

立法會

Legislative Council

LC Paper No. CB(2) 1150/02-03(01)

Bills Committee on Registration of Persons (Amendment) Bill 2001

List of issues raised by members to which the Administration's response is still awaited

(Position as at 9:00 am, 11 February 2003)

Date of meeting	Issue
4 October 2002	(a) The Administration was requested to provide information about the fee for a replacement smart identity card, when available.
28 October 2002	(a) The Administration was requested to provide information on the number and ranking of law enforcement officers to be issued with handheld smart card readers, the work flow and the ranking of officers to be authorised to access the relevant logs.
14 November 2002	(a) The Administration was requested to give an undertaking, such as during the resumption of Second Reading debate on the Bill, stating the number and timing of privacy compliance audits to be conducted and the audit reports to be submitted to the Legislative Council; or to specify such provisions in the Bill.
20 November 2002	(a) The Administration was requested to consider providing a paper setting out provisions in the Registration of Persons Ordinance (Cap. 177) where the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO) would apply and provisions exempted from PDPO.

Date of meeting	Issue
21 January 2003	<u>Clause 12</u> (a) The Administration was requested to consider amending the existing Regulation 11(2) to remove the Commissioner of Police's power to authorise persons to inspect identity cards, or to consider setting out the classes of authorised persons in the Regulation and upgrading the approving authority from "Commissioner of Police" to "the Chief Executive"; <u>Clause 15</u> (b) The Administration was requested to consider the need for the expression "in his possession" in the proposed Regulation 18(1)(b) and to consider revising the Regulation having regard to the fact that some people (e.g. those who were blind) might not be able to see/read the information stored inside the chips of their smart identity cards; <u>Clause 16</u> (c) The Administration was requested to consider the need for the proposed Regulation 21(1), in particular, proposed Regulation 21(1)(c) and (d) and the impact of Regulation 21 on third parties; and <u>Clause 19</u> (d) The Administration was requested to explain whether the invalidation of an identity card would affect a person's right of abode (ROA), including the acquiring, exercising or proof of ROA, and whether it would affect his right to medical, health, education and welfare services and, in the case of retired civil servants, pension, or any other of his rights.

Date of meeting	Issue
28 January 2003	<u>Clause 23</u> (a) The Administration was requested to explain the difference between a forged identity card and an unlawfully altered identity card, and the difference between the offences against the possession and use of a forged identity card, making alterations to an identity card and possession and use of an unlawfully altered identity card from the prosecution viewpoint; (b) The Administration was requested to explain the respective burden and standard of proof on the prosecution and the defendant regarding "without lawful authority or reasonable excuse" in the proposed regulation 12(2A); (c) The Administration was requested to explain whether a lack of knowledge that the chip in a smart identity card had been tampered with would be a reasonable excuse under the proposed regulation 12(2A) and to consider spelling out clearly the element of "knowledge" in the proposed regulation; and (d) The Administration was requested to consider whether it was appropriate to use the term "tampering with" in the proposed description of offence for regulation 12(1A) in Schedule 2 to the Immigration Service Ordinance (Cap. 331).

Council Business Division 2
Legislative Council Secretariat
11 February 2003