

# **SB strongly condemns article published by online media with false and misleading content on Immigration (Amendment) Bill 2020**

With regard to the false and misleading statement of an article published by an online media and disseminated via social media platforms today (April 21) on the provision in the Immigration (Amendment) Bill 2020 (the Bill) to empower the Secretary for Security to make regulations in relation to the provision of passenger information by carriers, the Security Bureau (SB) expressed strong condemnation.

The spokesman for the SB said, the proposed enabling provision in the Bill is intended for fulfilling the international obligation of the Hong Kong Special Administrative Region (HKSAR) under the "Convention on International Civil Aviation" with a view to implementing the Advance Passenger Information (API) system. The Government has time and again explained clearly to Legislative Council (LegCo) members and the public on the papers submitted to and in the meetings held with the Bills Committee that such system is intended to require the provision of passenger information on flights heading to Hong Kong, rather than departing flights. The right of Hong Kong residents to enter or leave Hong Kong is not affected. The SB strongly condemned individual organisations' deliberate dissemination of false information and intentional misinterpretation of the legislative purpose and background of the provision, which attempted to spread rumours, mislead members of the public, as well as smear the legislative process. The SB expressed grave dissatisfaction with the act and it is necessary to rebuke the false claims directly.

The spokesman emphasised, "The SB must condemn the rumour mongers for misleading members of the public with ill intentions and set the record straight."

The spokesman said, "According to the requirements of the Convention on International Civil Aviation, all members should put in place the API system with legal backing. Based on the relevant requirements, airlines need to provide passenger and crew member information to the Immigration Department before flight departure to Hong Kong. It will only apply to flights heading to Hong Kong. So far, over 90 countries already have the API system in place, including the Member States of the European Union, the United States of America, Canada and Australia."

Introduction of the API system by the International Civil Aviation Organization (ICAO) is to enhance international civil aviation safety and also facilitate the immigration authorities around the world to implement more effective control. The Government's measures to prevent potential non-

refoulement claimants from entering Hong Kong will also be strengthened. In fact, the LegCo has all along been following up on matters related to preventing the abuse of the mechanism of non-refoulement claims, including discussion by the Panel on Security on various occasions and the setting up of a special Subcommittee to review various related matters.

The spokesman also pointed out, "According to the general practice, the enabling provisions to be stipulated in the main ordinance are usually crafted in more generic terms, while the subsidiary legislation to be made thereunder will set out the operational details with provisions in more specific terms. The making of relevant regulations will also require the scrutiny and passage by the LegCo again. The Government will fully reflect so and set out relevant operational details in the regulations to be formulated at a later stage. In addition, before the implementation of the system, we will consult the aviation sector and different stakeholders, and it is also necessary to seek funding approval from the Finance Committee of LegCo."

The spokesman emphasised, "The freedom to travel and the right to enter or leave Hong Kong of Hong Kong residents are guaranteed under Article 31 of the Basic Law. Prior to introducing the Bill into LegCo, the Government has assured that the Bill conforms to the Basic Law, including the provisions on human rights. Accordingly, we do not consider it necessary to spell out in the main ordinance that the proposed authority will not affect the rights of Hong Kong residents and persons with the right to enter and stay in Hong Kong."

The Bills Committee of the LegCo has already undertaken a detailed review on each provision of the Bill and enquired the Government. Meanwhile, in respect of the background and purpose of the system and the proposed provision, the Government has already addressed the questions from LegCo members and individual organisations in detail. The Second Reading of the Bill will be resumed at the LegCo meeting on April 28. If passed by the LegCo, the amended ordinance will take effect on August 1. The Government will also prepare the relevant subsidiary legislation of the API system, and consult stakeholders and the LegCo in due course.