

## **LEGISLATIVE COUNCIL BRIEF**

Immigration Ordinance  
(Chapter 115)

### **IMMIGRATION (PLACES OF DETENTION) (AMENDMENT) ORDER 2018**

Immigration Service Ordinance  
(Chapter 331)

### **IMMIGRATION SERVICE (DESIGNATED PLACES) (AMENDMENT) ORDER 2018**

## **INTRODUCTION**

The Secretary for Security has made the Immigration (Places of Detention) (Amendment) Order 2018, at **Annex A**, and the Immigration Service (Designated Places) (Amendment) Order 2018, at **Annex B** (the Amendment Orders) under section 35(1) of the Immigration Ordinance (Chapter 115) and section 13A(9) of the Immigration Service Ordinance (Chapter 331) respectively in order to set up detention quarters upon commissioning of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) West Kowloon Station (WKS) Port (WKS Port) for use by the Immigration Department (ImmD) in its daily immigration control and law enforcement.

## **JUSTIFICATIONS**

2. The WKS is a station in the Hong Kong Section of the XRL. It will provide clearance facilities for cross-boundary passengers using the XRL, which is a mega cross-boundary railway infrastructure project connecting Hong Kong with the major Mainland cities via the national high-speed rail network. The Hong Kong Section of the XRL is anticipated to commission in September 2018.

3. At present, ImmD has set up detention quarters in such control points as the Hong Kong International Airport, Lok Ma Chau Spur Line and the Hong Kong Port Area of Shenzhen Bay Port. There will be the same arrangement in the Hong Kong Port of the Hong Kong-Zhuhai-Macao Bridge to be established. Similarly, ImmD needs to set up detention quarters at the WKS Port for its daily immigration control and law enforcement upon commissioning of the WKS Port. The detention quarters concerned will be set up in the area under the jurisdiction of the Hong Kong Special Administrative Region (HKSAR) and only be used by the ImmD of the HKSAR. For this purpose, Schedule 3 of the Immigration (Places of Detention) Order (Chapter 115B) and the Schedule to the Immigration Service (Designated Places) Order (Chapter 331B) have to be amended accordingly.

## **AMENDMENT ORDERS**

4. Section 1 of the respective Amendment Orders at **Annex A** and **Annex B** provides that the Amendment Orders would come into operation on the commencement date of the Ordinance enacted by the Legislative Council through the passage, with or without amendment, of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill<sup>1</sup>, in order to meet ImmD's needs to carry out daily immigration control and law enforcement upon commissioning of the WKS Port.

5. Section 2 of the Immigration (Places of Detention) (Amendment) Order 2018 amends Schedule 3 of the Immigration (Places of Detention) Order (Chapter 115B) by adding “[t]he area within the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) that is set aside as detention quarters for use by the Immigration Department”. Likewise, Section 2 of the Immigration Service (Designated Places) (Amendment) Order 2018 so amends the Schedule to the Immigration Service (Designated Places) Order (Chapter 331B).

## **LEGISLATIVE TIMETABLE**

6. The legislative timetable for the Amendment Orders is as follows –

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<sup>1</sup> The Bill was published in the Gazette on 26 January 2018.

Publication in the Gazette	1 June 2018
Tabling at the Legislative Council (for negative vetting)	6 June 2018
Commencement	commencement date of the Ordinance enacted by the Legislative Council through the passage, with or without amendment, of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill published in the Gazette on 26 January 2018

## **IMPLICATIONS OF THE PROPOSALS**

7. The amendments are simply to add provisions for setup of detention quarters at the WKS Port. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the Immigration Ordinance (Chapter 115) and the Immigration Service Ordinance (Chapter 331). They have no civil service, economic, competition, productivity, environmental, sustainability, family or gender implications. ImmD has secured the manpower resources required for undertaking immigration control functions upon commissioning of the WKS Port.

## **PUBLIC CONSULTATION**

8. The amendments are technical in nature. No public consultation has been arranged. We issued this brief on 30 May 2018.

## **PUBLICITY**

9. A spokesperson will be available to answer media and public enquiries.

## **ENQUIRIES**

10. Enquiries on this brief can be addressed to Mr Parson Lam, Principal Assistant Secretary for Security (Tel: 2810 2506).

**Security Bureau**

**May 2018**

**Immigration (Places of Detention) (Amendment) Order  
2018**

(Made by the Secretary for Security under section 35(1) of the Immigration Ordinance (Cap. 115))

**1. Commencement**

- (1) This Order comes into operation on the specified date.
- (2) In this section—

*specified date* (指明日期) means the commencement date of the Ordinance enacted by the Legislative Council through the passage, with or without amendment, of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill published in the Gazette on 26 January 2018.

**2. Immigration (Places of Detention) Order amended**

The Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) is amended as set out in section 3.

**3. Schedule 3 amended**

Schedule 3—

**Add**

- “31. The area within the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) that is set aside as detention quarters for use by the Immigration Department.”.



Secretary for Security

28th MAY 2018

**Explanatory Note**

An area within the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) is to be set aside as detention quarters for use by the Immigration Department.

2. This Order amends the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) so that the area can be used as a place of detention under the Immigration Ordinance (Cap. 115).

## Immigration Service (Designated Places) (Amendment) Order 2018

(Made by the Secretary for Security under section 13A(9) of the  
Immigration Service Ordinance (Cap. 331))

### 1. Commencement

- (1) This Order comes into operation on the specified date.
- (2) In this section—

*specified date* (指明日期) means the commencement date of the Ordinance enacted by the Legislative Council through the passage, with or without amendment, of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill published in the Gazette on 26 January 2018.

### 2. Immigration Service (Designated Places) Order amended

The Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) is amended as set out in section 3.

### 3. Schedule amended

The Schedule—

#### Add

- “17. The area within the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) that is set aside as detention quarters for use by the Immigration Department.”



Secretary for Security

28th MAY 2018

**Explanatory Note**

An area within the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (other than the West Kowloon Station Mainland Port Area) is to be set aside as detention quarters for use by the Immigration Department.

2. This Order amends the Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) so that the area becomes a designated place for the purposes of section 13A of the Immigration Service Ordinance (Cap. 331).