

**LEGISLATIVE COUNCIL BRIEF**

**REGISTRATION OF PERSONS**  
**(APPLICATION FOR NEW IDENTITY CARDS) ORDER 2018**  
**(AMENDMENT) (NO. 2) ORDER 2019**

**INTRODUCTION**

The Secretary for Security (“the Secretary”) made the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2019 (“the Amendment Order (No. 2)”) (at **Annex**) pursuant to section 7B(1) of the Registration of Persons Ordinance (Cap. 177) (“the Ordinance”) to –

- (a) direct holders of target Hong Kong identity card (“HKIC”)<sup>1</sup> born in 1960 to 1963 or those in 1970 to 1976 to apply for new HKICs within specified periods at the Smart Identity Card Replacement Centres (“Replacement Centres”) during the third cycle of the Territory-wide Identity Card Replacement Exercise (“Replacement Exercise”);
- (b) introduce a new facilitation measure for persons with a disability (“PwDs”); and
- (c) provide that eligible members of the sixth-term District Councils (“DCs”)<sup>2</sup> may apply for new HKICs from 18 February to 20 April 2020.

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<sup>1</sup> Target HKICs are those prepared under regulation 5(1)(a) of the Registration of Persons Regulations (Cap 177A) and issued before 26 November 2018 (or issued on or after that date as a result of an application made before that date).

<sup>2</sup> The new arrangement will not be applicable for the following DC members whose –

- (a) HKICs show a year of birth of 1955, 1956, 1957, 1958, 1959, 1964, 1965, 1966, 1967, 1968, 1969, 1985 or 1986. These members have been called up for HKIC replacement in the first or second cycle of the Replacement Exercise; and
- (b) HKICs show a year of birth of 1960 or 1961. These members will be called up for HKIC Replacement from 18 February to 20 April 2020 (i.e. same as the specified period for DC members).

## JUSTIFICATIONS

### *Background*

2. In October 2018, the Secretary made the Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177J) (“the ROP Order 2018”) pursuant to section 7B(1) of the Ordinance to direct certain categories of persons (including certain public officers<sup>3</sup> and target HKIC holders born in 1985 to 1986 or those in 1968 to 1969) to apply for new HKICs during the first cycle of the Replacement Exercise from 27 December 2018 to 1 June 2019. In addition, the ROP Order 2018 also provides for two facilitation measures for the elderly and needy groups, under which –

- (a) an applicant who applies for a new HKIC within the period specified for his/her age group, may bring along up to two elderly persons<sup>4</sup> (with a HKIC showing a year of birth of 1954 or before) to replace their HKICs during the same visit; and
- (b) residents of residential care homes for the elderly and PwDs (“RCHs”) may choose to have their HKICs replaced on-site at the RCHs using the on-site replacement service provided by the Immigration Department (“ImmD”), as an alternative to replacing their HKICs at the Replacement Centres in the period specified for their age groups.

3. Subsequently, in March 2019, the Secretary made the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2019 (“the Amendment Order”) pursuant to section 7B(1) of the Ordinance to direct target HKIC holders born in 1955 to 1959 or those in 1964 to 1967 to apply for new HKICs within specified periods during the second cycle of the Replacement Exercise from 3 June 2019 to 17 February 2020.

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<sup>3</sup> These include members of the Immigration Service, police officers and labour inspectors.

<sup>4</sup> A registration officer may in a particular case allow a larger number of concurrent applications to be made under the facilitation measure for the elderly.

### ***Third cycle of Replacement Exercise***

4. To roll out the third cycle of the Replacement Exercise, the Secretary made the Amendment Order (No. 2) under section 7B(1) of the Ordinance to direct target HKIC holders born in 1960 to 1963 or those in 1970 to 1976 to apply for new HKICs within specified periods from 18 February 2020 to 8 January 2021.

### ***New facilitation measure for PwDs***

5. The Government has from time to time received suggestions from members of the Legislative Council (“LegCo”) and different quarters of the public that the Government should consider extending the facilitation measure set out in paragraph 2(a) above which is currently available for the elderly to PwDs. At the meeting of the LegCo Subcommittee on the Amendment Order of 6 May 2019 (“the LegCo Subcommittee Meeting”), the Government responded positively to the suggestion and undertook to actively explore the feasibility of such facilitation measure with the target to implement the arrangement in the third cycle of the Replacement Exercise.

6. To this end, the Amendment Order (No. 2) provides for a new arrangement that from the third cycle of the Replacement Exercise onwards (i.e. 18 February 2020), an applicant who applies for a new HKIC within the period specified for his/her age group, may bring along up to two PwDs, in addition to bringing along up to two elderly persons under the existing facilitation measure, to replace their HKICs during the same visit<sup>5</sup>.

7. To make the arrangement as convenient as possible to those in need, any person who can furnish relevant information or documents to the satisfaction of a registration officer that the person concerned is a PwD is eligible for the new facilitation measure. In processing the applications, a registration officer will take into consideration the information and documents provided by applicants, for example –

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<sup>5</sup> A registration officer may in a particular case allow a larger number of concurrent applications to be made under the facilitation measure for the elderly as well as the new facilitation measure for the PwDs.

- (a) Registration Card for People with Disabilities issued by the Labour and Welfare Bureau;
- (b) information or documents showing that the applicant is a recipient of the Disability Allowance;
- (c) proofs on membership of PwDs service units subvented by the Social Welfare Department;
- (d) proofs on student status of a special school; or
- (e) medical proof (e.g. patient's follow-up record, etc.).

8. As persons born in 2008 to 2011 or those in 2001 to 2004 will respectively reach the age of 11 or 18 during the Replacement Exercise, they are required to apply for HKICs under regulation 6 of the Registration of Persons Regulations (Cap. 177A) at Registration of Persons Offices, instead of through the Replacement Exercise. As such, the new facilitation measure for PwDs will not apply to persons born in 2008 to 2011 or those in 2001 to 2004.

### ***Replacement arrangement for DC members***

9. Since the launch of the Replacement Exercise, the Government has also received from time to time suggestions from LegCo and DC members that the Government should consider facilitating the earlier replacement of HKICs by DC members such that DC members could familiarise themselves with the relevant procedures at the earliest possible time and be able to provide assistance to members of the public during the Replacement Exercise as necessary. At the LegCo Subcommittee Meeting mentioned in paragraph 5 above, similar suggestion was raised and the Government responded positively, indicating its intention to implement the arrangement in the third cycle of the Replacement Exercise.

10. To this end, the Amendment Order (No. 2) provides for a new arrangement that eligible members of the sixth-term of DCs<sup>6</sup> may apply for

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<sup>6</sup> The new arrangement will not be applicable for the following DC members whose –

- (a) HKICs show a year of birth of 1955, 1956, 1957, 1958, 1959, 1964, 1965, 1966, 1967, 1968, 1969, 1985 or 1986. These members have been called up for HKIC replacement in the first or second cycle of the Replacement Exercise; and
- (b) HKICs show a year of birth of 1960 or 1961. These members will be called up for HKIC Replacement from 18 February to 20 April 2020 (i.e. same as the specified period for DC members).

new HKICs at the Replacement Centres during the period from 18 February 2020 to 20 April 2020, in addition to replacing their HKICs in the period specified for their age groups.

## **THE AMENDMENT ORDER**

11. **Section 1** of the Amendment Order provides for its commencement date. **Section 3** amends Section 5 of the ROP Order 2018 to provide for HKIC replacement arrangement for DC members mentioned in paragraphs 9 to 10. **Section 4** amends Section 6 of the ROP Order 2018 to provide for the new facilitation measure for PwDs set out in paragraphs 5 to 8. **Section 5** amends Schedule 2 of the ROP Order 2018 by adding the specified periods for target HKIC holders born in 1960 to 1963 and those in 1970 to 1976.

## **LEGISLATIVE TIMETABLE**

12. The legislative timetable will be –

Publication in the Gazette	22 November 2019
Tabling at the LegCo for negative vetting	27 November 2019
Commencement of the Amendment Order	18 February 2020

## **IMPLICATIONS OF THE PROPOSAL**

13. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the current binding effect of the Ordinance and the Registration of Persons Regulations (Cap. 177A).

## **PUBLIC CONSULTATION**

14. On 5 December 2017, the Panel on Security was briefed on the new form of HKIC and the framework of the Replacement Exercise. Members raised no objection to the framework of the Replacement Exercise. The public and LegCo members have been informed of the arrangement of the Replacement Exercise as set out in the Legislative Council Briefs on the ROP Order 2018 tabled at the LegCo on 24 October 2018 and the ROP Order 2019 tabled at the LegCo on 3 April 2019. The new facilitation measure for the PwDs and HKIC replacement arrangement for DC members were discussed at the LegCo Subcommittee Meeting as mentioned in paragraphs 5 and 9 above.

## **PUBLICITY**

15. ImmD will issue a press release on the arrangement for the third cycle of the Replacement Exercise on 20 November 2019. Publicity will continue to be put up through various channels, such as television and the Internet, etc., throughout the Replacement Exercise.

## **ENQUIRY**

16. Any enquiry on this brief can be addressed to 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**  
**November 2019**

**Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2019**

(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 18 February 2020.

**2. Registration of Persons (Application for New Identity Cards) Order 2018 amended**

The Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177 sub. leg. J) is amended as set out in sections 3, 4 and 5.

**3. Section 5 amended (applications by certain public officers)**

After section 5(2)—

**Add**

“(3) For the purposes of section 4, in relation to a member of a District Council, specified period includes the period from 18 February 2020 to 20 April 2020.

(4) However, subsection (3) does not apply to a member of a District Council if the member’s target identity card shows the following year of birth—1955, 1956, 1957, 1958, 1959, 1960, 1961, 1964, 1965, 1966, 1967, 1968, 1969, 1985 or 1986.”.

**4. Section 6 substituted**

Section 6—

**Repeal the section****Substitute****“6. Applications by accompanied elderly persons and qualified persons with a disability**

(1) Subject to subsection (2), if—

(a) a person (*applicant*) makes an application for a new identity card (*principal application*) at a replacement centre within—

(i) the specified period in column 2 of Schedule 2 that is applicable to the applicant; or

(ii) if the applicant is absent from Hong Kong during that period—30 days after the applicant’s return to Hong Kong; and

(b) the applicant accompanies another person who—

(i) is an elderly person or a qualified person with a disability; and

(ii) makes, together with the principal application, 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) For a principal application, unless otherwise allowed by a registration officer—

(a) the number of concurrent applications made by elderly persons must not exceed 2; and

(b) the number of concurrent applications made by qualified persons with a disability must not exceed 2.

- (3) A registration officer may, in relation to a principal application—
- (a) request a person who makes a concurrent application as a qualified person with a disability to furnish such information or document which satisfies the registration officer that the person is a qualified person with a disability; and
- (b) if the person fails to comply with the request, refuse the concurrent application.

- (4) In this section—

*elderly person* (長者) means a person who holds a target identity card that shows a year of birth of 1954 or before;

*qualified person with a disability* (合資格殘疾人士) means a person with a disability, but does not include one who holds a target identity card that shows the following year of birth—2001, 2002, 2003, 2004, 2008, 2009, 2010 or 2011.”.

**5. Schedule 2 amended (years of birth and specified periods)**

- (1) Schedule 2, after the following—

“1957, 1958 or 1959      From 16 November 2019 to 17 February 2020”

**Add**

“1960 or 1961              From 18 February 2020 to 20 April 2020

1962 or 1963              From 21 April 2020 to 24 June 2020”.

- (2) Schedule 2, after the following—

“1968 or 1969              From 1 April 2019 to 1 June 2019”

**Add**

“1970, 1971 or 1972      From 26 June 2020 to 16 September 2020

1973 or 1974              From 17 September 2020 to 13 November 2020

1975 or 1976              From 14 November 2020 to 8 January 2021”.



Secretary for Security

18 NOVEMBER 2019



### Explanatory Note

This Order amends Schedule 2 to the Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177 sub. leg. J) (*Identity Cards Order*) to specify the periods within which holders of target identity cards that show 1960, 1961, 1962, 1963, 1970, 1971, 1972, 1973, 1974, 1975 or 1976 as the year of birth must apply for new identity cards.

2. The Order also amends sections 5 and 6 of the Identity Cards Order to provide that—
  - (a) certain members of District Councils may apply for new identity cards within a specified period; and
  - (b) qualified persons with a disability may, if accompanied by other persons applying for new identity cards (*principal applicants*) and subject to other conditions, apply for new identity cards at the same time as principal applicants.