

16 August, 2021

Dear Editor,  
The Guardian

I refer to the article titled “‘Can we ever return?’ Tears and heartbreak as Hongkongers leave for a new life in the UK” published on August 13, 2021. It is disappointing to note that the Guardian has once again made false allegations about the amendments made to the immigration law in Hong Kong. I write to clear any misunderstanding.

As I have pointed out in my letter to the Guardian on March 11, 2021, 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 and Article 8(2) of the Bill of Rights under the Hong Kong Bill of Rights Ordinance (Cap. 383).

The amendments made to the Immigration Ordinance aim to fulfil the international obligation of the Hong Kong Special Administrative Region under the “Convention on International Civil Aviation”, which imposed in 2018 a new mandatory requirement for members of the International Civil Aviation Organization to put in place the Advance Passenger Information (API) system.

The amendments also aim to improve the handling of non-refoulement claims, targeting potential claimants at source. Currently, there are more than 13,000 non-refoulement claimants in Hong Kong. The new legislation will help to expedite the handling of these claims and reduce numbers in future.

As the HKSAR Government has repeatedly stated in the Legislative Council and in media responses, the amendments to the Immigration Ordinance has set out clearly that the power to direct a carrier not to carry a particular person will only apply to flights heading to Hong Kong. In no way does the amendment impinge on the rights of Hong Kong residents to travel, or to leave or to enter Hong Kong.

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