

For discussion on  
2 November 2018

**Legislative Council Panel on Security**  
**Manpower Proposal**  
**for the Comprehensive Review of the**  
**Strategy of Handling Non-refoulement Claims**

**Purpose**

This paper seeks Members' support for the extension of two supernumerary directorate posts of one Administrative Officer Staff Grade C ("**AOSGC**") (D2) in the Security Bureau ("**SB**") and one Assistant Director of Immigration ("**AD of Imm**") (GDS(C)2 or D2-equivalent) in the Immigration Department ("**ImmD**") for a period of three years (from 1 April 2019 to 31 March 2022) to continue steering the comprehensive review of the strategy of handling non-refoulement claims ("**comprehensive review**") and to step up the relevant measures.

**Background**

2. The Government commenced operating the Unified Screening Mechanism ("**USM**") in March 2014 to screen non-refoulement claims on all applicable grounds. Since then, the number of non-ethnic Chinese illegal immigrants ("**NECIIs**") and the number of non-refoulement claimants surged. At the same time, the number of claims pending the commencement of screening procedures by ImmD had been on the rise. Against this background, the Government created two supernumerary posts of one AOSGC and one AD of Imm and commenced in early 2016 the comprehensive review, focusing on the following four areas -

- (a) preventing potential claimants from entering Hong Kong;
- (b) expediting the commencement of screening procedures for pending claims, shortening the screening time per claim, and expediting the handling of appeals;

- (c) expediting repatriation of the claimants whose claims have been rejected; and
- (d) studying detention policies and stepping up law enforcement.

3. Since the commencement of comprehensive review, various measures implemented in the above areas have yielded positive results. The numbers of NECIIs and non-refoulement claims have dropped significantly by 80%. As at the end of September 2018, 1 743 claims were pending screening by ImmD, representing a drop of over 80% as compared with the peak.

### **Proposed Extension of Posts**

#### **A. Justifications for extending the PAS(S)Review post in SB**

4. Despite progress made so far as set out above, challenges ahead remain. As at the end of September 2018, about 6 500 appeals lodged by claimants rejected by ImmD were pending decision by the Torture Claims Appeal Board (“**TCAB**”). It is estimated that TCAB will require 2 to 3 more years to complete hearing these appeals and those to come. Practical and effective measures to expedite the removal of rejected claimants / appellants also require strong policy input and steer from SB. Most importantly, as we already briefed this Panel in July 2018 and also announced by the Chief Executive in her latest Policy Address, SB will introduce a bill to amend the Immigration Ordinance (Cap. 115) in the first quarter of 2019 to improve the screening procedures by preventing people from using various means to delay or impede the screening process, so as to further increase the overall efficiency.

5. Other measures already introduced also require close monitoring to ensure their continued effectiveness. Dedicated directorate efforts are also necessary to ensure that relevant departments and parties are adequately equipped with the required resources; stakeholders are consulted as appropriate in the course of comprehensive review; and effective responses and remedies would be timely in place in case of any challenges to USM.

6. Given the breadth and complexity of the key tasks of the comprehensive review above, the number of stakeholders involved and

the need to come up with practical and effective measures to timely respond to any changes in the trends of NECIIs or non-refoulement claims, **we propose retaining the supernumerary AOSGC post, which is now designated as Principal Assistant Secretary (Security) Review (“PAS(S)Review”) in SB, for three years** to continue spearheading and monitoring the comprehensive review with dedicated directorate efforts. The ensuing paragraphs set out the major responsibilities of PAS(S)Review in more detail.

*(i) Immigration (Amendment) Bill*

7. As part of the comprehensive review, the Government has been reviewing the provisions of the Immigration Ordinance (Cap. 115) in respect of the screening procedures and related issues. We consulted the Legislative Council (“LegCo”) Panel on Security in July 2018 on a number of major amendment proposals. We will consult LegCo on other proposals once ready. Subject to Members’ views and the progress of review, our target is to submit an amendment bill to LegCo in early 2019. As the legislative proposals involve complex matters on the operation of ImmD and TCAB, enforcement by law enforcement agencies (“LEAs”), as well as interplay with the changing local and overseas jurisprudence and practices, dedicated policy steer at the directorate level is required to facilitate constructive discussion with LegCo and other stakeholders and ensure smooth passage of the amendment bill.

8. Subject to the progress of scrutiny by LegCo, PAS(S)Review will also be responsible for leading ImmD and other relevant parties in implementing the enhanced screening and appeal procedures, as well as revised and newly added provisions in relation to law enforcement and other matters. It takes time to ensure the transitional arrangements and enhanced procedures are smooth upon legislation. Among others, ImmD officers and TCAB members will need to be properly trained for the new sets of procedures and rules. Also, the legal profession and non-governmental organisations will have to be adequately briefed on the new arrangements. If there is no dedicated directorate effort to closely monitor the implementation of legislative proposals, the enhanced procedures and strengthened provisions may still be prone to abuse, which may lead to accumulation of non-refoulement claims and appeals again, let alone the potential legal challenges.

*(ii) Efficient Screening of Claims & Handling of Appeals*

9. Taking into account the relevant local and overseas court judgments and practices over the years, as well as the operational experience of USM, PAS(S)Review will continue to lead the Review Division to work out and implement effective proposals to plug loopholes under the existing legislation and procedures that are prone to abuse, while ensuring that USM would continue to meet the “high standards of fairness”. PAS(S)Review also needs to ensure the continued efficient screening of claims such that all the new claims received will be screened by ImmD shortly after they are made, thus further reducing incentives to delay removal by making non-refoulement claims.

10. There is also a continued need to review the procedures and monitor the operation of TCAB, so as to ensure that appeals are handled fairly and efficiently, and TCAB has the necessary capacity to handle additional appeals in a timely manner. Given the current backlog of appeals at around 6 500, plus the claims pending decision by ImmD and further new claims to come, it is expected that the number of pending appeals will reach its peak next year. With sufficient manpower and resources, the backlog should be cleared up in two to three years. PAS(S)Review has to ensure that TCAB is equipped with adequate capacity and support (e.g. funding, manpower and accommodation) to reach this target.

11. Furthermore, PAS(S)Review will take lead in the review of publicly-funded legal assistance (“**PFLA**”) to claimants. The Government launched the “Pilot Scheme for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants” (“**Pilot Scheme**”) in September 2017. A review of the Pilot Scheme will be carried out soon. To ensure the prudent use of public fund while maintaining timely and quality PFLA to claimants, PAS(S)Review needs to provide policy steer on the review of Pilot Scheme, with a view to formulating a sustainable PFLA scheme in the long run.

*(iii) Detention & Removal*

12. There have been public calls for enhancing the detention capacity so as to further deter potential claimants from arriving at Hong Kong and minimise the security risks posed by some. Hence, PAS(S)Review has been taking lead in considering different practical proposals from the legal, public security and resources perspectives, with

a view to formulating the best strategy for detention of suitable claimants. His work in this regard will continue.

13. Separately, to exercise effective immigration control, rejected claimants should be removed from Hong Kong as soon as possible. As both ImmD and TCAB have been expediting their work in the screening of claims / handling of appeals, it is expected that more rejected claimants will need to be removed from Hong Kong in the years to come. Removal procedures include but are not limited to the re-issuance of travel documents by his country of origin, and arrangement of flights for repatriation. PAS(S)Review will need to closely monitor ImmD's removal progress, provide policy steer and take the lead to identify practical solutions for expeditious removal of rejected claimants where necessary.

*(iv) Arrival Prevention*

14. PAS(S)Review will continue to monitor the effectiveness of facilities at the existing and new border control points; as well as enforcement actions currently undertaken by various LEAs at land, sea and air; and, when required, to provide strategic and directional steer on liaison with the Mainland authorities for sustained enforcement efforts to curb illegal immigration. Furthermore, PAS(S)Review needs to closely monitor the trends of claimants in order to identify new measures as and when necessary, such that the number of new claims received will continue to stay low.

15. Besides, PAS(S)Review will closely monitor the effectiveness of the Immigration (Unauthorized Entrants) Order (Cap. 115D), which imposed stiffer penalties against syndicates smuggling NECIIs into Hong Kong and, if required, to propose further amendments to strengthen deterrence against human smuggling activities. As regards the pre-arrival registration (“**PAR**”) requirement for Indian nationals implemented since January 2017, PAS(S)Review will continue to lead the Review Division to monitor and refine the PAR requirement in consultation with relevant stakeholders, including further enhancement to facilitate genuine visitors to Hong Kong.

*Conclusion*

16. In conclusion, despite the decreasing numbers of NECIIs and new claims received, given the strong policy nature of the comprehensive review, the significant resource implications and wide scope of measures

to be developed or being implemented, as well as the solid policy formulation experience and political acumen required to see through the multiple strands of work, there is a need for PAS(S)Review to continue leading the Review Division and ImmD for sustained efforts on curbing illegal immigration and handling non-refoulement claims. The proposed job duties of PAS(S)Review are at **Annex A**.

B. Justifications for extending the AD(RAL) post in ImmD

17. Given the ongoing comprehensive review and the need of ImmD to provide continuous support for the screening of non-refoulement claims and related matters, **we propose retaining the supernumerary AD of Imm post, which is now designated as Assistant Director (Removal Assessment and Litigation) (“AD(RAL)”)**, for three years to continue leading the Removal Assessment and Litigation (“RAL”) Branch to provide coherent support to the comprehensive review from operational and enforcement perspectives, and steering the efficient handling of claims, appeals and relevant litigations with dedicated directorate efforts. For optimising the overall workflow in the handling of claimants by ImmD, AD(RAL) will also be designated the new duties to lead a strategic planning to ensure the expeditious removal of rejected claimants to dovetail the clearance of appeals by TCAB in the next few years.

18. Since commencement of the comprehensive review, ImmD has introduced a number of administrative measures to streamline workflow under the existing legal framework, alongside additional manpower and resources, to expedite screening of claims. Since establishment of the RAL Branch under the steer of AD(RAL) in 2016, the average screening time of a claim has been shortened from the then 25 weeks to the current 10 weeks. In 2017, ImmD determined 4 182 claims (monthly average of 349), representing an increase of 79% over 2015 (annual total of 2 339, monthly average of 195). In the first nine months of 2018, ImmD determined 4 057 claims (monthly average of 451), a further increase of 29% over the preceding year.

19. If the number of new claims remains at the current level, it is anticipated that screening of all claims currently in the backlog will be completed within the first half of 2019. The focus of the RAL Branch’s work will gradually shift downstream, i.e. supporting TCAB in the handling of appeals and ensuring early removal of rejected claimants from Hong Kong.

20. The ensuing paragraphs set out the major responsibilities of AD(RAL) in more detail.

*(i) Screening of claims*

21. AD(RAL) will continue to lead the RAL Branch of ImmD in maintaining the momentum on proactive handling of non-refoulement claims under the existing legal framework that meets the “high standards of fairness”, taking into account operational experience of USM and related court rulings. In particular, AD(RAL) will take advantage of the anticipated clearance of the backlog of claims in 2019 and steer the RAL Branch into adopting an enhanced mode of operation, under which screening of claims will commence shortly, if not immediately, after a new claim is made. This way, the time of a claimant remaining in Hong Kong waiting for the result of screening of non-refoulement claim would be greatly shortened.

22. At the same time, AD(RAL) will lead the RAL Branch to strengthen their intelligence and research capacity to stay alert on updates of the latest worldwide trend on matters relating to the handling of non-refoulement claims, such that prompt responses and effective measures to any further emerging legal and operational issues can be developed and introduced timely.

*(ii) Appeal & Litigations*

23. Apart from the dedicated efforts on expediting the screening of non-refoulement claims, continuous endeavour will be required for supporting TCAB in handling the increasing number of appeals. Strategic planning and timely steer are also the pre-requisites in leading the RAL Branch through the various complicated legal issues related to non-refoulement claims, enforcement and removal. AD(RAL) has to ensure adequate manpower and resources are deployed for bolstering the capacity to support TCAB in handling appeals and respond to the relevant civil litigations.

*(iii) Immigration (Amendment) Bill*

24. In regard to the legislative exercise to amend the Immigration Ordinance pertaining to the screening procedures and related issues,

AD(RAL) will need to gear up the RAL Branch to prepare for the implementation of the amended procedures and requirements, subject to scrutiny and upon enactment by the LegCo, and ensure that necessary transitional arrangements are smoothly executed. AD(RAL) will also see through the overall effectiveness of the enhanced screening and appeal procedures after enactment, and maintain necessary liaison with external parties for smooth operational collaboration.

*(iv) Removal of rejected claimants*

25. With ImmD's efficient screening of claims and the anticipated clearance of appeal backlog, the number of rejected claimants has been increasing. At present, removal of all persons subject to be removed from Hong Kong, including rejected claimants, falls within the ambit of the Enforcement ("E") Branch of ImmD. To achieve synergy and higher efficacy in the expeditious removal of claimants (e.g. timely initiation of removal formalities, detention of removees where appropriate, etc.), the RAL Branch will take over duties relating to the removal of rejected claimants from the E Branch.

26. AD(RAL) will steer the RAL Branch to ensure that rejected claimants are removed from Hong Kong at the earliest possible time. The spectrum of effort would range from close monitoring of the latest trend and situation, devising strategic plans and new measures as necessary, maintaining close and effective communications with different parties (e.g. source countries governments) to smoothen the re-entry process, and providing suggestions for practical solutions, taking into account operational experience.

27. The proposed job duties of AD(RAL) are at **Annex B**.

### **Alternatives Considered**

28. As all other PAses in SB would be heavily engaged in tasks under their purview in the next few years, it is not feasible for any of them to take up the many additional duties required of the comprehensive review, particularly under the tight timeframe as set out above. A summary of the existing duties of all PAses in SB is at **Annex C**.

29. Assistant Director (Enforcement) ("AD(E)") is currently responsible for enforcement against all immigration crimes, illegal



immigration prevention, management of the Castle Peak Immigration Centre, all removal duties, as well as overall management of the counter-terrorism measures of ImmD. Enforcement-related workload has grown significantly in the past few years, ranging from the need to continue momentum on anti-NECIIs measures, cracking down of human trafficking syndicates, maintaining force against unlawful employment, to stepping up enforcement on other areas such as anti-terrorism and bogus marriage. As AD(E) will be heavily engaged in the said enforcement-related matters in the foreseeable future, operationally and resource-wise it is considered more optimal for AD(RAL) to take the lead in the removal of rejected claimants. It is also not feasible for the other ADs of Imm to absorb other duties of AD(RAL) amidst their already very heavy workload. A summary of the existing duties of all ADs of Imm is at **Annex D**.

### **Financial implications**

30. The proposed creation of the supernumerary AOSGC post under SB and the supernumerary AD of Imm post under ImmD will require additional notional annual salary cost at mid-point of \$2,179,800 each. The full annual average staff cost, including salaries and staff on-cost, of the two posts are \$3,074,000 and \$2,998,000 respectively. We will reflect the requirements in the Estimates of subsequent years. Other supporting non-directorate staff will be provided through re-deployment or to be sought following the established procedures where necessary.

### **Way forward**

31. Members are invited to support the proposed extension of the supernumerary AOSGC and AD of Imm posts. Subject to Members' support, we will seek the necessary funding approval from LegCo.

**Security Bureau  
Immigration Department  
October 2018**

**Proposed Job Description of PAS(S)Review**

Post Title : Principal Assistant Secretary (Security) Review  
("PAS(S)Review")

Rank : Administrative Officer Staff Grade C

Responsible to : Deputy Secretary (Security) 3 ("DS(S)3")

**Duties and Responsibilities**

1. To draft and ensure smooth passage of the Immigration (Amendment) Bill to revamp the handling of non-refoulement claims, including reviewing the existing screening and appeal procedures, consultation with stakeholders, and ensuring that implementation of the future statutory mechanism would be smooth and consistent with latest jurisprudence and effective in minimising abuses.
2. To review and closely monitor the various arrival prevention measures, including monitoring the operation of the Pre-arrival Registration for Nationals of India, as well as the latest trends of illegal immigrants and claimants to identify new measures as and when necessary.
3. To monitor law enforcement agencies' further efforts into combating human smuggling syndicates and illegal immigration.
4. To oversee the existing screening procedures and work with the Immigration Department ("ImmD") on solutions to keep up with the efficient screening of claims and plug potential loopholes.
5. To review and closely monitor the operation of Torture Claims Appeal Board to enhance its capacity for handling appeals.
6. To review and closely monitor the provision of publicly-funded legal assistance to claimants.
7. To research into ImmD's power on detention, to identify and put forward proposals for the use of suitable facilities to detain claimants, as well as to secure support for the detention strategies.
8. To ensure other peripheral supports to facilitate smooth and efficient screening, effective and timely removal of rejected claimants, as well as overall financial management (e.g. provision of humanitarian assistance to claimants by the Social Welfare Department through non-governmental organisations).

**Annex B**

**Proposed Job Description of AD(RAL)**

Post Title : Assistant Director (Removal Assessment and Litigation) (“AD(RAL)”)  
Rank : Assistant Director of Immigration  
Responsible to : Deputy Director of Immigration

**Duties and Responsibilities**

1. To manage and oversee the Removal Assessment and Litigation Branch comprising the Removal Assessment and Litigation Sub-divisions, Law Reform Sub-division and Claimants Removal Sub-division.
2. To support the Security Bureau in implementing, steering, planning and development of existing measures under the comprehensive review of the strategy of handling non-refoulement claims, including the expeditious removal of rejected claimants.
3. To propose and evaluate new measures identified during the comprehensive review from operational, enforcement and removal perspectives, and to formulate plans for their early implementation as required.
4. To identify further administrative measures useful to streamline the existing screening procedures and consider means of allocating existing available resources effectively, with a view to increasing the number of claims determined and expediting the removal of rejected claimants as far as possible.
5. To oversee the implementation of the enhanced screening mechanism upon passage of the Immigration (Amendment) Bill, with a view to ensuring effective and efficient screening of claims that meets the “high standards of fairness” as required by law.
6. To oversee and make strategic recommendations in handling appeals and civil litigation matters related to non-refoulement claims, enforcement and removal.

## **Duties and Existing Work Priorities of Principal Assistant Secretaries in the Security Bureau**

**Principal Assistant Secretary for Security (A)** is responsible for policy matters relating to frontier closed area, counter-terrorism, surrender of fugitive offenders and mutual legal assistance in criminal matters. She oversees the liaison between the Hong Kong Special Administrative Region (“**HKSAR**”) Government and the Garrison and handles matters with a Garrison dimension. She also deals with policy and resource matters relating to the Government Flying Service and certain security-related functions of the Customs and Excise Department, as well as matters concerning the Security and Guarding Services Industry Authority.

2. **Principal Assistant Secretary for Security (B)** is responsible for policies in respect of the emergency rescue services provided by the Fire Services Department, including matters relating to fire safety, fire prevention, fire-fighting, the emergency ambulance service, and the control of dangerous goods. He also oversees policies relating to the penal system maintained by the Correctional Services Department, covering such matters as rehabilitation of prisoners and the prison development programme. He deals with issues relating to the transfer of sentenced persons and supports the statutory boards on prison sentence review and prisoner supervision. In addition, he is responsible for the aviation security policies, including monitoring the effectiveness of the Hong Kong Aviation Security Programme.

3. **Principal Assistant Secretary for Security (C)** is responsible for immigration policies and strategies in respect of a wide range of matters. These include nationality and residency; travel convenience of Hong Kong residents; visa regime for foreign nationals and travel convenience for Taiwan residents; the Outbound Travel Alert system and assistance to Hong Kong residents in distress outside Hong Kong. She oversees immigration policy issues concerning entry into Hong Kong for study, employment, investment and settlement, as well as those relating to entry from the Mainland, including the operations of the One-way Permit and Two-way Permit Scheme. She is also responsible for the policy, resource and housekeeping matters of the Immigration Department (“**ImmD**”).

4. **Principal Assistant Secretary for Security (D)** is responsible for handling policy issues concerning registration of persons, births, deaths and marriages; the processing of detention and deportation cases under the

Immigration Ordinance; the processing of immigration-related statutory and non-statutory petition cases; and housekeeping matters relating to the Immigration Tribunal, Registration of Persons Tribunal, HKSAR Passports Appeal Board, and Civil Celebrant of Marriages Appointment Appeal Board. He is also responsible for policy, legislation and resource matters relating to the operation of control points and related co-operation with the Mainland, including complementary immigration/enforcement measures on cross-boundary students. Furthermore, he is engaged in the planning for new boundary control points; and implementing various new information technology initiatives (including new information technology infrastructure, new immigration control system and the next generation smart Hong Kong Identity Card system) of ImmD. He is also responsible for handling policy issues concerning combatting trafficking-in-person crimes.

5. **Principal Assistant Secretary for Security (E)** is responsible for policy matters concerning internal security and law and order, as well as resources matters relating to the Hong Kong Police Force and the Hong Kong Auxiliary Police Force. He also oversees the implementation of the Interception of Communications and Surveillance Ordinance. He is the Secretary to the Fight Crime Committee and oversees the operation of the Committee and its Subcommittees.

6. **Principal Assistant Secretary for Security (Narcotics) 1** is responsible for anti-drug preventive education and publicity strategies and initiatives for the general public and local communities; policy, management and operation of the Beat Drugs Fund (“**BDF**”), including supervising the annual funding exercises and processing of funding applications, ongoing monitoring and evaluation of the implementation and effectiveness of the funded projects, and identifying areas for improvement; monitoring drug trends through the Central Registry of Drug Abuse and other surveys; and formulating necessary responses, including proposed legislative control, to the threats posed by emerging drugs. He is also responsible for taking forward anti-money laundering and counter-financing of terrorism measures pursuant to the relevant recommendations of the Financial Action Task Force (“**FATF**”), including overseeing the implementation of the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance, and preparing for the Mutual Evaluation on Hong Kong being conducted by FATF from 2018 to 2019.

7. **Principal Assistant Secretary for Security (Narcotics) 2** is primarily responsible for the policy and programmes concerning drug treatment and rehabilitation (“**T&R**”) services, including the coordination of measures concerning the enhancement and re-engineering of T&R services having regard to the changing circumstances of the drug scene; formulation of the Three-year

Plan on Drug T&R Services in Hong Kong in consultation with the anti-drug sector; assisting drug treatment and rehabilitation centres (“**DTRCs**”) in Hong Kong in meeting the statutory licensing requirements; and overseeing the BDF Special Funding Scheme which provides funding support for DTRCs to carry out upgrading or re-provisioning projects. She also promotes and oversees anti-drug preventive education initiatives in secondary schools, including the Healthy School Programme with a Drug Testing Component and the “Participate in Sports, Stay Away from Drugs” programme.

8. **Principal Assistant Secretary for Security (Review)** is responsible for spearheading the comprehensive review of the strategy of handling non-refoulement claims, including measures in sustaining efforts in combatting the smuggling of non-ethnic Chinese illegal immigrants to Hong Kong and preventing arrival of potential claimants; measures to expedite the screening of non-refoulement claims and appeals, as well as the removal of rejected claimants; studying detention measures; and developing proposals for amending the Immigration Ordinance to improve the screening procedures for non-refoulement claims and related matters.

**Duties and Existing Work Priorities of  
Assistant Directors in the Immigration Department**

At present, the Immigration Department (“**ImmD**”) has seven Assistant Director (“**AD**”) posts responsible for heading the seven branches of ImmD, namely, the Control Branch, Enforcement Branch, Information System Branch, Management and Support Branch, Personal Documentation Branch, Removal Assessment and Litigation Branch, and Visa and Policies Branch with responsibilities as set out below:

**(I) Control (“C”) Branch – headed by AD(C)**

AD(C) is responsible for leading the C Branch in maintaining immigration control and facilitating the mobility of tourists and business visitors at all immigration control points. The C Branch comprises the Airport Division, the Border (Rail) Division, the Border (Vehicles) Division and the Harbour Division. The Airport Division enforces immigration control over passengers and aircrew entering and leaving Hong Kong by air. The Border (Rail) Division comprises four control points, serving railway passengers at Lo Wu, Hung Hom, Lok Ma Chau Spur Line and Express Rail Link West Kowloon. The Border (Vehicles) Division comprises five land boundary control points at Lok Ma Chau, Man Kam To, Sha Tau Kok, Shenzhen Bay and the Hong Kong-Zhuhai-Macao Bridge, serving cross-boundary passengers and vehicles. The Harbour Division comprises the Harbour Control Section, the Macau Terminal Section, the China Ferry Terminal Section, the Tuen Mun Ferry Terminal Section and the Kai Tak Cruise Terminal Section which carry out immigration control over people movements by passenger liners, ferries and cruise liners.

**(II) Enforcement (“E”) Branch – headed by AD(E)**

AD(E) is responsible for spearheading the E Branch which comprises the Enforcement Division and the Counter-Terrorism Division. The Enforcement Division is responsible for formulating and implementing policies in respect of investigation, deportation and removal and also managing the Castle Peak Bay Immigration Centre for the detention of persons of 18 years old or above. In particular, the Enforcement Division is responsible for combating crimes of trafficking in persons, bogus marriage, and other immigration offences (including the

arrangement of unauthorized entrants and other illegal immigrants to Hong Kong, and unlawful employment). The Counter-Terrorism Division is responsible for formulating and reviewing departmental strategic plans, policies and standing procedures relating to counter-terrorism intelligence and liaison matters.

**(III) Information Systems (“IS”) Branch – headed by AD(IS)**

AD(IS) is responsible for formulating and implementing strategies on information system and related matters as well as record management and data privacy management of ImmD. The IS Branch comprises five functional divisions. The Information Systems (Development) Division is responsible for formulating and implementing ImmD’s information systems strategy, developing new systems to meet the future business needs; the Information Systems (Production) Division is responsible for management and security of information systems in operation as well as ongoing enhancement of the systems and related processes; the Identity Card (System) Division is for planning and implementation of the Next Generation Smart Identity Card System; the Technology Services Division provides technical support for the maintenance and development of computer systems in ImmD, and the Records and Data Management Division is responsible for handling all issues relating to data privacy, access to information and management of departmental records.

**(IV) Management and Support (“MS”) Branch – headed by AD(MS)**

AD(MS) is responsible for formulating and implementing policies on human resources management and development of the Immigration Service. It comprises two divisions, namely the Service Management Division and the Immigration Service Institute of Training and Development. The Service Management Division deals with matters relating to welfare, conduct and discipline of service staff and is responsible for managing public relations, conducting management audit and reviewing complaints from the public. The Immigration Service Institute of Training and Development is responsible for recruitment, training, development and deployment of service staff.

**(V) Personal Documentation (“PD”) Branch – headed by AD(PD)**

AD(PD) is responsible for formulating and implementing policies on personal documentation. The PD Branch comprises the Documents Division, Registration of Persons Division and Identity Card (General) Division. The Documents Division deals with applications for the Hong



Kong Special Administrative Region (“**HKSAR**”) passports and other HKSAR travel documents, handles matters relating to the implementation of the Chinese Nationality Law in Hong Kong, and processes registration of births, deaths and marriages. The Registration of Persons Division processes applications relating to claims to right of abode under the Basic Law, issues identity cards to Hong Kong residents, maintains records on registration of persons, negotiates visa-free travel arrangements for HKSAR residents, and provides assistance to Hong Kong residents in distress outside Hong Kong. The Identity Card (General) Division is responsible for planning and preparing the territory-wide identity card replacement exercise in the next four years.

**(VI) Removal Assessment and Litigation (“RAL”) Branch – headed by AD(RAL)**

AD(RAL) is responsible for formulating and implementing policies on handling non-refoulement claims. AD(RAL) oversees the RAL Branch which is responsible for screening claims for non-refoulement protection on all applicable grounds against another country lodged by persons not having the right to enter and remain in Hong Kong. RAL Branch also provides support for the comprehensive review of the strategy of handling non-refoulement claims, and handles appeal/petition and litigation cases relating to non-refoulement claims and enforcement.

**(VII) Visa and Policies (“VP”) Branch – headed by AD(VP)**

AD(VP) is responsible for formulating and implementing policies on managing pre-entry immigration control through the visa and entry permit systems. The VP Branch comprises the Visa Control (Policies) Division and the Visa Control (Operations) Division. Their major areas of work include formulating and reviewing policy and assessment procedures on visa matters with a view to meeting the changing needs of Hong Kong, facilitating visitors and enhancing operational efficiency and effectiveness of the visa and entry permit system; processing various types of immigration applications in accordance with approved policies, such as applications for entry into Hong Kong for visit, employment, investment, training, residence or study, applications for extension of stay from visitors and temporary residents, applications for Certificate of Entitlement (“**COE**”) to the Right of Abode in HKSAR and handling appeals / petitions / judicial reviews relating to COE and visa control matters, etc.

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