

OUR REF. : HAB/CR/7/22/31
YOUR REF : CB2/PL/AJLS
TEL NO. : 2835 1383
FAXLINE : 2591 6002

9 November 1999

Mrs. Percy Ma,
Clerk to LegCo Panel on Administration
of Justice and Legal Services,
Legislative Council Secretariat,
8 Jackson Road,
Hong Kong.

Dear Mrs. Ma,

**Review of applicability of
The Personal Data (Privacy) Ordinance
to State organs in Hong Kong**

Thank you for your letter dated 27 October 1999.

The issue is still under discussion with the Central People's Government (CPG). We fully understand the Panel's wish for the review to be completed as soon as possible. However, as explained in our earlier paper to the Panel, the Ordinance is complicated in that the six data protection principles in Schedule 1 and other key provisions are phrased in broad terms and contain expressions which leave considerable room for interpretation. In addition, the statutory protection of privacy in relation to personal data is still relatively new in Hong Kong.

In the circumstances, it is necessary to examine in detail the implications of extending the applicability of the Ordinance. We therefore expect that the discussions with the CPG would take some more time. Not until we have completed our discussion would we be in a position to brief the Panel on the outcome of the review. Members can however be assured that we will revert to the Panel as soon as we are in a position to do so.

Yours sincerely,

(NG Hon-wah)
for Secretary for Home Affairs