

## **LEGISLATIVE COUNCIL BRIEF**

### **Immigration (Amendment) Regulation 2002**

#### **INTRODUCTION**

At the meeting of the Executive Council held on 29 January 2002, the Council ADVISED and the Chief Executive ORDERED that the Immigration (Amendment) Regulation 2002, at Annex A, should be made under section 59 of the Immigration Ordinance, Cap 115, to prescribe the fee payable for an entry permit issued by electronic means.

#### **BACKGROUND AND ARGUMENT**

2. Under existing arrangements, Chinese residents of Taiwan need to apply for entry permits, i.e. Taiwan Visit Permits (TVPs), before they can come to Hong Kong for visit. Applications for TVPs must be submitted to the Immigration Department (the Department) for processing through authorised airlines in Taiwan. In approval cases, the TVP issued by the Department will be collected by the airline and delivered to the applicant before he or she leaves Taiwan for Hong Kong.

3. At present, there are two types of TVP, namely single-journey and multiple-journey TVPs. Single TVPs are valid for 3 months and good for a stay of up to 3 months. Multiple TVPs are valid for either 1 year (regular-size) or 3 years (jumbo-size), both good for a stay of 14 days on each landing. The fees for single TVP, one-year multiple and three-year multiple TVPs are \$135, \$270 and \$540 respectively. The fees are stipulated under items 14, 16 and 17 of Schedule 2 to the Regulations.

4. Following a feasibility study completed in 2001, a new scheme will be introduced under which the submission and processing of applications for a new type of TVP (i.e. iPermit) will be fully computerised by making use of the latest information and communications technology. The iPermit Scheme, which will significantly improve the travel convenience of visitors from Taiwan, is scheduled for implementation on 18 March 2002. Under the Scheme, an iPermit will be processed and issued as follows:

- (a) the applicant will present a document showing his/her identity and re-entry facilities at an authorised airline office in Taiwan. The airline staff will input the applicant's personal data into the computer system in Taiwan and transmit it to the Department through the internet;
- (b) the application will be processed automatically by the computer system of the Department;
- (c) for approval cases, an "e-notification" will be sent to the airline office in Taiwan instantly and a confirmation slip will be printed by the computers in the airline office and passed to the applicant;
- (d) simultaneously with (c), the Department's computer system will authorise and trigger the issuance and printing of the iPermit in the relevant airline office at the Hong Kong Airport; and
- (e) the entry permit will be collected at the designated service desk of the airlines at the Hong Kong Airport upon the visitor's arrival and before he/she proceeds to the immigration counters for clearance. Alternatively, it may also be delivered to the visitor prior to his/her departure, if he/she so wishes.

5. The whole process for an application will be completed within minutes. The iPermit is valid for 2 months and good for 2 trips. Visitors are allowed to stay for 14 days upon each landing. An applicant who is not eligible for the iPermit will be advised through the computer system to apply for a TVP according to the existing arrangements set out in paragraph 2 above. Taiwan visitors who would like to stay in Hong Kong for more than 14 days need to apply for a TVP in the conventional manner. The iPermit does not, therefore, alter the existing system of immigration control. It is an additional option rather than a replacement of the existing TVPs.

6. In line with the full cost recovery principle, an iPermit will be issued at a unit cost of \$50 at 2002-03 prices.

## **THE AMENDMENT REGULATION**

7. The Amendment Regulation amends Schedule 2 to the Immigration Regulations in relation to the charging of a prescribed fee for

the issuance of an iPermit.

## **PUBLIC CONSULATION**

8. We briefed the LegCo Panel on Security on 1 November 2001. The Panel is supportive of its implementation.

## **BASIC LAW IMPLICATIONS**

9. The Department of Justice advises that the Amendment Regulation is consistent with the Basic Law.

## **HUMAN RIGHTS IMPLICATIONS**

10. The Department of Justice advises that the Amendment Regulation has no human right implications.

## **BINDING EFFECT OF THE LEGISLATION**

11. The Amendment Regulation will not affect the current binding effect of the Immigration Regulations.

## **FINANCIAL AND STAFFING IMPLICATIONS**

12. The proposed fee of \$50 for an iPermit is set at a full cost recovery basis and the Scheme is expected to generate an annual revenue of \$6.98 million. The iPermit Scheme entails a non-recurrent cost of \$10.6 million (including a non-recurrent staff cost of \$3.7 million) for project implementation and an annual recurrent cost of \$4.3 million (including an annual staff cost of \$2.9 million) for on-going support and maintenance. The Director of Immigration has secured the necessary resources for implementation of the project.

## **ECONOMIC IMPLICATIONS**

13. The Scheme will enhance travel convenience for Taiwan visitors, and facilitate the work of the designated airlines in applying visit permits for their clients. The number of Taiwan visitors coming to Hong Kong is expected to rise, and the number of iPermit to be issued each year is

estimated to be around 140,000. The Scheme will facilitate Taiwan visitors coming for business with Hong Kong. It will also help bolster Hong Kong's inbound tourism and the related trades such as retail, and create more job opportunities.

## **EFFICIENCY INITIATIVES**

14. The application for an iPermit will be completed within minutes. This additional channel for TVP applications will be a great improvement in terms of service quality to Taiwan visitors.

## **LEGISLATIVE TIMETABLE**

15. The legislative timetable is set out below:-

Publication in the Gazette	1 February 2002
Tabling at the Legislative Council	6 February 2002

The Amendment Regulation is subsidiary legislation subject to negative vetting by the Legislative Council.

## **PUBLICITY**

16. A press release will be issued and a spokesman will be available for answering media enquiries.

## **ENQUIRIES**

17. Enquiries about the brief can be made to Ms Linda K P SO, Principal Assistant Secretary for Security (C), at 2810 2330.

**IMMIGRATION (AMENDMENT) REGULATION 2002**

(Made by the Chief Executive in Council under section 59 of the Immigration Ordinance (Cap. 115))

**1. Commencement**

This Regulation shall come into operation on 18 March 2002.

**2. Fees payable under the Ordinance**

Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg.) is amended by adding -

"14A. Entry permit for 2 entries and valid for 2 months issued by electronic means ..... 50".

Clerk to the Executive Council

COUNCIL CHAMBER

2002

**Explanatory Note**

This Regulation amends the Immigration Regulations (Cap. 115 sub. leg.) to prescribe the fee payable for entry permit for 2 entries and valid for 2 months issued by electronic means.