

## LEGISLATIVE COUNCIL BRIEF

### APPLICATION FOR NEW IDENTITY CARDS (PERSONS BORN IN 1943 to 1951 or 1970 to 1973) ORDER

### REGISTRATION OF PERSONS (APPLICATION FOR NEW IDENTITY CARDS) (AMENDMENT) ORDER 2004

#### INTRODUCTION

The Secretary for Security (S for S) has made the Application for New Identity Cards (Persons born in 1943 to 1951 or 1970 to 1973) Order (“the Application Order”) and the Registration of Persons (Application for New Identity Cards) (Amendment) Order 2004 (“the Amendment Order”) under section 7B(1) of the Registration of Persons (ROP) Ordinance, Cap. 177. The Application Order directs persons born in 1943 to 1951 or 1970 to 1973 to apply for new identity cards within specified periods at smart identity card centres during the fourth cycle of the new identity card replacement exercise. A copy of the Application Order is at Annex A. The Amendment Order directs persons specified under section 3(1) of the ROP (Application for New Identity Cards) Order, Cap.177 sub.leg. E (“the ROP Order”) to apply for new identity cards on or after 14 March 2005 but no later than the date of expiry of the period specified for their age group. A copy of the Amendment Order is at Annex B.

#### BACKGROUND

2. The first three cycles of the identity card replacement exercise covering the period from 18 August 2003 to 12 March 2005 are governed by the ROP Order and subsequent Orders made under section 7B(1) of the ROP Ordinance, Cap.177 as listed at Annex C.

3. In these three Orders, holders of valid identity cards to be replaced born in 1952 to 1969 are directed to apply for new identity cards at any of the nine smart identity card centres within specified periods during the replacement exercise. From 27 September 2004 onwards, cross-boundary drivers are also provided with an option to apply for new identity cards before periods specified for their age groups or within periods specified for their age groups.

4. For members of the Immigration Service, police officers and labor inspectors, they are directed to apply for new identity cards early under a special phase within the period from 18 August 2003 to 15 November 2003. The rationale is that there is a practical need for them to familiarize themselves with the features of the new identity cards as early as possible so as to facilitate them to fight crimes relating to illegal immigration and illegal employment. For the Chief Executive, members of the Executive Council, members of the Legislative Council and principal officials appointed pursuant to a nomination under Article 48(5) of the Basic Law, they are provided with an option to apply for new identity cards under the special phase from 18 August 2003 to 15 November 2003 or within the periods specified for their age groups. Such an option is provided at an early stage as the important public office they hold put them in a unique position to promote the use of information technology in the community and Hong Kong as a leading digital city in the region.

#### *Arrangement for the Fourth Cycle*

5. To prepare for the fourth cycle of the replacement exercise which will commence on 14 March 2005 and end on 12 November 2005, S for S has made the Application Order under section 7B(1) of the ROP Ordinance, Cap. 177 to direct Hong Kong residents born in 1943 to 1951 or 1970 to 1973 to apply for new identity cards within specified periods during the fourth cycle. 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.

*New Option for Persons Specified under Section 3(1) of the ROP Order*

6. With the appointment of new members to the Executive Council, election of new members to the Legislative Council and appointment of new principal officials after the completion of the special phase in November 2003, we believe that for the reason set out in paragraph 4 above, it is appropriate to again provide persons holding these public offices with the option of applying for new identity cards at an early stage. The new option will also be applied to new recruits, if any, of the Immigration Service, the Police Force and the Labour Inspectorate as they have the same practical need to familiarize themselves with the features of the new identity cards quickly.

7 S for S has accordingly made the Amendment Order under section 7B(1) of the ROP Ordinance, Cap.177. The Amendment Order provides persons specified under section 3(1) of the ROP Order who have yet to replace their identity cards with a new option to apply for a smart identity card on or after 14 March 2005 but no later than the date of expiry of the period specified for their age group, as directed from time to time under section 3(3) of the ROP Order.

## **THE ORDERS**

*The Application Order*

8. **Section 1** of the Application Order provides for its commencement date. **Section 2** amends Schedule 2 of the ROP Order by adding details of the application periods for holders of valid identity cards born in 1943 to 1951 or 1970 to 1973.

*The Amendment Order*

9. **Section 1** of the Amendment Order provides for its commencement date. **Section 2** amends section 3(2) of the ROP Order so as to provide persons specified under section 3(1) of the ROP Order with a new option.

**LEGISLATIVE TIMETABLE**

10. The legislative timetable will be –

Publication in the Gazette	10 December 2004
Commencement of the Legal Notice	3 February 2005

**PUBLIC CONSULTATION**

11. The public and Members of the Legislative Council were informed of the launch of the replacement exercise as set out in the Legislative Council Brief on the ROP Order introduced to the Legislative Council in May 2003.

12. The public and Members of the Panel on Security of the Legislative Council were further updated of the progress of the HKSAR ID Card Project as set out in an information paper in July 2004.

**IMPLICATION OF THE PROPOSAL**

13. The Application Order and the Amendment Order are in conformity with the Basic Law, including the provisions concerning human rights.

14. The Application Order and the Amendment 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**

15. 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 also assist in disseminating the above information to Hong Kong residents living outside Hong Kong.

**ENQUIRY**

16. 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  
10 December 2004

**APPLICATION FOR NEW IDENTITY CARDS  
(PERSONS BORN IN 1943 TO 1951 OR  
1970 TO 1973) ORDER**

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

**1. Commencement**

This Order shall come into operation on 3 February 2005.

**2. Schedule 2 amended**

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

(a) by adding –

“1943, 1944, 1945 or 1946      From 20 June 2005 to  
6 August 2005

1947, 1948 or 1949      From 25 April 2005 to  
18 June 2005

1950 or 1951      From 14 March 2005  
to 23 April 2005”

before –

“1952 or 1953      From 24 January 2005  
to 12 March 2005”;

(b) by adding –

“1970 or 1971      From 8 August 2005  
to 24 September  
2005

1972 or 1973      From 26 September  
2005 to 12  
November 2005”

after –

“1968 or 1969

From 15 September

2003 to 15

November 2003”.

Secretary for Security

6 December 2004

### **Explanatory Note**

This Order amends Schedule 2 to 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 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).

**《2004 年人事登記(申請新身分證)(修訂)令》**

(根據《人事登記條例》(第 177 章)第 7B(1)條作出)

**1. 生效日期**

本命令自 2005 年 2 月 3 日起實施。

**2. 申請新身分證**

《人事登記(申請新身分證)令》(第 177 章，附屬法例 E)第 3(2)條現予修訂，廢除在“須在”之後的所有字句而代以“2005 年 3 月 14 日或之後於智能身分證中心申請新身分證，但無論如何不得遲於不時根據第(3)款指示並適用於他的限期屆滿之日。”。

保安局局長

2004 年 12 月 6 日

**註釋**

本命令修訂《人事登記(申請新身分證)令》(第 177 章，附屬法例 E)第 3(2)條，以指示某些類別的人於指明限期內申請內置晶片的新身分證。

**Arrangements for the First Three Cycles  
of the Identity Card Replacement Exercise**

1. The Registration of Persons (Application for New Identity Cards) Order made by the Secretary for Security on 13 May 2003
2. The Application for New Identity Cards (Persons born in 1958 to 1963) Order made by the Secretary for Security on 4 December 2003
3. The Application for New Identity Cards (Persons born in 1952 to 1957 and Cross-boundary Drivers) Order made by the Secretary for Security on 3 May 2004