

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF PERSONS (APPLICATION FOR NEW IDENTITY CARDS) ORDER 2018 (AMENDMENT) ORDER 2020

INTRODUCTION

In the light of the epidemic of coronavirus disease 2019 (COVID-19), the Immigration Department (“ImmD”) earlier suspended the replacement service for Hong Kong identity cards (“HKICs”) under the Territory-wide Identity Card Replacement Exercise (“Replacement Exercise”). To ensure the resumption of the Replacement Exercise in an orderly manner, the Secretary for Security (“the Secretary”) made the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2020 (“the Amendment Order”) (at Annex), pursuant to section 7B(1) of the Registration of Persons Ordinance (Cap. 177) (“the Ordinance”) to –

- (a) extend the specified periods for holders of target HKICs¹ born in 1957 to 1961 to apply for new HKICs;
- (b) amend the specified periods for holders of target HKICs born in 1962 to 1963 and those in 1970 to 1976 to apply for new HKICs;
- (c) extend the specified period in which eligible members of the sixth-term District Council (“DCs”)² may apply for new HKICs; and

¹ Target HKICs are valid HKICs 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).

² The arrangement will not be applicable for the following DC members whose –

- (a) HKICs show a year of birth of 1955, 1956, 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 1957 to 1961. The specified periods of the respective age groups of these members will be extended to 27 July 2020 or under the circumstance of paragraph 6 below to 22 September 2020 (i.e. same as the amended specified period for DC members).

- (d) further extend or amend the specified periods for persons concerned in sub-paragraphs (a) to (c) above to apply new HKICs, if all Replacement Centres are not in service for a period of 21 working days³ or more between 11 May 2020 and 27 July 2020 for public health reasons.

BACKGROUND

2. In November 2019, the Secretary for Security made the Registration of Persons (Application for New Identity Cards) (Amendment) (No.2) Order 2019 (“ROP Order 2019 (No. 2)”), pursuant to section 7B(1) of the Ordinance, to specify the arrangement of the third cycle of the Replacement Exercise. The ROP Order 2019 (No.2) directs holders of target HKICs born in 1957 to 1963 to apply for new HKICs within the following specified periods –

Year of birth	Specified period
1957 to 1959	From 16 November 2019 to 17 February 2020
1960 to 1961	From 18 February 2020 to 20 April 2020
1962 to 1963	From 21 April 2020 to 24 June 2020

3. Moreover, the ROP Order 2019 (No. 2) provides that eligible members of the sixth-term DC may apply for new HKICs from 18 February to 20 April 2020, in addition to replacing their HKICs in the periods specified for their age groups.

4. To reduce the risk of the spread of COVID-19 as a result of the gathering of applicants, ImmD had implemented special service arrangement since January 2020. The operation of all Replacement Centres was suspended from 29 January to 1 March 2020 and from 23 March to 3 May 2020⁴. Due to the service suspension, some 640 000

³ Working days exclude public holidays (including Sundays).

⁴ From 4 May 2020, ImmD has resumed the services of all Replacement Centres in phases. The Replacement Centres first provide HKIC collection service and registration of new HKICs service for those applicants born in 1957 to 1961 who had made appointments earlier.

holders of target HKICs born in 1957 to 1963 were unable to register for new HKICs during the periods specified for their age groups. Meanwhile, some eligible DC members were unable to apply for new HKICs during the specified period for DC members.

REVISED ARRANGEMENT FOR REPLACEMENT EXERCISE

5. As the epidemic has signs of stabilising, the operation of all Replacement Centres will be fully resumed from 11 May 2020. Having regard to the substantial number of persons who have not yet applied for new HKICs due to the earlier service suspension, we need to change the arrangement for the third cycle of the Replacement Exercise. The objective is to avoid substantial number of applicants registering new HKICs at Replacement Centres in the early stage of service resumption, with a view to ensuring that the Replacement Exercise will continue to be conducted in an orderly manner. To this end, the Secretary made the Amendment Order pursuant to the Ordinance to -

- (a) extend the specified periods for holders of target HKICs born in 1957 to 1961 to apply for new HKICs to 27 July 2020;
- (b) amend the specified periods for holder of target HKICs born in 1962 to 1963 and those in 1970 to 1976 to apply for new HKICs as follows –

Year of birth	Specified period
1962 to 1963	From 28 July 2020 to 22 September 2020
1970 to 1972	From 23 September 2020 to 7 December 2020
1973 to 1974	From 8 December 2020 to 28 January 2021
1975 to 1976	From 29 January 2021 to 19 March 2021

- (c) extend the specified period in which eligible members of the six-term DC may apply for new HKICs to 27 July 2020.

6. While the situation of the epidemic has stabilised, we do not rule out the possibility that the replacement service for HKICs may need to be suspended again in near future to cope with sudden turn of the epidemic situation. Hence, the Amendment Order also provides that if all Replacement Centres are not in service for a period of 21 working days or more from 11 May to 27 July 2020 for public health reasons, the arrangement of Replacement Exercise will be further adjusted as follows –

- (a) the specified periods for holders of target HKICs born in 1957 to 1961 to apply for new HKICs will be further extended to 22 September 2020;
- (b) the specified periods for holders of target HKICs born in 1962 to 1963 and those in 1970 to 1976 to apply for new HKICs will be amended as follows –

Year of birth	Specified period
1962 to 1963	From 23 September 2020 to 21 November 2020
1970 to 1972	From 23 November 2020 to 5 February 2021
1973 to 1974	From 6 February 2021 to 30 March 2021
1975 to 1976	From 31 March 2021 to 22 May 2021

- (c) the specified period in which eligible DC members may apply for new HKICs will be further extended to 22 September 2020.

7. If the arrangement of the Replacement Exercise has to be adjusted under the circumstance mentioned in paragraph 6, ImmD will make announcement in advance as far as possible through various channels to inform the public of the new arrangement.

THE AMENDMENT ORDER

8. **Section 1** of the Amendment Order provides for its commencement date. **Section 3** amends Section 2 of the Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177J) (“the ROP Order 2018”) by adding the definitions of “specified period” and “substituted period”. **Section 4** amends section 4 of the ROP Order 2018 by adding substituted period in addition to specified period. **Section 5** amends section 5(3) of the ROP Order 2018 by amending the specified period for DC members and adding the substituted period under the adjustment arrangement mentioned in paragraph 6(c) above. **Section 6** amends section 6(1)(a)(i) of the ROP Order 2018 by adding substituted period in addition to specified period. **Section 7** amends section 7(1)(b) and (2)(b) of the ROP Order 2018 by adding substituted period in addition to specified period. **Section 8** provides for the adjustment arrangement mentioned in paragraph 6 above. **Section 9** amends Schedule 2 of the ROP Order 2018 by amending the specified periods of 1957 to 1963 and 1970 to 1976 and adding substituted period for these years of birth as mentioned in paragraphs 5 to 6 above.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	8 May 2020
Tabling at the Legislative Council for negative vetting	13 May 2020
Commencement of the Amendment Order	11 May 2020

IMPLICATIONS OF THE PROPOSAL

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

PUBLIC CONSULTATION

11. 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, the Registration of Persons (Application for New Identity Cards) (Amendment) Order 2019 tabled at the LegCo on 3 April 2019 and ROP Order 2019 (No. 2) tabled at LegCo on 27 November 2019.

PUBLICITY

12. ImmD will issue a press release on the abovementioned arrangement of the Replacement Exercise. If the arrangement of the Replacement Exercise has to be adjusted for public health reasons as mentioned in paragraph 6 above, ImmD will inform the public through various channels in advance as far as possible.

ENQUIRY

13. 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
May 2020

Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2020

(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 11 May 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 to 9.

3. Section 2 amended (interpretation)

Section 2—

Add in alphabetical order

“specified period (指明限期) means a period specified in column 2 of Schedule 2;

substituted period (替代限期) means a period specified in column 3 of Schedule 2;”.

4. Section 4 amended (holders of target identity cards to apply for new identity cards)

Section 4—

Repeal

everything after “within”

Substitute

“the specified period, or (if the circumstance mentioned in section 8 arises) the substituted period, opposite that year.”.

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

Section 5(3)—

Repeal

everything after “District Council”

Substitute

“—

(a) specified period includes the period from 18 February 2020 to 27 July 2020; or

(b) if the circumstance mentioned in section 8 arises— substituted period includes the period from 18 February 2020 to 22 September 2020.”.

6. Section 6 amended (applications by accompanied elderly persons and qualified persons with a disability)

Section 6(1)(a)(i)—

Repeal

“in column 2 of Schedule 2”

Substitute

“, or (if the circumstance mentioned in section 8 arises) the substituted period,”.

7. Section 7 amended (applications by residents of residential care homes)

Section 7(1)(b) and (2)(b)—

Repeal

“specified period”

Substitute

“specified period or (if the circumstance mentioned in section 8 arises) substituted period”.

8. Section 8 added

After section 7—

Add

“8. Circumstance for substituting application periods

(1) For the purposes of sections 4, 5(3)(b), 6(1)(a)(i) and 7(1)(b) and (2)(b), the circumstance is that, during the relevant period, none of the replacement centres is in service for public health reasons for 21 working days or more.

(2) In this section—

relevant period (有關期間) means the period from 11 May 2020 to 27 July 2020;

working day (工作日) means a day that is not a public holiday.”.

9. Schedule 2 substituted

Schedule 2—

Repeal the Schedule

Substitute

“Schedule 2

[ss. 2 & 4]

Years of Birth, Specified Periods and Substituted Periods

Column 1 Year of birth	Column 2 Specified period	Column 3 Substituted period
1955 or 1956	From 24 September 2019 to 15 November 2019	Not applicable
1957, 1958 or 1959	From 16 November 2019 to 27 July 2020	From 16 November 2019 to 22 September 2020
1960 or 1961	From 18 February 2020 to 27 July 2020	From 18 February 2020 to 22 September 2020
1962 or 1963	From 28 July 2020 to 22 September 2020	From 23 September 2020 to 21 November 2020
1964 or 1965	From 27 July 2019 to 23 September 2019	Not applicable
1966 or 1967	From 3 June 2019 to 26 July 2019	Not applicable

Column 1 Year of birth	Column 2 Specified period	Column 3 Substituted period
1968 or 1969	From 1 April 2019 to 1 June 2019	Not applicable
1970, 1971 or 1972	From 23 September 2020 to 7 December 2020	From 23 November 2020 to 5 February 2021
1973 or 1974	From 8 December 2020 to 28 January 2021	From 6 February 2021 to 30 March 2021
1975 or 1976	From 29 January 2021 to 19 March 2021	From 31 March 2021 to 22 May 2021
1985 or 1986	From 21 January 2019 to 30 March 2019	Not applicable".



Secretary for Security

5TH MAY 2020

Explanatory Note

The replacement of Hong Kong identity cards under the Territory-wide Identity Card Replacement Exercise has been interrupted due to the suspension of service of smart identity card replacement centres to contain the coronavirus disease 2019 (COVID-19). This Order amends the following provisions of the Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177 sub. leg. J) (*principal Order*) to provide for new application periods in relation to the relevant groups of people, and for substituted application periods if a certain circumstance arises—

- (a) section 4 and Schedule 2—in relation to holders of target identity cards that show 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1970, 1971, 1972, 1973, 1974, 1975 or 1976 as the year of birth;
 - (b) section 5—in relation to certain members of District Councils;
 - (c) section 6—in relation to elderly persons or qualified persons with a disability, who apply for the new identity cards concurrently with their accompanying persons; and
 - (d) section 7—in relation to residents of residential care homes.
2. The Order adds a new section 8 to the principal Order to provide for the circumstance under which the substituted application periods may apply, namely, none of the replacement centres is in service for public health reasons for 21 working days or more during the period from 11 May 2020 to 27 July 2020.