

立法會
Legislative Council

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Tel : 3919 3300

Date : 2 May 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 15 May 2019

Motion on
“Keeping up with technological development and
enhancing the protection of people’s privacy”

Dr Hon Priscilla LEUNG has given notice to move the attached motion at the above meeting. The President has directed that the motion be printed in the terms in which it was handed in on the Agenda of the Council.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on
“Keeping up with technological development and
enhancing the protection of people’s privacy”
to be moved by Dr Hon Priscilla LEUNG**

Wording of the Motion

That serious incidents relating to large-scale leakage of personal privacy and data have occurred many times in Hong Kong, for example the uncovering of the resale of the data of 2.4 million customers by the Octopus Card Limited to other companies for marketing use in 2009, the Registration and Electoral Office’s loss of a notebook computer containing the personal data of 3.78 million Geographical Constituencies electors across the territory in 2017, and the leakage of the personal data of 9.4 million passengers by the Cathay Pacific Airways in 2018; the Personal Data (Privacy) Ordinance came into force in 1996 and the Government only amended the Ordinance once in 2012, and given that the rapid technological development of the Internet, social media, big data, artificial intelligence, etc. has created privacy risks and that the General Data Protection Regulation (‘GDPR’) of the European Union (‘EU’) has come into force, the Personal Data (Privacy) Ordinance has appeared to be even more lagging behind and its personal data privacy protection is apparently inadequate; in this connection, this Council urges the Government to keep up with technological development and comprehensively review the policy on personal data privacy protection, so as to enhance the protection of people’s privacy; the relevant proposals include:

- (1) by drawing reference from EU’s GDPR and the relevant laws of other jurisdictions, amending the Personal Data (Privacy) Ordinance expeditiously and comprehensively, including requiring data users to notify the Privacy Commissioner for Personal Data (‘PCPD’) and data subjects of any data leakage incidents within a specified timeframe and raising the penalty to enhance the deterrent effect;
- (2) conferring on PCPD the power to exercise administrative penalties (such as fines);
- (3) requiring all government departments and public and private organizations to review their policies on processing personal data and security precautions, so as to avoid the recurrence of infringement of people’s personal data privacy; and

- (4) enhancing public promotion to raise the understanding and awareness of the people as well as of public and private organizations on protecting and respecting personal data privacy.