

立法會
Legislative Council

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(These minutes have been seen by
the Administration)

**Bills Committee on
Registration of Persons (Amendment) Bill 2001**

**Minutes of meeting
held on Tuesday, 21 January 2003 at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Margaret NG
Hon James TO Kun-sun
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SIN Chung-kai
Hon Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Public Officers attending : Mr Michael WONG
Deputy Secretary
Security Bureau

Mr Alan CHU
Principal Assistant Secretary
Security Bureau

Ms Anne TENG
Assistant Secretary
Security Bureau

Mr Michael STONE
E-government Coordinator
Commerce, Industry and Technology Bureau

Ms Joyce TAM
Principal Assistant Secretary
Commerce, Industry and Technology Bureau

Miss Sabrina LAW
Assistant Secretary
Commerce, Industry and Technology Bureau

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Mr WONG Tat-po
Deputy Director
Immigration Department

Mr Raymond WONG Wai-man
Assistant Director
Immigration Department

Mr TSOI Hon-kuen
Assistant Director
Immigration Department

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2) 1

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Raymond LAM
Senior Assistant Secretary (2) 5

I. Meeting with the Administration

The Bills Committee continued to examine the Bill clause-by-clause (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration -

Clause 12

- (a) To consider amending the existing Regulation 11(2) to remove the Commissioner of Police's power to authorise persons to inspect identity cards, or to consider setting out the classes of authorised persons in the Regulation and upgrading the approving authority from "Commissioner of Police" to "the Chief Executive";
- (b) To provide members with copies of all the orders issued under Regulation 11(1);
- (c) To confirm whether there was other legislation, besides section 17C of the Immigration Ordinance, that empowered law enforcement officers to require any person to produce his identity card on demand for inspection;

Clause 15

- (d) To consider the need for the expression "in his possession" in the proposed Regulation 18(1)(b) and to consider revising the Regulation having regard to the fact that some people (e.g. those who were blind) might not be able to see/read the information stored inside the chips of their smart identity cards;

Clause 16

- (e) To consider the need for the proposed Regulation 21(1), in particular, proposed Regulation 21(1)(c) and (d) and the impact of Regulation 21 on third parties;

Clause 19

- (f) To consider whether the savings and transitional provisions in the proposed Regulation 27 should be enacted through amendment of existing provisions; and
- (g) To explain whether the invalidation of an identity card would affect a person's right of abode (ROA), including the acquiring, exercising or proof of ROA, and whether it would affect his right to medical, health, education and welfare services and, in the case of retired civil servants, pension, or any other of his rights.

3. The Administration undertook -

Clause 13

- (a) To amend the proposed Regulation 11A to the effect that -
 - (i) The scanning of a person's thumb-print or other fingerprint would be performed only where the law enforcement officer concerned had reasonable suspicion about the identity of the cardholder;

- (ii) "authorized person" be deleted from the categories of persons to be empowered to verify identity by fingerprint matching;
- (b) To provide in subsidiary legislation the type of smart card readers to be used for fingerprint verification and that the fingerprint data collected with smart card readers would not be permanently stored;

Clause 14

- (c) To amend the proposed Regulation 12(1A) to criminalise unauthorised access to data stored in the chip of a smart identity card;

Clause 17

- (d) To delete the expression "in his absolute discretion" from the proposed Regulation 23 and amend the term "record" as "copy";
- (e) To move the provisions in the proposed Regulation 23 to the principal ordinance; and

Others

- (f) To provide the draft CSAs to the Bill.

II. Dates of subsequent meetings

- 4. Members agreed that further meetings be scheduled for Tuesday, 11 February 2003 at 2:30 pm and Tuesday, 18 February 2003 at 8:30 am to continue discussion with the Administration.
- 5. The meeting ended at 6:30 pm.

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Tuesday, 21 January 2003 at 4:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000134	Chairman	Opening remarks	
000135 - 000230	Hon Margaret NG	Stapling of marked-up copies of relevant Ordinances	
000231 - 000503	Chairman Admin	Briefing on clause 12 of the Bill	
000504 - 000754	Admin Chairman	Briefing on clause 13 of the Bill and amendments to be proposed by the Administration to the proposed Regulation 11A	
000755 - 001220	Hon James TO Chairman Admin	Taking of fingerprints under Regulation 11	
001221 - 001454	Hon Margaret NG Admin	Amendments to be proposed by the Administration to Regulation 11A	
001455 - 001948	Hon Margaret NG Chairman Admin	Legislation empowering law enforcement officers to require any person to produce his identity card on demand for inspection	Admin to confirm whether there was other legislation, besides section 17C of the Immigration Ordinance, that empowered law enforcement officers to require any person to produce his identity card on demand for inspection
001949 - 002806	Hon James TO Chairman Admin	Authorisation of persons to require any person to produce his identity card for inspection	Admin to consider amending the existing Regulation 11(2) to remove the Commissioner of Police's power to authorise persons to inspect identity cards or to consider setting out the classes of authorised persons in the Regulation
002807 - 002927	Hon LAU Kong-wah Chairman Admin	Amendments to be proposed by the Administration to Regulation 11A	

002928 - 003033	Hon Howard YOUNG Admin	Whether Regulation 11(1) referred to persons who possessed identity cards	
003034 - 003313	Hon Margaret NG Chairman Admin	Orders issued under Regulation 11(1)	Admin to provide members with copies of all the orders issued under Regulation 11(1)
003314 - 003704	Hon James TO Chairman Admin	Whether the Commissioner of Police or the Chief Executive should be empowered to authorise persons	Admin to consider upgrading the approving authority from "Commissioner of Police" in Regulation 11(2) to "the Chief Executive"
003705 - 005209	Hon James TO Chairman Hon Margaret NG Admin	Whether section 17C of the Immigration Ordinance should be amended to the effect that a person would be demanded to produce his identity card for inspection only where there was reasonable suspicion about his identity	
005210 - 005428	Admin Chairman	Briefing on clause 14 of the Bill and amendments to be proposed by the Administration to the proposed Regulation 12(1A)	
005429 - 005739	Hon Howard YOUNG Chairman Admin	Whether a person would be prosecuted for laminating his identity card and validity of such a laminated card	
005740 - 005855	Admin Chairman	Briefing on clause 15 of the Bill	
005856 - 005954	Admin Chairman	Briefing on clause 16 of the Bill	
005955 - 010447	Hon James TO Admin	Revising the proposed Regulation 18(1)(b) having regard to the fact that some people (e.g. those who were blind) might not be able to see/read the information stored inside the chips of their smart identity cards	Admin to consider revising the proposed Regulation
010448 - 010617	SALA2 Admin	Need for the expression "in his possession" in the proposed Regulation 18(1)(b)	Admin to consider the need for the expression "in his possession" in the proposed Regulation 18(1)(b)

010618 – 010807	Hon James TO Chairman Admin	Effect of clause 16	
010808 – 011255	Hon LAU Kong- wah Hon James TO Admin	Setting out the standard of proof in the proposed Regulation 21(1)	
011256 – 011445	Hon James TO Admin	Effect of the proposed Regulation 21(1) on the rights of third parties	
011446 – 011711	SALA2 Admin	Need for the proposed Regulation 21(1)(c) and (d); need for the whole of the proposed Regulation 21(1)	Admin to consider the need for the proposed Regulation 21(1), in particular Regulation 21(1)(c) and (d) and the impact of Regulation 21 on third parties
011671 – 011838	Admin	Briefing on clause 17 of the Bill and the amendments to be proposed by the Administration to the proposed Regulation 23	
011839 – 011906	Admin	Briefing on clause 18 of the Bill	
011907 – 011959	Admin	Briefing on clause 19 of the Bill	
012000 – 012724	Hon James TO Admin	Situations where an identity card would become invalid and where it was unlawful to possess an invalid identity	
012725 – 013000	SALA2 Admin Chairman Hon James TO	Whether the savings and transitional provisions in the proposed Regulation 27 should be enacted through amendment of existing provisions	Admin to consider whether the savings and transitional provisions in the proposed Regulation 27 should be enacted through amendment of existing provisions
013001 – 015238	Hon James TO Chairman SALA2 Admin	Whether the invalidation of an identity card would affect a person's right of abode (ROA), including the acquiring, exercising or proof of ROA, and whether it would affect his right to medical, health, education and welfare services and, in the case of retired civil servants, pension, or any other of his rights	Admin to explain whether the invalidation of an identity card would affect a person's ROA, including the acquiring, exercising or proof of ROA, and whether it would affect his right to medical, health, education and welfare services and, in the case of retired civil servants, pension, or any other of his rights

015239 – 015531	Hon LAU Kong-wah Chairman Admin	Proposed amendment to Regulation 23 and whether the thumb-print or index finger-print of a person should be used in the verification of fingerprint with smart card readers	
015531 – 015722	Chairman Admin	Dates of subsequent meetings and provision of the draft Committee Stage Amendments by the Administration	Admin to provide the draft Committee Stage amendments to the Bill

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
19 February 2003