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政制及內地事務局
政府總部



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
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Date: 13 December 2007

Miss Erin TSANG
Clerk to Panel on Commerce and Industry
Legislative Council Panel on Commerce and Industry
Legislative Council Secretariat
3/F, CitiBank Tower
3 Garden Road, Hong Kong

Dear Miss TSANG :

**Panel on Commerce and Industry
Meeting on 20 November 2007
LC Paper No. CB(1)243/07-08(04)**

At the meeting of the Panel on Commerce and Industry on 20 November 2007, we undertook to provide Panel Members with supplementary information on HKSAR Government's handling of request for assistance by Hong Kong residents in the Mainland. The following information is provided herewith for the reference of the Panel Members.

At present, the HKSAR Government provides the following assistance to Hong Kong residents in the Mainland, according to the nature of the different cases:

I. Cases relating to immigration and personal safety

Both the Beijing Office and Guangdong Economic and Trade Office have immigration teams, responsible for handling cases relating to immigration and personal safety issues –

- (a) **Loss of travel documents or monies:** Verifying the identity of the concerned Hong Kong residents who have lost their travel documents and facilitating their early return to Hong Kong. The team will also contact the family of the concerned Hong Kong residents where necessary.
- (b) **Accidents, injuries and decease cases:** Providing practicable assistance to the concerned assistance seekers and their families, including:
 - (i) notifying, as soon as possible, relatives of the parties concerned;
 - (ii) contacting family/travel agencies to arrange for the early return of the injured persons to Hong Kong for treatment;

- (iii) facilitating the entry of the injured persons at control points back to Hong Kong;
 - (iv) if medical treatment is required in the Mainland, where practicable, providing information on medical services available for reference; and
 - (v) assisting family members of the deceased in completing the application procedures for death certificates and for transporting the bodies back to Hong Kong.
- (c) **Arrest or Detention:** The team will gather details of the case from the assistance seekers (usually family members of the concerned Hong Kong residents) and explain to them the relevant Mainland laws, regulations and procedures for criminal cases under different stages of investigation, prosecution, trial or imprisonment, etc. It would also advise the assistance seekers that they may appoint Mainland lawyers as their legal representatives. Where required, the team can provide the assistance seekers with the relevant contact details of law societies in the concerned provinces/region under its coverage, so that the assistance seekers may consider seeking appropriate legal representation. At the request of the assistance seekers, the team would pass on and reflect their views and requests to the relevant Mainland authorities and provide them with relevant information for reference (e.g. the rights and obligations of a person under detention) according to the development of the case.

II. Other Cases

- (a) If the concerned cases are related to complaints against Mainland administrative, executive and judicial organizations, the Constitutional and Mainland Affairs Bureau and the concerned Mainland Offices will assist to reflect the requests of the Hong Kong residents to the relevant Mainland authorities. Under the “One Country, Two Systems” principle, the concerned cases have to be handled by the relevant Mainland authorities, in accordance with the relevant Mainland laws and regulations.
- (b) The HKSAR Government will not interfere if the cases concern private contractual disputes or are still under legal proceedings. The HKSAR Government will endeavor to provide the concerned HK residents with relevant information, for instance, the relevant redress/appeal channels as well as the contact information of the local law societies, according to the actual situation.

In respect of the follow-up details of individual cases, it is not practical to assess the outcome of each case, given the varied nature of the assistance cases, and the fact that many of these cases may involve follow-up actions over a long period of time. We will offer practical assistance to the assistance seekers having regard to the nature and circumstances of each case. At the request of assistance seekers, we will also take appropriate further follow-up actions when there are new developments or supplementary information.

Please find attached a summary on the breakdown of the figures on request for assistance cases by HK resident in the Mainland in 2006 and 2007 (up to October) for the reference of the Panel Members.

Yours sincerely



(Mr Ivan K B LEE)

for Secretary for Constitutional and Mainland Affairs

A Breakdown of the Figures on HK Residents Request for Assistance in the Mainland

Nature of Cases	2006					2007 (as at 31 October 2007)				
	CAB	BJO	GDETO	SHETO	CDETO	CMAB	BJO	GDETO	SHETO	CDETO
<i>Cases relating to immigration and personal safety</i>										
(1) Loss of travel documents or monies	-	72	3	-	-	-	78	4	-	1
(2) Hong Kong residents detained in the Mainland	29	61	54	-	-	13	22	35	-	0
(3) Hong Kong residents in danger, involved in traffic accidents, injured or whose relatives passed away in the Mainland	-	136	67	-	-	-	107	88	-	2
Sub-total (1) - (3) :	422					350				
<i>Other Cases (Including complaints and other request for assistance cases)</i>										
(4) Business and trade disputes	-	32	13	0	1	-	27	11	0	8
(5) Complaints relating to real estate in the Mainland	-	21	44	0	0	-	28	19	8	0
(6) Complaints against administrative, law enforcement and judicial agencies in the Mainland	43	24	76	5	1	45	26	70	15	9
(7) Others	-	59	22	8	0	-	42	4	18	1
Sub-total (4) - (7) :	349					331				
TOTAL:	771					681				

CAB/CMAB:

Constitutional Affairs Bureau (CAB) was renamed as Constitutional and Mainland Affairs Bureau (CMAB) on 1 July 2007

BJO:

The Office of the Government of the HKSAR in Beijing

GDETO:

Hong Kong Economic and Trade Office in Guangdong

SHETO:

Hong Kong Economic and Trade Office in Shanghai

CDETO:

Hong Kong Economic and Trade Office in Chengdu