

立法會
Legislative Council

LC Paper No. CB(1)1851/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/16/02

**Bills Committee on
Electronic Transactions (Amendment) Bill 2003**

**Minutes of meeting
held on Thursday, 6 May 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Howard YOUNG, SBS, JP
- Members absent** : Dr Hon Eric LI Ka-cheung, GBS, JP
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public officers
Attending** : Miss Adeline WONG
Principal Assistant Secretary for Commerce,
Industry and Technology
(Communications and Technology)
- Mr Gary LAI
Senior Systems Manager
Information Technology Services Department
- Mr Michael LAM
Senior Government Counsel
- Clerk in attendance** : Miss Polly YEUNG
Chief Council Secretary (1)3

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Council Secretary (1)1

Action

I Confirmation of minutes and matters arising

LC Paper No. CB(1)1477/03-04 - Minutes of 2nd meeting on 17 March 2004

LC Paper No. CB(1)1677/03-04 - Minutes of 3rd meeting on 23 April 2004

The minutes of the meetings on 17 March 2004 and 23 April 2004 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)1672/03-04(01) - The Administration's responses to public submissions (for consideration at meeting on 6 May 2004)

LC Paper No. CB(1)1560/03-04(02) - The Administration's responses to public submissions (for consideration at meeting on 23 April 2004)

LC Paper No. CB(1)1672/03-04(02) - Summary of deputations' views prepared by the Secretariat

LC Paper No. CB(1)1590/03-04(01) - Marked-up copy of the Committee Stage Amendments proposed by the Administration (as at 21 April 2004) to the Bill prepared by the Legal Service Division

LC Paper No. CB(1)1560/03-04(01) - Committee Stage Amendments to be moved by the Secretary for Commerce, Industry and Technology (revised)

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- LC Paper No. CB(1)1271/03-04(01) - Information paper provided by the Administration explaining its proposed Committee Stage Amendments to the Bill
- LC Paper No. CB(3)734/02-03 - The Bill
- ITBB/IT 107/4/1(03) Pt.29 - The Legislative Council Brief issued by the Commerce, Industry and Technology Bureau on 11 June 2003
- LC Paper No. LS126/02-03 - The Legal Service Division Report on the Bill
- LC Paper No. CB(1)985/03-04 - Background brief on Electronic Transactions (Amendment) Bill 2003 prepared by the Secretariat
- LC Paper No. CB(1)1053/03-04(01) - Marked-up copy of the Bill
- LC Paper No. CB(1)1053/03-04(02) - Letter dated 16 January 2004 from the Assistant Legal Adviser (ALA) to the Administration
- LC Paper No. CB(1)1053/03-04(03) - Reply dated 19 February 2004 from the Administration to ALA's letter of 16 January 2004
- LC Paper No. CB(1)1053/03-04(04) - Copies of the relevant provisions referred to in Schedule 3 to the Bill

Submissions from deputations/individual

1. Office of the Privacy Commissioner for Personal Data, Hong Kong (LC Paper No. CB(1)1357/03-04(01))
2. PCCW-HKT Telephone Limited (LC Paper No. CB(1)1447/03-04(01)) (English version only)
3. Hong Kong IT Alliance Limited (LC Paper No. CB(1)1447/03-04(02)) (English version only)

Action

4. Mr LAU Wai-cheung, a member of Sai Kung District Council
(LC Paper No. CB(1)1447/03-04(03))
(Chinese version only)
5. Mr Damien WONG
(LC Paper No. CB(1)1447/03-04(04))
(English version only)
6. Consumer Council
(LC Paper No. CB(1)1472/03-04(01))
(English version only)
7. Hong Kong Computer Society
(LC Paper No. CB(1)1590/03-04(02))
(English version only)
8. Hong Kong Society of Accountants
(LC Paper No. CB(1)1590/03-04(03))
(English version only)

2. The Bills Committee deliberated (index of proceedings attached at Appendix).

3. As the Bills Committee had concluded its deliberations, members agreed that the Bills Committee would report to the House Committee on 21 May 2004. Members noted that the Administration intended to resume Second Reading debate on the Bill on 23 June 2004.

(Post-meeting note : Members have been notified of the aforesaid arrangement on 7 May 2004 vide LC Paper No. CB(1)1750/03-04.)

4. Members also noted that the Administration intended to transfer certain functions vested in the Director of Information Technology Services under the Electronic Transactions Ordinance (Cap. 553) as amended by the Bill to the proposed new post of Government Chief Information Officer (GCIO). If the creation of the GCIO post was endorsed by the Establishment Subcommittee and approved by the Finance Committee, the Administration would move a motion at the Legislative Council meeting on 30 June 2004 to effect the transfer which would take effect from 1 July 2004.

III Any other business

5. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 1
Legislative Council Secretariat
18 May 2004

**Proceedings of the meeting of the
Bills Committee on Electronic Transaction (Amendment) Bill 2003
on Thursday, 6 May 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Marker	Speaker	Subject(s)	Action Required
000000 - 000018	Chairman	Introductory remarks and confirmation of minutes of meetings on 17 March 2004 and 23 April 2004.	
000019 - 000840	Chairman Administration	<u>The Administration's responses to public submissions (CB(1)1560/03-04(02) and CB(1)1672/03-04(01))</u> <u>Responses to Mr Damien Wong's comments</u> Members raised no query.	
000841 - 001222	Chairman Administration Assistant Legal Adviser 3	<u>Responses to comments of the Privacy Commissioner for Personal Data</u> Recognized Certification Authorities, being personal data users, were required to comply with all applicable ordinances and regulations regarding the privacy of personal information.	
001223 - 001349	Chairman Administration	<u>Responses to PCCW-HKT Telephone Limited's comments</u> Members raised no query.	
001350 - 001633	Chairman Administration	<u>Responses to Hong Kong IT Alliance's comments</u> Members raised no query.	
001634 - 002024	Chairman Administration	<u>Responses to Consumer Council's comments and response to comment of Mr LAU Wai-cheung, Peter</u> Members raised no query.	
002025 - 002226	Chairman Administration	<u>Responses to the Hong Kong Computer Society's comments</u> Members raised no query.	

002227 - 002649	Chairman Administration ALA 3 Mr Kenneth TING	<p><u>Responses to comments of the Hong Kong Society of Accountants</u></p> <p><u>Section 19(2) of the Electronic Transactions Ordinance (Cap 553)</u></p> <p>(a) Whether the proposed "default" arrangement concerning the receipt of an electronic record was reasonable.</p> <p>(b) The Administration's explanation that in case an electronic record could not be sent via email to the addressee (recipient)'s account because the size of the incoming file exceeded the capacity limit of his account, the addressee would normally be alerted by a notification message such that he would have knowledge of the electronic record being sent to him and that he might take necessary action to receive the electronic record.</p>	
002650 - 003046	Chairman Administration Clerk	<p>(a) Members noted that the Administration intended to resume Second Reading debate on the Bill on 23 June 2004 and the Bills Committee would submit a report to the House Committee on 21 May 2004.</p> <p>(b) Members also noted that the Administration intended to transfer certain functions vested in the Director of Information Technology Services under the Electronic Transactions Ordinance (Cap 553) as amended by the Bill to a newly created post of Government Chief Information Officer (GCIO). If the creation of the GCIO post was endorsed by the Establishment Subcommittee and approved by the Finance Committee, the Administration would move a motion at the Legislative Council meeting on 30 June 2004 to effect the transfer which would take effect from 1 July 2004.</p>	