

Our Ref. : PCO/8/2/ pt.9
Your Ref. : CBI/BC/18/02

3 December 2003

Ms Anita SIT
Clerk to the Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

By Hand

Dear Ms Sit,

Companies (Amendment) Bill 2003 (“the Bill”)

I refer to the letter dated 25 November 2003 from the Secretary for Financial Services and the Treasury to us seeking further comments on their responses (“the Response”) to our written submission.

We reiterate our view that for the sake of clarity the purpose statement for the public register should be extended to explicitly cover the category of persons other than directors and other officers whose personal data are kept for public inspection. Where the term “officer” falls to be determined, we doubt if it is broad enough to cover such individual as mortgagee who would have no locus *vis-a-via* the capacity *qua* “officer”. Whilst it may be sufficiently clear to the member of the public undertaking a search of the register that the relevant act is “an act of the specified corporation”, the purpose statement should also clearly address the interest of the counter party to that act, where that counter party is an individual whose personal data are being disclosed.

Having said that, since it is a matter of interpretation whether the proposed section 305(1A)(a)(i) is wide enough to cover the said category of persons, this should be a

matter best left for the decision of the Bills Committee. Subject to aforesaid, we have no further comments to add.

Yours sincerely,

(Raymond TANG)
Privacy Commissioner for Personal Data

Encl.: a soft copy of the English and Chinese versions of this letter

c.c. The Secretary for Financial Services and the Treasury
(Attn.: Ms Shirley LAM, File Ref: (16) in C2/1/57(03) Pt.9)