

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: SBCR 1/2091/81

來函檔號 Your Ref.: CB2/PL/SE

By Email

25 January 2018

Clerk to the Legislative Council Panel on Security
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong
(Attn: Miss Betty MA)

Dear Miss MA,

Panel on Security

Letter from Hon Claudia MO

I refer to your letter dated 12 December 2017 which is enclosed with the Hon Claudia MO's letter dated 8 December 2017 to the Chairman of Legislative Council (LegCo) Panel on Security and requests us to respond to the Hon MO's questions raised therein. The Bureau regrets to learn that the Hon MO casts doubt on the integrity of the Immigration Department (ImmD) in her letter. In the absence of evidence, it is unfair to allege that ImmD officers, who have been serving the community dutifully and dedicatedly, have "deliberately covered up" anything. Our consolidated reply to the Hon MO's other questions is as follows:

As mentioned in our reply on 6 December 2017 to a LegCo Member's question about the applications from Mainland residents for certificates of entitlement (CoEs), according to Article 24(2)(3) of the Basic Law and paragraph 2(c) of Schedule 1 to the Immigration Ordinance (Cap. 115) (the Ordinance), a person of Chinese nationality born outside Hong Kong before or after the establishment of the Hong Kong Special Administrative Region (HKSAR) of Hong Kong permanent resident(s) of Chinese nationality shall be a Hong Kong permanent resident with the right of abode in Hong Kong if at the time of his birth, his parent has the right of abode in Hong Kong. If an applicant does not satisfy the requirement in paragraph 2(c) of Schedule 1 to the Ordinance, his CoE application will be refused. The reasons for refusal include: the applicant not being a person of Chinese nationality; the applicant born to a

parent who, at the time of the birth of the applicant, was not a Chinese citizen according to Schedule 1 to the Ordinance; the parent-and-child relationship between the applicant and the applicant's parent not being established; etc.

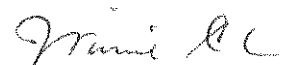
Regarding the number of CoEs issued to Mainland residents from July 1997 to 2002, more CoEs were issued in the early years after the return to the Motherland because during that time many Mainland residents who met the requirements for becoming a Hong Kong permanent resident stipulated in Article 24(2)(3) of the Basic Law and paragraph 2(c) of Schedule 1 to the Ordinance hoped to settle in Hong Kong for family reunion. We must emphasise that ImmD always handles each CoE application in accordance with the law. Applicants issued with CoEs have all been verified to have the right of abode in Hong Kong in accordance with the law.

From our available information, it does not indicate why the ratio of refusal of CoE applications submitted by Mainland residents in 2004 was higher than the ratios in other years. Nevertheless, the ratio of refusal of applications after 2004 has neither increased continually nor shown a trend worth special attention.

As there is no operational need, ImmD has not maintained breakdown statistics by reason for refusal of CoE applications. Nor has ImmD maintained breakdown statistics of repeated applications, legal proceedings or prosecutions related to CoEs. Nevertheless, ImmD has been closely monitoring whether CoE applications show a trend worth special attention or whether there are cases requiring special attention, and will take follow-up actions on cases where necessary.

We should be grateful if you could relay our above reply to LegCo Members.

Yours sincerely,



(Winnie Chui)
for Secretary for Security

c.c. Director of Immigration (Attn: Mr MA Chi-ming)

Internal
PAS(S)E