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The View of the Asia Pacific Smart Card Association on the Registration of Persons (Amendment) Bill 2001

The Asia Pacific Smart Card Association (APSCA) is a non-profit, independent association for organisations in the smart card industry in the Asia Pacific region including Hong Kong, China, Taiwan, Japan, Korea, Singapore, Malaysia and Thailand. The Association delivers information, consultancy and guidance to smart card scheme issuers, operators and suppliers, including both commercial organisations as well as Asia Pacific government agencies.

In presenting the views of the Asia Pacific Smart Card Association, it is necessary to stress the growing importance of the use of smart card technology to governments in the Asia Pacific region. During the last 18 months the Asia Pacific Smart Card Association has become increasingly involved with Asia Pacific government agencies because most countries are now either considering, planning or implementing national smart card-based schemes for their citizens. In September of this year representatives of government agencies from six countries in the Asia Pacific region (Malaysia, Thailand, Korea, Japan, Taiwan and China) met in the offices of the Malaysian government to discuss the issues which they are facing related to the introduction of smart identity cards for their citizens. The legal framework surrounding the issuance and use of these new smart identity cards was one of the issues discussed. The result of this meeting was a decision to form an Asia Pacific government working group specifically focused on the issues related to smart identity cards for citizens. The next meeting of these Asia Pacific government agency representatives will be in Beijing next year, hosted by the Chinese government.

It is inevitable that where identity documents exist, they will evolve to incorporate the use of integrated circuits to provide improved protection for data security and privacy, as well as greater convenience for citizens. This evolution towards the use of integrated circuits in government issued smart cards is true for both compulsory and optional identity documents, and will eventually be true for passports. The use of smart technology in government-issued identity cards will mean changes to the way that data is stored in those cards, accessed from those cards, the way that the cards are used and the infrastructure which will be required to support the use of those cards. These factors will require changes to the laws that govern the use of identity cards because currently existing legal frameworks were designed to support cards which only had data printed on the surface of the card. In particular,

- Because these new government identity cards contain chips which can store more data and different data (such as biometric data), therefore the way in which citizens are registered with their national government will need to be modified.
- Because these new government identity cards will contain biometric data to provide a secure cardholder verification method, the legal framework will need to be modified to allow for the registration of citizens biometrics, the storing of those biometrics in the card and the use of those biometrics, by government officers and other authorised persons, to verify and protect the identity of citizens.
- Because many of these new government identity cards contain multi-application chips capable of storing other applications in addition to the core identity application, therefore the legal framework governing the use of these cards will need to be modified to take into account these additional applications resident on the card, the data they may contain, the



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way in which they are used and the government officers and other authorised persons who are entitled to access them.

- Because citizens data will now be stored inside a chip and because the types of data elements stored in the chip in these smart cards will be different from previous non-smart cards, and because the volume of data stored in the chip in these smart cards will be increased compared to the previous non-smart cards, the protection of data information has to be addressed in the law. Because these new smart identity cards incorporate the use of integrated circuits, the laws protecting against the misuse of the card and attempts to temper with the data stored in the card must now also refer to the chip in the card as well as the card body itself.

These are only the most basic changes which will need to be made to support the use of smart multi-application identity cards for citizens. For introducing the smart identity card in Hong Kong, the Registration of Persons (Amendment) Bill 2001 prepared by the HKSAR Government has basically addressed these issues. These government issued smart cards will allow enhanced protection against identity fraud and identity of theft perpetrated against citizens, more convenience for citizens in the interaction with government departments, more efficient operation of government departments, improved delivery of government services to citizens, improved security and data integrity of government databases, and the creation of an infrastructure which can be used as a foundation for other services to citizens.