

Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

Restrictions on Malaysian citizens' right of entry into an East Malaysian State

At the Bills Committee meeting on 5 March 2007, Members requested the Administration to provide information on any co-location arrangements between different states within Malaysia. Based on information obtained from the Internet, it is noted that there are restrictions on Malaysian citizens' right of entry into an East Malaysian State. However, this is not an example of a co-location arrangement. This paper sets out our findings for Members' reference.

2. Malaysia comprises Peninsular Malaysia (or "West Malaysia") and East Malaysia which consists of the Malaysian states of Sabah and Sarawak, located on the island of Borneo to the east.

3. Under the Immigration Act 1959/1963 of Malaysia, a Malaysian citizen has the right to enter Malaysia without having to obtain a Permit or Pass. However, there is a restriction on the citizen's right of entry into an East Malaysian State. West Malaysian citizen shall not be entitled to enter an East Malaysian State without having obtained a Permit or Pass unless -

- he is a member of the Federal Government or of the Executive Council or Legislative Assembly of the East Malaysian State;
- he is a judge of the Federal Court or of the High Court in Sabah and Sarawak; or is a person designated or nominated to act as such, or he is a member of any Commission or Council established by the Federal Constitution or by the Constitution of the East Malaysian State;
- he is a member of any public service of the federation, or of the public service of the East Malaysian State, or a joint public service serving the East Malaysian state, or is seconded to any such service;
- he is entering the East Malaysian State for the sole purpose of engaging in legitimate political activity; or

- he is entering the East Malaysian State as temporarily required by the Federal Government in order to enable that Government to carry out its constitutional and administrative responsibilities.

4. For foreigners, they may enter East Malaysian states and remain temporarily there during the validity of a pass issued anywhere in Malaysia and subject to the conditions endorsed.

5. As regards entry into West Malaysia on a direct journey from any other place in Malaysia, every person shall be exempted from the requirements of obtaining and producing before an immigration officer an internal travel document, passport or visa.

Security Bureau
29 March 2007