

立法會
Legislative Council

Ref : CB2/BC/6/01

LC Paper No. CB(2) 1469/02-03
(These minutes have been seen by
the Administration)

**Bills Committee on
Registration of Persons (Amendment) Bill 2001**

**Minutes of meeting
held on Friday, 21 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon SIN Chung-kai
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Miriam LAU Kin-ye, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Dr Hon David CHU Yu-lin, JP
Hon Margaret NG
Hon Emily LAU Wai-hing, JP
Hon Henry WU King-cheong, BBS, JP

Public Officers attending : Mr Michael WONG
Deputy Secretary
Security Bureau

Mr Alan CHU
Principal Assistant Secretary
Security Bureau

Ms Anne TENG
Assistant Secretary
Security Bureau

Mr Michael STONE
E-government Coordinator
Commerce, Industry and Technology Bureau

Ms Joyce TAM
Principal Assistant Secretary
Commerce, Industry and Technology Bureau

Miss Sabrina LAW
Assistant Secretary
Commerce, Industry and Technology Bureau

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Mr WONG Tat-po
Deputy Director
Immigration Department

Mr Raymond WONG Wai-man
Assistant Director
Immigration Department

Mr TSOI Hon-kuen
Assistant Director
Immigration Department

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Raymond LAM
Senior Assistant Secretary (2)5

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to consider the following and provide a written response -

- (a) whether the expression "template included in an identity card" in the proposed regulation 2(1)(b) of the Registration of Persons (ROP) Regulations should be amended along the line of "template included in the chip in an identity card";
- (b) whether a cardholder should be required to report changes of all the particulars furnished to a registration officer under regulation 4(1)(b);
- (c) revising regulation 4(1)(b) to set out particulars furnished to a registration officer on a mandatory basis and particulars furnished on an optional basis;
- (d) amending the heading of the proposed regulation 4A to clarify that the proposed regulation referred to non-ROP related particulars and data;
- (e) providing for the withdrawal by a cardholder of his consent for the inclusion of non-immigration related information in his identity card in the legislation;
- (f) providing in the proposed regulation 12(1A) that the access with an approved smartcard reader by a cardholder to information in his identity card would be an access with lawful authority;
- (g) revising the proposed regulation 21(1) to the effect that :
 - (i) the burden of proof was in relation to the Commissioner's consideration of an application for an identity card; or
 - (ii) the Commissioner would not be responsible for the truth of the contents set out in the proposed regulation 21(1)(a) and (b);
- (h) providing the definition for the term "notary public" in regulation 23 of the ROP Regulations (i.e. proposed new section 9A of the ROP Ordinance), and whether there was a need to revise regulation 23 to clarify that an authentication should be made by a notary public of the place where the applicant was living;
- (i) incorporating in an application form relating to regulation 4(1)(b) a statement that the particulars furnished in the form would not affect the applicant's nationality;
- (j) incorporating the Chinese version of ", by using a portable smartcard reader" in the expression "該人員或成員可" before the Chinese version of the proposed new regulation 11A(1)(c) to bring it in line with the drafting of the English counterpart; and
- (k) replacing the term "smartcard" in the Bill with "identity card".

3. Mr James TO expressed concern that non-immigration related information might be added to an identity card by the Commissioner of Registration at will by way of the power conferred on him under paragraph 1(g) of Schedule 1 to ROP Regulations. The Administration undertook to address Mr TO's concern in its Committee Stage amendment (CSA) to be proposed to require the consent of cardholder for inclusion of non-immigration information in the identity card.

4. The Administration undertook to provide information explaining the procedures for a person to give up his Chinese nationality and the revised CSAs to be proposed by the Administration.

II. Date of next meeting

5. The Bills Committee noted that the next meeting had been scheduled for Friday, 28 February 2003 at 8:30 am to continue discussion with the Administration.

6. The meeting ended at 12:15 pm.

Council Business Division 2
Legislative Council Secretariat
13 March 2003

**Proceedings of the meeting of the Bills Committee on
Registration of Persons (Amendment) Bill 2001
on Friday, 21 February 2003 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000335	Chairman	Relevant papers	
000336-000431	Admin	Briefing on the proposed amendments in page 8 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
000432-000659	SALA2 Admin	Whether reference should be made in paragraph (a) of the proposed definition of "portable smartcard reader" to information in the proposed Schedule 5 to the Registration of Persons (ROP) Regulations	
000700-000947	Hon Audrey EU Admin	Chinese counterpart of the term "reproduce"	
000948-001459	SALA2 Admin Chairman	Whether the expression "template included in an identity card" in the proposed regulation 2(1)(b) of ROP Regulations should be amended along the line of "template included in the chip in an identity card"	
001500-001844	[Meeting suspended]		
001845-001958	Chairman Admin	Whether the expression "template included in an identity card" in the proposed regulation 2(1)(b) of ROP Regulations should be amended along the line of "template included in the chip in an identity card"	Admin to consider whether the expression should be amended
001959-002416	Hon SIN Chung-kai Admin	Access to information stored in an identity card with an unauthorised smartcard reader	
002417-002752	Chairman Admin	Briefing on the proposed amendments in page 11 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
002753-003045	Hon SIN Chung-kai Hon Miriam LAU Admin	Amending the heading of the proposed regulation 4A to clarify that the proposed regulation referred to non-ROP related particulars and data	Admin to consider amending the heading of the proposed regulation 4A

003046-004502	SALA2 Chairman Hon Miriam LAU Admin	Providing for the withdrawal by a cardholder of his consent for the inclusion of non-immigration related information in his identity card in the legislation	Admin to consider providing for the withdrawal by a cardholder of his consent for the inclusion of non-immigration related information in his identity card in the legislation
004503-004626	Admin	Briefing on the proposed amendments in page 14 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
004627-004644	SALA2 Admin	Whether a regulation under the proposed regulation 11B of ROP Regulations was subsidiary legislation	
004645-004724	Admin	Briefing on the proposed amendments in page 15 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
004725-005417	SALA2 Admin	Amendments to the proposed regulation 12(2) of ROP Regulations	
005418-012717	Hon SIN Chung-kai Hon James TO Hon Miriam LAU SALA2 Chairman Admin	"Lawful authority" and "reasonable excuse" in the proposed regulation 12(1A)	
012718-012917	Hon James TO Admin	Whether the Administration had the right to require a cardholder to surrender his identity card at any time	
012918-013133	Hon LAU Kong-wah Admin	Need for adding "抄錄, 複製" in the proposed regulation 12(1A) of ROP Regulations	
013134-013206	Hon James TO Admin	Whether proposed regulation 12(1A) of ROP Regulations referred to acts within the territory of Hong Kong	

013207-014232	SALA2 Hon Miriam LAU Chairman Admin	Providing in the proposed regulation 12(1A) that the access with an approved smartcard reader by a cardholder to information in his identity card would be an access with lawful authority	Admin to consider providing in the proposed regulation 12(1A) that the access with an approved smartcard reader by a cardholder to information in his identity card would be an access with lawful authority
014233-020059	[Meeting suspended]		
020100-022118	Chairman SALA2 Hon James TO Admin	Revising the proposed regulation 21(1) to the effect that the burden of proof was in relation to the Commissioner's consideration of an application for an identity card or the Commissioner would not be responsible for the truth of the contents set out in the proposed regulation 21(1)(a) and (b)	Admin to consider revising the proposed regulation 21(1)
022119-022131	Admin	Briefing on the proposed amendments in page 17 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
022132-022731	Hon James TO Hon Miriam LAU Chairman SALA2 Admin	Providing the definition for the term "notary public" in regulation 23 of ROP Regulations (i.e. proposed new section 9A of ROP Ordinance), and to consider whether there was a need to revise regulation 23 to clarify that an authentication should be made by a notary public of the place where the applicant was living	Admin to consider providing the definition for the term "notary public" in regulation 23 of ROP Regulations (i.e. proposed new section 9A of ROP Ordinance), and to consider whether there was a need to revise regulation 23 to clarify that an authentication should be made by a notary public of the place where the applicant was living
022732-023003	Chairman Admin	Briefing on the proposed amendments in page 18 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
023004-023107	Hon James TO Admin	Circumstances under which an identity card would be sent to an applicant under regulation 27(2)(a)	
023108-023122	Admin	Briefing on the proposed amendments in page 19 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	

023123-023621	SALA2 Hon James TO Admin	Whether reference should be made in Schedule 1 to information in the proposed Schedule 5 of ROP Regulations	
023622-024016	Hon James TO Admin	Whether non-immigration-related information might be added to an identity card by the Commissioner of Registration at will by way of the power conferred on him under paragraph 1(g) of Schedule 1 to ROP Regulations and addressing the issue in the Committee Stage amendment to be proposed by the Administration to require the consent of cardholder for inclusion of non-immigration information in the identity card	
024017-024037	Chairman Admin	Briefing on the proposed amendments in page 19 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
024038-024402	Hon LAU Kong-wah Chairman Hon Miriam LAU Admin	Whether there would be changes to the fees specified in Schedule 2 to ROP Regulations	
024403-024601	Admin	Briefing on the proposed amendments in page 21 of the Chinese version of LC Paper No. CB(2)1124/02-03(01)	
024602-024804	Hon LAU Kong-wah Admin Chairman	Contents of a certificate referred to in the proposed Schedule 5 to ROP Regulations	
024805-024829	SALA2 Admin Chairman	Whether the term "Governor" in the Schedule to Specification of Public Offices (Cap.1 sub. leg.) would be amended as "Chief Executive"	
024830-032639	Hon James TO Hon Miriam LAU Chairman Hon LAU Kong-wah Hon Audrey EU Admin SALA2	Whether a cardholder should be required to report changes of all the particulars furnished to a registration officer under regulation 4(1)(b); revising regulation 4(1)(b) to set out particulars furnished to a registration officer on a mandatory basis and particulars furnished on an optional basis	Admin to consider whether a cardholder should be required to report changes of all the particulars furnished to a registration officer under regulation 4(1)(b); and to consider revising regulation 4(1)(b) to set out particulars furnished to a registration officer on a mandatory basis and particulars furnished on an optional basis

032640-033445	SALA2 Hon Miriam LAU Chairman Hon James TO Admin	Whether information provided under regulation 4(1)(b) would affect the nationality of an applicant	
033446-033540	Hon James TO Admin	Incorporating in an application form relating to regulation 4(1)(b) a statement that the particulars furnished in the form would not affect the applicant's nationality	Admin to consider incorporating such a statement in an application form relating to regulation 4(1)(b)
033541-033740	Hon LAU Kong-wah	Incorporating the Chinese version of ", by using a portable smartcard reader" in the expression "該人員或成員可" before the Chinese version of the proposed new regulation 11A(1)(c) to bring it in line with the drafting of the English counterpart; replacing the term "smartcard" in the Bill with "identity card"	Admin to consider incorporating the Chinese version of ", by using a portable smartcard reader" in the expression "該人員或成員可" before the Chinese version of the proposed new regulation 11A(1)(c); and replacing the term "smartcard" in the Bill with "identity card"
033741-033940	Chairman	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

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Legislative Council Secretariat
13 March 2003