authorized or permitted by law.

19. Also, we would need to compare registrants' data with their relevant records held by ImmD to establish their eligibility after receiving the registration forms. This amounts to a "matching procedure" as defined under the PDPO. And according to section 30(1) of the PDPO, the Administration is required to obtain either the consent of the individuals or the Privacy Commissioner before carrying out such a matching procedure. Thus, we will ask the registrants to give their consent by signing on the registration forms. In addition, we have also sought the Privacy Commissioner's consent because the matching procedure also covers the personal data of persons who are unfit to go through the registration process due to their medical conditions (see paragraph 31 below). Having examined our proposed arrangements, the Privacy Commissioner has on 14 June 2011 given his consent for the matching procedure. The matching procedure will generate two lists, eligible and ineligible registrants. Rejection of registration by an ineligible person is an "adverse action" which, according to section 30(5) of the PDPO, requires the data subject to be notified in writing and allowed at least seven days to show cause why that "adverse action" should not be taken. As such, we will inform unsuccessful registrants of the outcome in accordance with the requirement of the PDPO.

Encl. 1 20. The provisions under the PDPO which are relevant to the implementation of the Scheme are at Enclosure 1 for Members' reference.

### **Platforms for Registration and Payment**

21. Given the one-off nature of the Scheme and public expectations for minimum hassle and early disbursement, it is important that the platform is as simple and user-friendly as possible, is capable of processing up to more than six million cases within a short time in an orderly and effective manner, and is adequate in protecting registrants' personal data and minimising the risks of fraud or abuse.

*/Registration .....*

***Registration through Banks***

22. Majority of the eligible persons have local bank accounts. The 21 retail banks in Hong Kong operate over 1 100 branches and about 23 million bank accounts. They also have the infrastructure, systems and experience required for handling personal data and providing deposit and withdrawal services. We therefore propose to engage these banks as the Government's agents and make use of their existing banking network as the primary platform for receiving and processing registration as well as handling payment under the Scheme. The Government will sign a service agreement with the banks. The banks will charge the Government \$15 per successful registration (except for registrations made through e-banking) for the provision of services under the Scheme to recover the administrative costs incurred.

23. Using this platform, an eligible person submits a registration form to a bank with whom the person has a local Hong Kong dollar bank account in his/her sole name. The forms may be submitted through drop-boxes placed at any local branch of the bank selected for receiving the sum, by post to GPO Box No. 186000, or (subject to individual banks' readiness) via e-banking. There is no need for eligible persons to queue for submitting the forms in person. In line with the established practice of other Government schemes that use bank account for disbursing payment (e.g. CSSA and SSA), joint bank accounts will not be accepted for receiving the sum under the Scheme. We have carefully considered suggestions to relax this requirement, but have decided to retain it to minimise dispute or scam.

24. Registration forms can be downloaded from the Scheme's website and will be available at the following locations –

- (a) bank branches;
- (b) Public Enquiry Service Centres of Home Affairs Department (HAD);
- (c) District Social Welfare Offices of Social Welfare Department (SWD); and
- (d) Public Housing Estate Offices and Housing Authority's Customer Service Centre.

25. As provided under the PDPO, data collected should be adequate but not excessive in relation to the purpose. Thus, we would only require information that is necessary for implementing the Scheme on the registration form. These data include name, HKPIC number, name of the bank concerned, a specified sole-name local bank account number for receiving the payment and a contact telephone

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Encl. 2

number. The registrant must sign and date a declaration printed on the form to confirm the truthfulness and accuracy of the information he/she provides in the form, acknowledge the PICS printed on the form, and give consent to the use of their personal data currently held by the relevant data user for the purpose of the Scheme. A sample form for registration through banks is at Enclosure 2.

26. After receiving the registration forms, banks will compile personal data of the registrants and send the data to the Government for eligibility checking. Eligible registrants will receive payment through their specified local bank accounts. Unsuccessful registrants will be notified of the outcome and be given at least seven days to show cause.

### *Registration through the Hongkong Post*

27. We need to provide an alternative for those who do not have a local bank account in their sole name. We propose to engage the Hongkong Post as the Government's agent and administer a parallel route for registration and payment. The Hongkong Post has over 120 post offices and the experience in receiving registration and handling payment. As the Hongkong Post is operated under trading fund, it will charge the Government for recovery of the costs incurred.

28. The operation flow for registration through the Hongkong Post largely mirrors that for using banks except that successful registrants will receive order cheques instead of payment through bank accounts. People who register through the Hongkong Post will submit a different registration form through drop-boxes in any post office or by post. There is no need for queuing to submit the registration forms in person. Data required on this form include name, HKPIC number, a specified post office (chosen by the registrants from a list of 56 post offices) for the collection of the order cheque, and a contact telephone number and correspondence address. Similar to people using the bank platform, registrants need to sign and date the declaration printed on the form. These registration forms can be downloaded from the Scheme's website or obtained from the following locations –

- (a) post offices;
- (b) HAD Public Enquiry Service Centres;
- (c) SWD District Social Welfare Offices; and
- (d) Public Housing Estate Offices Housing Authority's Customer Service Centre.

Encl. 3

A sample form for registration through the Hongkong Post is at Enclosure 3.



29. The Hongkong Post will compile personal data of the registrants based on the forms received, and send the data to the Government for eligibility checking. Eligible registrants will be informed to collect order cheques in person within a designated period at the specified post offices. The name and HKPIC number of the successful registrants will be checked against those printed on the cheque for verification of identity at the time of collection. The cheques can be encashed in person at any branches of the Standard Chartered Bank, the Government's cheque printing agent. Special assistance will be provided to eligible persons who are unable to collect and encash the order cheques in person due to their medical conditions, e.g. persons who are bedridden or physically immobile. This is discussed in paragraph 32 below. Similar to registrations using the bank platform, unsuccessful registrants will be notified of the outcome and be given at least seven days to show cause.

30. We believe the channels for submitting registration forms set out in paragraphs 23 and 28 above are convenient and sufficient. We have considered but decided not to designate other government offices for receiving forms to minimise risks of data security, and because measures to ensure data security and the transportation of forms from collection points to data processing locations will entail additional cost.

### *Arrangements for Persons with Special Needs*

31. We also need to make special arrangements for persons who are unfit to go through the registration process due to their medical conditions (unfit persons). Most if not all of such persons should already be covered by the following existing arrangements –

- (a) mentally incapacitated persons as defined in the Mental Health Ordinance (Chapter 136) in the guardianship of legal guardians; and
- (b) people who rely on an appointee system<sup>3</sup> to receive CSSA or SSA payments.

For these unfit persons, we propose that payment should be made to the guardians or appointees for the benefit of the unfit persons. This is similar to the current arrangements under the guardianship and appointee systems.

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<sup>3</sup> For eligible CSSA and SSA applicants who have been medically certified to be unfit to make a statement for their application, an appointee will be appointed by SWD after going through an assessment process conducted by SWD. The appointee is entrusted with certain responsibilities, including receiving CSSA/SSA payments on behalf of the unfit person and spending such payments so received for the benefit of the latter.

32. There may be cases of persons who are similarly unfit but are not covered by the above schemes. Some of them may wish to use the above guardianship or appointee systems for receiving the sum under the Scheme. As for other individuals, their circumstances can be so varied that we do not think a standard scheme can cater for all of them. If such cases arise, we propose to consider accepting registration by and payment to agents, subject to, among other things –

- (a) production of medical proof of the conditions of the unfit persons and proof of relationship between the unfit person and the proposed agent;
- (b) undertaking by the agent to receive the payment on behalf of the unfit persons and spending such payment so received for the benefit of the latter; and
- (c) the agent's indemnity for the Government against claims from other parties.

We propose to adopt a similar arrangement for eligible persons who are unable to collect and encash the order cheques in person due to their medical conditions. In such cases, for the agent to receive payment for the benefit of the relevant persons, we would also require a written authorisation to the agent signed by the eligible person in the presence of a witness.

### *Alternatives Considered*

33. Paragraphs 16 to 32 above discuss why we need to devise new platforms for registration and payment. We have considered the option that in parallel with the general platforms using the banks and post offices, we make use of some existing systems, particularly systems for disbursing CSSA and SSA payments. This arrangement has the advantage of reducing the caseload for the general platforms.

34. However, taking into account a number of considerations, we concluded against making special arrangements for CSSA/SSA recipients. First, our proposed registration procedure is simple and user-friendly while ensuring compliance with the statutory requirements and protection of privacy. There is no need for eligible persons to queue for submitting registration forms in person. It also allows eligible persons to opt whether to receive the sum immediately or later with a bonus, and how to receive it. Protection of privacy is also one of the considerations. The majority of CSSA/SSA recipients applied for the assistance/allowance before October 2010 using the then prevailing forms. According to such forms, the applicants declare that they “fully understand the

/purpose .....

purpose and agree to the SWD obtaining information from them for the purpose of applying for Social Security Allowance/Comprehensive Social Security Assistance". They also "agree that these data and other related information contained in subsequent case records or social enquiry reports can be shared with other SWD offices or government departments or related non-governmental organisations to facilitate their application for assistance and service from the SWD". The Scheme is not an assistance or service from the SWD, and its objective is different from the welfare nature of SWD's assistance and service. CSSA/SSA recipients who applied using the above-mentioned forms could reasonably expect that their personal data would only be transferred to other parties if they take the step to "apply" for assistance and service. As such, the Government cannot unilaterally make use of such personal data for the Scheme without obtaining the consent of these CSSA/SSA recipients.

35. If we were to seek consent from CSSA/SSA recipients for using their data maintained in the SWD database, we would need to contact them and invite them to confirm their consent in writing and send their confirmation to us. The process that they would need to go through would not be different from the registration process that we have proposed for the general public. The facilitation that could be provided to them would be rather limited. On the other hand, such an arrangement may create confusion for the public, especially elderly or disabled persons whose circumstances vary. On balance, we do not propose to make special arrangement for CSSA/SSA recipients.

36. Some Members suggested that we send a notification to CSSA/SSA recipients to inform them of the change of purposes in using their personal data, and deem them to have given consent if they did not raise objection to the Government. We consider such an approach not viable as the PDPO requires prescribed consent to be obtained from the data subject for changing the purposes in using the personal data concerned.

### **Publicity**

37. We need to inform the public of the key features of the Scheme so as to ensure the Scheme (especially the registration process) will be conducted in an orderly and effective manner. Given the extensive interest of the public in the implementation details of the Scheme, we have uploaded some frequently asked questions on the Government's proposal to Government website for reference. After obtaining FC's approval, we will launch a large scale publicity campaign to inform the public of the registration process and relevant aspects of the Scheme. We will also set up a website for the Scheme as well as a dedicated hotline to answer public enquiries. Besides, we will organise briefings for non-governmental organisations so that they may render assistance as appropriate to the elderly and other persons in need to register for the Scheme.

**FINANCIAL IMPLICATIONS**

38. We propose to create a commitment of \$38,520 million, with breakdown as follows –

|   | (\$ million)         |
|---|----------------------|
| (a) Paying \$6,000 to eligible persons  | 29,712.0             |
| (b) Paying \$6,200 to eligible persons who choose to receive the sum with bonus | 7,675.6              |
| (c) Service charges payable to banks  | 82.7                 |
| (d) Service charges payable to the Hongkong Post                                | 9.4                  |
| (e) Expenses for publicity, enquiries and miscellaneous items                   | 39.6                 |
|   | <hr/>                |
| Sub-total   | 37,519.3             |
| (f) Contingency   | 1,000.0              |
|   | <hr/>                |
| Total   | 38,519.3             |
| Say   | <hr/> 38,520.0 <hr/> |

39. On paragraph 38(a) above, the estimate of \$29,712 million is for the payment of \$6,000 to eligible persons, assuming that 80% of them will choose to receive \$6,000.

40. On paragraph 38(b) above, the estimate of \$7,675.6 million is for the payment of \$6,200 to eligible persons who choose to receive the sum with bonus. We assume that 20% of the eligible persons will do so.

41. On paragraph 38(c) above, the estimate of \$82.7 million is for paying service charges to banks for their services for: (i) processing registration forms at \$15 per successful registration (except for registration made through e-banking); (ii) processing and effecting payment through bank accounts; and (iii) provision of extra staff and counter services for encashment of order cheques.

42. On paragraph 38(d) above, the estimate of \$9.4 million is for paying service charges to the Hongkong Post for its services including processing of registrations and counter services for collection of order cheques, assuming that a total of 300 000 successful registration will be made through the Hongkong Post. It also covers other supporting services to be provided by the Hongkong Post such as delivery of registration forms to banks, sorting of forms mailed to GPO Box No. 186000, etc.

43. On paragraph 38(e) above, the estimate of \$39.6 million is for general publicity, handling of enquiries and persons with special needs, and such other miscellaneous expenses as printing of registration forms.

44. On paragraph 38(f) above, the estimate of \$1,000 million is for contingency purpose. This is mainly to cater for expenses which may arise from a larger than expected number of eligible persons opting to receive the sum with bonus.

45. To administer and operate the Scheme (including handling of appeals and persons with special needs), additional civil service staff will be required in the relevant Bureau and Departments including the Financial Services and the Treasury Bureau, the Treasury and ImmD. The estimated cost is around \$45 million. We will seek additional funding for the relevant Heads of Expenditure in accordance with the established mechanism. The Scheme will also require setting up and upgrading of computer systems in the Treasury and ImmD, at a one-off total non-recurrent cost of \$14.8 million, and would be provided for under the Capital Works Reserve Fund.

46. The actual cash flow for the Scheme will depend on the number of eligible persons who choose to receive the sum with bonus. For planning and budgetary purpose, the estimated cash flow is as follows –

| <b>Financial Year</b> | <b>(\$ billion)</b>                             |
|-----------------------|---|
| 2011-12               | 30.82   |
| 2012-13               | 7.70  |
| Total                 | <hr style="width: 50%; margin: 0 auto;"/> 38.52 |

**PUBLIC CONSULTATION**

47. We consulted the LegCo Panel on Financial Affairs on the proposed implementation framework for the Scheme on 27 June 2011. Some members enquired why the Government could not implement the Scheme sooner, the reason for not riding on the existing systems (such as the CSSA/SSA payment systems) for disbursing the sum under the Scheme, and why joint bank accounts would not be accepted for receiving the payment. Some urged that we provide assistance to the elderly, especially on the commencement date of the Scheme when some might be under the impression they had to queue to submit a form. There were also requests for registration form samples and information on the locations for obtaining and submitting them. We have addressed these concerns and requests in the relevant parts of the paper. The Panel agreed for us to seek funding approval from this Committee.

**BACKGROUND**

48. On 2 March 2011, the Financial Secretary announced a number of adjustments to the 2011-12 Budget, including the proposal to give a sum of \$6,000 to each HKPIC holder aged 18 or above so as to leave wealth with the people.

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Financial Services and the Treasury Bureau  
June 2011

**Provisions under the Personal Data (Privacy) Ordinance (Chapter 486)  
relevant to “Scheme \$6,000”**

**Section 30 – Matching procedure not to be carried out except with consent of data subject, etc.**

(1) A data user shall not carry out, whether in whole or in part, a matching procedure –

- (a) unless and until each individual who is a data subject of the personal data the subject of that procedure has given his prescribed consent to the procedure being carried out;
- (b) unless and until the Commissioner has consented under section 32 to the procedure being carried out;
- (c) unless the procedure –
  - (i) belongs to a class of matching procedures specified in a notice under subsection (2); and
  - (ii) is carried out in accordance with the conditions, if any, specified in the notice; or
- (d) unless it is required or permitted under any provision of any Ordinance specified in Schedule 4.

(2) For the purposes of this section, the Commissioner may, by notice in the Gazette, specify –

- (a) a class of matching procedures;
- (b) subject to subsection (3), the conditions, if any, subject to which a matching procedure belonging to that class shall be carried out.

(3) The Commissioner shall, before specifying any conditions in a notice under subsection (2), consult with –

- (a) such bodies representative of data users to which the conditions will apply (whether in whole or in part); and
- (b) such other interested persons,

as he thinks fit.

(4) It is hereby declared that a notice under subsection (2) is subsidiary legislation.

(5) Subject to subsection (6), a data user shall not take adverse action against an individual in consequence (whether in whole or in part) of the carrying out of a matching procedure –

- (a) unless the data user has served a notice in writing on the individual –
  - (i) specifying the adverse action it proposes to take and the reasons therefor; and
  - (ii) stating that the individual has 7 days after the receipt of the notice within which to show cause why that action should not be taken; and
- (b) until the expiration of those 7 days.

(6) Subsection (5) shall not operate to prevent a data user from taking adverse action against an individual if compliance with the requirements of that subsection would prejudice any investigation into the commission of an offence or the possible commission of an offence.

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## **Schedule 1 – Data Protection Principles**

### **1. Principle 1 – purpose and manner of collection of personal data**

- (1) Personal data shall not be collected unless –
  - (a) the data are collected for a lawful purpose directly related to a function or activity of the data user who is to use the data;
  - (b) subject to paragraph (c), the collection of the data is necessary for or directly related to that purpose; and
  - (c) the data are adequate but not excessive in relation to that purpose.
- (2) Personal data shall be collected by means which are –
  - (a) lawful; and
  - (b) fair in the circumstances of the case.

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(3) Where the person from whom personal data are or are to be collected is the data subject, all practicable steps shall be taken to ensure that –

- (a) he is explicitly or implicitly informed, on or before collecting the data, of –
  - (i) whether it is obligatory or voluntary for him to supply the data; and
  - (ii) where it is obligatory for him to supply the data, the consequences for him if he fails to supply the data; and
- (b) he is explicitly informed –
  - (i) on or before collecting the data, of –
    - (A) the purpose (in general or specific terms) for which the data are to be used; and
    - (B) the classes of persons to whom the data may be transferred; and
  - (ii) on or before first use of the data for the purpose for which they were collected, of –
    - (A) his rights to request access to and to request the correction of the data; and
    - (B) the name and address of the individual to whom any such request may be made,

unless to comply with the provisions of this subsection would be likely to prejudice the purpose for which the data were collected and that purpose is specified in Part VIII of this Ordinance as a purpose in relation to which personal data are exempt from the provisions of data protection principle 6.

## **2. Principle 2 – accuracy and duration of retention of personal data**

- (1) All practicable steps shall be taken to ensure that –
  - (a) personal data are accurate having regard to the purpose (including any directly related purpose) for which the personal data are or are to be used;
  - (b) where there are reasonable grounds for believing that personal data are inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used –

- (i) the data are not used for that purpose unless and until those grounds cease to be applicable to the data, whether by the rectification of the data or otherwise; or
  - (ii) the data are erased;
- (c) where it is practicable in all the circumstances of the case to know that –
- (i) personal data disclosed on or after the appointed day to a third party are materially inaccurate having regard to the purpose (including any directly related purpose) for which the data are or are to be used by the third party; and
  - (ii) that data were inaccurate at the time of such disclosure, that the third party –
    - (A) is informed that the data are inaccurate; and
    - (B) is provided with such particulars as will enable the third party to rectify the data having regard to that purpose.
- (2) Personal data shall not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data are or are to be used.

### **3. Principle 3 – use of personal data**

Personal data shall not, without the prescribed consent of the data subject, be used for any purpose other than –

- (a) the purpose for which the data were to be used at the time of the collection of the data; or
- (b) a purpose directly related to the purpose referred to in paragraph (a).

### **4. Principle 4 – security of personal data**

All practicable steps shall be taken to ensure that personal data (including data in a form in which access to or processing of the data is not practicable) held by a data user are protected against unauthorized or accidental access, processing, erasure or other use having particular regard to –

/(a) .....

- (a) the kind of data and the harm that could result if any of those things should occur;
- (b) the physical location where the data are stored;
- (c) any security measures incorporated (whether by automated means or otherwise) into any equipment in which the data are stored;
- (d) any measures taken for ensuring the integrity, prudence and competence of persons having access to the data; and
- (e) any measures taken for ensuring the secure transmission of the data.

**5. Principle 5 – information to be generally available**

All practicable steps shall be taken to ensure that a person can –

- (a) ascertain a data user's policies and practices in relation to personal data;
- (b) be informed of the kind of personal data held by a data user;
- (c) be informed of the main purposes for which personal data held by a data user are or are to be used.

**6. Principle 6-access to personal data**

A data subject shall be entitled to –

- (a) ascertain whether a data user holds personal data of which he is the data subject;
- (b) request access to personal data –
  - (i) within a reasonable time;
  - (ii) at a fee, if any, that is not excessive;
  - (iii) in a reasonable manner; and
  - (iv) in a form that is intelligible;

- (c) be given reasons if a request referred to in paragraph (b) is refused;
- (d) object to a refusal referred to in paragraph (c);
- (e) request the correction of personal data;
- (f) be given reasons if a request referred to in paragraph (e) is refused; and
- (g) object to a refusal referred to in paragraph (f).

\*\*\*\*\*

# “Scheme \$6,000” Registration Form (For Direct Transfer to Registrant’s Bank Account)

|   |  |   |
|---|--|---|
| <p><b>Note :</b></p> <ol style="list-style-type: none"> <li>The registrant must provide the required information and his/her signature in this registration form (“the Form”). The bank account number provided must be a local Hong Kong dollar sole-name savings or current bank account number of the bank designated by the registrant (“the designated bank”). Failure to provide the required information may result in non-processing of the registration.</li> <li>Please complete this Form in BLOCK letters using black or blue pen. It is advisable for the registrant to keep a copy of the completed Form for future reference.</li> <li>The duly completed Form should within a specified period be: (i) submitted through the drop-boxes in the designated bank; (ii) (where available) submitted via e-banking service of the designated bank; or (iii) sent in an envelope with stamps affixed and the name of the designated bank stated on it, and addressed to “G.P.O. Box No. 186000, General Post Office, Hong Kong”.</li> <li>Registrants should submit <b>ONE</b> Form only under Scheme \$6,000 (“the Scheme”) and ensure accuracy of the information provided. Submission of more than one Form or subsequent amendment of information therein may delay the processing of registration and payment. Duplicate submissions will not be processed.</li> <li>The designated bank may contact the registrant in respect of the information provided in this Form. Where necessary, e.g. in the event of wrongful submission, the registrant may be requested to make a re-submission. Registrants with their registration completed and eligibility confirmed will receive payment through their specified bank account. In case the registration is not successful, the designated bank will send a notification by mail to the registrant according to his/her information kept with the bank.</li> <li>For details about the Scheme, please visit the website (<a href="http://www.scheme6000.gov.hk">http://www.scheme6000.gov.hk</a>) or call the enquiry hotline (18 6000).</li> </ol> | <p><b>Bank Reference No. (For Bank Use Only)</b></p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | 1 |
|---|--|---|

|  |                      |  |
|--|----------------------|--|
| <b>Part 1 Personal Particulars of Registrant</b>                   |                      |  |
| HK Permanent Identity Card No.                                     | <input type="text"/> | Local Contact Telephone No. <input type="text"/> |
| English Name*  | <input type="text"/> | Chinese Name* (if applicable)                    |
| *Must be identical to that shown on the HK Permanent Identity Card | <input type="text"/> | <input type="text"/>                             |

|   |                      |  |
|---|----------------------|--|
| <b>Part 2 Bank Account Details of Registrant (For Direct Bank Transfer Use)</b>   |                      |  |
| Please pay direct to my bank account as specified   | <input type="text"/> |  |
| (Name of bank)  |                      |  |
| Account number as shown in passbook or bank statement (Must be registrant’s local HKD sole-name savings or current account) |                      |  |
| <input type="text"/>  |                      |  |

|   |                      |  |
|---|----------------------|--|
| <b>Part 3 Declaration and Undertaking of Registrant</b>   |                      |  |
| <ol style="list-style-type: none"> <li>I, the undersigned, declare that I am the holder of Hong Kong Permanent Identity Card number as given in Part 1 of this Form.</li> <li>I have read the following “Personal Information Collection Statement” and fully understand its content.           <p><b>Personal Information Collection Statement</b></p> <p><b>Purpose of Collection:</b> The information provided in this Form and other information that may be provided for the purposes of Scheme \$6,000 (“the Data”) will be used by the Government of the Hong Kong Special Administrative Region (“the Government”) and its agents/contractors for one or more of the following purposes and any directly related purpose, in respect of Scheme \$6,000 and other scheme(s) if any operated for the same purpose as Scheme \$6,000 (hereinafter referred to “such scheme(s)”) (i) to process your registration and payment, if applicable, under such scheme(s) (including but not limited to the process(es) referred to in Part 3) and if required, to communicate with you for matters relating to such scheme(s); (ii) to conduct matching between the Data and the personal data held by the Government including the Immigration Department to check your eligibility under such scheme(s); (iii) to administer such scheme(s) including but not limited to effecting payment to you, issuing written notifications to you and conducting the investigations referred to in paragraph 4 in Part 3; (iv) for statistics purposes on the condition that the resulting statistics will not be made available in a form which will identify the data subjects or any of them; and (v) any other purposes as may be required, authorized or permitted by law.</p> <p>It is voluntary for you to supply the Data but if you fail to supply any of the data required by the Form, your registration may not be processed.</p> <p><b>Classes of Transferees:</b> The Data you provide may be disclosed to relevant bureaux and departments of the Government, their agents/contractors including but not limited to the Treasury, Immigration Department, Hongkong Post, Financial Services and the Treasury Bureau, banks and other transferees and any other parties as stipulated in Part 3 for the purposes stated in this Form.</p> <p><b>Access to Personal Data:</b> Except where there is an exemption provided under the Personal Data (Privacy) Ordinance (Cap. 486), you have the right to request access to and correction of your personal data provided in this Form when the data have not been erased.</p> <p><b>Enquiries:</b> Your requests or enquiries should be addressed by fax (no. xxxxxxxx) or by post to Personal Data Privacy Officer, “Scheme \$6,000 Secretariat”, P.O. Box 181234, General Post Office, Hong Kong.</p> </li> <li>I hereby <b>authorize and consent</b> to my bank as specified in this Form and its agents/contractors operating in or outside Hong Kong using my personal data in their possession including my name, HKPIC number, bank account number and address; and releasing such data to the relevant bureaux and departments, including their agents/contractors, of the Government to process my registration and receipt of payment under such scheme(s) and for any purpose directly related to such purposes. Such bureaux/departments of the Government include, but are not limited to, the Treasury, Immigration Department, Hongkong Post, Financial Services and the Treasury Bureau, and other relevant government offices involved in the administration and operation of such scheme(s).</li> <li>I also <b>consent</b> to the use of the Data for any checking and/or investigation relating to my registration and receipt of payment under such scheme(s) to be carried out by the relevant bureaux/departments of the Government mentioned in paragraph 3 above, including their agents and contractors, and that they may disclose the Data to any other parties if the disclosure is necessary for such checking and/or investigation.</li> <li>I also <b>consent</b> to the matching of the Data with my personal data held by the Immigration Department (including but not restricted to personal data kept under the Registration of Persons Ordinance (Cap. 177)) and/or other bureaux/departments and/or their agents/contractors in relation to my registration and receipt of payment under such scheme(s), and understand that the matching procedure is conducted for ascertaining whether I am eligible under such scheme(s) or not, and therefore I will not receive payment under such scheme(s) in case I am ineligible.</li> <li>I agree that the payment under such scheme(s) be effected to me directly into my bank account as specified in this Form. I also agree and undertake to notify the Government forthwith of any overpayment or any payment by mistake to me under such scheme(s) and refund the same to the Government. In this respect, I hereby authorize my bank to debit my bank account with such amount certified by the Government as overpayment or payment by mistake.</li> <li>I declare that the Data is true and correct. I understand that if I knowingly or willfully make any false statement or withhold any information, or otherwise mislead the Government for the purpose of obtaining payments under such scheme(s), it will render me liable to prosecution.</li> </ol> |                      |  |
| Signature of Registrant   | Date                 |  |
| <input type="text"/>  | <input type="text"/> |  |

## “Scheme \$6,000” Registration Form (for Receipt of Cheque)

|   |  |  |   |
|---|--|--|---|
| <p><b>Note :</b></p> <ol style="list-style-type: none"> <li>1. This registration form (“the Form”) is applicable to registrants who do not have a local Hong Kong dollar sole-name savings/current bank account.</li> <li>2. The registrant must provide the required information and his/her signature in the Form. Please see Annex for post office codes. A local contact address should also be provided for receipt of notification in relation to the registration. Failure to provide the required information may result in non-processing of the registration.</li> <li>3. Please complete this Form in BLOCK letters using black or blue pen. It is advisable for the registrant to keep a copy of the completed Form for future reference.</li> <li>4. The duly completed Form should be submitted within a specified period to the Hongkong Post by (i) using its drop boxes in any post office; or (ii) sending in an envelope with stamps affixed, and addressed to “G.P.O. Box No. 186000, General Post Office, Hong Kong”.</li> <li>5. Registrants should submit <u>ONE</u> Form only under Scheme \$6,000 (“the Scheme”) and ensure accuracy of the information provided. Submission of more than one Form or subsequent amendment of information therein may delay the processing of registration and payment. Duplicate submissions will not be processed.</li> <li>6. The Hongkong Post may contact the registrant in respect of the information provided in this Form. Where necessary, e.g. in the event of wrongful submission, the registrant may be requested to make a re-submission. Registrants with their registration completed and eligibility confirmed will be notified of the cheque collection by the Hongkong Post by mail. In case the registration is not successful, the Hongkong Post will send a notification by mail to the registrant.</li> <li>7. Registrants who have not provided a contact address in the Form may approach his/her selected cheque collection point [three months after submission] to collect his/her cheque or a notification in relation to his/her registration, as the case may be.</li> <li>8. For enquiries about the Scheme, please visit the website (<a href="http://www.scheme6000.gov.hk">http://www.scheme6000.gov.hk</a>) or call the enquiry hotline (18 6000).</li> </ol> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Reference No. (For Hongkong Post Use Only)</td> <td style="width: 50px; text-align: center; font-size: 24pt; font-weight: bold;">2</td> </tr> </table> | Reference No. (For Hongkong Post Use Only) | 2 |
| Reference No. (For Hongkong Post Use Only)  | 2  |  |   |

### Part 1 Personal Particulars of Registrant

|  |                      |                               |                      |
|--|----------------------|-------------------------------|----------------------|
| HK Permanent Identity Card No.                                 | <input type="text"/> | Local Contact Telephone No.   | <input type="text"/> |
| English Name*  | <input type="text"/> | Chinese Name* (if applicable) | <input type="text"/> |
| *Must be identical to that shown on HK Permanent Identity Card | <input type="text"/> |                               |                      |
| Local Correspondence Address                                   | <input type="text"/> |                               |                      |
|  | <input type="text"/> |                               |                      |
|  | <input type="text"/> |                               |                      |
|  | <input type="text"/> |                               |                      |
|  | # HK / KLN / NT      |                               |                      |

### Part 2 Cheque Collection Location

I choose to collect the cheque at the post office with post office code below.  
 Post Office Code (    ) Please see Annex for post office codes (represented by 3 letters) and addresses.

### Part 3 Declaration and Undertaking of Registrant

1. I, the undersigned, declare that I am the holder of Hong Kong Permanent Identity Card number as given in Part 1 of this Form.
2. I have read the “Personal Information Collection Statement” and fully understand its content.
 

**Personal Information Collection Statement**

**Purpose of Collection:** The information provided in this Form and other information that may be provided for the purposes of Scheme \$6,000 (“the Data”) will be used by the Government of the Hong Kong Special Administrative Region (“the Government”) and its agents/contractors for one or more of the following purposes and any directly related purpose, in respect of Scheme \$6,000 (“the Scheme”) and other scheme(s) if any operated for the same purpose as Scheme \$6,000 (hereinafter referred to “such scheme(s)”):

  - (i) to process your registration and payment, if applicable, under such scheme(s) (including but not limited to the process(es) referred to in Part 3) and if required, to communicate with you for matters relating to such scheme(s);
  - (ii) to conduct matching between the Data and the personal data held by the Government including the Immigration Department to check your eligibility under such scheme(s);
  - (iii) to administer such scheme(s) including but not limited to effecting payment to you, issuing written notifications to you and conducting the investigations referred to in paragraph 4 in Part 3;
  - (iv) for statistics purposes on the condition that the resulting statistics will not be made available in a form which will identify the data subjects or any of them; and
  - (v) any other purposes as may be required, authorized or permitted by law.

It is voluntary for you to supply the Data but if you fail to supply any of the data required by the Form, your registration may not be processed.

**Classes of Transferees:** The Data you provide may be disclosed to relevant bureaux and departments of the Government, their agents/contractors including but not limited to the Treasury, Immigration Department, Hongkong Post, Financial Services and the Treasury Bureau, banks and other transferees and any other parties as stipulated in Part 3 for the purposes stated in this Form.

**Access to Personal Data:** Except where there is an exemption provided under the Personal Data (Privacy) Ordinance (Cap. 486), you have the right to request access to and correction of your personal data provided in this Form when the data have not been erased.

**Enquiries:** Your requests or enquiries should be addressed by fax (no. xxxxxxxx) or by post to Personal Data Privacy Officer, “Scheme \$6,000 Secretariat”, P.O. Box 181234, General Post Office, Hong Kong.
3. I hereby **consent** to the use of the Data by the relevant bureaux and departments, including their agents/contractors operating in or outside Hong Kong, of the Government to process my registration and receipt of payment under such scheme(s) and for any purpose directly related to such purposes. Such bureaux/departments of the Government include, but are not limited to, the Treasury, Immigration Department, Hongkong Post, Financial Services and the Treasury Bureau, and other relevant government offices involved in the administration and operation of such scheme(s).
4. I also **consent** to the use of the Data for any checking and/or investigation relating to my registration and receipt of payment under such scheme(s) to be carried out by the relevant bureaux/departments of the Government mentioned in paragraph 3 above, including their agents and contractors, and that they may disclose the Data to any other parties if the disclosure is necessary for such checking and/or investigation.
5. I also **consent** to the matching of the Data with my personal data held by the Immigration Department (including but not restricted to personal data kept under the Registration of Persons Ordinance (Cap. 177)) and/or other bureaux/departments and/or their agents/contractors in relation to my registration and receipt of payment under such scheme(s), and understand that the matching procedure is conducted for ascertaining whether I am eligible under such scheme(s) or not, and therefore I will not receive payment under such scheme(s) in case I am ineligible.
6. I agree and undertake to notify the Government forthwith of any overpayment or payment by mistake to me under such scheme(s) and to refund to the Government the same overpayment or payment by mistake as certified by the Government.
7. I declare that the Data is true and correct. I understand that if I knowingly or willfully make any false statement or withhold any information, or otherwise mislead the Government for the purpose of obtaining payments under such scheme(s), it will render me liable to prosecution.

Signature of Registrant \_\_\_\_\_

Date \_\_\_\_\_