

立法會
Legislative Council

Ref : CB2/BC/6/01

LC Paper No. CB(2) 1468/02-03
(These minutes have been seen by
the Administration)

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

**Minutes of meeting
held on Tuesday, 18 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon Emily LAU Wai-hing, JP
Hon Henry WU King-cheong, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Margaret NG
Hon SIN Chung-kai
Hon LEUNG Fu-wah, MH, 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 deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to provide a written response on the following -

- (a) whether a definition of "register of persons" should be provided in the Registration of Persons Ordinance (ROPO);
- (b) whether the expression "place or area of usual residence" in section 7C of ROPO should be deleted;
- (c) whether the expression "any record kept by the Commissioner on particulars furnished to a registration officer" in the proposed new section 11 of ROPO should be clarified to exclude the information visible on the card face of an identity card or to provide that the disclosure of information visible on the card face of an identity card should not constitute an offence; and
- (d) how the Chief Secretary for Administration decided to delegate his authority under the proposed section 10 of ROPO to a Principal Assistant Secretary for Security, whether such an arrangement would be reviewed and whether there could be further delegation.

3. The Administration undertook -

- (a) to provide a written response to the issues raised in the letter dated 17 February 2003 from the legal adviser to the Bills Committee to the Administration, particularly those in paragraph (a) of the letter;
- (b) to brief the relevant Panels of the Legislative Council before introducing subsidiary legislation providing for the incorporation of new non-immigration related applications in the chip of a smart identity card; and
- (c) to launch publicity programmes through overseas Economic and Trade Offices to notify overseas Hong Kong Special Administrative Region (HKSAR) permanent residents of the identity card replacement exercise and the requirement to apply for a new card within 30 days of their return to Hong Kong.

4. Regarding section 7B(4) of ROPO, the Administration informed members that a HKSAR permanent resident living overseas who did not apply for a new identity card during his return to Hong Kong would not be liable to an offence under the proposed section, if his period of stay in Hong Kong was less than 30 days.

5. The Bills Committee agreed that the Administration's demonstration on the prototype of the Smart Identity Card System would be held on Saturday, 8 March 2003 from 9:00 am to 11:00 am.

II. Date of next meeting

6. The Bills Committee noted that the next meeting had been scheduled for Friday, 21 February 2003 from 8:30 am to 12:30 pm to continue discussion with the Administration.

7. The meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
13 March 2003

Annex

**Proceedings of the meeting of the
Bills Committee on Registration of Persons (Amendment) Bill 2001
on Tuesday, 18 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000001 - 000703	Chairman Hon Emily LAU Hon Audrey EU Admin	Arrangements for demonstration on the prototype of the Smart Identity Card System	
000704 - 000911	Chairman Admin	Briefing on the proposed amendments in page 4 of LC Paper No. CB(2)1124/02-03(01)	
000912 - 001103	SALA2 Admin	Need for adding a reference to the "fee prescribed for the purposes of section 9A" in section 7(2)(p) of the Registration of Persons Ordinance (ROPO)	
001104 - 002446	Hon Audrey EU Chairman Hon Emily LAU SALA2 Admin	Providing in the principal legislation the principle that the inclusion of non-immigration related information in the chip of an identity card would require the consent of the cardholder; briefing the relevant Panels of the Legislative Council before introducing subsidiary legislation providing for the incorporation of new non-immigration related applications in the chip of a smart identity card	
002447 - 003044	Hon James TO Admin	Why the incorporation of non-immigration related applications in the chip of a smart identity card was provided for in subsidiary legislation of ROPO; subsidiary legislation to be made under section 7(2) of ROPO in the coming two years	
003045 - 003223	SALA2 Admin	Providing for the incorporation of non-immigration related applications in the chip of a smart identity card in ROPO	
003224 - 003237	Chairman	Proposed amendments in page 5 of LC Paper No. CB(2)1124/02-03(01)	
003238 - 003731	Hon James TO Admin	Need for the expression "place or area of usual residence" in section 7C(2) of ROPO	Admin to consider whether the expression should be deleted
003732 - 004042	Hon Emily LAU Chairman Admin	Dates for the commencement of the enacted legislation and the identity card replacement exercise	

004043 - 004220	Hon James TO Admin	Entry into Hong Kong with an identity card declared invalid	
004221 - 004413	Hon James TO Admin Chairman	Whether the invalidation of an identity card would affect the rights of a person	
004414 - 005405	Hon James TO Chairman SALA2 Hon Emily LAU Admin	Possibility of renewing identity cards outside Hong Kong; whether a Hong Kong Special Administrative Region permanent resident living overseas who did not apply for a new identity card during his return to Hong Kong would be liable to an offence under the proposed section, if his period of stay in Hong Kong was less than 30 days	
005406 - 005652	Chairman Admin	Briefing on the proposed amendments in page 6 of LC Paper No. CB(2)1124/02-03(01)	
005653 - 011926	SALA2 Hon Mrs Selina CHOW Admin	Differences and relationship between "records kept by the Commissioner on particulars furnished to a registration officer under this Ordinance", "a register of persons" and "particulars furnished under regulation 4(1)(b)" in the proposed sections 9, 10 and 11 of ROPO	Admin to consider whether a definition of "register of persons" should be provided in ROPO
011927 - 012912	Hon Miriam LAU Hon James TO Hon Mrs Selina CHOW Hon Emily LAU SALA2 Admin	Whether the expression "any record kept by the Commissioner on particulars furnished to a registration officer" in the proposed new section 11 of ROPO should be clarified to exclude the information visible on the card face of an identity card or to provide that the disclosure of information visible on the card face of an identity card should not constitute an offence	Admin to consider clarifying the expression to exclude the information visible on the card face of an identity card or providing that the disclosure of information visible on the card face of an identity card should not constitute an offence
012913 - 013154	SALA2 Admin	Persons intended to be referred to in a written permission of the Chief Secretary for Administration (CS) under the proposed section 10 of ROPO	
013155 - 020646	Hon James TO Hon Emily LAU Hon Audrey EU Hon Miriam LAU Hon Mrs Selina CHOW Hon Howard YOUNG Chairman SALA2 Admin	How CS decided to delegate his authority under the proposed section 10 of ROPO to a Principal Assistant Secretary for Security, whether such an arrangement would be reviewed and whether there could be further delegation	Admin to provide a response

020647 - 020700	Chairman	Date of next meeting	
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Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
13 March 2003