

立法會
Legislative Council

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LegCo Panel on Security

**Minutes of special meeting
held on Friday, 3 March 2000 at 9:00 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Deputy Chairman)
Hon David CHU Yu-lin
Hon Albert HO Chun-yan
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Andrew CHENG Kar-foo
- Members attending** : Hon NG Leung-sing
Hon Margaret NG
Hon SIN Chung-kai
Hon Emily LAU Wai-hing, JP
- Members absent** : Dr Hon LUI Ming-wah, JP
Hon Gary CHENG Kai-nam, JP
- Public Officers attending** : Mr K S SO
Principal Assistant Secretary (Security) D

Mr P T CHOY
Deputy Director of Immigration
(Administration & Operations)

Mr T P WONG
Deputy Director of Immigration
(Special Assignment)

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

Staff in attendance : Miss Mary SO
Senior Assistant Secretary (2) 8

Action

The Chairman said that the special meeting was convened following a decision made by the Establishment Subcommittee on 23 February 2000 that the Administration should brief the relevant Panel(s) on the feasibility study on introducing a new identity card (ID Card) and its computer supporting system, before recommending to the Finance Committee (FC) on 10 March 2000 the proposal of retaining the present supernumerary Deputy Director (DD) post in the Immigration Department (ImmD) from 19 April 2000 to 31 December 2000 to continue to steer and monitor the feasibility study and to assist in making a policy decision on whether and how to proceed with the implementation of the ID Card project.

I. Meeting with the Administration

(LC Paper No. CB(2) 1251/99-00(01))

2. At the invitation of the Chairman, Principal Assistant Secretary (Security) D (PAS(S)D) briefed members on the Administration's paper which detailed the background and objectives of the feasibility study on introducing a new ID Card and its new computer supporting system. PAS(S)D said that the existing ID Card was introduced in 1987 and the computer supporting the issue of ID Cards (i.e. the Registration of Persons (ROP) system) was installed in 1982. With the passage of time, the design of the current ID Card as well as the ROP system had become aged and outdated. Due to the advance of technology, the existing ID Cards were no longer as secure and forgery-proof as they were ten years ago. To address these problems, consultants had been engaged in November 1999 to assess the opportunities in strengthening the security features of the ID Card and replacing the ROP system as well as to explore the feasibility of using the smart card and biometrics identification technology in the new ID Card. In view of the sensitivity on the storage of electronic data in a smart card, the consultants had been asked to give technical advice on data security and privacy issues and to propose solutions on how these problems could be resolved.

3. PAS(S)D further said that on completion of the feasibility study in May 2000,

Action

the Administration would have an idea of the available technology that could be used for producing a secure ID Card, the technical benefits and constraints for implementing a smart or a non-smart ID Card solution, the capabilities which a smart ID Card might have in meeting the ImmD's business strategy and its potentials in other areas, and the costs and benefits of the possible options. This would enable the Administration to formulate a policy decision on whether and how to proceed with the implementation of the ID Card project. Members of this Panel and, if necessary other relevant Panel(s), would be consulted before a decision was taken.

4. Deputy Director of Immigration (Administration & Operations) (DD of Imm (A&O)) supplemented that the replacement of the existing ROP system was necessitated by the fact that some of the parts of the system, such as cameras and printers, had become aged and outdated and the supplier would no longer provide maintenance service for the system after mid or late 2002.

5. Mr LAU Kong-wah said that the existing ROP system with a life expectancy of little over ten years was a bit short. Deputy Director of Immigration (Special Assignment) (DD of Imm (SA)) clarified that the existing ROP system had been used to support the issue of ID Cards since 1982. DD(A&O) added that given that the life expectancy of a computer system was normally ten years, the existing ROP system with a life expectancy of some 17 years could be considered "long life".

6. Mr LAU Kong-wah said that in view of the rapid advance of technology, the consultants should be urged to adopt a forward-looking approach in the feasibility study, so as to ensure that the efficacy of the new ID Card and its new computer supporting system could be sustained for a longer period of time. DD of Imm (SA) replied that this was required of the consultants.

7. Referring to paragraph 6 of the Administration's paper which stated that the consultants should also explore the possibility of computerising the addresses of the ID Card holders for the purpose of automating voter's registration, Mr LAU Kong-wah enquired what other ideas the Administration had in mind in expanding the functions of the new ID Card beyond ROP purposes.

8. PAS(S)D replied that the Administration would consider whether and how to proceed with the expansion of the functions of the new ID Card beyond ROP purposes at a later time, if a smart ID Card option was to be adopted. PAS(S)D pointed out that the consideration of the possibility of computerising the addresses of the ID Card holders for use by the Registration and Electoral Office was made in response to the public's view that this method be used to bring about an automated voter's registration.

9. Miss Margaret NG queried the need for introducing a new ID Card which would have the capability to store a lot of personal data by using the smart card and biometrics identification technology. Miss NG expressed concern that the right of individuals to preserve the privacy of their personal data would be infringed if personal data not required for ROP purposes were stored in the ID Card. This problem would be aggravated if the individuals were denied the knowledge of which of their personal data

Action

were stored in their ID Cards and were used by other Government departments and law enforcement agencies for purposes other than ROP. Mr CHEUNG Man-kwong echoed Miss NG's views. He further said that it would be a serious infringement of an individual's right to privacy if strictly confidential information such as criminal record and genetic code were stored in a smart ID Card. Mr CHEUNG also expressed concern about the possible leakage of personal details if a ID Card containing large amount of personal data was lost or stolen.

10. Miss Margaret NG asked about what sort of data would be considered biometrics identification data and the kind of biometrics identification data to be stored in a smart ID Card. PAS(S)D said that biometrics identification data could be a person's photograph, fingerprint, breath, and iris, etc. The Administration had not reached a decision as to which form the new ID Card should take and what kind of personal data would be stored in the new ID Card should a smart ID Card option be adopted. He pointed out that in determining the kind and the amount of data, including biometrics identification data, to be stored in a ID Card, consideration would be given to whether personal privacy and data security would be safeguarded, technical feasibility and cost-effectiveness. Legal backing would be required for the collection of additional personal data. On the question of allowing other Government departments and law enforcement agencies to use the personal data of the ID Card holders for their respective work areas, PAS(S)D reiterated that the Administration had not yet considered this aspect, save for the computerisation of the addresses of the ID Card holders to effect automated voter's registration.

11. DD of Imm (SA) supplemented that it was the ImmD's strategy to bring about automated passenger clearance at immigration control points. The intention was to enhance the Department's efficiency and achieve saving in resources. To this end, the consultants had been asked to explore the feasibility of using the smart card and biometrics identification technologies (e.g. by storing the fingerprints of individuals in their ID Cards) for this purpose. DD of Imm (A&O) added that in order to strengthen the data security and forgery-proof of a smart ID Card, only the template of the fingerprint would be stored so that conversion to its original form would be impossible. Having regard to the concern that some members of the public might have on data security of a smart ID Card, consideration might be given to allowing the public to choose the type of data/application to be stored in the smart card.

12. Miss Margaret NG enquired whether the ImmD had the right to collect the fingerprints of the ID Card holders. DD of Imm (SA) said that the ImmD was empowered under the Registration of Persons Ordinance (Cap. 177) to record fingerprints. Such records were presently kept by the ImmD.

13. Miss Margaret NG further said that as the consultants had commenced work on the feasibility study in November 1999, they should now have come up with some preliminary business and technical options for the introduction of a new ID Card and a new ROP system. Miss NG requested that such information be provided to Members.

14. DD of Imm (SA) replied that the information requested by Miss NG was not yet

Action

available, as the consultants were still working out the business and technical options for the introduction of a new ID Card and a new ROP system.

15. Miss Margaret NG was unconvinced about the explanation given by the Administration that no preliminary business and technical options for the introduction of a new ID Card and a new ROP system had been drawn up by the consultants by now. She remarked that given the complexity and significant implications of the ID Card project, it was hard to believe that the Administration had not given directives to the consultants on the scope of use of the new ID Card. Miss Emily LAU echoed Miss NG's remarks.

16. Noting the explanation given by the Administration in paragraph 14 above, Miss Emily LAU enquired why paragraph 8 of the Administration's paper on the proposed retention of the present supernumerary DD post in the ImmD considered by the Establishment Subcommittee on 23 February 2000 stated that "我們預期顧問可在2000年3月前就各項工作和技術方案提出建議". DD(SA) replied that the timing referred to in the said paper was erroneous. He invited members to refer to paragraph 8 of the English version of the same paper which stated that the consultants' recommendations on the business and technical options were expected to be available by March 2000.

17. The Chairman expressed concern that the approach of first identifying the available technologies would mean that the determination of what form the ID Card should take and how its functions could be expanded would be based largely on how best technology could bring about such implementation. Mrs Selina CHOW shared the Chairman's concern, having regard to the implications of the implementation of a smart ID Card option on the privacy and security issues if a lot of personal data were stored in the ID Card and that such data could be used by other Government departments and law enforcement agencies for their respective work areas. She further said that to allay public's concern on the matter, a better approach would be to first formulate a clear policy on the scope of use of the new ID Card and then identify the most suitable types of technology for implementation.

18. PAS(S)D explained that if the Administration did not have knowledge of the types of technology available for producing a secure ID Card and of the international experience in this regard, there would be no sound basis for it to identify the most cost-effective means of implementing a state-of-the-art, secure ID Card and its supporting system for the delivery of an efficient and customer-focused service. PAS(S)D reiterated that the basic requirement in the new ID Card was to facilitate immigration control and assist the ImmD to fulfil its obligations under the law. The Administration had not come to a view on which form the new ID Card should take and whether and how to expand the use of the ID Card beyond ROP purposes. PAS(S)D assured that Members would be consulted before a decision would be taken on how to proceed with the implementation of the new ID Card project.

19. In reply to the Chairman's enquiry about whether other Government departments

Action

and law enforcement agencies had been asked if they wished to use the personal data of the ID Cards for their respective work areas, PAS(S)D said that this was not done. DD of Imm (SA) stressed that there was no question of the Administration trying to use the personal data of the ID Card holders for surveillance purposes. He assured Members that in considering any proposals to allow other Government departments to use the personal data of the ID Card holders for their respective work areas, due regard would be given to ensuring that such proposals would be in the public's interests and that the data protection principles enshrined in Schedule 1 of the Personal Data (Privacy) Ordinance (Cap. 486) would not be violated.

20. Miss Emily LAU enquired whether the views of the Privacy Commissioner for Personal Data (Privacy Commissioner) had been sought on the ID Card project. DD of Imm (SA) said that the Administration had discussed with the Privacy Commissioner over the matter. The Privacy Commissioner had advised that personal data collected for a specific purpose should not be used for other purposes. The prime consideration of the Administration in the new ID Card project was that it would not violate Cap. 486. The Privacy Commissioner would continue to be consulted.

21. Miss Emily LAU considered that the policy aspects of the new ID Card should be determined first before identifying the technology available. She enquired as to how Members could take part in the formulation of policy for implementing the new ID Card project. PAS(S)D reiterated that the Administration would have due regard to the right of individuals to preserve the privacy of their personal data and the security of the data in its implementation of a new ID Card. Members would be consulted on the proposed options on the introduction of the new ID Card and its computer supporting system after the completion of the feasibility study. The Administration was prepared to brief Members again when the final consultancy report was available.

22. In reply to the Chairman's enquiry as to whether the consultancy report on the feasibility study would be made available to Members, PAS(S)D said that the full report might not be disclosed if it contained sensitive commercial information and confidential information regarding the internal workings of the ImmD.

23. Mr Howard YOUNG urged the Administration to be more forward-looking in introducing a state-of-the-art ID Card. On the value-added applications, Mr YOUNG asked whether consideration would be given to using the Hong Kong ID Card as entry permit to the Mainland to facilitate travel convenience. DD of Imm (A&O) said that the ImmD would discuss again with the relevant Mainland authorities at an opportune time on the possibility of including in the new ID Card data for entry permit to the Mainland. Should the new ID Card take the form of a smart card and agreement with the Mainland authorities be reached after the ID Card replacement exercise in late 2002, spaces could be set aside in the ID Card to allow the data for effecting entry permit to the Mainland to be stored electronically.

24. Mr NG Leung-sing opined that the Administration was inclined to overly rely on the consultants. The Administration should critically consider the need for engaging consultancy service in future. In reply to Mr NG's enquiry about whether the life

Action

expectancy of the current ROP system matched that estimated by the consultants commissioned to design the system, DD of Imm (A&O) said that he did not have the information on hand. He pointed out that it was difficult to use the consultants' estimation of the life expectancy of a computer system as the benchmark, having regard to the fact that the life expectancy of a computer system was invariably determined by how best the system could meet the users' requirements in practice.

25. Mr NG Leung-sing enquired whether the work of the incumbent of the DD of Imm (SA) post would be directed by the consultants. PAS(S)D responded that there was no question of such a situation, as the incumbent was the expert in immigration control work whereas the consultants' expertise lied in their knowledge of new technology and international experience. DD of Imm (SA) supplemented that the incumbent played a pivotal role in steering the feasibility study. For instances, the incumbent chaired a project steering committee to give overall directions on how the feasibility study should proceed, as well as chairing an inter-departmental working group comprising representatives from the Hong Kong Police Force, the Government Printer, the Government Laboratory, the Information Technology Services Department and the Home Affairs Bureau to plan and coordinate action for the possible launch of the new ROP system and the Region-wide ID Card replacement exercise.

26. Mr Andrew CHENG questioned the need for introducing a smart ID Card if its main purpose was for automating passenger clearance at immigration control points, bearing in mind that the existing arrangement was already very fast and efficient. Mr CHENG urged the Administration to provide Members with a policy on the new ID Card and the justifications before the proposed retention of the present supernumerary DD post in the ImmD was considered.

27. Miss Emily LAU considered that given the significant implications of the implementation of a smart ID Card option on the legal, human rights, privacy and security issues, it was worthwhile to initiate a motion debate on the matter at a Council meeting.

28. Mr SIN Chung-kai said that the approach of first identifying the available technology before deciding on the form of the new ID Card and the scope of the use of the new ID Card was very costly. A more cost-effective way was to draw up a set of parameters for the new ID Card and its other value-added applications and then identify the most suitable types of technology for producing and implementing them. In reply to Mr SIN's enquiry about the consultancy fee, DD of Imm (SA) said that it was about \$4.9 million. In reply to Mr SIN's further enquiry as to whether the consultancy brief on provision of consultancy services to conduct the feasibility study could be provided to Members, PAS(S)D said that he would consider the request.

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(Post-meeting note: The consultancy brief provided by the Administration was circulated to Members vide LC Paper No. CB(2) 1345/99-00(01) on 9 March 2000.)

29. Mr Albert HO requested that the Administration should adhere to the following five principles in the collection and use of personal data -

Action

- (a) personal data might be collected and retained by the Government only where there was a reasonable need and for a public purpose, and the data so collected should be kept to the minimum level;
- (b) the personal data collected by different law enforcement agencies were for their respective purposes and might not be suitable for centralized storage or common use. There should be regulations governing the circumstances in which such data might be centrally maintained for common use;
- (c) the system on collection of personal data should be transparent and as far as possible regulated by legislation;
- (d) every individual should have the right to know which of his or her personal data were being kept and used by the Government; and
- (e) any large scale personal data collection exercise should require adequate consultation with LegCo Members beforehand and be monitored by LegCo after launching.

30. DD of Imm (A&O) said that the Administration would take account of Mr HO's views in its formulation of policy on the new ID Card project.

31. Mr CHEUNG Man-kwong requested the Administration to spell out its principles for the policy decision on the new ID Card in the paper on the proposed retention of the present supernumerary DD post in the ImmD for the FC meeting on 10 March 2000. PAS(S)D responded that while he was not able to list out all the principles at this stage, the basic principle of protection of personal data would be observed.

32. Miss Margaret NG enquired whether state organs stationed in Hong Kong were bound by Cap. 486. PAS(S)D replied that he was unable to give a reply to Miss NG's question.

33. In concluding the discussion, the Chairman said that given the significant implications of the new ID Card, the outcome of the feasibility study and the Administration's proposed options on the implementation of the ID Card project would be followed up by the Panel.

34. There being no other business, the meeting ended at 10:40 am.

Action

Legislative Council Secretariat
28 April 2000