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REGISTRATION OF PERSONS (AMENDMENT) BILL 2001

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
Long Title	By deleting everything after "re-enact" and before "to verify" and substituting - "regulations 23 and 24 of the Registration of Persons Regulations as provisions of that Ordinance, to dispense with the requirement to furnish certain particulars to a registration officer in an application for identity card, to confer a power".
1(2)	By deleting everything after "on" and substituting "12 May 2003."
2(a)	By deleting "香港境內的人的" and substituting "其".
3(b)	By adding after the proposed definition of "fingerprint" - "member of the Immigration Service" (入境事務隊成員)

means the holder of a rank specified in Schedule 1 to the Immigration Service Ordinance (Cap. 331);".

- 4(a)
- (a) In subparagraph (v), by deleting the proposed paragraph (haa).
 - (b) In subparagraph (vi), by adding ", viewing of information reproduced from data stored in chips embodied in identity cards" before "and".
 - (c) By adding -
 - "(vii) in paragraph (n), by adding "(whether in tangible or digital form)" after "records";
 - (viii) in paragraph (p), by adding "(including any fee prescribed for the purposes of section 9A)" before the full stop;".
 - (d) By adding -
 - "(aa) by adding -
 - "(2A) (a) Without prejudice to the generality of the powers conferred by subsection (1), regulations made under that subsection may provide for -
 - (i) prescribed information or particulars to be included in identity cards;

(ii) prescribed data to be stored in chips;

(iii) information or particulars other than prescribed information or particulars that may be included in identity cards with the consent of applicants for or holders of identity cards;

(iv) data other than prescribed data that may be stored in chips with the consent of applicants for or holders of identity cards.

(b) For the purposes of paragraph (a), information, particulars or data are prescribed information, particulars or data, as the case may be, if they are or relate to -

- (i) the name,
address,
nationality,
place of birth,
date of birth,
sex, marital
status or
occupation of a
person;
- (ii) any photograph or
fingerprint of a
person;
- (iii) any travel
document held by a
person;
- (iv) the right of abode
or right to land
of a person;
- (v) any condition of
stay to which a
person is
subject;
- (vi) issue of identity
card to a person;
or
- (vii) the number of the
identity card
issued to a
person."."

7 (a) By deleting the proposed section 9 and substituting -

**"9. Restriction on use of particulars
and record kept on particulars**

Subject to section 10 -

- (a) particulars furnished to a registration officer under this Ordinance may be used for and only for the purpose of enabling the Commissioner to issue identity cards and to keep records on such particulars;
- (b) the records referred to in paragraph (a) may be used for and only for the following purposes -
 - (i) enabling verification of identity of individuals by public officers in discharge of their official duties;
 - (ii) enabling verification of identity of individuals for any other lawful purposes;
or
 - (iii) such purposes as may be authorized, permitted

or required by or under
any Ordinance.".

(b) 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 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.".

(c) 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 -".

(d) In the proposed section 10(b), by deleting everything
after "copy of the" and substituting "records kept by
the Commissioner on particulars furnished to a
registration officer under this Ordinance,".

(e) In the proposed section 10(c) -

(i) by adding "may" before "refer";

(ii) by deleting "and".

(f) In the proposed section 10(d) -

(i) by adding "may" before "contain";

(ii) by deleting the full stop and substituting
"; and".

(g) In the proposed section 10, by adding -

"(e) must state the reason for giving such
permission.".

(h) 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 identity card reader" (便攜式身分證閱讀器)

means an instrument which -

(a) can reproduce, from the data stored in
the chip embodied 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 referred to in paragraph 1 of Schedule 1 and stored in the chip embodied in an identity card;
- (c) cannot keep record of any fingerprint so scanned; and
- (d) is of a type approved under regulation 11B;".".

9 By adding -

"(aa) by repealing subregulation (1)(b)(vii) and (ix);

(ab) by repealing subregulation (1)(b)(xi) and substituting -

"(xi) any -

(A) travel document bearing an endorsement to the effect that he is authorized under the Immigration Ordinance (Cap. 115) to remain in Hong Kong; or

(B) document issued under that Ordinance authorizing him to remain in Hong Kong,

held by him;";".

10 (a) In the proposed regulation 4A, by deleting everything before subregulation (2) and substituting -

"4A. Inclusion of certain particulars and data with consent

(1) Without prejudice to regulation 5(1)(a), the Commissioner or any person acting pursuant to a permission given by the Commissioner 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; and

(b) store in the chip embodied in the identity card the data,

referred to in column 2 of Schedule 5 which are not information, particulars or data specified in regulation 4(1) or Schedule 1."

(b) In the proposed regulation 4A, by adding -

"(1A) If -

(a) the Commissioner or any person acting pursuant to a permission under subsection (1) has stored any data in a chip embodied in an identity card under that subregulation with the consent of the person to whom the identity card relates; and

(b) the person to whom the identity card relates presents the identity card to the Commissioner or the person acting pursuant to such permission, as the case may

be, and requests the removal of such data from the chip, the Commissioner or the person acting pursuant to such permission, as the case may be, shall as soon as practicable remove the data from the chip."

13 By deleting the clause and substituting -

"13. Regulations added

The following are 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 the Ordinance to the person,

the officer or member may, by using a portable identify card 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 referred to in paragraph 1 of Schedule 1 and stored in the chip embodied in an identity card.

(2) Any person who, without reasonable excuse, refuses to allow a police officer or a member of the Immigration Service to view any information or scan any fingerprint under subregulation (1) shall be guilty of an offence and shall be liable to a fine at level 2.

11B. Approval of portable identity card reader

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

- 14(a) (a) In paragraph (a), in the proposed regulation 12(1A) -
- (i) by adding "or reasonable excuse" after "authority";
 - (ii) by adding -
 - "(aa) gains access to any data stored in a chip;"
 - (iii) in paragraph (b), by deleting "adds to, erases, cancels or alters" and substituting "erases, cancels, alters or adds to".
- (b) By adding after the proposed regulation 12(1A) -

"(1B) For the purposes of subregulation (1A), a person to whom an identity card relates has lawful authority to gain access to -

(a) data specified in Schedule 1 which are stored in the chip embodied in the identity card if he gains such access by using facilities provided by or with the approval of the Government; or

(b) data specified in Schedule 5 which are stored in the chip embodied in the identity card if he gains such access only for the purpose for which the data are stored."

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 specified date shall remain so until it ceases to be valid in accordance with the Ordinance, and the regulations, as amended by the Registration of Persons (Amendment) Ordinance 2003 (of 2003).

(4) An identity card for which an application is made before the specified date may be issued as if the Registration of Persons

(Amendment) Ordinance 2003 (of 2003) had not been enacted and -

(a) may be collected by the applicant, or sent to him by the registration officer, within 70 days of the specified date; 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."."

20 (a) In paragraph (a), by repealing "5 & 11A" and substituting "2(1), 4A, 5, 11A & 12(1B)".

(b) In paragraph (b), by deleting subparagraph (ii) and substituting -

"(ii) by repealing paragraph (g) and substituting -

"(g) such data, symbols, letters or numbers representing prescribed information, particulars or data within the meaning of section 7(2A)(b) of the Ordinance as the Commissioner may determine; and";".

New By adding -

"20A. Fees

Schedule 2 is amended -

- (a) within the square brackets, by repealing "regs. 5, 13, 14, 23" and substituting "s. 9A; regs. 5, 13, 14";
- (b) in item 8, by repealing "regulation 23" and substituting "section 9A of the Ordinance".

21 By deleting the proposed Schedule 5 and substituting -
 "SCHEDULE 5 [reg. 4A & 12(1B)]
 PURPOSES, INFORMATION, PARTICULARS AND
 DATA REFERRED TO IN REGULATION 4A

Column 1	Column 2
Purposes	Information, Particulars and Data
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 section 22 of that Ordinance.	A certificate defined in section 2(1) of the Electronic Transactions Ordinance (Cap. 553) issued by the Postmaster General and recognized under section 22 of that Ordinance."

23(b) By adding -
 "regulation 11A(2) obstructing public officers
 in verification of

identity"

before -

"regulation 12(1)

making alteration to
identity card or
documents".