

## **LEGISLATIVE COUNCIL BRIEF**

Immigration Ordinance  
(Chapter 115)

### **IMMIGRATION (AMENDMENT) REGULATION 2014**

#### **INTRODUCTION**

At the meeting of the Executive Council on 25 November 2014, the Council ADVISED and the Chief Executive ORDERED that the Immigration (Amendment) Regulation 2014, at **Annex**, should be made under section 59 of the Immigration Ordinance (Cap. 115) (the Ordinance) to –

- (a) repeal regulation 3(d) of the Immigration Regulations (Cap. 115 sub. leg. A) (the Regulations) which provides for the power of the Director of Immigration (the Director) to issue and renew a visitor's permit for a resident of Macau and the related items 12 and 13 of Schedule 2 to the Regulations;
- (b) repeal item 14A of Schedule 2 to the Regulations in relation to entry permits issued to Taiwan residents by electronic means (iPermit); and
- (c) increase the prescribed fees payable in relation to visas/entry permits and travel documents.

#### **JUSTIFICATIONS**

2. Fees are payable for the issue, renewal, replacement, endorsement and delivery of visas/entry permits and travel documents and associated services. These fees are set out in Schedule 2 to the Regulations. In accordance with section 59 of the Ordinance, the Chief Executive in Council may make regulations for fees payable in respect of the issue or renewal of documents

issued by or on behalf of the Director or in respect of visas or any other matters arising under the Ordinance.

### **Increase in 15 fees**

3. It is government policy that fees charged by the Government should in general be set at levels sufficient to recover the full cost of providing the services. In the 2013-14 Budget Speech, the Financial Secretary emphasized the need to review fees and charges systematically for upholding the “user pays” principle, with priority given to those fees that had not been revised for years and did not directly affect people’s livelihood, as well as items which had low cost recovery rates. The 15 fees that we are proposing to increase were last revised in 2001 or 2006.

4. A recent costing review conducted at 2014-15 prices shows that some existing fees for the issue, renewal, replacement, endorsement and delivery of visas/entry permits and travel documents and associated services only recover 22% to 73% of the full cost of providing the service. In order to achieve full cost recovery gradually and avoid a steep fee increase, we propose an 11% to 21% increase in the fees payable for these services based on the government-wide general guidelines for fee increases. Details are set out below –

		<b>Existing Fee (last revision date)</b>	<b>Cost recovery level at 2014-15 price level</b>	<b>Proposed Fee</b>	<b>Proposed Revision (rate of increase)</b>	<b>Cost Recovery Rate after the Proposed Revision</b>
(a)	Seaman’s identity book (whether of full or restricted validity)	\$215 (Jun 2006)	38%	\$260	+\$45 (21%)	46%
(b)	Ordinary visa	\$160 (Jun 2006)	22%	\$190	+\$30 (19%)	26%

		<b>Existing Fee (last revision date)</b>	<b>Cost recovery level at 2014-15 price level</b>	<b>Proposed Fee</b>	<b>Proposed Revision (rate of increase)</b>	<b>Cost Recovery Rate after the Proposed Revision</b>
(c)	Transit visa	\$84 (Jun 2006)	22%	\$100	+\$16 (19%)	27%
(d)	Change of conditions of stay or extension of limit of stay	\$160 (Jun 2006)	22%	\$190	+\$30 (19%)	26%
(e)	Entry permit valid for 1 entry	\$160 (Jun 2006)	22%	\$190	+\$30 (19%)	26%
(f)	Entry permit for multiple entries and valid for 1 year	\$325 (Jun 2006)	22%	\$390	+\$65 (20%)	27%
(g)	Entry permit for multiple entries and valid for 3 years	\$650 (Jun 2006)	22%	\$780	+\$130 (20%)	27%
(h)	Endorsement to a travel document for which no specific fee is provided	\$165 (Jun 2006)	38%	\$200	+\$35 (21%)	46%
(i)	Service charge for supplying, on application, a copy of any document, or for making or	\$180 (Jun 2006)	38%	\$215	+\$35 (19%)	45%

		<b>Existing Fee (last revision date)</b>	<b>Cost recovery level at 2014-15 price level</b>	<b>Proposed Fee</b>	<b>Proposed Revision (rate of increase)</b>	<b>Cost Recovery Rate after the Proposed Revision</b>
	forwarding, or both, a request or recommendation to any authority of a foreign state, for consular or nationality registration or for the issue or renewal of a passport or other travel document or of a document of identity or for the grant of a visa or entry permit					
(j)	APEC business travel card valid for a period of not more than 5 years	\$427 (Apr 2001)	69%	\$490	+\$63 (15%)	79%
(k)	Replacement of an APEC business travel card for the remainder of its validity	\$165 (Jun 2006)	62%	\$190	+\$25 (15%)	71%

		<b>Existing Fee (last revision date)</b>	<b>Cost recovery level at 2014-15 price level</b>	<b>Proposed Fee</b>	<b>Proposed Revision (rate of increase)</b>	<b>Cost Recovery Rate after the Proposed Revision</b>
	period					
(l)	Travel pass valid for not more than 3 years	\$575 (Jun 2006)	64%	\$660	+\$85 (15%)	73%
	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service –					
(m)	Asia-Pacific	\$125 (Jun 2006)	64%	\$145	+\$20 (16%)	74%
(n)	North America and Europe	\$180 (Jun 2006)	73%	\$200	+\$20 (11%)	82%
(o)	Other places	\$250 (Jun 2006)	69%	\$290	+\$40 (16%)	80%

### **Amendments in relation to the issue and renewal of a visitor's permit for a resident of Macau**

5. With the launch of the Visit Permit for Residents of Macau SAR to Hong Kong SAR by the Macau Special Administrative Region Government following reunification in 1999, issue of a visitor's permit for a resident of

Macau for multiple visits and single visit was ceased in 2000 and 2004 respectively. As these two types of visitor's permit are now obsolete, regulation 3(d) of the Regulations which empowers the Director to issue and renew a visitor's permit for a resident of Macau should be repealed, together with the related items 12 and 13 of Schedule 2 to the Regulations.

### **Amendment in relation to the iPermit**

6. The iPermit Scheme was terminated in March 2014 as the demand for it has declined sharply following the launch of the free online arrangement for visitors from Taiwan in September 2012, namely the Pre-arrival Registration for Taiwan Residents. Item 14A of Schedule 2 to the Regulations in relation to the iPermit is now obsolete and should be repealed.

### **IMMIGRATION (AMENDMENT) REGULATION 2014**

7. The Immigration (Amendment) Regulation 2014 –

- (a) repeals regulation 3(d) of the Regulations which provides for the power of the Director to issue and renew a visitor's permit for a resident of Macau and the related items 12 and 13 of Schedule 2 to the Regulations;
- (b) repeals item 14A of Schedule 2 to the Regulations which relates to an entry permit for 2 entries that is valid for 2 months and issued by electronic means; and
- (c) increases the fees under items 1, 5, 6, 7, 14, 16, 17, 18, 19, 22(a) and (b), 23, 24(b)(i) to (iii) of Schedule 2 to the Regulations payable for the issue or renewal of documents issued by or on behalf of the Director and for visas and other matters.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is as follows –

Publication in the Gazette	5 December 2014
Tabling at the Legislative Council	10 December 2014
Commencement	9 February 2015

## **IMPLICATIONS OF THE PROPOSAL**

9. The Immigration (Amendment) Regulation 2014 is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, family, environmental or sustainability implications, and will not affect the current binding effect of the Ordinance.

10. The Immigration Department (ImmD) regularly reviews its operational systems to enhance cost effectiveness as well as the quality of services. Measures including applying information technology to streamline work flow, downgrading posts and increasing productivity have been taken to control costs and to enhance efficiency since the last fee revision exercise in 2005-06. Efficiency savings from these efforts have been factored into the calculation of the fees to be charged by ImmD for the provision of their services.

11. Additional revenue arising from the proposal to increase fees is estimated to be around \$21 million per annum. The proposal to repeal the visitor's permit to a resident of Macau and the iPermit has no financial implications as the relevant permits have already been abolished.

## **PUBLIC CONSULTATION**

12. The Administration issued a paper to the Legislative Council Panel on Security in June 2014 on proposals to revise 26 fees and charges (24 statutory and two administrative) for services under ImmD's purview, which included the 15 fees for the issue, renewal, replacement, endorsement and delivery of visas/entry permits and travel documents and associated services. We also proposed to repeal an obsolete item in relation to the iPermit under Schedule 2 to the Regulations and indicated that we would proceed with the legislative amendments necessary to repeal the two items under Schedule 2 concerning

visitor's permits for residents of Macau for multiple visits and single visits as agreed by the Panel in the last fee revision exercise in 2005-06. Members of the Panel raised no objection to the proposals.

## **PUBLICITY**

13. A press release will be issued and a spokesperson will be available for answering media enquiries.

## **ENQUIRIES**

14. For enquiries on this brief, please contact Ms Amy WONG, Principal Assistant Secretary for Security, at 2810 2330.

**Security Bureau**  
**December 2014**



## Immigration (Amendment) Regulation 2014

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

### 1. Commencement

This Regulation comes into operation on 9 February 2015.

### 2. Immigration Regulations amended

The Immigration Regulations (Cap. 115 sub. leg. A) are amended as set out in sections 3 and 4.

### 3. Regulation 3 amended (issue of documents)

Regulation 3—

**Repeal paragraph (d).**

### 4. Schedule 2 amended (fees payable under the Ordinance)

(1) Schedule 2, item 1—

**Repeal**

“215”

**Substitute**

“260”.

(2) Schedule 2, item 5—

**Repeal**

“160”

**Substitute**

“190”.

(3) Schedule 2, item 6—

**Repeal**

“84”

**Substitute**

“100”.

(4) Schedule 2, item 7—

**Repeal**

“160”

**Substitute**

“190”.

(5) Schedule 2—

**Repeal items 12 and 13.**

(6) Schedule 2, item 14—

**Repeal**

“160”

**Substitute**

“190”.

(7) Schedule 2—

**Repeal item 14A.**

(8) Schedule 2, item 16—

**Repeal**

“325”

**Substitute**

“390”.

(9) Schedule 2, item 17—

**Repeal**

“650”

- Substitute**  
 “780”.
- (10) Schedule 2, item 18—  
**Repeal**  
 “165”  
**Substitute**  
 “200”.
- (11) Schedule 2, item 19—  
**Repeal**  
 “180”  
**Substitute**  
 “215”.
- (12) Schedule 2, item 22(a)—  
**Repeal**  
 “427”  
**Substitute**  
 “490”.
- (13) Schedule 2, item 22(b)—  
**Repeal**  
 “165”  
**Substitute**  
 “190”.
- (14) Schedule 2, item 23—  
**Repeal**  
 “575”  
**Substitute**

- “660”.
- (15) Schedule 2, item 24(b)(i)—  
**Repeal**  
 “125”  
**Substitute**  
 “145”.
- (16) Schedule 2, item 24(b)(ii)—  
**Repeal**  
 “180”  
**Substitute**  
 “200”.
- (17) Schedule 2, item 24(b)(iii)—  
**Repeal**  
 “250”  
**Substitute**  
 “290”.

Clerk to the Executive Council

COUNCIL CHAMBER

2014

### Explanatory Note

The object of this Regulation is to amend the Immigration Regulations (Cap. 115 sub. leg. A) to—

- (a) repeal regulation 3(d) of the Regulations (which provides for the power of the Director of Immigration (*the Director*) to issue and renew a visitor's permit for a resident of Macau) and the related items 12 and 13 of Schedule 2 to the Regulations;
- (b) repeal item 14A of Schedule 2 to the Regulations (which relates to an entry permit for 2 entries that is valid for 2 months and issued by electronic means); and
- (c) revise various fees in Schedule 2 to the Regulations payable for the issue or renewal of documents issued by or on behalf of the Director and for visas and other matters.