

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

Comments by Mr Yeung Wai-sing	Administration's Response
<p>1. Immigration staff should inform holders of identity (ID) card of the information captured in and the applications of the new smart ID card and that it is an offence to handle the information without authorization by issuing leaflets and explaining the details to the public when they apply for replacement of ID card.</p>	<p>➤ Since the announcement of the introduction of the smart ID card in October 2000, the Government has, through leaflets, the media, briefings to District Councils and roving exhibitions, explained to the public that the data to be stored in the chip of the new smart ID card would include those data items printed on the current ID card and the template of the card holder's two thumbprints. If the card holder is a temporary resident, the captured data will include relevant conditions of stay applicable to the holder.</p> <p>➤ As regards the types of application, the Government announced in December 2001 that in addition to being a proof of identity, the smart ID card can be used as a driving licence, library card or for reporting change of address to government departments electronically. In addition, ID card holder can opt to have a free Hong Kong Post e-Cert (valid for 1 year) installed in their ID card.</p>

	<ul style="list-style-type: none">➤ The Government will launch further publicity to ensure that citizens are fully informed of the data contained in and the applications of the smart ID card. We will stress that they have a voluntary and non-discriminatory choice on the non-immigration applications, and that unauthorized access, use, storage and disclosure of any particulars furnished to a registration officer in connection with an application for ID card is an offence. How data privacy rights of card holders are protected will also be emphasized. ➤ We are considering all options including APIs, press release, issue of leaflets, display of posters, etc. Details are being worked out.
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Submission made by Mr Yeung Wai-sing	Administration's Response
<p>2. To specify clearly in the Ordinance the amount of fine (e.g. "a maximum fine up to xxx thousand dollars" instead of "a fine at level 5") in respect of the offence of unauthorized handling of ROP particulars, so as to yield a deterrent effect.</p>	<p>➤ In 1994 the Government has introduced a Standard Scale for fines not exceeding \$100,000 to enable the maximum amount of those fines to be increased from time to time by a single order of the then Governor in Council in order to reflect the effect of inflation. Schedule 8 to the Criminal Procedure Ordinance, Cap. 221 stipulates the maximum amount for each level of fine. For the offence of unauthorized handling of ROP particulars, the maximum fine at level 5 means a fine up to HK\$50,000. The Government will make sure that this is known to the public through educational or publicity campaigns.</p>
<p>3. To specify in the relevant documents the fees for the first and second replacement of smart ID card due to loss.</p>	<p>➤ The fees being levied for replacement of ID card due to loss or damage of card are prescribed in Schedule 2 to the ROP Regulations (the Schedule). The fees for replacement of smart ID card will also be prescribed in the Schedule, after seeking endorsement from the Legislative Council.</p>

Comments by Mr Yeung Wai-sing	Administration's Response
4. To specify that any found ID card should be returned to the Police as a dutiful citizen.	➤ Will be included in the publicity package.

Security Bureau
7 October 2002