

## LCQ3: Enhancing prevention of potential non-refoulement claimants at source

Following is a question by the Hon Carmen Kan and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (February 26):

Question:

The Immigration Department officially launched the Advance Passenger Information (API) System on September 3 last year to prevent undesirables, including potential non-refoulement claimants, from boarding flights heading to Hong Kong. In this connection, will the Government inform this Council:

(1) whether the authorities have, since the launch of the API System, compiled statistics and kept information on the number of undesirables prevented from boarding flights heading to Hong Kong each month, the distribution of their nationalities, points of embarkation, and the airlines they chose; if so, of the details (set out in a table); if not, the reasons for that;

(2) of the number and names of aircraft operators which have connected to the API System since its launch, and their percentage in the total number of aircraft operators operating inbound flights to Hong Kong (set out in a table); among the aircraft operators which have connected to the API System, of the number of those which have successfully prevented undesirables from entering Hong Kong by providing API, and the reasons why some aircraft operators have not yet connected to the API System;

(3) as there are views that the authorities should take the opportunity to review the entire mechanism of preventing undesirables from boarding flights heading to Hong Kong by the time when all aircraft operators are required to connect to the API System after the 12-month transitional period, whether the authorities have, in the light of the operational experience gained during the transitional period, reviewed the direction of optimising the aforesaid mechanism; if so, of the details; if not, the reasons for that;

(4) given that the API System can only prevent undesirables from coming to Hong Kong by flights, whether the authorities have stepped up efforts to prevent entry of such persons through other channels; if so, of the details; if not, the reasons for that;

(5) given that as stated in the 2024 Policy Address, the Government has since October 16, 2024 relaxed the criteria for nationals of Cambodia, Laos and Myanmar applying for multiple-entry visas for travel and business, and extended the validity period of multiple-entry visas from two years to three years for these countries (as well as Vietnam which has enjoyed the

relaxation since 2023), of the number of undesirables from these four countries coming to Hong Kong each month since the implementation of the relaxation, and whether there is a rising trend;

(6) as there are views that with the relaxation of the visa-free entry policies by the Mainland earlier on, undesirables may possibly come to Hong Kong via the Mainland (including by legal and illegal means), how the authorities step up co-operation with the Mainland in preventing entry of such persons to Hong Kong via the Mainland; and

(7) as there are views that there are signs of an increasing number of foreign domestic helpers (FDHs) who prematurely terminate their employment contracts and subsequently lodge non-refoulement claims in order to extend their stay in Hong Kong for the purpose of applying for government subsidies or engaging in illegal employment, etc., of the number of such cases in each of the past five years, the nationalities of the FDHs involved, and the average number of days of their extended stay in Hong Kong (with a tabulated breakdown by quarter); of the measures put in place by the authorities to prevent and curb the abuse of the non-refoulement claim mechanism by such individuals?

Reply:

President,

To meet the aviation security requirements of the Convention on International Civil Aviation and to align Hong Kong with other aviation hubs worldwide, as well as to enable the Immigration Department (ImmD) to further enhance its passenger clearance and enforcement capabilities to prevent undesirables, including potential non-refoulement claimants, from boarding flights heading to Hong Kong, the ImmD has implemented the Advance Passenger Information (API) system since September 3, 2024, requiring aircraft operators to comply with the Immigration (Advance Passenger Information) Regulation (Cap. 115Q) (the Regulation) by transmitting advance information to the ImmD about flights and passengers heading to Hong Kong.

To allow sufficient time for aircraft operators to connect to the API system and to ensure the system will run in a smooth and orderly manner, the rollout has been carried out in phases. A transitional period of around 12 months was also adopted. The offences and defences, and the miscellaneous provisions under Part 4 and 5 of the Regulation will come into effect after the transitional period, starting from September 1, 2025.

In consultation with the ImmD and the Labour Department (LD), my reply to the various parts of the question raised by the Hon Carmen Kan is as follows:

(1) to (3) Since the rollout in phases of the API system on September 3, 2024, as at February 21, 2025, 82 airline operators have been connected to the system, including Hong Kong-based airline operators, such as the Cathay Pacific Airways, the Hong Kong Airlines, the Greater Bay Airlines and the Hong Kong Express Airways, etc. As for the nearly 70 remaining airline

operators, the ImmD will continue to maintain close communication with them with a view to ensuring that relevant system connection works will be completed in an orderly manner before September 1, 2025. The list and number of airline operators connected to the API system, and the percentage out of the total number of relevant airline operators are at Annex.

In just a few months of operation, the API system has been effective in successfully identifying and denying boarding of flights by ineligible persons, including persons who had lodged non-refoulement claims in Hong Kong but were eventually rejected and repatriated to their places of origin. As regards the relevant figures, as well as the nationality distribution, the places of departure and the airlines chosen for the cases concerned, it is considered not suitable to disclose such information due to security reasons as sensitive internal procedures are involved.

The ImmD will make reference to the operational experience of the API system during the transitional period and maintain close communication with the airline operators and relevant stakeholders, with a view to continuously reviewing and optimising the system and the related operational procedures.

(4) and (6) In addition to the API system, the ImmD will continue to examine arriving passengers in a stringent manner at all control points and enhance intelligence exchanges with law enforcement agencies in Hong Kong and other places through various channels to prevent the entry of undesirable persons into Hong Kong.

On the other hand, the Government will also continue to spare no efforts in preventing entry of illegal immigrants (IIs) into Hong Kong. In view of the general resumption of international flights on the Mainland after the pandemic, the Mainland visa-issuing authorities abroad have resumed issuing visas to Mainland China to foreigners since March 2023. Coupled with rumours inducing IIs to come to Hong Kong, the number of non-ethnic Chinese (NEC) IIs intercepted had once increased in the second half of 2023. The Mainland and local law enforcement agencies have worked together to strengthen intelligence exchange; tighten the issuance of visas to Mainland China and control over the entry of NEC tourists into the Mainland; investigate syndicates organising cross-boundary illegal immigration; conduct interception at black spots in the Mainland and joint patrols at sea to deter NEC IIs from entering Hong Kong.

With the concerted efforts of various parties, the number of NEC IIs intercepted in Hong Kong dropped significantly by 84 per cent from the peak of 364 in October 2023 to a monthly average of 57 in 2024, and the number of NEC IIs intercepted further reduced to 37 in January 2025. The ImmD will continue to maintain intelligence exchange with the law enforcement agencies in Guangdong, Hong Kong and Macao through the established anti-smuggling collaborative mechanism, and timely conduct joint enforcement operations to deter NEC IIs smuggling into Hong Kong on all fronts.

(5) Following the relaxation of criteria for Vietnamese nationals applying for multiple-entry visas for travel or business on October 25, 2023, to foster closer ties with countries of the Association of Southeast Asian

Nations (ASEAN), the ImmD has extended the relaxation to include nationals of Cambodia, Laos and Myanmar starting from October 16, 2024. Meanwhile, the validity period of multiple-entry visas for nationals of these four ASEAN countries has also been extended from two years to three years. Since the commencement of relevant measures and up to end-January 2025, the ImmD has issued some 4 700 multiple-entry visas to applicants from those four countries. The ImmD does not maintain the number of persons refused entry by nationality.

The ImmD has all along been playing a stringent gatekeeping role to ensure that only applicants meeting the relevant requirements will be granted visas. During immigration examination on arrival, in addition to considering whether the visitor possesses a valid travel document (including visas (if necessary)) and meets normal immigration requirements, the ImmD also decides whether to allow entry of relevant visitor with due consideration to the actual circumstances, having regard to the laws of the Hong Kong Special Administrative Region and prevailing immigration policies.

(7) Over the past five years, the number of non-refoulement claims raised by former foreign domestic helpers (FDHs) are tabulated below, with breakdown by nationality and quarter:

Year		Indonesian	Filipino	Others	Total
2020	1st quarter	13	13	8	34
	2nd quarter	28	15	8	51
	3rd quarter	22	11	6	39
	4th quarter	52	35	23	110
	Full Year	115	74	45	234
2021	1st quarter	161	47	37	245
	2nd quarter	305	109	79	493
	3rd quarter	86	41	27	154
	4th quarter	106	30	13	149
	Full Year	658	227	156	1 041
2022	1st quarter	41	13	3	57
	2nd quarter	134	36	16	186
	3rd quarter	186	46	21	253
	4th quarter	157	52	22	231
	Full Year	518	147	62	727

2023	1st quarter	133	45	21	199
	2nd quarter	139	25	10	174
	3rd quarter	134	26	21	181
	4th quarter	135	31	16	182
	Full Year	541	127	68	736
2024	1st quarter	128	32	13	173
	2nd quarter	89	23	15	127
	3rd quarter	101	31	14	146
	4th quarter	111	38	19	168
	Full Year	429	124	61	614

â€‹The Government actively combats the abuse of premature termination of employment contracts by FDHs to change employers (commonly known as job-hopping), including stringently vetting employment visa applications from FDHs who have frequently changed employers. In May 2024, the LD also promulgated a revised Code of Practice for Employment Agencies to request employment agencies to clearly brief FDH job seekers on the relevant immigration regulations, and not to adopt business practices such as providing monetary incentives to induce FDHs in employment to prematurely terminate their employment contracts. The Government has also all along been maintaining close communication and co-operation with Consulates-General of the major source countries of FDHs. The relevant Consulates-General agreed to step up efforts in providing correct information to their nationals about the non-refoulement claim mechanism and the fact that illegal employment is a serious offence liable to imprisonment in Hong Kong.

Under the Government's multi-pronged strategy in handling the relevant issue, the situation of former FDHs raising claims has improved. The number of claims raised by former FDHs in 2024 was reduced by 41 per cent compared to the peak in 2021, while the portion to the total claims received in the respective year also dropped from 41 per cent to 22 per cent. The Government will continue to actively co-operate with relevant stakeholders and step up publicity and education. The ImmD does not maintain the breakdown of other statistics mentioned in this question.