

## **LEGISLATIVE COUNCIL BRIEF**

### **APPLICATION FOR NEW IDENTITY CARDS (PERSONS BORN IN 1952 TO 1957 AND CROSS-BOUNDARY DRIVERS) ORDER**

#### **INTRODUCTION**

The Application for New Identity Cards (Persons Born in 1952 to 1957 and Cross-boundary Drivers) Order (“the new Order”), made under section 7B(1) of the Registration of Persons (ROP) Ordinance, Cap.177, aims to direct persons born in 1952 to 1957 to apply for new identity cards within specified periods at smart identity card centres during the third cycle of the replacement exercise. The new Order also provides certain cross-boundary drivers with an option to apply for new identity cards as from 27 September 2004. A copy of the new Order is at [Annex](#).

#### **BACKGROUND**

2. The Secretary for Security (S for S) made the ROP (Application for New Identity Cards) Order (Cap. 177 sub. leg. E) (“the ROP Order”) and the Application for New Identity Cards (Persons Born in 1958 to 1963) Order under section 7B(1) of the ROP Ordinance, Cap. 177 in May and December 2003 respectively. In these two Orders, certain categories of persons including holders of valid identity cards born in 1958 to 1969 are directed to apply for new identity cards at any of the nine smart identity card centres within specified periods during the first and second cycles of the replacement exercise. The first cycle ended on 13 March 2004 and the second cycle will end on 25 September 2004.

3. To prepare for the next cycle of the replacement exercise, S for S made the new Order under section 7B(1) of the ROP Ordinance, Cap.177. The new Order further directs Hong Kong residents born in 1952 to 1957 to apply for new identity cards within specified periods during the third cycle, which will commence on 27 September 2004 and end on 12 March 2005. For those residents who are not in Hong Kong during the specified periods, they can apply for their identity cards within 30 days of their return to Hong Kong.

4. The new Order also provides cross-boundary drivers with an option, from 27 September 2004 onwards, to apply for identity cards before the periods specified for their age groups or within the periods specified for their age groups. This arrangement will enable cross-boundary drivers to enjoy the convenience of the Automated Vehicle Clearance (AVC) System to be introduced at the vehicular control points in phases<sup>1</sup> by end of 2004.

## THE NEW ORDER

5. **Section 1** of the new Order provides for its commencement date. **Section 2** amends **Section 2** of the ROP Order by adding a definition of a cross-boundary driver. **Sections 3 and 4** specify the application arrangement for cross-boundary drivers. **Section 5** amends **Schedule 2** of the ROP Order by adding details of application periods for holders of valid identity cards born in 1952 to 1957.

## LEGISLATIVE TIMETABLE

6. The legislation timetable will be -

Publication in the Gazette	7 May 2004
Commencement of the Legal Notice	1 July 2004

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<sup>1</sup> Hong Kong permanent residents can enjoy the service initially. Our intention is to extend the service to other Hong Kong residents later.

## **PUBLIC CONSULTATION**

7. The public and Members of the Legislative Council were informed of the launch of the replacement exercise and a special arrangement for cross-boundary drivers in the Legislative Council Brief on the ROP Order introduced to the Legislative Council in May 2003.

## **IMPLICATIONS OF THE PROPOSAL**

8. The new Order is in conformity with the Basic Law, including the provisions concerning human rights.

9. The new Order will not affect the current binding effect of the ROP Ordinance (Cap. 177) and the ROP Regulations (Cap. 177, sub. leg.) made thereunder.

## **PUBLICITY**

10. Information on the replacement exercise will continue to be disseminated through posters, leaflets, short videos, press advertisements, Announcement of Public Interest on radio and television, the Immigration Department's telephone enquiry system and homepages. The Hong Kong Economic and Trade Offices overseas and in Guangzhou and the Beijing Office will disseminate the above information to Hong Kong residents living outside Hong Kong.

11. Separately, publicity activities will be conducted locally and in the Mainland to disseminate information on the arrangement for cross-boundary drivers.

## **ENQUIRY**

12. For enquiry, please contact Mr. Alan KM Chu, Principal Assistant Secretary for Security at 2810 2506 or Mr. TSOI Hon-kuen, Assistant Director of Immigration at 2829 3839.

Security Bureau  
7 May 2004

**APPLICATION FOR NEW IDENTITY CARDS  
(PERSONS BORN IN 1952 TO 1957 AND  
CROSS-BOUNDARY DRIVERS) ORDER**

(Made under section 7B(1) of the Registration  
of Persons Ordinance (Cap. 177))

**1. Commencement**

This Order shall come into operation on 1 July 2004.

**2. Interpretation**

Section 2 of the Registration of Persons (Application for New Identity Cards) Order (Cap. 177 sub. leg. E) is amended –

(a) in the definition of “智能身分證中心”, by repealing the full stop and substituting a semicolon;

(b) by adding –

““cross-boundary driver” (跨境駕駛者) means a person who holds –

(a) a valid driving licence issued under the Road Traffic Ordinance (Cap. 374) other than a learner’s driving licence and a probationary driving licence;

(b) a valid driving licence issued by an administrative authority in the Mainland which authorizes its holder to drive a motor vehicle lawfully; and

(c) (i) a valid Approval Notice for Motor Vehicles and Drivers Travelling to and from Guangdong, Hong

- Kong and Macau issued by the Vehicle Administration Office of Guangdong Public Security Bureau;
- (ii) a valid Check Book for Vehicles Travelling to and from Hong Kong issued by the Shenzhen Customs;
  - (iii) a valid Check Book for Container Trucks Travelling to and from Hong Kong issued by the Shenzhen Customs;
  - (iv) a valid Handbook for Drivers Driving to and from Hong Kong issued by the Shenzhen Customs;  
or
  - (v) a valid Check Book for the Inspection and Quarantine of Vehicles and Persons Travelling to and from the Mainland issued by the Shenzhen Administration of Entry and Exit Inspection and Quarantine;”.

### 3. Applications for new identity cards

Section 3(3) is amended by adding “and section 4” after “subsection (2)”.

### 4. Section added

The following is added –

#### “4. Cross-boundary drivers to apply for new identity cards

A cross-boundary driver (except those whose identity card bears a year of birth falling after 1957 but before 1970) who holds a valid identity card to be replaced shall apply for a new identity card at a smart identity card centre within the period from 27 September 2004 to the end of the period specified in column 2 of Schedule 2 in respect of the year of birth borne on his identity card.”.

### 5. Schedule 2 amended

Schedule 2 is amended –

(a) within the square brackets, by repealing “s. 3(3)” and substituting “ss. 3(3) & 4”;

(b) by adding –

“1952 or 1953	From 24 January 2005 to 12 March 2005
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1954 or 1955	From 29 November 2004 to 22 January 2005
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1956 or 1957	From 27 September 2004 to 27 November 2004”
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before –

“1958 or 1959	From 26 July 2004 to 25 September 2004”.
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Secretary for Security

3 May 2004

**Explanatory Note**

This Order amends the Registration of Persons (Application for New Identity Cards) Order (Cap. 177 sub. leg. E). By virtue of the amendments and operation of section 3(3) of that Order, holders of valid identity cards who are born in the specified years and certain cross-boundary drivers shall apply for new identity cards with embodied chips in the specified periods. Failure to do so without reasonable excuse is a contravention of section 7B(1) of the Registration of Persons Ordinance (Cap. 177).