

**立法會**  
**Legislative Council**

LC Paper No. CB(2)415/20-21  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/5/20

**Subcommittee on Registration of Persons (Application for  
New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2020**

**Minutes of meeting  
held on Monday, 2 November 2020, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon LAM Cheuk-ting (Chairman)  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Claudia MO  
Hon WU Chi-wai, MH  
Dr Hon KWOK Ka-ki  
Hon Dennis KWOK Wing-hang  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon SHIU Ka-chun  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho

**Members absent** : Hon LEUNG Yiu-chung  
Hon HUI Chi-fung

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of Legislative Council on 30 July 2020.]

**Public Officers attending** : Item II

Mr Parson LAM Chun-wah  
Principal Assistant Secretary for Security D

Mr FAN Hiu-sing  
Assistant Director (Personal Documentation)  
Immigration Department

Miss Elaine NG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Miss Evelyn LEE  
Assistant Legal Adviser 10

Ms Gloria TSANG  
Senior Council Secretary (2) 7

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Election of Chairman**

Mr LAM Cheuk-ting was elected Chairman of the Subcommittee.

2. Members agreed that there was no need for the Subcommittee to elect a Deputy Chairman.

**II. Meeting with the Administration**

3. The Subcommittee deliberated on Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2020 ("the Amendment Order") (index of proceedings attached at **Annex**).

4. The Subcommittee requested the Administration to provide the following information:

- (a) the numbers and proportion of target Hong Kong identity card ("HKIC") holders who had applied for new HKICs under the Territory-wide Identity Card Replacement Exercise during the specified periods for their respective years of birth;
- (b) the number of persons who were unable to have their HKICs replaced at the time when their respective years of birth were called up for HKIC replacement because of staying in hospitals and institutions managed by the Hospital Authority requiring long-term care and treatment; and
- (c) the Administration's view on members' suggestion about HKIC replacement arrangement for persons in custody before they were released.

### **III. Any other business**

5. Members agreed that to allow more time for the Subcommittee to examine the Amendment Order, the Chairman would on behalf of the Subcommittee move a motion to extend the scrutiny period of the Amendment Order to the Council meeting of 2 December 2020. The Chairman further said that another meeting would be held to continue discussion of the Amendment Order with the Administration. Members would be informed of the meeting arrangement in due course.

*(Post meeting note: Members were informed via LC Paper No. CB(2)150/20-21 on 4 November 2020 that another meeting would be held on 16 November 2020. However, as it is unlikely for a quorum to be formed, with the concurrence of the Chairman, the meeting was finally cancelled. Members were informed via LC Paper No. CB(2)276/20-21 on 13 November 2020.)*

6. There being no other business, the meeting ended at 12:15 pm.

**Proceedings of the meeting of the  
Subcommittee on Registration of Persons (Application for  
New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2020  
held on Monday, 2 November 2020, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
000523 - 000743	Mr James TO Mr Dennis KWOK Dr KWOK Ka-ki Mr LAM Cheuk-ting	Election of Chairman	
000744 - 000853	Chairman	Opening remarks	
000854 - 001207	Chairman Admin	Briefing by the Administration on the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2020 ("the Amendment Order").	
001208 - 002314	Chairman Mr James TO Admin	<p>Mr James TO expressed concern about the new specified deadline (i.e. 26 September 2020) by which target Hong Kong Identity Card ("HKIC") holders born between 1957 and 1961 had to apply for new HKICs and the corresponding legislative timetable. He was of the view that the Administration should be more considerate when specifying the extended period for HKIC replacement for target holders born between 1957 and 1961, in particular under the epidemic situation of Coronavirus Diseases 2019 ("COVID-19").</p> <p>The Administration explained that the Amendment Order came into operation on the date of publication in the Gazette (i.e. 11 September 2020). In drawing up the revised specified period, the Administration took into account relevant consideration, including the replacement progress of the respective age groups and the epidemic situation. In fact, the operation of the Smart Identity Card Replacement Centres ("Replacement Centres") was suspended on 20 July 2020 due to COVID-19, a week before expiration of the original extended period for target HKIC holders born in 1957 to 1961 (i.e. 27 July 2020).</p> <p>In response to the Chairman's follow-up enquiry, the Administration advised that about 84% of target HKIC holders born in 1957 to 1959 had applied for</p>	

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		<p>new HKICs by the extended deadline on 26 September 2020. For target HKIC holders born in 1960 and 1961, about 78% of them had applied for new HKICs by 26 September 2020. Members' attention was drawn to the last HKIC replacement exercise in 2003, in which the average replacement rate was about 83%.</p> <p>The Administration noted Mr TO's view and the public's concern about missing the specified deadline to apply for their new HKICs because of COVID-19. The Administration advised that according to the Registration of Persons Ordinance (Cap. 177), any person who without reasonable excuse failed to comply with an order made by the Secretary for Security ("S for S") in respect of replacement of HKICs would commit an offence. These cases would be handled by ImmD on an individual basis. In general, being unable to replace HKICs due to the epidemic situation would be considered as a reasonable excuse. In the course of the Replacement Exercise, the Administration would continue to canvass public view and improve relevant arrangement as appropriate.</p> <p>Mr James TO reiterated that consideration should be given to further extending the specified deadline of 26 September 2020 for HKIC replacement for holders of target HKICs born between 1957 and 1961.</p>	
002315 - 003307	Chairman Dr Fernando CHEUNG Admin	<p>Dr Fernando CHEUNG shared Mr James TO's view and said that target HKIC holders born between 1957 and 1961 who missed the deadline for applying for new HKICs should be well-informed of the Administration's discretion due to the epidemic situation.</p> <p>While welcoming the facilitation measures in the HKIC replacement exercise for the elderly and persons with disabilities, Dr CHEUNG expressed concern about HKIC replacement for persons in custody ("PICs"), as well as patients staying in hospitals and institutions managed by the Hospital Authority ("HA") requiring long-term care and treatment. The Chairman expressed a similar concern.</p>	

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		<p>The Administration thanked Members for the previous suggestion of providing facilitation measure for persons with disabilities and the relevant measure was implemented since early 2020. Regarding the scope of the on-site replacement service, it covered residents of residential care homes ("RCHs") registered under the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) and 11 institutions registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap.165) which provided residential care services for elderly persons and persons with disabilities. The scope of RCHs was drawn up by ImmD in consultation with the Social Welfare Department having regard to the nature of the institutions and the conditions of the patients therein.</p> <p>With regard to patients requiring long-term stay at hospitals and infirmaries for constant and/or higher-level medical treatment, the Administration advised that they could apply to the Commissioner of Registration (i.e. Director of Immigration) for a Certificate of Exemption pursuant to the Registration of Persons Regulations (Cap. 177A) to exempt from registration or renewal of a HKIC.</p> <p>As regards PICs, the Administration pointed out that PICs who were serving sentences might not have an imminent need to use or replace their HKICs. They could apply for new HKICs upon discharge. The Administration advised that there was no correlation between the resident status of a Hong Kong resident and the validity of his/her HKIC. Even if the present generation of HKIC was invalidated upon completion of the Replacement Exercise, it would not affect the resident status of those PICs who had not yet replaced new HKICs nor their entitlement to public services as a resident. Hence, the Administration did not consider it necessary to provide on-site replacement service for PICs.</p>	
003308 - 003801	Chairman Dr KWOK Ka-ki	Suspension of meeting	

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003802 - 004951	Chairman Dr KWOK Ka-ki Admin	<p>Dr KWOK Ka-ki asked:</p> <p>(a) whether consideration would be given to disseminating information on HKIC replacement arrangement to target groups via short message service ("SMS");</p> <p>(b) whether the specified periods for new HKICs for various age groups would be further extended due to the epidemic situation;</p> <p>(c) whether consideration would be given to providing on-site replacement service for patients staying in HA hospitals and institutions requiring long-term care and treatment.</p> <p>The Administration responded that:</p> <p>(a) the Immigration Department ("ImmD") had put up relevant publicity in respect of the HKIC replacement arrangement through various channels, including newspaper and television advertisement, ImmD's website and posters in ImmD offices, etc. The Administration would consider other means (including SMS as suggested by Dr KWOK) as necessary;</p> <p>(b) to avoid gathering of applicants amidst the COVID-19 and having considered that the replacement service for HKICs might need to be suspended again if there was any sudden turn of the epidemic situation, a longer period of around six months, compared with the usual replacement period of around two to three months for an age group, had been specified for target HKIC holders born in 1962 to 1963, as well as those born in 1970 to 1972 to apply for new HKICs. The Administration reiterated that being unable to replace HKICs due to the epidemic situation would generally be considered as a reasonable excuse for failing to comply with an order made by S for S in respect of replacement of HKICs pursuant to the Registration of Persons Ordinance (Cap. 177);</p> <p>(c) the present generation of HKICs would remain valid until the publication of an invalidation order in the Gazette by S for S. In other words, they would not become invalid immediately upon the expiry of the specified</p>	

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		<p>period for respective age groups. In any event, the validity of the HKICs would not affect a person's entitlement to public services as a Hong Kong resident; and</p> <p>(d) the Administration reiterated that patients requiring long-term stay at hospitals and infirmaries for constant and/or higher-level medical treatment could apply for a Certificate of Exemption pursuant to the Registration of Persons Regulations (Cap. 177A) to exempt from registration or renewal of a HKIC. Dr KWOK's suggestion of extending the on-site replacement service to patients staying in HA hospitals and institutions requiring long-term care and treatment would be further studied.</p> <p>Dr KWOK requested the Administration to provide the number of persons who were unable to have their HKICs replaced at the time when their respective age groups were called up for HKIC replacement because of staying in hospitals and institutions managed by HA.</p>	<p><b>Admin</b></p>
004952 - 005557	Chairman Mr SHIU Ka-chun Admin	<p>Mr SHIU Ka-chun asked about the considerations in deciding not to provide on-site HKIC replacement arrangement for PICs, and requested the Administration to reconsider the matter.</p> <p>In considering whether to introduce on-site replacement service, the Administration explained that it would adopt a pragmatic approach taking into account relevant considerations, including genuine need of the relevant category of persons and any constraints for providing on-site replacement at specific institutions (e.g. institutional security, spatial and facility requirement).</p>	
005558 - 010224	Chairman Admin	<p>In response to the Chairman's enquiry regarding the invalidation arrangement of HKICs, the Administration said that based on the experience in the last replacement exercise, the previous generation of HKICs was invalidated by four batches having regard to the replacement progress. The first batch of previous generation of HKICs (with corresponding replacement period between 2003 and 2004) was invalidated in October 2006. It was stressed that the invalidation of HKICs would not affect the resident status of a HKIC</p>	



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		<p>holder and their entitlement to public services as a resident.</p> <p>Noting that PICs could only apply for new HKICs after they were released and the processing time for replacement of HKICs was seven working days, the Chairman considered such arrangement inconvenient to and discriminate against PICs, in particular when they went for job hunting immediately after release.</p>	
010225 - 010647	Chairman	Suspension of meeting	
010648 - 011301	Chairman Admin	<p>In response to the Chairman's follow-up enquiry regarding the HKIC replacement arrangement for PICs, the Administration made the following points:</p> <p>(a) the invalidation of previous generation of HKICs would not undermine the holders' entitlement to public services as a Hong Kong resident;</p> <p>(b) there were occasions on which a Hong Kong resident might not have a valid HKIC, such as losing HKICs or absence from Hong Kong during the replacement of HKICs. Under such occasions, these persons were required to apply for new HKICs. An acknowledgement of application for HKIC would be issued, which could serve as a temporary identity proof pending the collection of the new HKIC; and</p> <p>(c) having considered that PICs did not have an imminent need to use or replace their HKICs, the Administration did not consider it necessary to provide on-site replacement service for PICs. That said, the Administration undertook to further study the matter.</p>	
011302 - 011743	Chairman Dr Fernando CHEUNG	Dr Fernando CHEUNG's view regarding HKIC replacement arrangement for PICs. He considered that PICs, if they had valid HKICs upon release, would enable them to timely integrate into the society.	

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011744 - 012617	Chairman Mr WU Chi-wai Admin	<p>Mr WU Chi-wai's enquiry and the Administration's response regarding the invalidation arrangement of HKICs. The Administration reiterated that it would take into consideration various factors and actual circumstances such as the replacement rates of individual age groups in deciding when to invalidate the present generation of HKICs.</p> <p>Mr WU's further concern and the Administration's response regarding Police's power in checking of identification documents during stop and search.</p> <p>Mr WU called on the Administration to take into members' views and concerns when studying HKIC replacement arrangement for PICs.</p>	
012618 - 013409	Chairman Mr SHIU Ka-chun Dr Fernando CHEUNG Admin	<p>Mr SHIU Ka-chun and the Chairman's view regarding HKIC replacement arrangement for PICs before release.</p> <p>The Subcommittee requested the Administration to provide written response to members' request and views in the next meeting.</p>	<b>Admin</b>
013410 - 013458	Chairman Dr Fernando CHEUNG	Extension of scrutiny period	