

Registration of Persons
(Amendment) Bill 2001

CSAs to be moved by the
Secretary for the Security
As at 28 Jan 03

CHAPTER 177

REGISTRATION OF PERSONS

To provide for the registration of ~~persons in Hong Kong, and of~~ persons elsewhere who have the right of abode in Hong Kong, for the issue, carrying and ~~production~~ of identity cards and for purposes connected therewith.

(Amended 46 of 1979 s. 2; 32 of 1987 s. 2)

[1 June 1960] G.N.A. 44 of 1960

↑ and recording of particulars relating to persons in Hong Kong and

↓ , production and application

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1A. Interpretation

(f) In this Ordinance, unless the context otherwise requires—

“applicant” (申請人) means a person who—

- (a) applies to be registered under section 3;
- (b) as the head of a family, applies on behalf of a person under 18 years of age to be registered under section 3;
- (c) applies for an identity card under this Ordinance;
- (d) as the head of a family, applies for an identity card under this Ordinance on behalf of a person under 18 years of age; (Added 32 of 1987 s. 3)

“certificate of identity” (身分證明書) has the same meaning as it has in the Immigration Ordinance (Cap. 115); (Added 32 of 1987 s. 3)

“Commissioner” (處長) means any of the following—

- (a) the person appointed under section 2 to be the Commissioner of Registration;
- (b) any person appointed under that section to be the Deputy Commissioner of Registration;
- (c) any person appointed under that section to be an assistant commissioner of registration; (Added 32 of 1987 s. 3)

“forge” and “forgery” (偽造) have the meaning assigned to those terms by Part IX of the Crimes Ordinance (Cap. 200); (Replaced 49 of 1992 s. 5)

“head of a family” (家長) means—

- (a) a person who is in loco parentis to any other person under 18 years of age; and (Replaced 32 of 1987 s. 3)
- (b) any person having lawful custody or control of, or over, any such other person;

“Hong Kong Special Administrative Region Passport” (香港特別行政區護照) means a Hong Kong Special Administrative Region Passport issued under the Hong Kong Special Administrative Region Passports Ordinance (Cap. 539); (Added 127 of 1997 s. 14)

“identity card” (身分證) means an identity card issued under this Ordinance and includes a permanent identity card; (Amended 32 of 1987 s. 3)

“Immigration Tribunal” (入境事務審裁處) means the Immigration Tribunal established by section 53F of the Immigration Ordinance (Cap. 115); (Added 32 of 1987 s. 3)

“perforated identity card” (已打孔身分證) means an identity card which has been mechanically perforated by a registration officer to show an expiry date; (Added 11 of 1983 s. 2)

“permanent identity card” (永久性居民身分證) means an identity card which contains a statement that the holder has the right of abode in Hong Kong; (Added 32 of 1987 s. 3)

“registration officer” (登記主任) means any of the following—

- (a) the Commissioner;
- (b) any member of the Immigration Service appointed under section 2(2) to be a registration officer;
- (c) in the case of a provision of this Ordinance which confers any functions on a registration officer, any member of the Immigration Service or other public officer authorized, by name or office, by the Commissioner to discharge the functions so conferred by that provision; (Replaced 32 of 1987 s. 3)

“right of abode in Hong Kong” (香港居留權) has the same meaning as it has in the Immigration Ordinance (Cap. 115); (Added 32 of 1987 s. 3)

“transfers” (轉讓) means—

- (a) sells or offers for sale;
- (b) lends;
- (c) gives;
- (d) hands over; or
- (e) parts with possession; (Added 56 of 1989 s. 2)

“Tribunal” (審裁處) means the Registration of Persons Tribunal established by section 3C. (Added 32 of 1987 s. 3)

(Added 51 of 1979 s. 2. Amended 32 of 1987 s. 3; 28 of 1998 s. 2)

△ “chip” (晶片) means a chip—

- (a) which forms a component part of an identity card issued on or after the specified date; and
- (b) is capable of—
 - (i) recording, storing and processing data; and
 - (ii) transmitting data to or receiving data from any device electronically;

✕ “fingerprint” (指紋) includes a thumb-print;

✕ “specified date” (指明日期) means the date specified under subsection (2);

↑ “member of the Immigration Service” (入境事務隊成員) means the holder of a rank specified in Schedule 1 to the Immigration Service Ordinance (Cap. 331);



(2) The Commissioner of Registration may, by notice published in the Gazette, specify a date for the purposes of the definition of “specified date” in subsection (1).

(3) A notice referred to in subsection (2) is not subsidiary legislation.

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7. Power to make regulations

(1) The Chief Executive in Council may make such regulations as may be necessary for the purposes of this Ordinance. (*Amended 71 of 1999 s. 3*)

(2) Without prejudice to the generality of the powers conferred by subsection (1) such regulations may provide for—

(a) the manner in which and places at which application for registration under section 3 or for the issue or renewal of identity cards under this Ordinance shall be made, and the making of an order by the Commissioner specifying or amending the places at which such application, issue or renewal shall be made; (*Amended 11 of 1983 s. 4; 32 of 1987 s. 9*)

(aa) separate arrangements for the issue or renewal of identity cards for any category or group of persons; (*Added 11 of 1983 s. 4*)

(b) the information and documents to be furnished for the purposes of registration under section 3 or for the purposes of the issue or renewal of identity cards under this Ordinance; (*Amended 11 of 1983 s. 4*)

(c) the taking and recording of photographs and fingerprints of persons requiring registration under section 3 or the issue or renewal of identity cards under this Ordinance and the destruction of such photographs and the ~~facsimiles~~ of all such fingerprints on the expiration of this Ordinance; (*Amended 11 of 1983 s. 4*)

(d) the method and manner by which information and documents furnished by a person requiring registration under section 3 or the issue or renewal of identity cards under this Ordinance are to be recorded and maintained; (*Amended 11 of 1983 s. 4*)

(e) the photographing of fingerprints, information and documents furnished or made for the purposes of registration under section 3 or the issue or renewal of identity cards and the destruction of their originals; (*Amended 11 of 1983 s. 4*)

~~(f) the disclosure of photographs, fingerprints and particulars of persons registered under section 3 or who have applied for the issue or renewal of identity cards under this Ordinance; (*Added 36 of 1973 s. 4; Amended 11 of 1983 s. 4*)~~

(g) the use of films and photographic reproductions of such films;

(ga) the practice and procedure of, and on appeals to, the Tribunal; (*Added 32 of 1987 s. 9*)

↑ records

↓ , scanning or image capturing

△ (gb) the use of digital images and the reproduction of such digital images in relation to identity cards;

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~~(h) the issue of identity cards, including the issue of permanent identity cards to persons with the right of abode in Hong Kong wherever resident, their form, and particulars to be entered thereon; (Amended 32 of 1987 s. 9)~~

(ha) circumstances under which identity cards may be perforated with an expiry date; (Added 11 of 1983 s. 4)

(i) the custody, surrender and production of identity cards; (Amended 36 of 1973 s. 4)

(ia) the making of an order by the Chief Executive in Council requiring every person, or every person of such class or such description as may be specified in the order, to carry his identity card when in such area or place, on such occasion, for such purpose or in such circumstance as may be specified in the order; (Added 46 of 1979 s. 3. Amended 71 of 1999 s. 3)

(ib) the production, by a person required to carry his identity card, of such card to a police officer, or member of the Immigration Service and any other person authorized by or under the regulations; (Added 46 of 1979 s. 3)

(j) the inspection of identity cards;

(k) the amendment or cancellation of identity cards, and the issue of duplicates thereof;

(ka) circumstances in which identity cards shall cease to be valid, be declared invalid or cancelled by a registration officer; (Added 11 of 1983 s. 4. Amended 32 of 1987 s. 9)

(l) the issue of reports and certificates;

(m) the exemption of any person or category of persons from the provisions of this Ordinance;

(ma) the exclusion of persons or any class or description of persons from the provisions of this Ordinance and in particular for the prevention of persons or any class or description of persons from being registered under this Ordinance and being provided with identity cards; (Added 3 of 1980 s. 4)

(n) destruction of documents and records;

(o) forms;

(p) fees;

(3) Any regulation made under this Ordinance may provide that a contravention thereof shall be an offence and may prescribe penalties for such offence not exceeding a fine of \$20,000 and imprisonment for 2 years. (Amended 51 of 1979 s. 6; 11 of 1983 s. 4)

(4) Any regulation made under this Ordinance may provide that, notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), criminal proceedings in respect of any such offence under the regulations as may be specified therein may be instituted within such period, not exceeding 5 years, of the commission of the offence as may be so specified. (Added 51 of 1979 s. 6. Amended 11 of 1983 s. 4)

△ (h) the issue of identity cards (including the issue of permanent identity cards to persons with the right of abode in Hong Kong wherever resident) and their form;
(haa) information or particulars to be included in identity cards and data to be stored in chips;

↑ and matching of fingerprints for verification of identity

↑ at level 5

△ viewing of
information reproduced from data stored in chips
in identity cards

↓ (whether in tangible or digital form)

↓ (including fee
prescribed for the purposes of section 9A)

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7B. Requirement to apply for new identity cards

(1) All persons who are holders of identity cards issued before ~~1 July 1987, or issued~~ after that date as a result of an application made before that date, shall apply in accordance with regulations made under section 7 for identity cards at such places, in such sequence and within such periods as the Secretary for Security may direct by order published in the Gazette. *(Amended 56 of 1989 s. 6)*

(2) An order under subsection (1) may direct that applications for identity cards be made by any description or category of persons, whether by reference to their date of birth, sex, place or area of usual residence, identity card numbers, or by reference to any other matter.

(3) Any person who without reasonable excuse fails to comply with subsection (1) in accordance with an order made thereunder, commits an offence and is liable to a fine at level 2. *(Amended L.N. 25 of 1996)*

(4) A person who is absent from Hong Kong at the time when he is required by an order made under subsection (1) to apply for an identity card, shall not be regarded as failing to comply with subsection (1) provided he applies for an identity card within 30 days of his return to Hong Kong.

(Replaced 32 of 1987 s. 10)

↑ the specified date, or issued on or

7C. Power to declare old identity cards invalid

(1) The Secretary for Security may by order published in the Gazette declare all identity cards issued before ~~1 July 1987, or issued~~ after that date as a result of an application made before that date, or such of those identity cards as he may specify by reference to their numbers or description or category of their holders, to be invalid.

(2) An order under subsection (1) may specify a description or category of holders by reference to their date of birth, sex, place or area of usual residence, identity card numbers, or by reference to any other matter.

(Replaced 32 of 1987 s. 11)

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△ 9. Restriction on use of particulars

Subject to section 10, particulars furnished to a registration officer under this Ordinance may be used for and only for the following purposes—

- (a) enabling the Commissioner to keep a register of persons;
- (b) enabling identification of individuals; or
- △ (c) such other purposes as may be authorized, permitted or required by or under any Ordinance.

↑ records kept by the Commissioner on

↓ verification of identity of individuals by public officers in discharge of their official duties;

△ (ba) enabling verification of identity of individuals for any other lawful purposes;
or

□ 9A. Power to certify and furnish certified copies

A registration officer may, upon receipt of the written and signed request from the person to whom an identity card relates (accompanied, if such person is living outside Hong Kong, with a copy of his photograph and a copy of his left or right thumb-print or such other fingerprint as the registration officer may require, both properly authenticated by a notary public) and payment of the fee prescribed in Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg.) -

- (a) certify to the correctness or otherwise of such matters relating to such person contained in the written request which are within his knowledge; and
- (b) furnish a certified copy of the photograph of such person or relevant document in his custody.

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10. Duty not to disclose photographs, fingerprints and particulars

Subject to the provisions of regulation 23 of the Registration of Persons Regulations (Cap. 177 sub. leg.), a registration officer shall not—

(a) produce for inspection, or supply a copy of, the photograph of a person registered under the provisions of the Registration of Persons Regulations (Cap. 177 sub. leg.) or his fingerprint; or

(b) disclose or supply a copy of the particulars furnished under regulation 4(1)(b) of the Registration of Persons Regulations (Cap. 177 sub. leg.),

except and unless with the written permission of the Chief Secretary for Administration which may—

(c) refer to a person or class or category of persons by name, office or description; and

(d) contain such terms and conditions as the Chief Secretary for Administration may deem fit to impose.

11. Prohibition of unauthorized handling of particulars

Any person who, without lawful authority or reasonable excuse, gains access to, stores, uses or discloses, any particulars furnished to a registration officer under this Ordinance shall be guilty of an offence and shall be liable to a fine at level 5 and to imprisonment for 2 years."

↑ section 9A

↓ which -

↑ may

^ and

△ (e) must state the reason for giving such permission.

↓ , discloses, erases, cancels or
alters any record kept by the Commissioner on

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2. Interpretation

(1) In these regulations, unless the context otherwise requires—
“consul” (領事) means a consul de carrière officially appointed as such by the government of the appropriate foreign state, who is not engaged in private occupation for gain in Hong Kong and who at the time of his appointment was not ordinarily resident in Hong Kong; (L.N. 158 of 1973; 23 of 1998 s. 2)
“consular staff” (領事館職員) means those members of the staff of a consul who have been appointed to their positions by the government of the appropriate foreign state, who are not engaged in private occupation for gain in Hong Kong and who at the time of their appointment were not ordinarily resident in Hong Kong; (L.N. 158 of 1973; 23 of 1998 s. 2)
“excluded person” (被排除的人) means a person referred to in regulation 25A; (L.N. 178 of 1987)
“exempt person” (獲豁免的人) means a person referred to in regulation 25; (L.N. 178 of 1987)
“registration office” (人事登記處辦事處) means an office established or set up under section 2(3) of the Ordinance;
“replacement identity card” (補領身分證) means a replacement identity card issued under regulation 13 or 14 in the place of an identity card; (L.N. 178 of 1987)
“travel document” (旅行證件) has the meaning assigned to it by section 2(1) of the Immigration Ordinance (Cap. 115). (L.N. 204 of 1979)

(2) Save where the contrary expressly appears, any order or direction required to be made or given by these regulations may be given in writing or verbally.

1/ Δ ~~“officer of the Immigration Department” (入境處人員) means an immigration officer or an immigration assistant within the meaning of the Immigration Ordinance (Cap. 115);~~

1/ “portable smartcard reader” (便携式智能咭閱讀器) means an instrument which -

- (a) can reproduce, from the data stored in the chip in an identity card, any information specified in Schedule 1 but not other information;
- (b) can scan a person's fingerprint for the purposes of matching with the template included in an identity card referred to in paragraph 1 of Schedule 1;
- (c) cannot keep record of any fingerprint so scanned; and
- (d) is of a type approved under regulation 11B;

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4. Registration, issue and renewal requirements

(1) Subject to subregulation (1D), every person who applies for registration under regulation 3 or for an identity card under any of these regulations shall—

(a) submit to all such steps as may be reasonably necessary for—
(i) the taking of photographs of himself in accordance with any directions given by a registration officer;

~~(ii) the taking and recording of his left thumb-print or alternatively, if that is not possible, of such other single fingerprint;~~

(b) furnish to a registration officer, in such form as the registration officer may require, particulars of— (L.N. 382 of 1989)

(i) the full personal name and surname of the applicant;

(ii) his residential and business addresses in Hong Kong, if any, and the address to which correspondence should be directed;

(iii) the nationality which he claims;

(iv) his place of birth;

(v) the date (if known) or the year of his birth and the number of his birth certificate or adoption certificate (if applicable);

(vi) his sex;

(vii) in the case of a person entering Hong Kong, every country or place in which he has resided continuously for a period of 6 months or more, prior to his entering Hong Kong; (71 of 1999 s. 3)

(viii) whether he is married or unmarried and, if he is married, the full personal name and surname and the number of the identity card (if any) of his spouse;

(ix) the full personal names and surnames, ages and sex of his children (if any);

(x) his profession, occupation, trade or employment;

(xi) any travel document, or document issued under the Immigration Ordinance (Cap. 115) authorizing him to remain in Hong Kong, held by him;

~~(xii) such further particulars relating to any of the particulars furnished under this paragraph as the registration officer may consider necessary,~~

and shall acknowledge the correctness of the contents of the particulars by signing in such place in the form as may be indicated. (L.N. 204 of 1979; L.N. 86 of 1983; L.N. 65 of 1986; L.N. 178 of 1987)

~~(ii) the taking and recording of—~~

(A) his left and right thumb-prints;

(B) where it is only possible to take one thumb-print from him, his only thumb-print and one other fingerprint;

(C) where it is not possible to take any thumb-print from him, his fingerprints of 2 other fingers: :

* (xii) (where the applicant does not have a right of abode in Hong Kong) the conditions of stay (including a limit of stay) imposed in relation to him under section 11 of the Immigration Ordinance (Cap. 115);

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(1A) For the purposes of subregulation (1)(b), but subject to subregulations (1B) and (1C), the full personal name and surname of an applicant shall be his full personal name and surname entered— (*L.N. 86 of 1983*)

- (a) on his birth certificate or adoption certificate (if applicable), in the case of an applicant born in Hong Kong;
- (b) on his travel document, in the case of an applicant who has landed in Hong Kong lawfully within the meaning of the Immigration Ordinance (Cap. 115);
- (c) on the document issued under the Immigration Ordinance (Cap. 115) authorizing him to remain in Hong Kong, in the case of an applicant who has landed in Hong Kong unlawfully within the meaning of the Immigration Ordinance (Cap. 115);
- (d) on his identity card (if any) held by him; and
- (e) on his certificate of naturalization, in the case of a person who has been naturalized in Hong Kong as a Chinese national, (*71 of 1999 s. 3*)

except that the Commissioner may, if he is satisfied that the applicant is commonly known by another name, accept that name in respect of the applicant. (*L.N. 204 of 1979; L.N. 178 of 1987*)

(1B)(a) When applying for an identity card under any of these regulations— (*L.N. 178 of 1987*)

- (i) a married woman who was registered under her maiden name may, subject to production to the registration officer of her marriage certificate, apply in writing for her identity card to be issued or renewed in her married name; and
 - (ii) a divorced woman, or a woman whose marriage has been declared null and void, who was registered under her married name may, subject to production to the registration officer of a copy of the decree absolute or the decree of nullity, as the case may be, apply in writing for her identity card to be issued or renewed in her maiden name.
- (b) The registration officer may grant or refuse an application made under paragraph (a) as he thinks fit.
- (c) In this subregulation the expressions “null and void” (作廢及無效), “decree absolute” (絕對判令) and “decree of nullity” (婚姻無效判令) have the same meaning as in the Matrimonial Causes Ordinance (Cap. 179). (*L.N. 86 of 1983*)

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(1C) Notwithstanding that an applicant has furnished particulars of his personal name and surname under this regulation, any identity card that is issued to him may—

- (a) where the applicant has satisfied the Commissioner under subregulation (1A) that he is commonly known by another name, bear that name;
- (b) bear initials in place of his personal name; and
- (c) where the personal name and surname are in Chinese, bear their first 6 characters only. (*L.N. 178 of 1987*)

(1D) A registration officer may waive—

- (a) subject to regulation 3A(2), in the case of an applicant who the registration officer is satisfied lives outside Hong Kong, all or any of the requirements of subregulation (1);
- (aa) in the case of an applicant who is aged, blind or infirm, and who satisfies a registration officer that compliance with the Ordinance and these regulations will injure his health or the health of others, all or any of the requirements of subregulation (1); (*L.N. 260 of 1996*)
- (b) in the case of a person under 11 years of age applying for a permanent identity card, the requirement for the applicant to submit to the steps specified in subregulation (1)(a);
- (c) the requirement for an applicant to furnish all or any of the particulars specified in subregulation (1)(b), if the registration officer considers that he already has in his possession sufficient details of those particulars. (*L.N. 178 of 1987*)

(2) If an applicant is unable to write, or if he so wishes, he shall dictate the particulars under subregulation (1)(b) to a registration officer or to any person authorized in writing by the Commissioner for the purpose, and, upon completion, the applicant shall acknowledge the correctness of the particulars by affixing his signature, fingerprint or mark in the presence of the registration officer or the person authorized as aforesaid in such place in the form as may be indicated. (*L.N. 178 of 1987*)

(3) (*Repealed L.N. 178 of 1987*)

(4) Notwithstanding subregulations (1) and (2), an applicant who is a consul may furnish, and the registration officer may accept, suitable passport size photographs of the consul, the spouse and dependent children of the age of 11 years and above of the consul and of the consular staff of the consul, their spouses and their dependent children of the age of 11 years and above, and the recording of their ~~left thumb prints or other single~~ fingerprints shall not be required. (*L.N. 33 of 1980; L.N. 178 of 1987*)

(*L.N. 158 of 1973*)

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(Revised)

4A. Inclusion of particulars and data

(1) Without prejudice to regulation 5(1)(a), the Commissioner or any person acting pursuant to a permission given by the Commissioner

may

(a) include in an identity card such information or particulars; or
 (b) store in a chip such data, as may be necessary for the identity card to be applied for such purposes—

(c) which—

(i) require inclusion of information or particulars or storage of data other than the particulars referred to in regulation 4(1) in the chip; and

(ii) are provided for in any Ordinance; or

(d) which require inclusion of such information or particulars or storage of such data other than the particulars referred to in regulation 4(1) in the chip,

as may be prescribed in Schedule 5.

(2) A permission referred to in subregulation (1) may be—

(a) given by the Commissioner—

(i) to any person or any class of persons; or

(ii) generally or in a particular case, in such manner; and

(b) subject to such condition, as the Commissioner thinks fit.

may, for the purposes referred to in column 1 of Schedule 5 and with the consent of the applicant for an identity card or the person to whom an identity card relates -

(a) include in the identity card the information or particulars; or

(b) store in the chip embodied in the identity card the data,

referred to in column 2 of Schedule 5.

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8. Duty to keep and maintain records

(1) The Commissioner shall for the purposes of the Ordinance and these regulations keep such records as he may consider necessary which shall contain all the names of an applicant and the particulars furnished by him under regulation 4(1)(b) and such other particulars as the Commissioner may, in any particular case, consider necessary. (L.N. 178 of 1987)

→ ~~(2) For the purposes of such records or for such other purposes as a registration officer may consider necessary, he may photograph fingerprints, information and documents furnished or made for the purposes of registration or for the issue or renewal of an identity card. (L.N. 86 of 1983; L.N. 178 of 1987)~~

(3) A registration officer shall destroy identity cards, photographs, fingerprints, information and documents furnished by applicants which are in his possession—

- (a) when he considers that such identity cards, photographs, fingerprints, information and documents are obsolete and no longer required; or
- (b) when so ordered by the Chief Secretary for Administration. (L.N. 158 of 1973; L.N. 86 of 1983; L.N. 178 of 1987; L.N. 362 of 1997)

△ (2) For the purposes of such records or for such other purposes as a registration officer may consider necessary, he may record fingerprints, information and documents furnished or made for the purposes of registration or for the issue or renewal of an identity card by—

- (a) photographing;
- (b) scanning; or
- (c) image capturing.

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11. Duty to carry and produce identity card

(1) The Chief Executive in Council may, by order published in the Gazette, require that every person, or every person of such class or such description as may be specified in the order, shall carry his identity card when in such area or place, on such occasion, for such purpose or in such circumstance as may be specified in the order. (L.N. 176 of 1979; 71 of 1999 s.3)

(2) During the currency of an order made under subregulation (1) any person or member of a class of persons authorized for the purpose by the Commissioner of Police, any police officer or member of the Immigration Service, in uniform or on production of his authority if required, may require any person to whom the order relates to produce his identity card on demand for inspection. (L.N. 176 of 1979)

(2A) Any person who is required by an order made under this regulation to carry his identity card and who is required under this regulation to produce his identity card on demand and fails to do so commits an offence and is liable to a fine at level 2 and to imprisonment for 1 year. (L.N. 176 of 1979; L.N. 301 of 1980; L.N. 25 of 1996)

(3) For the purposes of identification any police officer or person or persons so authorized may, during the currency of an order made under subregulation (1), at any time take ~~the left thumb print, or, if this is not possible, such other single fingerprint~~ and written signature (if such person is able to write) of any person who he believes to be of 11 years of age or over and any person whose fingerprint and written signature are required under this regulation shall submit to all such steps as may be reasonably necessary for the taking thereof. (L.N. 158 of 1973)

↑ 2 fingerprints

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11A. Power to verify identity by
fingerprint match

- (1) If a police officer, an officer of the Immigration Department or an authorized person has reason to doubt the identity of any person who holds an identity card, the officer or authorized person may—
- (a) require the person to produce his identity card; or
 - (b) scan the person's thumb-print or other fingerprint and match the same with the template included in the identity card referred to in paragraph 1 of Schedule 1.
- (2) Any person who, without reasonable excuse—
- (a) fails to produce his identity card when required to do so under subregulation (1)(a); or
 - (b) fails to allow a police officer, an officer of the Immigration Department or an authorized person to scan his thumb-print or fingerprint under subregulation (1)(b),

shall be guilty of an offence and shall be liable to a fine at level 2.

(3) In this regulation, "authorized person" (獲授權人士) means any person or member of a class of persons authorized for the purposes of this regulation by the Chief Executive by notice published in the Gazette.

(4) A notice referred to in subregulation (3) is not subsidiary legislation.

11A. Power to verify identity by
fingerprint match

(1) If -

- (a) a person produces an identity card to a police officer or a member of the Immigration Service in compliance with a requirement made under any ordinance; and
- (b) the officer or member has reason to believe that the identity card is not issued under this Ordinance to the person,

the officer or member may, by using a portable smartcard reader -

- (c) view the information specified in Schedule 1 reproduced from the data stored in the chip in the identity card;
- (d) scan the person's thumb-print or other fingerprint; and
- (e) match the same with the template included in the identity card referred to in paragraph 1 of Schedule 1.

(2) Any person who, without reasonable excuse, fails to allow a police officer or a member of the Immigration Service to exercise the power conferred by subregulation (1) shall be guilty of an offence and shall be liable to a fine at level 2.

11B. Approval of portable smartcard reader

The Commissioner may by notice in the Gazette approve types of instruments as portable smartcard reader for the purpose of regulation 11A.

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12. Prohibition against making alteration to identity card

(1) Any person who, without the authority of the Commissioner, makes any mark or entry upon, or erases, cancels or alters any mark or entry contained in, or otherwise defaces, or destroys, an identity card or other document issued for the purposes of the Ordinance or of these regulations shall be guilty of an offence. (L.N. 301 of 1980; L.N. 382 of 1989)

(2) Any person who, without the authority of the Commissioner, has in his possession an identity card, or other document issued or required for the purposes of the Ordinance or of these regulations, which is ~~defaced or~~ unlawfully altered shall be guilty of an offence. (L.N. 158 of 1973; L.N. 301 of 1980; L.N. 298 of 1981)

(3) (Repealed L.N. 382 of 1989)

(4) Any person who commits an offence under subregulation (1) ~~or (2)~~ shall be liable to a fine at level 4 and to imprisonment for 2 years. (L.N. 301 of 1980; L.N. 382 of 1989; L.N. 25 of 1996)

△ (1A) Any person who, without lawful authority,
 (a) stores data in a chip;
 * (b) adds to, erases, cancels or alters any data stored in a chip; or
 (c) renders a chip ineffective,
 shall be guilty of an offence.

or ↑ lawful authority or reasonable excuse, uses

□ (2A) Any person who, without lawful authority or reasonable excuse, uses or has in his possession an identity card embodying a chip in respect of which an offence under subregulation (1A) has been committed shall be guilty of an offence.

Λ , (1A), (2) or (2A)

↓ or reasonable excuse

* (aa) gains access to any data stored in a chip;

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18. Duty to report corrections

(1) Any person who—

(a) has, whether before or after the commencement of the Ordinance, submitted particulars to a registration officer whether in respect of himself or some other person, or on whose behalf particulars have been so submitted, which, at any time, are or have become incorrect; or (*L.N. 178 of 1987*)

(b) has in his possession an identity card which shows particulars which differ from those previously submitted to a registration officer. (*L.N. 178 of 1987*)

shall forthwith report the fact to the nearest registration office.

(2) Where, in the opinion of the registration officer it is necessary to alter the identity card of a person making a report under subregulation (1), he shall order that person to surrender his identity card to a registration officer and that person shall surrender his identity card. (*L.N. 158 of 1973*)

(3) Where an identity card is surrendered under subregulation (2), such surrender shall be deemed to be an application under regulation 14. (*L.N. 158 of 1973; L.N. 178 of 1987*)

(4) It shall be lawful for a registration officer to destroy any identity card surrendered to him under subregulation (2). (*L.N. 178 of 1987*)

↑ or includes

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21. Burden of proof

~~(1) Subject to regulation 22, the burden of proving the truth of the contents of any written application for an identity card, or the contents of the identity card itself, shall lie on the applicant for such identity card, or the person to whom such identity card has been issued, or on any other person alleging the truth of such contents.~~

(2) If, in any proceedings with reference to any decision or act done or proposed to be done by a registration officer under any of these regulations, a person claims—

- (a) that he enjoys the right of abode in Hong Kong; or
- (b) that he is entitled to a permanent identity card,

the onus of proving the same shall lie on that person.

(L.N. 178 of 1987)

- △ (1) Subject to regulation 22, the burden of proving the truth of—
- (a) the contents of any written application for an identity card; or
 - (b) the contents of the identity card which are particulars furnished under regulation 4(1)(b) by the applicant for the identity card,

shall lie on—

- (c) the applicant;
- (d) the person to whom the identity card has been issued; or
- (e) any other person alleging the truth of such contents.

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23. Power to certify and furnish certified copies

A registration officer in his absolute discretion may, upon receipt of the written and signed request from the person to whom an identity card relates (accompanied, if such person is living outside Hong Kong with a copy of his photograph and a facsimile of his left thumb-print or such other fingerprint as the registration officer may require, both properly authenticated by a notary public) and payment of the appropriate fee (if any) prescribed in Schedule 2—
(G.N.A. 55 of 1961; L.N. 178 of 1987)

- (a) certify to the correctness or otherwise of such matters relating to such person contained in the written request which are within his knowledge; and
- (b) furnish a certified copy of the photograph of such person or relevant document in his custody.

↑ record of his left or right

24. Duty not to disclose photographs, fingerprints and particulars

Subject to the provisions of regulation 23, a registration officer shall not—
(L.N. 178 of 1987)

- (a) produce for inspection, or supply a copy of, the photograph of a person registered under the provisions of these regulations or his fingerprint; or
 - (b) disclose or supply a copy of the particulars furnished under regulation 4(1)(b). (L.N. 178 of 1987)
- except and unless with the written permission of the Chief Secretary for Administration which may—
- (i) refer to a person or class or category of persons by name, office or description; and
 - (ii) contain such terms and conditions as the Chief Secretary for Administration may deem fit to impose.

(L.N. 362 of 1997)

23. Power to certify and furnish certified copies

A registration officer in his absolute discretion may, upon receipt of the written and signed request from the person to whom an identity card relates (accompanied, if such person is living outside Hong Kong with a copy of his photograph and a facsimile of his left thumb-print or such other fingerprint as the registration officer may require, both properly authenticated by a notary public) and payment of the appropriate fee (if any) prescribed in Schedule 2—
(G.N.A. 55 of 1961; L.N. 178 of 1987)

- (a) certify to the correctness or otherwise of such matters relating to such person contained in the written request which are within his knowledge; and
- (b) furnish a certified copy of the photograph of such person or relevant document in his custody.

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27. Savings and transitional

(1) An identity card that is valid immediately prior to the commencement of ~~the Registration of Persons (Amendment) Regulations 1987 (L.N. 178 of 1987)~~ shall remain so until it ceases to be valid in accordance with the Ordinance, and the regulations, as amended by ~~those regulations~~.

(2) An identity card for which an application is made before ~~the commencement of the Registration of Persons (Amendment) Regulations 1987 (L.N. 178 of 1987)~~ may be issued as if those regulations had not been made, and —

- (a) may be collected by the applicant, or sent to him by the registration officer, within 70 days of ~~their commencement~~; or
- (b) if not so collected or delivered, may be destroyed, and the applicant shall thereupon be deemed not to have applied for the identity card.

(L.N. 178 of 1987)

↑ section 5 of the Registration of Persons (Amendment) Ordinance 2001 (of 2001)

^ that section

△ the commencement of section 5 of the Registration of Persons (Amendment) Ordinance 2001 (of 2001) may be issued as if that section

◁ the commencement of that section

□ (3) An identity card that is valid immediately prior to the commencement of the Registration of Persons (Amendment) Ordinance 2003 (of 2003) shall remain so until it ceases to be valid in accordance with the Ordinance, and the regulations, as amended by the Registration of Person of Persons (Amendment) Ordinance 2003 (of 2003).

(4) An identity card for which an application is made before the commencement of the Registration of Persons (Amendment) Ordinance 2003 (of 2003) may be issued as if that Ordinance had not been enacted and —

- (a) may be collected by the applicant, or sent to him by the registration officer, within 70 days of its commencement; or
- (b) if not so collected or delivered, may be destroyed, and the applicant shall thereupon be deemed not to have applied for the identity card.

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SCHEDULE 1

CONTENT OF FORMS OF IDENTITY CARD

1. Every identity card shall include—
- the full personal name and surname of the applicant in English or in English and Chinese;
 - the Chinese commercial code (if applicable);
 - the date of birth of the applicant;
 - a number for identification purposes;
 - the date of issue of the card;
 - a photograph of the applicant, unless the applicant is under the age of 11 years; and
 - such symbols, letters or numbers (if any) as the Commissioner may determine.
2. A permanent identity card shall include the following statement—
“The holder of this card has the right of abode in Hong Kong
本港持有人擁有香港居留權”;
and, if it is issued to an applicant in response to an application made from outside Hong Kong, shall include—
- a reference to that fact; and
 - subject to paragraph 3(b), a statement to the effect that the card must be renewed within 30 days after the holder's return to Hong Kong.
3. (a) A permanent identity card issued to an applicant under 11 years of age shall include a statement to the effect that the card must be renewed within 30 days after the holder's 11th birthday.
- (b) A permanent identity card issued to an applicant under 11 years of age in response to an application made from outside Hong Kong shall include a statement to the effect that the card must be renewed within 30 days after the holder's return to Hong Kong unless the applicant is then still under 11 years of age.
4. An identity card issued to an applicant who has attained 11 years of age but not 18 years of age shall include a statement to the effect that the card must be renewed within 30 days after the holder's 18th birthday.

(L.N. 178 of 1987)

[regs. 5 & 11A]

↓ “data,”

□ ; and”

- * (h) in the form of data stored in the chip in the identity card—
- template of the applicant's thumb-prints or other fingerprints taken under regulation 4(1)(a); and
 - (where the applicant does not have a right of abode in Hong Kong) the conditions of stay (including a limit of stay) imposed in relation to him under section 11 of the Immigration Ordinance (Cap. 115).

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SCHEDULE 2

[regs. 5, 13, 14,
23 & 26]

FLES		
Item	Particular	Fee \$
1.	Identity card prepared under regulation 5(1)(a) in respect of an application under regulation 3, 3A, 3B, 6, 7A or 7B	Nil
2.	Identity card prepared under regulation 5(1)(b) in respect of consuls, consular staff, etc.	Nil
3.	Lost or destroyed identity card replaced under regulation 13	395
4.	Damaged or defaced identity card replaced under regulation 13	395
5.	Identity card requiring alteration replaced under regulation 14(1)(a)	395
6.	Identity card replaced by permanent identity card under regulation 14(1)(b)	Nil
7.	Permanent identity card issued on an application from outside Hong Kong replaced by permanent identity card under regulation 14(1)(c)	Nil
8.	Certificate or a certified copy furnished under regulation 23	395

(L.N. 70 of 1991; L.N. 206 of 1993; L.N. 339 of 1994; L.N. 195 of 1995; L.N. 229 of 1996; L.N. 433 of 1997)



section 9A of the Ordinance

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000023

△

SCHEDULE 5

[reg. 4A]

PURPOSES REFERRED TO IN REGULATION 4A

1. ~~Storage of a certificate defined in section 2(1) of the Electronic Transactions Ordinance (Cap. 553) issued by the Postmaster General and recognized under section 22 of that Ordinance.~~

△

Column 1

Column 2

- | | |
|---|---|
| 1. Storage of a
certificate defined in
section 2(1) of the
Electronic
Transactions
Ordinance (Cap. 553)
issued by the
Postmaster General and
recognized under
section 22 of that
Ordinance. | A certificate so
issued and
recognized. |
|---|---|

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[Subsidiary]

SPECIFICATION OF PUBLIC OFFICES

(Cap. 1, section 43)

The Governor has specified the public offices mentioned in the first column of the Schedule hereto for the purposes of the particular Ordinance (or sections thereof) mentioned opposite such public offices in the second column of the Schedule hereto.

SCHEDULE

Public Office	Ordinance or section of Ordinance for which specified
Chief Secretary for Administration (L.N. 362 of 1997)	Registration of Persons Regulations (Chapter 177 subsidiary legislation), regulation 24. (L.N. 137 of 1976)
Chief Secretary for Administration (L.N. 362 of 1997)	Salesian Society Incorporation Ordinance (Chapter 1043), section 5(2). (L.N. 368 of 1984)

△ Registration of Persons Ordinance (Chapter 177), section 10.

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SCHEDULE 2

[s. 2]

SCHEDULED OFFENCES

PART 1

Column 1 Item	Column 2 Enactment	Column 3 Description of offence
1.	Registration of Persons Ordinance (Cap. 177) section 5	failure to use registered name and to submit number of identity card
	section 7A	possession of forged identity cards
	section 7AA	transfer of identity card
	section 7B	failure to apply for new identity cards
2.	Registration of Persons Regulations (Cap. 177 sub. leg.) regulation 11(2A)	failure to carry and produce identity card
	regulation 12(4)	making alteration to identity card
	regulation 13A	furnishing false particulars of loss, etc. of identity card
	regulation 19	miscellaneous offences
3.	Crimes Ordinance (Cap. 200)	
	section 32	false statements on oath made otherwise than in a judicial proceeding
	section 34	false statements, etc. with reference to marriage
	section 35	false statements, etc. as to births or deaths
	section 36	false statutory declarations and other false statements without oath
	section 38	aiders, abettors, suborners, etc. regarding commission of offences relating to perjury, etc.
	section 40	using false affidavits
	section 71	forgery
	section 72	copying a false instrument
	section 73	using a false instrument
	section 74	using a copy of a false instrument
	section 75	possessing a false instrument
	section 76	making or possessing equipment for making a false instrument
	section 88	making false entry in register of births, etc.
	section 89	making false entry in copy of register sent to registrar
	section 93	aiders and abettors regarding commission of offences relating to false certification and personation, etc.

△	section 11	unauthorized handling of particulars
*	regulation 12(1)	making alteration to identity card or documents
	regulation 12(1A)	tampering with chip in identity card
	regulation 12(2)	possession of altered identity card or documents
	regulation 12(2A)	possession of identity card embodying chip tampered with