Chapter 9

Immigration Department

Overview

Role of Immigration Department

9.1   The Immigration Department was established in 1961 upon taking over immigration work from the then Royal Hong Kong Police Force. The Department operates under the Immigration Service Ordinance (Cap. 331). Apart from control of people moving into and out of Hong Kong by land, sea and air, the ImmD provides services to local residents, including issue of HKSAR passports and other travel documents, visas and identity cards, handling of nationality matters and registration of births, deaths and marriages. It also guards against entry of undesirables, enforces immigration-related legislation and administers schemes on attracting talent and investors. The ImmD keeps Hong Kong at the forefront of the world by providing world-class immigration service in terms of effectiveness and efficiency, facilitating the flow of local residents, tourists and businessmen around the world, and contributing to the security and prosperity of Hong Kong.

Organisation Structure

9.2   The ImmD uses a three-pronged approach in pre-entry, upon-entry and post-entry controls. It operates through the following six branches –

> (a)   *the Visa and Policies Branch* is tasked with pre-entry control in processing applications for entry into Hong Kong in accordance with the existing immigration policies;
>
> (b)   *the Control Branch* performs upon-entry control at immigration control points, including intercepting wanted criminals and undesirables and denying their entry to Hong Kong;

(c)   *the Enforcement and Litigation Branch* is responsible for post-entry control, including investigation of immigration offenders, removal and deportation proceedings, global immigration intelligence, and immigration-related litigation and claims;

(d)   *the Personal Documentation Branch* provides services on registration of persons and issuing of identity cards, HKSAR passports and other travel documents etc.;

(e)   *the Information Systems Branch* specialises in automation support to the Department; and

(f)   *the Management and Support Branch* takes charge of overall administration of the Department.

Staffing

9.3   As at 1 January 2008, the ImmD had a total establishment of 6 631 posts, of which 5 035 posts (including ten directorate posts) were disciplined services grades, namely the Immigration Assistant (IA) grade (67%) and the Immigration Officer (IO) grade (33%). Distribution of the IO and IA grade posts at non-directorate levels is shown in *Table 9.1*.   The majority, 79% of the IA grade and 37% of the IO grade, are deployed to the Control Branch for upon-entry immigration control.

Table 9.1: Distribution of ImmD non-directorate posts as at 1 January 2008

Branch	IA grade	IO grade	Total	
	No.	No.	No.	%
Control	2 651	621	3 272	65%
Enforcement and Litigation	375	256	631	13%
Visa and Policies	98	240	338	7%
Personal Documentation	60	211	271	5%
Information Systems	18	87	105	2%
Management and Support	166	242	408	8%
Total	3 368	1 657	5 025	100%

Grade and Rank Structure

9.4   The Director of Immigration is underpinned by a Deputy Director and eight other directorate posts, namely six Assistant Directors and two Senior Principal Immigration Officers (SPIO). The SPIO rank was created in 1993.

9.5   The IO and IA grades have undergone a major restructuring in 1990, through abolition of the then basic rank of Assistant Immigration Officer (AIO) in the IO grade and creation of a new rank of Chief Immigration Assistant (CIA) as the top tier of the Rank and File to undertake routine and less complex duties of the AIO rank.   The AIO rank was later phased out by cessation of recruitment, subsequent promotion to the rank of IO and natural wastage. Recruitment to the entry rank of IO was resumed in 1997.

9.6   At present, there are altogether 12 ranks in the ImmD, including three ranks in the Rank and File (IA grade) and five ranks in the Officer cadre (IO grade).   Details of their rank structures and existing pay scales are at **Appendix 20**.

Relevant Considerations

Job Factors and Special Factors

9.7   The work of the ImmD focuses on maintaining public order through immigration control and registration of the identities of citizens.   Their characteristics include (but are not limited to) the following –

(a)   The ImmD staff's conditioned hours of work are 44 hours per week.   Intensity of effort of the staff is high throughout their duty period.   They must process each and every traveller at control points by checking their travel documents and identification and guarding against suspected undesirables.

(b)   Over half of the staff are deployed to work at immigration control points, involving longer travelling time to and from their places of work. The staff have to work irregular and night shifts.

They are often required to strengthen the workforce at control points during Sundays, public holidays or festive seasons, causing a certain degree of social segregation and disruption of family and social life. The staff also highlight that they are subject to stringent conditions such as assigned "toilet breaks".

(c)   Individual responsibility of Immigration staff is high in exercising independent judgment on immigration control. Their decisions may be subject to complaint, petition, judicial review as well as close public and media scrutiny.

(d)   The staff are also deployed to investigate illegal immigration and related crimes or work in detention centres, involving danger and risks and demanding a high degree of physical fitness on the staff.

Changes Since Last Reviews

9.8   The ImmD management and staff unions explained in their GSR submissions that substantial changes brought about by the changing social, economic and political landscapes before and after Reunification had significant impact on the Department's work. New skills were developed and new branches set up to cope with increasing complexity, sensitivity and sophistication in their jobs. As a frontline service provider, the ImmD is among those government departments that have to handle additional demand and stress arising from civil service-wide initiatives to promote an open, transparent, customer-oriented and accountable government, and have to face rising public expectations of an efficient, courteous and professional service. Other more notable changes in the ImmD's operating environment are highlighted below –

(a)   Hong Kong's Reunification in 1997 and increasingly frequent interaction with the Mainland have brought about new challenges in immigration work. The ImmD has to handle matters in relation to Chinese nationality, issue HKSAR passports, lobby visa-free access for HKSAR passport holders, implement the right of abode provisions in the Basic Law, and collaborate with Chinese Diplomatic and Consular

Missions in foreign countries in assisting Hong Kong residents in distress.

(b) While the role of the ImmD in regard to Mainland Chinese illegal immigrants and Vietnamese refugees has diminished, other immigration control tasks have emerged or significantly increased. In particular, the ImmD has to deal with increasing challenges arising from bogus marriages between Hong Kong residents and Mainlanders, the fast-growing Individual Visit Scheme, control of visits of non-local women of advanced pregnancy stage, requests for political asylum or torture claims following the extension of the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" to Hong Kong in 1992, and prevention of potential entry of undesirables and international swindlers. There are also additional responsibilities from other new initiatives, such as the Capital Investment Entrant Scheme in 2003 and the Quality Migrant Admission Scheme launched in 2006.

(c) Application of information technology has taken on a more extensive and prominent role in immigration control work. The introduction and further development of the Smart Identity Card and "e-channel" at immigration control points are typical examples. All these have to be supported by new and advanced skills of the immigration staff. At the same time, advancement of technology on the global front has rendered immigration control work more sophisticated against a rising trend in the use of highly analogous forgery travel documents and other forgery methods. Immigration staff have to be vigilant against such development and acquire new skills to develop suitable measures to cope with the challenges and ensure effective immigration control.

9.9   Some workload statistics of the ImmD at **Appendix 21** reflect significant increase in various work areas in the past twenty years.   For instance, the ImmD examined around 64 million passengers, vehicles and vessels in 1988.   The number increased by 2.7 times to 238 million in 2007.   Between 1988 and 2007, the number of entry visa processed recorded a four-fold increase.   The number of applications for passports and the number of offenders prosecuted also more than doubled.   During the same period, the disciplined services establishment of the ImmD increased by around 72%.   During our visits and review of written submissions, it is apparent that the staff find the upsurge in workload, rapid pace of change and strained human resources the major sources of stress.

Recruitment

9.10   There is no recruitment problem in the IA and IO grades as shown by the large number of applications received in recruitment exercises (*Table 9.2*).   In fact, the Department has been successful in attracting new recruits with qualifications above the benchmark requirement.

Table 9.2: Recruitment statistics in the ImmD (most recent recruitment exercises)

Rank (year of recruitment exercise)	Target no. of recruits	Applications received	Offers made
Immigration Assistant (2007-08)	300	14 436	328
Immigration Officer (2007-08)	114	16 009	149

Retention

9.11   There is an increasing trend in wastage (other than natural wastage such as retirement) from the IA rank over the past few years. In 2007-08, such wastage rate was 7.8%, involving 90 leavers. However, we observe that a large proportion (98%) of them possess qualifications above the reference benchmark, including some 82% with degree qualification or above.   Viewed in this light, the wastage problem is partly related to the employment of many better-qualified candidates to this Rank and File grade.   This factor aside, there is no serious retention problem in the IA grade as a whole.   As for the Officer grade, similar wastage figures were below 1% in the past five years.   Some wastage statistics are shown in *Table 9.3*.

Table 9.3: Wastage from the IA and IO ranks in the past five years

Recruitment ranks		2003-04	2004-05	2005-06	2006-07	2007-08
IA	Wastage	2	9	13	58	90
	As % of strength	0.2%	0.9%	1.1%	5.3%	7.8%
IO	Wastage	3	0	6	4	8
	As % of strength	0.3%	-	0.5%	0.4%	0.8%

(Note: Natural wastage is excluded)

Career Progression

9.12   The IA grade on the whole enjoys a relatively favourable career progression among the Disciplined Services as reflected in their average number of years of in-rank service before promotion to the Senior Immigration Assistant (SIA) rank.   This is largely an outcome of the grade's structure with 871 posts in the IA rank and 1 959 posts in the SIA rank.   The situation is distinct from the other Disciplined Services where most Rank and File officers have to stay at the basic ranks for want of promotion opportunities due to the command structure.   As elaborated in paragraphs 9.20 to 9.22, we have concern about this phenomenon and see the need for change.

9.13   In the case of the IO grade, the progression seems reasonable when viewed against the average number of years of in-rank service before promotion to the Senior Immigration Officer (SIO) rank, although some staff have remarked that the promotion prospects were worse than before, mainly due to the comparatively less favourable ratio of the IO to SIO posts.   We must stress, however, promotion is not a right, and progression may change depending on a range of factors including the rank structure, the establishment of promotion ranks, staff profile and merit of individual staff.

9.14   As at 1 January 2008, 27% of the staff at the IA rank and 52% of the IO rank have reached the maximum pay point of their ranks.

Analysis and Recommendations

Immigration Assistant Grade

<u>Incremental Jumps</u>

9.15 In Chapter 3, we recommend awarding an incremental jump to the basic ranks in the Rank and File grades on completion of five years of service and passing the relevant promotion examination (paragraph 3.27). We are open to the extension of this additional incremental jump to the IA rank, subject to the condition that an appropriate qualifying examination for promotion to the SIA rank is in place. We will revisit this when a case is made to us in the future.

9.16 We do not see sufficient justifications for granting additional incremental jumps to the IA rank on passing out from training or on completion of two years of service as requested. As mentioned in paragraph 9.11, the apparently worsening retention situation in the IA rank seems to be an outcome of the recruitment practice. A large proportion of the leavers are recruits with qualifications well above the benchmark whose mobility is expected to be high. There is scope for tackling the retention issue through refinement of the recruitment practices.

<u>Pay Scales and Grade Structure</u>

9.17 We have received proposals for raising the entry point for IA to bring them in line with comparable ranks in the General Disciplined Services. As elaborated in Chapter 3, pay (including starting pay) in the Disciplined Services is determined individually having regard to the unique features of their functions. Focusing on the IA rank, there is no recruitment difficulty, which reflects that the current pay level is sufficient to attract people of suitable calibre to join the rank. Also as explained in Chapter 3 (paragraphs 3.18 to 3.20), we do not support adding higher entry points for qualifications above the reference benchmark qualifications for the Rank and File grades. Having regard to all relevant considerations, we recommend maintaining the status quo of the entry pay in the IA rank. (**Recommendation 9.1**)

9.18   In Chapter 3 (paragraphs 3.21 to 3.24), we propose to enhance the Long Service Increments (LSI) to recognise the contribution and experience of the meritorious, loyal and long-serving staff at the basic ranks of the Rank and File grades.   We recommend that these arrangements be applied to the IA rank so that they will receive an increment after satisfactory completion of 12, 18, 24 and 30 years of service respectively.   (**Recommendation 9.2**)

9.19   Taking into account the job factors, the increase in responsibilities in terms of scope and complexity over the years and other relevant considerations, we further recommend raising the maximum pay of the IA rank by one pay point and increasing the minimum and maximum pay of the SIA rank by one pay point each. As regards the CIA rank, we notice that this rank has a greater command role and more leadership functions over the years, particularly following the implementation of process re-engineering measures and devolution of duties to the top tier of the Rank and File grade.   This trend may continue.   In the submissions, the management and staff proposed to create an additional rank over the CIA rank to improve promotion prospect and take charge of the more complex duties of the CIA rank.   As a matter of principle, a new rank should be created only based on functional justifications.   Having considered the nature of work of the IA grade, we consider the present command structure appropriate and do not see sufficient functional justifications for creating a new rank above the CIA rank.   To recognise the increased responsibilities and functions of the CIA rank over the years, we propose to raise its maximum pay by two pay points whilst increasing the minimum by one pay point.   With these improvements, the pay scale of the IA grade will be revised as set out below (**Recommendation 9.3**) –

Rank	Existing Pay Scale	Recommended Pay Scale
Immigration Assistant	GDS(R) 3–12 plus two Long Service Increments, one each on completion of 18 and 25 years of in-rank service	GDS(R) 3–13 plus four Long Service Increments, one each on completion of 12, 18, 24 and 30 years of in-rank service
Senior Immigration Assistant	GDS(R) 13–21	GDS(R) 14–22
Chief Immigration Assistant	GDS(R) 22–26	GDS(R) 23–28

9.20   As mentioned in paragraph 9.5, the current structure of the IA grade has evolved from the re-structuring exercise in 1990 when the AIO rank was deleted from the bottom of the Officer cadre and a new CIA rank was created at the top of the Rank and File cadre. At present, the core duties of upon-entry immigration control at the various control points are performed by the SIA rank. From functional perspectives, with advancement in technology and equipment, coupled with suitable training and career development of staff, there may be scope for the IA rank to undertake duties of a more substantive nature.

9.21   From the grade structure point of view, the present structure of having more posts at the SIA rank than the IA rank is unhealthy. An IA is given the first acting appointment in early years, and on average, gain promotion to the SIA rank around ten years. Such pace is much faster than that in other Disciplined Services. This will adversely affect the long-term manpower development plan and filling of promotion posts, as there will not be sufficient qualified and experienced IA to fill vacancies in the SIA rank. It will undermine the operational effectiveness and efficiency of the Department.

9.22   Having considered the above, we strongly encourage the ImmD to review whether there are opportunities for further devolution of duties to the IA rank, with a view to optimising the deployment of manpower resources and maximising efficiency whilst not compromising service standards and quality. This should help streamline work procedures and provide a healthy grade structure for the long-term development of the IA grade. (**Recommendation 9.4**)

Grade and Rank Titles

9.23   There are suggestions that the name of the IA grade and ranks should be retitled to say, "Inspector" or "Controller", for boosting morale and professional image etc. In this respect, the Standing Committee is open-minded and will leave it to the departmental management and staff to jointly explore the most appropriate title. We have no in-principle objection so long as the new title will not cause confusion on their roles and does not carry any pay or read-across implications to other grades.

Immigration Officer Grade

Entry Qualification and Recruitment

9.24   As explained in Chapter 3 (paragraphs 3.6 to 3.16), we recommend that the current entry qualification of the IO grade be maintained pending an overall review.   (**Recommendation 9.5)**

9.25   Relating to recruitment to the IO grade, some staff members propose to abolish and replace open recruitment to the IO rank by in-service appointment from the IA grade to recognise the rise in education profile of IA grade staff and to enhance their advancement prospects and morale.   This proposal involves a fundamental change that warrants careful consideration.

9.26   The ImmD, similar to other Disciplined Services, has a well-established in-service appointment scheme for selecting IA grade staff in the Rank and File cadre with good ability and potential for appointment to the Officer cadre.   There is merit in maintaining both avenues of direct recruitment and in-service appointment to the IO grade.   It is up to the management to decide whether to conduct open recruitment or launch in-service appointment or both to recruit IO on each occasion, having regard to prevailing circumstances and the best interest of the Department.   As a matter of fact, serving members of the IA grade may, in addition to competing through in-service appointment, also apply for IO appointment and be assessed alongside other candidates in an open recruitment exercise.

Long Service Increments

9.27   Some staff suggest introducing LSI to the IO rank.   The subject of LSI is examined in Chapter 3 (paragraphs 3.21 to 3.24). They are granted to recognise and motivate those meritorious and long-serving Rank and File officers who have to stay in the basic ranks due to the unique command structure of the Disciplined Services. We see no strong grounds for awarding similar LSI to the IO grade which is in the Officer cadre.

Grade Structure

9.28   We understand the sentiments of the ImmD in proposing the adoption of through scale for the SIO and IO ranks.   As explained

in Chapter 3 (paragraphs 3.29 to 3.35), we re-affirm the view of the Rennie Committee that the through scale arrangement should not be extended to other grades. We notice that both the management and staff of the ImmD have proposed that through scale arrangement would help streamline their work through delayering and help succession planning. For instance, it has been suggested that with through scale arrangement, the IO/SIO would perform the dual roles of processing officer and decision maker in complicated cases, thereby enhancing efficiency for the benefit of the clients and the Department. We commend the Department's ongoing efforts in striving for constant improvements in service delivery. We trust that new initiatives in this direction could be pursued irrespective of whether through scale is available or not. We encourage the Department to join hands with staff to embark on suitable reviews to explore innovative measures such as streamlining or re-engineering of processes, reshuffling of duties and re-ranking of posts where functionally justified.

9.29 As regards succession, we note that there is a well-established mechanism within the Administration to review directorate succession plans of individual departments regularly, including the identification of talents for early grooming and succession. In any case, promotion is based on a host of criteria such as ability, qualifications and experience, and seniority should not be given weight unless no candidate stands out as the most suitable officer for promotion. Against this background, we do not consider it appropriate to introduce through scale, or alter the grade and rank structure, for the sole purpose of facilitating succession planning.

9.30 As a related issue, there are proposals to abolish the Assistant Principal Immigration Officer (APIO) rank and create a new style Principal Immigration Officer (PIO) rank on a pay scale of GDS(O) 32-38 for "delayering" the IO grade structure to tackle succession problem at the senior level. The APIO rank, as with all ranks in the civil service, exists on functional grounds. We do not support any merger or deletion of ranks primarily for improving promotion and succession. As mentioned in paragraph 9.29, concerns about succession could be addressed under the existing mechanism.

Pay Scales

9.31　　　　Both the ImmD management and the staff unions urge the GSR to unify, for disparity reasons, the entry pay of the different Disciplined Services, as they consider it unfair that the existing entry pay of an IO (at GDS(O) 5) is two points lower than most other recruitment ranks in the Officer grades of the Disciplined Services for entry at matriculation level.

9.32　　　　As explained in Chapter 3 (paragraphs 3.2 to 3.4), entry pay in the Disciplined Services is determined having regard to the unique features of individual grades.　In the case of the IO rank, the satisfactory recruitment statistics show that the current pay level is sufficient to attract talents to the rank.　Taking all relevant factors into account, we recommend maintaining the current entry pay in the IO grade.　(**Recommendation 9.6**)

9.33　　　　We note the increasing complexity, sensitivity and sophistication of immigration work.　With the changes in various facets of immigration work over the years, the IO grade officers have to acquire a wider range of knowledge and skills to deliver effective and quality services.　Taking into account the enhanced job factors, we recommend enhancing the pay scales of the IO ranks as follows (**Recommendation 9.7**) –

Rank	Existing Pay Scale	Recommended Pay Scale
Immigration Officer	GDS(O) 5–20	GDS(O) 5–21
Senior Immigration Officer	GDS(O) 21–25	GDS(O) 22–26
Chief Immigration Officer	GDS(O) 26–31	GDS(O) 27–32
Assistant Principal Immigration Officer	GDS(O) 32–35	GDS(O) 33–36
Principal Immigration Officer	GDS(O) 36–38	GDS(O) 37–39

9.34　　　　For the IO rank, the two additional incremental jumps recommended in Chapter 3 (paragraph 3.38) will also apply, resulting in a total of three incremental jumps in the IO rank in total, one each to be granted upon completion of first year of service (existing), five years of service and eight years of service in the rank respectively,

with the latter two subject to their passing the qualifying examination for promotion to the SIO rank.   (**Recommendation 9.8)**

Directorate Ranks

9.35   The Department has requested for 16 additional directorate posts including one Deputy Director at GDS(C) 3, one Assistant Director at GDS(C) 2 and upgrading of 14 posts of PIO to SPIO at GDS(C) 1.   Creation and upgrading of directorate posts could be pursued under the existing mechanism.   The Department should follow up with the Administration as appropriate.

9.36   We will set out our recommendations on the directorate pay scales in Chapter 11 (paragraph 11.10).

Conditioned Hours of Work

9.37   There are requests from the ImmD staff for a general reduction in their conditioned hours of work in view of the heavy workload and immense work pressure.   We note that the existing conditioned hours of work of 44 gross per week for ImmD are the lowest among the Disciplined Services, and on a par with that of more than half of the civil service.   While we attach great importance to occupational health and work-life balance, we do not support further reduction of conditioned hours below 44 hours per week.   We encourage the Department to continue its efforts in promoting occupational health, stress management and a caring environment in the workplace for enhancing staff's well-being.

Manpower Resources

9.38   Based on our visits and meetings with frontline staff and review of submissions, we observe that the strained manpower situation is the main source of stress and concerns among staff in the ImmD.   In the past two decades, the closer links with the Mainland, the opening of new border control points and the exponential increase in visitors, particularly on festive occasions, have led to a substantial increase in the workload of frontline staff in the ImmD.   Quite a large number of immigration staff from various sections are deployed to the control points during long holidays and festive seasons.   The staff have found the situation extremely stressful and unhealthy,

causing great disruption to their social and family life and resulting in the accumulation of high vacation leave balance and uncompensated overtime balance. We are sympathetic towards the staff's situation. This is an area that warrants further examination from the resource allocation perspective. We note that the ImmD is among the few departments that are granted additional staffing and financial resources despite the general recruitment freeze and the policy to contain the size of the civil service in the past few years. Notwithstanding this, we observe that the increased provision of frontline staff may not cope well with the exponential increase in workload, particularly during the peak periods. We encourage the Department to review its manpower resources and deployment, and if justified, seek additional provision from the Administration, to enhance its capacity to meet increasing workload.   We also invite the Department to consider whether there is any scope for wider use of technology (e.g. e-channel), giving the IA rank more substantive duties, or redeploying resources between the ranks to meet the challenges brought by increased workload.   (**Recommendation 9.9**)

Summary of Key Recommendations

9.39   In summary, we recommend that –

   (a)   the pay scales of the non-directorate ranks of the ImmD should be enhanced as detailed in **Appendix 22**; and

   (b)   the Department should review its manpower resources and deployment, and if justified, seek additional provision from the Administration, to enhance its capacity to meet increasing workload.