

**For information
3 November 2009**

Legislative Council Panel on Security

Removal arrangements of persons who have been refused permission to land in Hong Kong

Introduction

The Government of the Hong Kong Special Administrative Region welcomes genuine visitors. At the same time, the Immigration Department (ImmD) has the responsibility to uphold effective immigration control to safeguard Hong Kong's interests. This paper introduces the policy and general arrangements on the removal of persons who have been refused permission to land in Hong Kong.

Immigration Examination

2. Visitors are required to fulfil immigration requirements before they are allowed to enter Hong Kong. In general, these include:

- (i) genuine purpose of visit;
- (ii) possession of a valid travel document;
- (iii) possession of sufficient funds;
- (iv) possession of proof of transportation arrangements for the next destination or returning to their place of origin.

Section 4 of the Immigration Ordinance (Chapter 115, Laws of Hong Kong) empowers immigration officers to examine arriving visitors. Those who cannot fulfil the requirements may be refused permission to land under Section 11 of the Ordinance.

3. Section 18 of the Immigration Ordinance empowers immigration officers to remove persons who have been refused permission to land.

Under the existing arrangements, persons who have been refused permission to land will be repatriated to their place of embarkation or place of origin.

4. ImmD will arrange to remove those persons who have been refused permission to land as soon as possible to avoid them being stranded in Hong Kong. Pending removal, they will be detained under Section 32 of the Immigration Ordinance.

Crime Investigation

5. If it is suspected that the person refused permission to land has committed offences under the Immigration Ordinance, such as using false travel documents, officers of the Enforcement Division of ImmD will make investigation. During the investigation, immigration officers will ask whether the person has any special request regarding his removal and record the relevant information. For those persons who refuse to provide information or with doubtful identities, immigration officers will try to ascertain their true identity and place of origin, based on the information obtained. Where there is sufficient evidence to initiate criminal proceedings, ImmD will consider prosecution.

6. If it is suspected that the person has committed non-immigration related offences, ImmD will refer the case to the relevant law enforcement agencies.

Rights

7. ImmD will inform the persons of their rights during the period of detention or investigation. These include making telephone contacts with the consuls, lawyers or relatives, and having private sessions with the consuls or lawyers. Before effecting removal, immigration officers will notify the persons the place where they will be repatriated. Persons who consider that they have not been fairly treated or that their rights have been infringed may raise objection or seek judicial review.