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Legislative Council

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LegCo Panel on Security

Background paper prepared by Legislative Council Secretariat

**The Hong Kong Special Administrative Region
Identity Card Project**

Purpose

This paper summarises the discussions so far held by Members on the Hong Kong Special Administrative Region (HKSAR) Identity (ID) Card Project (the Project).

Background

2. The existing form of ID card was introduced in 1987 and the supporting computer system, the Registration of Persons (ROP) system, was installed in 1982. According to the Administration, the design of both the ID card as well as the ROP system have become aged and outdated with the passage of time. Due to the advancement of technology, the existing ID cards are no longer secure and forgery-proof as they were ten years ago.

3. In May 1999, the Immigration Department (ImmD) commissioned a consultancy study to review its information systems strategy. In the review, the consulting company alerted that the ROP system would reach the end of its life expectancy by 2002 and must be replaced. ImmD commissioned a separate feasibility study in November 1999 to examine and recommend options for the introduction of a new ID card and a new ROP system. The consultants proposed three options, namely –

- (a) a non-smart ID card;
- (b) a smart ID card capable of supporting ImmD's core business only; and

(c) a smart ID card which supported multiple applications.

4. At its meeting on 17 October 2000, the Executive Council decided that a new ID card and a new supporting computer system should be introduced in early 2003. The new ID card should take the form of a smart card and have the capacity to support multiple applications.

Chronological account and main points of past discussions

Chronological account

5. The following table gives a chronological account of past discussions -

Session	Council/Committee	Date of meeting
1999-2000	Establishment Subcommittee	23 February 2000
	Panel on Security	3 March 2000
	Finance Committee	10 March 2000
	Panel on Security	1 June 2000
2000-2001	Panel on Security	24 October 2000
	Panel on Security	11 November 2000
	Establishment Subcommittee	22 November 2000
	Council	6 December 2000
	Finance Committee	15 December 2000
	Panel on Security	18 January 2001
	Panel on Security	6 February 2001
	Panel on Security	14 February 2001
	Finance Committee	9 March 2001
	Establishment Subcommittee	23 May 2001
	Finance Committee	8 June 2001

1999-2000 legislative session

Meetings of the Establishment Subcommittee (ESC) on 23 February 2000 and Finance Committee (FC) on 10 March 2000

6. ESC discussed and endorsed the Administration's proposal to retain a supernumerary post of Deputy Director of Immigration (Special Assignment), which was created under delegated authority on 19 October 1999, from 1 April 2000 to 31 December 2000. ESC decided that the Administration should brief the relevant Panel(s) on the feasibility study on introducing a new ID card and its new computer supporting system. The proposal was approved at the FC meeting on 10 March 2000.

Meetings of the Panel on Security on 3 March 2000 and 1 June 2000

7. The Panel was briefed on the consultants' key findings and recommendations of the feasibility study on introducing a new ID card. The Panel discussed the three options for the new ID card proposed, namely, a non-smart ID card, a smart ID card which is capable of supporting the Immigration Department's core businesses only, and a smart ID card which could support multiple applications.

8. Some members expressed concern about the need for introducing a new ID card which would have the capability to store a lot of personal data by using the smart card and biometrics identification technology. They were also concerned that the right of individuals to preserve the privacy of their personal data would be infringed if personal data not required for the purposes of Registration of Persons (ROP) Ordinance were stored in the new ID card. This problem would be aggravated if individuals were denied the knowledge of what personal data were stored in the ID cards and whether they were used by other government departments and law enforcement agencies for purposes other than the ROP Ordinance.

9. Some other members, however, expressed support for the option of a smart ID card which is capable of supporting multiple applications.

10. The Administration responded that it had not reached a decision as to which form the new ID card should take and what kind of personal data would be stored should a smart ID card option be adopted. The Administration would consult the Panel again when a decision was made on the way forward on the new ID card project, including the choice of a new ID card. The Administration assured members that in determining the kind and the amount of data to be stored in the new ID card, consideration would be given to how personal privacy and data security would be safeguarded. Technical feasibility and costs effectiveness would also be considered. Furthermore, legal backing would be required for the collection of additional personal data.

2000-2001 legislative session

Meetings of the Panel on Security on 24 October and 11 November 2000

11. At the Panel meeting on 24 October 2000, the Administration briefed members on its proposals for the introduction of a new ID card and a new supporting system in early 2003. The Panel noted that the new ID card was proposed to take the form of a smart card with multi-application capacity. The Panel held a meeting on 11 November 2000 to receive the views of the Privacy Commissioner for Personal Data (Privacy Commissioner), academics and professionals on the Project.

12. Some members expressed reservations about the need for the introduction of a smart ID card with multiple applications capacity. These members were concerned that the right of individuals to preserve the privacy of their personal data would be

infringed if personal data not required for the purposes of ROP Ordinance were stored in the new ID card. They were particularly concerned whether steps would be taken to prevent possible abuse of personal data by the Administration. They were also concerned whether there would be sufficient security measures in place to protect the cardholders' data privacy. They were of the view that the new ID card should be used for ImmD's core business only. Some members also queried whether the right of abode of ID cardholders would be reassessed in the new ID card replacement exercise.

13. Some other members, while expressing support for the proposed smart ID card, had stressed that sufficient security measures should be put in place to protect the card holders' data privacy.

14. The Administration explained that with the exception of a driving licence, a card holder would have the choice of whether non-immigration related applications should be included in the new ID card. The Administration assured members that a package of measures, including the development of a code of practice in consultation with the Privacy Commissioner, would be adopted to protect data privacy. Only essential immigration-related data would be stored in the proposed smart ID card. More sensitive data would be kept at the back-end computer system. In the case of thumbprints, only the template would be stored in the smart card which could not be used to reconstruct the original thumbprint.

15. The Administration also assured members that the Personal Data (Privacy) Ordinance applied to the Government and personal data would only be released according to the law. The Administration also advised that it had no intention to assess the right of abode of cardholders in the ID card replacement exercise.

Meetings of ESC on 22 November 2000 and FC on 15 December 2000

16. ESC discussed and endorsed the Administration's proposal to retain a supernumerary post of Deputy Director of Immigration (Special Assignment) for a further period of six months commencing 1 January 2001. The proposal was approved by FC at its meeting on 15 December 2000.

Council meeting on 6 December 2000

17. At the Council meeting on 6 December 2000, Hon Emily LAU moved a motion expressing grave concern over the issues arising from the smart identity card scheme and urging the Government to implement the scheme only after the issues had been satisfactorily resolved. Hon IP Kwok-him and Hon James TO also moved amendments to the motion. The wording of the motion and the amendments is in **Appendix I**.

18. The motion moved by Hon Emily LAU and the amendments moved separately by Hon IP Kwok-him and Hon James TO to the motion were all negatived.

Meetings of the Panel on Security on 18 January, 6 and 14 February 2001

19. The funding proposal for the Project and related issues were discussed at the Panel meetings on 18 January, 6 and 14 February 2001. Some members reiterated their concerns about the introduction of a smart ID card with multiple applications capacity as discussed in paragraphs 11 and 12 above. In addition, some members considered that the necessary legislative amendments should be introduced before seeking funding for the project. Some members also expressed concerns about the cost of smart cards and the initial quantity of smart cards to be procured.

20. Apart from making responses similar to those detailed in paragraphs 13 and 14 above, the Administration pointed out that there were precedents where funding was sought prior to the introduction of the legal framework, and the necessary legislative amendments would be introduced in parallel with the development of the new computer system. The Administration advised members that the purchase of a reasonable quantity of cards was necessary for attracting reputable international vendors. The initial quantity of cards to be purchased was set at a higher level so that better terms could be secured in the procurement of cards.

21. Members agreed at the meeting on 14 February 2001 that a visit be made to ImmD to facilitate their understanding about smart ID cards and the application of thumbprint verification technology in the authentication of cardholder's identity.

Visit to ImmD on 20 February 2001

22. Members paid a visit to ImmD to view demonstrations on smart ID cards and the application of thumbprint verification technology in the authentication of cardholder's identity.

Meeting of FC on 9 March 2001

23. At its meeting on 9 March 2001, FC discussed and approved a commitment of \$747,037,000 for implementing the first phase of the Project.

Meetings of ESC on 23 May 2001 and FC on 8 June 2001

24. The Subcommittee discussed and endorsed the Administration's proposal to create two supernumerary posts of one Deputy Director of Immigration (Identity Card) and one Chief Systems Manager for the period up to 31 October 2003 and an increase in establishment ceiling to facilitate the creation of 42 non-directorate posts. The proposal was approved at the FC meeting on 8 June 2001.

Relevant papers

25. A list of the relevant papers discussed at the meetings of ESC, FC and Panel on

Security is in **Appendix II** for Members' easy reference. These documents are available on the Research and Library Information System and the LegCo web site at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
1 November 2001

Legislative Council Meeting on 6 December 2000

Motion moved by Hon Emily LAU -

“That this Council expresses grave concern over the issues arising from the smart identity card scheme, relating to security, privacy as well as the public’s rights to choose and to know, and urges the Government to implement the scheme only after such issues have been satisfactorily resolved; at the same time, if data not already contained in existing identity cards (other than fingerprints) are to be stored on the smart identity cards, this Council considers that the Government must submit the relevant proposals to this Council for endorsement, and offer the public the right to choose the data to be stored on their smart identity cards.”

Motion as amended by Hon IP Kwok-him -

“That this Council expresses grave concern over the issues arising from the smart identity card scheme, relating to security, privacy as well as the public’s rights to choose and to know, and urges the Government to ~~implement the scheme only after such issues have been satisfactorily resolved,~~ ***in formulating and implementing the scheme, to fully consider these concerns and adopt all effective measures to address the issues in question;*** at the same time, if data not already contained in existing identity cards (~~other than fingerprints~~) are to be stored on the smart identity cards, this Council considers that the Government must submit the relevant proposals to this Council for endorsement, and ~~offer the public the right to choose the data to be~~ ***that it should be a matter for this Council to decide if the public should be allowed to choose whether or not to have such data*** stored on their smart identity cards.”

Motion as amended by Hon James TO -

“That this Council expresses grave concern over the issues arising from the smart identity card scheme, relating to security, privacy as well as the public’s rights to choose and to know, and urges the Government to implement the scheme only after such issues have been satisfactorily resolved; ***before the legislation to implement the scheme is passed by this Council, the Government should only apply for funding to engage consultants to assist in resolving those issues;*** at the same time, if data not already contained in existing identity cards (other than fingerprints ***fingerprint data***) are to be stored on the smart identity cards, this Council considers that the Government must ~~submit the relevant proposals to this Council for endorsement,~~ and offer the public the right to choose the data to be stored on their smart identity cards.”

Relevant Papers

<u>Date of meeting</u>	<u>Committee</u>	<u>Papers</u>
23 February 2000	Establishment Subcommittee	Minutes of the Establishment Subcommittee meeting on 23 February 2000 (LC Paper No. ESC42/99-00) issued vide LC Paper No. ESC43/99-00 on 9 March 2000
3 March 2000	Panel on Security	Minutes of the Security Panel meeting on 3 March 2000 (LC Paper No. CB(2)1815/99-00) issued vide LC Paper No. CB(2)1816/99-00 on 2 May 2000
10 March 2000	Finance Committee	Minutes of the Finance Committee meeting on 10 March 2000 (LC Paper No. FC155/99-00) issued in August 2000
1 June 2000	Panel on Security	<p>Progress Report on the Hong Kong Special Administrative Region Identity Card Project from the Administration (LC Paper No. CB(2)2126/99-00(02)) issued vide LC Paper No. CB(2)2126/99-00 on 29 May 2000</p> <p>Minutes of the Security Panel meeting on 1 June 2000 (LC Paper No. CB(2)2619/99-00)</p>
24 October 2000	Panel on Security	Legislative Council Brief (File Ref. : SBCR 1/1486/81) on Hong Kong Special Administrative Region Identity Card issued by the Security Bureau on 18 October 2000

		<p>Administration's supplementary note on the progress of the HKSAR Identity Card Project (LC Paper No. CB(2)121/00-01(01)) issued vide LC Paper No. CB(2)121/00-01 on 25 October 2000</p> <p>Minutes of the Security Panel meeting on 24 October 2000 (LC Paper No. CB(2)391/00-01) issued vide LC Paper No. CB(2)392/00-01 on 5 December 2000</p>
11 November 2000	Panel on Security	<p>Administration's paper entitled "Progress of the HKSAR Identity Card Project - Privacy Issues" (LC Paper No. CB(2)217/00-01(01)) issued vide LC Paper No. CB(2)217/00-01 on 10 November 2000</p> <p>Administration's paper entitled "Smart Identity Card Projects of Other Places" (LC Paper No. CB(2)217/00-01(02)) issued vide LC Paper No. CB(2)217/00-01 on 10 November 2000</p> <p>Administration's paper entitled "HKSAR Identity Card Project - Initial Views on Legislative Amendments" (LC Paper No. CB(2)217/00-01(03)) issued vide LC Paper No. CB(2)217/00-01 on 10 November 2000</p> <p>Minutes of the Security Panel meeting on 11 November 2000 (LC Paper No. CB(2)680/00-01) issued vide LC Paper No. CB(2)683/00-01 on 16 January 2001</p>

22 November 2000	Establishment Subcommittee	Minutes of the Establishment Subcommittee meeting on 22 November 2000 (LC Paper No. ESC16/00-01) issued vide LC Paper No. ESC17/00-01 on 12 December 2000
15 December 2000	Finance Committee	Minutes of the Finance Committee meeting on 15 December 2000 (LC Paper No. FC42/00-01) issued in February 2001
18 January 2001	Panel on Security	<p>Administration's paper entitled "HKSAR Identity Card Project - Initial Views on Legislative Amendments" (LC Paper No. CB(2)677/00-01(03)) issued vide LC Paper No. CB(2)677/00-01 on 12 January 2001</p> <p>Administration's information paper entitled "Experience of Using Smart Identity Cards in Other Countries/Places" (LC Paper No. CB(2)695/00-01(01)) issued vide LC Paper No. CB(2)695/00-01 on 15 January 2001</p> <p>Administration's information paper entitled "HKSAR Identity Card Project - Funding Arrangement" (LC Paper No. CB(2)715/00-01(01)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p> <p>Administration's information paper entitled "Progress of the Consultation Campaign on the HKSAR Identity Card Project" (LC Paper No. CB(2)715/00-01(02)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p>

		<p>Minutes of the Security Panel meeting on 18 January 2001 (LC Paper No. CB(2)942/00-01) issued vide LC Paper No. CB(2)943/00-01 on 28 February 2001</p>
6 February 2001	Panel on Security	<p>Administration's paper entitled "HKSAR Identity Card Project - Initial Views on Legislative Amendments" (LC Paper No. CB(2)677/00-01(03)) issued vide LC Paper No. CB(2)677/00-01 on 12 January 2001</p> <p>Administration's information paper entitled "Experience of Using Smart Identity Cards in Other Countries/Places" (LC Paper No. CB(2)695/00-01(01)) issued vide LC Paper No. CB(2)695/00-01 on 15 January 2001</p> <p>Administration's information paper entitled "HKSAR Identity Card Project - Funding Arrangement" (LC Paper No. CB(2)715/00-01(01)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p> <p>Administration's information paper entitled "Progress of the Consultation Campaign on the HKSAR Identity Card Project" (LC Paper No. CB(2)715/00-01(02)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p>

		<p>Administration's paper entitled "HKSAR Identity Card Project - Initial Privacy Assessment Report" (LC Paper No. CB(2)752/00-01(04)) issued vide LC Paper No. CB(2)752/00-01 on 2 February 2001</p> <p>Administration's paper entitled "Amendment of Legislation for Implementing the HKSAR Identity Card Project" (LC Paper No. CB(2)802/00-01) on 5 February 2001</p> <p>Minutes of the Security Panel meeting on 6 February 2001 (LC Paper No. CB(2)1180/00-01) issued vide LC Paper No. CB(2)1181/00-01 on 27 March 2001</p>
14 February 2001	Panel on Security	<p>Administration's paper entitled "HKSAR Identity Card Project - Initial Views on Legislative Amendments" (LC Paper No. CB(2)677/00-01(03)) issued vide LC Paper No. CB(2)677/00-01 on 12 January 2001</p> <p>Administration's information paper entitled "Experience of Using Smart Identity Cards in Other Countries/Places" (LC Paper No. CB(2)695/00-01(01)) issued vide LC Paper No. CB(2)695/00-01 on 15 January 2001</p> <p>Administration's information paper entitled "HKSAR Identity Card Project - Funding Arrangement" (LC Paper No. CB(2)715/00-01(01)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p>

		<p>Administration's information paper entitled "Progress of the Consultation Campaign on the HKSAR Identity Card Project" (LC Paper No. CB(2)715/00-01(02)) issued vide LC Paper No. CB(2)715/00-01 on 16 January 2001</p> <p>Administration's paper entitled "HKSAR Identity Card Project - Initial Privacy Assessment Report" (LC Paper No. CB(2)752/00-01(04)) issued vide LC Paper No. CB(2)752/00-01 on 2 February 2001</p> <p>Administration's paper entitled "Amendment of Legislation for Implementing the HKSAR Identity Card Project" (LC Paper No. CB(2)802/00-01) on 5 February 2001</p> <p>Administration's paper on issues related to the cost of smart identity cards (LC Paper No. CB(2)879/00-01(01)) issued vide LC Paper No. CB(2)879/00-01 on 15 February 2001</p> <p>Administration's paper entitled "Examples of projects in which funding is sought before introduction of legal framework" (LC Paper No. CB(2)879/00-01(02)) issued vide LC Paper No. CB(2)879/00-01 on 15 February 2001</p> <p>Administration's paper entitled "Assessment of right of abode during the region-wide new identity card replacement exercise" (LC Paper No. CB(2)926/00-01(01)) issued vide LC Paper No. CB(2)926/00-01 on 22 February 2001</p>
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		<p>Administration's papers entitled "Statistics on the provision of Registration of Persons Records" (LC Paper Nos. CB(2)926/00-01(02) and CB(2)1123/00-01(01)) issued vide LC Paper Nos. CB(2)926/00-01 and CB(2)1123/00-01 on 22 February 2001 and 20 March 2001 respectively</p> <p>Minutes of the Security Panel meeting on 14 February 2001 (LC Paper No. CB(2)2150/00-01) issued vide LC Paper No. CB(2)2151/00-01 on 24 July 2001</p>
9 March 2001	Finance Committee	Minutes of the Finance Committee meeting on 9 March 2001 (LC Paper No. FC124/00-01) issued on 3 May 2001
23 May 2001	Establishment Subcommittee	Minutes of the Establishment Subcommittee meeting on 23 May 2001 (LC Paper No. ESC52/00-01) issued vide LC Paper No. ESC54/00-01 on 7 June 2001
8 June 2001	Finance Committee	Minutes of the Finance Committee meeting on 8 June 2001 (LC Paper No. FC188/00-01) issued on 30 October 2001

Note:

Other than LC Paper CB(2)1345/99-00(01) and LC Paper No. CB(2)879/00-01, all other papers are also available on the Research and Library Information System and the web site of the Legislative Council (<http://www.legco.gov.hk>).