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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 6 January 2015**

Smart identity card

Purpose

This paper provides background information and summarises past discussions of the Legislative Council relating to the Hong Kong Special Administrative Region ("HKSAR") smart identity ("ID") card.

Background

2. The HKSAR smart ID card was introduced in June 2003 to replace the old ID card, the design and supporting computer system of which had become aged and outdated after a decade of use. The smart ID card employs state-of-the-art technologies to make it more secure and fraud-resistant. To combat forgery, the smart ID card incorporates a number of sophisticated security features, including optical variable ink, multiple laser image, kineprint with colour-changing images when viewed at different angles and high-quality laser engraved photograph on the polycarbonate card body.

Deliberations of the Panel on Security ("the Panel")

3. The Panel had discussed issues relating to the replacement of old ID cards with smart ID cards at various meetings and the major deliberations are summarised in the following paragraphs.

Need for the introduction of smart ID card and features of a smart ID card

4. While some members were supportive of the use of smart ID card with multiple applications, some other members expressed reservations about the need for introducing a smart ID card which could store a large amount of

personal data. According to the Administration, the old ID card had become less secure and prone to forgery due to the advancement of technology. Moreover, the computer system supporting the issue of the old ID card was about to reach the end of its life expectancy and the supplier would no longer provide maintenance service afterwards.

5. Members noted that a smart ID card would be made of durable materials and was designed to last no less than 10 years. The "chip" in the smart ID card allowed it to store and process data. It had the capability to support a number of government applications for both immigration functions and other value-added non-immigration functions, such as public library services, storage of e-Certificate, etc. Cardholders could choose whether to include any non-immigration applications in their smart ID cards. Access to chip data was protected by various security controls. Smart ID card employed sophisticated cryptographic techniques to protect data and ensure that cardholders' personal particulars could not be fraudulently altered. In addition to serving as a proof of identity, smart ID card could facilitate automated passenger clearance at immigration control points and enable the Immigration Department ("ImmD") to update the conditions of stay of temporary residents upon granting of extension of stay to them or their re-entry into Hong Kong. In anti-illegal immigration operations, the validity of a permission of stay granted to a person could be confirmed instantly in the field with the smart ID card reader. The use of smart ID card in non-government applications such as digital certificate would also boost the growth of electronic commerce in Hong Kong.

Security of personal data

6. Some members were concerned as to whether there would be sufficient security measures in place to protect cardholders' data. According to the Administration, the chip in the smart ID card had segregated compartments that could separate immigration-related applications from other value-added non-immigration functions. It was designed with a number of security measures that could effectively prevent various forms of intrusion. To strengthen data security and forgery-proof of smart ID card, only the templates of the cardholder's two thumbprints were stored in the card so that conversion to their original forms was impossible. More sensitive data was kept at the back-end computer system. Only essential immigration-related data would be stored in the smart ID card. Apart from the cardholder's facial image and the templates of two thumbprints, ImmD had no plan to add other biometrics identification data to smart ID cards.

Inclusion of non-immigration applications in a smart ID card

7. Some members were concerned that the right of individuals to preserve privacy of their personal data would be infringed if personal data not required for the purposes of the Registration of Persons ("ROP") Ordinance (Cap. 177) were stored in smart ID cards. They were particularly concerned whether steps would be taken to prevent possible abuse of personal data by government departments, and were of the view that smart ID cards should be used for ImmD's core businesses only.

8. Members noted that in determining the kind and amount of data, including biometrics identification data, to be stored in the smart ID card, consideration had been given by the Administration to how privacy and data security could be safeguarded. Technical feasibility and cost effectiveness in storing additional personal data had also been taken into account. While a smart ID card was capable of supporting non-immigration applications, the use of smart ID cards for multi-applications would be made on a voluntary basis. The data stored in the chip of a smart ID card was protected by security means and could only be read by authorised government departments with the aid of specific card readers. There was no sharing of databases among government departments. A package of security measures, including the development of a code of practice in consultation with the Privacy Commissioner for Personal Data setting out the rules on the collection, use of and access to smart ID card data and the conduct of privacy compliance audit, would be adopted to protect data privacy.

Legislative framework for the introduction of a smart ID card and ID card replacement exercise

9. To provide for the introduction of the smart ID card, the Administration introduced the Registration of Persons (Amendment) Bill 2001 into the Legislative Council in December 2001. A Bills Committee formed to examine the Bill had completed its work. Having considered members' concern about the inclusion of personal data beyond the purposes of the ROP Ordinance in the smart ID card, the Administration moved Committee Stage amendments ("CSAs") to the Bill to expressly provide that the inclusion of non-ROP data in the smart ID card required the consent of the cardholder and to provide for the removal of such data stored in the smart ID card if so requested by the cardholder concerned. The Bill as amended by these CSAs was passed in March 2003.

10. A territory-wide exercise for replacement of ID cards with smart ID cards commenced in August 2003 and was completed in March 2007. According to the Administration, ImmD had issued more than 11 million smart ID cards between June 2003 and December 2013. During the period, there were about 55 000 cases involving card replacement, representing approximately 0.49% of the total number of cards issued.

Recent development

11. In response to a written question about smart ID cards raised at the Council meeting of 26 February 2014, the Administration advised that ImmD was conducting a consultancy study on the Next Generation Smart Identity Card System to review the adequacy of the existing system and assess the need to introduce more advanced technologies in smart ID card to enhance the quality of materials, data security, anti-forgery features and biometric identification technology, as well as other functional developments and applications. The study was expected to be completed in mid-2014.

Relevant papers

12. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Appendix

Relevant papers on smart identity card

Committee	Date of meeting	Paper
Panel on Security	3.3.2000 (Item I)	Agenda Minutes
Panel on Security	1.6.2000 (Item IV)	Agenda Minutes
Panel on Security	24.10.2000 (Item II)	Agenda Minutes
Panel on Security	11.11.2000 (Item I)	Agenda Minutes
Legislative Council	6.12.2000	Motion on "Smart identity Card
Panel on Security	18.1.2001 (Item IV)	Agenda Minutes
Panel on Security	6.2.2001 (Item IV)	Agenda Minutes
Panel on Security	14.2.2001 (Item I)	Agenda Minutes
Panel on Security	7.11.2001 (Item II)	Agenda Minutes
Panel on Information Technology and Broadcasting and Panel on Security (Joint meeting)	20.12.2001 (Item II)	Agenda Minutes
Panel on Security	9.4.2002 (Item III)	Agenda Minutes

Committee	Date of meeting	Paper
Panel on Security	10.7.2002 (Item IV)	Agenda Minutes
Legislative Council	2.6.2004	Official Record of Proceedings (Question 7)
Legislative Council	2.3.2005	Official Record of Proceedings (Question 6)
Legislative Council	16.1.2008	Official Record of Proceedings (Question 18)
Legislative Council	23.1.2008	Official Record of Proceedings (Question 7)
Legislative Council	15.5.2013	Official Record of Proceedings (Question 10)
Legislative Council	26.2.2014	Official Record of Proceedings (Question 9)
Bills Committee on the Registration of Persons (Amendment) Bill 2001	---	Report