

立法會

Legislative Council

LC Paper No. CB(2)2285/06-07
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE/1

Panel on Security

Minutes of meeting
held on Tuesday, 8 May 2007, at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon CHIM Pui-chung

Members attending : Hon Albert CHAN Wai-yip
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon CHOY So-yuk, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Item IV

Mr Alan LO
Principal Assistant Secretary for Security

Mr David CHIU
Acting Deputy Director of Immigration

Item V

Mr Alan LO
Principal Assistant Secretary for Security

Mr David CHIU
Acting Deputy Director of Immigration

Mr Corrado CHOW
Assistant Director of Immigration (Management &
Support)

**Attendance
by invitation**

: Item V

Hong Kong Immigration Department Rank & File
General Union

Mr CHU Wai-ting
Chairman

Mr WONG Chin-pang
Vice-Chairman

Immigration Service Officers Association

Mr LEE Hok-lim, William
Chairman

Mr YEE Wing-tat
Vice Chairman (Internal)

Hong Kong Immigration Assistants Union

Mr NG Ting-hi
Chairman

Mr LAU Yuk-fai
Vice-Chairman

Hong Kong Immigration Department Staff Association

Mr WONG Tong-sing
Chairman

Mr LEUNG Kin-ping
Vice-Chairman

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Mr Raymond LAM
Senior Council Secretary (2) 5

Miss Helen DIN
Legislative Assistant (2)1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1711/06-07)

The minutes of the meeting held on 6 March 2007 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1456/06-07(01), CB(2)1482/06-07(01) and
CB(2)1742/06-07(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) Further information provided by the Administration in response to members' request at the visit to Hong Kong Police College on 20 March 2007;
- (b) Letter dated 29 March 2007 from the Administration on the progress regarding the annual report of the Commissioner on Interception of Communications and Surveillance; and
- (c) Administration's response to the fire-related issues raised in a referral from Duty Roster Members on the provision of housing and other assistance to people living in bedspace apartments and cubicle apartments.

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III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1736/06-07(01), (02) and (03))

3. Members agreed that the following items would be discussed at the next meeting to be held on 5 June 2007 at 2:30 pm -

- (a) Issues relating to the merging of Tseung Kwan O and Sai Kung Police Divisions into a Police District;
- (b) Police's support for the enforcement work of other government departments; and
- (c) Latest developments in the provision of rehabilitative services by the Correctional Services Department.

(Post-meeting note : As the item "Processing of notification of public meetings and processions under the Public Order Ordinance" was subsequently deferred to the meeting on 5 June 2007, with the concurrence of the Chairman, the discussion of the item "Latest developments in the provision of rehabilitative services by the Correctional Services Department" was deferred to the meeting in July 2007.)

4. Ms Emily LAU said that the visit of the Panel to the Lai Chi Kok Reception Centre, which was scheduled for 7 June 2007, should preferably be held before the item "Latest Developments in the Provision of Rehabilitative Services by the Correctional Services Department" was discussed.

5. Members agreed that a research study on the parliamentary monitoring mechanism on intelligence agencies in selected places should be conducted by the Research and Library Services Division of the Legislative Council Secretariat.

IV. Implementation of the new obstetric service arrangements and complementary immigration measures

(LC Paper Nos. CB(2)1736/06-07(04), (05) and CB(2)1130/06-07(01))

6. Principal Assistant Secretary for Security (PAS(S)) briefed Members on the updated position regarding the implementation of the new obstetric service arrangements and complementary immigration measures since 1 February 2007.

7. Referring to paragraph 5 of the Administration's paper, the Deputy Chairman asked whether more pregnant visitors were entering Hong Kong at the earlier stage of their pregnancy in order to avoid their pregnancy being detected at immigration control points.

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8. Acting Deputy Director of Immigration (DD of Imm(Atg)) responded that as the new arrangements and measures had only been implemented on 1 February 2007, the relevant statistics would not be available until a few more months later. He pointed out that a higher cost would generally be incurred for an overstayer, if the period of overstay was longer. He assured Members that the Immigration Department (ImmD) would closely monitor the situation.

9. The Deputy Chairman asked about the effectiveness of the complementary measures.

10. DD of Imm(Atg) responded that among more than 5 000 pregnant visitors who were granted entry since 1 February 2007, 33% had spouses who were residents of Hong Kong and the three-month period of stay granted to them had not yet expired. Among the remaining 67% pregnant visitors who were granted a period of stay of about seven days, only nine had overstayed. As at the end of April 2007, the daily average number of non-local pregnant women who sought admission through Accident and Emergency Departments had decreased to 3.3, representing a decrease of 85% over the same period in the previous year. It could be noted from the information gathered so far that the complementary immigration measures were effective.

11. Dr KWOK Ka-ki asked whether the Administration had adopted any measures to prohibit Mainland women who had not settled outstanding hospital fees from entering Hong Kong.

12. PAS(S) responded that the report of the Director of Audit on the recovery of outstanding public hospital fees was being discussed by the Public Accounts Committee. To his knowledge, the issue was still under consideration by the Administration.

13. Dr KWOK Ka-ki expressed concern about recent reports that a pregnant Mainland woman had successfully entered Hong Kong through the control point at Sha Tau Kok without undergoing any arrival checking. He considered that the complementary immigration measures should be adopted at all control points.

14. DD of Imm(Atg) responded that the complementary immigration measures were implemented at all immigration control points. As most pregnant visitors entered Hong Kong through the Lo Wu and Lok Ma Chau control points, medical staff of the Department of Health were deployed at these control points to assist in conducting arrival checking. There was no need for medical staff to be deployed at other control points. Where necessary, arrangements could be made for such medical staff to conduct arrival checking at other control points. Arrangements could also be made for pregnant visitors at control points without medical staff to undergo medical checking at hospitals.

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He said that 125 and 15 pregnant visitors had so far received medical checking at the control points at Lo Wu and Lok Ma Chau respectively. PAS(S) added that there was no sign of a large number of pregnant visitors entering Hong Kong through Sha Tau Kok. Nevertheless, the Administration would continue to closely monitor the situation.

15. Dr KWOK Ka-ki asked about the percentage of Mainland pregnant women who entered Hong Kong through the arrangement of intermediaries. He also asked whether the Administration had adopted measures to combat such activities.

16. DD of Imm (Atg) responded that there was no information on the percentage of pregnant visitors who entered Hong Kong through the arrangement of intermediaries. He stressed that ImmD had been closely monitoring such activities with Mainland public security authorities. There was so far no indication of any crime involved in such activities.

17. Ms Audrey EU asked whether the waiting time for the Mainland spouse of a Hong Kong resident to settle in Hong Kong was about five years, whereas the waiting time was about six weeks if the spouse was a resident of other places. She also asked about the waiting time for a child born in the Mainland whose father was a permanent resident of Hong Kong to settle in Hong Kong.

18. DD of Imm (Atg) responded that Mainland residents who wish to enter for settlement in Hong Kong had to apply under the One-way Permit (OWP) Scheme, which was administered by Mainland authorities. The waiting time for the Mainland spouse of a Hong Kong resident to settle in Hong Kong was about five years. As regards a Mainland child born to a parent who, at the time of his birth, was a Hong Kong permanent resident, he could apply for a Certificate of Entitlement (C of E) before applying for a OWP. If all the necessary proof of relationship and required documents were in order, such a child could normally enter and settle in Hong Kong in six to nine months' time.

19. Dr Fernando CHEUNG expressed concern about tighter restrictions being imposed on spouses from the Mainland than those from other places who wished to enter for settlement in Hong Kong. He also expressed concern about reports that some Mainland pregnant women who possessed proof of booking arrangements with a local hospital were required to show their bank account balance at the immigration control points.

20. DD of Imm (Atg) responded that it was an established immigration policy that visitors, including Mainland pregnant women, who did not possess sufficient funds for their stay in Hong Kong could be refused entry into Hong Kong. Thus, he would not rule out the possibility that a visitor or her close relative in Hong Kong, might, on voluntary basis, show her/his bank account

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balance at an immigration control point. Dr Fernando CHEUNG considered that such a practice was discriminatory.

21. PAS(S) said that it was an international practice that a visitor would not be allowed to enter a place without sufficient funds for staying in the place.

22. Dr Fernando CHEUNG expressed concern about reports that some Mainland pregnant women were only granted a period of stay of seven days and such a period was not extended to 30 days until such women had produced proof of settlement of hospital fees.

23. DD of Imm (Atg) responded that visitors were generally granted a stay of seven to 180 days. Where the immigration counter staff had any doubt about a visitor's purpose of stay, a shorter length of stay might be granted.

24. The Deputy Chairman considered it appropriate for immigration counter staff to grant a period of stay of seven days to non-local pregnant women and extend the stay to 30 days after such pregnant women had produced proof of payment of hospital fees.

25. The Deputy Chairman asked whether it was the Administration's policy to allow more Mainland pregnant women to give birth in Hong Kong, if local private hospitals could increase their capacities.

26. DD of Imm (Atg) responded that it was the Administration's existing policy to allow Mainland pregnant women to give birth in Hong Kong, subject to the capacity of local hospitals. PAS(S) added that the Census and Statistics Department was gathering relevant data to facilitate the Administration's consideration of its long-term policy in the area.

27. The Deputy Chairman said that obstetric service charges for non-eligible persons should not be applied to Mainland pregnant women whose spouses were permanent residents of Hong Kong. His view was shared by Dr Fernando CHEUNG, Dr KWOK Ka-ki, Ms Audrey EU, Mr CHEUNG Man-kwong and Ms Emily LAU.

28. Dr Fernando CHEUNG said that the Administration should, instead of providing local pregnant women with proper obstetric services, provide local families with proper obstetric services. He considered that the Equal Opportunities Commission should examine whether the Administration's immigration policy and policy in respect of obstetric service charges for Mainland pregnant women whose spouses were permanent residents of Hong Kong were in contravention of the Family Status Discrimination Ordinance (Cap. 527).

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29. PAS(S) responded that that the major issue was whether all visitors who had relatives in Hong Kong should be provided the same medical service and charged the same fee as a resident of Hong Kong. The capability of Hong Kong to cope with an influx of new arrivals within a short period of time should be carefully assessed. He said that the objective of the OWP Scheme was to facilitate family reunion. The mismatch in demand and supply had made it necessary for a quota to be imposed.

30. Mr CHEUNG Man-kwong said that a family should be treated as a unit in the determination of immigration policy and obstetric service charges. Mainland pregnant women whose spouses were permanent residents of Hong Kong should be allowed to come to settle in Hong Kong at the same time as their children. Ms Emily LAU shared the same view. She suggested that the Secretary for Security should be invited to explain the immigration policy when the issue was discussed at a future meeting. The Chairman said that he would discuss with the Administration how the matter could be followed up.

V. Manpower deployment of the Immigration Department

(LC Paper Nos. CB(2)1736/06-07(06), (07), (08), (09), (10) and (11))

Meeting with deputations and the Administration

31. Mr CHU Wai-ting presented the views of the Hong Kong Immigration Department Rank and File General Union as detailed in its submission.

32. Mr LEE Hok-lim presented the views of the Immigration Service Officers Association as detailed in its submission.

33. Mr NG Ting-hi presented the views of the Hong Kong Immigration Assistants Union as detailed in its submission.

34. Mr WONG Tong-sing presented the views of the Hong Kong Immigration Department Staff Association as detailed in its submission.

35. DD of Imm (Atg) briefed Members on the manpower deployment of ImmD and the measures adopted to ensure the smooth operation of immigration control points. He provided Members with the following supplementary information -

- (a) the establishment of ImmD had increased from 5 842 on 1 April 2003 to 6 104 on 1 April 2006; and
- (b) although 180 posts had been deleted under the Government's cost-saving exercise between 2003-2004 and 2006-2007, ImmD had still recruited 230 additional staff in 2003-2004, 116

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additional staff in 2004-2006 and 260 additional staff in 2006-2007.

36. Referring to media reports about problems arising from the manpower shortage of ImmD, Ms Emily LAU asked whether there had been a few disturbances at boundary control points and cases of passengers yelling noisily, pushing down mills barriers and attempting to rush through immigration counters. Referring to the submission from Hong Kong Immigration Department Rank and File General Union, she asked whether the daily life of immigration staff was seriously affected by heavy work pressure and acute shortage of manpower.

37. Mr CHU Wai-ting said that many visitors had become impatient when there was a long queue of visitors at a control point and the air conditioning was inadequate. He hoped that ImmD could be provided with additional manpower and the air conditioning at control points could be improved. He added that many immigration counter staff were suffering from strain disorders of their arms and shoulders. Improvement to the design of the immigration counters was needed.

38. Mr LEE Hok-lim said that when there was a long queue at a control point, many visitors became impatient and some of them yelled noisily or insulted immigration counter staff with foul language. However, there had not been any case where the situation developed into a disturbance. He added that some immigration staff were suffering from psychiatric problems as a result of the heavy work pressure and the difficulty in taking leave.

39. DD of Imm (Atg) informed Members that after noting the media reports, ImmD had looked into the matter and noted that there had not been any visitor pushing down mills barriers, attempting to push through immigration counters or causing disturbance at boundary control points. However, there had been cases of visitors yelling noisily or jumping queues. There were also cases of passengers shouting at immigration staff at night at the Lok Ma Chau Control Point.

40. DD of Imm (Atg) stressed that ImmD was closely monitoring the situation at control points. For example, after noting from the closed circuit television system in the morning of 14 April 2007 that the number of visitors at the Lo Wu Control Point had exceeded the normal level by 30%, he had immediately redeployed immigration staff from other control points to the Lo Wu Control Point. Unfortunately, the immigration staff redeployed from other control points were held up in serious traffic congestion arising from a traffic accident at San Tin. Although ImmD had asked the Kowloon-Canton Railway Corporation to adjust the air conditioning at Lo Wu Control Point to a higher level, ImmD was informed that the inadequate air conditioning at the control point was due to the aging of the air conditioning system. He informed the

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meeting that funds had been approved to replace the air conditioning system. He hoped that the situation would improve with the opening of more new control points.

41. The Deputy Chairman declared that he was the honorary legal adviser to the Immigration Service Officers Association. He said that ImmD, which had inadequate manpower, could not have operated smoothly without the hard work and dedication of its staff. He considered that immigration manpower should be reasonably increased to meet operational needs.

42. PAS(S) responded that the Administration was aware of the heavy pressure experienced by frontline immigration staff. He said that although the civil service had been subject to a general recruitment freeze since 2003, exceptional approval had been given for ImmD to recruit 607 uniformed staff and about 500 additional uniformed staff in 2007-2008, giving a total increase in staff strength of about 25%. DD of Imm (Atg) added that ImmD was always concerned about the accumulation of leave and health of immigration staff. He stressed that no rank and file staff had forfeited their leave.

43. The Deputy Chairman suggested that soft music could be played and video should be shown at the passenger arrival halls to create a better environment for waiting passengers.

44. While noting the suggestion of the Deputy Chairman, DD of Imm (Atg) said that it was ImmD's objective to complete immigration procedures and clear passengers from the passenger arrival hall as soon as possible. He informed Members that improvement works would shortly be carried out to the air conditioning system of the passenger arrival hall at the Lo Wu Control Point. Improvements were also being made to some offices and rest rooms. PAS(S) added that various works had been carried out in the past few years to improve the environment of control points. For example, improvement works had been made to install an air conditioning system at the Lo Wu Cross Boundary Footbridge and widen the Footbridge. The facilities at the Lok Ma Chau Control Point had been expanded to their limits. ImmD would continue to carry out improvement works as far as possible within resource and site constraints to facilitate passenger clearance.

45. The Chairman asked whether over half of 3 000 frontline immigration staff had an accumulated leave of 180 days.

46. DD of Imm (Atg) responded that as at September 2006, 45.5% to 46.5% of rank and file staff and 63.6% to 64.2% of staff of the immigration officer grade had a leave balance close to their respective leave limits. Assistant Director of Immigration (Management & Support) added that as at September 2006, the average number of accumulated leave of all immigration staff of the rank of Chief Immigration Officer and below was 116 days. The average

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number of accumulated leave of officers with longer years of service, including chief immigration officers, senior immigration officers, chief immigration assistants and senior immigration assistants, was about 129 days. He informed Members that different immigration staff had different leave accumulation limits depending on their terms of employment and length of service. For instance, staff with 15 years' service or above had a leave accumulation limit of 180 days. Staff who joined ImmD after January 1999 had a leave accumulation limit of 68 days or 44 days.

47. Mr Howard YOUNG said that immigration manpower should be appropriately increased to cope with the much increased passenger flow at various control points. He asked whether the use of e-Channels could be extended to Mainland visitors to relieve the pressure at boundary control points.

48. DD of Imm (Atg) responded that there were plans to extend the use of e-Channels to frequent visitors in the coming year. ImmD would continue to explore the possibility of further automation of its systems.

49. Mr Howard YOUNG asked whether ImmD had separate performance pledges for immigration clearance of Hong Kong residents and visitors. He said that the Administration should discuss with the Shenzhen side whether passenger flow could be controlled when large number of passengers had accumulated at the passenger arrival halls of the control points on Hong Kong side.

50. DD of Imm (Atg) responded that separate statistics for passenger clearance were maintained for Hong Kong residents and visitors from the current year onwards. For the Lo Wu Control Point, 99.8% of Hong Kong residents received immigration clearance within 15 minutes and 0.2% of Hong Kong residents received immigration clearance between 15 to 30 minutes. For the control point at Hung Hom, 99.85% of Hong Kong residents received immigration clearance within 15 minutes and 0.15% of Hong Kong residents received immigration clearance between 15 to 30 minutes. For other control points, 100% of Hong Kong residents received immigration clearance within 15 minutes. For the Lok Ma Chau Control Point, 93.6% of visitors received immigration clearance within 30 minutes, 51.64% received immigration clearance between 15 to 30 minutes and 6.34% of visitors received immigration clearance after waiting for more than 30 minutes.

51. Mr Howard YOUNG asked whether the surplus manpower arising from the completion of the identity card replacement exercise could be redeployed for relieving the work pressure at boundary control points.

52. DD of Imm (Atg) responded that more than 200 posts of uniformed staff would be deleted upon completion of the identity card replacement exercise.

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The manpower would be absorbed by the new posts created for the new control points and other initiatives.

53. Mr Albert CHAN expressed concern that the deployment of manpower at different control points might become more difficult with the opening of more control points. He considered that immigration staff should, without abusing their power, take actions against passengers who misbehaved. He added that display boards should be erected along the walkways towards the control points to inform passengers of the estimated waiting time for immigration clearance. Green areas should be provided as far as possible at control points.

54. Ms Emily LAU said that the Administration should take prompt actions to address the problems raised by the staff unions. Adequate air conditioning should be provided at immigration control points and the design of immigration counters should be improved. Adequate authority should be delegated to immigration staff for taking actions, without abusing power, against passengers who misbehaved. She asked whether sufficient immigration counters were available, if additional immigration manpower was provided.

55. PAS(S) responded that the Administration was aware that the number of passengers handled by control points had increased by over 24%, while immigration manpower had only increased by 10% in the past few years. However, the installation of e-Channels, streamlined immigration processes and flexible control point operations had helped relieving the pressure on immigration staff. He stressed that close communication was maintained between ImmD and staff unions. DD of Imm (Atg) added that adequate immigration counters could be opened with the deployment of additional manpower. Passengers found fighting or yelling noisily at the immigration counters would be referred to the Police for further actions.

56. Ms Emily LAU said that the Administration should take prompt actions to address the problems and revert to the Panel as soon as possible. The Deputy Chairman said that the Administration should revert to the Panel in three months' time.

57. The Chairman expressed concern that, with the opening of two new control points, namely, the Shenzhen Bay Control Point and the Lok Ma Chau Spur Line Control Point, the recruitment of 500 additional immigration staff might still be inadequate, as experience indicated that the opening of more control points tended to attract more passengers. He said that the Administration should provide a response to the issues raised by the staff unions in respect of improvement of facilities, inadequacy of manpower and accumulation of leave. He added that the Administration should provide a comparison of the average accumulated leave between the staff of ImmD and those of other disciplined forces. He invited the staff unions to jointly submit specific suggestions for

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addressing the problems. He said that the Administration should look into the issues and revert to the Panel at its meeting in July 2007.

(Post-meeting note : The joint submission from the Immigration Service Officers Association, the Hong Kong Immigration Department Staff Association, the Hong Kong Immigration Assistants Union and the Hong Kong Immigration Department Rank and File General Union was circulated to members vide LC paper No. CB(2)1928/06-07 on 22 May 2007.)

58. The Deputy Chairman suggested that the Panel should write to the Financial Secretary to convey its concerns about the manpower shortage of ImmD. Members agreed.

VI. Processing of notification of public meetings and processions under the Public Order Ordinance

59. Owing to time constraint, members agreed that the item would be deferred to the next meeting on 5 June 2007.

60. The meeting ended at 1:10 pm.

Council Business Division 2
Legislative Council Secretariat
26 June 2007