

## **Legislative Council Panel on Home Affairs**

### **Proposed Approval Procedure for Overseas Duty Visits of the Privacy Commissioner for Personal Data and the Chairperson of the Equal Opportunities Commission**

#### **Purpose**

This paper informs Members of the Administration's proposal to ask the Privacy Commissioner for Personal Data (PC) and the Chairperson of the Equal Opportunities Commission (C/EOC) to seek prior approval of the Secretary for Home Affairs (SHA) before embarking on overseas duty visits.

#### **Background**

2. In order to ensure that public funds are used properly in relation to overseas duty visits of the PC and the C/EOC, the Home Affairs Bureau (HAB) has proposed the following measures -

- (a) to issue a Code of Conduct to the PC and the C/EOC to promote higher standards of corporate governance and to uphold the highest standards of conduct for the PC and the C/EOC including a section on overseas duty visits (a draft Code of Conduct has been issued to the PC and the C/EOC for comments);
- (b) to ask the PC and the C/EOC to seek the approval of the SHA (the Principal Official responsible for the Office of the Privacy Commissioner (PCO) and the Equal Opportunities Commission (EOC) under the accountability system) before embarking on any overseas duty visit; and
- (c) to amend the Memorandum of Administrative Arrangements (MAA) between the Government and the PCO and the MAA between the Government and the EOC to set out the proposed approval procedure (draft

MAAs have been issued to the PCO and the EOC for comments).

3. We have been discussing with the PC and the C/EOC regarding the above proposal and are still waiting for their formal replies.

### **Proposed Arrangements**

4. To set out clearly the criteria for approving overseas duty visits, we have proposed to the PC and the C/EOC that the SHA would approve their proposed visits if and when they have -

- (a) provided information on the purpose, destination and duration of the proposed visit;
- (b) confirmed that the budget earmarked for overseas duty visits by the PCO or the EOC is sufficient to cover the expenses to be incurred for the proposed visit;
- (c) confirmed that the purpose of the proposed visit comply with the statutory duties of the PCO or the EOC; and
- (d) confirmed that the day-to-day operation of the PCO or the EOC would not be affected by the proposed visit.

### **Calls for Proper Monitoring**

5. The proposed approval procedure has been drawn up in response to public concern. There have been calls for the Government to put in place a proper monitoring mechanism for overseas duty visits of statutory bodies to ensure the proper use of public funds and accountability.

6. We have no intention of interfering with the work of the PCO and the EOC. The purpose of the proposed approval procedure is to ensure that public funds are used responsibly and properly. As the procedure for approval is relatively simple and there are clear criteria for approving overseas duty visits, we do not think the independence of the PCO and the EOC would be undermined in any way.

7. The Administration is of the view that it would be difficult to effectively monitor the use of public funds for overseas duty visits without a prior approval system.

**Views Sought**

8. Members are welcomed to comment on the above proposal.

**Home Affairs Bureau**

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