

LEGISLATIVE COUNCIL BRIEF

Immigration Ordinance (Chapter 115)

IMMIGRATION (AMENDMENT) REGULATION 1998

INTRODUCTION

At the meeting of the Executive Council on 15 September 1998, the Council ADVISED and the Chief Executive ORDERED that the Immigration (Amendment) Regulation 1998 at Annex should be made.

BACKGROUND AND ARGUMENT

Background

2. Immigration Regulations provide for, among other things, the issue and renewal of a document of identity and a seaman's identity book. Overseas applicants for these travel documents may submit their applications to the Chinese embassies/consulates which will then refer the applications to the Immigration Department for processing. Applicants may collect their travel documents from the Chinese embassy/consulate to which their applications are submitted. In this case, the Director of Immigration (the Director) will collect a fee from the applicants to defray the expense of the postal/courier service provider. The fee amount varies, depending on the applicant's choice of mode of delivery i.e. double registered airmail vis-a-vis express dispatch service. However, there is no express legal provision which empowers the Director to charge a fee for the despatch service.

3. On the advice of the Department of Justice, we consider that it is more desirable to provide a statutory basis for the collection of the fee. Regulation 11(4) of the Immigration Regulations provides that any fee payable for the issue or renewal of travel documents under the Regulations may be remitted or refunded by the Director in such case as the Chief Executive may direct. We propose that Regulation 11(4) should be amended to provide for the remission or refund of the despatch fee.

THE REGULATION

4. The principal sections of the Immigration (Amendment) Regulation 1998 provide as follows-

- (a) **section 2** provides for a fee to be charged for sending a seaman's identity book or a document of identity to a place outside Hong Kong and the remission or refund of such fee; and
- (b) **section 3** prescribes the fee payable which varies according to the applicant's choice of mode of delivery i.e. double registered airmail vis-a-vis express dispatch service.

The Regulation will come into operation on a day to be specified by the Secretary for Security in the Gazette.

PUBLIC CONSULTATION

5. Public consultation is not considered necessary as it is difficult to identify the prospective overseas applicants for the concerned travel documents.

HUMAN RIGHTS IMPLICATIONS

6. The Department of Justice has advised that the Regulation is consistent with the human rights provisions of the Basic Law.

FINANCIAL AND STAFFING IMPLICATIONS

7. The amount of despatch fee collected per annum is minimal. The proposal to provide for a statutory basis to charge the fee will not generate additional revenue. There are no staffing implications.

ECONOMIC IMPLICATIONS

8. There will not be any significant economic implications.

LEGISLATIVE TIMETABLE

9. The legislative timetable approved by the Chief Executive in Council is-

Publication in the Gazette	25 September 1998
----------------------------	-------------------

Tabling in the Legislative Council	30 September 1998
---------------------------------------	-------------------

PUBLICITY

10. A press release will be issued concurrently with this Brief. The Regulation will be published in the Gazette on 25 September 1998.

ENQUIRY

11. For any enquiry on the Immigration (Amendment) Regulation 1998, please contact Miss Cathy Chu, Principal Assistant Secretary (Security) at 2810 2330.

Security Bureau
23 September 1998

IMMIGRATION (AMENDMENT) REGULATION 1998

(Made by the Chief Executive in Council under section 59 of
the Immigration Ordinance (Cap. 115))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Security by notice in the Gazette.

2. Fees

Regulation 11 of the Immigration Regulations (Cap. 115 sub. leg.) is amended -

(a) by adding -

“(1A) If an applicant for the issue or renewal of a seaman’s identity book or a document of identity wishes to collect the seaman’s identity book or document of identity at a place outside Hong Kong and the Director of Immigration considers that it is reasonably practicable to do so, an additional fee set out in item 24 of Schedule 2 shall be payable for delivering the seaman’s identity book or document of identity to that place.”;

(b) in paragraph (4), by adding “or (1A)” after “paragraph (1)”.

3. Fees payable under the Ordinance

Schedule 2 is amended by adding -

“24. Additional fee for delivering a seaman’s identity book or a document of identity to a place outside Hong Kong -

(a)	by double registered airmail	45
(b)	by express despatch service -	
	(i) Asia-Pacific	115
	(ii) North America and Europe.....	170
	(iii) Other places	335”.

Clerk to the Executive Council

COUNCIL CHAMBER

1998

Explanatory Note

This Regulation amends the Immigration Regulations (Cap. 115 sub. leg.) to prescribe an additional fee payable for delivering a seaman’s identity book or a document of identity to a place outside Hong Kong and provide for the remission or refund of such fee.