

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF PERSONS (INVALIDATION OF IDENTITY CARDS) ORDER 2007

INTRODUCTION

The Secretary for Security has made the Registration of Persons (Invalidation of Identity Cards) Order 2007 (“Third Invalidation Order”) under section 7C of the Registration of Persons Ordinance (Cap. 177) to declare that identity cards issued before 23 June 2003 or issued on or after that date as a result of an application made before that date (“old ID cards”) to certain categories of persons invalid. A copy of the Third Invalidation Order is at **Annex A**.

BACKGROUND

2. The Commissioner of Registration has appointed 23 June 2003 as the specified date on which ID cards embodying chips may be issued under Cap. 177 on and after that date. By the issue of Registration of Persons (Application for New Identity Cards) Orders (“Application Orders”) made under section 7B(1) of Cap. 177, holders of valid old ID cards born in the specified years are directed to apply for new ID cards by phases during the territory-wide Smart Identity Cards Replacement Exercise (“the replacement exercise”). For those residents who are not in Hong Kong during the concerned specified periods of the replacement exercise, they can apply for their ID cards within 30 days of their return to Hong Kong.

3. The replacement exercise has been completed by end March 2007. To tidy up the replacement exercise, the Secretary for Security has made similar orders in May 2006 and September 2006 to declare old ID cards whose holders born between and including 1958 and 1969, and between and including 1943 and 1957 to be invalid respectively. The invalidation exercise will help deter and detect the unlawful use of old ID cards by impersonators, holders of forged old ID cards and illegal immigrants.

THE INVALIDATION EXERCISE

4. In line with the arrangements for the last two replacement exercises, old ID cards will be declared invalid by batches in accordance with the “first apply, first invalidated” principle. An invalidation schedule comprising four phases to cover all holders of old ID cards is attached at **Annex B**. The last invalidation order was issued on 6 October 2006 to take effect on 15 January 2007.

5. The invalidation of old ID cards will not affect the holder’s right of abode in Hong Kong unless the holder has lost his permanent resident status under paragraph 7 of Schedule 1 to the Immigration Ordinance, Cap. 115.

THE THIRD INVALIDATION ORDER

6. The Third Invalidation Order covers the third phase of the invalidation exercise, i.e. persons born between and including 1970 and 1979¹. It will take effect as from 17 September 2007 to allow time for holders of old ID cards to replace their ID cards before the old cards are invalidated.

LEGISLATIVE TIMETABLE

7. The legislative timetable will be –

Publication in the Gazette	18 May 2007
Commencement of the Legal Notice	12 July 2007

IMPLICATIONS OF THE PROPOSAL

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

¹ These persons were covered by the fourth and fifth Application Orders to apply for new ID cards during the replacement exercise.

9. The Third Invalidation Order will not affect the current binding effect of the Registration of Persons Ordinance (Cap. 177) and the regulations (Cap. 177, sub. leg.) made thereunder.

PUBLICITY

10. The public will continue to be informed of the invalidation exercise through posters, advertisements, press releases, telephone enquiry system and homepages of the Immigration Department. Besides, our network of Hong Kong Economic and Trade Offices overseas and in the Mainland, as well as the Office of the Government of the HKSAR in Beijing will disseminate the above information to Hong Kong residents living outside Hong Kong.

ENQUIRY

11. For enquiry, please contact Mr Alan KM Chu, Principal Assistant Secretary for Security, on 2810 2506 or Mrs W Chung, Assistant Director of Immigration, on 2829 3839.

Security Bureau
16 May 2007

REGISTRATION OF PERSONS (INVALIDATION OF IDENTITY CARDS) ORDER 2007

(Made by the Secretary for Security under section 7C of the Registration of
Persons Ordinance (Cap. 177))

1. Commencement

This Order shall come into operation on 12 July 2007.

2. Invalidation of identity cards

All identity cards that are issued –

- (a) before 23 June 2003; or
- (b) on or after 23 June 2003 as a result of an application made
before that date,

and bear a date of birth in 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977,
1978 or 1979, shall cease to be valid on 17 September 2007.

Secretary for Security

2007

Explanatory Note

The object of this Order is to invalidate identity cards issued before 23
June 2003, or issued on or after that date as a result of an application made
before that date, bearing in both cases, a date of birth between and including
1970 and 1979.

Proposed Schedule for invalidation of ID cards by order made under Section 7C of the ROP Ordinance, Cap. 177

Invalidation Order	Cycle	Phase	Year of birth	Specified period for replacement		Effective date of invalidation
				from	to	
1	A	1	1958 to 1969	15-9-03 Mon	15-11-03 Sat	16.10.06 Mon
		2		17-11-03 Mon	10-1-04 Sat	
		3		12-1-04 Mon	13-3-04 Sat	
		4		15-3-04 Mon	22-5-04 Sat	
		5		24-5-04 Mon	24-7-04 Sat	
		6		26-7-04 Mon	25-9-04 Sat	
2	C	7	1943 to 1957	27-9-04 Mon	27-11-04 Sat	15.1.07 Mon
		8		29-11-04 Mon	22-1-05 Sat	
		9		24-1-05 Mon	12-3-05 Sat	
		10		14-3-05 Mon	23-4-05 Sat	
		11		25-4-05 Mon	18-6-05 Sat	
		12		20-8-05 Mon	6-8-05 Sat	
3	D	13	1970 to 1979	8-8-05 Mon	24-9-05 Sat	17.9.07 Mon
		14		26-9-05 Mon	12-11-05 Sat	
		15		14-11-05 Mon	24-12-05 Sat	
		16		28-12-05 Wed	11-2-06 Sat	
		17		13-2-06 Mon	25-3-06 Sat	
		18		27-3-06 Mon	27-5-06 Sat	
4	E	19	1980 to 1985, 1990 to 1992, 1997 to 2003, 1942 or before	29-5-06 Mon	8-7-06 Sat	Expected date on which Invalidation Order be issued: after mid 2008. It will also cover persons born in 1986-89 and 1993-96 whose ID card replacements are processed at the ROP Offices when attaining the age of 18 or 11 during 2004-2007.
		20		10-7-06 Mon	11-11-06 Sat	
		21		4-9-06 Mon	11-11-06 Sat	
		22		13-11-06 Mon	23-12-06 Sat	
		23		27-12-06 Wed	10-2-07 Sat	
		24		12-2-07 Mon	31-3-07 Sat	