

Security Bureau strongly deplores Canada's misrepresentation on Immigration (Amendment) Ordinance 2021

Regarding the Canadian Government's update of its travel advisories for Hong Kong, accusing that the provisions of the Immigration (Amendment) Ordinance 2021 (Amendment Ordinance), which took effect officially on August 1, are vaguely defined and might restrict individuals from leaving Hong Kong, the Security Bureau today (August 5) strongly deplored such misrepresentation.

A spokesman for the Security Bureau said, "The provision under the Amendment Ordinance, which empowers the Secretary for Security to make regulations in relation to the provision of passenger information by carriers, is to fulfil the international obligation of the Hong Kong Special Administrative Region (HKSAR) under the 'Convention on International Civil Aviation' to implement the Advance Passenger Information (API) system. 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 Canada, the Member States of the European Union, the United States of America and Australia."

"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. The Legislative Council (LegCo) has already undertaken a detailed review on each provision of the Amendment Ordinance. Meanwhile, in respect of the background and purpose of the system and provision, the Government has already addressed the questions in detail. The Government has also time and again explained clearly to the public, and written to foreign consulates in Hong Kong that such system is intended to require the provision of passenger information on flights heading to Hong Kong, rather than departing flights," the spokesman emphasised.

In accordance with the standards proposed by the International Civil Aviation Organization, the Government is studying, having regard to overseas experiences, the overall operational arrangement for the API system in Hong Kong, and will make relevant subsidiary legislation. The Government will consult LegCo on the subsidiary legislation and system arrangement in due course. The API system will be rolled out officially after LegCo has scrutinised and passed the subsidiary legislation, and approved the funding for developing the required system. It will not take effect at this stage.

"The Canadian Government disregarded the detailed explanation by the HKSAR Government on the API system in the past, and deliberately

misrepresented the background and purpose of the legislation, making false and misleading statement. The Security Bureau expressed strong dissatisfaction and called on the Canadian Government to modify its stance." the spokesman emphasised.