

**Panel on Security of the Legislative Council**

**Supplementary Information on Identity Cards**

**INTRODUCTION**

This note provides supplementary information as requested by Members of the Bills Committee on the Registration of Persons (Amendment) Bill 2001.

**PENALTY FOR NOT PRODUCING IDENTITY CARD**

2. As regards the respective penalties for not producing identity cards in accordance with the requirements in the Ordinances or by-laws set out in the Annex to the Administration's paper entitled "Power to demand production of identity card", Members may wish to note that any person who could not produce his proof of identity or identity card shall commit an offence under the Ordinances or by-laws concerned, with the exception of the Town Planning Ordinance (Cap.131) and the Kowloon-Canton Railway Corporation By-laws (Cap.372B). Details of the penalties are provided at Annex.

**PERMANENT RESIDENTS IN HONG KONG**

3. The Administration's paper entitled "Possession of a valid identity card and entitlement to right" mentioned that a person's status as a permanent resident of Hong Kong can be established by his holding of a valid permanent identity card, a valid Hong Kong Special Administrative Region (HKSAR) passport, a valid travel document bearing a valid certificate of entitlement or a valid passport bearing an endorsement made

by the Immigration Department to the effect that the holder's eligibility to hold a permanent identity card has been established. Members asked whether there was other proof of identity that could establish the status of a person as a permanent resident in Hong Kong. In this connection, Members may wish to note that a person who possesses a Hong Kong birth certificate which contains a statement that his status as a permanent resident of the HKSAR has been established could use the birth certificate as prima facie evidence to show that he is a Hong Kong permanent resident, subject to proving that he is the person to whom the birth certificate relates.

Security Bureau  
9 June 2003

<b>Ordinance/By-law</b>	<b>Requirement section</b>	<b>Penalty section</b>	<b>Penalty</b>
Environmental Impact Assessment Ordinance, Cap.499 <sup>1</sup>	23(5)(a)	27	Fine at level 5 <sup>2</sup>
Urban Renewal Authority Ordinance, Cap.563	31(5)(a)	31(7)	On first conviction to a fine at level 1; on subsequent conviction to a fine at level 3
Water Pollution Control Ordinance, Cap.358	38(ba)	40	Fine of \$10,000
Occupational Safety and Health Ordinance, Cap.509	23(1)(h)	26	Fine at level 5 and imprisonment for 6 months
Noise Control Ordinance, Cap.400	25	26	Fine of \$50,000
Immigration Ordinance, Cap.115 <sup>3</sup>	17L(1)(b)	17M(2)	Fine at level 2

<sup>1</sup> In Cap.499, Cap.563, Cap.358, Cap.509 and Cap.400, any person who fails to comply with the requirement to produce his identity card for inspection without lawful or reasonable excuse commits an offence and on conviction is liable to penalty.

<sup>2</sup> Schedule 8 of the Criminal Procedure Ordinance, Cap. 221 provides for the amount of fine for different levels:

<b><i>Fine</i></b>	<b><i>Level</i></b>
\$2,000	Level 1
\$5,000	Level 2
\$10,000	Level 3
\$25,000	Level 4
\$50,000	Level 5
\$100,000	Level 6

<sup>3</sup> In Cap.115, Cap.493, Cap.548, Cap.372E and Cap.556B an offence is committed if someone fails to produce his identity card or in some ordinances proof of identity.

<b>Ordinance/By-law</b>	<b>Requirement section</b>	<b>Penalty section</b>	<b>Penalty</b>
Non-local Higher Professional Education (Regulation) Ordinance, Cap.493	24(4)(b)(ii)	24(8)	Fine at level 3 and imprisonment for 6 months
Merchant Shipping (Local Vessels) Ordinance, Cap.548	61(1)(f)	61(4)	Fine at level 2 and imprisonment for 6 months
North-west Railway By-laws, Cap.372E	40(1)	Schedule	Fine of \$1,000
Mass Transit Railway By-laws, Cap.556B	42(1)	Schedule	Fine of \$5,000 and imprisonment for 6 months
Kowloon-Canton Railway Corporation By-laws, Cap 372B	104(1)	-	No offence is committed for failure to produce his identity card for inspection.
Town Planning Ordinance, Cap.131	22(5)(a)	-	No offence is committed for failure to produce his identity card for inspection.