

立法會
Legislative Council

(issued by email only)
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Tel : 3919 3300
Date : 27 September 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 29 September 2021

**Debate and voting arrangements for
the Personal Data (Privacy) (Amendment) Bill 2021**

Further to LC Paper No. CB(3) 984/20-21 issued on 15 September 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

**Personal Data (Privacy) (Amendment) Bill 2021
Debate and voting arrangements**

- Object of the Bill :** To amend the Personal Data (Privacy) Ordinance (Cap. 486) to:
- (a) amend and create offences for disclosing personal data without consent;
 - (b) confer on the Privacy Commissioner for Personal Data (“the Commissioner”) investigative and enforcement powers for those offences and related matters, including powers to require provision of materials and assistance, to enter and search premises, to access and search electronic devices, to stop, search and arrest persons, to serve cessation notices and to apply for injunctions;
 - (c) enable the Commissioner to prosecute certain offences in the Commissioner’s name; and
 - (d) provide for related matters and minor amendments.

Joint debate : Clauses with no amendment, and a clause — Clauses 1 to 14 with amendments proposed by the Secretary for Constitutional and Mainland Affairs (“SCMA”)

Joint debate on the original clauses and the amendments.

SCMA’s amendments

A proposed defence to the offence for contravening a cessation notice

Clause 10

- To delete the defence under the proposed section 66O(2)(b)(iv) (i.e. it is a defence for a person charged with an offence for contravening a cessation notice to establish that as there was a risk of incurring a civil liability, it was not reasonable to expect the person to comply with such notice) as it is too wide in scope and hence undermining the Commissioner’s power to issue, and capability to enforce, the cessation notice, and instead add a proposed new section 66OA to provide for an immunity provision to protect the recipient of a cessation notice from potential civil liability arising from compliance with such notice; and to make corresponding amendments.

Voting order :

1. Clauses with no amendment (i.e. clauses 1 to 9 and 11 to 14) standing part of the Bill
2. SCMA’s amendments (involving clause 10)
3. Clause 10 with amendments or without amendment standing part of the Bill

SCMA’s amendments

(set out in LC Paper No. CB(3)984/20-21 issued on 15 September 2021)