

立法會
Legislative Council

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the Administration)

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**Subcommittee on
Registration of Persons (Application for New Identity Cards) Order 2018
and Registration of Persons (Application for New Identity Cards) Order
(Repeal) Order**

**Minutes of meeting
held on Monday, 5 November 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon James TO Kun-sun
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Holden CHOW Ho-ding
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon Gary FAN Kwok-wai
- Member attending** : Hon AU Nok-hin

Member absent : Hon Dennis KWOK Wing-hang

Public Officers attending : Item II

Ms Maggie WONG Siu-chu, JP
Deputy Secretary for Security 3

Mr Parson LAM Chun-wah
Principal Assistant Secretary for Security D

Mr CHAN Tin-chee
Assistant Director (Personal Documentation)
Immigration Department

Miss Celia HO Wai-kwan
Government Counsel
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Gloria TSANG
Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Election of Chairman

Mr CHAN Hak-kan was elected Chairman of the Subcommittee.

2. Members agreed that there was no need for the Subcommittee to elect a Deputy Chairman.

II. Meeting with the Administration

3. The Subcommittee deliberated the two items of subsidiary legislation (index of proceedings attached at **Annex**).

4. The Subcommittee requested the Administration to provide the following information:

- (a) breakdown of the types of the 11 million smart identity cards issued between June 2003 and December 2013; and
- (b) details of information technology security risk assessments and privacy impact assessments conducted during different stages of development of the Next Generation Smart Identity Card System and the new smart identity card, including the independent consultant(s) engaged and the relevant expenditure.

III. Any other business

5. The Chairman concluded that the Subcommittee had completed its scrutiny work. The Subcommittee noted that the Chairman would report on the deliberations of the Subcommittee at the House Committee meeting on 16 November 2018. The deadline for giving notice of amendments, if any, to the two items of subsidiary legislation would be 14 November 2018.

6. There being no other business, the meeting ended at 4:00 pm.

**Proceedings of meeting of the Subcommittee on
Registration of Persons (Application for New Identity Cards) Order 2018 and
Registration of Persons (Application for New Identity Cards) Order (Repeal) Order
held on Monday, 5 November 2018, at 2:30 pm
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Time marker	Speaker	Subject(s) / Discussion	Action Required
000000 - 000529	Mr James TO Kun-sun Dr CHIANG Lai-wan Mr CHAN Chun-ying Mr CHAN Hak-kan	Election of Chairman	
000530 - 000721	Chairman	Opening remarks	
000722 - 001427	Chairman Admin	Briefing by the Administration on the two items of subsidiary legislation and its response to the issues raised by Assistant Legal Adviser 6 in her letter dated 29 October 2018 (LC Paper Nos. CB(2)180/18-19(01) and (02)).	
001428 - 001930	Chairman Mr Gary FAN Admin	<p>Mr Gary FAN was concerned about the security features of the new smart identity ("ID") card and asked how the Administration would prevent the theft of personal information stored in the chip of the new ID card.</p> <p>The Administration responded that:</p> <p>(a) the Immigration Department ("ImmD") had strictly complied with relevant security regulations when designing the new smart ID card;</p> <p>(b) a bi-level encryption mechanism would be adopted. To access information stored in the chip, the new ID card had to be first placed on top of an authorized optical card reader to initiate an authentication process followed by further mutual authentication between the chip and the card reader; and</p> <p>(c) even if the optical card reader was stolen, information stored in the chip could not be accessed without a specific back-end program with a random encrypted key.</p>	

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001931 - 002335	Chairman Mr CHAN Chun-ying Admin	<p>Mr CHAN Chun-ying's questions regarding:</p> <ul style="list-style-type: none"> (a) whether the new ID card issued by ImmD and electronic identity ("eID") to be issued by the Office of the Government Chief Information Officer ("OGCIO") could be launched together so as to reduce relevant expenditure; and (b) the replacement arrangement for people with chronic illness staying at hospitals. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the new ID card and eID were two separate initiatives with different timing. However, if there could be any cooperation between ImmD and OCGIO in the launch of eID, ImmD would be happy to facilitate as far as practicable; (b) as an existing arrangement, people with chronic illness who satisfied a registration officer that their personal attendance for replacement of ID cards would injure their health or the health of others could apply for a Certificate of Exemption; and (c) facilitation would be given to persons with disabilities and elderly persons residing in residential care homes ("RCHs") by providing them with on-site ID card replacement service. 	
002336 - 002823	Chairman Mr YIU Si-wing Admin	<p>Mr YIU Si-wing's questions regarding:</p> <ul style="list-style-type: none"> (a) the validity of the existing ID cards for overseas cardholders if they had not replaced their ID cards within the replacement period; (b) whether there would be any flexible replacement arrangement for cardholders residing overseas; and (c) whether ImmD would arrange mobile ID card replacement offices on outlying islands and in rural areas. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) according to section 7B(4) of the Registration of Persons Ordinance (Cap. 177), cardholders who were absent from Hong Kong at the time when 	

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		<p>their respective age groups were called up for ID card replacement could apply for new ID cards within 30 days of their return to Hong Kong without being regarded as contravening the Registration of Persons (Application for New Identity Cards) Order 2018 (L.N. 193 of 2018) ("ROP Order 2018"). To ensure that the replacement exercise would be implemented in an orderly manner, it had no plan at present to allow these cardholders to have their ID cards replaced earlier to fit in their schedule;</p> <p>(b) to facilitate card replacement, appointment booking could be made on the internet or through an application on mobile phones or devices 24 working days in advance;</p> <p>(c) a person applying for a new ID card within the specified period could bring along two persons aged 65 or above (born in 1954 or before) to replace their ID cards together during the same visit to the Smart Identity Card Replacement Centre ("SIDCC"); and</p> <p>(d) for people living on outlying islands or in rural areas, ImmD would, same as in the previous ID card replacement exercise, work with the Social Welfare Department ("SWD") and community organizations on special arrangements of group visits and applications.</p>	
002824 - 003423	Chairman Mr James TO Admin	<p>Mr James TO's concern and the Administration's response over the number of persons not having their ID cards replaced in the last exercise.</p> <p>Mr TO's questions regarding:</p> <p>(a) whether a person who, for whatever reason, had not replaced his or her ID card in the last ID card replacement exercise, would be allowed to apply for the new ID card; and</p> <p>(b) any arrangement if cardholders who were absent from Hong Kong were not able to have their ID cards replaced during their coming return to Hong Kong because of short stay.</p> <p>The Administration responded that:</p>	

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		<p>(a) a person who had not replaced his or her ID card in the last ID card replacement exercise could visit any of the five existing Registration of Persons Offices to replace his or her ID card;</p> <p>(b) online appointment booking for ID card replacement could be made 24 working days in advance; and</p> <p>(c) authorization could be arranged to allow another person to collect the ID card on his or her behalf.</p> <p>Mr TO's concern and the Administration's response about the feasibility of providing ID card replacement service overseas.</p>	
003424 - 003911	Chairman Mr CHAN Han-pan Admin	<p>Mr CHAN Han-pan's questions regarding:</p> <p>(a) the designated period of ID card replacement for existing cardholders born in 2001; and</p> <p>(b) whether ImmD would arrange mobile ID card replacement centres in rural areas to facilitate the replacement service.</p> <p>The Administration remarked that existing cardholders born in 2001 were required to apply for adult ID cards at any of the five existing Registration of Persons Offices following their 18th birthday in 2019. The Administration also reiterated its facilitation measures, including the on-site ID card replacement service at RCHs and the accompanied elderly arrangement. The Administration further advised that ImmD would work with SWD and relevant organizations on detailed arrangements of group visits and applications.</p> <p>Mr CHAN considered that group visits to SIDCCs were inconvenient and reiterated his suggestion of mobile ID card replacement centres. The Chairman invited the Administration to note Mr CHAN 's view.</p>	
003912 - 004548	Chairman Dr CHIANG Lai-wan Admin	Referring to paragraph 4 of the background brief prepared by the Legislative Council Secretariat (LC Paper No. CB(2)180/18-19(03)), Dr CHIANG Lai-wan requested the Administration to provide a breakdown of the types of the 11 million smart ID cards issued between June 2003 and December 2013.	Admin

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		<p>In response to Dr CHIANG's enquiry regarding the non-immigration applications of the new ID card, the Administration advised that apart from the existing applications, OGCIO had proposed to include a digital photograph and sex in the card face data compartment in the chip. This would potentially allow financial institutions to provide more secure and efficient services to their customers, as well as facilitating the Electronic Health Record Sharing System and the eHealth System (Subsidies).</p> <p>Dr CHIANG hoped that more applications using the new ID cards would be developed.</p>	
004549 - 005046	Chairman Ir Dr LO Wai-kwok Admin	<p>Ir Dr LO Wai-kwok welcomed the facilitation measures adopted by the Administration, including the on-site ID card replacement service at RCHs and the accompanied elderly arrangement.</p> <p>In response to Ir Dr LO Wai-kwok's enquiry regarding the ID card replacement service at RCHs, the Administration stressed that the service intended to facilitate needy persons residing in RCHs. Needy persons, if their health conditions were not allowed, could apply for a Certificate of Exemption. For staff members working at RCHs, they were required to apply for their new ID cards at SIDCCs within the specified periods.</p>	
005047 - 005535	Chairman Mr Alvin YEUNG Admin	<p>In response to Mr Alvin YEUNG's enquiry regarding the technological aspect of the new ID card, the Administration said that the new ID card would come with state-of-the-art security features and was manufactured by a French-based company. In view of the improved card durability, the new card was expected to be used for around 15 years. Nevertheless, the serviceable life span would be much dependent on the actual circumstance, including but not limited to factors such as technological advancement and security features.</p> <p>In response to Mr YEUNG's further enquiry regarding the non-immigration applications of the new ID card, the Administration assured members that consent of the cardholder was required before using those applications.</p>	

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005536 - 005715	Chairman Ms Alice MAK Admin	On Ms Alice MAK's enquiry regarding whether a patient could postpone his or her ID card application due to health condition, the Administration reiterated that needy persons could apply for a Certificate of Exemption and replace their ID cards at a later stage when circumstances so allowed.	
005716 - 010228	Chairman Mr Charles MOK Admin	<p>Given the rapid development in information technology and cyber security, Mr Charles MOK considered that the Administration should manage public expectation that the new ID cards were required to be replaced after a period of time.</p> <p>In response to Mr MOK's concern over the non-immigration applications of the new ID card, the Administration said that it would work with OGCIO with a view to enhancing other possible uses of the new ID card.</p>	
010229 - 010901	Chairman Dr KWOK Ka-ki Admin	<p>Dr KWOK Ka-ki's enquiry and the Administration's response over the replacement arrangement for cardholders who were absent from Hong Kong. The Administration added that from operation point of view, it was difficult to have another flexible arrangement given the unknown number of overseas cardholders replacing their ID cards at the same time.</p> <p>In response to Dr KWOK's further enquiry about cyber security and privacy protection, the Administration said that information technology security risk assessments and privacy impact assessments ("PIAs") were conducted during each critical stage. The Privacy Commissioner for Personal Data had been consulted on the findings of the PIAs and expressed no adverse comment on the reports. The above assessments would also be conducted prior to the launch of the replacement exercise. The Administration undertook to provide supplementary information in relation to the independent consultant(s) engaged and the expenditure in conducting the assessments.</p>	Admin
010902 - 011400	Chairman Mr Holden CHOW Admin	Mr Holden CHOW asked whether any further facilitation measures would be adopted in the upcoming replacement exercise, such as allowing persons aged 65 or above to replace their ID cards at any time throughout the replacement exercise. The Administration explained that the accompanied	

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		<p>elderly arrangement, as a convenient measure to be introduced this time, enabled applicants to bring along their family members or friends aged 65 or above to replace their ID cards together during the same visit to an SIDCC, such that these elderly persons need not proceed to SIDCCs separately by themselves when their respective age groups were called up at a later stage. There might be impact on the timeline of the whole exercise should elderly aged 65 or above be allowed to replace their ID cards at any time throughout the exercise.</p> <p>To cater for the extra number of applicants in each age group as a result of the accompanied elderly arrangement, the Administration advised that the working hours of the nine SIDCCs would be extended to 10 pm in this replacement exercise, as compared with 9:15 pm in the last exercise.</p>	
011401 - 011600	Chairman Admin	In response to the Chairman's enquiry regarding the arrangement of overseas replacement service, the Administration explained that according to the Registration of Persons Regulations (Cap. 177A), any person with an ID card issued overseas must have his or her card renewed within 30 days of his or her return to Hong Kong, unless he or she was still under the age of 11. In addition, the permanent resident status of overseas cardholders would not be affected only because they were not able to have their ID cards replaced during the replacement period.	
011601 - 012449	Chairman Admin	<p>Examination of provisions of ROP Order 2018</p> <p>In response to the Chairman's enquiry, the Administration clarified that the accompanied elderly arrangement would not apply to public officers mentioned under section 5 of the ROP Order 2018 when they replaced their ID cards during the period from 27 December 2018 to 30 March 2019.</p>	
012450 - 012700	Chairman Admin Mr CHAN Chun-ying	In response to Mr CHAN Chun-ying's enquiry regarding the need for specifying the location of replacement centres in Part 1 of Schedule 1, the Administration advised that the places for new ID card replacement should be listed out in accordance with section 7B(1) of Cap. 177.	

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012701 - 012848	Chairman Admin Mr Holden CHOW	In response to Mr Holden CHOW's enquiry regarding the schedule of the replacement exercise as stipulated in Schedule 2, the Administration advised that the full schedule was subject to further adjustments based on actual progress of the exercise, and details would be set out by way of amending the ROP Order 2018 nearer the time.	
012849 - 013113	Chairman Admin Mr Holden CHOW	In response to Mr Holden CHOW's concern over RCHs, the Administration said that RCHs specified in Schedule 3 had been drawn up by ImmD in consultation with SWD and the Department of Health, and had already covered all RCHs which ImmD's facilitation measure in the replacement exercise was intended to cover.	
013114 - 013203	Chairman Admin	Examination of provisions of L.N. 194 of 2018	
013204 - 013354	Chairman Admin	Members agreed that there was no need to invite public views on the two items of subsidiary legislation. Completion of scrutiny of the two items of subsidiary legislation. Date of reporting the work of the Subcommittee to the House Committee and legislative timetable.	