

Information paper on
21 February 2003

**Bills Committee of the Legislative Council
Registration of Persons (Amendment) Bill 2001**

**Commencement Date, Specified Date and Dates for
Replacing and Invalidating Identity Cards**

INTRODUCTION

This paper explains to Members the relationship between the commencement date referred to in Clause 1 of the Registration of Persons (ROP) (Amendment) Bill (the “Bill”), the date to be specified by the Commissioner of Registration under Clause 3 of the Bill, the date for the identity card replacement exercise provided for under section 7B of the ROP Ordinance and the date for invalidating old identity cards provided for in section 7C of the ROP Ordinance.

RELATIONSHIP BETWEEN THE DATES

2. The four dates mentioned in paragraph 1 serve different purposes-

- (a) Clause 1(2) of the Bill sets out when and how the ROP (Amendment) Ordinance will come into operation. It proposes that the Secretary for Security (S for S) shall by notice published in the Gazette appoint such a commencement date (also see paragraph 5 below);
- (b) the “specified date”, in Clause 3 of the Bill, is the date on which the Smart Identity Card Computer System (the “System”) comes into operation. Such a date should not be earlier than the commencement date

mentioned in sub-para. 2(a) above. From the “specified date” onwards, all applications for new identity cards (e.g. by children reaching the age of 11, young people reaching the age of 18 and other new arrival residents eligible for applying for new identity cards) or replacement of lost, damaged or defaced identity cards will be processed under the new System. Therefore, the “specified date” is a cut-off date after which smart identity cards bearing a chip will be issued to registrants in respect of applications made on or after the “specified date”;

- (c) the commencement date for the identity card replacement exercise will be set out in an Order to be made by S for S under section 7B of the ROP Ordinance. Since the replacement exercise will take place in phases, Hong Kong residents will be invited by such an order to come forward (e.g. by age group) to have their old plastic identity cards issued before the “specified date” replaced. Therefore, Hong Kong residents in different age groups are subject to a different date for replacing their old identity cards;
- (d) the date for invalidating old identity cards will be set out in an Order to be made by S for S under section 7C of the ROP Ordinance. Since the replacement exercise will take place in phases and Hong Kong residents in different groups are subject to a different date for replacing their old identity cards, there is a need to specify a different date for invalidating their identity cards. The Order made under section 7C will contain the respective dates for each group of persons on which their plastic identity cards cease to be valid. An invalidation date for each group will be set a few months after the end of the phase of the replacement exercise for that particular group.

3. The “specified date” mentioned in paragraph 2 (b) above shall follow the commencement date of the ROP (Amendment) Ordinance. Our plan is to fix a “specified date” or the system commencement date in one to two weeks after the ROP (Amendment) Ordinance commences operation. Since the introduction of smart identity cards is an unprecedented event, the Administration believes that maximum flexibility should be allowed to enable the Commissioner to take into account the progress of all implementation work and last-minute debugging, as necessary. We therefore propose to specify such a date by way of a notice which is not a subsidiary legislation. If the system commencement date is to be specified by way of subsidiary legislation, the need to ensure that the requirement of 49 days for negative vetting period is met could unnecessarily delay the issue of smart identity cards even if in situations that the System becomes ready to commence operation.

4. The “specified date” precedes the date for launching of the territory-wide replacement exercise. Our plan is to start issuing smart identity card in late May 2003. Following the System’s smooth running in a live run environment, we will launch the replacement exercise in late July 2003.

APPOINTMENT OF A SPECIFIC COMMENCEMENT DATE

5. Given the tight implementation timetable, we propose to appoint a specific commencement date for the ROP (Amendment) Ordinance by introducing a Committee Stage Amendment to Clause 1(2). We propose to set 12 May 2003 as the commencement date. The Commissioner of Registration will, following its commencement, appoint 26 May as the “specified date” for the introduction of smart identity cards.

Security Bureau
20 February 2003

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