

立法會
Legislative Council

Ref : CB2/SS/13/02

LC Paper No. CB(2) 2826/02-03
(These minutes have been seen by
the Administration)

**Subcommittee on
Registration of Persons (Application for New Identity Cards) Order and
Registration of Persons (Application for New Identity Cards)
(Repeal) Order 2003**

**Minutes of meeting
held on Thursday, 12 June 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon James TO Kun-sun
Hon LAU Kong-wah
Hon LI Fung-ying, JP
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Miriam LAU Kin-yee, JP
Hon Abraham SHEK Lai-him, JP

Public officers attending : Mr Michael WONG
Deputy Secretary for Security

Mr Alan CHU
Principal Assistant Secretary for Security

Ms Anne TENG
Assistant Secretary for Security

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Mr T P WONG, IDSM
Deputy Director of Immigration

Mr TSOI Hon-kuen
Assistant Director of Immigration

Mr Raymond WONG, IMSM
Assistant Director of Immigration

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Miss Anita HO
Assistant Legal Adviser 2

Miss Betty MA
Senior Assistant Secretary (2)1

I Election of Chairman

Mr IP Kwok-him was elected Chairman of the Subcommittee.

II. Meeting with the Administration [LC Paper No. CB(2) 2358/02-03(01)]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. Mr James TO expressed concern about the preparatory work for the launching of the Smart Identity Card System. He explained that as the territory-wide identity card replacement exercise was mandatory, it was necessary to ascertain that the system and all ancillary measures were ready before implementation. Mr TO also considered it necessary to study the report of the third Privacy Impact Assessment before the launching of the system. Some other members, however, expressed reservation that the report was of direct relevance to the examination of the two Orders. They agreed, nevertheless, that the Administration should provide the report to the Panel on Security once the report was available.
4. In response to Mr James TO, the Administration advised that the technical problems earlier identified in the system had been resolved. The Immigration Department had conducted a series of tests and trial runs, and was confident that the new system would commence live run as scheduled on 23 June 2003. The Administration also informed the Subcommittee that a visit was being arranged for members of the Panel on Security and other interested Members to view a demonstration on the Smart Identity Card System in the real working environment in the morning of 17 June 2003.

5. In response to further enquiries from Mr James TO and Mr LAU Kong-wah, the Administration said that it would -

- (a) provide relevant training to law enforcement officers not specified in the Registration of Persons (Application for New Identity Cards) Order, e.g. members of Customs and Excise Department and Independent Commission Against Corruption;
- (b) launch local and overseas publicity programmes in a timely manner in tandem with the replacement exercise; and
- (c) provide a report of the third Privacy Impact Assessment to the Panel on Security at an early date.

6. Mr James TO also enquired about the reasons for including members of the Immigration Service, police officers and labour inspectors, but not members of Customs and Excise Department and Independent Commission Against Corruption, in the first phase of the replacement exercise. The Administration advised that members of the Immigration Service, police officers and labour inspectors were required to enforce sections 17C and 17L of the Immigration Ordinance. There was a practical need for them to familiarise with the features of the new identity cards.

7. Mr James TO requested that the Administration should provide the report of the third Privacy Impact Assessment to the Panel preferably before 2 July 2003 (i.e. the deadline for giving notice of amendments to the Orders, if the scrutiny period of the Orders is extended to 9 July 2003).

8. Mr James TO also enquired whether a Hong Kong resident living abroad was required to apply for the new identity card within the specified time. The Administration advised that under section 7B(4) of the Registration of Persons Ordinance, a person who was absent from Hong Kong at the time when he was required by an order to apply for an identity card would not be regarded as failing to comply with the order provided that he applied for an identity card within 30 days of his return to Hong Kong. The person would be liable to an offence for not applying for an identity card during his return to Hong Kong only if his period of stay in Hong Kong exceeded 30 days. For example, if the resident living overseas stayed in Hong Kong for only 7 days, he would not be liable to an offence for not applying for a new identity card under the Registration of Persons Ordinance.

9. The Subcommittee completed the scrutiny of the two Orders. The Administration was requested to consider Mr James TO's request for providing the report of the third Privacy Impact Assessment before 2 July 2003.

III. Any other business

10. To allow time for the Administration to respond to the concerns raised by members at the meeting and to enable the Subcommittee to provide a report to the House Committee, the Chairman said that he would give notice to move a motion at the Council meeting on 18 June 2003 to extend the scrutiny period of the Orders to 9 July 2003. Members agreed.

11. The Chairman said that no further meeting would be held unless members had further comments on the two Orders or the information to be provided by the Administration. Members agreed.

12. The meeting ended at 5:55 pm.

Council Business Division 2
Legislative Council Secretariat
11 July 2003

**Subcommittee on
Registration of Persons (Application for New Identity Cards) Order and
Registration of Persons (Application for New Identity Cards) (Repeal) Order 2003
Meeting on Thursday, 12 June 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0146	Hon James TO Hon IP Kwok-him	Election of Chairman	
0147-0344	Administration Chairman	Background of the Registration of Persons (Application for New Identity Cards Order) (ROP Order) and the Registration of Persons (Application for New Identity Cards) (Repeal) Order 2003 (the Repeal Order)	
0345-0905	Hon James TO Chairman Administration	Details of the identity card replacement exercise	
0906-1627	Hon James TO Administration Chairman	Preparation for the live-run of the Smart Identity Card System	
1628-5459	Hon LEUNG Fu-wah Administration Chairman Clerk Hon LI Fung-ying Hon James TO	Operation of the System and the report of the Privacy Impact Assessment	Admin to provide report of the third Privacy Impact Assessment
5500-010245	Hon James TO Administration Chairman ALA2	Need for HKSAR permanent residents living overseas to apply for new identify cards	Admin to launch local and overseas publicity programmes in a timely manner
010246-010651	Hon LAU Kong-wah Hon James TO Administration	Timetable for publicity of identity card replacement exercise overseas	

010652-011344	Hon James TO Administration	Section 3(1) of the ROP Order - criteria for certain law enforcement officers to apply for new identity cards in the first phase of replacement exercise	Admin to provide necessary training to relevant law enforcement officers
011345-011628	Hon James TO Administration	Ancillary measures for the implementation of the replacement exercise	
011629-011658	Chairman	Legislative timetable	

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

Council Business Division 2
Legislative Council Secretariat
11 July 2003

**Proceedings of the meeting of the
Subcommittee on proposed resolution under section 7 of the
Factories and Industrial Undertakings Ordinance
on Thursday, 31 July 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000148	Chairman	Confirmation of minutes of meeting	
000149 - 000524	Admin	Briefing on the Administration's response to issues raised at the meeting on 16 July 2003 (CB(2)2910/02-03(01))	
000525 - 000799	Chairman Admin	Proposed amendments to Construction Sites (Safety) (Amendment) Regulation (CSSR) Proposed amendments to Regulation 38A(3) and (4)	
000800 - 000958	Chairman Admin	Proposed amendments to the proposed new Regulation 38AA(4) and (5)	
000959 - 001221	Chairman Admin	Clause-by-clause examination on the newly proposed amendments to CSSR (CB(2)2939/02-03(01)) Proposed amendments to Regulation 38A(3) and (4) Proposed amendments to new Regulation 38AA(4) and (5) Proposed amendments to Regulations 38F(3) and 39(3)((b))	
001222 - 001414	Chairman Admin	Proposed amendments to Regulations 48(1A)(b) and 68 and Schedule 3	

Time marker	Speaker	Subject(s)	Action Required
001415 - 001919	ALA5 Chairman	Briefing on the points raised by ALA5 in her letter dated 24 July 2003 (CB(2)2910/02-03(03) and the Administration's response (CB(2)2930/02-03(02)) concerning the court's ruling that Regulation 44(1) was ultra vires. Impact of the ruling on other legislation	Clerk to refer the issue to the Panel on Administrative of Justice and Legal Services for follow-up action
001920 - 002026	CAS(2)1 Chairman	Timetable to report the deliberations of the Subcommittee to the House Committee	

Council Business Division 2
Legislative Council Secretariat
19 August 2003