

Amend the Immigration Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Immigration (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Certificate of entitlement

Section 2AB of the Immigration Ordinance (Cap. 115) is amended---

(a) by repealing subsection (4);

(b) by adding---

"(7) Where the Director in processing an application made under subsection (1) is not otherwise satisfied that the applicant is born of a person of whom the applicant claims to be born, the Director---

(a) may require the applicant and the person to undergo a genetic test conducted in such manner as the Director may specify by notice published in the Gazette to establish the claimed parentage; and

(b) shall consider the result of the test and determine the application accordingly.

(8) The Director may draw such adverse inferences from the failure of---

(a) an applicant; or

(b) a person of whom an applicant claims to be born,

to undergo a genetic test referred to in subsection (7)(a)

as he considers proper and determine the application accordingly.

(9) Where the Director requires a person to undergo a genetic test under subsection (7)(a), he shall inform the person of the provision of subsection (8).

(10) The Director may charge a fee for a genetic test referred to in subsection (7)(a).

(11) The Director may, with the approval of the Financial Secretary, specify the amount of the fee charged under subsection (10) by notice published in the Gazette.

(12) A notice under subsection (2)(a), (7)(a) or (11) is not subsidiary legislation. "

Explanatory Memorandum

Certain persons who claim to be permanent residents of the Hong Kong Special Administrative Region under paragraph 2(c) of Schedule 1 to the Immigration Ordinance (Cap. 115) have to apply for a certificate of entitlement before they can establish their status as such residents. The purpose of this Bill is to empower the Director of Immigration to require the relevant parties in an

application for a certificate of entitlement to undergo a genetic test to establish parentage relationship. The Director may charge a fee for the test.