

SBCR 12/2091/99

CB2/BC/1/00

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4 May 2001

Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

By Fax No.: 2877 8024

(Attn.: Mrs Sharon Tong)

Dear Mrs Tong,

**Bills Committee on
Immigration (Amendment) Bill 2000**

Thank you for your letter of 24 April.

Our response to the issues raised in your letter is attached. I should be grateful if you could circulate it to Members of the Bills Committee as soon as possible.

Yours sincerely,

(Linda K P So)
for Secretary for Security

- 1. To provide a revised draft Gazette Notice pursuant to the proposed sections 2AB(7)(a) and 2AB(11).***

A copy of the revised draft Gazette Notice is at Annex A.

- 2. To provide the draft Committee Stage Amendments to be moved by the Administration.***

A copy of the draft Committee Stage Amendments to be moved by the Secretary for Security is at Annex B.

DRAFT
IMMIGRATION ORDINANCE (Chapter 115)
GENETIC TEST ARRANGEMENTS
FOR VERIFICATION OF PARENTAGE

It is hereby notified that, in exercise of the powers conferred by sections 2 AB(7)(a) and 2AB(11) of the Immigration Ordinance (Cap. 115), the Director of Immigration has made the following provisions : -

Designated authorities for tissue specimen taking, genetic testing and reporting

- A. Where a person applying for a Certificate of Entitlement is requested by the Director of Immigration to undergo a genetic test for verification of the claimed parentage, if he is residing in the Mainland of China, he and his claimed parent(s) residing in the Mainland of China shall attend the Exit-entry Administration Division of the Guangdong Provincial Public Security Department for specimen taking. The specimens will then be delivered to the Criminal Technology Division of the Guangdong Provincial Public Security Department for testing. The applicant's claimed parent(s) who is residing outside the Mainland of China shall attend the Immigration Department for specimen taking. The specimens will then be delivered to the Hong Kong Government Laboratory for testing. The test results of the two laboratories will be exchanged for collaborative analysis independently. Findings of the analysis will again be exchanged for cross checking before the test reports are issued to the Immigration Department and the Exit-entry Administration Division of the Guangdong Provincial Public Security Department.
- B. Where a person applying for a Certificate of Entitlement is requested by the Director of Immigration to undergo a genetic test for verification of the claimed parentage, if he is residing in the region of Taiwan, Macau or outside China, he and his claimed parent(s) shall attend the Immigration Department for specimen taking. The

specimens will then be delivered to the Hong Kong Government Laboratory for testing. The test reports will be issued to the Immigration Department.

Confirmation of identity of the persons to be tested and their consent to undergo the genetic test and to transfer of genetic data

- C. A person to be tested shall complete a record form, state his personal particulars, consent to undergo the genetic test and, if applicable, consent to transfer of genetic data.
- D. The record form shall contain information including :-
 - (i) the name, sex, date and place of birth, photograph, identity card /travel document number, finger prints, place of residence, address and telephone number of the person to be tested; and
 - (ii) signature of the person to be tested confirming his consent to undergo the test and, if applicable, to transfer of his genetic data for the collaborative analysis and cross checking between the two designated laboratories referred to in item A above.
- E. The information and particulars furnished in the record form must be true and correct.

Use and retention of tissue specimens

- F. The tissue specimens are to be used solely for the purpose of verification of the applicant's claimed parent and child relationship in connection with his Certificate of Entitlement application. The specimens are to be retained for a period not longer than necessary for such purpose.

Fee

- G. For Certificate of Entitlement applicants residing in the Mainland of China, a fee of HK\$_____ per application will be charged for the

genetic test conducted in Hong Kong for the applicant's claimed parent(s). It should be paid upon specimen taking in the Immigration Department.

- H. The fee payable for the genetic test conducted in the Mainland of China for the applicant and, where applicable, his claimed parent(s) shall be paid to the Mainland authorities as specified by the Mainland authorities.
- I. For Certificate of Entitlement applicants residing in the region of Taiwan, Macau or outside China, a fee of HK\$_____ per application will be charged for the genetic test conducted in Hong Kong for the applicant and his claimed parent(s). Payment of the fee should be made upon specimen taking in the Immigration Department.

Fee waiver

- J. Applicants may apply for waiver of fee for the genetic test conducted in Hong Kong on grounds of financial hardship. Applications for waiver of fee shall be made in writing with supporting documents to the Immigration Department. Each case will be considered on its own merits.

date/month/2001

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Annex B

DMA# 42102v1
1th draft: 3.5.2001

IMMIGRATION (AMENDMENT) Bill 2000

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

Clause

2(b)

Amendment Proposed

- (a) In the proposed section 2AB(7)(a), by deleting "require" and substituting "request".
- (b) In the proposed section 2AB(8), by deleting "such adverse inferences" and substituting "any inference".
- (c) In the proposed section 2AB(9), by deleting "requires" and substituting "requests".