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Immigration Department

In reply please quote this ref : IMM/CR 1708

貴署檔號 Your Ref. : CB4/PAC/R76

26 May 2021

Ms Wendy JAN
Clerk, Public Accounts Committee
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms JAN,

Public Accounts Committee
Consideration of Chapter 1 of the Director of Audit's Report No. 76
Management of birth, death and marriage registrations

Thank you for your letter of 18 May 2021.

Regarding your request for written response of the Immigration Department to the issues as set out in Part (I) of the Appendix of your letter, we have enclosed our reply for the consideration of the members of the Public Accounts Committee.

If you have any enquiries, please contact the undersigned on 2829 3838.

Yours Sincerely,

(FAN Hiu-sing)
for Director of Immigration

c.c. Secretary for Security (with encl.)

Reply to Public Accounts Committee
Consideration of Chapter 1 of the Director of Audit's Report No. 76
Management of birth, death and marriage registrations

Q1 According to paragraph 1.5 of the Director of Audit's Report No. 76 ("Audit Report"), "A birth that has not been registered within 12 months after such birth can be registered only with the consent of the Registrar of Births and Deaths (i.e. consented post-registration) and upon payment of a prescribed fee." What are the criteria and factors for the Registrar to consent to such post-registration of birth?

A1 Under section 7 of the Births and Deaths Registration Ordinance, Cap 174 ("BDO"), parents of every child born shall apply for the registration of the child's birth at a birth registry within a period of 42 days after the day of such birth. It is a criminal offence if anyone deliberately fails to register the birth of a child as required by the law. Offenders are liable to a maximum penalty of a fine of HK\$2,000 or up to six months' imprisonment. Parents are required to register the birth of their children in accordance with the law, so as to avoid undermining the rights of their children to medical treatment, education and welfare benefits due to late registration.

According to Section 9(3) of the BDO, no birth shall be registered after the expiry of 12 months from the date thereof except with the consent of the Registrar. For those who were born after 12 months but did not register their births, provided that there is sufficient proof of their birth in Hong Kong, they can register their births with the consent of the Registrar of Births and Deaths and upon payment of the prescribed registration fee.

For post-registration, the applicant is required to apply for a search of his/her birth record in the first instance to ensure that he/she has no registered birth record in Hong Kong. The application should be made by completing the application form (BDR89) and supported with evidence indicative of date and place of birth as well as proof of relationship between the applicant and his/her parents such as hospital or midwife's record and vaccination certificate or post-natal clinic record. Documents such as baptismal certificate can also serve as evidence.

In case the above documents are not available, the applicant should as far as practicable provide other documentary evidence to support his/her application.

Parents of the applicant will be required to make statutory declarations on the applicant's birth in Hong Kong. Other than the information of the applicant, the declarations must include full details of the parents' periods of residence in Hong Kong, date of marriage, date and place of birth of all other siblings, if applicable. If the other siblings were also born in Hong Kong, it must be stated whether their births have been registered. Two additional independent witnesses will normally be required to make a statutory declaration that they have personal knowledge of the applicant's birth in Hong Kong. In the absence of indicative evidence in support of the application, statutory declarations made by parents, relatives, friends or other witnesses alone will not amount to sufficient evidence for post-registration.

If both parents are deceased, two witnesses, of whom one should be a relative of the applicant and the other a personal friend of the parents, will be required to make declarations on the applicant's birth in Hong Kong. Based on the individual case merits, the required declarations and supporting documents may be varied.

Any person giving false information or making a false declaration may be subject to prosecution.

Arrangement for interviewing the witnesses, administration of declaration and scrutiny of documentary evidence, etc. will be made in the order of the receipt of the application. When attending an interview, the parties concerned must produce their identity cards or other documents of identification. Additionally, the applicant is required to submit three recent photographs and all relevant documents for inspection.

Having completed the proper assessment, if it is satisfied that the applicant was born in Hong Kong after examination of the available information and the supporting documents provided, Immigration Department will arrange birth registration for the applicant.

Q2 According to paragraph 1.5 of Director of Audit's Report, fee is required for post-registration of birth. What is the fee for post-registration of birth? When was the last review of such prescribed fee? Does Immigration Department (ImmD) consider the current amount of prescribed fee effective in leading to the expected result?

A2 The Births and Deaths Registration Ordinance, Cap 174 ("BDO") has imposed duty upon the parents to register birth for their child within prescribed time and penalty for breach of this provision. Section 25 of the BDO provides that any person who being charged with the duty of registering birth refuses or, without

reasonable excuse, omits to register a birth shall be deemed to have committed a breach of the relevant provision of the BDO. In accordance with Section 28 of the BDO, the offender shall be liable to a fine of HK\$2,000 or imprisonment for 6 months.

According to Section 9 of BDO, no fee will be charged for a birth registration within 42 days of the birth. For a birth registered after 42 days of the birth but within one year, a fee of HK\$140 will be charged. For a birth registration after one year, the fee will be HK\$680.

It is the Government's policy that fees charged by the Government should in general be set at levels adequate to recover the full cost of providing the services. ImmD has conducted fee reviews (including the fees for post-registration of birth) in accordance with established mechanism in 2018-19 financial year. Based on the outcome of the review, the fees for post-registration remained unchanged.

ImmD had revised its procedures in handling of unregistered birth cases in May 2015 to closely monitor and actively follow up such cases. In February 2018, a special duty team was established to further enhance the handling of unregistered birth cases. According to prevailing procedures, special duty team will take timely follow up action including record checks, contacting parents by phone, issuing reminder letters and paying home visit to the known address of the parents where necessary. From its establishment in February 2018 to March 2020, the special duty team had handled more than 12,000 unregistered birth cases and over 99% of them completed birth registration afterwards.

Q3 According to note 12 to paragraph 1.9 of the Director of Audit's Report No. 76 ("Audit Report"), "According to ImmD, although CCMs have taken up around 51% of the marriage solemnisation cases, the workload at the marriage registries has not decreased to the same extent as ImmD is still involved in the exhibition and filing of marriage notices, matching of the returned duplicate marriage certificate with the marriage notice records, etc.". Does ImmD perform review on the work procedures, and consider the application of innovative technology to enhance the efficiency and streamlining the procedures so as to reduce the manpower requirement? If yes, please provide details. If no, please provide reasons for that.

A3 The Civil Celebrants of Marriage ("CCM") Scheme was implemented in 2006. The purpose of the scheme is to meet the increasing public demand for the Government to provide more flexible marriage solemnisation services and to make use of private sector resources in providing such services.

Despite almost half of the marriages are celebrated by CCMs, their work is confined to certain work steps of the entire marriage registration, namely taking affidavit from the party giving the notice of intended marriage and celebrating a marriage at a place preferred by the marrying parties. Apart from the abovementioned work, ImmD is responsible for:

- inspecting the notice of intended marriage filed through CCM or by marrying parties and arrange for their exhibition;
- perform record check and assess the submitted documents to ensure that the couples fulfilled all statutory requirements;
- contact the CCMs or the marrying parties to request for further supporting documents or arrange interviews to clarify the marital status or other facts as appropriate;
- issue the Certificate of the Registrar (“RC”) which is a prerequisite for conducting the marriage ceremony;
- monitor the return of duplicate of certificate of marriage (“MCD”) by the CCM;
- perform checking and filing of the MCD into the Marriage Register etc.

ImmD has made use of information technology to enhance operation efficiency and provide facilitation of service to members of the public. The appointment booking system and online submission of information for registration of marriage have undoubtedly shortened the counter processing time by saving time required for manual data input. The exhibition of notice of intended marriage on computer monitors and filing of MCDs by digital image have also been automated. Moreover, online application is available for search of marriage records and the certificate of absence of marriage records.

As a new measure for application of technology, under the impending APPLIES-2 system, additional electronic payment methods (i.e. Octopus Card and FPS) will be implemented to bring about more convenience and time-savings. Notwithstanding constraints under the existing legal framework (e.g. pursuant to section 12 of the MO, one of the marrying parties shall appear personally before the Registrar to make an affidavit), we endeavour to continue to look into the feasibility of employing information technology to cope with work related to marriage registration so as to enhance the efficiency and streamline working procedures as far as practicable.

Q4 According to paragraph 1.10 of the Audit Report, the Immigration Department investigated 644 suspected bogus marriages cases in 2019. In the same year, 1 095 persons were arrested and 71 persons were successfully prosecuted. Among the 644 investigated cases, what are the farthest and most recent years of file opening? How many of them are completed cases and outstanding cases? Among the completed cases, how many are no-further-action cases and curtailed cases? Among the outstanding cases, how many suspects could not be located and how many cases are under prosecutorial assessment respectively?

A4 In 2019, the Immigration Department detected 644 new cases of suspected bogus marriage involved 1 417 persons. Case files for these 1 417 suspects were opened in the same year. As at 30 April 2021, the relevant case progress is summarized in Table 1 below.

Table 1: Case progress of suspected bogus marriage cases detected in 2019

Year	No. of case completed			No. of case under investigation		Total
	NFA	Curtailed	Prosecuted / No prosecution	Under prosecutorial assessment	Pending interception	
2019	30	50	514	91	732 (375)	1 417

() refers to the number of cases where all possible means to locate the suspects had been exhausted and the personal particulars of the suspects had been included into computer systems pending interception.

Q5 According to paragraphs 2.12(a) and 2.14(d) of the Audit Report, does the Immigration Department consider that there can be any area of improvement in the investigation?

A5 Immigration Department shall endeavor to investigate unregistered birth cases at the soonest, however, the completion of each case may be varied due to its uniqueness and complexity.

Case officer would make reference to the stipulated guidelines to comprehensively cover all possible means in locating the parents concerned of unregistered birth case for a speedy resolution of the case. Taking the case concerned as an example, within the first four months after receiving the referral from November 2018 to March 2019, case officer not only made phone calls to

the reported telephone numbers, which were the only numbers available in Immigration Department records, but also conducted surprise field visits to their four reported addresses. During the course of investigation, case officer also maintained effective communication with other government bodies, including Social Welfare Department (SWD), Correctional Services Department, and the Family Court, with a view to discovering more information and contact means of the concerned parents, with the ultimate aim of locating their whereabouts.

The Director of Social Welfare was appointed as the guardian of the child and completed the birth registration on 12 December 2018. Despite the case officer had taken all the actions mentioned above, the parents were still untraceable. Notwithstanding the welfare of the child has been properly ensured by SWD and the birth registration successfully completed, Immigration Department continued the investigation efforts and placed the parents' particulars into the computer system on 26 April 2019, so that when they used immigration facilities and clearances, either of them would be intercepted for follow-up action, even though our officer had evaluated that the chance to intercept the parents at control points was slim based on their previous travel pattern (last movement of mother was in July 2017 and father in January 2018). Not until 4 December 2019, the subject mother was successfully intercepted at Lok Ma Chau Control Point when the prosecution had already been time-barred. Even though the above attempts were futile, the actions taken showed that the case officer complied with the guidelines and adopted a comprehensive approach in locating the parents. Indeed, case officer had exhausted all possible means to locate the parents for further investigation in the limited time frame.

The guidelines are considered effective and comprehensive so far. Among the 11 cases as mentioned in 2.12 of the Audit report, the parents concerned in 10 cases were eventually located and their cases concluded timely using the strategies formulated. With a view to formulating more effective strategy to locate parents concerned for cases of unregistered birth, a new guideline was issued requiring case officers to report the progress of their outstanding cases to Senior Immigration Officer (SIO) at first two months after commencing investigation, and report to the Section Head, i.e. Chief Immigration Officer (CIO) every 2 months thereafter, for seeking directives. If case circumstances warranted or if the concerned parents were involved in other offences, such as perjury or overstaying in Hong Kong, or they had tried to deliberately evade our investigation and consequently obstruct our officers from exercising their duties, case officers would consider enlisting assistance from the Police to put the parents' particulars as wanted persons for interception.

Given that every single case is unique, it has to be considered on its own facts and warrants different strategy, it is not sensible to apply one single rule to all situations, especially investigation of criminal cases. Apart from strictly following guidelines which has always been effective in most cases, case officer would exert his flexibility in handling cases with special circumstances to achieve fruitful result.

Pursuant to Section 7 of Birth and Deaths Registration Ordinance (Chapter 174), the father or mother of every child born alive in Hong Kong shall, within 42 days after the day of such birth, give information to a registrar of the several particulars required to be registered, and shall, in the presence of such registrar, sign and submit to such registrar a register form completed with the information so given. Failing to do so shall be liable to a fine at level 1 (\$2,000) or to imprisonment for 6 months. Nevertheless, according to Section 26 of Magistrates Ordinance (Chapter 227), it is stipulated that the complaint of the aforementioned offence shall be made or such information laid within 6 months from the time when the matter of such complaint or information respectively arose. Therefore, the prosecution is time barred when the child's mother is intercepted.

Immigration Department reiterated that parents must fulfil their obligations under the law to register the birth of a child so that the right to medical treatment, education and welfare benefits entitled to their children could be protected.

Q6 According to paragraph 2.12(b) in the Audit Report, "...any investigation cases which cannot be completed within four months will be reported to the Senior Immigration Officer for information and directive." However, after reviewing individual case files, the Audit Commission found that in three cases, there was no documentation on the reporting of the case progress to the Senior Immigration Officer within four months after the commencement of respective case investigation. In this regard, does the Immigration Department currently have a mechanism for the Senior Immigration Officer to proactively monitor the progress of each case?

A6 In response to the suggestions made by the Audit Commission, Immigration Department had recirculated the relevant instruction for reminding the case officers to strictly follow the management of outstanding investigation cases. To ensure full understanding and compliance, the said instruction would be arranged for recirculation every 6 months as a reminder.

As mentioned in the Report No. 76 of Director of Audit (Audit report), case officers reported the progress of their outstanding cases in regular group meetings for Senior Immigration Officers' (SIO) information and directives. By recirculating the aforementioned guidelines, case officers were clearly reminded the requirement on making proper record on individual files of all investigation cases to reflect SIOs' due supervision within 4 months after the commencement of respective cases.

In addition to the monthly group meeting held between SIO and case officers in which the SIO could closely monitor the investigation progress and provide immediate directive regarding unregistered birth cases, a new guideline was issued to enhance the management of unregistered birth cases in particular. Case officers are required to report the progress of their outstanding cases to SIO at first two months after commencing investigation, and report to the Section Head, i.e. Chief Immigration Officer (CIO) every 2 months thereafter; case officers are also required to report the progress to CIO 2 months before the expiry of the prosecution time-bar, whichever is earlier. The report and directive from senior officers should be recorded on individual case files.

Q7 According to paragraph 3.8 of the Audit Report, the Civil Celebrants of Marriages ("CCM") Scheme has been introduced in 2006. How is it operated and supervised since then? Did ImmD conduct any full review on the operation and supervisory mechanism of CCM Scheme, including the areas relating to list of CCMs, application for appointment of renewal and etc.? If yes, what is the result and counter-measures? If no, will ImmD conduct any review later?

A7 The Civil Celebrants of Marriage ("CCM") Scheme was implemented in 2006. The purpose of the scheme is to meet the increasing public demand for the Government to provide more flexible marriage solemnisation services and to make use of private sector resources in providing such services. Under the CCM Scheme, marrying couples may give a notice of intended marriage through a CCM to the Registrar of Marriages or a deputy registrar of marriages. They may also engage a CCM to celebrate their marriage at any place in Hong Kong (other than the office of the Registrar or a place of worship licensed under the MO). The scheme has provided more flexibility and convenience for marrying parties.

Pursuant to Schedule 4 of the Marriage Ordinance ("MO"), solicitors and public notaries meeting paragraphs 1 and 2 of the eligibility criteria for civil celebrants specified in the schedule are eligible to apply to be appointed as CCM. Paragraph 3 of the eligibility criteria provides that the applicant should have completed a training course organised by the Registrar of Marriages for

the purposes of the MO. The content of training course covers the procedures of giving of Notice of Intended Marriage and celebration of marriage, potential offences and penalties relevant to marriage registration, etc. Meanwhile, a “Guidance Notes for Civil Celebrants of Marriages” which provides practical guidelines and workflow for CCMs to discharge their duties and a “Code of Practice for Civil Celebrants of Marriages” which provides practical guidance in respect of the professional conduct of civil celebrants will be given to the applicants for reference during the training course. After the training, the Registrar would publish the appointment of CCM by notice in the Gazette and effect the appointment by giving the CCM written notice specifying the appointment period for five years. The list of CCM will also be published on the departmental homepage.

According to section 5H(2) of the Marriage Ordinance (MO), if a CCM ceases to meet any of the prescribed criteria specified in Schedule 4 to the MO, he/she must notify the Registrar of Marriage in writing within 14 days of such cessation. Pursuant to section 31A(3) of the MO, any CCM who contravenes section 5H(2) without reasonable excuse shall be guilty of an offence and shall be liable to a fine at level 3, which is HK\$10,000. If a CCM is suspected to have committed an offence under the MO, such as failing the statutory requirement to notify the Registrar of Marriage of his/her cessation to meet prescribed criteria as a CCM, case will be further investigated and prosecution may be instigated if there is sufficient evidence.

With a view to reminding the CCMs on the relevant statutory requirement, ImmD has reviewed and revised the training materials for CCMs to include the requirement in the training materials and will emphasize the requirement again during the training course. In addition, we have reviewed the departmental homepage and included the legal requirement. The "How to Apply - Becoming a Civil Celebrant of Marriages" pamphlet has also been reviewed and revised to highlight the legal requirement. As a further reminder to the CCMs, we have enhanced the notification letters to CCMs for collecting renewal appointment certificate by adding the legal requirement as a reminder again.

To ensure the performance of the CCMs, the Registrar will maintain close contacts with the Hong Kong Society of Notaries (HKSJ) and the Law Society of Hong Kong (LSHK) in handling complaints and disciplinary cases relating to CCMs. Liaison had been made with the HKSJ and LSHK about the updated mechanism to ImmD once their members no longer hold valid practicing certificates.

We have also implemented measure to monitor the eligibility of the appointed CCMs by checking against the relevant information (i.e. list of members with practicing certificates promulgated by the LSHK) posted in the websites of the LSHK and the HKSJ (i.e. list of practising members promulgated by the HKSJ) against our latest list of CCMs on daily basis. When there is any irregularity revealed, we will verify the concerned parties immediately and review if the appointment of concerned CCM be affected.

After review, ImmD will enhance the training to those CCMs who were not active and had not provided any marriage solemnization service for some five years upon their applications for renewal of appointment. Meanwhile, ImmD will conduct record checks on those renewal applications to see if the applicants have provided any marriage solemnization service in the last term. If negative, the CCM will be arranged to attend a refresher course and provided with a set of the “Guidance Notes for Civil Celebrants of Marriage” again for reference. The content of the refresher course covers the procedures of giving of Notice of Intended Marriage and celebration of marriage, potential offences and penalties relevant to marriage registration as well as case sharing. The first refresher course will be conducted in August 2021.

ImmD will conduct further review on the CCM Scheme having due regard to the service demand as appropriate.

Q8 According to paragraph 3.11 of the Audit Report, 34 persons on ImmD’s list of CCMs were neither solicitors with practicing certificates nor notaries public. Was there any human negligence or system loophole involved? When did ImmD learn that some of those CCMs did not meet the eligibility criteria as stated in the Marriage Ordinance (Cap. 181)? What measures did ImmD take to follow up the issue so as to avoid recurrence of similar cases?

A8 Please refer to consolidated reply for Q8, Q10 & Q11

Q9 According to paragraph 3.13 of the Audit Report, what factors will be considered when ImmD decides to approve the application for renewal from an inactive CCM? Do the factors include the requirement for the inactive CCM to attend refresher course? If there is any refresher course, what will be its details and content?

A9 Pursuant to section 5A(2) of the Marriage Ordinance (“MO”), the Registrar of Marriages may, upon application of a CCM, renew his appointment as a CCM

if he meets all criteria prescribed in Schedule 4¹ to the MO.

Paragraph 3 of Schedule 4 requires applicant for appointment as CCM to have completed the training organised for the purposes of the MO as the Registrar of Marriages may specify. In this regard, ImmD will arrange all applicants applying for appointment as a CCM to attend a training course. The content of training course covers the procedures of giving of Notice of Intended Marriage and celebration of marriage, potential offences and penalties relevant to marriage registration, identification of forged documents of identity, etc. Meanwhile, a "Guidance Notes for Civil Celebrants of Marriages" which provides practical guidelines and workflow for CCMs to discharge their duties and a "Code of Practice for Civil Celebrants of Marriages" which provides practical guidance in respect of the professional conduct of CCMs will be given to the applicants for reference during the training course.

In light of the Audit's comment, ImmD will enhance the training to those CCMs who were not active and had not provided any marriage solemnization service for some five years upon their applications for renewal of appointment.

¹1. Being—

(a) a solicitor—

(i) holding a current practising certificate issued under section 6 of the Legal Practitioners Ordinance (Cap. 159) which is unconditional save as to the condition of compliance with the Continuing Professional Development Rules (Cap. 159 sub. leg. W) and the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z); and

(ii) holding a certificate issued by The Law Society of Hong Kong—

(A) certifying that he has practised as a solicitor; or

(B) upon a statutory declaration by him in such form as the Council of The Law Society of Hong Kong may determine certifying that he has been employed while his name is on the roll of solicitors within the meaning of the Legal Practitioners Ordinance (Cap. 159) to provide legal service to the employer,

for a period or periods in aggregate of not less than 7 years; or

(b) a notary public—

(i) who holds a current practising certificate issued under section 40E of the Legal Practitioners Ordinance (Cap. 159) which is unconditional; or

(ii) who is qualified to practise as a notary public under subsection (1) of section 40D of the Legal Practitioners Ordinance (Cap. 159) by virtue of subsection (2) of that section.

2. Has not been—

(a) the subject of a valid order made under section 10(2) of the Legal Practitioners Ordinance (Cap. 159) by a Solicitors Disciplinary Tribunal constituted under section 9B of that Ordinance;

(b) removed from or struck off the register of notaries public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force;

(c) suspended from practice as a notary public before 30 June 2005 under section 42 of the Legal Practitioners Ordinance (Cap. 159) as then in force; or

(d) the subject of a valid order made under section 40J(2) of the Legal Practitioners Ordinance (Cap. 159) by a Notaries Public Disciplinary Tribunal constituted under section 40I of that Ordinance,

during the 3 years immediately preceding the date of the application for appointment as civil celebrant or renewal of appointment as civil celebrant, as may be appropriate.

3. Having completed such training organized for the purposes of this Ordinance as the Registrar may specify.

Meanwhile, ImmD will conduct records check on those renewal applications to see if the applicants have provided any marriage solemnisation service in the last term. If negative, the CCM will be arranged to attend a refresher course and provided with a set of the "Guidance Notes for Civil Celebrants of Marriages" again for reference. The content of the refresher course covers the procedures of giving of Notice of Intended Marriage and celebration of marriage, potential offences and penalties relevant to marriage registration as well as cases sharing. The first refresher course will be conducted in August 2021.

- Q8 According to paragraph 3.11 of the Audit Report, 34 persons on ImmD's list of CCMs were neither solicitors with practicing certificates nor notaries public. Was there any human negligence or system loophole involved? When did ImmD learn that some of those CCMs did not meet the eligibility criteria as stated in the Marriage Ordinance (Cap. 181)? What measures did ImmD take to follow up the issue so as to avoid recurrence of similar cases?
- Q10 According to paragraph 3.15(a) of the Audit Report, ImmD will explore possible measures with the relevant organisations to enhance the existing mechanism so as to ensure that CCMs meet the eligibility criteria as stated in the Marriage Ordinance (Cap. 181). In this connection, ImmD please provide details on the progress.
- Q11 According to paragraph 3.15(a) of the Audit Report, ImmD will explore possible measures with the relevant organisations to enhance the existing mechanism so as to ensure that CCMs meet the eligibility criteria as stated in the Marriage Ordinance (Cap. 181). In this connection, ImmD please provide details on the progress.

Consolidated reply to Q8, Q10 and Q11

- A8, Pursuant to section 5H(2) of the Marriage Ordinance ("MO"), if a CCM ceases
10 & to meet any prescribed eligibility criterion specified in Schedule 4 to the MO,
11 the CCM shall within 14 days of such cessation, notify the Registrar of Marriages in writing of such cessation. Section 31A(3) of the MO provides that any CCM who without reasonable excuse contravenes section 5H(2) shall be guilty of an offence and shall be liable to a fine at level 3 (i.e. HK\$10,000). If a CCM is suspected to have committed an offence under the MO, such as failing the statutory requirement to notify the Registrar of Marriage of his/her cessation to meet prescribed criteria as a CCM, case will be further investigated and prosecution may be instigated if there is sufficient evidence.

With a view to reminding the CCMs on the relevant statutory requirement, ImmD has revised the training materials for CCMs to include the requirement

in the training materials and will emphasize the requirement again during the training course. In addition, we have reviewed the departmental homepage and included the legal requirement. The "How to Apply - Becoming a Civil Celebrant of Marriages" pamphlet has also been reviewed and revised to highlight the legal requirement. As a further reminder to the CCMs, we have enhanced the notification letters to CCMs for collecting renewal appointment certificate by adding the legal requirement as a reminder again.

In addition, liaison has been made with the Hong Kong Society of Notaries (HKSJ) and the Law Society of Hong Kong (LSHK) about the updated mechanism to ImmD once their member no longer hold valid practicing certificates. ImmD has also implemented measure to monitor the eligibility of the appointed CCMs by checking against the relevant information (i.e. list of members with practicing certificates promulgated by the LSHK) posted in the websites of the LSHK and the HKSJ (i.e. list of practising members promulgated by the HKSJ) against our latest list of CCMs on daily basis. When there is any irregularity revealed, we will verify the concerned parties immediately and review if the appointment of concerned CCM be affected.

- Q12 According to paragraph 3.17 of the Audit Report, Immigration Department would conduct in-depth investigation (e.g. home visit) to verify the genuineness of the matrimonial relationship of the couples when handling suspected bogus marriage cases. Except home visits, what are the major methods and measures used by the Immigration Department to investigate suspected bogus marriage cases; is there any assessment on the effectiveness on those investigation methods and measures? If yes, how is the effectiveness? If no, has Immigration Department considered other measures?
- A12 The Immigration Department emphasises that the nature of bogus marriage cases is different from investigation cases involving other immigration offences. There is no offence as "bogus marriages" under the prevailing legislation of Hong Kong, any person who makes use of bogus marriages or facilitates other persons to obtain the requisite documents by aiding them in contracting bogus marriages for the purpose of entering Hong Kong shall be guilty of an offence, such as conspiracy to defraud, making false representation to Immigration officers, etc. Bogus marriage might not involve any victims but only two accomplices committing the crime for their mutual interest. Also, bogus marriage cases involve at least one non-Hong Kong resident who normally resides outside Hong Kong. These cases could not be processed further unless the suspects are intercepted for enquiry, resulting in backlog cases.

In view of the aforesaid difficulties and the uniqueness of each bogus marriage case, investigators need to put more effort to verify the genuineness of a marriage between the parties involved by collecting evidence through various channels, including departmental record check such as the couples co-movement records; conducting spot checks by home visits to ascertain cohabitation evidence in the home settings such as the couples daily necessities and photos taken together. Investigators may also need to collect circumstantial evidence and statements such as witness statement or testimonies by the neighbours, family members and other persons involved. Separate interviews with the persons involved will also be conducted.

Moreover, the Immigration Department has also been strengthening enforcement via different channels to combat bogus marriages with a multi-pronged and all-rounded approach. Various measures include:

(1) To step up immigration examination on arrivals

When conducting immigration examinations on arriving passengers, the Immigration Department will critically scrutinise doubtful visitors coming to visit their spouses in Hong Kong on the strength of "exit endorsement for visiting relatives" and refuse their entries if their purposes of visit are in doubt. In case any persons are found to have violated the laws of Hong Kong, such as making false representation to immigration officers, enforcement officers of the Immigration Department will carry out in-depth investigations and handle the cases in accordance with the law.

(2) To combat illegal workers

Since those persons entering Hong Kong by means of bogus marriages mainly aim to take up illegal employment in Hong Kong, the Immigration Department will pay particular attention to Mainland residents holding "exit endorsement for visiting relatives" during anti-illegal workers operations. In-depth investigations will be mounted against any suspected cases of obtaining "exit endorsement for visiting relatives" via bogus marriages and the cases will be handled in accordance with the law.

(3) To step up operations against intermediaries

Very often, bogus marriage cases involved intermediaries arranging Mainland residents to contract bogus marriages with Hong Kong residents and then apply for the requisite documents to enter Hong Kong. The Immigration Department has always kept an eye on and conducted investigations into doubtful intermediaries. Cooperation with the Mainland authorities by

exchanging intelligence will also be made with a view to combating intermediaries and bogus marriage syndicates involved in cross-border crimes. Besides, the Immigration Department is also aware that criminal syndicates publish advertisements with wordings such as "making quick cash" and "intermediary for Mainland-Hong Kong marriages" to allure people to engage in bogus marriage on social networking and instant messaging mobile applications, as well as newspapers and web pages. Taking into account the individual circumstances of each case, the Immigration Department will deploy officers in decoy operations to collect evidence to combat illegal activities of bogus marriage intermediaries.

(4) To step up checking of doubtful marriage registration cases

To facilitate effective identification of suspected cases of contracting bigamous marriages on the Mainland and in Hong Kong, the Immigration Department's Enforcement Division established in 2008 a standing checking mechanism with a checking company, which is the only one authorised by the Ministry of Justice of the Mainland to set up in Hong Kong, against suspected bigamy cases. Besides, marriage registries have stepped up examination on suspicious marriage registrations by checking information with the authorised checking company. In handling suspicious marriage cases, the registries will conduct immediate assessment and expedite the checking procedure, and pass the information to the Enforcement Division for analysis at the same time. In addition, suspicious cases identified by the registries will also be referred to the Enforcement Division for intelligence analysis and follow-up actions.

(5) To exchange intelligence and cooperate with Mainland authorities

The Immigration Department will notify Mainland authorities of information on Mainland residents who have committed offences relating to bogus marriage, enabling strict scrutiny of their applications for exit endorsements in future. Mainland residents who have been convicted of offences related to bogus marriage in Hong Kong will normally be barred by the Mainland authorities, upon receipt of the Immigration Department's notification, from obtaining exit endorsements and travel documents for a period of two to five years, depending on the circumstances. This prevents them from revisiting Hong Kong for illegal activities. Mainland authorities will also refer cases of suspected bogus marriage to the Immigration Department for follow-up actions. Mainland and Hong Kong authorities will conduct joint enforcement operations as necessary.

(6) To step up publicity

To remind members of the public of the possible consequences of participating in bogus marriages and the serious implications of committing related offences, the Immigration Department has from time to time disseminated information on crackdowns on bogus marriage syndicates and successful prosecutions of intermediaries and participants through press conferences, press releases, media interviews and etc. In addition, the Immigration Department will continue to disseminate information from different popular publicity channels. For example, a video clip was produced and uploaded to the Hong Kong Immigration Department YouTube channel.

The Immigration Department has all along been evaluating the effectiveness of law enforcement strategies. Various investigation actions will be taken with flexibility and skills in view of the trend of bogus marriages, the modus operandi of criminal syndicates and circumstances of individual cases. From 2006 to April 2021, 2 197 persons committed offences related to bogus marriage were successfully convicted. Apart from a small number of cases where the convicted were sentenced to Community Service Orders of 80 hours or above, the majority of the convicted were sentenced to imprisonment from 4 to 48 months. The Immigration Department considers that the sentences have provided effective deterrence. In addition, for people who were found to have obtained their residence in Hong Kong by means of bogus marriages, their Hong Kong Identity Cards and residence status will be invalidated according to the laws of Hong Kong. Regarding no prosecution cases, the Immigration Department will notify the Mainland authorities of information on Mainland residents and the detailed case background, so that they could strictly scrutinise the concerned Mainland residents' applications for One Way Permit or "exit endorsements for visiting relatives" in the future.

Q13 According to paragraph 3.17 and Note 35 of the Audit Report, in order to strengthen the manpower of the Special Task Force Sub-sections (STF), 10 new posts were created in 2019. The Immigration Department expressed that the annual output was expected to increase by 25% following the creation of posts. The relevant posts have been created for almost 2 years, has the expectation of the increase in output been met? If not, please provide the reason. Please provide the figures of completed cases in the year of 2019 and 2020.

A13 The Immigration Department centralised handling of all suspected bogus marriage cases to Special Task Force Sub-sections (STF) since the reorganisation of Investigation Sub-division in June 2019. In this connection, 10 new posts had been created and 21 existing posts under Outside

Investigation Section designated to handle suspected bogus marriage cases were redeployed to STF. The total establishment of STF was increased to 53 posts. After the creation of 10 new posts, the manpower designated to handle suspected bogus marriage cases was increased by 23%.

In the first half of 2019 prior to the reorganisation, the Immigration Department arrested 491 suspects and processed 66 curtailed cases. In the second half of 2019 after the reorganisation, the Immigration Department arrested 604 suspects and processed 102 curtailed cases. It can be seen that the Immigration Department's ability to handle cases was significantly improved as the number of arrestees and case curtailment was respectively increased by around 23% and 55%.

The Immigration Department handled 1 207, 1 129 and 557 bogus marriage cases in 2019, 2020, and 2021 (January to April) respectively. Please refer to Table 2 for details.

Table 2: Suspected bogus marriage cases handled by the Immigration Department

Year	Case completed	Case curtailed	Case handled
2019	1039	168	1 207
2020	780	349	1 129 (-6.5%)
2021 (as at April)	144	413	557 (+165%)

() denotes the percentage change compared to corresponding period of previous year.

Q14 According to paragraph 3.19 of the Audit Report, there are 2 237 outstanding cases of suspected bogus marriage handled by Special Task Force Sub-sections (STF) as at December 2020. What is the current progress to clear the outstanding cases; how many outstanding cases still remains; is there any target to clear these outstanding cases; if yes, any details; if no, why?

A14 The Immigration Department has always placed importance in trimming down case backlog. As at 30 April 2021, the 2 237 backlog cases mentioned in paragraph 3.19 of the Audit Report was reduced to 1 798, representing a decrease of around 20%. Among the 1 798 backlog cases, suspects of 1 147 cases were pending interception after all possible means to locate them had been exhausted. The Immigration Department had included their personal particulars into computer systems. They will be intercepted upon using immigration facilities.

To expedite the processing of outstanding cases, the Immigration Department will gainfully redeploy manpower resources to form a special team to identify those outstanding cases that require expeditious investigation. The special team will re-assess the 1 798 outstanding backlog cases and categorise them, in eight weeks, based on their complexity. Cases of lower complexity, such as cases without syndicate elements or multiple marriages will be accorded higher priority in the clearance of backlog. The Immigration Department will strategically deploy available resources to effectively resolve the backlog situation.

Regarding setting a time target for clearing backlog cases, the Immigration Department emphasises that the nature of bogus marriage cases is different from investigation cases involving other immigration offences. Bogus marriage might not involve any victims but only two accomplices committing the crime for their mutual interest. Also, bogus marriage cases involve at least one non-Hong Kong resident who normally resides outside Hong Kong. These cases could not be processed further unless the suspects are intercepted for enquiry, resulting in backlog cases. In view of the aforesaid difficulties and the uniqueness of each bogus marriage case, investigators need to put more effort to verify the genuineness of a marriage between the parties involved by collecting evidence through various channels, including departmental record check such as the couples co-movement records; conducting spot checks by home visits to ascertain cohabitation evidence in the home settings such as the couples daily necessities and photos taken together. Investigators may also need to collect circumstantial evidence and statements such as witness statement or testimonies by the neighbours, family members and other persons involved. Separate interviews with the persons involved will also be conducted. As legal advice should be sought in light of complex legal issues involved in these cases, the Immigration Department has to conduct careful analyses and in-depth investigation, and the time required for investigation varies from case to case depending on its complexity. The time required for investigation of suspected bogus marriage cases involving bogus marriage syndicates or multiple suspects will be relatively longer. Therefore, it is not practicable to set a general time target for bogus marriage cases.

Q15 According to paragraph 3.19 of the Audit Report, the Audit Commission revealed that there were 1 127 outstanding cases of suspected bogus marriages remained outstanding from 2 years to 11 years, which was 50.4% of the total outstanding cases. Has the Immigration Department studied the factors contributing to such long outstanding period and reasons for remained incomplete? If yes, what are the details and what are the measures, and how effective are the measures implemented?

A15 The Immigration Department has always placed importance in trimming down case backlog. Concerning the factors contributing to the backlog, the Immigration Department emphasises that the nature of bogus marriage cases is different from investigation cases involving other immigration offences. Bogus marriage cases involve at least one non-Hong Kong resident who normally resides outside Hong Kong. These cases could not be processed further unless the suspects are intercepted for enquiry, resulting in backlog cases. In addition, many bogus marriage cases might not involve any victims but only two accomplices committing the crime for their mutual interest.

In view of the aforesaid difficulties and the uniqueness of each bogus marriage case, investigators need to put more effort to verify the genuineness of a marriage between the parties involved by collecting evidence through various channels, including departmental record check such as the couples co-movement records; conducting spot checks by home visits to ascertain cohabitation evidence in the home settings such as the couples daily necessities and photos taken together. Investigators may also need to collect circumstantial evidence and statements such as witness statement or testimonies by the neighbours, family members and other persons involved. Separate interviews with the persons involved will also be conducted. As legal advice should be sought in light of complex legal issues involved in these cases, the Immigration Department has to conduct careful analyses and in-depth investigation, and the time required for conducting investigation varies from case to case depending on its complexity. The time required for investigation of suspected bogus marriage cases involving bogus marriage syndicates or multiple suspects will be relatively longer.

On the other hand, the majority of control points exercised special immigration control during the COVID-19 epidemic since 2020, resulting in a decrease of interception of suspects at control points. In support of the government's anti-epidemic policy, staff were arranged to be work-from-home on a rotary basis as such the handling of backlog cases was affected. Furthermore, in processing One-way Permit applications and in case the husband-and-wife relationship is in doubt, the Mainland authorities will pass the particulars of the applicants and their spouses in Hong Kong to Immigration Department for investigation. In 2017-18, there was a significant surge in the number of new cases to be handled due to the sudden influx of over 800 referrals.

As at 30 April 2021, the 2 237 backlog cases mentioned in paragraph 3.19 of the Audit Report was reduced to 1 798, representing a decrease of around 20%. To expedite the processing of outstanding cases, the Immigration Department will gainfully redeploy manpower resources to form a special team to identify

those outstanding cases that require expeditious investigation. The special team will re-assess the 1 798 outstanding backlog cases and categorise them, in eight weeks, based on their complexity. Cases of lower complexity, such as cases without syndicate elements or multiple marriages will be accorded higher priority in the clearance of backlog. The Immigration Department will strategically deploy available resources to effectively resolve the backlog situation.

Meanwhile, the Immigration Department would actively consider including new features in the Enforcement Case Processing Systems (ENCAPS) under the next generation of Application and Investigation Easy Systems (APPLIES-2), to facilitate the investigation teams and Sub-section Heads in case investigation and monitoring the progress of handling of backlog cases. The new features include strengthening the record check function against the suspects; automatic comparison against the movement record of the suspects; alerts to investigators on the update suspect's record; regular reminders for reviewing the investigation progress. Relevant guidelines would be re-circulated regularly to remind all investigators to follow the stipulated procedures, and ensure that cases could be handled in a timely manner.

Q16 According to paragraph 3.28 of the Audit Report, the Audit Commission selected 10 outstanding suspected bogus marriage cases of Special Task Force Sub-sections (STF) for examination, 8 of the 10 cases were not accorded priority, investigation of these 8 cases could not be completed in 4 months after case assignment. According to the case officers, the main reasons for not being able to complete these cases were heavy workload and the need to investigate more urgent cases. Please advise:

- (a) Current staff establishment for handling normal cases and priority cases;
- (b) Has the Immigration Department reviewed if the current staff establishment is sufficient to cope with the increasingly heavy workload; if yes, what is the review outcome; if no, can the review be performed sooner; and
- (c) Following the above question, has it been evaluated by the Immigration Department if each investigator carries too heavy case load leading to large amount of backlog cases? If yes, what is the evaluation outcome; if it find that the case load is too heavy for investigators, will the Immigration Department increase manpower to expedite the handling of backlog cases?

A16 Under the existing staff establishment, there are 10 investigation teams under the Special Task Force and each team consists of five to six team members. Each investigation team will be assigned with both normal and priority cases. The investigation teams would strictly follow internal guidelines and accord priority in handling those cases which are defined as priority cases.

Investigation team would prioritise the cases according to the individual case circumstances, time of referral, seriousness, etc.

After a comprehensive review on the strategy and manpower in the combat against bogus marriages conducted in 2019, the Immigration Department centralised handling of all suspected bogus marriage cases to Special Task Force Sub-sections (STF) since the reorganisation of Investigation Sub-division in June 2019. In this connection, 10 new posts had been created and 21 existing posts under Outside Investigation Section designated to handle suspected bogus marriage cases were redeployed to STF. The total establishment of STF was increased to 53 posts. After the creation of 10 new posts, the manpower designated to handle suspected bogus marriage cases was increased by 23%.

In the first half of 2019 prior to the reorganisation, the Immigration Department arrested 491 suspects and processed 66 curtailed cases. In the second half of 2019 after the reorganisation, the Immigration Department arrested 604 suspects and processed 102 curtailed cases. It can be seen that the Immigration Department's ability to handle cases was significantly improved as the number of arrestees and case curtailment was respectively increased by around 23% and 55%.

The Immigration Department has always placed importance in trimming down case backlog. As at 30 April 2021, the 2 237 backlog cases mentioned in paragraph 3.19 of the Audit Report was reduced to 1 798, representing a decrease of around 20%. To expedite the processing of outstanding cases, the Immigration Department will gainfully redeploy manpower resources to form a special team to identify those outstanding cases that require expeditious investigation. The special team will re-assess the 1 798 outstanding backlog cases and categorise them, in eight weeks, based on their complexity. Cases of lower complexity, such as cases without syndicate elements or multiple marriages will be accorded higher priority in the clearance of backlog. The Immigration Department will strategically deploy available resources to effectively resolve the backlog situation.

Q17 According to paragraph 3.33(a) of the Audit Report, the Immigration Department will assess the manpower requirements and taking appropriate measures with a view to trimming down the number of backlog cases. Please advise:

(a) How do the relevant measures contribute to expedite actions in handling and reducing backlog cases?

- (b) Will the Immigration Department consider introducing innovative technologies to assist in expediting the processing and managing the outstanding cases? If yes, what are the details and costs involved; and
- (c) Will the Immigration Department aim at shortening the time frame for processing the abovementioned 2 237 backlog cases upon the assessment of the manpower requirements?

A17 After a comprehensive review on the strategy and manpower in the combat against bogus marriages conducted in 2019, the Immigration Department centralised handling of all suspected bogus marriage cases to Special Task Force Sub-sections (STF) since the reorganisation of Investigation Sub-division in June 2019. In this connection, 10 new posts had been created and 21 existing posts under Outside Investigation Section designated to handle suspected bogus marriage cases were redeployed to STF. The total establishment of STF was increased to 53 posts. After the creation of 10 new posts, the manpower designated to handle suspected bogus marriage cases was increased by 23%.

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The Immigration Department has always placed importance in trimming down case backlog. As at 30 April 2021, the 2 237 backlog cases was reduced to 1 798, representing a decrease of around 20%. To expedite the processing of outstanding cases, the Immigration Department will gainfully redeploy manpower resources to form a special team to identify those outstanding cases that require expeditious investigation. The special team will re-assess the 1 798 outstanding backlog cases and categorise them, in eight weeks, based on their complexity. Cases of lower complexity, such as cases without syndicate elements or multiple marriages will be accorded higher priority in the clearance of backlog. The Immigration Department will strategically deploy available resources to effectively resolve the backlog situation.

Meanwhile, the Immigration Department would actively consider including new features in the Enforcement Case Processing Systems (ENCAPS) under the next generation of Application and Investigation Easy Systems (APPLIES-2), to facilitate the investigation teams and Sub-section Heads in case investigation and monitoring the progress of handling of backlog cases.

The new features include strengthening the record check function against the suspects; automatic comparison against the movement record of the suspects; alerts to investigators on the update suspect's record; regular reminders for reviewing the investigation progress. In May 2018, the Finance Committee of the Legislative Council approved a sum of \$453 million for implementing APPLIES-2.

Q18 According to paragraph 3.33(f) of the Audit Report, the Immigration Department will further review and draw lessons from Case 1 to look for room for improvement in relation to investigation into suspected bogus marriage cases in future. So far, how does the Immigration Department further review Case 1? What lessons have been drawn from Case 1 to enhance the investigation work, especially avoiding the recurrence of prolonged investigation found in Case 1?

A18 The Immigration Department has been adopting all practicable means to investigate bogus marriage cases by conducting in-depth investigation on persons involved, collecting circumstantial evidence through various sources and different channels and effecting arrest in a timely manner. Regarding Case 1, five surprised home visits were conducted in 2013 for locating the suspect but in vain. Although the suspect had successfully been contacted by phone three times in 2013 and was requested to attend an enquiry, he failed to attend the scheduled interview on two occasions and declined to show up on the remaining one. Apparently, the suspect evaded the investigation deliberately.

As a matter of fact, the Immigration Department would formulate strategies to trace suspects in accordance with their personal background and the circumstances of each case. The existing measures are effective and most suspects within Hong Kong could be successfully intercepted. Learning from the experience of Case 1, the Immigration Department would take more different measures, which had been adopted in other sophisticated cases, to improve the investigation work on suspected BM cases, including i) to request for up-to-date contact or residence information from other government departments or public organisations, such as Social Welfare Department, Water Supplies Department, Mandatory Provident Fund Schemes Authority, public hospitals, Law Enforcement Agencies, etc.; ii) understanding suspects' pattern of habits and identifying the whereabouts of them by request for information from private companies, such as telecom service provider, Octopus Cards Limited, etc.; and iii) enlisting the assistance from Police to include the suspects as wanted persons in order to intercept them and conduct investigation at the earliest opportunity.

Q19 According to paragraphs 4.2 and 4.3 of the Audit’s Report, the Next Generation Application and Investigation Easy Systems (“APPLIES-2”) was implemented later than the target completion date stated in the FC funding paper and Project Management Plan. In view of this:

(a) Please describe in detail the latest implementation progress of APPLIES-2 and the spending situation of the project vote;

A19 At present, the APPLIES-2 project is in active progress and it is expected that (a) the Visa Automation (VISAS) System and Assistance to Hong Kong Residents, Births, Deaths and Marriage, Right of Abode Decision Support (ABROADS) System could be rolled out before end of 2021, which is in line with the target completion date stated in the FC funding paper, i.e. the 4th quarter of 2021.

The APPLIES-2 project adopts a “two-phased approach” to ensure a smooth transition from APPLIES to APPLIES-2. In Phase 1, all existing functions of APPLIES would be rolled out before the expiry of APPLIES’s maintenance contract in February 2022, whereas new functions of APPLIES-2 would be implemented in Phase 2. According to the Project Management Plan, the stages, i.e. “System Development, Testing and User Acceptance Test” of Phase 1 would be completed by November 2021. So far, no major risk or issue concerning the project has been identified.

With regard to the spending position of the APPLIES-2, apart from the awarded main contracts, more planned procurements for hardware, software and services will be arranged for the full implementation of the APPLIES-2. In addition to the cashflow requirement of \$372 million mentioned in the Audit’s Report, ImmD had completed the latest market researches for the procurement of new system for the 24-hour “1868” hotline of the Assistance to Hong Kong Residents Unit, peripheral devices, anti-virus and application software, etc. in March 2021. The estimated costs of all the upcoming procurements (together with the contingency provision) sum up to around \$80 million. Subject to the actual amount of the contract sum, ImmD does not foresee any significant underspending of the approved project fund (i.e. \$453 million).

Q19 What is the monitoring mechanism put in place by ImmD for APPLIES-2?

(b) What are the number of staff and post required by ImmD for carrying out the monitoring mechanism and the total annual expenditure involved?

A19 ImmD has adopted a three-tier project governance structure, including Project (b) Steering Committee (PSC), Working Group (WG) and Project Team, to oversee the implementation of APPLIES-2 project.

The PSC is accountable for the progress and performance of the project. The PSC was chaired by the Deputy Director of ImmD, while its membership was jointly formed by Security Bureau, Office of the Government Chief Information Officer and ImmD. It comprises the Chairperson, Executive, Senior User, IT advisor and Senior Technical roles.

The WG looks after the quality assurance work on behalf of the PSC from the business, user and technical perspectives. The WG was chaired by the Assistant Director (Information Systems) of ImmD whereas the membership was formed by ImmD. The WG consists of three roles, namely the Business Assurance Coordinator (Chairperson), the User Assurance Coordinator and the Technical Assurance Coordinator.

The Project Team assists to supervise the project management aspects including project schedule, procurement of hardware, software and implementation services, program development progress and reporting of potential risks and issues to WG and PSC. The Project Team was headed by Chief Immigration Officer and the membership was from ImmD business and technical aspects. The team works with the Contractor Project Team to provide business and technical requirements and review their deliverables.

No additional staff / post was created for the project governance and the related cost is internally absorbed.

In addition to the above mentioned project governance, Immigration Department Information Systems Coordination Committee, which is the Department's Information Technology Steering Committee also monitors the implementation progress of and makes recommendations on important issues relating to the APPLIES-2 project.

Q19 Why the actual date of the contract award was about 1 year later than the target completion date stated in FC funding paper? Does it incur substantial losses?
(c) And

A19 In May 2018, Finance Committee approved the funding provision for implementing APPLIES-2 to replace the existing APPLIES. In June 2018, the Government Logistics Department issued an open tender on behalf of Immigration Department to procure two main contracts for the supply and installation of APPLIES-2, and the provision of on-going system support and maintenance services. The tender was closed in August 2018 with eight offers received. During the tender evaluation stage, extra time was spent to clarify with tenderers on issues relating to tender proposals and investigate on

matters alleged in some anonymous complaints against the tenderers so as to ensure an open and fair assessment process. The two contracts were eventually awarded to two contractors in November 2019, about one year after the targeted contract award timeline, i.e. the fourth quarter of 2018, as stated in the funding paper.

Taking into consideration of the circumstances, the Project Steering Committee endorsed to adopt a “two-phased approach” which was carefully and strategically planned to ensure a smooth transition from APPLIES to APPLIES-2 without the need to further extend current maintenance service before the expiry of APPLIES’s maintenance contract in February 2022. In Phase 1, all existing functions of APPLIES would be rolled out. Therefore, no extra cost / loss will be incurred.

Q19 What specific measures are in place to strengthen the monitoring of the implementation progress of APPLIES-2 and catch up with the original schedule in order to ensure a smooth transition of APPLIES-1 to APPLIES-2 before the expiry of APPLIES-1’s maintenance contract in February 2022?

A19 The Project Team closely monitored the planned project activities, work progress of and deliverables submitted by the contractors and paid special attention to critical tasks in order to timely identified issues in taking remedial measures. The PSC and WG received project progress report (including information of project status, key activities and milestones, and outlook for next period) for monitoring the project’s implementation progress. Besides, the Project Team also reported to the Immigration Department Information Systems Co-ordination Committee regarding the project development status and important issues. The above arrangements has served the purpose for monitoring of APPLIES-2 project. So far, no major risk or issue affecting the transition from APPLIES to APPLIES-2 has been identified.

Q20 According to paragraph 4.8 of the Audit’s Report, ImmD had put in place a three-tier project governance structure comprising Project Steering Committee, Working Group and Project Team to oversee the implementation of APPLIES-2. In view of this, please advise:

(a) What are the intentions, functions and operations of the establishment of the three-tier project governance structure?

A20 Regarding the intentions and functions of the three-tier project governance structure, please refer to the response to Q19(b) for details.

Concerning the operation of the establishment, details are as follows:

The Project Team monitors the day-to-day project activities and report the

project progress to the WG to ensure all deliverables are on track in accordance with the Project Management Plan and meet the quality expectations. Any project risks and issues identified will be escalated to the WG.

The WG monitors the project's work progress according to the project schedule and examine the deliverables submitted by the contractors and recommendations made by the Project Team. The WG will make recommendations to the PSC on the deliverables as well as on the proposed mitigation/solution when there is project risk/ issue.

The PSC oversees and steers the implementation of APPLIES-2 project by providing overall direction and guidance to the WG and Project Team. Endorsement of project deliverables and payment of project milestones are rested with the PSC.

Q20 (b) The total number of members of the PSC, WG and Project Team; Why PSC and WG had not held regular meetings from November 2019 to February 2021; and

A20 (b) The total number of members of the PSC, WG and Project Team, including the chairperson and secretary, is 13, 14 and 36 respectively.

From January 2020 to February 2021, Hong Kong experienced four waves of COVID-19 infections. To prevent the spread of virus, the government has tightened social distancing measures and implemented work-from-home arrangements for government employees during the periods. As a result, meetings with the Project Steering Committee (PSC) and the Working Group (WG) were impeded. Since the APPLIES-2 project involved classified matters, with due consideration on the security and protection of classified information, project highlight reports and classified emails were issued to keep members of PSC and WG abreast of the updated project progress and seek their timely comments and directives. This alternative course of action has in fact served the purpose.

Q20 (c) At this stage, is ImmD satisfied with the effectiveness of implementing the three-tier project governance structure? Can it achieve the original purpose of establishing the structure?

A20 (c) The management and monitoring of the APPLIES-2 project by the three-tier project governance structure are found to be effective. The three-tier project governance structure achieved the original purpose.

Q21 According to paragraph 4.9(c) of the Audit's Report, ImmD expressed that APPLIES-2 project involves confidential matters. After careful consideration of security and protection of confidential data, ImmD decided not to hold any video conference for APPLIES-2 PSC and WG meeting during the outbreak of the COVID-19 epidemic. In view of such, would ImmD consider existing practice of progress report submission and email consultation could completely substitute video-conferencing or meetings? If not, would ImmD take reference from the practice of other departments that need to hold meetings when confidential matters are involved?

A21 According to the Office of the Government Chief Information Officer's guideline, one should not use public cloud unified communication services to communicate classified information. The commonly-used video conferencing solutions in the market were mostly riding on public cloud. Therefore, with due consideration on the security and protection of classified information, ImmD had decided not to adopt video conferencing solution for convening PSC and WG meetings. The arrangements to issue highlight reports and classified emails to keep members of PSC and WG abreast of the updated project progress and seek their timely comments and directives in lieu of onsite meeting or video conferencing has in fact served the purpose.

Q22 According to paragraph 4.11(a) of the Audit's Report, APPLIES-2 contracts for Category A and Category B account for one-off cost of \$272.7 million stated in Tender Evaluation Report, which was 25% or \$92.7 million lower than the pre-tender estimate of \$365.4 million. Please clarify if contracts for Category A and Category B only supply and install Category A and Category B systems under APPLIES-2? The said contracts do not include all the necessary hardware and software (see para. 4.12 of the Audit's Report)? Please confirm if the pre-tender estimate of \$365.4 million has included the estimated sum for all hardware, software and implementation services as mentioned in paragraph 4.10(a) of the Audit's Report.

A22 The two main contracts, i.e. Contracts A & B, are only for the supply and installation of APPLIES-2 and the provision of on-going system support and maintenance services. Other hardware and software, for example, workstations, peripheral devices, network equipment, anti-virus and application software, are not covered by these two main contracts.

The estimated cost for the procurement of all hardware, software and implementation services required for the implementation of APPLIES-2 as mentioned in paragraph 4.10(a) of the Audit Report, i.e. \$342.6 million, has covered the cost for contract A & B.

- Q23 According to paragraph 4.12 of the Audit's Report, there were other expenditures and procurements to be arranged as mentioned by ImmD, please elaborate. Please also enlist the items not included in Contract A, B, C and D. What are the latest procurement status?
- A23 Other than Contracts A, B, C & D which were awarded through the first and second tenders for the implementation of APPLIES-2 project, ImmD will conduct the 3rd tender exercise to acquire the hardware, software and services for the implementation of the new 1868 system to replace the existing "Hotline for Assistance to Hong Kong Residents Unit" system under the APPLIES-2 project scope. On the other hand, ImmD planned to purchase the remaining hardware, software and implementation services which are necessary for the implementation of APPLIES-2. Examples of these items are receipt printer, tag printer, octopus card reader and document editor software, etc. Currently, procurements of these items are underway or under preparation of tender documents.