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Panel on Security

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Removal of persons refused entry into Hong Kong

Processing of applications for entry by immigration officers

Section 4 of the Immigration Ordinance (Cap. 115) (IO) provides that officers of the Immigration Department (ImmD) may examine any visitor on his arrival in Hong Kong. According to the Administration, the examinations are conducted at immigration counters in most cases. Depending on individual circumstances, ImmD officers may conduct secondary examinations in interview rooms. In processing each application for entry, an ImmD officer will consider whether the visitor meets normal immigration conditions, such as whether he possesses a valid travel document; whether he has the arrangements and facilities to return to his place of domicile; whether he has any adverse records; his purpose of visit, and so on. Under section 11 of IO, ImmD officers may, on the examination of a visitor, allow or refuse his entry into Hong Kong.

Provisions relating to removal and deportation under the Immigration Ordinance

2. IO stipulates the policy and practice in making summary removal and the powers of the Chief Executive to issue removal and deportation orders. The relevant provisions include -

- (a) section 18(1)(a) stipulates that an ImmD officer or assistant may remove from Hong Kong a person who, pursuant to any examination whatsoever under section 4, is refused permission to land in Hong Kong under section 11(1). This provides a speedy mechanism for removing passengers who are refused entry on arrival at control points;
- (b) section 19(1)(a) provides that the Chief Executive may make a removal order against a person if it appears to him that the person is an

undesirable immigrant who has not been ordinarily resident in Hong Kong for three years or more;

- (c) section 19(1)(b) empowers the Director, Deputy Director or an Assistant Director of Immigration to make a removal order against a person who does not enjoy the right of abode in Hong Kong, or who does not have the Director's permission to remain in Hong Kong;
- (d) section 20(1)(a) provides that the Chief Executive may make a deportation order against an immigrant if the immigrant has been found guilty in Hong Kong of an offence punishable with imprisonment for not less than two years; and
- (e) the Chief Executive may make a deportation order under section 20(1)(b) if he deems it to be conducive to the public good.

The removal incident concerning Mr ZHOU Yong-jun

3. The subject of removal of persons refused entry into Hong Kong has not been discussed by the Panel on Security. There have been media reports on a recent incident of Mr ZHOU Yong-jun who was repatriated to the Mainland after having been refused entry into Hong Kong. The relevant press reports on the subject and a press release issued by the Administration on Mr ZHOU's case are at **Appendices I and II** respectively for members' reference.

前學運領袖 遭港移交內地

【本報訊】據美國之音引述紐約律師李進進表示，前北京高自聯主席周勇軍今年途經香港時，被入境處官員扣留，後轉介深圳當局，嚴重損害香港的司法獨立；民主黨主席何俊仁指事態嚴重，必作跟進。

入境事務處發言人指，不評論個別個案，但指旅行證件若未能符合入境要求，會被遣返至來港前的口岸或原居地。

何俊仁指，若事件屬實，本港政府明知周勇軍是政治犯，卻將他移交內地，是違反基本人權，事件嚴重。前學運領袖兼工自聯法律顧問李進進批評，事件嚴重違港府簽署的反國際條約，嚴重損害香港司法主權和獨立原則。

據報道指周入境香港時，所持護照是透過一家中介公司取得馬來西亞護照，名字為Wang Xingxiang。當周勇軍試圖入境香港時，被指所用護照名字，涉及一宗詐騙案而被香港警方拘留，警方經調查後以證據不足將他釋放。不過，香港隨後以深圳公安有事找他為由，將他直接交給內地警方。

明報

交周勇軍予深圳 港被指違國際條約

【明報專訊】被中國當局以金融詐欺罪名起訴的北京前高自聯主席周勇軍（圖），最近可能被審判。原「六四」學運領袖、工自聯法律顧問李進進昨在紐約舉行的「周勇軍任意拘禁案報告會」中，指周勇軍是香港政府未經法律程序直接送交中國政府處置，違反香港政府簽署的國際條約。



入境處：按政策處理

支聯會副主席李卓人表示會向政府了解，若政府把一名持美國護照的人交予深圳警方，等同「幫深圳拉人」，一國兩制便蕩然無存。

入境事務處發言人表示，不評論個別個案，強調該處有責任執行有效入境管制，所有入境申請均依據法律、入境政策和每宗個案情況作決定，一般來說，旅行證件未符合入境要求的旅客會被遣返至來港的口岸或原居地。

中央社報道，李進進說，周勇軍2008年9月因在內地的父母身體不好，希望回國探望，多次向中國駐美領事館申請回國簽證被拒，他透過中介公司取得馬來西亞護照，化名Wang Xingxiang前往澳門。當周勇軍試圖入境香港時，被指所用護照名字涉嫌一宗寄信給恒生銀行的詐騙案，被香港警方拘留，經調查後因證據不足釋放。香港入境處以深圳警方有事找周勇軍談為由，把他直接交給內地警方。周勇軍今年5月被四川省遂寧市公安局以「欺詐罪」正式逮捕；8月3日被四川省射洪縣檢察院以詐騙罪起訴。

信報

曾參與六四學運的周勇軍被內地當局控以「金融欺詐」罪。美國之音中文網站報道，有旅居美國的法律界人士指出，周勇軍是港府在未經任何法律程序的情況下，直接移交中國政府處置，違反國際條約和香港的司法獨立原則。入境處回應表示，不評論個別個案。

周勇軍為前北京高自聯主席。美國之音報道指，前工自聯法律顧問、現為紐約執業律師的李進進在紐約表示，周勇軍是被香港入境部門未經法律程序，直接地美到中國。他指出，周勇軍既不是從中國出發到香港，而是從美國通過其他地方先到澳門，然後到香港。

流亡學運領袖被指遭港府送交內地

周勇軍於二〇〇九年五月被四川省遂寧市公安局以「欺詐罪」正式逮捕，八月事件後被捕入獄，出獄後流亡美國，並已獲得美國永久居留權，現正申請入籍美國。一九九八年曾試圖從深圳邊境潛入中國而被捕，勞教三年。二〇〇三年再度旅居美國。

李進進表示，周勇軍因父母身體不好，希望回國探望，但多次向中國駐美的領事館申請簽證均遭拒，於是透過中介，化名取得馬來西亞護照，抵港是曾因化名涉嫌一宗詐騙案而被香港警方指拘留，卻因證據不足而獲釋。不過

入境處發言人回覆時稱，不評論個別個案。發言人指出，入境處有責任執行有效的入境管制，所有入境申請，該處均依據法律、入境政策和每宗個案的情況作出決定。一般來說，旅行證件未能符合入境要求的旅客，會被遣返至來港前的口岸或原居地。

香港的入境部門隨後以深圳警方有事找周勇軍商談為由，將其直接交給中國警方。

李進進並質疑，周勇軍在美時曾多次申請中國護照遭拒，因此應視為中國政府已否認其中國國籍，因此無論從屬地還是屬人管轄權的原則，中國都沒管轄權。

周勇軍女友促港府 「要把爸爸還給女兒」

【明報專訊】民主黨涂謹申表明會在立法會保安事務委員會，跟進六四民運人士、當年曾擔任高自聯主席的周勇軍，去年嘗試經香港返內地時，疑被香港警方非法押送到內地的案件。周勇軍目前在四川省被控詐騙，等候審判。其女友張月衛和律師李進進昨日召開記者會，質疑香港警方的做法有違《基本法》及國際公約。

民主黨將立會內跟進

對於外界質疑港府「出賣」民運人士，把周勇軍送返內地讓公安拘捕他，港府消息人士強烈否認，表示一直被內地公安通緝的吾爾開希，也曾兩度自由進出香港，何況周勇軍在六四後已在內地服刑期滿，回復自由身，港府不可能隨便把敏感人士送去內地。

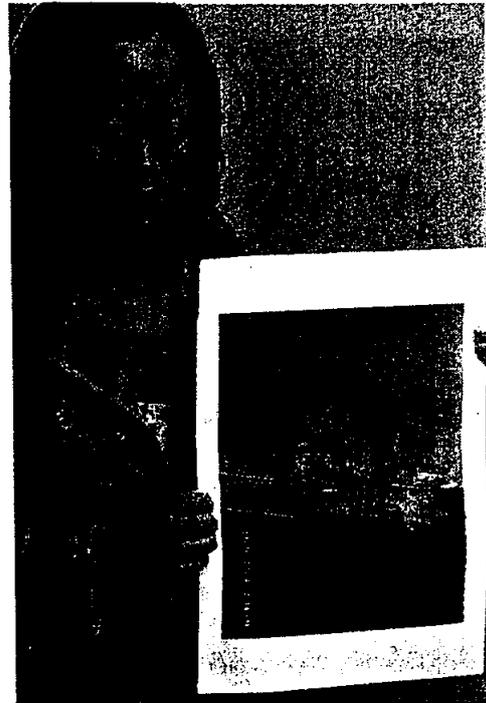
保安局拒絕評論

據透露，警方去年9月發現周勇軍使用假護照，其真正身分並非名列香港通緝名單後，即交入境處處理。入境處的既定政策是把未持合法證件入境人士遣送原來口岸或原居地，經澳門抵港的周勇軍並非澳門居民，入境處遂決定把他送回原居地，周勇軍也沒提出在外國定居，或反對被送往內地，他是在知情和自願下回到內地的。特首曾蔭權和保安局發言人均以個別個案為由，不作評論。

質疑押送內地是政治安排

跟進周勇軍事件的民主黨主席何俊仁表示，會以律師身分要求當局交代，他認為這事件對回歸以來一國兩制、高度自治帶來最嚴重挑戰和警號，他質疑當局把周勇軍送返內地是政治安排。張月衛指出，她來港目的是要透過特首或特區政府，「把孩子的爸爸還給她」。

據周勇軍5月時在四川獄中與人權律師莫少平的對話指出，他持馬來西亞王興翔



要求特首介入

六四學運領袖周勇軍疑被押送到內地後被檢控，其美國女友張月衛來港召開記者會，要求特首介入，並表示她來港是為了一歲多的女兒，要透過特首及特區政府把孩子的爸爸還給女兒。
(余俊亮攝)

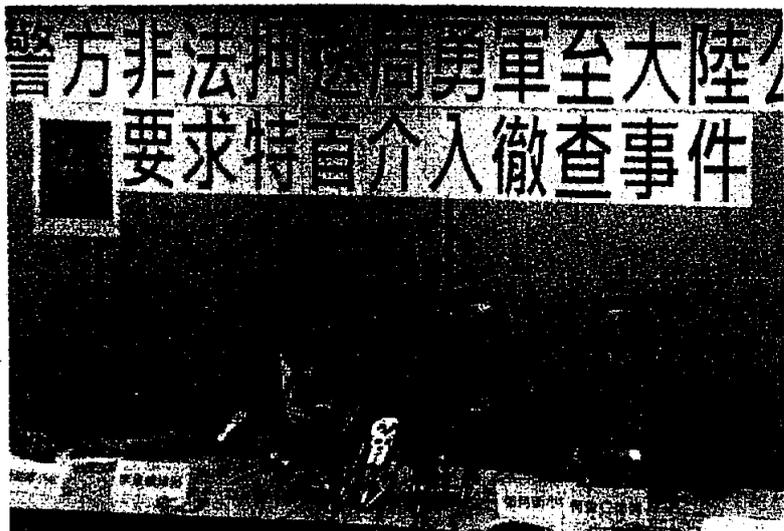
(Wang Xingxiang)的護照來港，隨即被警方指他涉嫌一宗詐騙恒生銀行案件，最後查明他與案無關，交由入境處處理，最終卻被送到深圳，並被公安扣留，至今年5月公安轉送他到四川看守所，並以涉嫌冒名詐騙香港恒生銀行200萬元起訴他，至今仍被扣押。

周勇軍事件簿

日期	事件
08年9月26日	周勇軍在移民公司購買一本署名「王興翔」的馬來西亞假護照，由美國經澳門來港
08年9月28日	周在港澳碼頭被警察扣留，指「王興翔」涉嫌詐騙恒生銀行，警方調查後認為他與事件無關
08年9月30日	周被扣查兩日後，被秘密送到深圳，被公安關押
08年11月	他向公安表明自己是周勇軍，公安卻寫為「王華」或「20號犯人」
09年5月	他被押返家鄉四川看守所，當局通知周勇軍家人；逮捕通知書指他涉犯詐騙罪，起訴書指他冒用「王興翔」名字，要求恒生銀行把200萬元匯到花旗銀行，涉及詐騙
資料來源：周勇軍家人和律師	

港府移交周勇軍被指欠法律依據

前北京高自聯主席周勇軍去年底由美國經澳門抵港時，被港府移送內地，復遭內地當局控以詐騙罪。其女朋友張月衛（右二）及律師李進進（左二）昨天在港批評，港府非法押送周勇軍到內地是違反《基本法》和高度自治。在港的代表律師何俊仁（右）亦質疑港府做法缺乏法律依



張月衛（右二）與李進進（左二）批評，港府非法押送周勇軍到內地違反《基本法》高度自治；右為何俊仁。

據。行政長官曾蔭權則指，事件屬個別個案。

張月衛及李進進昨天由美國到港召開記者會，並到政府總部遞信。張月衛表示，周勇軍是在香港失蹤，她要為女兒找回爸爸。她並解釋，周勇軍為回國探望父母，過去曾向中國駐美國的總領事館申請，但都不獲發給證件。李進進則表示，周勇軍即將入籍美國，現時有綠卡，美國國務院對事件甚為關注，但未能探望周勇軍。

對一國兩制影響嚴重

據他們所知，周勇軍去年九月持一本從移民公司購買到，署名「Wang Xingxiang」的馬來西亞護照，通過澳門到香港，因該姓名涉及恆生銀行一宗涉嫌詐騙案而遭扣查。香港警方調查後認為周勇軍與事件無關，但入境處未有將他遣返到澳門或美國，卻以一輛車將他載到深圳一家賓館，至十一月被四川公安到深圳將他接走。

身兼立法會議員的何俊仁指出，周勇軍被送交內地的事件，明天可能發生在其他人士身上。他提出三點質疑：一、港府有何法律依據將周勇軍秘密送交內地；二、是什麼人從香港接載周勇軍到內地，內地執法人員有否越境執法，以及三、據四川的起訴書，周勇軍被指涉及的詐騙案件全在港發生，香港為何沒有處理。

何俊仁質疑，港府將周勇軍移交內地，其實是中央指令，對一國兩制的影響非常嚴重。他相信，看來今次事件是港府第一次將到港人士移交內地。他並強調，特區政府一般會以不評論個別案件回應，但他是受周勇軍的家人委託，為他們在香港跟進的代表律師，他們會向港府追討責

任，亦已發公開信要求曾蔭權公開交代。

特首拒評個別案件

曾蔭權昨午出席一個活動時被記者問及事件時，僅稱事件是個別案件，沒有作任何評論。港府發言人以書面聲明回應傳媒查詢時，亦指不評論個別案件，並表示所有入境申請，入境處均依據法律、入境政策和每宗個案的情況作出決定；一般來說，旅行證件未能符合入境要求的旅客，會被遣返至來港前的口岸或原居地。

香港大學法律學院副院長戴耀廷指出，目前難以知悉港府是否知道持馬來西亞護照的周勇軍的真正身份。但他指出，事件奇怪的地方在於為何周勇軍能從港澳碼頭被送到深圳，當中有否過境香港，還是被人安排假身份過境，同時亦牽涉到司法管轄權衝突的問題，即被指的詐騙罪在港發生，卻被移交內地。

中國政法大學客座教授王友金則認為，港府不應將周勇軍移交內地，原因是港府跟內地並無司法協定，因此無法處理罪犯移交問題；而且根據國際條約，政治犯和可被判處死刑或酷刑的疑犯，都不應移交，周勇軍到港便應受香港法律保護。再者，香港有很多中國不歡迎或通緝的人士，將這些人移交內地是很危險的做法。

周勇軍是八九民運中在人民大會堂前高舉請願書的三名學生之一，並為北京高校學生自治聯合會首任主席，亦參加北京工人自治聯合會。他於一九九一年獲釋，九二年逃到香港，翌年開始以難民身份在美國生活，一九九八年經香港潛入內地，在廣州被捕，判處三年勞教，〇二年返回美國。



Albert Ho (left) and Zhang Yuewei outside government headquarters with photos of Zhou Yongjun. Photo: Sam Tsang

Inquiry urged into HK's role in dissident's arrest

Eva Wu

Chief Executive Donald Tsang Yam-kuen is facing demands to investigate the government's alleged unlawful handing over of a former dissident student leader to the mainland a year ago.

Zhou Yongjun (周勇軍), who is being held in Sichuan (四川) awaiting court proceedings, was a student leader of the 1989 Tiananmen Square pro-democracy movement.

Asked whether he would launch an investigation, Tsang said last night that he could not comment on individual cases.

Democratic Party chairman Albert Ho Chun-yan, the lawyer representing Zhou in Hong Kong, said he planned to take legal action against the government.

Ho described Zhou's case as posing the biggest challenge to the "one country two systems" principle laid down in the Basic Law, the city's mini-constitution.

Zhou's partner Zhang Yuewei (張月衛), accompanied by Ho, handed a petition to Tsang accusing the government of breaking the Basic Law, and demanding an inquiry.

Zhou, 42, who had been living in the United States, travelled to Hong Kong from Macau on September 28 last year on a Malaysian passport which bore the name Wang Xing-xiang. He had intended to visit his father, who suffered a stroke, on the mainland.

In May, seven months after he was seized, Zhou's family was told that he had been arrested on fraud charges and was detained by Sichuan authorities.

According to a written record of a meeting with two mainland lawyers in Sichuan in late May, Zhou said he was detained on arrival in Hong Kong and then secretly handed over to Shenzhen authorities two days later.

According to a statement issued by Sichuan authorities, Zhou tried to use the name Wang to make money transfers from Hang Seng Bank in Hong Kong.

"Zhou Yongjun was stopped by the Hong Kong immigration when he tried entering Hong Kong with a fake Malaysian passport," the statement said.

A Hong Kong government spokesman yesterday declined to comment on the case. "In general, a

passenger whose travel document does not meet the entry requirements will be repatriated to his or her place of embarkation or origin," the spokesman said.

Ho said that Zhou – unlike other dissidents who were denied entry to Hong Kong – had been treated differently as he was not sent back to his place of origin.

"It was entirely different from how others were treated," Ho said. "I worry that it was the central government that gave the order in this case. This would seriously harm the 'one country two systems' [principle]."

Ho noted that there was no agreement with the mainland on handing over of wanted people, and demanded that the Hong Kong government explain why Zhou was handed over to Shenzhen authorities.

Zhang, 33, the mother of Zhou's 18-month-old daughter, told a press conference yesterday that she had come to the city from Los Angeles "to demand the Hong Kong government give back my child her father".

"Zhou Yongjun went missing in Hong Kong and it was the Hong Kong government which sent him back to the mainland," she said.

Government statement on Mr Zhou Yongjun's case

In response to media enquiries on the case concerning Mr Zhou Yongjun, a government spokesman said today (October 12): "We do not comment on individual cases. The Immigration Department has the responsibility to uphold effective immigration control. The department handles all entry applications in accordance with the law and immigration policy, having due regard to individual circumstances. In general, a passenger whose travel document does not meet the entry requirements will be repatriated to his or her place of embarkation or origin."

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NNNN