

A BILL

To

Amend the Immigration Ordinance to provide for the verification of identity of certain persons, giving them permission to land and the imposition of a limit of stay and other conditions of stay by automated means; and to provide for matters incidental thereto or connected therewith.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Immigration (Amendment) Ordinance 2005.

(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. Sections added

The Immigration Ordinance (Cap. 115) is amended by adding—

“4A. Verification of identity of certain persons by automated means

(1) For the purposes of this Ordinance, the Director may provide automated means—

- (a) to verify the identity of a person to whom this subsection applies;
- (b) to give permission to land in Hong Kong to any person referred to in paragraph (a) who by virtue of section 7(1) may not land in Hong Kong without the permission of an immigration officer or immigration assistant; and
- (c) to impose a limit of stay and such other conditions of stay, if permission is given to a person to land in Hong Kong under paragraph (b).

- (2) Subsection (1) applies to a person who—
- (a) is approved by the Director to use the automated means for the purposes set out in subsection (1); and
 - (b) voluntarily submits himself to have his identity verified by the automated means—
 - (i) on his arrival or landing in Hong Kong; or
 - (ii) prior to his departure from Hong Kong.

4B. Permission to land given by automated means

(1) Any permission to land given by an automated means provided under section 4A shall be deemed to be permission to land given under section 11(1), and the other provisions of section 11 shall apply accordingly.

(2) Any limit of stay and other conditions of stay imposed on a person by such an automated means shall be deemed to be a limit of stay and other conditions of stay imposed under section 11(2), and the other provisions of section 11 shall apply accordingly.

4C. Examination of persons after the verification of identity by automated means

Notwithstanding that a person has submitted himself voluntarily for verification of identity by an automated means provided under section 4A, any immigration officer or immigration assistant may examine the person under section 4(1)(a).”.

3. Powers of Director and requirements in relation to examinations under section 4 and verifications of identity under section 4A

Section 5(1) is amended by adding “and verification of identity by an automated means provided under section 4A” after “section 4(1)(a)”.

4. Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant

Section 38(2) is amended—

- (a) by adding “or for the purpose of verification of identity by an automated means provided under section 4A” after “4(1)(a)”;
- (b) by adding “or verification of identity” after “such examination”.

Explanatory Memorandum

The main purposes of this Bill are—

- (a) to empower the Director of Immigration to verify the identity of certain persons by automated means;
- (b) to provide that permission to land in Hong Kong given to any person and the limit of stay and conditions of stay imposed on any person by automated means are deemed to be given and imposed by an immigration officer or immigration assistant.