



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

本局檔號 Our Ref : FH/CR 1/2576/18
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Clerk to Bills Committee
(Attn: Ms. Josephine So)
Council Business Division 2
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

21 November 2018

Dear Ms So,

**Bills Committee on
Conservation of Antarctic Marine Living Resources Bill**

**List of follow-up actions arising from the discussion
at the meeting on 6 November 2018**

Thank you for your letter dated 8 November 2018. The supplementary information requested by Members of the Bills Committee is at Annex. We propose that the Second Reading on the Bill be resumed at the Council meeting on 23 January 2019.

Yours sincerely,

(Ben GURUNG)
for Secretary for Food and Health

cc
Director of Agriculture, Fisheries and Conservation

(Attn: Mr Mickey LAI; Fax: 2311 3731)

**Bills Committee on
Conservation of Antarctic Marine Living Resources Bill**

**Supplementary information requested by Members
at the meeting on 6 November 2018**

Exchange of Information

- (a) The relevant requirements relating to information exchange are set out in three Conservation Measures (“CMs”) under the Convention on the Conservation of Antarctic Marine Living Resources (“CCAMLR”) as follows –
- (i) paragraph 8 of CM10-03 (2015) states that Contracting Parties (“CPs”) shall provide the CCAMLR Secretariat with a report on the outcome of each port inspection conducted;
 - (ii) paragraph 11 of CM10-05 (2017) requires all catch, export or re-export documents and other data required under the Catch Documentation Scheme for toothfish shall be made available to the Secretariat and members who have had a role in the completion of such documents; and
 - (iii) paragraph 2 of CM10-08 (2017) requires the exchange of information regarding vessel identification, ownership including beneficial ownership, crew and catch, as well as information regarding relevant domestic legislation and the results of actions taken with regard to the implementation of CM10-08.

Information exchanged for such purposes will include among others those set out in CCAMLR prescribed forms, such as names and contact details of vessels owners, vessel operators and importers/exporters of toothfish. The provision of such information may cover personal data of individuals that are relevant to the implementation of CCAMLR only.

- (b) The Office of the Privacy Commissioner of Personal Data has been consulted regarding the power to exchange information for the

implementation of CCAMLR, and has advised that any use of personal data is subject to the requirements under Data Protection Principle (“DPP”) 3 of the Personal Data (Privacy) Ordinance (Cap. 486) (“PDPO”). According to DPP 3, personal data shall not, without the prescribed consent of the data subject, be used for a new purpose. The Director of Agriculture, Fisheries and Conservation (“DAFC”) is therefore required to ensure that the purpose of transfer of information is the same as or directly related to the original purpose of data collection. When exchanging information with the CCAMLR Secretariat and other competent authorities, DAFC will ensure the compliance with DPPs and provisions under PDPO by among others clearly setting out the data collection purpose and usage in the documents from which personal data will be collected.

In the event that the exchange of information amounts to a new purpose and the prescribed consent of the data subject is not obtained, DAFC will consider whether section 60B(a) of PDPO, which stipulates that personal data is exempt from the provisions of DPP 3 if the use of the data is, among others, required or authorized by or under any enactment, may be relied on depending on the facts and circumstances of individual cases.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
November 2018**