CB2/BC/7/98

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By Fax (2868 1552)

9 December 1998

Secretary for Security

(Attn. : Mr K S SO)

6th floor, Main and East Wings

Central Government Offices

Central

Hong Kong

Dear Mr SO,

Bills Committee on
Immigration (Amendment) (No. 2) Bill 1998

At the meeting yesterday, the Bills Committee considered that the drafting of the following clauses in the Bill should be improved to remove ambiguity in application -

(a)   Clause 2 - in the proposed definitions of APEC Business Card and Travel Pass under section 2(1), the Administration should consider whether it will be clearer in meaning if the words 'enter Hong Kong' are used instead of 'come to Hong Kong'.

(b)   Clause 3 - as the policy intention of adding section 38A is to tighten up control of not lawfully employable persons taking up employment in construction work on construction sites, the drafting should clearly reflect this intention to avoid catching other unintended categories which are now dealt with by other provisions in the Immigration Ordinance.

The Administration is also requested to confirm its interpretation of the definition of "construction site controller" in section 38A of the Immigration Ordinance (Cap.115) as there seems to be a discrepancy between the Chinese and English texts. In the Chinese text, the description "who has control over or is in charge of a construction site" is plainly of a person other than a principal or main contractor, a subcontractor,

owner or occupier. However, at the Bills Committee meeting yesterday, no clear view was given on the effect of that expression in the English text.

Subject to your comments on the above, the Bills Committee would like to report to the House Committee on 18 December 1998. I should therefore appreciate if you could let me have your response and any draft Committee Stage amendments **on or before 14 December 1998** for circulation to members.

With best regards,

Yours sincerely,

(Mrs Constance LI)
Clerk to Bills Committee

c.c.	Hon James TO Kun-sun (Chairman)
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