

Director of Immigration (Attn.: Immigration Records Section)
Director of Housing (Attn.: Legal Advice Division)
Commissioner for Transport (Attn.: Vehicle Inspection and Records
Section, Licensing Division)

Dear Sir,

We are acting on behalf of Ms. A (Hong Kong Identity Card No) in CMC No. _____ of _____ to enforce a maintenance order. For the purpose of such action, we are writing to request you to check your records and provide us with the last known address of the following person:

Name: (English) B
(Chinese)

Sex: Date of birth or age:

Identity card No.

Previous address:

Ms. A was married to Mr. B. As a result of separation/divorce, the court ordered him to pay maintenance. A copy of the relevant maintenance order is enclosed herewith.

He has not paid maintenance as specified in the maintenance order. Ms. A intends to institute legal proceedings to enforce the maintenance order. Extensive efforts to locate him have failed. Therefore, legal proceedings cannot be instituted at this stage.

Will you please check your records and advise us of the address listed for Mr. B. We are claiming exemption from the provisions of data protection principle 3 pursuant to Section 58(2) of the Personal Data (Privacy) Ordinance, namely that the use of the data is for the prevention, preclusion or remedying (including punishment) of unlawful or seriously improper conduct or dishonesty by the abovenamed and the application of data principle 3 in relation to such use would be likely to prejudice any of the matters referred to in Section 58(1) of the Ordinance.

We refer to the judgement of Deputy Judge Saunders in the case of Man Hok Pui and Man Leung Yuk Sin in D.J. Suit No. 1425 of 1988. The court therein held at page 10 of the said judgement that "I accordingly find that where a person is in breach of a Court order and another person, being entitled to the benefit of that order, wishes to enforce the order, then, by virtue of the provisions of s58(2) of the Data Privacy Ordinance, a data user is exempt from the provisions of data protection principle 3 and may supply the information upon appropriate request".

We are also relying on Hon. Mr. Justice Suffiad's judgment in Personal Inquiries List No. 828 of 1997. In regard to the expression "the remedying of unlawful conduct" in section 58(1)(d), he explained, on page 8 of the judgment, that "the most natural meaning that can be given to the word 'unlawful' is that it normally describes something which is contrary to some law or enactment or is done without lawful justification or excuse". The enforcement of a maintenance order amounts to the remedying of an unlawful conduct.

We will not use the information provided by you for any purpose other than enforcing the mentioned maintenance order. (For request address to Commissioner for Transport) We undertake to pay you the fee of \$140 for providing the requested information.

Yours faithfully,

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