

立法會
Legislative Council

LC Paper No. CB(2)239/18-19

Ref : CB2/SS/1/18

Paper for the House Committee meeting on 16 November 2018

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

Purpose

This paper reports on the deliberations 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 ("the Subcommittee").

Background

2. A territory-wide exercise for replacement of identity ("ID") cards with smart ID cards commenced in August 2003 and was completed in March 2007. According to the Administration, the existing smart ID card was introduced to replace the old computerized paper form ID card, the design and supporting computer system of which had become aged and outdated after a decade of use.

3. The Finance Committee approved on 15 May 2015 a new funding commitment for the proposed Next Generation Smart Identity Card System ("SMARTICS-2") to address the obsolescence of hardware and software of the existing Smart Identity Card System. Following the development of the new system, the Administration plans to introduce the next generation smart ID card through a one-off territory-wide ID card replacement exercise from 2018 to 2022 to introduce the new smart ID cards.

The subsidiary legislation

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

4. The Registration of Persons (Application for New Identity Cards) Order 2018 (L.N. 193 of 2018) ("the ROP Order 2018") is made by the Secretary for

Security ("S for S") under section 7B(1) of the Registration of Persons Ordinance (Cap. 177) ("ROPO") to direct that certain holders of valid ID cards issued before 26 November 2018 or issued on or after that date as a result of applications made before that date ("target ID cards") must apply for new ID cards at specified replacement centres within the periods specified for them. The ROP Order 2018 also provides for certain facilitation measures in the replacement exercise stated therein.

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

5. The Registration of Persons (Application for New Identity Cards) Order (Repeal) Order (L.N. 194 of 2018) ("the Repeal Order") is also made by S for S under section 7B(1) of ROPO to repeal the Registration of Persons (Application for New Identity Cards) Order (Cap. 177E), which contains the framework of the last replacement of ID cards exercise held from August 2003 to March 2007, in view of the making of the ROP Order 2018.

6. The ROP Order 2018 and the Repeal Order come into operation on 27 December 2018.

The Subcommittee

7. At the House Committee meeting on 26 October 2018, Members agreed to form a subcommittee to study the ROP Order 2018 and the Repeal Order. The membership list of the Subcommittee is in the **Appendix**.

8. Under the chairmanship of Hon CHAN Hak-kan, the Subcommittee has held one meeting with the Administration.

Deliberations of the Subcommittee

Territory-wide identity card replacement exercise ("replacement exercise")

Call-up programme

9. Members note that the replacement exercise will begin in December 2018 and all smart ID card holders will be called up by phases to have their existing smart ID cards replaced at the nine Smart Identity Card Replacement Centres ("SIDCCs") in accordance with their years of birth. It is estimated that 8.8 million smart ID cards will be replaced through the replacement exercise, including around 7.4 million Hong Kong permanent ID cards and 1.4 million Hong Kong ID cards.

10. Schedule 2 to the ROP Order 2018 ("Schedule 2") stipulates the categories of persons who must apply for new ID cards within the specified periods, i.e. holders of existing smart ID cards born between 1985 and 1986 and between 1968 and 1969 (as shown in the target ID cards) are directed to apply for their new smart ID cards within the period from 21 January to 30 March 2019 and from 1 April to 1 June 2019 respectively. Some members have enquired the reasons for not stipulating the full call-up programme in Schedule 2. These members have also asked about the replacement schedule of other holders of existing smart ID cards.

11. The Administration has advised that Schedule 2 currently shows the specified periods for the first two groups of persons to be called up for ID card replacement. Holders of existing smart ID cards born in other years will be called up in due course. The indicative schedule of the call-up programme at Annex A to the Legislative Council brief is for reference only and is subject to adjustments based on actual progress of the replacement exercise. The specified periods for other groups of persons will be added to Schedule 2 by way of amending the ROP Order 2018 as the replacement exercise progresses.

12. Noting that holders of existing smart ID cards born in 2001 are omitted in the indicative schedule of the call-up programme, some members have asked about the replacement arrangement for this age group. The Administration has advised that a holder of a young person's ID card (juvenile ID card) is required to apply for an ID card for a person of the age of 18 or above (adult ID card) in place of that card at the one of five existing Registration of Persons Offices within 30 days of his or her 18th birthday. As holders of juvenile ID cards born in 2001 will reach the age of 18 in 2019, they will be issued with the new smart adult ID cards upon their renewal of young person's ID cards, and therefore need not make separate visits to SIDCCs for ID card replacement.

13. Some members have expressed concern that a number of Hong Kong permanent residents who have emigrated and are residing in other countries may not be able to return to Hong Kong to replace their smart ID cards within the specified periods. These members have asked whether such persons must apply for the new ID cards in accordance with the call-up programme and whether they will be allowed to make such applications at the Hong Kong Economic and Trade Offices or Chinese Diplomatic and Consular Missions located at major cities of overseas countries.

14. The Administration has advised that ID card holders 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 ID card replacement need not go back to Hong Kong to replace their ID cards at once. They can apply for the new ID cards within 30 days of their return to Hong Kong. If the

replacement exercise is still on-going when they return to Hong Kong, they can replace their ID cards in the nine SIDCCs; otherwise, they can do so in the five existing Registration of Persons Offices. According to section 7B(4) of ROPO, if they have done so, they will not be regarded as failing to comply with the ROP Order 2018. As regards the suggestion of making applications for card replacement overseas, the Administration has explained that a holder of an ID card issued on an application from outside Hong Kong is still required under the Registration of Persons Regulations (Cap. 177A) ("ROPR") to apply for an ID card issued in Hong Kong in place of that card within 30 days of his or her return to Hong Kong. For those ID card holders who are not residing in Hong Kong and wish to have their ID cards replaced according to the call-up programme, they can make prior appointment for ID card replacement before they return to Hong Kong. They can make use of the online appointment booking and select any time slot within the following 24 working days. They may also authorize other persons to collect the new smart ID cards on their behalf.

15. Some members have pointed out that the infirm and patients who are suffering from severe illnesses may not be physically fit to apply for new ID cards in person at SIDCCs during the specified periods. Some of them may prefer to take photographs for use in the new ID cards at a later stage. These members have asked about the special arrangement for these persons. The Administration has explained that the existing arrangement for issuing Certificates of Exemption pursuant to regulation 25(e) of ROPR to those who are unable to replace their ID cards in person remains unchanged. These persons can apply for the issue of a new ID card at the five existing Registration of Persons Offices after the end of the replacement exercise if they so wish.

New facilitation measures

16. Members note that the ROP Order 2018 also provides for facilitation measures for new ID card applications by the following holders of target ID cards:

- (a) a holder of a target ID card showing a year of birth of 1954 or before may, if accompanied by another person who is applying for a new ID card and subject to other specified conditions, apply for a new ID card within the period specified for that other person; and
- (b) a holder of a target ID card who is a resident of a specified residential care home (other than a person residing there as a member of its staff) may also apply for a new ID card at mobile offices to be specified by the Commissioner of Registration or the Registration of Persons Offices during the specified periods.

17. Members welcome the introduction of the above facilitation measures. However, some members have expressed concern about the card replacement arrangement for elderly persons living in the community with low mobility. They consider that the Administration should make reference to the on-site ID card replacement service and provide mobile replacement offices for elderly persons residing in outlying islands and remote areas, thereby saving their visit to an SIDCC. To facilitate elderly persons to visit SIDCCs for card replacement, some members have suggested that elderly persons be allowed to visit SIDCCs for card replacement on any day throughout the replacement exercise.

18. The Administration has advised that the new facilitation measures aim to make the replacement exercise more convenient to the public, in particular the elderly and needy groups. Notably, the on-site ID card replacement service will cover over 1 000 residential care homes for elderly persons and persons with disabilities ("RCHs") and 11 institutions, with a total of more than 80 000 residents. These residents may choose to have their ID cards replaced on-site at RCHs and the 11 institutions, or at an SIDCC in the period specified for their age groups. For elderly persons and persons with disabilities living in the community, when their respective age groups are called up for ID card replacement, the Immigration Department ("ImmD") will provide other facilitation measures, such as providing help-through services in SIDCCs and arranging special time slots for group visits organized by non-governmental organizations, etc. ImmD will ensure the availability of sufficient manpower for implementing these facilitation measures.

19. The Administration has further advised that as it is estimated that there are over a million elderly persons who are aged 65 or above in the population, if they may make unscheduled visits to SIDCCs for card replacement, it will inevitably prolong the application time for and affect other holders of ID cards who are called up for card replacement at that specified period, and may affect whether the replacement exercise will be implemented in an orderly manner. Members' attention has been drawn to the fact that holders of ID cards born in 1954 or before will be called up for card replacement in the last phase of the replacement exercise, and thereby provide sufficient flexibility for the elderly persons either to apply for a new ID card together with another person within the period specified for that person, or to visit SIDCCs at a later stage.

Security of the smart ID cards and protection of privacy of ID card holders

20. Some members have expressed concern about the possibility that a person with an optical card reader can read information stored in the chip of a new smart ID card from a short distance. The Administration has explained that the new smart ID card will adopt a bi-level encryption mechanism. To access information in a new smart ID card through its contactless interface, it will be

necessary to physically place the smart ID card on top of an authorized optical card reader to initiate the authentication process. To access data stored in the chip of a new smart ID card, further mutual authentication between the chip and the card reader will be required. The Administration has stressed that only optical card readers authorized with certificate and equipped with the specific algorithm to generate a random encrypted key from a "key text string" captured optically from an ID card will be able to establish the required encrypted communication channel. Only after successful second mutual authentication between the smart ID card chip and the optical card reader, the data transmission function will be turned on, and then the information can be read from the smart ID card chip.

21. Some members have further expressed concern about the security of the new smart ID card and enquired whether the Administration has conducted any independent information technology security risk assessment of SMARTICS-2. The Administration has advised that the smart ID card contractor for SMARTICS-2 is a French-based company. The new smart ID card will make use of the latest polycarbonate materials to increase durability under normal usage and employ state-of-the-art technologies to make it more secure and fraud-resistant. The Administration has further advised that it has engaged an independent auditor to conduct information technology security risk assessment and security audit at different stages of implementation of SMARTICS-2 to ensure the compliance of security measures in protecting information in the system and smart ID cards. In addition, Privacy Impact Assessments ("PIAs") have been conducted during the feasibility study, system analysis and design, and pre-implementation stages. The fourth PIA will be conducted at the post-implementation stage. The Privacy Commissioner for Personal Data has been consulted on the findings of the PIAs and has not indicated any comments on non-compliance with the Personal Data (Privacy) Ordinance in the PIA reports so submitted.

Non-immigration applications

22. Some members are concerned about the security of non-immigration applications of the new smart ID card. Some other members, however, consider that the Administration should take the opportunity to study the viability of extending the scope of the non-immigration applications.

23. The Administration has advised that currently, a smart ID card holder can opt to use various non-immigration applications under the Multi-application Smart Identity Card scheme coordinated by the Office of the Government Chief Information Officer ("OGCIO"). Information stored in the chip of a smart ID card is encrypted and access to such information requires authorization under relevant legislation. Only card face data will be stored in the card face data compartment in the chip of a smart ID card for non-immigration use. The

relevant non-immigration applications require the consent of the card holder before accessing such information. OGCIO has, in response to proposals from the Financial Services and the Treasury Bureau and the Food and Health Bureau, proposed to include digital photograph and sex in the card face data compartment in the chip of the new smart ID card. Separately, OGCIO will coordinate the launch of the electronic identity, the application of which does not require an ID card, in e-Government services in 2020.

Recommendation

24. The Subcommittee raises no objection to the ROP Order 2018 and the Repeal Order and will not propose any amendment to these two items of subsidiary legislation.

Advice sought

25. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 2
Legislative Council Secretariat
13 November 2018

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

Membership list

Chairman Hon CHAN Hak-kan, BBS, JP

Members 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 Dennis KWOK Wing-hang
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

(Total : 21 members)

Clerk Miss Betty MA

Legal adviser Ms Wendy KAN