

LEGISLATIVE COUNCIL BRIEF

IMMIGRATION ORDINANCE (CHAPTER 115)

IMMIGRATION (AMENDMENT) REGULATION 2019

INTRODUCTION

Section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) empowers the Financial Secretary (which means also the Secretary for Financial Services and the Treasury (“SFST”) by virtue of section 3 of Cap. 1) to vary fees specified in, or otherwise fixed or determined by, subsidiary legislation made by the Chief Executive in Council.

A 2. In exercise of the power under section 29A of Cap. 1 and section 59 of the Immigration Ordinance (Cap. 115) (the “Ordinance”), SFST has made the Immigration (Amendment) Regulation 2019, as set out at **Annex A**, to revise 18 fees specified in Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg. A) (the “Regulations”).

JUSTIFICATIONS

3. 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 of Immigration (the “Director”) or in respect of visas or any other matters arising under the Ordinance.

Increase in 18 fees

4. It is Government’s policy that fees charged by the Government should in general be set at levels adequate to recover the full cost of providing the services.

5. A recent costing review conducted at 2018-19 prices shows that some existing fees for the issue, renewal, replacement, endorsement and

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delivery of visas/entry permits and travel documents and associated services only recover 25% to 76% of the full cost of providing the services. In order to achieve full-cost recovery gradually and avoid a steep fee increase, we propose a 9% to 21% increase in the fees payable for these services based on the government-wide general guidelines for fee revision. Details are set out at **Annex B**.

IMMIGRATION (AMENDMENT) REGULATION 2019

6. The Immigration (Amendment) Regulation 2019 increases the fees under items 1, 5, 6, 7, 9, 10, 14, 16, 17, 18, 19, 22(a) and 22(b), 23, 24(a) and 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

7. The legislative timetable will be –

Publication in the Gazette	18 January 2019
Tabling at the Legislative Council	23 January 2019
Commencement	25 March 2019

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, family, environmental, gender or sustainability implications, and will not affect the current binding effect of the Ordinance.

9. The Immigration Department (the “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 will continue to be taken to control costs and to enhance efficiency. 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.

10. Additional revenue arising from the proposal to increase fees is estimated to be around \$32 million per annum.

PUBLIC CONSULTATION

11. The Government issued a paper to the Legislative Council Panel on Security in November 2018 on proposals to revise 26 fees and charges (24 statutory and two administrative) for services under ImmD’s purview, which included the 18 fees for the issue, renewal, replacement, endorsement and delivery of visas/entry permits and travel documents and associated services. Members of the Panel did not raise objection to the proposals.

PUBLICITY

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

ENQUIRIES

13. For enquiries on this brief, please contact Miss Winnie CHUI, Principal Assistant Secretary for Security, at 2810 2330.

Security Bureau
January 2019

Immigration (Amendment) Regulation 2019

(Made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 59 of the Immigration Ordinance (Cap. 115))

1. Commencement

This Regulation comes into operation on 25 March 2019.

2. Immigration Regulations amended

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

3. Schedule 2 amended (fees payable under the Ordinance)

(1) Schedule 2, item 1—

Repeal

“260”

Substitute

“310”.

(2) Schedule 2, item 5—

Repeal

“190”

Substitute

“230”.

(3) Schedule 2, item 6—

Repeal

“100”

Substitute

“120”.

(4) Schedule 2, item 7—

Repeal

“190”

Substitute

“230”.

(5) Schedule 2, item 9—

Repeal

“140”

Substitute

“170”.

(6) Schedule 2, item 10—

Repeal

“46”

Substitute

“55”.

(7) Schedule 2, item 14—

Repeal

“190”

Substitute

“230”.

(8) Schedule 2, item 16—

Repeal

“390”

Substitute

“470”.

- (9) Schedule 2, item 17—
Repeal
 “780”
Substitute
 “935”.
- (10) Schedule 2, item 18—
Repeal
 “200”
Substitute
 “240”.
- (11) Schedule 2, item 19—
Repeal
 “215”
Substitute
 “260”.
- (12) Schedule 2, item 22(a)—
Repeal
 “490”
Substitute
 “540”.
- (13) Schedule 2, item 22(b)—
Repeal
 “190”
Substitute
 “210”.
- (14) Schedule 2, item 23—

- Repeal**
 “660”
Substitute
 “760”.
- (15) Schedule 2, item 24(a)—
Repeal
 “43”
Substitute
 “47”.
- (16) Schedule 2, item 24(b)(i)—
Repeal
 “145”
Substitute
 “165”.
- (17) Schedule 2, item 24(b)(ii)—
Repeal
 “200”
Substitute
 “220”.
- (18) Schedule 2, item 24(b)(iii)—
Repeal
 “290”
Substitute
 “320”.



Secretary for Financial Services and
the Treasury

11 January, 2019

Explanatory Note

This Regulation amends Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg. A) to revise various fees in that Schedule payable for the issue or renewal of documents issued by or on behalf of the Director of Immigration and for visas and other matters arising under the Immigration Ordinance (Cap. 115).

Fee revision proposals under the purview of the Immigration Department

		Existing fee	Cost recovery level before the proposed increase	Proposed fee	Proposed amount of increase (proposed percentage increase)	Cost recovery level after the proposed increase
(a)	Travel pass valid for not more than 3 years	\$660	51%	\$760	+\$100 (15%)	59%
(b)	APEC business travel card valid for a period of not more than 5 years	\$490	75%	\$540	+\$50 (10%)	83%
(c)	Replacement of APEC business travel card for the remainder of its validity period	\$190	74%	\$210	+\$20 (11%)	82%
(d)	Ordinary visa	\$190	25%	\$230	+\$40 (21%)	29%
(e)	Transit visa	\$100	25%	\$120	+\$20 (20%)	29%
(f)	Entry permit valid for 1 entry	\$190	25%	\$230	+\$40 (21%)	29%
(g)	Entry permit for multiple entries and valid for 1 year	\$390	25%	\$470	+\$80 (21%)	29%
(h)	Entry permit for multiple entries and valid for 3 years	\$780	25%	\$935	+\$155 (20%)	29%

		Existing fee	Cost recovery level before the proposed increase	Proposed fee	Proposed amount of increase (proposed percentage increase)	Cost recovery level after the proposed increase
(i)	Change of conditions of stay or extension of limit of stay	\$190	25%	\$230	+\$40 (21%)	29%
(j)	Seaman's identity book (whether of full or restricted validity)	\$260	31%	\$310	+\$50 (19%)	37%
(k)	Endorsement to a travel document for which no specific fee is provided	\$200	31%	\$240	+\$40 (20%)	37%
(l)	Service charge for supplying, on application, a copy of any document, or for making or forwarding, or both, a request or recommendation to any authority of a foreign state, for consular or nationality registration or for the issue or	\$215	31%	\$260	+\$45 (21%)	37%

		Existing fee	Cost recovery level before the proposed increase	Proposed fee	Proposed amount of increase (proposed percentage increase)	Cost recovery level after the proposed increase
	renewal of a passport or other travel document or of a document of identity or for the grant of a visa or entry permit					
(m)	Multiple re-entry permit (whether of full or restricted validity)	\$140	31%	\$170	+\$30 (21%)	37%
(n)	Re-entry permit valid for 1 visit	\$46	31%	\$55	+\$9 (20%)	37%
(o)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by double registered airmail	\$43	74%	\$47	+\$4 (9%)	81%
(p)	Additional fee for delivering a seaman's identity book or a document of identity to a	\$145	67%	\$165	+\$20 (14%)	76%

		Existing fee	Cost recovery level before the proposed increase	Proposed fee	Proposed amount of increase (proposed percentage increase)	Cost recovery level after the proposed increase
	place outside Hong Kong by express despatch service - Asia - Pacific					
(q)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service - North America and Europe	\$200	73%	\$220	+\$20 (10%)	81%
(r)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service - Other places	\$290	76%	\$320	+\$30 (10%)	83%

Note: Except for items (m) to (o), all other items above were last revised in February 2015. Items (m) to (o) were last revised in June 2006.