

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF PERSONS (APPLICATION FOR NEW IDENTITY CARDS) ORDER 2018

REGISTRATION OF PERSONS (APPLICATION FOR NEW IDENTITY CARDS) ORDER (REPEAL) ORDER

INTRODUCTION

The Registration of Persons (Application for New Identity Cards) Order 2018 (the “ROP Order 2018”) has been made under section 7B(1) of the Registration of Persons Ordinance, Cap.177 (“ROPO”) to direct certain categories of persons to apply for new identity cards. The Registration of Persons (Application for New Identity Cards) Order (Repeal) Order (“the ROP Repeal Order”) has also been made to repeal the order underpinning the last territory-wide identity card replacement exercise.

JUSTIFICATIONS

2. The Commissioner of Registration has appointed 26 November 2018 as the specified date, from which onwards applicants for new Hong Kong identity cards (HKICs) ¹ or applicants for replacement of lost, destroyed, damaged or defaced HKICs will be issued with a new form of smart HKICs following the implementation of the Next Generation Smart Identity Card System (SMARTICS-2).

Territory-wide identity card replacement exercise

Call-up programme

3. Holders of existing smart HKICs will be invited to come forward

¹ These applicants include for instance, children reaching the age of 11, young people reaching the age of 18 and other new arrival residents eligible for applying for new identity cards.

by phases to have their HKICs issued or applied for before 26 November 2018 (“target HKICs”) replaced. Such a territory-wide identity card replacement exercise (“replacement exercise”) will commence on 27 December 2018 and, subject to actual progress, is expected to last for about four years. An indicative schedule of the full replacement exercise, which is subject to further adjustments based on actual progress of the replacement exercise, is at **Annex A**.

4. The Secretary for Security has made the ROP Order 2018 (**Annex B**) under section 7B(1) of ROPO announcing details of the arrangement of the first cycle of the replacement exercise. Same as the last replacement exercise, the upcoming replacement exercise will begin by first replacing the existing smart HKICs of members of the Immigration Service, police officers and labour inspectors, allowing them to get familiar with the new smart HKIC for execution of their duties in relation to fighting against illegal immigration and illegal employment. Also same as the last exercise, the ROP Order 2018 has provided the Chief Executive, members of the Executive Council and the Legislative Council, and Principal Officials with an option to apply for the new identity cards at the same stage. This will enable the Immigration Department (ImmD) to review and improve, in the light of the feedback received on the workflow of identity card replacement operation, before rolling out the programme to all Hong Kong residents.

5. Other smart HKIC holders will be called up to have their smart HKICs replaced by phases in accordance with their year of birth. Holders of existing smart HKICs born between 1985 and 1986 and between 1968 and 1969 are directed to apply for their new smart HKICs within the specified periods (from 21 January 2019 to 30 March 2019 for holders of existing smart HKICs born between 1985 and 1986; and from 1 April 2019 to 1 June 2019 for those born between 1968 and 1969) at the nine Smart Identity Card Replacement Centres (SIDCCs). Other holders of existing smart HKICs born in other years will be called up generally according to their years of birth. Details will be set out in the ROP Order 2018 by way of amendments as the replacement exercise progresses.

6. According to section 7B(4) of ROPO, holders of existing HKIC who are absent from Hong Kong (such as those residing in the Mainland or overseas) at the time when their respective age groups are called up for identity card replacement can apply for an identity card within 30 days of their return to Hong Kong without being regarded as contravening the ROP Order 2018. Meanwhile, the existing arrangement for issuing Certificate of Exemption pursuant to regulation 25(e) of the Registration of Persons Regulations, Cap. 177A (“ROPR”)² to those who are unable to replace their identity cards in person remains unchanged.

New facilitation measures in the replacement exercise

7. The following new facilitation measures, which will run in parallel to the call-up programme mentioned in paragraph 5 above, will be adopted to make the replacement exercise more convenient to the public, in particular the elderly and needy groups –

- (a) any person with an existing HKIC showing a year of birth of 1954 or before (aged 65 or above in 2019), if accompanied by another person applying for a new HKIC at a SIDCC within the period specified for that person under the ROP Order 2018, may also apply for a new HKIC during the same visit (though it is not the period specified for him/her). This arrangement in effect enables applicants to bring along their family members or friends aged 65 or above to replace their HKICs 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 are called up for HKIC replacement at a later stage.
- (b) ImmD will introduce the on-site identity card replacement service at residential care homes for elderly persons and persons with disabilities (RCHs) such that residents of RCHs need not visit an SIDCC for HKIC replacement³. The ROP

² Under regulation 25(e) of ROPR, the aged, the blind or the infirm who satisfy a registration officer that their personal attendance for registration of HKICs will injure their health or the health of others are not required to register or apply for the issue or renewal of an identity card. They can instead apply for a Certificate of Exemption, which is issued free of charge, with the Commissioner of Registration.

³ By invoking the Commissioner of Registration’s power under regulation 3B(2) of ROPR.

Order 2018 has provided that residents of RCHs specified in the order may choose to have their HKICs replaced on-site at RCHs, in addition to replacing their HKICs at the SIDCCs in the period specified for their age groups, thereby saving a visit to an SIDCC. In the second quarter of 2019, ImmD will roll out the on-site identity card replacement service by gradually extending it to individual RCHs throughout the territory. In addition, to allow greater flexibility for residents of RCHs, who, for whatever reasons, have not had their identity cards replaced through the on-site identity card replacement service or at an SIDCC, they are allowed to proceed to the five existing Registration of Persons Offices to have their HKICs replaced within two months after the end of the replacement exercise. The exact end date of this facilitation measure will be determined and specified by the Secretary for Security, taking into account the actual progress of the replacement exercise, by way of amending the ROP Order 2018 nearer the time.

Repeal order

8. Same as the last replacement exercise, the Secretary for Security has also made the ROP Repeal Order (**Annex C**) to repeal the order underpinning the last replacement exercise held from August 2003 to March 2007, which has already lapsed.

THE ORDERS

9. The ROP Order 2018 directs certain holders of target HKICs to apply for new HKICs at the SIDCCs and provides for the facilitation measures mentioned in paragraph 7 above. The ROP Repeal Order repeals the order underpinning the last replacement exercise.

LEGISLATIVE TIMETABLE

10. The legislative timetable will be –

Publication in the Gazette

19 October 2018

Commencement of the Orders

27 December 2018

IMPLICATIONS OF THE PROPOSALS

11. The orders are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of ROPO and ROPR.

PUBLIC CONSULTATION

12. In May 2015, the Finance Committee of the Legislative Council (LegCo) approved funding for the implementation of SMARTICS-2. On 5 December 2017, we briefed the Panel on Security of LegCo on the new form of HKIC and the framework of the replacement exercise. Members expressed support for ImmD's new facilitation measures in the replacement exercise.

PUBLICITY

13. ImmD will hold a press conference on 18 October 2018 to announce the introduction of new form of HKIC and details of the replacement exercise. Publicity will be put up through various channels, such as television, the Internet, etc., to explain to members of the public details of the new smart HKIC and the replacement exercise prior to its launch and throughout the exercise.

ENQUIRIES

14. For any enquiry on this brief, please contact Mr Parson CW LAM, Principal Assistant Secretary for Security at 2810 2506, or Mr Timothy TC CHAN, Assistant Director of Immigration at 2829 3883.

Security Bureau
October 2018

**Territory-wide Identity Card Replacement Exercise
Call-up Programme - Indicative Schedule**

Cycle	Phase	Year of Birth or Groups of Persons	Age (as at 2019)	Designated Period for Replacement (note)	
				From	To
A	1	The Chief Executive Members of the Executive Council Members of the Legislative Council Principal Officials appointed pursuant to a nomination under Article 48(5) of the Basic Law Members of the Immigration Service Police Officers Public Officers at the rank of Chief Labour Inspector, Senior Labour Inspector, Labour Inspector I or Labour Inspector II	-	27 Dec 2018	30 Mar 2019
	2	1985 - 1986	33 - 34	21 Jan 2019	30 Mar 2019
	3	1968 - 1969	50 - 51	1 Apr 2019	1 Jun 2019
B	4	1966 - 1967	52 - 53	Q2 - Q4 2019	
	5	1964 - 1965	54 - 55		
	6	1955 - 1956	63 - 64		
C	7	1957 - 1959	60 - 62	Q4 2019 - Q2 2020	
	8	1960 - 1961	58 - 59		
	9	1962 - 1963	56 - 57		
D	10	1970 - 1972	47 - 49	2020	
	11	1973 - 1974	45 - 46		
	12	1975 - 1976	43 - 44		
E	13	1977 - 1978	41 - 42	2020/ 2021	
	14	1979 - 1980	39 - 40		
	15	1981 - 1982	37 - 38		
F	16	2005 - 2007 2012 - 2018	12 - 14 1 - 7	2021	
	17	1983 - 1984	35 - 36		
G	18	1987 - 1988	31 - 32	2021/ 2022	
	19	1989 - 1990	29 - 30		
	20	1991 - 1992	27 - 28		
H	21	1993 - 1994	25 - 26	2022	
	22	1995 - 1997	22 - 24		
	23	1998 - 2000	19 - 21		
I	24	1954 or before	65 & above	2022	

(note) Except Cycle A, the designated schedule for replacement at Smart Identity Card Replacement Centres is for indicative purpose only. The schedule and sequences may be adjusted in the light of actual experience.

Registration of Persons (Application for New Identity Cards) Order 2018

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

1. Commencement

This Order comes into operation on 27 December 2018.

2. Interpretation

In this Order—

Regulations (《規例》) means the Registration of Persons Regulations (Cap. 177 sub. leg. A);

replacement centre (換證中心), subject to section 7, means a smart identity card replacement centre specified in Part 1 of Schedule 1;

residential care home (護理院舍) means—

- (a) a residential care home in respect of which a licence, or a certificate of exemption, as defined by section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) issued or renewed under that Ordinance is in force;
- (b) a residential care home for persons with disabilities in respect of which a licence, or a certificate of exemption, as defined by section 2 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) issued or renewed under that Ordinance is in force; or
- (c) an institution specified in Schedule 3;

target identity card (待換身分證) means a valid identity card that is prepared under regulation 5(1)(a) of the Regulations and—

- (a) issued before 26 November 2018; or
- (b) issued on or after that date as a result of an application made before that date.

3. Application

This Order applies to holders of target identity cards.

4. Holders of target identity cards to apply for new identity cards

Subject to sections 5, 6 and 7, a holder of a target identity card that shows a year of birth specified in column 1 of Schedule 2 must apply for a new identity card at a replacement centre within the period specified in column 2 of that Schedule opposite that year (*specified period*).

5. Applications by certain public officers

- (1) The following persons must apply for a new identity card at a replacement centre within the period from 27 December 2018 to 30 March 2019—
 - (a) a member of the Immigration Service;
 - (b) a police officer; and
 - (c) a public officer at the rank of Chief Labour Inspector, Senior Labour Inspector, Labour Inspector I or Labour Inspector II.
- (2) For the purposes of section 4, in relation to the following persons, specified period includes the period from 27 December 2018 to 30 March 2019—
 - (a) the Chief Executive;
 - (b) a member of the Executive Council;
 - (c) a member of the Legislative Council; and

- (d) a principal official appointed pursuant to a nomination under Article 48(5) of the Basic Law.

6. Applications by accompanied elderly

- (1) Subject to subsection (2), if—
- (a) a person makes an application for a new identity card at a replacement centre within—
- (i) the period specified for the person in column 2 of Schedule 2; or
 - (ii) if the person is absent from Hong Kong during that period—30 days after the person's return to Hong Kong; and
- (b) the person accompanies another person who—
- (i) holds a target identity card that shows a year of birth of 1954 or before; and
 - (ii) makes, together with the application mentioned in paragraph (a), an application for a new identity card (*concurrent application*) at the centre,

the concurrent application is deemed to be made in compliance with section 4.

- (2) The number of concurrent applications made together with the application mentioned in subsection (1)(a) must not exceed 2 or a larger number that a registration officer may allow in a particular case.

7. Applications by residents of residential care homes

- (1) For the purposes of section 4, in relation to a person who is a resident of a residential care home—
- (a) a replacement centre includes premises that are for the time being specified by the Commissioner as a mobile

office in relation to the residential care home under regulation 3B(2) of the Regulations; and

- (b) specified period includes the period during which the specification mentioned in paragraph (a) is effective.
- (2) Without limiting subsection (1) and for the purposes of section 4, in relation to a person who is a resident of a residential care home at any time during the period from 27 December 2018 to a date to be determined by the Secretary for Security (*relevant date*)—
- (a) a replacement centre means, during the 2 months beginning on the day after the relevant date, a registration of persons office specified in Part 2 of Schedule 1; and
 - (b) specified period includes the period mentioned in paragraph (a).
- (3) For the purposes of subsections (1) and (2), a person who resides in a residential care home as a member of its staff is not a resident of it.

Schedule 1

[ss. 2 & 7]

Replacement Centres and Registration of Persons Offices

Part 1

Replacement Centres

Column 1	Column 2	Column 3
Item	Name	Location
1.	Hong Kong Island Smart Identity Card Replacement Centre	Room 200, 2/F, Shui On Centre, 6/8 Harbour Road, Wan Chai
2.	East Kowloon Smart Identity Card Replacement Centre	Unit 1 & Storeroom 3, 2/F, Manulife Financial Centre & Unit 1B, 3/F, Manulife Financial Centre Tower A, 223 Wai Yip Street, Kwun Tong
3.	West Kowloon Smart Identity Card Replacement Centre	12/F, Gala Place, 56 Dundas Street, Mong Kok

Column 1	Column 2	Column 3
Item	Name	Location
4.	Tsuen Wan Smart Identity Card Replacement Centre	Shops S201–S205, S211–S212 & S216, 2/F, East Asia Gardens, 50 Texaco Road, Tsuen Wan
5.	Sha Tin Smart Identity Card Replacement Centre	Shops G26–G29 & G32, G/F & Shops 103, 105–106, 122–123 & 125, 1/F, Kings Wing Plaza 1, 3 On Kwan Street, Sha Tin
6.	Sheung Shui Smart Identity Card Replacement Centre	7/F, Spot, 48 Lung Sum Avenue, Sheung Shui
7.	Tuen Mun Smart Identity Card Replacement Centre	Shop L414B, Level 4, Leung King Plaza, Leung King Estate, 31 Tin King Road, Tuen Mun
8.	Yuen Long Smart Identity Card Replacement Centre	Shop 50, G/F, Manhattan Plaza, 23 Sai Ching Street, Yuen Long
9.	Tseung Kwan O Smart Identity Card Replacement Centre	Shops 20–26, G/F, Corinthia By The Sea, 23 Tong Yin Street, Tseung Kwan O, Sai Kung

Part 2

Registration of Persons Offices

Column 1	Column 2	Column 3
Item	Name	Location
1.	Hong Kong Office	8/F, Immigration Tower, 7 Gloucester Road, Wan Chai
2.	Kowloon Office	3/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Sham Shui Po
3.	Kwun Tong Office	Unit 3, 2/F, Manulife Financial Centre, 223 Wai Yip Street, Kwun Tong
4.	Fo Tan Office	Shops 405–407, 4/F, Jubilee Square, 2–18 Lok King Street, Fo Tan
5.	Yuen Long Office	1/F, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long

Schedule 2

[ss. 4 & 6]

Years of Birth and Specified Periods

Column 1	Column 2
Year of birth	Specified period
1968 or 1969	From 1 April 2019 to 1 June 2019
1985 or 1986	From 21 January 2019 to 30 March 2019

Schedule 3

[s. 2]

Institutions

- Alice Ho Miu Ling Nethersole Nursing Home (雅麗氏何妙齡那打素護養院)
- Buddhist Li Chong Yuet Ming Nursing Home for the Elderly (佛教李莊月明護養院)
- Haven of Hope Nursing Home (靈實護養院)
- Haven of Hope Sister Annie Skau Holistic Care Centre (靈實司務道寧養院)
- Home of Loving Faithfulness (可愛忠實之家)
- Hong Kong Sheng Kung Hui Nursing Home (香港聖公會護養院)
- Jockey Club Home for Hospice (賽馬會善寧之家)
- Po Leung Kuk Wong Chuk Hang Extended Care Home (保良局黃竹坑安養院)
- Pok Oi Hospital Tuen Mun Nursing Home (博愛醫院屯門護養院)
- The Hong Kong Anti-Cancer Society Jockey Club Cancer Rehabilitation Centre (香港防癌會賽馬會癌症康復中心)
- Yan Chai Nursing Home (仁濟護養院)



Secretary for Security

12 October 2018

Explanatory Note

This Order directs certain holders of valid identity cards issued before 26 November 2018, or issued on or after that date as a result of an application made before that date (*target identity cards*), to apply for new identity cards at the smart identity card replacement centres (*replacement centres*) within the periods specified for these holders.

2. This Order also provides that—
 - (a) a holder of a target identity card that shows a year of birth of 1954 or before may, if accompanied by another person who is applying for a new identity card and subject to other conditions, apply for a new identity card within the period specified for that other person; and
 - (b) a holder of a target identity card who is a resident of a specified residential care home (other than a person who resides there as a member of its staff) may apply for a new identity card at specified premises other than the replacement centres.

Registration of Persons (Application for New Identity Cards) Order (Repeal) Order

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

Explanatory Note

This Order repeals the Registration of Persons (Application for New Identity Cards) Order (Cap. 177 sub. leg. E) in view of the making of the Registration of Persons (Application for New Identity Cards) Order 2018.

1. Commencement

This Order comes into operation on 27 December 2018.

2. Repeal

The Registration of Persons (Application for New Identity Cards) Order (Cap. 177 sub. leg. E) is repealed.


Secretary for Security

12 October 2018
