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IMM/QA 2/65

入境事務處處長
Director of Immigration

Yr Ref. : : CB(3)/PAC/R39

14 December 2002

Clerk, Public Accounts Committee
(Attn. : Miss Sandy Chu)
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss Chu,

**The Director of Audit's Report on the
results of value for money audits (Report No. 39)**

**Chapter 2 : The Custom and Excise Department's efforts
to protect government revenue from dutiable commodities**


Thank you for your letter of 10 December 2002.

I enclose for the reference of the Public Accounts Committee the proposed mechanism for verification of the departure time of travellers by the Customs and Excise Department. A Chinese translation is also attached.

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Comments from the Privacy Commissioner for Personal Data and the ICAC on the proposed mechanism are being sought. It is understood that the Customs & Excise Department will provide the Committee with the detailed operation guidelines once the mechanism is confirmed.

Yours sincerely,



T K Lai
Director of Immigration

Encls.

cc Secretary for Financial Services and the Treasury
 Commissioner of Customs and Excise
 Director of Audit

**Proposed Mechanism for Verification
of the Departure Time of Travellers
by Customs and Excise Department (C&ED)**

Introduction

The following paragraphs outline the proposed mechanism for facilitating C&ED to verify a traveller's duration of absence from Hong Kong for the purpose of assessing his eligibility for duty-free concession under the Dutiable Commodities (Exempted Quantities) Notice made under the Dutiable Commodities Ordinance, Chapter 109.

The Proposal

2. C&ED proposes to install three computer workstations at their offices at Lowu, Lok Ma Chau and the Hong Kong-Macau Ferry Terminal. The workstations shall enable C&ED to seek confirmation from Immigration Department (ImmD) through electronic means on the duration of absence of a particular traveller.

The Arrangement

Physical Security

3. The computer workstations will be installed inside the office of the Duty Customs Inspector. The Duty Inspector shall be responsible for the operation of, and for the control of physical access to, the computer workstations during his tour of duty.

Access Control

4. The ImmD operates an information system called Immigration Control Automation System (ICAS) to support the operations of the control points. This system maintains a database of traveller movement records. Enquiry to confirm a traveller's duration of absence from Hong Kong by C&ED officers can be

made by access to the ICAS database. There will be two layers of access control:

(a) ***Location Control***

To start up the system, an authorized officer of the C&ED of the rank of Inspector or above (hereafter referred to as the authorized officer) will have to input a Location Identifier (Loc ID) and Location Password unique to each of the three control points as assigned by ICAS Control Section of ImmD.

(b) ***Enquiry Control***

An authorized officer will have to input his personal identifier (User ID) and User Password to conduct the enquiry. All officers concerned will be reminded to change their User Password periodically.

Functionality of the System

5. (a) The computer workstations shall have no linkage to the ICAS database other than for the verification purpose mentioned in paragraph 1 above.
- (b) The system⁸ will not allow any enquiry to be made on personal data of any kind and there shall be no release of personal data either.
- (c) Before making each enquiry on the computer workstation, the authorized officer will be prompted by a warning message as follows:

“

WARNING

You are requesting for confirmation of a person's duration of absence from Hong Kong. To confirm that your request is made for the enforcement of duty free concession and in compliance with the exemption of the Personal Data (Privacy) Ordinance, Cap. 486, Laws of Hong Kong, please enter your Password to proceed.”

The authorized officer will then be required to acknowledge the warning message by entering his User Password before he can proceed to enter the identity card number of the traveller.

- (d) After checking the traveller's departure time, the system will display "Yes" or "No" on the screen of the computer workstation to indicate whether or not the traveller has left Hong Kong for over 24 hours.
- (e) Audit trail reports recording the enquiries performed at the workstations of the three control points during the day will be produced by the system in the early morning of the following day for reconciliation purpose. The audit trail report will show the User ID of the officer who has made an enquiry, the workstation number, the identity card number of the traveller checked, the date, time and result of the enquiry.

Monitoring and Auditing Control

C&ED

6. The authorized officer shall enter each and every enquiry conducted into a Record Check Register which records the officer's particulars and the identity card number of the travellers being checked.

7. The Senior Inspector of C&ED of respective control point shall conduct daily check on the Record Check Register against the audit trail report (paragraph 5(e)) to ensure that all enquiries are performed by authorized officers. Any irregularities shall immediately be brought to the notice of the officer-in-charge of the control point concerned and the ICAS Control Section of ImmD.

8. The officer-in-charge of the relevant control point (i.e. an Assistant Superintendent of C&ED) shall have the overall

responsibility for the operation, security and safekeeping of the computer workstations. He will be responsible for authorizing officers to conduct the enquiries and notifying the ICAS Control Section of ImmD such authorization is made. He shall conduct the spot check of the Record Check Register & send a certified true copy of the entries for the preceding seven days to the ICAS Control Section on every Monday for vetting purpose.

ImmD

9. The ICAS Control Section of the ImmD is responsible for the operation and overall security of the Immigration Control Automation System and will ensure that it is operated strictly within the confines of the law and data privacy protection principles.

10. The ICAS Control Section of ImmD will conduct on-site checks to ensure that the computer workstations at the control points are kept in good working order and that no unauthorized software or connections are installed that would affect the smooth operation of the workstations or pose a threat to the security of the system.

NOTE:

THE ABOVE IS A TENTATIVE PROPOSAL BY THE C&ED WHICH IS ALSO NOW IN THE PROCESS OF CONSULTING THE PRIVACY COMMISSIONER FOR PERSONAL DATA AND THE ICAC.