

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF PERSONS
(APPLICATION FOR NEW IDENTITY CARDS) ORDER 2018
(AMENDMENT) (NO. 2) 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 that the Replacement Exercise will continue to be conducted in an orderly manner, the Secretary for Security (“the Secretary”) made the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No.2) 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 1963 to apply for new HKICs;
- (b) amend the specified period for holders of target HKICs born in 1970 to 1972 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;
- (d) repeal the specified periods for holder of target HKICs born in 1973 to 1976 to 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 26 September 2020.

- (e) repeal the provisions or references in provisions in the Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177J) (“the ROP Order 2018”) which are no longer applicable.

BACKGROUND

2. In May 2020, the Secretary made the Registration of Persons (Application for New Identity Cards) (Amendment) Order 2020 (“ROP Order 2020”), pursuant to section 7B(1) of the Ordinance. The ROP Order 2020 amended the specified periods for holders of target HKICs born in 1957 to 1963 and those in 1970 to 1976 to apply for HKICs as follows –

Year of birth	Specified period
1957 to 1959	From 16 November 2019 to 27 July 2020
1960 to 1961	From 18 February 2020 to 27 July 2020
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

3. Moreover, the ROP Order 2020 extended the specified period in which eligible members of the six-term DC may apply for new HKICs to 27 July 2020.

4. In view of the epidemic situation of COVID-19, ImmD had implemented special service arrangement again since 20 July 2020 so as to reduce the risk of the spread of COVID-19 as a result of the gathering of applicants. The operation of all Smart Identity Card Replacement Centres (“Replacement Centres”) was suspended from 20 July 2020 to 23

August 2020³. Due to the service suspension, some 470 000 holders of target HKICs born in 1957 to 1963 were or would be unable to register for new HKICs during their specified periods or the remaining period of their specified periods. 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. 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 to ensure 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 1963 to apply for new HKICs as follows –

Year of birth	Specified period
1957 to 1959	From 16 November 2019 to 26 September 2020
1960 to 1961	From 18 February 2020 to 26 September 2020
1962 to 1963	From 28 July 2020 to 30 January 2021

- (b) amend the specified period for holder of target HKICs born in 1970 to 1972 to apply for new HKICs as follows –

Year of birth	Specified period
1970 to 1972	From 2 November 2020 to 30 April 2021

- (c) extend the specified period in which eligible members of the six-term DC may apply for new HKICs to 26 September 2020.

³ From 24 August 2020, ImmD has resumed the services of all Replacement Centres in phases.

6. Having considered that the replacement service for HKICs may need to be suspended again in near future if there is any sudden turn of the epidemic situation, we cannot rule out the possibility of further amending the replacement schedule. To avoid revising the replacement schedule for multiple times which would cause confusion to the public, the Amendment Order repeals the specified periods for holders of target HKICs born in 1973 to 1976. When the epidemic situation stabilises, the Secretary will designate the replacement schedule for the relevant years of birth. ImmD will then make announcement through various channels to inform the public of the new arrangement.

7. Moreover, as section 8 of the ROP Order 2018 in relation to the substituted specified periods are no longer applicable⁴, the Amendment Order repeals the relevant provisions and references in provisions⁵.

THE AMENDMENT ORDER

8. The Amendment Order aims at implementing the revised replacement arrangement as well as repealing the relevant provisions and references in provisions which are no longer applicable as set out in paragraphs 5 to 7 above.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be –

Publication in the Gazette	11 September 2020
Tabling at the Legislative Council for negative vetting	14 October 2020
Commencement of the Amendment Order	11 September 2020

⁴ Section 8 of the ROP Order 2018 stipulates that the substituted application period in Column 3 of Schedule 2 would apply if none of the Replacement Centres is in service for public health reasons for 21 working days or more during 11 May 2020 to 27 July 2020. As the relevant period has lapsed, the provision is no longer applicable.

⁵ The Amendment Order repeals the definition of “substituted period” in section 2, section 8 as well as the references relating to “substituted period” in sections 4 to 7 and Schedule 2.

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, the Registration of Persons (Application for New Identity Cards) (Amendment) (No. 2) Order 2019 tabled at LegCo on 27 November 2019, and the ROP Order 2020 tabled at LegCo on 13 May 2020.

PUBLICITY

12. ImmD will issue a press release on the abovementioned arrangement of the Replacement Exercise and continue to put up publicity through various channels.

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 CHING Wo Mok, Assistant Director of Immigration at 2829 3883.

Security Bureau
September 2020

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

(Made by the Secretary for Security under section 7B(1) of the Registration of Persons Ordinance (Cap. 177))

1. **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 2 to 8.
2. **Section 2 amended (interpretation)**
Section 2—
Repeal the definition of *substituted period*.
3. **Section 4 amended (holders of target identity cards to apply for new identity cards)**
Section 4—
Repeal
“, or (if the circumstance mentioned in section 8 arises) the substituted period.”
4. **Section 5 amended (applications by certain public officers)**
Section 5(3)—
Repeal
everything after “District Council”
Substitute

“, specified period includes the period from 18 February 2020 to 26 September 2020.”.

5. **Section 6 amended (applications by accompanied elderly persons and qualified persons with a disability)**
Section 6(1)(a)(i)—
Repeal
“, or (if the circumstance mentioned in section 8 arises) the substituted period.”
6. **Section 7 amended (applications by residents of residential care homes)**
Section 7(1)(b) and (2)(b)—
Repeal
“or (if the circumstance mentioned in section 8 arises) substituted period”.
7. **Section 8 repealed (circumstance for substituting application periods)**
Section 8—
Repeal the section.
8. **Schedule 2 substituted**
Schedule 2—
Repeal the Schedule
Substitute

“Schedule 2

[ss. 2 & 4]

Years of Birth and Specified Periods

Column 1 Year of birth	Column 2 Specified period
1955 or 1956	From 24 September 2019 to 15 November 2019
1957, 1958 or 1959	From 16 November 2019 to 26 September 2020
1960 or 1961	From 18 February 2020 to 26 September 2020
1962 or 1963	From 28 July 2020 to 30 January 2021
1964 or 1965	From 27 July 2019 to 23 September 2019
1966 or 1967	From 3 June 2019 to 26 July 2019
1968 or 1969	From 1 April 2019 to 1 June 2019
1970, 1971 or 1972	From 2 November 2020 to 30 April 2021
1985 or 1986	From 21 January 2019 to 30 March 2019”.



Secretary for Security

7 SEPTEMBER 2020

Explanatory Note

The replacement of Hong Kong identity cards under the Territory-wide Identity Card Replacement Exercise (*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). The Registration of Persons (Application for New Identity Cards) Order 2018 (Cap. 177 sub. leg. J) (*principal Order*) was amended by the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2020 (L.N. 63 of 2020) (*amending Order*) to provide for new application periods in relation to certain groups of people, and for substituted application periods if a certain circumstance arises.

2. This Order further amends the principal Order (as amended by the amending Order) in the following way to ensure the Replacement Exercise be conducted in an orderly manner—
 - (a) to repeal the definition of *substituted period* in section 2, section 8, and references relating to substituted application periods in sections 4, 5, 6 and 7 and Schedule 2; and
 - (b) to amend the following provisions to provide for new application periods in relation to the relevant groups of people—
 - (i) section 4 and Schedule 2—in relation to holders of target identity cards that show 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1970, 1971 or 1972 as the year of birth;
 - (ii) section 5—in relation to certain members of District Councils;

- (iii) 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
 - (iv) section 7—in relation to residents of residential care homes.
3. The Order also amends Schedule 2 to the principal Order (as amended by the amending Order) to repeal the application periods in relation to holders of target identity cards that show 1973, 1974, 1975 or 1976 as the year of birth.