

SBCR 5/2098/98

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28 October 2008

Clerk to Panel on Security
Legislative Council Secretariat
3rd Floor, Citibank Tower
3 Garden Road
Hong Kong

By Fax: 2509 0775

Attn: Miss Josephine SO

Dear Miss So,

Panel on Security
Meeting on 6 May 2008

At the meeting of the Panel on 6 May 2008, we informed Members of the legal framework and the processing of entry applications. Members requested us to provide further information and the number of persons refused entry in 2008. Below please find our reply.

Processing of Entry Applications

The Immigration Department (ImmD) adopts a liberal visa regime to facilitate the entry of genuine visitors, and at the same time endeavours to uphold effective immigration control to safeguard the public interest of Hong Kong. Under section 4 of the Immigration Ordinance (Cap. 115), visitors from all countries and territories are subject to immigration examination upon landing in Hong Kong. Immigration officers may, on the examination of a visitor, allow or refuse his entry into Hong Kong under section 11 of the same Ordinance.

In considering an entry application, ImmD acts in accordance with the law and the prevailing policy, and takes into account the relevant circumstances pertaining to a case at the relevant time. Entry may be refused on grounds of use of forged travel document; not in possession of a valid travel document; purpose of visit in doubt, etc. Each case is considered on its own individual merits and against all the relevant circumstances. Generally speaking, ImmD gives a general reason for the decision to refuse entry to the person concerned, but with reference to international practice, the Department does not go into the background information, specific reasons or other details of its decision on a specific case.

Under section 53 of the Immigration Ordinance, any person aggrieved by the decision of an immigration officer to refuse his entry application may lodge an objection with the Chief Secretary for Administration. Alternatively, the person may seek leave from the Court for a judicial review on the decision.

The number of persons refused entry from January to September 2008 is set out as follow:

<u>Month</u>	<u>Number of Persons Refused Entry</u>
January	3 208
February	2 688
March	2 877
April	3 147
May	3 068
June	3 100
July	3 353
August	3 393
September	3 370

Yours faithfully,

(Alan Lo)
for Secretary for Security

c.c.
Director of Immigration (Attn: Mr ML Chan)