

LN083-E

Libraries (Amendment) Regulation 2003

(Made under section 105L of the Public Health and
Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 26 May 2003.

2. Interpretation

Section 3 of the Libraries Regulation (Cap. 132 sub. leg. AL) is amended---

(a) in the definition of "borrower", by adding "or an identity card allowed for library purposes" after "card";

(b) by adding---

"identity card allowed for library purposes" (圖書館適用身分證) means an identity card with embodied chip that is allowed under section 8A to be used as an identity card allowed for library purposes;

"identity card with embodied chip" (內置晶片身分證) means an identity card that--

(a) is issued under the Registration of Persons Ordinance (Cap. 177); and

(b) embodies a chip within the meaning of that Ordinance;"

3. Borrower may borrow library material

Section 6 is amended by repealing everything from "The" and before "use library" and substituting "A borrower may".

4. Application for library cards

Section 7 is amended---

(a) by repealing "A" and substituting---

"(1) Subject to section 22(2) and (3), a";

(b) by adding---

"(2) Subject to section 22(2) and (3), a person whose library card is lost and who wishes to obtain a new library card shall---

(a) apply under subsection (1); and

(b) accompany the application by such fee, if any, as determined under section 124K of the Ordinance."

5. Section added

The following is added---

"7A. Application for using identity card with embodied chip as identity card allowed for library purposes

Subject to section 22(2) and (3), a person who wishes to use his identity

card with embodied chip as an identity card allowed for library purposes shall complete an application form supplied by the librarian."

6. Section added

The following is added---

"8A. Librarian may allow use of identity card with embodied chip as identity card allowed for library purposes

On receiving an application made under section 7A, the librarian may allow the applicant to use his identity card with embodied chip as an identity card allowed for library purposes---

(a) if the applicant satisfies the librarian that he is resident in Hong Kong and that he holds an identity card with embodied chip; or

(b) at the discretion of the librarian."

7. Cases where person may be required to deposit a sum of money or to have a guarantor

Section 9 is amended---

(a) by adding "or allowing an identity card with embodied chip to be used as an identity card allowed for library purposes" after "card";

(b) by repealing "some" and substituting "a".

8. Applicant under 18 years of age

Section 10(1) is amended---

(a) by repealing everything before "resident" and substituting---

"(1) The librarian shall not---

(a) issue a library card to an applicant who makes an application under section 7; or

(b) allow an applicant who makes an application under section 7A to use his identity card with embodied chip as an identity card allowed for library purposes, if the applicant is under 18 years of age unless a person who is";

(b) by adding "the" before "guarantor".

9. Guarantor

Section 11 is amended---

(a) in subsection (1), by repealing "guarantor" and substituting "person who wishes to become a guarantor for the purposes of section 9 or 10";

(b) by adding---

"(1A) The librarian may accept or refuse to accept a person as a guarantor.";

(c) by repealing subsection (2) and substituting---

"(2) A person shall, in default of the borrower, be liable for all liabilities incurred by the borrower under section 21, 27 or 28 beginning on or after the day

on which the person is accepted by the librarian as the guarantor for the borrower until---

(a) subject to subsection (3), the librarian in writing releases the guarantor from his obligations under the guarantee;

(b) another person is subsequently accepted by the librarian to be the guarantor for the borrower; or

(c) the borrower reaches 18 years of age, whichever occurs first.";

(d) by repealing subsection (4).

10. Section substituted

Section 12 is repealed and the following substituted---

"12. Library card or identity card allowed for library purposes not to be lent or transferred

A borrower shall not lend or transfer his library card or identity card allowed for library purposes to any other person."

11. Section substituted

Section 13 is repealed and the following substituted---

"13. Borrower to report loss of library card or identity card allowed for library purposes

A borrower shall forthwith report to the librarian in writing loss of his library card or identity card allowed for library purposes."

12. New library card may be issued if card lost

Section 14(1) is repealed.

13. Charge for library material overdue

Section 21(3) is amended by adding "of the borrower who is referred to in subsection (1), or prohibit the borrower from using his identity card with embodied chip as an identity card allowed for library purposes," after "card".

14. Section substituted

Section 22 is repealed and the following substituted---

"22. Librarian may cancel or suspend library card, or prohibit identity card allowed for library purposes

(1) If the librarian is of the opinion that the holder of a library card or an identity card allowed for library purposes has contravened this Regulation, he may---

(a) cancel the library card, or suspend the library card for such period as he may

specify; and

(b) prohibit the holder from using his identity card with embodied chip as an identity card allowed for library purposes, either permanently or for such period as he may specify.

(2) A person---

(a) whose library card is cancelled under subsection (1); or

(b) who is permanently prohibited from using his identity card with embodied chip as an identity card allowed for library purposes,

shall not make an application under section 7 or 7A without the permission of the librarian.

(3) A person---

(a) whose library card has been suspended for a specified period; or

(b) who has been prohibited from using his identity card with embodied chip as an identity card allowed for library purposes for a specified period,

shall not, within that period, make an application under section 7 or 7A without the permission of the librarian."

15. Sections added

The following are added immediately after section 22---

"22A. Application to cancel library card

(1) A borrower who wishes to cancel his library card shall complete an application form supplied by the librarian.

(2) The librarian may approve or refuse an application made under subsection (1).

22B. Application to discontinue the use of identity card with embodied chip as identity card allowed for library purposes

(1) A borrower who wishes to discontinue the use of his identity card with embodied chip as an identity card allowed for library purposes shall complete an application form supplied by the librarian.

(2) The librarian may approve or refuse an application made under subsection (1)."

16. Liability for library material not returned or damaged

Section 27 is amended---

(a) in subsection (2), by adding "or the identity card allowed for library purposes" after "card";

(b) in subsection (4)---

(i) by adding a comma after "a library";

(ii) by adding "or the identity card allowed for library purposes" after "card";

(c) in subsection (5)---

(i) by repealing everything before "shall" and substituting---

"(5) A person who has reported to the librarian in writing the loss of his library card or identity card allowed for library purposes";

(ii) by adding "or identity card" before "after".

17. False information

Section 37(b) is amended by repealing "for a library card" and substituting "made under section 7, 7A, 22A or 22B".

Dr. Patrick C. P. HO

Secretary for Home Affairs

24 March 2003

Explanatory Note

This Regulation amends the Libraries Regulation (Cap. 132 sub. leg. AL)---

(a) to cater for the use of a multi-application identity card with embodied chip as a means of access to library facilities; and

(b) to make minor technical amendments to the English text.