

立法會
Legislative Council

Ref : CB2/BC/6/01

LC Paper No. CB(2) 1629/02-03
(These minutes have been seen by
the Administration)

**Bills Committee on
Registration of Persons (Amendment) Bill 2001**

**Minutes of meeting
held on Saturday, 1 March 2003 at 9:00 am
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon SIN Chung-kai
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Henry WU King-cheong, BBS, JP

Public Officers attending : Mr Michael WONG
Deputy Secretary
Security Bureau

Mr Alan CHU
Principal Assistant Secretary
Security Bureau

Ms Anne TENG
Assistant Secretary
Security Bureau

Mr Michael STONE
E-government Coordinator
Commerce, Industry and Technology Bureau

Ms Joyce TAM
Principal Assistant Secretary
Commerce, Industry and Technology Bureau

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Miss Amy CHAN
Government Counsel
Department of Justice

Miss Clare LEE
Legal Trainee Solicitor

Mr WONG Tat-po
Deputy Director
Immigration Department

Mr Raymond WONG Wai-man
Assistant Director
Immigration Department

Mr TSOI Hon-kuen
Assistant Director
Immigration Department

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

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Raymond LAM
Senior Assistant Secretary (2)5

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested and the Administration agreed to make appropriate publicity measures (including advertisements in overseas Chinese newspapers) to notify overseas Hong Kong Special Administrative Region (HKSAR) permanent residents of the identity card replacement exercise and the requirement to apply for a new card within 30 days of their return to Hong Kong. In addition, the Bills Committee requested the Administration to provide a written response to the Panel on Security on -

- (a) the respective penalties for not producing identity cards in accordance with the requirements in the Ordinances or by-laws set out in the Annex to the Administration's paper entitled "Power to demand production of identity card"; and
- (b) whether there were other proof of identity, other than an identity card or the documents referred to in paragraph 5(a), (b) and (c) of the Administration's paper entitled "Possession of a valid identity card and entitlement to right", that could establish a person's permanent resident status.

3. The Administration undertook to amend the expression "某人" in clause 10 to "有關人士".

4. Mr James TO proposed that the Bills Committee should move Committee Stage amendments (CSAs) to delete the reference to "marital status" and "occupation" in the proposed new section 7(2A)(b)(i). As there were divided views among members, a vote was taken on whether the Bills Committee should move an amendment to delete the reference to "marital status" in new section 7(2A)(b)(i). Three members present voted in favour of the Bills Committee moving the amendment, while five members voted against. A vote was also taken on whether the Bills Committee should move an amendment to delete the reference to "occupation" in new section 7(2A)(b)(i). Four members voted in favour of the Bills Committee moving the amendment, while four members voted against. As the votes were equally divided, the Chairman casted his casting vote that the amendment would not be moved by the Bills Committee. Mr James TO indicated that he would move CSAs to delete the reference to "marital status" and "occupation" in the proposed new section 7(2A)(b)(i).

5. At the request of some members, the Administration agreed to amend the reference from "nationality" to "nationality which he claims" in the proposed new section 7(2A)(b)(i). Three members expressed support for the amendment while five members expressed reservations about the need for such an amendment.

6. The Administration undertook to convey to the Privacy Commissioner for Personal Data (Privacy Commissioner) members' concerns about the delegation of the Chief Secretary for Administration's power to permit disclosure of registration of persons (ROP) data under the proposed section 10 of the ROP Ordinance i.e. the existing regulation 24 of the ROP Regulations, to a Principal Assistant Secretary for Security and the destruction of ROP data disclosed under regulation 24 when no longer required, and members' request that the Privacy Commissioner should also examine

whether the protection of data privacy was fully complied with in the context of privacy compliance audit.

7. Mr James TO indicated that he would consider moving a CSA to amend regulation 4(1)(b)(xii) of the ROP Regulations.

II. Any other business

8. The Bills Committee agreed that a report would be made to the House Committee at its meeting on 7 March 2003. The Bills Committee noted that the Administration intended to give notice for resumption of Second Reading debate on the Bill at the Council meeting on 19 March 2003. The Chairman reminded members noted that the deadline for giving notice to move CSAs would be 10 March 2003.

9. The meeting ended at 12:00 noon.

Council Business Division 2
Legislative Council Secretariat
28 March 2003

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Saturday, 1 March 2003 at 9:00 am
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject(s) | Action Required |
|--------------------|--|--|------------------------|
| 000000-000435 | Chairman | Opening remarks and relevant papers | |
| 000436-000655 | Admin Hon Emily LAU Chairman | Latest Committee Stage amendments (CSAs) proposed by the Administration to clause 4 | |
| 000656-001710 | SALA2 Admin Hon Mrs Selina CHOW Hon LAU Kong-wah Hon Emily LAU Chairman | Drafting of the expression "某人" in the proposed CSAs to clause 4 and amendment of the expression to "有關人士" | |
| 001711-001940 | Hon Emily LAU Chairman Hon Mrs Selina CHOW Hon Howard YOUNG | Discussion of the final CSAs proposed by the Administration | |
| 001941-002217 | Admin Chairman | Latest Committee Stage amendments (CSAs) proposed by the Administration to clause 10 of the Bill | |
| 002218-002854 | SALA2 Chairman Hon Emily LAU Hon James TO Admin | Difference between the withdrawal by a cardholder of his consent for the inclusion of non-immigration related information in the chip of his identity card and information visible on the card face of his identity card | |
| 002855-003008 | Admin | Briefing on the Administration's proposed CSAs to clause 13 | |
| 003009-003709 | Hon LAU Kong-wah Hon Emily LAU Chairman SALA2 Admin | Whether the power to verify identity by fingerprint match under the proposed regulation 11A(1)(b) was adequate | |

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| 003710-003905 | Hon Emily LAU Admin | Number of smartcard readers to be issued to law enforcement officers and cost of a smartcard reader | |
| 003906-004918 | Hon James TO Hon LEUNG Fu-wah Hon Howard YOUNG Chairman Admin | Whether the power to verify identity by fingerprint match under the proposed regulation 11A(1)(b) was adequate | |
| 004919-005232 | Admin | Briefing on the Administration's proposed CSAs to clauses 14, 19 and 20 | |
| 005233-005441 | Hon James TO Admin Chairman | Administration's proposed CSAs to clause 20 | |
| 005442-005545 | Admin | Briefing on the Administration's proposed new clause 20A and CSAs to clause 21 | |
| 005546-005611 | Hon Emily LAU Admin Chairman | Fees for the replacement of an identity card | |
| 005612-020737 | Hon James TO Hon Miriam LAU Hon Emily LAU Hon SIN Chung-kai Hon Margaret NG Hon LEUNG Fu-wah Hon Mrs Selina CHOW Hon Howard YOUNG Chairman SALA2 Admin | Whether the reference to "nationality" in the proposed new section 7(2A)(b)(i) should be amended to "nationality which he claims" and whether the reference to "marital status" and "occupation" in the proposed new section 7(2A)(b)(i) should be deleted | |
| 020738-021329 | [Meeting suspended] | | |
| 021330-021722 | Chairman Hon Emily LAU Hon James TO Hon Miriam LAU Hon Margaret NG Hon Howard YOUNG | Voting on whether the Administration's amendment of the reference from "nationality" to "nationality which he claims" in the proposed new section 7(2A)(b)(i) should be supported and whether the Bills Committee should move CSAs to delete the reference to "marital status" and "occupation" in the proposed new section 7(2A)(b)(i) | |

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| 021723-021822 | Chairman Hon LAU Kong-wah | Discussion of papers previously provided by the Administration | |
| 021823-021849 | Admin Chairman | Amendment of the expression "某人" in the Administration's proposed CSAs to clause 4 to "有關人士" | |
| 021850-022010 | Chairman Hon Margaret NG Hon Emily LAU | Administration's response to various issues discussed at Bills Committee meetings (LC Paper No. CB(2)1150/02-03(02)) and Administration's paper entitled "Power to demand production of identity card" (LC Paper No. CB(2)1124/02-03(02)) | |
| 022011-022850 | Hon Margaret NG Hon Miriam LAU Hon Howard YOUNG Chairman Admin | Administration's paper entitled "Power to demand production of identity card" (LC Paper No. CB(2)1124/02-03(02)) | Admin to provide information to the Panel on Security on the respective penalties for not producing identity cards in accordance with the requirements in the Ordinances or by-laws set out in the Annex to the paper |
| 022851-023904 | Chairman Hon Margaret NG Admin | Administration's papers entitled "Possession of a valid identity card and entitlement to right" and "Possession of a valid identity card and entitlement to right - a supplementary note on welfare services" (LC Paper No. CB(2)1147/02-03(02)) and (LC Paper No. CB(2)1263/02-03(01)) | Admin to submit a paper to the Panel on Security explaining whether there were other proof of identity, other than an identity card or the documents referred to in paragraph 5(a), (b) and (c) of the Administration's paper, that could establish a person's permanent resident status |
| 023905-023944 | Chairman | Administration's response to an issue discussed at the Bills Committee meeting on 18 February 2003 (LC Paper No. CB(2)1263/02-03(02)) | |
| 023945-024847 | Chairman Hon Emily LAU Hon James TO Admin | Letter dated 21 February 2003 from the Privacy Commissioner for Personal Data (Privacy Commissioner) regarding privacy compliance audit (LC Paper No. CB(2)1277/02-03(01)) and letter dated 26 February 2003 from the Administrative Assistant to the Chief Secretary for Administration regarding the current practice relating to disclosure of registration of persons (ROP) records under regulation 24 of the ROP Regulations (LC Paper No. | Admin to convey to the Privacy Commissioner members' concerns about the delegation of the Chief Secretary for Administration's power to permit disclosure of ROP data to a Principal Assistant Secretary for Security and the |

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| | | CB(2)1333/02-03(01)) | destruction of ROP data disclosed under regulation 24 when no longer required, and members' request that the Privacy Commissioner should also examine whether the protection of data privacy was fully complied with in the context of privacy compliance audit |
| 024848-025057 | Chairman Hon James TO Admin | Administration's paper entitled "Commencement date, specified date and dates for replacing and invalidating identity cards " (LC Paper No. CB(2)1278/02-03(01)) | Admin to make appropriate publicity measures including advertisements in overseas Chinese newspapers to notify overseas Hong Kong Special Administrative Region permanent residents of the identity card replacement exercise and the requirement to apply for a new card within 30 days of their return to Hong Kong |
| 025058-025318 | Chairman Hon James TO Hon Margaret NG | Administration's paper entitled "Particulars furnished under Regulation 4(1)(b)" (LC Paper No. CB(2)1278/02-03(02)) | |
| 025319-025752 | Hon Emily LAU Hon Margaret NG Chairman Admin | Letter dated 26 February 2003 from the Administration explaining the procedures for a person to give up his Chinese nationality (LC Paper No. CB(2)1322/02-03(01)) | |
| 025753-025901 | Chairman | Report to the House Committee and deadline for moving CSAs | |

Note : The audio records of the above proceedings are kept at the LegCo Library

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Legislative Council Secretariat
 28 March 2003