

立法會
Legislative Council

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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 7 April 2009**

**Immigration Convenience Measures for Hong Kong and Macao Residents
Travelling between the Two Places**

Purpose

This paper provides background information relevant to the enhanced immigration convenience measures proposed by the Administration for Hong Kong and Macao residents travelling between the two places.

Background

2. The Chief Executive announced in his 2008-2009 Policy Address on 15 October 2008 that the Hong Kong Special Administrative Region (HKSAR) was about to conclude an agreement with the Macao Special Administrative Region (MSAR) to further streamline the clearance procedures for residents travelling between the two places.

Enhanced Immigration Convenience Measures

3. The Administration briefed the Panel on Security (the Panel) on the policy initiatives of the Security Bureau in the 2008-2009 Policy Address at the Panel meeting on 21 October 2008. It informed members that the passenger flow between Hong Kong and Macao had been growing substantively in recent years owing to closer ties between the two places. To provide greater travel convenience for residents of HKSAR and MSAR, enhanced immigration convenience measures would be introduced from mid-2009 onwards. The Administration informed the Panel that following initial discussion with the MSAR Government, Macao permanent residents would be allowed to use e-Channels at control points after enrolment. The HKSAR Government would also waive the arrangements for Macao permanent residents to furnish arrival/departure cards. It was expected that these measures would be

reciprocated by the MSAR Government and implemented as from the second half of 2009 following further expert discussions between the two sides on implementation details.

4. According to the Administration, the enhanced travel convenience measures would allow Macao permanent residents to visit Hong Kong solely with their Macao Smart Permanent Identity Cards, without the need to furnish the Declaration Forms for Holders of Macao Special Administrative Region Permanent Resident Identity Card to Hong Kong Special Administrative Region. The MSAR and HKSAR Governments aimed to implement this convenience arrangement for persons aged 16 or above as from the second half of 2009. For those aged below 16, legislative amendments would be required before a similar requirement could be waived.

5. The Administration informed the Panel that Macao visitors would be allowed a longer stay in Hong Kong. The Administration intended to extend the limit of stay on each landing for Macao permanent residents as visitors from 14 days to 180 days; and non-permanent residents (holders of Visit Permits for Residents of Macao to HKSAR) from 14 days to 30 days.

Related Information

6. At the Council meeting on 18 February 2009, Hon LEE Wing-tat raised a question about the number and reasons for Hong Kong residents being refused entry into Macao. The question and the Administration's reply are in **Appendix I**.

7. At the Council meeting on 4 March 2009, Hon Albert HO moved a motion for adjournment for the purpose of debating the issue relating to the situation faced by Hong Kong people (including Legislative Council Members, District Council members, members of political parties, people from non-government organizations and journalists) for being persistently refused entry by the MSAR Government. The speech delivered by the Secretary for Security (S for S) at the motion debate (available in Chinese only) and the transcript of remarks made by S for S at a media session earlier that day are provided in **Appendices II** and **III** respectively.

Latest Development

8. The Administration will brief the Panel on the proposed measures to enhance travel convenience for Hong Kong and Macao residents travelling between the two places at the Panel meeting on 7 April 2009.

Relevant papers

9. Members may wish to refer to the following papers and minutes for more details -

- (a) The 2008-2009 Policy Address booklet entitled "Embracing New Challenges" issued on 15 October 2008;
- (b) Administration's paper entitled "Policy Initiatives of Security Bureau" (LC Paper No. CB(2)66/08-09(01));
- (c) Minutes of the meeting of the Panel on Security on 21 October 2008 (LC Paper No. CB(2)524/08-09); and
- (d) Official Record of Proceedings of the Council meeting on 18 February 2009 on an oral question raised by Hon LEE Wing-tat on "Hong Kong residents being refused entry into Macao".

10. The above papers and minutes are available on the website of the Legislative Council (<http://www.legco.gov.hk>).

Council Business Division 2
Legislative Council Secretariat
31 March 2009

Press Releases

LCQ5: Government approaches Macao authorities over some HK residents being refused entry into Macao

Following is a reply by the Secretary for Security, Mr Ambrose S K Lee, to a question by the Hon Lee Wing-tat in the Legislative Council today (February 18):

Question:

I have learnt that in recent years, an increasing number of Hong Kong residents (including Legislative Council Members, District Council members as well as members of political parties and non-government organisations) have been refused entry into Macao on arrival without being informed of the specific reasons. There have been comments that the Macao authorities had refused the entry of these persons because of their political views, and this situation has aroused concern that Hong Kong residents' freedom of entry into and exit from Macao as well as their freedom of speech have been undermined. In this connection, will the Government inform this Council whether:

(a) it knows the aforesaid situation of Hong Kong residents being refused entry; if it does, whether it has examined if refusing such persons' entry was reasonable and had legal basis, and if it will undermine Hong Kong residents' freedom of entry into and exit from Macao as well as their freedom of speech; and

(b) it has taken up with the Macao authorities the matter of Hong Kong residents being refused entry; if it has, of the details; if not, the reasons for that?

Reply:

President,

(a) The Government of the Hong Kong Special Administrative Region (HKSARG) noted and is concerned that some individual Hong Kong residents, including Legislative Council Members and members of political parties, have recently been refused entry by the Macao authorities. The HKSARG has, through its Immigration Department, approached the Macao authorities for an understanding of the situation. According to the Macao authorities, the immigration authority there handled the cases in accordance with the regulations of the Internal Security Law of the Macao SAR. The authority made the relevant decisions, after taking into account the circumstances pertaining to the cases.

The Basic Law protects the fundamental rights and freedoms of Hong Kong residents, including the freedom of speech and the freedom to enter or leave Hong Kong. At the same time, the immigration authorities of other places have the power to decide the entry or otherwise of Hong Kong residents in accordance with their laws, in the light of the circumstances pertaining to each individual case. Such power is the foundation of effective immigration control for governments around the world. It does not contradict Hong Kong residents' freedom of speech as well as freedom to enter or leave Hong Kong under the Basic Law.

(b) The HKSARG implements effective immigration control in accordance with the laws. In parallel, we respect and will not inappropriately interfere with the immigration regime imposed by other places in accordance with their laws and policies. In line with this key principle, and where necessary, we will approach and discuss with the immigration authorities of other places with a view to seeking more travel convenience etc. for Hong Kong residents.

As I have just said, we, through the Immigration Department, have contacted the Macao authorities to express our concern about the recent cases of Hong Kong residents being refused entry into Macao. The Macao authorities stated that they had acted in accordance with the laws and made the decisions after taking into account the specific circumstances of the cases. Subject to any changes in the situation or other relevant factors, the Macao authorities would consider any future entry applications of the individual persons based on the specific circumstances at the material time.

Ends/Wednesday, February 18, 2009
Issued at HKT 16:46

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新聞公報

立法會：保安局局長立法會休會待議辯論有關香港居民被拒進入澳門的發言（只有中文）

以下為保安局局長李少光今日（三月四日）在立法會休會待議辯論有關香港居民被拒進入澳門的發言：

主席：

我曾在二月十八日的立法會會議，就有關香港居民被拒進入澳門的事宜，回覆了議員的口頭提問。

我們完全明白個別的香港居民，就被拒進入澳門特區，感到不便和不滿，當中包括有一位記者未能到澳門採訪，亦有一些嘉賓（例如陳(文敏)教授）未能應澳門有關方面的邀請出席當地活動等。我們亦留意到，近期的情況，已引起了議員和市民的關注。

但我相信議員明白，香港和澳門分別都是中國的特別行政區。香港不會、亦不應干預澳門當局，依法執行他們的出入境管制或就個別入境個案所作的決定，正如我們不願意見到，也不會接受其他地區政府，試圖干預香港的自治。事實上，世界各地的出入境當局，都有權依法實施他們認為適當的出入境管制。在這個大原則下，我們的特區政府也有政策，在過去十多年盡我們的能力為香港的居民爭取進入另外一個國家或地區旅遊的方便。正正因為如此，我們保安局和入境事務處在過去多年，做了大量工作為香港特區護照持有人，爭取到超過一百三十多個國家和地區給予我們特區護照持有人免簽證進入這些地區或國家。正正因為如此，香港政府知道這件事後，已表示了關注。

接下來，我想簡單回應部份議員提出的一些論點。首先我要將一個事情釐清，剛才李永達議員指我的說錯話，指我今日見記者說只有十個香港居民被澳門拒絕入境，我其實並沒有這樣說過。

當時記者問我，特區政府有沒有這方面的數字，我就表示香港居民往外國或者去澳門被拒入境是不需要向我們特區政府報告的，所以我們沒有這方面的數字。除非他們向香港特區政府求助，即他們被澳門政府拒絕入境而向我們求助，這方面的數字是有的，這方面的數字是少於十個，我想澄清這一點。

有很多議員認為特區政府沒有認真跟進，即使有，都力度不足，即是話我們無能或我們所做的不足夠。亦有議員認為，特區政府應仿效某些地方政府的做法，就其居民或議會成員被拒入境，向有關當局提出抗議或作出一些更激烈的行動。其實，在幾宗事件中，特區政府已明確向澳門當局表達香港特區對事件的關注和看法。作為保安局局長，我本人亦親自聯絡過澳門特區政府保安司司長，正式向澳門當局表達香港特區對事件的關注。我相信澳門當局已清楚知悉我們的立場。就類似事件的處理，國際間沒有一致的做法，我認為很多時候，向另一個政府提出一些嚴重的抗議或作一些報復的行動，我們必須小心，看看這些行動是否對事情有幫助。其實，我並不是對這件事視而不見，好像馮檢基議員所說的。當日我向澳門

保安司司長張國華先生提出對這件事的關注和了解時，有幾位議員進入澳門的要求，我是有轉達的，我是有問及的，包括馮檢基議員、現時不在場的李永達議員，我當時是有提出過這些個案。

另外，有些議員都很關注我們的出入境自由及新聞自由。我想在此重申，任何人在香港境內的基本權利和自由，包括新聞自由和言論自由即我們《基本法》的第27條及出入香港特區的自由，即第31條，都受到《基本法》的保障。事實上，最近有關這些被拒入境的個案，在傳媒上獲得廣泛報導，大家亦能就此表達不同意見，在很大程度上，這正正反映香港現時的新聞及言論自由。但說這事情與香港居民能否自由進入其他地方，我想不能混為一談，因為每一個地方都有它的法律，當然，我剛才說過，無論如何，我們香港特區政府有個政策，我們希望盡量在可行、合法和合理的情況下，為香港居民爭取進出另一國家和地區旅遊的方便。其實，我們和澳門政府聯絡或了解時，澳門當局亦有回應，澳門一向尊重新聞自由。他們亦重申，除了那位記者外，其他本港記者，在這方面沒有遭遇障礙而獲准進入澳門採訪。

主席，有一些議員，葉劉淑儀議員和鄭議員都說，看來你保安局局長都是有乜能力處理這事件，你會否轉達給行政長官去處理，我聽到議員這個建議，我會回去考慮。

最後，我希望重申香港特區政府會繼續關注事態發展，並適當地向澳門當局反映香港各界的意見。

最後，卿姐給了我一張「柯打」，現在劉慧卿議員不在場，要我一星期內搞定這件事，我聽了她這個「柯打」，但是解決這件事是否我一個人單方面可以解決呢？這個我也不能保證，不過我可以說，我本人和特區政府會盡力做。

多謝主席。

完

2009年3月4日（星期三）
香港時間22時53分

Transcript of remarks by Secretary for Security at media session

Following is the transcript of remarks (English portion) made by the Secretary for Security, Mr Ambrose S K Lee, at a media session at the ground floor lobby of the Central Government Offices, West Wing, today (March 4):

Reporter: What is going on with legislators and scholars being turned away in Macau? What have you been doing with the authorities there?

Secretary for Security: The Hong Kong Special Administrative Region Government is concerned about these cases of Hong Kong residents being refused entry into Macau. That's why we have instructed our officers to contact our counterparts in Macau to understand what has happened and to express the HKSAR Government's concern. We are following up the matter now.

Reporter: How many people have been refused entry into Macau so far?

Secretary for Security: We don't have that kind of statistics. Normally, people being refused entry are not required to report the case to us. Not until they seek help from the HKSAR Government, then we have the relevant statistics. In the past, I think, a year or so, we have only less than 10 cases of people being refused entry into Macau seeking help from the HKSAR Government.

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Wednesday, March 4, 2009
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