

Index Page

Replies to supplementary/ oral questions raised by Finance Committee Members in examining the Estimates of Expenditure 2017-18

Director of Bureau : Secretary for Security

Session No. : 1

File Name : SB-2S-e1.doc

| Reply Serial No. | Question Serial No. | Name of Member | Head | Programme |
|--------------------------|---------------------------|---------------------------|------|-------------------------|
| SV-SB001 | SV002 | YIU Si-wing | 151 | (3) Immigration Control |
| SV-SB002 | SV003 | LEUNG Kwok-hung | 70 | (2) Control upon Entry |
| SV-SB003 | SV001 | SHIU Ka-chun | 122 | |
| S-SB001 | S0037 | LAU Siu-lai | 151 | (3) Immigration Control |
| S-SB002 | S0005 | KWOK Wai-keung | 70 | (1) Pre-entry Control |
| S-SB003 | S0001 | LAU Siu-lai | 70 | (1) Pre-entry Control |
| S-SB004 | S0002 | LAW Kwun-chung, Nathan | 70 | (1) Pre-entry Control |
| S-SB005 | S0009 | LAW Kwun-chung, Nathan | 122 | (4) Operations |

CONTROLLING OFFICER'S REPLY

SV-SB001

(Question Serial No. SV002)

Head: (151) Government Secretariat: Security Bureau

Subhead (No. & title): () Not Specified

Programme: (3) Immigration Control

Controlling Officer: Permanent Secretary for Security (Joshua LAW)

Director of Bureau: Secretary for Security

Question:

In the Reply Serial No. SB179:

What are the numbers of parallel traders whose identity are Hong Kong residents in the past 3 years?

(Raised at 2:36 pm on 31 March 2017)

Asked by: Hon YIU Si-wing

Reply:

Under the Import and Export Ordinance (Cap. 60), it is an offence to import or export any unmanifested cargo, but cargo does not include items carried, and imported or exported by passengers on board a vessel, aircraft or vehicle. Unless a passenger (whether he/she is a Hong Kong resident or a visitor) carries prohibited or controlled items, parallel trading activities *per se* is not an offence. On the other hand, pursuant to the Immigration Ordinance (Cap. 115), any person who enters Hong Kong as a visitor and contravenes a condition of stay in respect of him, including taking any employment, whether paid or unpaid, or establishing or joining in any business, without approval by the Director of Immigration, shall be guilty of an offence. Passengers who, as visitors, contravene conditions of stay by involving in parallel trading activities may be prosecuted and refused entry by the Immigration Department in future.

Powdered formula (including milk powder and soya milk powder) for infants and young children under 36 months are specified as prohibited articles under Schedule 2 of the Import and Export (General) Regulation (Cap. 60 sub. leg. A). Unless export licences are possessed, unlicensed export of them to any place outside Hong Kong is prohibited. The respective numbers of Hong Kong residents arrested by Hong Kong Customs and Excise Department (C&ED) for detected export of unlicensed powdered formula in 2014, 2015 and 2016 are 1 547, 2 083 and 1 806, whereas the respective numbers of Hong Kong residents arrested by C&ED for bringing other prohibited and controlled items to depart Hong Kong during the same period are 17, 26 and 36.

- End -

CONTROLLING OFFICER'S REPLY

SV-SB002

(Question Serial No. SV003)

Head: (70) Immigration Department

Subhead (No. & title): (000) Operational Expenses

Programme: (2) Control upon Entry

Controlling Officer: Director of Immigration (K W TSANG)

Director of Bureau: Secretary for Security

Question:

A follow-up question on the reply to question SB152:

What are the establishment and annual salary costs of the immigration facilities required at the Guangzhou-Shenzhen-Hong Kong Express Rail Link West Kowloon Terminus? (Excluding the information on Hong Kong-Zhuhai-Macao Bridge Hong Kong port)

(Question raised at: 3:32 p.m. on 31 March 2017)

Asked by: Hon LEUNG Kwok-hung

Reply:

In 2017-18, there will be 307 newly created posts in the Immigration Department's establishment for performing immigration control and relevant duties at the control point at the Guangzhou-Shenzhen-Hong Kong Express Rail Link West Kowloon Terminus with the total annual salary costs of about \$133 million in terms of the notional annual mid-point salary.

- End -

CONTROLLING OFFICER'S REPLY

SV-SB003

(Question Serial No. SV001)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (603) Plant, vehicles and equipment

Programme: (-) Not specified

Controlling Officer: Commissioner of Police (LO Wai-chung)

Director of Bureau: Secretary for Security

Question:

Follow-up questions regarding Reply SB083:

- i) please provide the records of operations of the 6 “Unimog” armoured vehicles since 2009; and
- ii) the records of operations of the 3 specialised unmarked armoured vehicles acquired in 2015.

(Time of question raised : 2:35 pm on 31 March 2017)

Asked by: Hon SHIU Ka-chun

Reply:

- i) “Unimog” armoured vehicles are heavy equipment of the Police Tactical Unit, which the Police Force uses for the purposes of operation, training and exhibition in activities. The vehicles have been used for the purpose of exhibition on 55 occasions since February 2009. Since other records of operations of the vehicles are part of the Force’s operational deployment details, it is inappropriate to disclose such information.
- ii) The 3 specialised unmarked armoured vehicles mentioned in the question are in the middle of the procurement process.

- End -

CONTROLLING OFFICER'S REPLY

S-SB001

(Question Serial No. S0037)

Head: (151) Government Secretariat: Security Bureau

Subhead (No. & title): (-) Not Specified

Programme: (3) Immigration Control

Controlling Officer: Permanent Secretary for Security (Joshua LAW)

Director of Bureau: Secretary for Security

Question:

In Reply Serial No. CEDB(CCI)017, the Government states that Belt and Road promotional tours to countries with market potential, such as Iran, Indonesia, Malaysia and India will be organised in collaboration with the film industry from 2017, with a view to attracting film producers to come to Hong Kong for post-production and location film and production facilitation services.

However, according to the United Nations Sanctions (Joint Comprehensive Plan of Action – Iran) Regulation (L.N.178), the Government has the right to prohibit against making available or dealing with financial assets or economic resources which involve certain persons or entities and to prohibit against the entry or transit by certain persons. In this connection, will the Government inform this Committee of the following:

1. In view of the political situation of Iran, some film producers have been forced to go on exile. Will the Government allow these people to come to Hong Kong for film production? If these people submit a torture claim while they are working in Hong Kong, what will the Government do?
2. How many such cases as mentioned in question (1) did the Government come into contact or handle in the past 3 years?

Asked by: Hon LAU Siu-lai

Reply:

1. Foreign nationals (including Iranian nationals) who possess special skills, knowledge or experience of value to and not readily available in the Hong Kong Special Administrative Region may apply to come to work under the General Employment Policy (GEP). The policy is quota-free and non-sector specific. An application may be favourably considered if the applicant fulfils normal immigration requirements and the eligibility criteria.

Under section 37W of the Immigration Ordinance (Cap 115), a foreign national may claim non-refoulement protection in Hong Kong only if he meets the following requirements: (a) he is subject or liable to removal from Hong Kong; and (b) apart from a torture risk State, he does not have a right of abode or right to land in, or right to return to, any other State in which he would be entitled to non-refoulement protection. According to this provision, an Iranian national in Hong Kong who is subject or liable to removal from Hong Kong may not claim non-refoulement protection in Hong Kong if he is entitled to non-refoulement protection in any State other than Iran.

2. The Immigration Department (ImmD) does not maintain figures on Iranian nationals applying to come to Hong Kong for film productions under the GEP. As mentioned above, foreign nationals (including Iranian nationals) in Hong Kong may not claim non-refoulement protection in Hong Kong if they are entitled to non-refoulement protection in other States.

On the other hand, since implementation of the unified screening mechanism in March 2014 and up till February 2017, the ImmD received a total of 7 non-refoulement claims made by Iranian nationals. Screening of all these claims has been completed. The ImmD does not maintain separate figures in respect of the background (such as their occupation) of claimants.

- End -

CONTROLLING OFFICER'S REPLY**S-SB002****(Question Serial No. S0005)**Head: (70) Immigration DepartmentSubhead (No. & title): ()Programme: (1) Pre-entry ControlControlling Officer: Director of Immigration (K W TSANG)Director of Bureau: Secretary for SecurityQuestion:

The Capital Investment Entrant Scheme has been suspended with effect from 15 January 2015 and there were still applications approved in 2015-16 and 2016-17.

- (1) What is the number of outstanding applications?
- (2) The breakdown statistics by type of investment of approved applicants in the past 2 years.

Asked by: Hon KWOK Wai-keungReply:

- (1) The Capital Investment Entrant Scheme (the Scheme) has been suspended with effect from 15 January 2015. However, the Immigration Department will continue to process the applications received before the suspension of the Scheme. As at the end of March 2017, there were 6 322 applications pending processing.
- (2) The breakdown statistics by class of investment assets of approved applicants under the Scheme in the past 2 years are tabulated as follows:

| Class of Permissible Investment Assets | Investment amount (\$billion) | |
|--|-------------------------------|---------|
| | 2015-16 | 2016-17 |
| Debt securities | 7.22 | 11.94 |
| Equities | 10.11 | 10.18 |
| Eligible Collective Investment Schemes | 7.25 | 7.48 |
| Certificates of deposits | 0.13 | 0.09 |
| Total investment amount | 24.71 | 29.69 |

- End -

CONTROLLING OFFICER'S REPLY**S-SB003****(Question Serial No. S0001)**Head: (70) Immigration DepartmentSubhead (No. & title): (000) Operational ExpensesProgramme: (1) Pre-entry ControlControlling Officer: Director of Immigration (K W TSANG)Director of Bureau: Secretary for SecurityQuestion:

Regarding Reply Serial No. SB172, please further inform this Committee of:

- (1) the breakdown of the number of visitors and seamen refused entry by region according to the same table in the document;
- (2) the reasons for Mainland visitors having been refused entry and the numbers of refused entry for various reasons in each of the past 5 years;
- (3) the numbers of visitors from the Republic of China (Taiwan), Japan, Korea and Malaysia who were refused entry under "Asia and the Pacific Region (Other than Mainland China)" in the past 5 years.

Asked by: Hon LAU Siu-laiReply:

The numbers of visitors and seamen from Mainland China refused entry in the past 5 years are tabulated by reason for refusal as follows:

| Reason for refusal \ Year | 2012 | 2013 | 2014 | 2015 | 2016 |
|---------------------------------------|--------|--------|--------|--------|--------|
| Doubtful purpose of visit | 19 764 | 27 467 | 32 060 | 41 798 | 35 528 |
| Improperly documented ^{Note} | 2 369 | 1 509 | 2 218 | 1 789 | 2 120 |
| Forged travel document | 92 | 148 | 54 | 17 | 11 |
| Total | 22 225 | 29 124 | 34 332 | 43 604 | 37 659 |

Note: Including those not holding valid endorsement.

The Immigration Department does not maintain other breakdown statistics mentioned in the question.

- End -

CONTROLLING OFFICER'S REPLY

S-SB004

(Question Serial No. S0002)

Head: (70) Immigration Department
Subhead (No. & title): (000) Operational Expenses
Programme: (1) Pre-entry Control
Controlling Officer: Director of Immigration (K W TSANG)
Director of Bureau: Secretary for Security

Question:

- (1) Regarding Controlling Officer's Reply SB172, what were the numbers in relation to Taiwan under the breakdown of Asia and the Pacific Region (Other than Mainland China) in respect of the work of "preventing the entry of undesirable persons who are likely to pose a threat to the security, prosperity and well-being of Hong Kong" in the past 5 years?
- (2) Regarding Controlling Officer's Reply SB172, what were the numbers in relation to North Korea under the breakdown of Asia and the Pacific Region (Other than Mainland China) in respect of the work of "preventing the entry of undesirable persons who are likely to pose a threat to the security, prosperity and well-being of Hong Kong" in the past 5 years?

Asked by: Hon LAW Kwun-chung, Nathan

Reply:

The Immigration Department does not maintain the breakdown statistics mentioned in the question.

- End -

CONTROLLING OFFICER'S REPLY

S-SB005

(Question Serial No. S0009)

Head: (122) Hong Kong Police Force

Subhead (No. & title): (000) Operational expenses

Programme: (4) Operations

Controlling Officer: Commissioner of Police (LO Wai-chung)

Director of Bureau: Secretary for Security

Question:

- (1) Further to the controlling officer's reply to SB084, please list the actual expenditure and estimates of "specialist supplies and equipment" from 2012 to 2017 by the 3 categories of "operational gear and supplies for supporting the frontline", "protection gear" and "equipment for law enforcement and gathering evidence".
- (2) Please list the items/quantities, the amounts involved and the names of the contractors of the open tenders run by the Police Force under "specialist supplies and equipment" from 2014 to 2017.
- (3) When the Police acquire the operational gear, are there any independent assessments made regarding, among other things, the hazards and the scope of use of the gear? If so, what are the details? If not, is there any plan to devise the relevant procedures?
- (4) Do the Police have established procedures for determining which of the "operational gear and supplies for supporting the frontline" requires arrangements for appropriate training and formulation of code of practice? If so, what are the details? If not, is there any plan to devise the relevant procedures?

Asked by: Hon LAW Kwun-chung, Nathan

Reply:

- (1) The provision for "specialist supplies and equipment" of the Police Force is mainly for the procurement of 3 types of equipment: operational gear and supplies for supporting the frontline, protection gear, and equipment for law enforcement and gathering evidence. The expenditure and breakdown of the procurement of the above supplies and equipment are part of the Force's operational deployment details. It is inappropriate to disclose such information.

- (2) The relevant information on the open tenders run by the Force from 2014 to 2017 is available on the Government's e-Tender Box website (<http://www.gldetb.gov.hk/>).
- (3) & (4) Before procuring the operational gear, the Force will assess if the equipment is suitable for the use of the Force. The Force will formulate code of practice and arrange appropriate training for officers with regard to the gear.

- End -