

For discussion
on 1 March 2005

Legislative Council Panel on Security

Automated Immigration Clearance: Proposal to amend the Immigration Ordinance (Cap. 115)

Purpose

This paper briefs Members on a proposal to amend the Immigration Ordinance, Cap. 115 (“the Ordinance”) to provide for verification of identity of certain persons by automated means and to provide for related matters.

Background

2. To improve people and cargo flows at control points and to cope with the ever-increasing passenger and vehicular traffic, the Immigration Department (ImmD) has started to roll out Automated Passenger Clearance Channels (e-Channels) in phases since mid-December 2004. ImmD plans to install about 270 e-Channels at our control points by mid-2006 and to begin to roll out Automated Vehicle Clearance (AVC) kiosks to facilitate the movement of cross-boundary vehicles in phases in the first quarter of 2005.

3. With the use of smart identity card which contains in its chip the template of the holder’s thumb-prints or other fingerprints, it is possible for ImmD to use automated means like e-Channels and AVC kiosks to verify the identity of a Hong Kong permanent resident, who enjoys the right of abode and may land in Hong Kong without the permission of an immigration officer or immigration assistant. Therefore, Hong Kong permanent residents aged 11* or above holding a smart identity card may, instead of going through immigration clearance at traditional counters, opt

* A smart identity card issued to a person aged below 11 does not contain the thumb-print template of the holder and cannot be used at e-channels and AVC kiosks.

for submitting themselves on a voluntary basis for verification of their identity by automated means.

4. As for other persons such as visitors and non-permanent residents whose limit of stay have expired, under section 7 of the Ordinance they require permission to land granted upon their landing in Hong Kong. Where such permission is given, a limit of stay and such other conditions of stay may be imposed on them by an immigration officer or immigration assistant through making an endorsement on their travel documents. Upon such persons' departure from Hong Kong, an immigration officer or immigration assistant will examine if they have overstayed their limit of stay before stamping on their travel documents and allowing them to leave. Without legislative amendments to the Ordinance (e.g. statutory authority to deem permission to land provided by automated means as permission to land given by an immigration officer or immigration assistant under section 11 of the Ordinance), traditional immigration examination for such persons cannot be replaced by automated means. We propose to allow frequent visitors (e.g. travel pass holders) and non-permanent residents holding a smart identity card with a valid limit of stay to opt for self-service immigration clearance by automated means as soon as the necessary legislative amendments are in place.

Legislative proposal

5. Accordingly, we propose to amend the Ordinance so that the Director of Immigration may provide for an automated means –

- (a) to verify the identity of certain classes or description of persons who submit themselves for such verification voluntarily; and
- (b) to give permission to land in Hong Kong (including a limit of stay and any other conditions of stay as necessary) to any person who has submitted himself voluntarily for verification under (a) above and who by virtue of section 7(1) of the Ordinance may not land in Hong Kong without the permission of an immigration officer or immigration assistance. Such permission to land (including a limit of stay and any other conditions of stay) provided by automated means shall be deemed to be permission to land given by an immigration

officer or immigration assistance under section 11 of the Ordinance.

6. Given that verification of identity by automated means will be on voluntary basis and to ensure that immigration control will not be compromised in circumstances such as technical failure of the e-Channels or AVC kiosks, it will be provided that an immigration officer or immigration assistant may require a person who has submitted himself for verification by automated means to undergo a traditional immigration examination under section 4(1)(a) of the Ordinance.

Frequent visitors

7. Under the proposed amendments referred to in paragraph 5 above and on the basis that the integrity of immigration control in Hong Kong will not be compromised, we intend to first allow frequent visitors holding a travel pass issued by the Director of Immigration to opt for automated means. Travel pass holders who wish to enjoy self-service immigration clearance at e-Channels may enroll their fingerprints with ImmD. For those who do not wish to use such facilities, they can continue to use the traditional services.

Legislative timetable

8. We aim to introduce an amendment bill into the Legislative Council within the current legislative session.

Advice sought

9. Members are invited to provide their views on the legislative proposal set out in this paper.

Security Bureau
18 February 2005