

Panel on Security of the Legislative Council

Hong Kong Special Administrative Region (HKSAR) Identity Card Project: Progress Report

INTRODUCTION

This paper informs Members of the progress of the new identity (ID) card project, including tendering work, design of the card face and legislative amendments as necessitated by the introduction of a smart ID card.

BACKGROUND

2. We announced in October 2000 our plan to introduce a new ID card. A non-recurrent commitment of \$747,037,000 for implementing Phase I of the new ID card project was approved by the Finance Committee of the Legislative Council (LegCo) on 9 March 2001. The fund will cater for the conversion of the historical microfilmed ID card records and some old paper index cards into electronic images, the purchase and development of a new computerized Registration of Persons (ROP) System, the acquisition of the necessary implementation services, and the procurement of 1.2 million blank smart cards.

LATEST DEVELOPMENTS

Tendering

3. For the purpose of converting post-1986 microfilmed records by mid-2003 and older records by mid-2004, we invited proposals from tenderers on 11 May 2001. Completion of conversion will enable Immigration Department (ImmD) to retrieve old records on screen quickly leading to improved processing of ID card applications and related enquiries. The tender was closed on 22 June 2001. The proposals were considered by an Inter-departmental Assessment Panel

and a preferred tenderer was recommended. Following the endorsement by the Central Tender Board, a letter of acceptance was issued to the recommended tenderer on 25 September 2001.

4. A separate tender for the procurement of hardware, software and related services for the implementation of a new ROP computer system and the purchase of 1.2 million blank smart cards was issued on 20 July 2001. The tender has attracted much attention from the IT and smart card industries, both locally and overseas. A briefing session held by ImmD on 2 August was attended by 341 persons from 136 companies and two consulates. The tender was closed on 28 September 2001. Evaluation of the proposals has just commenced. Our plan is to award the contract in January 2002.

Card Face Design

5. A consulting company in Germany had been commissioned to design the layout and card face of the new ID card. Six different versions of card design had been produced. A consultation campaign was conducted between November and December 2000 including briefings to the 18 District Councils, roving exhibitions in shopping malls and a dedicated web page to allow the public to vote on their favourite card design. As reported to Members on 18 January 2001, feedback from the consultations reflected a clear preference for the gender neutral, soft color design which bore a background pattern with the letters HK as a theme.

6. Based on the views gathered, including those of a famous local designer and experts in the Information Services Department, the consultant has further produced two new versions of card face design, one for the permanent identity card (Annex A) and the other for the non-permanent identity card (Annex B). They incorporate a number of security features against forgery and alteration, including guilloche design, rainbow printing, optically changing colours, laser-engraving, etc.

7. The designs are indicative only and the tenderers for the new ROP System may suggest additional features to further strengthen the security of the proposed ID card, provided that these suggestions do not

depart drastically from the indicative design. We expect the final design to be available early next year following award of contract.

Legislative Amendments

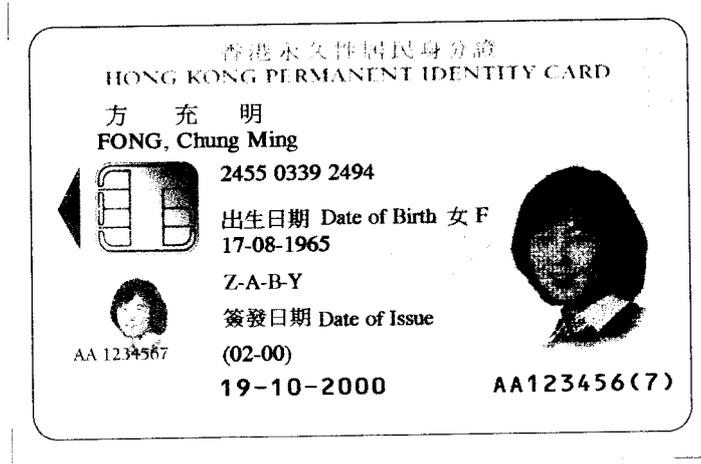
8. Legislative amendments to the Registration of Persons Ordinance (ROP) and Regulations will be required to spell out the smart elements of a new ID card, cater for other value-added non-immigration applications and implement an ID card replacement exercise for all Hong Kong residents. Taking into account views of Members, the Privacy Commissioner for Personal Data and the data privacy expert commissioned by ImmD, amendments will also be made to prohibit unauthorized access, storage, use and disclosure of personal data held by the Commissioner of Registration.

9. Our plan is to introduce the ROP (Amendment) Bill into LegCo in January 2002. We submitted papers on our initial views on the scope of legislative amendments on 11 November 2000 and 18 January 2001. Having considered Members' views and consulted the Department of Justice, our intended amendment proposals are now set out at Annex C. Members' advice is invited.

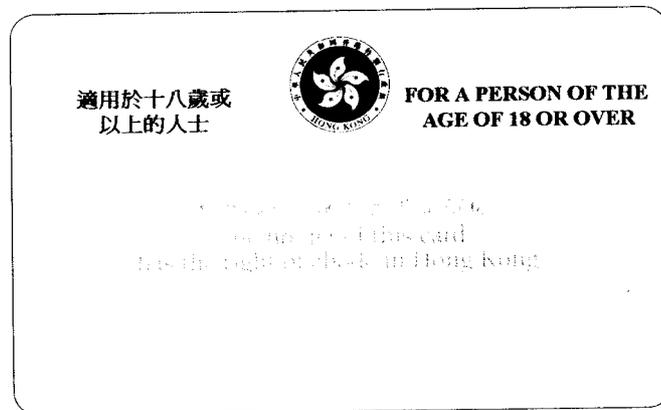
Security Bureau
31 October 2001

**Card Face Design of HK Permanent Identity Card
(After Personalisation)**

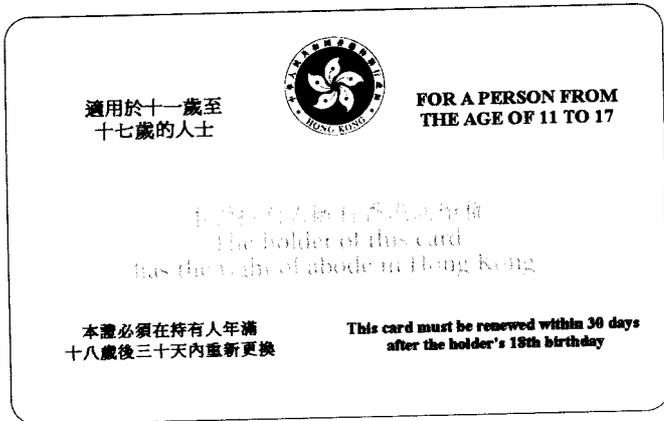
Front



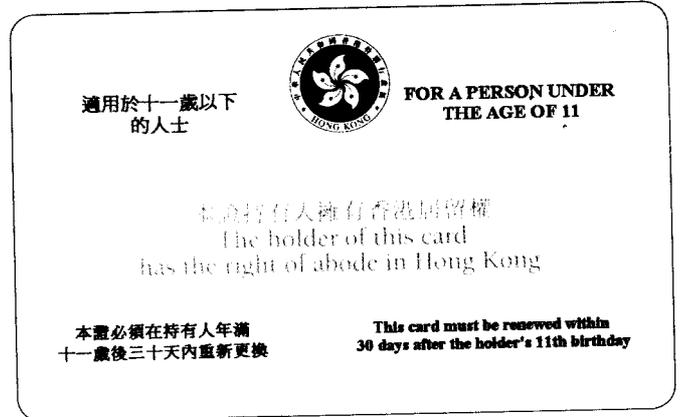
Back



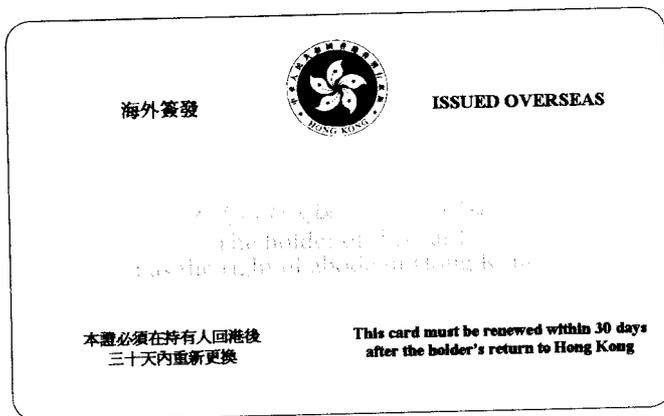
**Adults
(18 and over)**



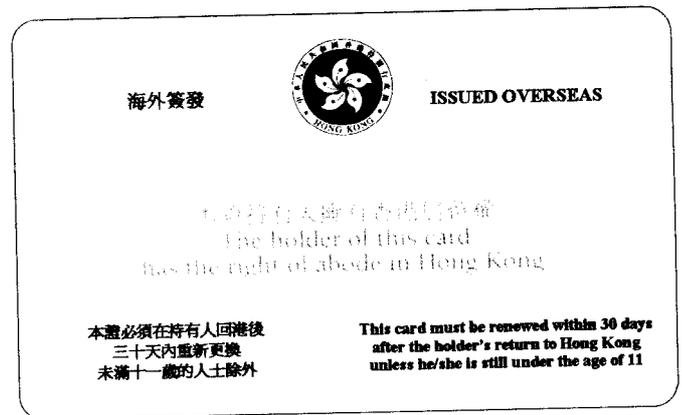
**Juveniles
(aged 11 to 17)**



**Minor
(under 11)**



**Overseas issued
(aged 11 and above)**



**Overseas issued
(under 11)**

Card Face Design of HK Identity Card (After Personalisation)

Front

香港居民身分證
HONG KONG IDENTITY CARD

方 充 明
FONG, Chung Ming

2455 0339 2494

出生日期 Date of Birth 女 F
17-08-1965

C-L2

簽發日期 Date of Issue
(02-00)
19-10-2000

AA1234567

AA123456(7)



Back

適用於十八歲或
以上的人士



FOR A PERSON OF THE
AGE OF 18 OR OVER

Adults
(18 and over)

適用於十一歲至
十七歲的人士



FOR A PERSON FROM
THE AGE OF 11 TO 17

本證必須在持有人年滿
十八歲後三十天內重新更換

This card must be renewed within
30 days after the holder's 18th birthday

Juveniles
(aged 11 to 17)

Proposed Legislative Amendments for the HKSAR Identity Card Project

INTRODUCTION

Having taken into account the views of Members, recommendations of consultancy studies on privacy impact assessment and comments from the Privacy Commissioner for Personal Data, the Law Draftsman has worked out an initial draft Bill to amend the Registration of Persons (ROP) Ordinance and Regulations. This Annex provides an overview of the scope of the proposed legislative amendments.

AMENDMENTS TO THE ROP LEGISLATION

In relation to the ROP Ordinance

Preamble

2. The long title of the Registration of Persons Ordinance will be amended to cater for the inclusion of non-immigration applications.

Interpretation

3. To cover the “smart element” of the identity card, the word “chip” will be given a comprehensive definition.

Power to make regulations

4. Section 7(1) of the ROP Ordinance gives the Chief Executive (CE) in Council the power to make regulations as may be necessary for the purpose of this Ordinance. To cater for the data to be stored in the chips in identity card and to better reflect the resultant revised procedures in registration, record storage and retrieval of personal data, it is proposed to amend section 7(2)(c), (e), (g) and (h) of the ROP Ordinance.

5. Section 7(2)(j) of the ROP Ordinance provides that CE in Council

may make regulations for the inspection of identity cards. There is however no provision that specifies the manner of inspection. To facilitate the secure authentication of a card holder's identity in case of doubts, it is proposed to amend section 7(2)(j) to include the matching of fingerprints for verification of identity (details of the proposed regulation are in paragraph 20 below).

6. To cater for the incorporation of multi-applications on identity card, it is proposed to provide CE in Council the power to set out the applications to be included in the identity card. Individual bureaux will also initiate amendments to other legislation relevant to the applications, if required.

Requirement to apply for new identity cards

7. Section 7B of the ROP Ordinance provides that the Secretary for Security may direct, by order published in the Gazette, members of the public to come forward in accordance with a specified call-up programme similar to the previous two replacement exercises (i.e. within a specified period of time and according to age groups) to the designated issuing offices for replacement of their identity cards. It is proposed to amend the cut-off date (i.e. "1 July 1987") to a date immediately upon the introduction of new identity cards.

Power to declare old identity cards invalid

8. Section 7C of the ROP Ordinance provides that, upon completion of the replacement exercise, the Secretary for Security may declare by order published in the Gazette the invalidation of the old identity cards issued before a cut-off date. The date should be aligned with the date upon which the new identity cards are introduced as mentioned in paragraph 7 above.

New provisions to be added to the ROP Ordinance

9. Regulation 4 of the ROP Regulations stipulates the ROP data to be furnished to a registration officer when applying for registration under regulation 3 or for an identity card under any of these regulations. However, there is no provision in the ROP Ordinance to expressly specify the use of ROP data so collected. It is proposed to add a new provision to restrict the purposes for which the data collected may be used.

10. Regulation 24 of the ROP Regulations prohibits a registration officer from disclosing ROP data, except and unless with the written permission of the Chief Secretary for Administration. It is proposed to move this prohibition into the ROP Ordinance so that it cannot be overridden by pre-existing provisions in Ordinances giving a power to obtain information.

11. Under the existing ROP Ordinance/Regulations, there is no provision to penalize any unauthorized access, use, storage and disclosure of ROP information. It is proposed to make them an offence under the ROP Ordinance, subject to suitable penalties.

In relation to the ROP Regulations

Registration, issue and renewal requirements

12. Regulation 4(1)(a)(ii) of the ROP Regulations provides for the taking and recording of an identity card applicant's left thumb-print or alternatively, if that is not possible, of such other single fingerprint. As the new identity card system requires the capturing of two thumbprints or alternatively, any other two fingerprints, a new provision is needed to provide for the taking and recording of a cardholder's both left and right thumbprints. The taking of an additional thumbprint or fingerprint will provide adequate preventive measures against false negative reading in the verification processes. Correspondingly, amendment to regulation 11(3) is required to empower police officers or any other authorized persons to scan two fingerprints for the purpose of identification.

Duty to keep and maintain records

13. It is proposed to amend regulation 8(2) to extend the storage of records and information by ways of photographing to include scanning and image capturing.

Prohibition against making alteration to identity card and against use and possession of unlawfully altered smart identity card

14. To prohibit against making alteration to the chip of the identity card as well as the data stored in the chip, it is proposed to amend regulation 12 by

adding provisions to the effect that any person who without authorization adds to, erases, cancels or alters any data contained in a chip or render a chip ineffective wilfully shall be guilty of an offence. It is also proposed to include the using of an unlawfully altered identity card an offence. Upon review, it is considered too harsh to prosecute someone for holding a defaced identity card which belongs to him and which is not false in material particulars. It is therefore proposed to remove such offence from regulation 12(2).

Content of forms of identity card

15. To cover the “smart element” of the new identity card, i.e. a chip and the data to be stored therein, it is proposed to amend Schedule 1 to the ROP Regulations to specify the data items (including both immigration and non-immigration related data) to be printed on the surface of the identity card and those data items to be stored in the chip. Other than data printed on the card surface, the immigration data to be stored in the chip include the template of the applicant’s fingerprints and the condition of stay (including a limit of stay) if the applicant does not have the right of abode in Hong Kong.

Setting up of New Identity Card Issuing Offices

16. For the New Identity Card Issuing Offices (NICIOs), their locations are yet to be determined. It is a time-consuming process for site identification and selection; hence, it is more desirable to deal with the office locations in Schedule 3 of the ROP Regulations in a separate legislative exercise at a later stage.

Revision of fees

17. Section 7(2)(p) of the ROP Ordinance provides that the CE in Council may make regulations as to the fees. A costing exercise on the chargeable fees prescribed for particular types of card replacement and certificate issued will begin when more figures are available in mid 2002. It is therefore proposed to amend Schedule 2 of the ROP Regulations in a separate legislative exercise.

Miscellaneous amendment to ROP Regulations

18. Regulation 27 will need to be amended for necessary “savings and transitional” purpose.

19. It is proposed to amend Regulations 18(1)(b), 21(1) and 23 so that duty to report corrections, burden of proof and power to certify and furnish certified copies provided for in the regulations will cover non-visible data in the chip and its new supporting computer system.

Provisions to be added to the ROP Regulations

20. To facilitate the secure authentication of card holder’s identity in case of doubt, it is necessary to add new provisions to empower members of the Immigration Service and Police to direct a card holder to provide his thumbprint(s) for matching with the template of his thumbprints in the chip. Failing to comply will be an offence. This is a one-to-one matching merely for the purpose of verification of identity and immigration control. Provision relating to the manner of inspecting identity card will be added to remove ambiguity.

AMENDMENTS TO OTHER ORDINANCES

21. Section 17C of the Immigration Ordinance (Cap. 115) will be amended by adding the manner of card inspection similar to paragraph 20 above for the purpose of verifying one’s identity, using the biometrics identification technology, by police officers, immigration officers and other authorized persons.

22. Part 1 of Schedule 2 (Scheduled Offences) to the Immigration Service Ordinance (Cap. 331) will be amended to cover the newly created offences as proposed in this amendment exercise (paragraphs 11, 14 and 20 above). It extends immigration officer’s power of arrest to these newly added offences.

23. Amendment to other legislation may be necessary if it is decided to include other non-immigration applications on the smart identity card.

OBJECTIVES TO BE ACHIEVED

24. In summary, the proposed amendments to the ROP Ordinance/Regulations aim at: -

- a) specifying the data to be contained thereon the new identity card and therein the chip;
- b) reflecting the revised processes for the identity card registration and record management;
- c) strengthening the existing legislation to safeguard data privacy;
- d) prohibiting against the unauthorized access, use, storage and disclosure of ROP data held by the Commissioner of Registration;
- e) specifying the manner of inspecting identity card by law enforcing officer for the purpose of verifying one's identity;
- f) empowering the S for S to announce the region-wide replacement exercise, to set up NICIOs for the purpose and to declare invalidation of all old identity cards;
- g) catering for multi-applications of the smart identity card.