

# 立法會

## *Legislative Council*

LC Paper No. CB(2)239/10-11(05)

Ref : CB2/PL/CA

### **Panel on Constitutional Affairs**

#### **Background brief prepared by the Legislative Council Secretariat for the meeting on 15 November 2010**

#### **Briefing by the Privacy Commissioner for Personal Data**

#### **Purpose**

This paper summarizes the relevant issues raised by Members regarding the appointment of the Privacy Commissioner for Personal Data ("the Privacy Commissioner") and the work of his Office since the First Legislative Council ("LegCo").

#### **Background**

2. The Office of the Privacy Commissioner for Personal Data ("PCPD") is a statutory body responsible for overseeing the enforcement of the Personal Data (Privacy) Ordinance (Cap. 486) ("the Ordinance"). PCPD is headed by the Privacy Commissioner appointed by the Chief Executive ("CE"). According to section 5(4) of the Ordinance, the Privacy Commissioner shall hold office for a period of five years and shall be eligible for reappointment for not more than one further period of five years. Section 8 of the Ordinance prescribes the functions and powers of the Privacy Commissioner as set out in **Appendix I**.

3. Mr Stephen LAU was appointed as the first Privacy Commissioner when PCPD was established in 1996. His successor was Mr Raymond TANG whose appointment commenced in November 2001 but Mr TANG took up the post of the Chairperson of the Equal Opportunities Commission ("EOC") in January 2005. The previous Privacy Commissioner, Mr Roderick WOO, was appointed on 1 August 2005 to fill the vacant position.

4. Since July 2007, the Constitutional and Mainland Affairs Bureau ("CMAB") has taken over from the Home Affairs Bureau ("HAB") as the housekeeping bureau of PCPD. PCPD is funded mainly by recurrent subvention from the Government. According to Report No. 53 of the Director of Audit on PCPD, it had 55 staff as at 1 July 2009.

5. Section 11(1) of the Ordinance provides for the establishment of the Personal Data (Privacy) Advisory Committee ("the Advisory Committee") to advise the Privacy Commissioner on matters relevant to the privacy of individuals in relation to personal

data or implementation of the Ordinance. Chaired by the Commissioner, the Advisory Committee comprises members appointed by the Secretary for Constitutional and Mainland Affairs ("SCMA"). The current composition of the Advisory Committee is in **Appendix II**.

6. At the Council meeting on 3 February 2010, the Public Accounts Committee tabled its report on PCPD in which a number of conclusions and recommendations regarding the governance and administration of PCPD have been made. Members may wish to refer to the progress report in implementing these recommendations provided by PCPD for the meeting of the Panel on Constitutional Affairs ("the CA Panel") on 19 March 2010 (Annex A to LC Paper No. CB(2)1094/09-10(12)).

7. Members may wish to note that the Administration, with the support of PCPD, has conducted a comprehensive review of the Ordinance to examine whether its existing provisions still afford adequate protection to personal data having regard to developments, including advancement in technology, over the last decade or so. The Government published the Consultation Document on Review of the Personal Data (Privacy) Ordinance on 28 August 2009 for public consultation. The CA Panel was briefed on the Consultation Document at its special meeting on 11 September 2009. The Administration has undertaken to revert to the Panel on the consultation results. Members may wish to refer to the minutes of that special meeting for detailed discussion of the review (issued vide LC Paper No. CB(2)684/09-10).

### **Relevant issues raised by Members**

8. The Panel on Home Affairs ("the HA Panel") received a briefing by the previous Privacy Commissioner on the work plan of PCPD at its meeting on 8 November 2005. The HA Panel also discussed the proposed approval procedure for overseas duty visits of the Privacy Commissioner and the Chairperson of EOC at its meeting on 9 December 2005. When the HA Panel discussed the review of the Ordinance at its special meeting on 4 July 2008, the issue about the resource requirement of PCPD was also raised. The CA Panel followed up on the financial provision for PCPD at its meeting on 15 December 2008 and received a briefing by the previous Privacy Commissioner on his work at its meeting on 19 March 2010. The relevant issues raised at these meetings are summarized in paragraphs 9 to 30 below.

### **Financial provisions for PCPD**

9. During his briefing for the HA Panel on the work plan of PCPD on 8 November 2005, the previous Privacy Commissioner raised the issue of resource constraints faced by PCPD. According to the previous Privacy Commissioner, the resource constraints had restricted the scope of new work commitment of PCPD. Some members of the HA Panel expressed the view that the relevant housekeeping bureau should provide sufficient resources to PCPD to ensure smooth implementation of the Ordinance.

10. Following a spate of personal data leakage incidents involving government bureaux/departments and the Hospital Authority, the HA Panel discussed with the Administration and the previous Privacy Commissioner the progress of the review of the Ordinance and the actions taken by PCPD in following up on these incidents at a special meeting held on 4 July 2008.

11. Members of the HA Panel noted with concern the statements made by the previous Privacy Commissioner that PCPD had not been given adequate resources for handling its heavy caseload, and that PCPD had coped with the problem of inadequate funding by setting priorities to its investigation work. These members considered it necessary to provide adequate manpower and expertise for PCPD to strengthen its work given the seriousness of the spate of personal data leakage incidents. They urged the Administration to address the problem promptly.

12. The Administration advised that PCPD had been provided with a subvention of \$39.1 million in 2008-2009, representing an increase of \$2.8 million (or 7.7%) over the revised estimates for 2007-2008. CMAB would further explore the allocation of additional funding to PCPD from the financial provision allocated to CMAB upon receipt of such requests from PCPD.

13. When the CA Panel followed up on the financial provisions for PCPD at its meeting on 15 December 2008, the previous Privacy Commissioner informed members that the level of PCPD's Reserve Fund had reached a dangerously low level of some \$1.3 million, as compared to the \$26 million and \$53.8 million reserve fund held by EOC and the Estate Agents Authority respectively as at 31 March 2007. Some members of the CA Panel expressed concern about the inadequacy of resources for PCPD to discharge its statutory functions. They considered that the lack of resources had constrained the work of PCPD on protection of personal data privacy and the Administration should enhance the financial provision for PCPD in the 2009-2010 Budget.

14. The Administration advised that in view of public concern over a spate of personal data leakage incidents, the Administration had conducted an in-year review of the resource requirements of PCPD and would provide from the CMAB's operating expenditure envelope for 2008-2009 an additional allocation of \$2.4 million to PCPD for strengthening its enforcement work.

15. Some members of the CA Panel were of the view that having regard to the nature of work of PCPD, a mechanism should be put in place for allocating supplementary provision to PCPD for handling unexpected incidents involving personal data privacy or for undertaking legal proceedings in its enforcement work. They further suggested the need to undertake a comprehensive review of the financial and manpower requirements of PCPD.

16. The Administration explained that under the existing mechanism, there were various channels through which PCPD could get supplementary resources for coping with ad hoc tasks not budgeted for. PCPD's reserve could be used for such purpose.

One of the main purposes for setting up PCPD's reserve was to provide a funding source for litigation. The Administration recognized that PCPD's reserve was limited and would consider providing financial support to PCPD to undertake legal proceedings on a case-by-case basis upon the request of PCPD.

17. When briefing the CA Panel on his work on 19 March 2010, the previous Privacy Commissioner presented a comparison of functions carried out by Ombudsman, EOC and PCPD, which illustrated that the subvention provided to PCPD was far less than that to The Ombudsman and EOC, despite its much wider scope of work (issued vide LC Paper No. CB(2)1146/09-10). Some members of the CA Panel reiterated their concern about the resource constraints faced by PCPD. They considered that the reason for PCPD failing to comply with the 45-day requirement of serving the refusal notice under section 39(3) of the Ordinance and the increase in the number of long outstanding cases (i.e. those aged beyond 180 days) was due to the lack of manpower resources and increasing caseload. These members urged the Administration to increase the provision for PCPD substantially in the coming year in view of the privacy impact of unforeseen incidents.

18. The Administration advised that the Government was firmly committed to the protection of personal data privacy and would strive to provide resources at an appropriate level to support PCPD for effective enforcement of PDPO. Since CMAB took over from HAB as the housekeeping bureau of PCPD in July 2007, the provision for PCPD had increased from \$36.2 million in 2007-2008 to \$48.6 million in 2010-2011, representing an increase of 34% over 2007-2008. An additional provision of \$4.57 million had been earmarked for PCPD in 2010-2011 to step up enforcement and promotion work. This included the creation of five posts to strengthen the enforcement team of PCPD, to provide the necessary legal support and to enhance public education and promotion work. Apart from additional manpower resources, PCPD would conduct a post-implementation review of complaint cases with a view to streamlining procedures.

#### Promotion and public education on protection of personal data

19. Some members of the HA Panel considered it pivotal for PCPD to strengthen its work on the preventive front by stepping up promotion and public education on protection of personal data. PCPD should therefore take a proactive role in advising and assisting private organizations to put in place a mechanism for the protection of personal data, akin to the advisory services provided by the Independent Commission Against Corruption ("ICAC") to the private sector on practices to prevent corruption. They suggested that PCPD should take measures to enhance the understanding of the public of the requirements of the Ordinance, such as drawing up a list of frequently asked questions on how to determine whether there was an infringement of privacy.

20. The previous Privacy Commissioner explained that PCPD also recognized the importance of its educational role in enhancing protection of personal data privacy. However, there was only one training officer in PCPD to organize seminars on the Ordinance and to undertake other educational work. PCPD would like to recruit at

least two more staff to handle promotion and educational work but lacked the resources to do so. PCPD had also issued codes of practice and pamphlets which were aimed at enhancing the understanding of the public about its work and the requirements under the Ordinance.

21. The Administration advised that it recognized that, apart from monitoring and enforcing compliance with the Ordinance, promotion and education was also a key component of PCPD's work, and had allocated an extra provision of \$1 million to PCPD in 2008-2009 to strengthen its work in this regard. To the Administration's understanding, the \$1 million would be used by PCPD to organize two promotion and education programmes. As contractors would be engaged for the production of promotion materials and videos, the implementation of the two programmes would not generate much extra work for PCPD's in-house promotion and education staff.

22. Members may wish to note that according to the Administration's reply to a written question raised by Hon TAM Yiu-chung during the examination of estimates of expenditure 2010-2011, the major promotional events to be carried out by PCPD in 2010-2011 include the following -

- (a) two Announcements in the Public Interest, one targeted at data subjects and one targeted at data users featuring the application of the Ordinance will be broadcast on television and other means;
- (b) 10 episodes of Infomercial will be broadcast on television to illustrate the different aspects of personal data privacy protection;
- (c) an industry-wide privacy campaign for a targeted industry will be launched in 2010-2011;
- (d) the Privacy Awareness Week entailing the release of survey results on the attitude of personal data privacy among senior citizens, online self-assessment tool, seminars on protection of personal data for senior citizens and identity theft will be launched;
- (e) activities for the Data Protection Officers' Club including plenary meeting, introductory seminars, Data Protection Workshops and familiarization visit will be held;
- (f) participation in the Education & Careers Expo 2011; and
- (g) publicity and educational materials such as Trainer's Kit and banners will be produced.

#### Corporate governance of PCPD

23. When the previous Privacy Commissioner briefed the HA Panel on the work plan of PCPD on 8 November 2005, some members of the HA Panel considered that

PCPD should sustain its efforts in enhancing the efficiency and cost-effectiveness of its work. The previous Privacy Commissioner considered that there was well-established mechanism governing the finances of PCPD, which had to submit reports on its use of funding to the housekeeping bureau on a regular basis.

24. Arising from public concern about false claims of allowances by the former Deputy Privacy Commissioner for his overseas duty visits and complaint of impropriety against the former Chairperson of EOC while in service as a judge of the Court of Appeal for improper applications for reimbursement of Leave Passage Allowance, the Administration consulted the HA Panel on the following proposed approval procedure for overseas duty visits of the Privacy Commissioner and the Chairperson of EOC -

- (a) to issue a Code of Conduct to the Privacy Commissioner and the Chairperson of EOC, including a section on overseas duty visits, to promote higher standards of corporate governance and to uphold the highest standards of conduct for the Privacy Commissioner and the Chairperson of EOC;
- (b) to ask the Privacy Commissioner and the Chairperson of EOC to seek the approval of the Secretary for Home Affairs ("SHA"), Director of the housekeeping bureau at that time, before embarking on any overseas duty visit; and
- (c) to amend the Memorandum of Administrative Arrangements ("MAA") between the Government and PCPD and the MAA between the Government and EOC to set out the proposed approval procedure.

25. A majority of the members of the HA Panel expressed objection to the Administration's proposal to ask the Privacy Commissioner and the Chairperson of EOC to seek prior approval of SHA before embarking on overseas duty visits, although they appreciated the need for the two bodies to take measures to enhance the transparency of their administrative systems. These members were concerned that the proposal would give the impression that the Government was interfering with the work of the two statutory bodies and that the Privacy Commissioner and the Chairperson of EOC were subordinates to SHA, hence adversely affecting the independent status and autonomy of the two statutory bodies. They made a number of suggestions relating to the corporate governance of PCPD as follows -

- (a) the Advisory Committee could be given the responsibility to consider or to approve any duty visits proposed by the Privacy Commissioner, as it should be in a better position than the Administration to judge whether the purpose of any proposed duty visit complied with the statutory duties of PCPD;
- (b) the Administration could engage the Audit Commission to examine the cost-effectiveness of any overseas duty visits conducted by the Privacy

Commissioner whenever there was any doubt about the usefulness of a visit or about the use of resources in connection with a visit;

- (c) PCPD should consider introducing best practices in pursuit of high standards of corporate governance and to enhance the transparency and accountability of its administrative system; and
- (d) the Administration should review and improve the governance structure of PCPD.

26. The previous Privacy Commissioner invited members to note that he was required by law to act independently in discharging his statutory functions as stipulated in section 8 of the Ordinance, and one of which was to liaise and cooperate with his overseas counterparts in respect of matters of mutual interest concerning the privacy of individuals in relation to personal data. PCPD was of the position that an effective mechanism had already been put in place providing sufficient safeguards against misuse of public funds by the Privacy Commissioner in conducting overseas duty visits. The previous Privacy Commissioner considered that the proposed approval procedure would undermine his independence.

27. The Administration explained that the proposed approval procedure had been drawn up in response to public concern about the inadequacy of existing monitoring mechanism for overseas duty visits of statutory bodies. HAB had no intention to interfere with the work of PCPD or EOC, but the Bureau had the responsibility to monitor the expenditures of these two bodies. Moreover, PCPD did not have an executive governing board and the Privacy Commissioner could approve his own overseas duty visits. The Administration also advised that The Ombudsman and the ICAC Commissioner were required to seek prior approval from CE before embarking on any overseas duty visit.

28. The Administration subsequently informed the HA Panel that it would continue to identify room for improvement to the existing monitoring system of PCPD through regular meetings with the Office. As PCPD had been discharging its responsibilities effectively, the Administration had no plan to review the governance structure of PCPD for the time being, but would consider doing so where necessary.

#### The post of the Privacy Commissioner

29. In his personal statement issued on 3 March 2010 announcing that he did not wish to be considered for re-appointment, the previous Privacy Commissioner stated that *"I hope the Government will be able to appoint a successor who cares passionately about the protection of personal data privacy, because the work demands much more time and effort than a regular D5 rank civil servant would be expected to contribute"*. Hon Emily LAU enquired whether the previous Privacy Commissioner considered that his remuneration should be higher than the remuneration of a D5 civil servant, given that the remuneration of the Chairperson of EOC and The Ombudsman was equivalent to the remuneration of a D8 civil servant. She further asked whether

it was difficult for the Commissioner to remain independent in carrying out his work and enquired about the quality his successor should possess.

30. The previous Privacy Commissioner responded that the level of remuneration had never been a concern to him. He considered that his successor should be passionate about the mission of protecting personal data privacy, and be committed and dedicated to serve the people of Hong Kong. As provided in section 8 of PDPO, the Commissioner was required by law to act independently in discharging his/her statutory functions. He believed that no Commissioner would compromise under pressure if he or she had a vision for the work.

### **Appointment of the new Privacy Commissioner**

31. The Government announced on 24 July 2010 the appointment of Mr Allan CHIANG as the new Privacy Commissioner commencing 4 August 2010. Mr CHIANG had served in the Government for 33 years and was the Postmaster General from 2003 to 2006. He was the Chief Executive Officer of Hong Kong Design Centre from 2007 to 2009.

32. According to the Administration, the appointment was conducted through an open recruitment exercise with assistance from an executive search firm. The Selection Board was chaired by Mrs Laura M CHA, and its members comprised Professor Lawrence LAU Juen-ye, Dr Elizabeth SHING Shiu-ching and SCMA.

### **Relevant papers**

33. A list of relevant papers available on the LegCo website (<http://www.legco.gov.hk>) is in **Appendix III**.



~~則行政長官可藉書面通知委任一人署理專員職位，直至(視情況所需)——(由 1999 年第 34 號第 3 條修訂)~~

- ~~(i) 新的專員根據第 5(3) 條獲委任為止；或~~
- ~~(ii) 專員回任為止。~~
- ~~(2) 根據第 (1) 款獲委任署理專員職位的人，在他獲委任的期間——~~
  - ~~(a) 須執行專員在本條例下的職能；及~~
  - ~~(b) 可行使專員在本條例下的權力。~~
- ~~(3) 第 6 條須適用於根據第 (1) 款獲委任署理專員職位的人，猶如該人是專員一樣。~~

## 8. 專員的職能及權力

- (1) 專員須——
  - (a) 就遵守本條例條文作出監察及監管；
  - (b) 促進及協助代表資料使用者的團體為第 12 條的施行擬備實務守則，以在遵守本條例條文(尤其是各保障資料原則)方面提供指引；
  - (c) 促進對本條例的條文(尤其是各保障資料原則)的認識及理解以及遵守；
  - (d) 對他認為可影響在個人資料方面的個人私隱的建議制定的法例(包括附屬法例)加以審核，並向建議制定該法例的人報告其審核結果；
  - (e) 進行視察，包括對屬政府部門或法定法團的資料使用者所使用的任何個人資料系統的視察；
  - (f) 為更佳地執行他的其他職能而對資料處理及電腦科技進行研究及監察其發展，以顧及該等發展在個人資料方面對個人私隱相當可能有的不利影響；
  - (g) 與——
    - (i) 在香港以外任何地方執行專員認為與其在本條例下的任何職能相似(不論全部或部分相似)的職能的人，進行聯絡及合作；及

~~then the Chief Executive may, by notice in writing, appoint a person to act as the Commissioner until, as the case requires— (Amended 34 of 1999 s. 3)~~

- ~~(i) a new Commissioner is appointed under section 5(3); or~~
- ~~(ii) the Commissioner resumes his office.~~
- ~~(2) A person appointed under subsection (1) to act as the Commissioner, whilst he is so appointed—~~
  - ~~(a) shall perform the functions; and~~
  - ~~(b) may exercise the powers,~~
- ~~of the Commissioner under this Ordinance.~~
- ~~(3) Section 6 shall apply to a person appointed under subsection (1) to act as the Commissioner as if that person were the Commissioner.~~

## 8. Functions and powers of Commissioner

- (1) The Commissioner shall—
  - (a) monitor and supervise compliance with the provisions of this Ordinance;
  - (b) promote and assist bodies representing data users to prepare, for the purposes of section 12, codes of practice for guidance in complying with the provisions of this Ordinance, in particular the data protection principles;
  - (c) promote awareness and understanding of, and compliance with, the provisions of this Ordinance, in particular the data protection principles;
  - (d) examine any proposed legislation (including subsidiary legislation) that the Commissioner considers may affect the privacy of individuals in relation to personal data and report the results of the examination to the person proposing the legislation;
  - (e) carry out inspections, including inspections of any personal data systems used by data users which are departments of the Government or statutory corporations;
  - (f) for the better performance of his other functions, undertake research into, and monitor developments in, the processing of data and computer technology in order to take account of any likely adverse effects such developments may have on the privacy of individuals in relation to personal data;
  - (g) liaise and co-operate with any person in any place outside Hong Kong—
    - (i) performing in that place any functions which, in the opinion of the Commissioner, are similar (whether in whole or in part) to any of the Commissioner's functions under this Ordinance; and

(ii) 該等人士在某些相互關注的並涉及在個人資料方面的個人私隱的事項方面進行聯絡及合作；及

(h) 執行根據本條例或其他成文法則委予他的其他職能。

(2) 專員可作出所有為更佳地執行其職能而需要作出的或對此有助的所有事情，或為更佳地執行其職能而連帶須作出的所有事情，而在不影響前文的概括性原則下，專員尤可——

(a) 在認為任何類別的財產對——

(i) 為專員或任何訂明人員供給地方；或

(ii) 專員可執行的任何職能的執行，屬必要時，取得及持有該財產，並可在持有該財產所按的條款及條件的規限下，處置該財產；

(b) 訂立、履行、轉讓、更改或撤銷任何合約、協議或其他義務，或接受他人所轉讓的合約、協議或其他義務；

(c) 承辦及執行合法信託，但限於以推動專員在本條例下須予執行或准予執行的職能為宗旨的信託或具有其他類似宗旨的信託；

(d) 接受饋贈及捐贈，不論是否受信託所規限的饋贈或捐贈；

(e) 在獲得行政長官事先批准下，成為任何關注 (不論是全部或部分) 在個人資料方面的個人私隱的國際組織的正式成員或附屬成員； (由 1999 年第 34 號第 3 條修訂)

(f) 行使本條例或其他成文法則賦予他的其他權力。

(3) 專員在執行其職能或行使其權力時，可製備及簽立任何文件；凡任何與他執行職能或行使權力所合理附帶或相應引起的事宜，專員亦可在與該等事宜有關連的情況下，製備及簽立任何文件。

(4) 任何文件如看來是以專員的印章簽立的，須予接納為證據，在沒有相反證據的情況下須當作已妥為簽立。

(5) 為向資料使用者提供指引，專員可不時安排擬備不抵觸本條例的指引以顯示他擬執行其在本條例下任何職能或行使其在本條例下任何權力的方式，並安排將該指引藉憲報公告刊登。

(ii) in respect of matters of mutual interest concerning the privacy of individuals in relation to personal data; and

(h) perform such other functions as are imposed on him under this Ordinance or any other enactment.

(2) The Commissioner may do all such things as are necessary for, or incidental or conducive to, the better performance of his functions and in particular but without prejudice to the generality of the foregoing, may—

(a) acquire and hold property of any description if in the opinion of the Commissioner such property is necessary for—

(i) the accommodation of the Commissioner or of any prescribed officer; or

(ii) the performance of any function which the Commissioner may perform,

and, subject to the terms and conditions upon which such property is held, dispose of it;

(b) enter into, carry out, assign or accept the assignment of, vary or rescind, any contract, agreement or other obligation;

(c) undertake and execute any lawful trust which has as an object the furtherance of any function which the Commissioner is required or is permitted by this Ordinance to perform or any other similar object;

(d) accept gifts and donations, whether subject to any trust or not;

(e) with the prior approval of the Chief Executive, become a member of or affiliate to any international body concerned with (whether in whole or in part) the privacy of individuals in relation to personal data; (Amended 34 of 1999 s. 3)

(f) exercise such other powers as are conferred on him under this Ordinance or any other enactment.

(3) The Commissioner may make and execute any document in the performance of his functions or the exercise of his powers or in connection with any matter reasonably incidental to or consequential upon the performance of his functions or the exercise of his powers.

(4) Any document purporting to be executed under the seal of the Commissioner shall be admitted in evidence and shall, in the absence of evidence to the contrary, be deemed to have been duly executed.

(5) The Commissioner may from time to time cause to be prepared and published by notice in the Gazette, for the guidance of data users, guidelines not inconsistent with this Ordinance, indicating the manner in which he proposes to perform any of his functions, or exercise any of his powers, under this Ordinance.

## Appendix II

A Personal Data (Privacy) Advisory Committee ("PDPAC") was established under the Ordinance to advise the Commissioner on matters relevant to the privacy of individuals in relation to personal data.

**Chairman:** Mr. Allan CHIANG, Privacy Commissioner for Personal Data

**Members:** Members of PDPAC for a period of two years with effect from 1 October 2009 to 30 September 2011:

Mr. Bunny CHAN Chung-bun, Chairman, Prospectful Holdings Ltd  
(1st Appointment date: 1 October 2007)

Ms. Virginia CHOI Wai-kam, Managing Consultant & Country Manager, Tamty McGill Consultants International Ltd.  
(1st Appointment date: 1 October 2005)

Mr. Anthony CHOW Wing-kin, Partner, Peter C Wong, Chow & Chow  
(1st Appointment date: 1 October 2007)

Ms. Shirley HA Suk-ling, Director, DIGITALHONGKONG.COM  
(1st Appointment date: 1 October 2009)

Mr SIU Sai-wo, Chief Executive Officer & Chief Editor, Sing Tao Daily  
(1st Appointment date: 1 October 2008)

Mr. Edwin TAM Kwok-kiu, Managing Director, InfoTech Services (H.K.) Ltd  
(1st Appointment date: 1 October 2005)

Dr YIP Chi-kwong, Managing Director, Gemmy Development Co. Ltd.  
(1st Appointment date: 1 October 2007)

Deputy Secretary for Constitutional and Mainland Affairs or Principal Assistant Secretary for Constitutional and Mainland Affairs  
(1st Appointment date: 1 October 2005)

**Relevant documents on the Briefing by  
the Privacy Commissioner for Personal Data**

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
Home Affairs Panel	8 November 2005	<p>Submission on "Privacy Commissioner's briefing on the work plan (Calendar Year 2006) for the Office of Privacy Commissioner for Personal Data ("PCPD)" from PCPD [LC Paper No. CB(2)269/05-06(05)]</p> <p>Minutes of meeting [LC Paper No. CB(2)577/05-06]</p>
	9 December 2005	<p>Administration's paper on "Proposed approval procedure for overseas duty visits of the Privacy Commissioner for Personal Data and the Chairperson of the Equal Opportunities Commission ("EOC")" [LC Paper No. CB(2)576/05-06(03)]</p> <p>Submission on "Proposed guidelines for conducting duty visits outside Hong Kong issued to EOC and PCPD " from PCPD [LC Paper No. CB(2)576/05-06(05)]</p> <p>Minutes of meeting [LC Paper No. CB(2)787/05-06]</p>
	4 July 2008	<p>Administration's letter dated 18 July 2008 regarding the manpower and resource requirements of PCPD [LC Paper No. CB(2)2657/07-08(01)]</p> <p>Minutes of meeting [LC Paper No. CB(2)2850/07-08]</p>
Constitutional Affairs Panel	15 December 2008	<p>Administration's paper on "Financial provision for PCPD in 2008-2009" [LC Paper No. CB(2)437/08-09(05)]</p> <p>Submission on "Financial provision for PCPD in 2008-2009" from PCPD [LC Paper No. CB(2)437/08-09(06)]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		Background brief on "Financial provision for PCPD" prepared by the Legislative Council ("LegCo") Secretariat [ <a href="#">LC Paper No. CB(2)437/08-09(07)</a> ]  Minutes of meeting [ <a href="#">LC Paper No. CB(2)1255/08-09</a> ]
Finance Committee	22 March 2010	<a href="#">Administration's replies to Members' initial written questions</a>
Constitutional Affairs Panel	19 March 2010	PCPD's paper on "Work report for the Office of PCPD" [ <a href="#">LC Paper No. CB(2)1094/09-10(12)</a> ]  Background brief on "Briefing by PCPD" prepared by the LegCo Secretariat [ <a href="#">LC Paper No. CB(2)1094/09-10(13)</a> ]  Comparison table of functions carried out by The Ombudsman, EOC and PCPD provided by the Office of PCPD [ <a href="#">LC Paper No. CB(2)1146/09-10(01)</a> ]  Minutes of meeting [ <a href="#">LC Paper No. CB(2)2119/09-10</a> ]

Council Business Division 2  
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