

By email: pid@legco.gov.hk

12 July 2021

Chairman and other Members of the Legislative Council
c/o Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong

Dear Sirs,

Real Name Registration Programme for SIM cards

With reference to the Regulations currently under your scrutiny, we take the liberty of enclosing our views sent to the Administration based on its public consultation document. We think the Administration has yet to provide responses on some of the points we raised.

Thank you for your attention.

Yours faithfully,


Keith Brandt
Secretary

Enc.

By Email: rebecca.pun@itc.gov.hk

16 April 2021

Ms Rebecca Pun
Commissioner for Innovation and Technology
21/F., West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar,
Hong Kong

Dear Ms Pun,

Real Name Registration Programme for SIM Cards

We refer to the consultation paper on the above subject.

2. The primary purpose of the proposal is apparently to reduce crime with the use of PPS cards (prepaid SIM cards). It may be said that the PPS card is a tool and it can be abused like others.
3. On the other hand, the undesirable effect of the proposal should be studied. Hong Kong has been known to be a free economy. One of the contributing factors to this is the freedom of information which enables businesses to have access to information not available or at the same speed in other localities, to be flexible in operation in response to the business environment, and to be ahead of competitors. In terms of governance, freedom of expression enables transparency and allows whistle blowing. Therefore, a free public media online or offline is very important to decision making. The proposal should not damage this core asset of Hong Kong.
4. The proposal will have implications to the protection of privacy. As an example, what steps will be taken to ensure PPS card retailers, such as hawkers or street-side vendors observe privacy requirements? The Commissioner for Privacy should have a view on this.

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5. The consultation paper states that there are 11.7m PPS cards, and gives the figures of crimes committed with PPS cards in 2020. Comparatively speaking, the number of crimes is far below the number of PPS cards. This may suggest there is over-anxiety in controlling / monitoring a common communication tool at the expense of other issues deserving consideration. A case has to be established to demonstrate that real name registration of PPS cards will bring down the crime rate.
6. The proposal aims to regulate local PPS cards, but is silent on how cards purchased overseas where there is no real name registration or calls from overseas will be regulated. It will be useful to know similarly the number of crimes committed through these.
7. The paper says that corporates should possess no more than 3 PPS cards. We should think this limitation is not necessary as an enterprise will not purchase more cards than business requires.
8. Paragraph 3.14 of the paper sets out the circumstances law enforcement agencies may obtain information of SIM card holders (ie, both PPS and SSPs (SIM service plans) where a warrant by a magistrate will not be required. It is necessary to state those circumstances in law. Moreover, authorization for such action should be given at a ranking equivalent to assistant director of a government department, as there are rankings / titles like superintendent, senior superintendent or chief superintendent in different settings.
9. We ask that the Administration give further thought before proceeding with the proposal.

Yours faithfully,


Keith Brandt
Secretary

Cc: SIM@cedb.gov.hk

國際商會 - 香港區會

