

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF PERSONS (INVALIDATION OF IDENTITY CARDS) ORDER 2008

INTRODUCTION

The Secretary for Security has made the Registration of Persons (Invalidation of Identity Cards) Order 2008 (“Fourth 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 Fourth 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 new ID cards within 30 days of their return to Hong Kong.

3. The replacement exercise has been completed in March 2007. To tidy up the replacement exercise, the Secretary for Security has made orders in May 2006, September 2006 and May 2007 respectively to declare old ID cards whose holders born between and including 1958 and 1969, between and including 1943 and 1957, and between and including 1970 and 1979 to be invalid. The invalidation exercise will help deter and detect the use of old ID cards or forged old ID cards by any persons.

THE INVALIDATION EXERCISE

4. In line with the arrangements for the last three phases of the replacement exercise, 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 14 May 2007 and took effect on 17 September 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 FOURTH INVALIDATION ORDER

6. The Fourth Invalidation Order covers the last phase of the invalidation exercise, i.e. persons born in 1942 or before¹, or between and including 1980 and 2003². It will take effect as from 30 November 2008 to allow time for holders of old ID cards to replace their ID cards before the old cards are invalidated. This Order is to invalidate identity cards that have been issued before 23 June 2003, or issued on or after the date as a result of an application made before that date; and that have not previously been declared invalid by the Security for Security under section 7C(1) of the Registration of Persons Ordinance (Cap. 177).

LEGISLATIVE TIMETABLE

7. The legislative timetable will be-

Publication in the Gazette	16 May 2008
Commencement of the Legal Notice	10 July 2008

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

² These persons were covered by the fifth and sixth Application Orders to apply for new ID cards during the replacement exercise. In addition, 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 are also included.

IMPLICATIONS OF THE PROPOSAL

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

9. The Fourth 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 webpages 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 W H Chow, Principal Assistant Secretary for Security, on 2810 2506 or Mrs W Chung, Assistant Director of Immigration, on 2829 3839.

Security Bureau
14 May 2008

**REGISTRATION OF PERSONS (INVALIDATION OF
IDENTITY CARDS) ORDER 2008**

(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 10 July 2008.

2. Invalidation of identity cards

All identity cards –

- (a) issued before 23 June 2003, or issued on or after 23 June 2003 as a result of an application made before that date; and
- (b) bearing a date of birth in any year before 1942, or in 1942, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002 or 2003,

shall cease to be valid on 30 November 2008.

Secretary for Security

8 May 2008

Explanatory Note

The object of this Order is to invalidate identity cards –

- (a) that have been issued before 23 June 2003, or issued on or after that date as a result of an application made before that date; and
- (b) that have not previously been declared invalid by the Secretary for Security under section 7C(1) of the Registration of Persons Ordinance (Cap. 177).

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 the Invalidation Order
					from	to	
1	A	1	1968, 69	1958	15-9-03 Mon	15-11-03 Sat	16.10.06 Mon
		2	1966, 67		17-11-03 Mon	10-1-04 Sat	
		3	1964, 65		12-1-04 Mon	13-3-04 Sat	
	B	4	1962, 63	1969	15-3-04 Mon	22-5-04 Sat	
		5	1960, 61		24-5-04 Mon	24-7-04 Sat	
		6	1958, 59		26-7-04 Mon	25-9-04 Sat	
2	C	7	1956, 57	1943	27-9-04 Mon	27-11-04 Sat	15.1.07 Mon
		8	1954, 55		29-11-04 Mon	22-1-05 Sat	
		9	1952, 53		24-1-05 Mon	12-3-05 Sat	
	D	10	1950, 51	1957	14-3-05 Mon	23-4-05 Sat	
		11	1947 - 49		25-4-05 Mon	18-6-05 Sat	
		12	1943 - 46		20-6-05 Mon	6-8-05 Sat	
3	D	13	1970, 71	1970	8-8-05 Mon	24-9-05 Sat	17.9.07 Mon
		14	1972, 73		26-9-05 Mon	12-11-05 Sat	
	E	15	1974, 75	1979	14-11-05 Mon	24-12-05 Sat	
		16	1976, 77		28-12-05 Wed	11-2-06 Sat	
		17	1978, 79		13-2-06 Mon	25-3-06 Sat	
4	E	18	1980 - 82	1980 to 1985,	27-3-06 Mon	27-5-06 Sat	30.11.08 Sun (The 4th Invalidation Order will also cover persons born in 1986 - 1989 and 1993 - 1996 whose ID card replacements are processed at the ROP Offices when attaining the age of 18 or 11 during 2004 - 2007)
		19	1983 - 85		29-5-06 Mon	8-7-06 Sat	
	F	20	1990 - 92, 97 - 03	1990 to 1992,	10-7-06 Mon	11-11-06 Sat	
		21	1927 or before	1997 to 2003,	4-9-06 Mon	11-11-06 Sat	
		22	1928 - 32	1942 or before	13-11-06 Mon	23-12-06 Sat	
		23	1933 - 37		27-12-06 Wed	10-2-07 Sat	
		24	1938 - 42		12-2-07 Mon	31-3-07 Sat	