

REGISTRATION OF PERSONS (AMENDMENT) BILL 2001

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Security

- | <u>Clause</u> | <u>Amendment Proposed</u>                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2(a)          | By deleting "香港境內的人的" and substituting "其".                                                                                                                                                                                                                                                                                                                                               |
| 3(b)          | By adding after the proposed definition of "fingerprint" -<br>"member of the Immigration Service" (入境事務隊成員) means<br>the holder of a rank specified in Schedule 1 to<br>the Immigration Service Ordinance (Cap. 331);".                                                                                                                                                                   |
| 4(a)          | (a) By adding -<br>(va) in paragraph (n), by adding "(whether in<br>tangible or digital form)" after "records";<br>(vb) in paragraph (p), by adding "(including fee<br>prescribed for the purposes of section 9A)"<br>before the fullstop;".<br>(b) In subparagraph (vi), by adding ", viewing of<br>information reproduced from data stored in chips<br>in identity cards" before "and". |
| 7             | (a) In the proposed section 9, by adding "records kept by<br>the Commissioner on" before "particulars".                                                                                                                                                                                                                                                                                   |

- (b) In the proposed section 9(b), by deleting "identification of individuals; or" and substituting "verification of identity of individuals by public officers in discharge of their official duties;".
- (c) In the proposed section 9, by adding -
  - "(ba) enabling verification of identity of individuals for any other lawful purposes; or".
- (d) In the proposed section 9(c), by deleting "other".
- (e) by adding after the proposed section 9 -

**"9A. Power to certify and furnish certified copies**

A registration officer may, upon receipt of the written and signed request from the person to whom an identity card relates (accompanied, if such person is living outside Hong Kong, with a copy of his photograph and a copy of his left or right thumb-print or such other fingerprint as the registration officer may require, both properly authenticated by a notary public) and payment of the fee prescribed in Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg.) -

- (a) certify to the correctness or otherwise of such matters relating to such person contained in the written request which are within his knowledge; and

- (b) furnish a certified copy of the photograph of such person or relevant document in his custody."
- (f) In the proposed section 10 -
  - (i) by deleting "the provisions of regulation 23 of the Registration of Persons Regulations (Cap. 177 sub. leg.)" and substituting "section 9A";
  - (ii) by deleting "which may -" and substituting "which -".
- (g) In the proposed section 10(c) -
  - (i) by adding "may" before "refer";
  - (ii) by deleting "and".
- (h) In the proposed section 10(d) -
  - (i) by adding "may" before "contain";
  - (ii) by deleting the fullstop and substituting "; and".
- (i) In the proposed section 10, by adding -
  - "(e) must state the reason for giving such permission."
- (j) In the proposed section 11, by deleting "or discloses, any" and substituting ", discloses, erases, cancels or alters any record kept by the Commissioner on".

8 By deleting everything after "adding -" and substituting -  
""portable smartcard reader" (便携式智能咭阅读器) means an  
instrument which -

- (a) can reproduce, from the data stored in the chip in an identity card, any information specified in Schedule 1 but not other information;
- (b) can scan a person's fingerprint for the purposes of matching with the template included in an identity card referred to in paragraph 1 of Schedule 1;
- (c) cannot keep record of any fingerprint so scanned; and
- (d) is of a type approved under regulation 11B;".".

10 In the proposed regulation 4A(1), by repealing everything after "by the Commissioner" and substituting -

"may, for the purposes referred to in column 1 of Schedule 5 and with the consent of the applicant for an identity card or the person to whom an identity card relates -

- (a) include in the identity card the information or particulars; or
- (b) store in the chip embodied in the identity card the data,

referred to in column 2 of Schedule 5."

13 By deleting the clause and substituting -

**"13. Regulations added**

The following is added -

**"11A. Power to verify identity by  
fingerprint match**

(1) If -

- (a) a person produces an identity card to a police officer or a member of the Immigration Service in compliance with a requirement made under any ordinance; and
- (b) the officer or member has reason to believe that the identity card is not issued under this Ordinance to the person,

the officer or member may, by using a portable smartcard reader -

- (c) view the information specified in Schedule 1 reproduced from the data stored in the chip in the identity card;
- (d) scan the person's thumb-print or other fingerprint; and
- (e) match the same with the template included in the identity card referred to in paragraph 1 of Schedule 1.

(2) Any person who, without reasonable excuse, fails to allow a police officer or a member of the Immigration Service to exercise the power conferred by subregulation (1) shall be guilty of

an offence and shall be liable to a fine at level 2.

**11B. Approval of portable smartcard reader**

The Commissioner may by notice in the Gazette approve types of instruments as portable smartcard reader for the purpose of regulation 11A."

- 14(a) In the proposed regulation 12(1A) -
  - (a) by adding "or reasonable excuse" after "authority";
  - (b) by adding -
    - "(aa) gains access to any data stored in a chip;".
  
- 17 By deleting everything after "is" and substituting "repealed."
  
- 19 By deleting everything after "amended" and substituting -
  - "by adding -
    - "(3) An identity card that is valid immediately prior to the commencement of the Registration of Persons (Amendment) Ordinance 2003 ( of 2003) shall remain so until it ceases to be valid in accordance with the Ordinance, and the regulations, as amended by the Registration of Person of Persons (Amendment) Ordinance 2003 ( of 2003).
    - (4) An identity card for which an application is made before the commencement of the Registration of

Persons (Amendment) Ordinance 2003 ( of 2003) may be issued as if that Ordinance had not been enacted and -

(a) may be collected by the applicant, or sent to him by the registration officer, within 70 days of its commencement; or

(b) if not so collected or delivered, may be destroyed, and the applicant shall thereupon be deemed not to have applied for the identity card."."

New By adding -

**"20A. Fees**

Schedule 2 is amended, in item 8, by repealing "regulation 23" and substituting "section 9A of the Ordinance"."

21 In the proposed Schedule 5, by deleting item 1 and substituting -

	"Column 1	Column 2
1.	Storage of a certificate defined in section 2(1) of the Electronic Transactions Ordinance (Cap. 553) issued by the Postmaster General and recognized under	A certificate so issued and recognized."

section 22 of that  
Ordinance.