

# In The Privy Council

## ON APPEAL FROM THE COURT OF APPEAL OF HONG KONG

BETWEEN

MAK YUI MING, MAK SIU FONG, infants  
by their next friend CHAN SAU LAN

MAN CHIU YING, an infant by her next  
friend CHAN WAI PING

*Appellants  
(Plaintiffs)*

AND

ATTORNEY GENERAL

*Respondent  
(Defendant)*

## RECORD OF PROCEEDINGS

Hewitt Woollacott & Chren  
118 Cannon St  
London  
ECLN 5AU  
Solicitors for the appellants

Charles Russell & Co  
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London  
WC2A 3UL  
Solicitors for the respondent.

DIRECTOR OF LEGAL AID  
*Solicitor for the Appellants (Plaintiffs)*

CROWN SOLICITOR  
*Solicitors for the Respondent (Defendant)*

# In The Privy Council

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*FROM THE COURT OF APPEAL OF HONG KONG*

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AND

ATTORNEY GENERAL - - - - -

*Respondent  
(Defendant)*

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## RECORD OF PROCEEDINGS

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**DIRECTOR OF LEGAL AID**

*Solicitor for the Appellants (Plaintiffs)*

**CROWN SOLICITOR**

*Solicitors for the Respondent (Defendant)*

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# In The Privy Council

## ON APPEAL

From the Court of Appeal of Hong Kong  
Civil Appeal No. 196 of 1980

(On Appeal from High Court Miscellaneous  
Proceedings No. 1052 of 1980)

BETWEEN

MAK YUI MING, MAK SIU FONG, infants  
by their next friend CHAN SAU LAN

MAN CHIU YING, an infant by her next  
friend CHAN WAI PING - - - - - *Appellants*

AND

ATTORNEY GENERAL - - - - - *Respondent*

## RECORD OF PROCEEDINGS

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**In the Supreme Court of  
Hong Kong**

**Miscellaneous Proceedings**

**(High Court Miscellaneous Proceedings  
Action No. 1052 of 1980)**

1980 No. 1052

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

IN THE SUPREME COURT OF HONG KONG

HIGH COURT

MISCELLANEOUS PROCEEDINGS

No. 1  
Writ of  
Habeas Corpus  
Subjiciendum

BETWEEN:

MAK YUI MING ( 麥銳明 )  
MAK SIU FONG ( 麥小芳 )  
MAN CHIU YING ( 文肖英 ) all infants  
by the next friend  
10 and aunt CHAN YUN TAI Plaintiffs

and

THE ATTORNEY GENERAL Defendant

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith.

To the Commissioner of Prisons, Director of Immigration and Mr K.C. Cheuk, Chief Immigration Officer of Victoria Immigration Centre greeting:

20 We command you that you have before a judge in chambers at the Supreme Court in Victoria, Hong Kong, on the day at the time specified in the notice served with this writ, the bodies of MAK YUI MING ( ) MAK SIU FONG ( ) and MAN CHIU YING ( ) being taken and detained under your custody as is said, together with the day and cause of their being taken and detained, by whatsoever names they may be called therein, that the judge may then and there examine and determine whether such cause is legal, and have you  
30 there then this writ.

In the Supreme Court of Hong Kong  
Miscellaneous Proceedings

Witness Sir Denys Roberts Chief Justice of Hong Kong the 17th day of November 1980.

No. 1  
Writ of Habeas Corpus  
Subjiciendum

Sgd. N. J. BARNETT  
Registrar

INDORSEMENT

(Continued)

By an order of the Honourable Mr Justice Penlington dated 15th day of November 1980 that the Plaintiffs do have leave to issue a Writ of Habeas Corpus ad Subjiciendum directed to the Commissioner of Prisons, Director of Immigration and Mr K. C. Cheuk, Chief Immigration Officer of Victoria Immigration Centre.

Sgd. K. K. & WINSTON CHU  
Solicitors for the Plaintiffs

The Writ was issued by K. K. & WINSTON CHU of 1618 Prince's Building, Des Voeux Road Central, Hong Kong, Solicitors for the Plaintiffs.

Sgd. K. K. & WINSTON CHU



RETURN TO WRIT OF HABEUS CORPUS SUBJICIENDUM dated  
17th November 1980

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
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Schedule

10 I, James William Grant, Superintendent of Prisons, on behalf of Thomas Gerad Garner, C.B.E., J.P. Commissioner of Prisons for Hong Kong in obedience to the writ herewith do certify and return that MAK YUI MING and MAK SIU FONG and MAN CHIU YING are detained in my custody under and by virtue of removal orders made under Section 19(1)(b)(ii) of the Immigration Ordinance, Cap. 115 in respect of each of them and under and by virtue of orders for detention pending removal under Section 32(3A) of the Immigration Ordinance in respect of each of them. All such orders were signed by the Director of Immigration, Ronald George Blacker Bridge on the 14th of November, 1980.

\_\_\_\_\_  
No. 2  
Return to  
Writ of  
Habeas Corpus  
Subjiciendum

Dated the 17th day of November 1980.

Sgd. J. W. GRANT  
James William Grant

In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings

ORDER DATED 17th NOVEMBER 1980

BEFORE THE HONOURABLE MR JUSTICE

No. 3  
Order of Mr  
Justice  
Penlington

PENLINGTON IN CHAMBERS

ORDER

Upon hearing Counsel for the Plaintiffs and Crown Counsel for the Defendant and upon hearing Madam Chan Yun Tai and Mr Chan Yu Lun and upon reading the affirmation of Chan Yun Tai filed herein on the 17th day of November 1980 IT IS ORDERED that upon the Plaintiff entering into their own recognizance with two 10 sufficient sureties to be provided as follows :

- (a) By Madam Chan Yun Tai standing surety in the sum of \$50,000.00 for each and every Plaintiff, and to deposit the title deeds of a flat known as 5E, 15th floor, Kwan Yick Building, Phase I, Des Voeux Road West in the Colony of Hong Kong with the Registrar of the Supreme Court of Hong Kong as security for the said total sum of \$150,000.00; 20
- (b) By Mr Chan Yu Lun standing surety in the sum of HK\$5,000.00 for each and every Plaintiff, and to deposit his Savings Account Passbook with the Registrar of the Supreme Court of Hong Kong as security for the total sum of \$15,000.00, the Plaintiffs be discharged out of the custody of the Commissioer of Prisons Mr Thomas Garner upon bail until the adjourned hearing as hereinafter set out

IT IS FURTHER ORDERED that sureties to be 30 approved by the Clerk of Court

IT IS FURTHER ORDERED that the hearing of an application for a Writ of Habeas Corpus ad Subjiciendum be adjourned to a later date to be fixed as speedy as

possible by the Registrar in consultation with  
Counsels' diaries.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

Dated the 17th day of November 1980.

Sgd. N.J. Barnett  
Ag. Registrar

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No. 3  
Order of Mr  
Justice  
Penlington

*(Continued)*

In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings

STATEMENT FILED PURSUANT TO THE RULES OF THE SUPREME  
COURT

STATEMENT filed pursuant to the Rules of  
the Supreme Court Order 53 Rule 3(2)

No.4  
Statement  
pursuant to  
the  
Rules  
of the  
Supreme  
Court

1. The name and description of the Applicant is Chan Yun Tai, Amah, of 202 Val Verde, No. 11 May Road, Hong Kong.

2. The relief sought is an order of Certiorari to remove into this Honourable Court an Order made by the Director of Immigration on the 14th day of November 10 1980 WHEREBY HE ORDERED THAT that the 3 abovenamed infants be removed from the Colony into the People's Republic of China and to grant the said Order AND THAT all necessary and consequential directions be given AND THAT all proceedings on the said order be stayed until after the hearing of the motion or further order.

3. The grounds upon which the said relief is sought are as follow :

- (i) The said Director of Immigration has acted 20  
unfairly towards the 3 said infants;
- (ii) The said Director of Immigration is estopped from denying that the 3 said infants should be allowed to remain in Hong Kong.
- (iii) A denial of permission to the 3 said infants would be against the rules of natural justice.
- (iv) The said Director of Immigration having authorised the 3 said infants to remain under Section 13 of the said Immigration Ordinance he has no rights to order their removal under S. 19(1)(b)(ii) of the Immigration Ordinance 30
- (v) The 3 said infants being in the Colony with the authority of the said Director of Immigration since 26th October 1980 or alternatively since

11th November 1980 were not guilty of any offence under S.38(1) of the Immigration Ordinance and could not be removed from the Colony by order of the Director of Immigration issued pursuant to S.19(1) (b)(ii) of the Immigration Ordinance.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

Dated the 11th day of December 1980.

(sg.) K.K. & WINSTON CHU  
Solicitors for the Plaintiffs

\_\_\_\_\_  
No. 4  
Statement  
pursuant to  
the Rules  
of the  
Supreme  
Court

*(Continued)*

In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings

JUDGMENT OF HIGH COURT

Coram: Full Bench (Zimmern, J. & Mr. Commissioner  
Litton, Q.C.)

No. 5  
Judgment of  
the High  
Court

Date : 18th December, 1980.

Zimmern, J.:

The three applicants in this matter came before us pursuant to a writ of Habeas Corpus granted by Penlington J. and Directed to the Commissioner of Prisons and to the Chief Immigration Officer at the Victoria Immigration Centre. 10

By his return the Superintendent of Prisons certified that the applicants were detained by virtue of removal orders made under section 19(1)(b)(ii) and of orders for detention pending removal under section 32(3A) of the Immigration Ordinance signed by the Director of Immigration on the 14th November 1980.

At the commencement of the hearing counsel for the applicants applied for leave to file an application for judicial review under Order 53 seeking an order of certiorari to quash the detention and removal orders. 20  
With the consent of the Crown we granted leave.

The bare facts of the matter are that the applicants and each of them crossed into Hong Kong from China illegally sometime after the 23rd October 1980, reported at the Special Registration Office at Victoria Barracks in the early hours of the 26th October 1980. They were told to return on the 11th November on which date they were told to return on the next day when they were detained and served on the 15th November with notice of the Removal orders made against them on the 14th November. 30

It is now necessary to explain the Special Registration Office at Victoria Barracks.

On the 23rd October 1980 prior to the passing of the Immigration (Amendment)(No. 2) Ordinance by the Legislative Council the Governor made a statement that the then proposed legislation would radically change

Hong Kong's traditional policy towards illegal immigrants from China including the ending of the so called "reached base" policy. He said under the Bill and if passed an illegal immigrant who reached Hong Kong after the 23rd would be liable to arrest anywhere in Hong Kong and removal. In order to avoid retrospective action the Government proposed that those illegal immigrants then at that moment in Hong Kong from China should be given a short period in which to register but they must do so within the next three days at a special registration office at Victoria Barracks to be set up.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

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Judgment of  
the High  
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*(Continued)*

So much for the background. As I understand the applicants it is their case that they were in Canton on the 23rd October 1980 where and when they saw and heard on television an announcement in Cantonese read out by a Hong Kong Immigration officer a statement the contents of which was exhibited to their affirmation. It reads:

20

"This important announcement is directed at all immigrants from China who entered Hong Kong illegally.

A new law has been passed which means all illegal immigrants from China who do not already have an identity card, or who have not applied for registration, must now do so immediately.

30

This is your last chance. If you do not register for an identity card before midnight on Sunday, October 26 you are liable to be repatriated to China.

The place to register is the special registration centre in Victoria Barracks on Hong Kong Island. The entrance to the Centre is in Cotton Tree Drive.

40

Special arrangements have been made to keep the centre open day and night until midnight on Sunday. If you are an illegal immigrant who does not have an identity card you must go to the Centre and register immediately. And you should take with you three recent passport photographs of yourself.

It is important that you realise this is your last chance.

You have until midnight on Sunday.  
So register now!"

By their affirmation they say they understood the statement to mean that if one could enter Hong Kong and register at a certain place before midnight on October 26 he would be granted Hong Kong citizenship. They accordingly took steps to try to get across to Hong Kong and succeeded in the early hours of the 25th October. They then reported at the Special Registration Office at Victoria Barracks within the time 10 limit set by the Government.

It is submitted by counsel on their behalf, first, the announcement by an agent of the immigration officer covered all illegal immigrants from China not only those who were in Hong Kong on the 23rd October 1980. They were induced to come to Hong Kong by that representation and that after having arrived and heard the same representation on the television over and over again they were further induced to report at the Victoria Barracks. The Director of Immigration is 20 therefore estopped from denying them the right of registration and from removing them.

Crown counsel submitted that estoppel cannot defeat a statutory discretion.

For myself on the facts of this case I see no necessity for going into academic arguments on the application of various types of estoppel or whether any estoppel can or cannot defeat a statutory discretion.

The very first line of the announcement made it clear that it was only directed to immigrants from 30 China who had already entered Hong Kong albeit illegally. It was not a representation which applied to them who were then in their home in Canton. There was nothing in the language of the announcement which could have led them or anyone to believe that if they crossed the border illegally they would be accepted for registration as illegal immigrants. If they acted on the announcement in their own wrong belief they take the consequence of their own acts. I see no ground for any estoppel here. The court is being asked to condone 40 a crime to found an estoppel on a representation which was never made to them.



Next it is said that by reason of the events at Victoria Barracks from the early hours of the 26th October to 12th November the Director of Immigration is estopped from denying that he had not authorised them to remain in Hong Kong under section 13 of the Immigration Ordinance.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

On the evidence before us the sequence of events at Victoria Barracks were as follows :-

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the High  
Court

26-10-80:

10 Upon report they were given a card each headed "Initial Application to Register for an Identity Card" and after the applicant's name "has applied to be registered under the Registration of Persons Ordinance and has been given an appointment at 1 p.m. 11th November 1980. This form ceases to be valid for identification purposes after 11th November 1980" and signed for Commissioner of Registration. A photograph of the applicant was adhered to his or her card.

(Continued)

20 They were told to return on the 11th November. In their affirmation they said "we openly admitted that we had arrived in the Colony only the day before. We were told to return on November 11 to complete the procedure".

11-11-80:

30 At appointed time they attended at Victoria Barracks and upon completion of (a) an Immigration Department Hong Kong Arrival Card (Immigration Ordinance (Cap. 115) Section 5(4) and (5)) and (b) Application for an Entry Permit to remain in Hong Kong and Registration for Hong Kong Identity Card form they were each given a form upon surrender of the above mentioned card. Each form is dated 11th November 1980 with the applicant's photograph adhered thereon. On the top right hand corner are various legends including Date of Registration 11th November 1980, Future i/c No. H141162 Collectable Period 11th December 1980.

In the  
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of Hong Kong  
Miscellaneous  
Proceedings

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the High  
Court

(Continued)

The body of the form reads in part:

" Thank you for your application for Registration.

2. It is noted that you claim to have arrived on  
.... from .....

3. It is further noted that you are an illegal  
immigrant possessing the following documents :-

You are required to report immediately to the  
Immigration Clearance Office at Victoria Barracks and  
obtain in the panel below a clearance endorsement. You  
are then required to report to the Immigration Depart- 10  
ment for investigation. An Identity Card will not be  
issued until you have obtained an endorsement from the  
Immigration Clearance Office and a Hong Kong Entry  
Permit from the Director of Immigration.

ENDORSEMENT

Immigration Clearance  
Office

Investigation  
Division

No. H1.411.62

Nov 11 80 50349 1 00200T

4. Please keep this form safely and take it IN 20  
PERSON to the Issue Section of this Branch Office  
during office hours on any business day within the  
collectable period stated above. If you fail to  
collect the card within the period stated, it will be  
cancelled and you will be required to register again.  
You will be required to produce your Travel Document/  
Hong Kong Entry Permit for inspection when collecting  
your card.

5. If you cannot obtain an endorsement from the  
Immigration Clearance Office and a Hong Kong Entry 30  
Permit within the collectable period, you must return  
to this Branch Office after the stated expiry date to  
have the period extended. If you fail to do this, the  
Identity Card will be cancelled and you must register  
again within 30 days from the date of cancellation."

It is submitted on their behalf that as each

of the applicants has been given a future identity card number, they and each of them had been authorised by the Director of Immigration to stay in Hong Kong under section 13 of the Immigration Ordinance and accordingly Removal Orders could not be served on them on the 15th November after detention on the 12th November when they had been authorised in writing to collect their Identity Cards on the 11th December 1980.

*In the  
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of Hong Kong  
Miscellaneous  
Proceedings*

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the High  
Court

10 I am quite unable to understand this argument. I can see nothing in the whole procedure which supports this contention. The first card and the form of 11th November 1980 were issued by the Registrar of Persons and not by the Director of Immigration. Though they might be the same person as we were told they are and grouped under one department it remains that same person exercises different statutory functions. The Director of Immigration has not so far as I can see authorised anyone of them to remain in Hong Kong under section 13 of the Immigration  
20 Ordinance. Even if he had there is nothing to show that they had been authorised to remain permanently. Their forms show that they had not obtained clearances from the Immigration Clearance Office nor is it suggested that they had been issued with Hong Kong Entry Permits by the Director of Immigration. Without these they could not have obtained identity cards.

*(Continued)*

30 The Director was no doubt exercising his statutory powers in accordance with government policy. That is a matter for him. I cannot see anything in this case in which his powers to issue the removal orders could be challenged or that his conduct ought to be subject to judicial review.

Let me also add that it has not been advanced on behalf of the applicants that they had a right to enter or to remain and reside within the jurisdiction other than by reason of their unfruitful encounters at Victoria Barracks.

40 It well might be that the applicants are suffering from a keen sense of disappointment in having missed the "last ferry" by only a few days. It also might well be that they are desirable characters but that is a matter for the Director and not for us.

*In the* I would quash the writ of habeas corpus and  
*Supreme Court* refuse the orders of certiorari sought.  
*of Hong Kong*  
*Miscellaneous*  
*Proceedings*

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*(Continued)*

JUDGMENT

*In the  
Supreme Court  
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Mr Commissioner Litton, Q.C.

Mr Justice Zimmern has stated the background facts of this case and I need not repeat them here.

There is no shadow of doubt that the Applicants landed in Hong Kong unlawfully. Unless they are able to show that they remained thereafter in Hong Kong with the authority of the Director of Immigration, they have committed an offence under section 38(1)(b) of the Immigration Ordinance.

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the High  
Court

(Continued)

On 14th November, 1980 removal Orders were made by the Director of Immigration in respect of the Applicants under section 19(1)(b)(ii) on the ground that they have committed an offence under section 38(1)(b). In what way can it be said that the removal orders were unlawful?

Mr Jackson-Lipkin, as I understand him, puts his case on two broad grounds:

- 20 (1) On the evidence adduced before the court we should find as a fact that the Director of Immigration had, some time after the Applicants landed illegally in Hong Kong, and before the removal orders were made, authorized them to remain in Hong Kong.
- 30 (2) Alternatively, on all the facts of the case the Director is estopped by conduct from asserting that he has not authorized the Applicants to remain in Hong Kong.

Authority to Remain

A statutory discretion is vested in the Director of Immigration under section 13 of the Immigration Ordinance to authorize a person who landed in Hong Kong unlawfully to remain in Hong Kong. Mr Jackson-Lipkin argues that whatever the Government policy might have been as regards illegal immigrants

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Miscellaneous  
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(Continued)

landing in Hong Kong after the 23rd October, the Director has a discretion, conferred by statute to override such policy. Mr Jackson-Lipkin puts his case in this way: The television announcements were repeated hourly throughout the 24th, 25th and 26th October; they were made with the authority of the Director of Immigration; the announcements have been understood and could only be understood as authorizing all illegal immigrants from China who registered at the special registration centre before mid-night on the 26th to remain in Hong Kong; accepting that the policy of the Hong Kong Government (as stated by His Excellency the Governor in Legislative Council) was to repatriate illegal immigrants who landed after the 23rd, nevertheless the Director by his "unequivocal statements" must be deemed to have exercised his statutory discretion in a contrary sense. 10

This is a bold proposition and affects not only the three Applicants before us but every other illegal immigrant who landed after the 23rd October and managed to present himself for registration before mid-night on the 26th. We do not know how many similar cases there might be. Mr Jackson-Lipkin's proposition does not depend upon whether the announcement was heard by the illegal immigrant concerned, nor does it matter how the announcement might have been understood by him. What counsel says in effect is this : The announcement by itself was an act done by the Director under the statute; it was in fact the authority of the Director under section 13 to every illegal immigrant from China to remain, provided he complied with one condition namely: To register before mid-night on the 26th. 20 30

Mr. Barlow for the Crown says that the definition of Director is restricted and the announcements were not proved to have been made by the Director or, as Mr. Barlow would have added, the "Deputy Director" or an "Assistant Director", had he adverted to the definition section in the Ordinance.

For my part I would not base my judgment on that narrow ground. The television announcements which counsel for the Applicants rely upon were not expressed in terms of an authorization. Nowhere does it say: "You are hereby authorized to remain in Hong Kong", 40

10 conditionally or unconditionally. When first made on the evening of 23d October the announcement could only have been understood to refer to those illegal immigrants who were already in Hong Kong; it stressed the importance of them having an Identity Card in consequence of the change in law and it gave notice of the special arrangements for registration terminating at mid-night on the 26th. Views may differ as to whether the announcement might have been better worded when it was repeated on 25th and 26th October because no mention was made of the fact that the special arrangements were of no avail to those arriving illegally after the 23rd. But that is quite besides the point. Whatever view one might take of the wording of the announcement, I cannot see how the announcement could have amounted to an administrative act on the part of the Director, exercising a statutory discretion on a wholesale basis in complete contradiction to the policy of the Government. I would hold that the Director did no such thing.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

\_\_\_\_\_  
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*(Continued)*

20 Counsel then developed a different argument along the same lines based upon the following facts:

- (1) When the Applicants applied for registration on the 26th October, they were each given a form dated the 26th, signed by the Commissioner of Registration which stated, (inter alia), "This form ceases to be valid for identification purposes after 11th November, 1980"
- 30 (2) When they returned to the special registration centre on the 11th November each of them was asked to sign a form entitled: "Application for an entry permit to remain in Hong Kong and registration for Hong Kong Identity Card"
- (3) At the same time they each filled in an Immigration Department Arrival Card.
- (4) Each of them was then given a form, headed "Immigration Department,

Registration of Persons Office" with a photograph of the Applicant attached, which had a number stamped on against the printed words: "Future Identity Card Number." On the bottom of the form there was a rubber stamp impression which read: "When you come to get your Identity Card please bring the original and a copy of your permission to stay." The form also stated that 10 the period for collection of the Identity Card expired on the 11th December, 1980.

Counsel argues that with such forms in their hands, particularly when all the other procedures enumerated above had been gone through, the Applicants naturally thought, and had every right to think that they had been given authority to remain in Hong Kong by the Director of Immigration. Counsel goes further and says that the cumulative effect of the steps taken 20 amounted to an act of authorization by the Director under section 13 of the Immigration Ordinance.

Let me examine the steps in more detail:

- (1) The form dated 26th October says nothing more than that the Applicant has applied to be registered under the Registration of Persons Ordinance and has been given an appointment at 1 p.m. on 11th November, 1980 (I will call this the sub-paragraph (i) form). 30
- (2) The "Application for an entry permit to remain in Hong Kong and registration for Hong Kong Identity Card" form is precisely what it says. It indicates clearly that the Director of Immigration had not yet considered, in relation to the particular applicant, whether he (or she) should be permitted to stay in Hong Kong.
- (3) The arrival Card comes under the 40 provisions of section 5(4) of the Immigration Ordinance and is completed



for the purposes of an immigration officer examining a person on his arrival in Hong Kong. This cannot be proof that a decision had been made authorizing him to stay.

*In the  
Supreme Court  
of Hong Kong  
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(4) The Immigration Department, Registration of Persons Office form (I will call this the sub-paragraph (iv) form). As Counsel bases his main argument on the issue of this form on the 11th November I will now examine this form in greater detail. This form was handed to each of the Applicants in exchange for the sub-paragraph (i) form on which (probably for administrative purposes) was then chopped a stamp which said "Registered on 11th November 1980 for Hong Kong Identity Card No. H141146 (or as the case may be)". The sub-paragraph (iv) form was issued by the Commissioner of Registration; it is addressed to the Applicant; it says "Thank you for your application for registration" and notes in clause (3) of the form that the Applicant is an illegal immigrant possessing no travel documents. The form then says (in Chinese) "You are required to report immediately to the Immigration Clearance Office at Victoria Barracks and obtain in the panel below a clearance endorsement. You are then required to report to the Immigration Department for investigation. An Identity Card will not be issued until you have obtained an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit from the Director of Immigration." Pausing there, I would have thought that anyone reading the form carefully would have realized that until clearance by the Immigration Clearance Office and issue of the Hong Kong Entry Permit (i) the question of permission to stay had not yet been resolved and (ii) no unequivocal

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Judgment of  
the High  
Court

*(Continued)*

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promise had been made that an Identity Card would be issued.

It is true that clauses (4), (5) and (6) of the form do contain statements which assume that the Identity Card would be issued. For example, clause (6) which states :

No. 5  
Judgment of  
the High  
Court  
(Continued)

"Take good care of your Identity Card since its loss will cost you both inconvenience and expense. Remember also that you are required by law to inform the Commissioner of Registration of any change in address, employment and marital status." 10

Perhaps it might have been kinder if the form had omitted clauses (4), (5) and (6) altogether because then the expectations of the Applicant concerned could not possibly have been aroused. But that would have entailed yet another form when the Immigration Clearance Office and Investigation Division endorsements have been obtained, and there may therefore be good administrative reasons why the sub-paragraph (iv) Form was devised in this particular manner. Likewise, it might have been kinder if the form had a statement to the effect that the issue of the form in no way suggested that the Applicant would be permitted to remain in Hong Kong. But these are pure matters of administration which are beyond the competence of the court to judge. 20

It is noteworthy that the sub-paragraph (iv) form is issued in the name of the Commissioner of Registration. It matters not that the office of Director of Immigration and Commissioner of Registration is filled by the same person: They are two different authorities, governed by different statutes. It would seem to me, on a plain reading of the sub-paragraph (iv) form, that its effects is unequivocal. No promise of any kind had been made; either with regard to the grant of authority to stay or with regard to the issue of an Identity Card. As regards authority to stay, it is not within the competence of the Commissioner of Registration. One would require very strong evidence indeed to support a suggestion that statements made by the Commissioner of Registration in such a form had the effect of an exercise of statutory 30 40

discretion under section 13 of the Immigration Ordinance: discretion exercised only by the Director of Immigration within the meaning of that term in section 2 of the Immigration Ordinance. I would hold that the Director of Immigration has not exercised his discretion under section 13 in respect of any of these Applicants.

*In the  
Supreme Court  
of Hong Kong  
Miscellaneous  
Proceedings*

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Judgment of  
the High  
Court

I should add for the sake of completeness that what I have said above regarding the sub-paragraph (iv) form applies only to MAK Siu-fong and MAN Chiu-ying. The form which was handed to MAK Yui-hoi (appropriate only for juveniles) is slightly different but nothing turns on this distinction.

*(Continued)*

### Estoppel

I can deal with this question in brief. The Applicants' case is that having heard the television announcement in Canton on 23rd October they thought it meant that if they succeeded in entering Hong Kong and presenting themselves for registration at the special registration office in Victoria Barracks before midnight on the 26th, they would be granted "Hong Kong citizenship". I cannot understand how that broadcast, heard in Canton, could have been so understood.

Mr Jackson-Lipkin then says the announcement heard in Hong Kong amounts to a representation that all those illegal immigrants in Hong Kong who registered before mid-night on 26th October, regardless of when they arrived, would be allowed to stay. Assuming the announcement was so understood, what conduct on the part of these Applicants did that representation induce? It cannot be to register. They would have done that anyway. That was the whole point of coming. So what was it? It could hardly be the case for the Applicants that, had they understood the announcement to apply only to those landing before 23rd October, they would have lied about the date of their arrival. The estoppel point really boils down to no more than this. On hearing the announcement in Canton, they thought they would be granted Hong Kong citizenship if they could evade the security forces, get to the urban area and beat the clock before mid-night on the 26th October. Their case is founded on an unlawful act: landing in Hong Kong unlawfully.

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I cannot see how in these circumstances an estoppel can arise in favour of the Applicants.

Detention

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Court

After the sub-paragraph (iv) forms were handed to the Applicants on 11th November, they were told to return on the 12th November. On 12th November they were further interviewed and then detained.

(continued)

On 14th November removal orders were made against them under section 19(1)(b)(ii) after which their detention was authorized under section 32(3A) pending removal. Mr Barlow says that between the 12th and 14th the Applicants were detained under section 26(a). Mr Jackson-Lipkin says that the detention between the 12th and the 14th was unlawful because the Applicants could not have been detained for the purposes of inquiry, which are the only lawful grounds for the exercise of power under section 26, since all the inquiry had been made before the 12th November. I express no view as to this matter since that is not the issue before us now. I am satisfied that the removal orders were properly made and it must follow that the Applicants were lawfully detained pending removal. I too, would quash the Writ of Habeas Corpus and also the application for judicial review.

**In the Supreme Court of  
Hong Kong**

**Appellate Jurisdiction**

**Civil Appeal No. 196 of 1980**

**(on Appeal from High Court  
Miscellaneous Proceedings  
Action No. 1052 of 1980)**

Civil Appeal No. 196 of 1980

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

IN THE COURT OF APPEAL

ON APPEAL FROM THE FULL BENCH OF THE  
HIGH COURT OF JUSTICE

MISCELLANEOUS PROCEEDINGS

ACTION NO. 1052 OF 1980

No. 6  
Notice of  
Appeal

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BETWEEN:

MAK YUI MING ( 麥 銳 明 )  
MAK SIU FONG ( 麥 小 芳 )  
10 MAN CHIU YING ( 文 肖 英 ) all infants  
by the next friend  
and aunt CHAN YUN TAI Appellants

and

THE ATTORNEY GENERAL Respondent

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NOTICE OF APPEAL

Take Notice that the Court of Appeal will be moved as soon as Counsel can be heard on behalf of the above-named Appellants for an order that the judgment herein of the Full Bench of the High Court of Justice  
20 dated 18th December 1980 whereby the said Court ordered that :

1. The Writ of Habeas Corpus ad Subjiciendum dated 17th November 1980 issued pursuant to the Order of the Honourable Mr Justice Penlington be quashed,
2. The Appellants' application for an Order of Certiorari be dismissed,

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

may be set aside, that the said Order of Certiorari may be granted, that the Appellants may be forthwith discharged out of the custody of the Director of Immigration, and that the costs of and occasioned by this Appeal may be paid by the Respondent to the Appellants.

\_\_\_\_\_  
No. 6  
Notice of  
Appeal  
(continued)

And Further Take Notice that the grounds of this appeal are :-

1. That the Court erred in law in holding that the Director of Immigration had not exercised his discretion in favour of the Appellants and granted them 10 permission to stay in Hong Kong under Section 3 of the Immigration Ordinance Cap. 115.

2. That the Court erred in law holding that the Director of Immigration was not estopped from denying that he had granted the Appellants permission to stay in the Colony.

3. That the Court erred in holding that the Director of Immigration had the power to order the detention and removal of the Appellants.

4. That if the Court were correct in holding 20 that the Director of Immigration had the power to detain and remove the Appellants, nonetheless his failure to exercise his discretion in favour of the Appellants by granting them permission to stay, alternatively his exercise of his discretion to detain and remove the Appellants, was unfair and contrary to the rules of natural justice in all the circumstances of this case.

And Further Take Notice that the said Appellants will rely upon such further or other grounds 30 of appeal as they may be advised to rely upon delivery of the written judgments of the Court.

Dated the 19th day of December 1980.

(Sgd) K. K. & Winston Chu  
Solicitors for the Appellants

JUDGMENT OF THE COURT OF APPEAL

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

Coram: Sir Alan Huggins, V.P., Leonard and Cons,  
JJ.A.

This was an appeal by three young illegal immigrants against the judgment of the Full Bench whereby it was ordered that :

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Judgment of  
the Court of  
Appeal

10 "1. The Writ of Habeas Corpus ad Subjiciendum dated 17th November 1980 issued pursuant to the Order of the Honourable Mr Justice Penlington be quashed,

2. The Appellants' application for an Order of Certiorari be dismissed."

It is not clear to us how the matter originally came before the Full Bench, although Mr Justice Zimmern states that it was "pursuant to a writ of Habeas Corpus granted by Mr Justice Penlington". As I understand it, application was made to Mr Justice Penlington in Chambers for leave to apply for a writ and the writ was in fact issued on 15th November 1980. A photostat copy of that writ is before us. A return was made two days later. According to the formal order drawn up after that hearing there was an adjournment of the "application for a writ of Habeas Corpus ad Subjiciendum", but that must be an error, for a writ had already been issued. What was adjourned was, presumably, the consideration of the return, counsel for the Applicants having indicated that he needed time to prepare his case. At the time an order was made releasing the Applicants on bail. The order incorrectly showed the defendant in the proceedings to be the Attorney General, an error which has been repeated in other documents filed in the Full Bench and in this Court.

The return has, apparently, never been considered by Mr Justice Penlington. Instead, the applicants sought from the Full Bench an order quashing the Writ of Habeas Corpus. The Full Bench did in fact make such an order. I say no more about that than that the reasons given by the Full Bench appear to me not to show that the writ was wrongly issued but to be directed



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Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

\_\_\_\_\_  
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Judgment of  
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of Appeal  
(Continued)

more to the sufficiency of the return. However, at the hearing before the Full Bench an oral application was made for judicial review to quash the removal orders which had been made by the Director of Immigration under section 19(1)(b)(ii) of the Immigration Ordinance and detention orders made under section 32(3A). In the event orders of certiorari were refused. Although the provisions of Order 53 were not complied with in relation to the Applicants' application for judicial review, we thought that the best course was for us to 10  
treat the orders of certiorari as having been regularly made and to treat the appeal before us solely as an appeal against those orders.

The history of the matter is as follows. The three Appellants were in Canton on 23rd October 1980. On that day they heard a broadcast from a radio station in Hong Kong which was in the following terms:

" This important announcement is directed at all immigrants from China who entered Hong Kong illegally. 20

A new law has been passed which means all illegal immigrants from China who do not already have an identity card, or who have not applied for registration, must now do so immediately.

This is your last chance. If you do not register for an identity card before midnight on Sunday, October 26 you are liable to be repatriated to China.

The place to register is the special 30  
registration centre in Victoria Barracks on Hong Kong Island. The entrance to the centre is in Cotton Tree Drive.

Special arrangements have been made to keep the centre open day and night until midnight on Sunday. If you are an illegal immigrant who does not have an identity card you must go to the centre and register immediately. And, you should take with you three 40  
recent passport photographs of yourself.

It is important that you realise this is your last chance. You have until midnight on Sunday. So register now."

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Jurisdiction

It is conceded that the announcement was made with the authority of the Director of Immigration. The Appellants had been minded to come to Hong Kong and they took this announcement to mean that if they managed to reach the Colony without being caught by the Security forces and if they registered an application for an identity card before midnight on the night of 26th/27th October they would be permitted to remain here. Accordingly they bought a boat and made their way in it to Lau Fau Shan without being detected. Having telephoned to the uncle of two of them, who was a resident in the Colony, they were told by him that he also had heard the broadcast. By this time they were, of course, immigrants from China who had entered Hong Kong illegally, in the words of the announcement. They then proceeded to Victoria Barracks and there registered their applications for identity cards well before the deadline was reached.

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the Court  
of Appeal

(Continued)

It must here be said that the announcement which had been broadcast was not entirely accurate in that it mis-stated the effect of the new law which had been passed. It was not the new law which meant that "all illegal immigrants from China who do not already have an identity card, or who have not applied for registration, must now do so - immediately": it was a change in executive policy. The changes in the law merely made it easier to enforce the law. The existing law permitted the repatriation of illegal immigrants, but, for reasons which doubtless appeared to it sufficient, the Government had not sought to repatriate illegal immigrants from China who had succeeded in reaching the urban areas without detection. It was that policy which was changed. It was obviously intended that all those illegal immigrants from China who were in the Colony when the announcement was first made would be issued with identity cards and, although no promise was made to this effect, that they would not be proceeded against under section 13 of the Immigration Ordinance. It would seem that the Judges in the Full Bench understood it to be suggested that the announcement was also an invitation to persons who heard it abroad to try to outwit the security forces

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(Continued)

before the magic hour and to promise that, if they succeeded, they too would be issued with identity cards. Mr Jackson-Lipkin disclaimed any such suggestion. Whether it was made or not, I am satisfied that the announcement was not reasonably capable of that interpretation, although the Appellants say that they so understood it.

Mr Jackson-Lipkin before us has based his contention upon the continued publication of the announcement at hourly intervals until 11 p.m. on 26th October and the uncle's telling the Appellants after their arrival in the Colony that the same announcement was being repeated. In addition he relies upon what transpired at Victoria Barracks when they applied for registration.

When they first reported, the Appellants frankly admitted that they had entered the Colony illegally after 23rd October. They were interrogated and then issued with documents headed "Initial Application to Register for Identity Card". These certified that the Appellants had applied to be registered and were designed to be used as a temporary means of identification, the new legislation having made it an offence, in effect, for any person who has attained the age of 15 years not to have with him at all times proof of his identity: section 17C. The forms issued to them stated that they were valid until 11th November and were signed on behalf of the Commissioner of Registration. It should be mentioned that the Commissioner of Registration is in practice the same individual as the Director of Immigration and that the Registration of Persons Offices form part of the Immigration Department.

In accordance with instructions given when they first reported, the Appellants returned to Victoria Barracks on 11th November. They surrendered the temporary identity forms and were required to complete documents headed "Application for an Entry Permit to remain in Hong Kong and Registration for Hong Kong Identity Card" as well as forms of Arrival Card such as are presented for completion by all persons entering the Colony legally. They were further interrogated and were handed what can best be described as "receipts for the application for registration". They also were signed on behalf of the Commissioner of

Registration. It indicated the number of the "Future Identity Card" and the date before which they must be collected, namely 11th December. They further stated :-

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10 "You are required to report immediately to the Immigration Clearance Office at Victoria Barracks and obtain in the panel below a clearance endorsement. You are then required to report to the Immigration Department for investigation. An Identity Card will not be issued until you have obtained an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit from the Director of Immigration."

\_\_\_\_\_  
No. 7  
Judgment of  
the Court  
of Appeal

*(Continued)*

In addition they bore a stamp impression which I ought, perhaps, to mention, since it was referred to in one of the judgments below. There was no official translation, but it seems to be accepted that it read :

20 "When you come to get your Identity Card, please bring the original and a copy of your permission to stay."

These receipts were in fact handed to them in "the Immigration Clearance Office at Victoria Barracks", so that the requirement to report there immediately was somewhat unnecessary. However, they were told to return the following day. This they did, believing, say that they would then receive their identity cards. In fact they were then arrested and on the 14th November the orders complained of were signed.

30 Before us the first point taken on behalf of the Appellants was that the orders were bad because the Appellants had before 14th November been given permission to remain in the Colony. It was contended that that permission was at least a temporary permission until 11th December (the last day indicated for the collection of their identity cards) if not permission to remain indefinitely. As much of the argument has been based, in the alternative, on estoppel, I have had some difficulty in distinguishing the evidence from which the permission is said to be inferred. As I  
40 understand it, reliance is placed initially upon the announcement itself, and it is submitted that that should fairly be interpreted not merely as giving an

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(Continued)

opportunity for those to whom it was addressed (who were said to include the Appellants by reason of its repetition) to have applications for registration considered, but as guaranteeing that identity cards would be issued to those who applied and that such persons were, by the announcement itself, being given permission to remain. Then it was said that the officers at Victoria Barracks at no time before 12th November arrested the Appellants, but twice told them to return, so that permission to remain might be inferred from their conduct. In support of the alternative argument it was said that the receipt for the application for registration constituted a permission to remain for the period during which the future identity card was collectable. I can accept none of these arguments. No doubt it was anticipated that the majority of those who applied for registration and satisfied the officials that they were persons within the class to whom the announcement was addressed would be allowed to remain, but the wording was clear: those who did not apply for registration would remain liable to repatriation. Nowhere was it said that those who did apply would necessarily be allowed to remain. Even less did it promise immunity from repatriation to persons to whom the announcement was not addressed. To anyone who heard the announcement for the first time when within the Colony it might possibly appear that the announcement was addressed to him although he had arrived illegally after 23rd October, but no one who first heard it before his arrival could fairly understand that it applied to him even if he heard it again after entering the Colony. It is altogether too absurd to suggest that the Government was holding out a carrot in the form of permission to remain with one hand, in order to encourage persons to enter illegally, and that at the same time it was putting up a barrier in the form of strong security forces with the other, in order to keep would-be illegal immigrants out. This was not a game but a deadly serious exercise to enable the authorities to take effective measure against a further influx of illegal immigrants, which was threatening to strangle the economy. Again, it was made very clear in the receipt for the applications for registration that the issue of identity cards was dependent upon clearance by the Immigration Department and nowhere in the documents was there anything to suggest that permission to remain either permanently or temporarily had in fact

been given. Even if some such permission were to be found in the receipts for application for registration, those documents were signed by the Commissioner of Registration and not by the Director of Immigration. Nor was it suggested that any oral statement was made which could properly be interpreted as giving permission. Counsel did submit that the requests to fill in the Arrival Cards indicated that the Immigration Officers themselves thought that the Appellants had been given permission to remain. The argument runs like this. The request was made pursuant to section 5(4) of the Immigration Ordinance: that provision applied only where a person was not committing an offence under section 38(1)(b): therefore they must have been given permission. However, there was no evidence as to why the officers asked that the cards be completed and, although their conduct was consistent with the belief suggested, I am not persuaded that they necessarily so believe. Nor would their necessarily be justified.

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of Hong Kong  
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Judgment of  
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*(Continued)*

Secondly it was contended that, even if permission to remain was not given in fact, the Director was estopped from denying that he had given permission. The difficulty in which the Appellants found themselves here was that the onus was on them to prove that the orders complained of were unlawful and not on the Director to show that they were lawful. Accordingly the Appellants were seeking to establish the unlawfulness by means of an estoppel. That they could not do. Moreover, I am unable to see that any estoppel could arise, for the Appellants have, since their arrival in the Colony, done nothing as a result of the announcement which they were not obliged by law to do. Section 3 of the Registration of Persons Ordinance required them to apply for an identity card and that is what they did. It hardly lies in their mouths to say that, but for the announcement, they would have disobeyed the law and refrained from applying.

When the case was called on 20th May for delivery of judgment Counsel drew our attention to the recent decision of another division of this Court in NG Yuen-shiu v. The Attorney General Civil Appeal 1980 No. 188 and, with leave of the Court, Mr Jackson-Lipkin addressed further argument to us in relation thereto.

In that case an illegal immigrant from Macau relied upon another public announcement, which had been authorised by the Secretary for Security and had been made in the first place by an Assistant Principal Immigration Officer. The announcement was originally made to members of a deputation of persons who likewise were illegal immigrants from Macau and who had gone to Government House to submit a petition to the Governor. The substance of the announcement, which was repeated in an appeal published in the newspapers, indicated 10 that such persons should report to the Immigration Office, that they would not be arrested during the interviews which would then take place and that each case would be treated on its merits. The Appellant was, in breach of the promised immunity, arrested while he was being interviewed and subsequently a removal order was made against him under section 53A of the Immigration Ordinance without, as the Full Bench found, his having been accorded a reasonable opportunity of making representations. An application for orders of 20 certiorari and prohibition were refused by that Court on the ground that the Director was under no duty towards an alien who had entered the Colony illegally to act according to the rules of natural justice, but prohibition was granted by the Court of Appeal.

First it has been contended that that decision was authority for disregarding what Mr Jackson-Lipkin termed the wholly artificial distinction between members of different branches of the public service. As I understood him, he was submitting that what Mr 30 Bridge did in his capacity as Commissioner of Registration was to be regarded as done also in his capacity as Director of Immigration. I find no support for that contention in the judgments. Secondly, it was argued that the decision adopted the concept of "legitimate expectation" as propounded by Lord Denning, M.R. in Schmidt v. The Secretary of State for Home Affairs 1969 2 Ch. D. 149, 170. No doubt it did, but it remains for us to consider whether that concept has any application to a case like the present. In NG Yuen-shiu v. The 40 Attorney General the legitimate expectation was no more than that the Director would consider the Appellant's application upon its merits. The Court emphasized that nothing it had said in any way affected the discretion of the Director in the exercise of his discretion after the appellant had been heard. Here it is contended

that the Director's discretion was fettered and that he must be regarded as either having given the Appellants permission to remain in the Colony or as having made a binding promise that permission would be granted. In my view this is a very different case, because the other deals with a matter of procedure and this with substantive rights.

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Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

There is another point of distinction. I am prepared to assume that the Appellants expected that they would be allowed to remain, but it does not necessarily follow that their expectation was reasonable or legitimate. I find nothing in NG Yuen-shiu v. The Attorney General which compels me to say that one must disregard the fact that the Appellants heard the announcement before they left Canton. If they had heard it first when they were in Hong Kong, or if they never heard it at all and were simply members of the class to whom it was addressed, that case might arguably have given them some support in their efforts to establish that the announcement applied to them, but clearly the announcement did not, and was never intended to, apply to them. Furthermore, whilst I recognise that the announcement might, wrongly, have been taken by some to be in effect a positive undertaking, the case does not, in my view, support the contention that it was a positive undertaking. McMullin, V.P. was naturely reluctant to conclude that the promise there made was, as it were, tongue in cheek, by which I understand him to have meant that it was a light-hearted deception. Here there could be no question of an attempt at deception at all: the announcement was not intended for the Appellants or those in a like position, even if one accepts the submission that each time the announcement was published it constituted a separate and distinct promise to those for whom it was intended.

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Judgment of  
the Court  
of Appeal  
(Continued)

The arguments addressed to us on behalf of the Appellants appear to me, with respect, to involve three different contentions, which were not always kept distinct:

- 40 (i) that there was an actual permission which crystallized at the moment when the Appellants registered;



In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

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(ii) that the issue of the receipts for applications for registration, containing the numbers of the "future identity cards", created a legitimate expectation that the Appellants would be allowed to remain and that such expectation had binding effect; and

No. 7  
Judgment of  
the Court  
of Appeal

(iii) that there was some kind of estoppel which prevented the Director from denying both that the announcement applied to them and that he had a right to consider their cases on their merits.

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(Continued)

I have endeavoured to give my reasons for rejecting all these contentions and would only add that nothing which was said in the course of the further argument persuaded me that the Appellants had any right in law or equity which prevented the Director from exercising his statutory duty under the Ordinance or fettered his discretion when he did so.

In the course of the argument Leonard, J.A. posed the question whether it would be lawful for the Director to give a blanket permission to a class of persons without considering the circumstances of each individual therein. Counsel did not pursue the matter. 20

Leonard, J.A. :

I agree and have nothing to add.

Cons, J.A.:

I agree with the conclusion expressed by the learned Vice-President and with the reasons he has given.

8th June 1981.

NOTICE OF MOTION FOR LEAVE TO APPEAL

*In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction*

TAKE NOTICE that the Court of Appeal will be move on Friday, the 3rd day of July 1981 at ten o'clock in the forenoon by Counsel for the above-named Appellants so soon as Counsel can be heard FOR leave to appeal to Her Majesty in Council from the judgment herein of the Court of Appeal delivered on the 8th day of June 1981 dismissing an appeal by the Appellants from the judgment of the Full Bench of the High Court of Justice given on the 18th day of December 1980 UPON such conditions if any as to this Honourable Court may seek just or necessary AND for an Order that the costs of this motion be provided for.

\_\_\_\_\_  
No. 8  
Notice of  
Motion for  
Leave to  
Appeal

AND FURTHER TAKE NOTICE that the grounds of this motion will be that the questions involved in the Appeal are ones which, by reason of their great general or public importance, or otherwise, ought to be submitted to Her Majesty in Council for decision.

Dated the 12th day of June 1981.

(Sgd.)  
Messrs Helen A. Lo & Co.

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

BEFORE THE HONOURABLE SIR ALLAN HUGGINS, VICE-PRESIDENT,  
AND THE HONOURABLE MR JUSTICE O'CONNOR

ORDER

No. 9  
Order of the  
Court of  
Appeal  
granting  
Leave to  
Appeal to  
the Privy  
Council

Upon reading the notice of motion dated the 12th day of June 1981 on behalf of the Appellants for leave to appeal to Her Majesty in Council from the Order of the Court of Appeal given on the 25th day of May 1981 whereby it was ordered that the Appellants' appeal be dismissed.

And Upon hearing Counsel for the Appellants 10  
and Counsel for the Respondent

It is ordered that the Appellants do have leave to appeal from the said Order of the Court of Appeal given on the 25th day of May 1981 on condition :-

- (1) that the Appellants do within two(2) weeks from the date hereof provide a security in the sum of \$60,000.00 for the due prosecution of the Appeal and the payment of all such costs as may become payable, such security to be in the form of an undertaking by Mr Gilbert Rodway; and 20
- (2) that the Record of the Appeal be prepared and despatched to England within three(3) months from the date hereof.

Dated the 3rd day of July 1981.

(Sgd)  
N. J. BARNETT  
Registrar

SUMMONS

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

10 LET ALL PARTIES CONCERNED attend before Mr Registrar Betts at the Supreme Court of Hong Kong, sitting at Fire Brigade Building, 4th floor, Connaught Road, Central, Hong Kong, on the 21st day of May 1982 at 9.30 o'clock in the forenoon on the hearing of an application by the Director of Legal Aid for an Order that (1) Mr Chan Wai Ping be appointed to be the next friend of Man Chiu Ying and (2) Madam Chan Sau Lan be  
20 appointed to be next friend of Mak Yui Ming and Mak Siu Fong, all the minor appellants herein in place of Madam Chan Yun Tai, on the ground that it is considered no longer legally expedient for the said Madam Chan Yun Tai to represent the minor appellants, and that all subsequent proceedings herein be amended by substituting therein the name of Mr Chan Wai Ping as the next friend of Man Chiu Ying and the name of Madam Chan Sau Lan as the next friend of Mak Yui Ming and Mak Siu Fong, and that the costs of this application be provided for.

No. 10  
Summons

Dated the 20th day of May 1982.

(Sgd.)  
N. J. BARNETT  
Registrar

This Summons was taken out at the instance of the Director of Legal Aid on behalf of the minor appellants.

30 (Sgd.)  
(J. C. SMITH)(Miss)  
Asst. Director of Legal Aid

To: Madam Chan Yun Tai,  
next friend of the minor appellants.

(Estimated length of hearing: 3 minutes)

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

BEFORE MR REGISTRAR BETTS  
OF SUPREME COURT AT CHAMBER

No. 11  
Order

ORDER

UPON hearing the Director of Legal Aid acting on behalf of the minor appellants and the former next friend appearing in person and upon reading the affidavit of Miss Jeanie Chisholm Smith, filed herein on the 20th day of May 1982, IT IS ORDERED that Mr Chan Wai Ping be appointed to be the next friend of Man Chiu Ying and that Madam Chan Sau Lan be appointed to be next friend of Mak Yui Ming and Mak Siu Fong, all the minor appellants herein in place of Madam Chan Yun Tai, on the ground that it is considered no longer legally expedient for the said Madam Chan Yun Tai to represent the minor appellants. 10

AND IT IS FURTHER ORDERED that all subsequent proceedings in this action herein be amended by substituting therein the name of Mr Chan Wai Ping as next friend of Man Chiu Ying and the name of Madam Chan Sau Lan as the next friend of Mak Yui Ming and Mak Siu Fong, and that there be no order as to costs in respect of this application. 20

Dated this 21st day of May 1982.

(Sgd.)  
REGISTRAR

NOTICE OF MOTION

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

TAKE NOTICE that the Court of Appeal will be moved on Tuesday, the 29th day of June 1982 at the sitting of the Court or so soon thereafter as Counsel on behalf of the above named Applicants/Appellants can be heard for :-

No. 12  
Notice of  
Motion for  
leave to  
Appeal

10 (i) an Order that the Applicants/Appellants be at liberty to apply for leave to appeal to Her Majesty in Council notwithstanding that the time limited by the Order in Council Regulating Appeals to Her Majesty in Council has expired, from the judgment of the Court of Appeal delivered on the 8th day of June 1981; and

20 (ii) an Order that the Applicants/Appellants do have leave to appeal to Her Majesty in Council from the said judgment of the Court of Appeal as the question involved in the said appeal is one which by reason of its great general or public importance or otherwise ought to be submitted to Her Majesty in Council for decision.

Dated this 27th day of May 1982

(Sgd.)  
(J.C. SMITH) (Miss)  
Asst. Director of Legal Aid  
Legal Aid Department,  
Sincere Building, Hong Kong.

30 Solicitors for the abovenamed  
Applicants/Appellants

Estimated time: One day

To: The Attorney General,  
The Legal Department, Hong Kong.

NOTICE OF MOTION FOR EXTENSION OF TIME

In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

TAKE NOTICE that the Court of Appeal will be moved on Tuesday , the 29th day of June 1982 at the sitting of the Court or so soon thereafter as Counsel on behalf of the abovenamed Applicants/Appellants can be heard for an Order that :-

No. 13  
Notice of  
Motion for  
Leave to  
Extend the  
time for  
Preparation  
and Despatch  
of the Record

- (i) the time for preparation and dispatch of the Record, (pursuant to the order of this Honourable Court made on the 3rd day of July 1981) be extended **10** notwithstanding that the time for preparation and dispatch of the said Record has already expired.

Dated this 16th day of June 1982.

(Sgd.)  
(J.C. SMITH)(Miss)  
Asst. Director of Legal Aid  
Legal Aid Department  
Sincere Building, Hong Kong

Solicitor for the abovenamed **20**  
Applicants/Appellants

Estimated Time: One day

To: The Attorney General,  
Legal Department, Hong Kong.

JUDGMENT OF THE COURT OF APPEAL

*In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction*

---

Coram: Sir Alan Huggins, V.P., Yang & Barker, JJ.A.

Sir Alan Huggins, V.P.:

The point which we have to decide this morning is one of some technicality. The Applicants obtained conditional leave from another division of this court of appeal to the Privy Council against a decision of the court. One of the conditions was that security be given within a period of two weeks, and the other was that the record be prepared within a period of three months. The first of those conditions was complied with; the second was not; and the present application is for an extension of time in which to comply with that second condition.

No. 14  
Judgment of  
the Court of  
Appeal

The question which arises is whether the court has jurisdiction to extend the time. It was held previously that there was no power to extend the time provided in r.3 of the Order in Council Regulating Appeals to Her Majesty in Council which fixes the time at 14 days for notice of appeal. That being a time fixed by the Order in Council this Court held that there was no power to extend it. As a result an amendment was sought and obtained and now under r.3A there is express power to extend the time for appeal whether or not the 14 days period has already expired.

There is no express power in the Order in Council allowing the extension of any time fixed by this Court for the preparation of a record. It is submitted on behalf of the Applicants that the ordinary rules and practice of this Court apply and that under 0.3 r.5 of the Rules of the Supreme Court this Court has power to extend the time fixed under r.4(b) of the Order in Council. In my view that submission is correct. There was a time when non-compliance with a condition resulted in the conditional leave's becoming a nullity and when it was impossible to extend a time once the time originally fixed had expired. The courts now take a very much more lenient view and the Rules of the Supreme Court reflect that view. In my view the Rules of the Supreme Court apply and we do have power to extend this period of three months as sought in the



In the  
Supreme Court  
of Hong Kong  
Appellate  
Jurisdiction

---

Notice of Motion.

The parties have already been in consultation on this matter and it was agreed by the Respondent that no point would be taken as to the delay, if there was power to grant an extension. That being so I think we should grant the order which is now sought.

No. 14  
Judgment of  
the Court of  
Appeal

Yang, J.A.:

(Continued)

I agree with the judgment delivered by my Lord the Vice-President.

Barker, J.A.:

10

I agree also and would merely add this. Our decision of course relates solely to the power to grant an extension impose under r.4(b) of the Order in Council. It is not necessary for us to decide, and we do not decide today, whether there would be any such power to grant an extension of time in respect of the condition under 4(a) of the Order in Council. I agree entirely with the judgment of the Vice-President.

29th June 1982

**EVIDENCES**

**and**

**EXHIBITS**

AFFIRMATION OF CHAN YUN TAI  
DATED 17th NOVEMBER 1980

Item.  
No. A 1

1980 No. 1052

IN THE SUPREME COURT OF HONG KONG  
MISCELLANEOUS PROCEEDINGS

-----  
BETWEEN:

MAK YUI MING ( 麥 銳 明 )  
MAK SIU FONG ( 麥 小 芳 )  
MAN CHIU YING ( 文 肖 英 ) all infants  
10 by the next friend and aunt CHAN YUN TAI Plaintiffs

and

THE ATTORNEY GENERAL

Defendant  
-----

I, CHAN YUN TAI ( ) of 11 May Road,  
Villa Verde, 2nd floor, Amah, do solemnly, sincerely  
and truly affirm and say as follows :-

1. I am the aunt of three infants, namely, Mak  
Yui Ming ( ), Mak Siu Fong ( ) and Man  
Chiu Ying ( ) who are at the ages of 15, 18 and  
18 respectively and who were arrested and are now  
20 detained by officers of the Immigration Department.

2. This affidavit is made by me on behalf of  
the three said infants in support of an application by  
me on behalf of the same for a writ of habeas corpus ad  
subjiciendum.

3. The three said infants cannot make this  
affidavit as they are now being detained in the Vic-  
toria Prisons.

**Item.**  
**No. A 1**  
*(continued)*

4. The three said infants are Chinese immigrants and have no Hong Kong Identity Card.

5. In the hope of getting an Identity Card, they therefore went to the Victoria Barracks for registration and was actually registered at 4 a.m. on 26th October 1980. There they were told by the Immigration officers to go back later to complete the procedures.

6. When they returned on 12th November 1980 they were arrested and detained by some Immigration officers. No reasons for the arrest had been given at 10 the time of arrest.

7. They were sent to the Victoria Prisons sometime in the afternoon of 12th November 1980 and were still being detained. To the best of my knowledge, they are in the charge control and custody of one Mr K.C. Cheuk, Chief Immigration Officer under the authority of the Directors of Immigration.

8. To the best of my knowledge, removal orders have been issued against the three said infants in the afternoon of 14th November 1980 and served on them at 10:15 a.m. on 15th November 1980, and that they are liable to be deported back to China at 10:15 a.m. on 16th November 1980. It is therefore necessary to invoke the intervention of the court to secure the liberty of the infants. 20

9. I am advised by my solicitor and verily believe that the detention of the said infants is unlawful, and that I am entitled to the custody of the said infants whom I wish to come to live with me at 5E, 15th Floor Kwan Yick Building Phase I, Des Voeux Road, West. I humbly pray that this Honourable Court will direct that a writ of habeas corpus ad subjiciendum in respect of the said infants shall issue against the Commissioner of Prisons, Director of Immigration and Mr K.C. Cheuk Chief Immigration Officer of Victoria Immigration Centre, as I verily believe that without the issue of such, a writ they will continue to refuse to deliver up the said infants to me and to detain them unlawfully at Victoria Prisons. 30

Affirmed at the Courts of Justice)  
Victoria in the Colony of Hong )  
Kong on the 17th day of November )  
1980, the same being duly )  
interpreted to the affirmant in )  
the Cantonese dialect of the )  
Chinese language by : )

(Sd.) Chan Yun  
Tai

**Item.**  
**No. A 1**  
*(continued)*

(Sd.) S.F. LING  
Sworn Interpreter,

10

Before me,

(Sd.) R.D. Biala  
Commissioner for Oaths

Item.  
No. B 1

AFFIRMATION OF MAK YUI MING, MAK SIU FONG & MAN CHIU  
YING  
DATED 9TH DECEMBER 1980

1980 No. 1052

IN THE SUPREME COURT OF HONG KONG  
MISCELLANEOUS PROCEEDINGS

-----

BETWEEN:

MAK YUI MING ( 麥 銳 明 )  
MAK SIU FONG ( 麥 小 芳 )  
MAN CHIU YING ( 文 肖 英 ) all infants 10  
by the next friend and aunt CHAN YUN TAI Plaintiffs

and

THE ATTORNEY GENERAL

Defendant

-----

We, Mak Yui Ming, Mak Siu Fong and Man Chiu Ying, of Flat A, 4th Floor, No. 75A, Hollywood Road, Victoria in the Colony of Hong Kong, all infants, do solemnly, sincerely and truly affirm and say as follows:-

1. We are the Plaintiffs in this action and the facts deposed herein are within the knowledge of each 20 and every one of us.
2. We are related to each other being that Mak Yui Ming is the younger brother of Mak Siu Fong and Man Chiu Ying is their cousin.
3. In common with everyone else where we lived in Canton we listened to the wireless and saw the television programmes broadcast from Hong Kong. On the 23rd day of October 1980 we saw and heard on television in Canton an announcement in Cantonese read out by a

Hong Kong Immigration officer which we understood to mean that if one could enter Hong Kong and register at a certain place before midnight on October 26 he would be granted Hong Kong citizenship. A copy of the contents of the said television announcement is exhibited hereto marked "P-1" and the Government's English version of the said announcement is also exhibited hereto marked "P-2". The said announcement had been repeated many times.

10 4. We accordingly took steps to try to get across the border and into Hong Kong. We eventually managed to buy a boat with 15 other people and paid HK\$1,000.00 each for the boat. We crossed the sea to Lau Fau Shan and landed there in the early hours of October 25.

5. We then contacted our uncle Mr Chan Yue Lun by telephone who informed us that he also had heard on television an announcement by an Immigration officer saying that a new law had been passed and that an  
20 opportunity was being offered to all illegal immigrants from China to register for an Identity Card at the special registration centre in Victoria Barracks on Hong Kong Island before midnight on October 26 and that it was their last chance if they did not want to be repatriated back to China.

6. Relying upon the said television announcement we saw on October 23 and our uncle's confirmation, we decided to register at the special registration centre and therefore met our uncle in Cotton Tree Drive  
30 at the entrance to the registration centre at about 3 a.m. on October 26. We were actually registered at about 4 a.m. when we openly admitted that we had arrived in the Colony only a the day before. We were told to return on November 11 to complete the procedure.

7. We were then taken by our uncle to his flat at the abovementioned address where we took some rest. When we got up at noon for lunch we saw and heard on television again the said announcement.

8. Reassured again by the said announcement and  
40 also relying on our registration on October 26, we duly returned to the special registration centre on November 11 at 1 p.m. There each of us was separately inter-

**Item.**  
**No. B 1**  
*(continued)*

viewed three times by three different Immigration Officers. At the end of all these interviews, we were each given a document, copies of which are exhibited hereto marked "MYM-1", "MSF-1" and "MCY-1" respectively.

9. We were each given a Future Identity Card Number as shown in the exhibited documents.

10. We were asked to return on the next morning, November 12, but were not told why or for what.

11. We returned on November 12 at 9 a.m. trying to collect our Identity Cards. There we were again 10 separately questioned by the Immigration Officers and were then told to wait on the Ground Floor.

12. In the afternoon we were taken one by one into vans. We were shocked because all male adults were handcuffed. Nobody told us what happened nor where we were being taken to. Finally we were carried to the Victoria Remand Centre.

13. We were detained there until we were released on bail on November 19. We were never told why we were arrested or detained until we received the 20 Notices of Removal Order which were served upon us on November 15 at 10:15 a.m.

AND LASTLY We do solemnly, sincerely and truly affirm and say that the contents of this our affirmation are true.

AFFIRMED by the abovenamed affirmants) (Sd)  
at the Courts of Justice, Victoria, ) Mak Yui Ming  
Hong Kong this 9th day of December ) (Sd)  
1980, the same having been first duly) Mak Siu Fong  
interpreted to the affirmants in the ) (Sd)  
Cantonese dialect of the Chinese ) Man Chiu Ying  
language by :- )

30

(sd) S.F. Ling Sworn Interpreter  
Before me,

(sd) R.D. Biala Commissioner for Oaths  
This affirmation is filed on behalf of the Plaintiffs



TELEVISION ANNOUNCEMENT

Item.  
No. B2

Registration of IIs

This important announcement is directed at all immigrants from China who entered Hong Kong illegally.

A new law has been passed which means all illegal immigrants from China who do not already have an identity card, or who have not applied for registration, must now do so -- immediately.

This is your last chance. If you do not register for an identity card before midnight on Sunday, October 26 you are liable to be repatriated to China.

The place to register is the special registration centre in Victoria Barracks on Hong Kong Island. The entrance to the centre is in Cotton Tree Drive.

Special arrangements have been made to keep the centre open day and night until midnight on Sunday. If you are an illegal immigrant who does not have an identity card you must go to the centre and register immediately. And, you should take with you three recent passport photographs of yourself.

It is important that you realise this is your last chance. You have until midnight on Sunday.

So register now!

人民入境事務處

人事登記處

香港法例第一七七號人亦登記規例

初來港兒童登記申請書

日期:

登記工作表號碼: NAJ1 (A)

兒童將來之身份證號碼:

領證期限: 由一九九一年 月 日至一九九一年 月 日

逕啟者: 貴子女經於今日登記領取兒童身份證, 所報有關其個人詳情如下:

姓名: MAK YUI MING 出生日期: 7/6/65 (15) 出生地點: SHUM CHUN

與申請人關係: BROTHER 到港日期: 26/10/80 從何處及經何處到港: SHUM CHUN

護照或旅行證件號碼: NIL

\*為方便處理 台端之申請起見, 請即將本函遞交金鐘道維多利亞軍營本處審查組批註。

請將本函妥為保存, 並在上述領證期限之辦公時間內, 携同本函及 台端之身份證, 親自前往本分處發證處, 免費領取 貴子女之兒童身份證。倘 台端在上述期限內未能前來領證, 該證將被註銷, 而 台端則須立即為 貴子女重新辦理登記手續。領證時, 請携備 貴子女之護照或旅行證件, 以供本處再行審閱。

\*倘 台端於領證期限內, 仍未獲本處審查組之批註及獲發香港入境證時, 則必須在所述期滿後, 再到本分處, 辦理延期手續。否則, 該身份證將被註銷, 而 台端必須在註銷後三十日內為 貴子女重新登記。

此致

MAK SHUHOI 先生  
麥樹鵬 女士  
香港身份證號碼: H0460

\*將不適用者, 請將之交回人事登記處處長  
拾獲本函件者, 請將之交回人事登記處處長



人事登記處處長  
Fai. Chung

代行

18 NOV 1980

H 141190

發證時, 請將本函及副本各一份。

Serial No. A 053519

IMMIGRATION DEPARTMENT  
REGISTRATION OF PERSONS OFFICE

REGISTRATION OF PERSONS REGULATIONS, CAP. 177  
APPLICATION FOR REGISTRATION AS A JUVENILE NEW ARRIVAL

MR./MRS./MISS

Date .....

Hong Kong I/C No.:

Worksheet No. ....

Juvenile's Future I/C No. ....

Collectable Period: From .....

To .....

Your dependent whose particulars are recorded below has today been registered for a Juvenile Identity Card:—

Name	Date of Birth	Place of Birth	Relationship	Date of Arrival in Hong Kong	Arrived from via	Passport/Travel Document No.

To facilitate the processing of your application, take this form immediately to the Immigration Clearance Office at Victoria Dock and obtain in the panel below, a clearance endorsement from them.

For Immigration use only	
--------------------------	--

Please keep this form safely and produce it IN PERSON with your Identity Card to the Issue Section of this Branch Office during working hours on any business day within the collectable period stated above when the Juvenile Identity Card will be issued to you free. If you fail to collect the card within the period stated, it will be cancelled and you will be required to re-register your dependent again without delay. Please also produce your child's passport/travel document for further inspection at the time of collection.

If you cannot obtain an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit within the collectable period, you must return to this Branch Office after the stated expiry date to have the period extended. If you fail to do this, the Identity Card will be cancelled and you must register your dependent again within 30 days from the date of cancellation.

for Commissioner of Registration.

Delete whichever is not applicable

For Official Use

Photograph
------------

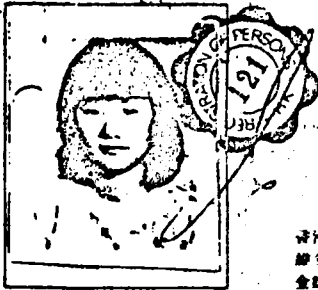
Stay limited to .....

ROP	18	19
Issued on		

IF FOUND PLEASE RETURN TO THE COMMISSIONER OF REGISTRATION

O.P. &

Item.  
No. B 3  
(continued)



人民入境事務處  
人事登記處

Bay Crosser

R067/0016669-1P0  
編號:

香港金鐘道  
維多利亞軍營  
金鐘道分處  
李小姐

11 NOV 1980

姓: MAK, SIU, FUNG ..... 先生/夫人/女士  
出生日期/年齡: 11-9-62 (18)  
(西曆計算)  
出生地點: SHUM, CHUN  
地址: FLAT 5E, 5/F, PHASE 1, KWAN  
YICK BLDG, DES V. DEUX RD.  
W. HK  
台端之登記申請號碼:

登記日期: HA 1 M  
登記工作表號碼:  
將來發給之身份證號碼: H 141162  
領取身份證日期: 由 一九八〇年十一月一號  
至 一九八〇年十一月一號

- 二、台端聲明在 1980 年 10 月 26 日從 SHUM, CHUN, (ILLEGALLY) 抵港。
- 三、並悉: 台端乃持有以下文件之非法入境者:

台端須立即前往金鐘道維多利亞軍營人民入境事務處寄交組, 以便本處在下列空格內蓋印批註, 繼續前往人民入境事務處調查科接受調查。台端必須獲得人民入境事務處寄交組之批註及經人民入境事務處處長簽發之香港入境證, 始可換發身份證。

批 註

人民入境事務處寄交組	人民入境事務處調查科
	NOV 11 1980 0349 1 00200 T

四、請謹慎保存此函, 並在上述之領取身份證期間內, 於辦公時間携同此函, 親自前往上列分處之登記處, 領取身份證。倘台端未能在指定期間內領證, 則該證即被註銷, 而台端必須重新辦理登記。領證時應携帶旅遊證件/香港入境證, 以備查閱。

五、如台端於上述領取身份證期間內, 仍未能獲得人民入境事務處寄交組之批註及獲發香港入境證時, 台端須於期滿內到本分處辦理延期手續; 否則台端之身份證將被註銷, 且須於身份證註銷後之三十天內重新辦理登記。

六、台端應將身份證妥為保存, 若有遺失將自招不便及須付額外費用。又根據法律規定, 台端必須將任何地址、職業及婚姻狀況之變更, 通知人事登記處處長。

領取身份證時, 請帶同原  
份正本及副本各一份。

When you come to  
get your identity card  
please bring your original  
passport to us

CHIAN Kam-pong  
人事登記處處長  
(代行)

拾獲本函作者請將之交回人事登記處處長



Nº B 200584

**IMMIGRATION DEPARTMENT  
REGISTRATION OF PERSONS OFFICE**

Queenway Branch,  
Victoria Barracks,  
Queenway,  
Hong Kong.

MR./MRS./MISS ..... *Date of Registration* .....

*Date of Birth/Age* ..... *Worksheet No.* .....

(Gregorian Reckoning) ..... *Future I/C No.* .....

*Place of Birth* ..... *Collectable Period: From* .....

*Address* ..... *To* .....

Thank you for your application for registration.

2. It is noted that you claim to have arrived on ..... from .....
3. It is further noted that you are an illegal immigrant possessing the following documents:—

You are required to report immediately to the Immigration Clearance Office at Victoria Barracks and obtain in the panel below a clearance endorsement. You are then required to report to the Immigration Department for investigation. An Identity Card will not be issued until you have obtained an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit from the Director of Immigration.

**ENDORSEMENT**

Immigration Clearance Office	Investigation Division

4. Please keep this form safely and take it IN PERSON to the Issue Section of this Branch Office during office hours on any business day within the collectable period stated above. If you fail to collect the card within the period stated, it will be cancelled and you will be required to register again. You will be required to produce your Travel Document/Hong Kong Entry Permit for inspection when collecting your card.
5. If you cannot obtain an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit within the collectable period, you must return to this Branch Office after the stated expiry date to have the period extended. If you fail to do this, the Identity Card will be cancelled and you must register again within 30 days from the date of cancellation.
6. Take good care of your Identity Card since its loss will cost you both inconvenience and expense. Remember also that you are required by law to inform the Commissioner of Registration of any change in address, employment and marital status.



for Commissioner of Registration.

For Official Use

RECEIVED the sum here  
Stated in printed figures  
Collectable period extended to .....  
Card Issued on: .....

LAND/SEA/BAY CROSSER

Item.  
No. B 3  
(continued)

人民入境事務處  
人事登記處

香港金鐘道  
維多利亞軍營  
金鐘道分處

編號: R130/10/66632/15

11 NOV 1980

MAN CHUN YING 文肖英 先生/夫人/女士

出生日期/年: 2/8/62 (18)  
(西曆計算)

出生地點: TUNG KUN

地址: 75 HOLLYWOOD RD.  
7/F FLAT A  
HK

登記日期: 11 NOV 1980

登記工作表號碼: NA.1

將來發給之身份證號碼:

領取身份證日期: 由 11 141146  
至 一九八〇年十一月十一日

台端之登記申請書須悉:

一、 敬悉 台端曾於 80 年 10 月 24 日從 TUNG KUN ILLEGALLY 抵港。

三、 並悉 台端乃持有以下文件之非法入境者: NIL

台端須立即前往金鐘道維多利亞軍營人民入境事務處存查組，以便本處在下列空格內蓋印批註，繼須前往人民入境事務處調查科接受調查。台端必須獲得人民入境事務處存查組之批註及經人民入境事務處處長簽發之香港入境證，始可獲發身份證。

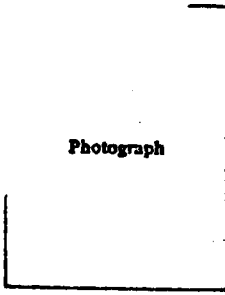
人民入境事務處存查組	人民入境事務處調查科
	NOV 11 1980 0333 1 H14 146 00200 T

- 四、 請繼續保存此函，並在上端之領取身份證期間內，於辦公時間携同此函，親自前往上列分處之登記處，領取身份證。倘台端未能在此指定期間內領取，則該證即被註銷，而台端必須重新辦理登記。領取時應將旅遊證件/舊證入境證，以備查閱。
- 五、 如台端於上述領取身份證期間內，仍未能獲得人民入境事務處存查組之批註及獲發香港入境證時，自須須於期滿內到本分處辦理延期手續；否則台端之身份證將被註銷，且須於身份證註銷後之三十天內重新辦理登記。
- 六、 台端應將身份證妥為保存，若有遺失將自招不便及須付額外費用。又根據法律規定，台端必須將任何地址、職業及婚姻狀況之變更，通知人事登記處處長。

領取身份證時，請帶同原  
份正本及副本各一份。

Paul CHEN (Wong-kay)  
人事登記處處長  
(代行)

拾取本函件者請將之交回人事登記處處長



Nº B 200633

**IMMIGRATION DEPARTMENT  
REGISTRATION OF PERSONS OFFICE**

Customs Branch,  
Victoria Barracks,  
Cross Street,  
Hong Kong.

To: MR./MRS./MISS .....  
 Date of Birth/Age (Gregorian Reckoning) .....  
 Place of Birth .....  
 Address .....  
 Date of Registration .....  
 Worksheet No. ....  
 Collectable Period: From .....  
 To .....

Thank you for your application for registration.

2. It is noted that you claim to have arrived on ..... from .....
3. It is further noted that you are an illegal immigrant possessing the following documents:—

You are required to report immediately to the Immigration Clearance Office at Victoria Barracks and obtain in the panel below a clearance endorsement. You are then required to report to the Immigration Department for investigation. ~~An Identity Card will not be issued until you have obtained an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit from the Director of Immigration.~~

**ENDORSEMENT**

Immigration Clearance Office	Investigation Division

4. Please keep this form safely and take it IN PERSON to the Issue Section of this Branch Office during office hours on any business day within the collectable period stated above. If you fail to collect the card within the period stated, it will be cancelled and you will be required to register again. You will be required to produce your Travel Document/Hong Kong Entry Permit for inspection when collecting your card.
5. If you cannot obtain an endorsement from the Immigration Clearance Office and a Hong Kong Entry Permit within the collectable period, you must return to this Branch Office after the stated expiry date to have the period extended. If you fail to do this, the Identity Card will be cancelled and you must register again within 30 days from the date of cancellation.
6. Take good care of your Identity Card since its loss will cost you both inconvenience and expense. Remember also that you are required by law to inform the Commissioner of Registration of any change in address, employment and marital status.

for Commissioner of Registration.

RECEIVED the sum here .....  
 Stated in printed figures .....  
 Collectable period extended to .....  
 Card Issued on: .....

For Official Use

LAND/SEA/AIR CROSSER

IF FOUND PLEASE RETURN TO THE COMMISSIONER OF REGISTRATION

Item.  
No. C1

AFFIRMATION OF CHAN YUE LUN  
DATED 8TH DECEMBER 1980

1980 No. 1052

IN THE SUPREME COURT OF HONG KONG  
MISCELLANEOUS PROCEEDINGS

-----

BETWEEN:

MAK YUI MING ( )  
MAK SIU FONG ( )  
MAN CHIU YING ( ) all infants  
by the next friend and aunt CHAN YUN TAI Plaintiffs 10  
and

THE ATTORNEY GENERAL

Defendant

-----

I, Chan Yue Lun, of Flat A, 6/F, No. 75A  
Hollywood Road, Victoria in the Colony of Hong Kong,  
Merchant, do solemnly, sincerely and truly affirm and  
say as follows :-

1. I am the uncle of the Plaintiffs in this  
action and the facts deposed herein are within my own  
personal knowledge.
2. On 24th, 25th and 26th October 1980, I saw 20  
and heard many times on television an Immigration  
Officer making an announcement in Chinese that a new  
law had been passed requiring any illegal immigrants  
from China who did not have an identity card must apply  
for registration immediately and that this was their  
last chance and that if they did not register for an  
identity card before midnight on Sunday, October 26,  
they were liable to be repatriated to China. The Full  
text of the said announcement is exhibited hereto  
marked "CYL-1" and the Government's English version of 30  
the said announcement is also exhibited hereto marked  
"CYL-2".



3. On 25th October 1980, I received a telephone call from the Plaintiffs. They told me that they had illegally entered the Colony and were hiding in Lau Fau Shan.
4. Recalling the said announcement, I therefore told the Plaintiffs what I heard on television and that they must register for identity cards at the special registration centre in the Victoria Barracks before midnight on October 26, and that it was their last  
10 chance if they did not want to be repatriated back to China.
5. They told me that they wanted to take advantage of the opportunity offered and I therefore agreed to meet them at the entrance to the special registration centre. We met at about 3 a.m. on October 26. I took them into the special registration centre and they were registered at about 4 a.m.
6. After registration I took them back to my flat where they took some rest. When they got up we  
20 had lunch together and we all saw on television the said announcement which was repeated many times that day.
7. As the Plaintiffs had duly registered for identity cards in response to the television announcement, I was very surprised when I learned that they were arrested by the Immigration Officers at the special registration centre on November 12, and that Removal Orders were subsequently issued against them.
8. I am 48 years old, running as independent  
30 contractor a firm in the decoration and painting business, and we have an average monthly income of \$5,000.00. I am living with my three sons, aged 29, 26 and 22, and two daughters-in-law at the abovementioned address which is rented at \$1,200.00 per month. All my sons and daughters-in-law have steady jobs and do not need my support.
9. If the Plaintiffs were permitted to stay in Hong Kong. I am able and willing to take Man Chiu Ying into my household and to treat her as my daughter. As  
40 for Mak Yui Ming and Mak Siu Fong, they will live with their elder brother Mak Shu Hoi in a flat owned by

**Item.**  
**No. C1**  
*(continued)*

their aunt Chan Yun Tai, but I am prepared to support them financially.

AND LASTLY I do solemnly, sincerely and truly affirm and say that the contents of this my affirmation are true.

AFFIRMED at the Courts of Justice)  
Victoria in the Colony of Hong ) (Sd)  
Kong on the 8th day of December ) Chan Yue Lun  
1980, the same being duly )  
interpreted to the affirmant in )  
the Cantonese dialect of the )  
Chinese language by :- )

10

(Sd.) S. F. Ling  
Sworn Interpreter,

Before me,

(Sd.) R. D. Biala  
Commissioner for Oaths

This Affirmation is filed on behalf of the Plaintiffs

AFFIRMATION OF CHAN YUN TAI  
DATED 10TH DECEMBER 1980

Item.  
No. D 1

1980 No. 1052

IN THE SUPREME COURT OF HONG KONG  
MISCELLANEOUS PROCEEDINGS

-----

BETWEEN:

MAK YUI MING ( 麥銳明 )  
MAK SIU FONG ( 麥小芳 )  
MAN CHIU YING ( 文肖英 ) all infants  
10 by the next friend and aunt CHAN YUN TAI Plaintiffs

and

THE ATTORNEY GENERAL

Defendant

-----

I, CHAN YUN TAI of 11 May Road, Val Verde  
2nd floor, Amah, do solemnly, sincerely and truly  
affirm and say as follows :-

1. I am the aunt of the infant Plaintiffs in  
this action and the facts deposed herein are within my  
own personal knowledge.
2. I am 39 years old, married and have 2 sons,  
20 who are aged 17 and 18 and studying in secondary  
schools. I am an amah and have been so employed for  
many years. My family lives with me at the above-  
mentioned address.
3. I own a flat known as 5E, 15th Floor, Kwan  
Yick Building, Des Voeux Road West, which is now being  
occupied by the elder brother of Mak Yui Ming and Mak  
Siu Fong.
4. If Mak Yui Ming and Mak Siu Fong were  
permitted to stay in Hong Kong, I am prepared to let

**Item.**  
**No. D 1**  
*(continued)*

them live at the said flat with their elder brother Mak Shu Hoi. Their uncle Chan Yue Lun and I will take good care of them, support them financially and supervise their education.

5. The parents of the Plaintiffs are all in China, but they are senile and in poor health and it is their wish that the Plaintiffs should live with us in Hong Kong. They would be better taken care of by us in Hong Kong.

6. Apart from myself and the said uncle Chan Yue Lun, the Plaintiffs have quite a number of other relatives in Hong Kong, including 2 other uncles, 2 sisters of the grandfather of Mak Yui Ming and Mak Siu Fong, and many cousins. All the aforementioned male relations and some of the female relations are in employment and none has ever been in trouble with the police or other authorities. To the best of my knowledge information and belief they will assist me in clothing feeding and providing for the said Plaintiffs and in due course assisting them in getting employment. 10 20

AND LASTLY I do solemnly, sincerely and truly affirm and say that the contents of this my affirmation are true.

AFFIRMED by the Affirmant at the )  
Courts of Justice, Victoria in )  
the Colony of Hong Kong, this )  
10th day of December, 1980 the ) (Sd.) Chan Yun Tai  
same having been first duly )  
interpreted to the affirmant )  
in the Cantonese dialect of the )  
Chinese language by : )

30

(Sd) S. F. Ling  
Sworn Interpreter,  
Before me,

(Sd) R. D. Biala  
Commissioner for Oaths

This affirmation is filed on behalf of the Plaintiffs

AFFIRMATION OF CHU KA SUN  
DATED 11TH DECEMBER 1980

Item.  
No. E 1

1980 No. 1052

IN THE SUPREME COURT OF HONG KONG

MISCELLANEOUS PROCEEDINGS

-----

BETWEEN:

MAK YUI MING ( 麥 銳 明 )  
MAK SIU FONG ( 麥 小 芳 )  
MAN CHIU YING ( 文 肖 英 ) all infants  
10 by the next friend and aunt CHAN YUN TAI Plaintiffs

and

THE ATTORNEY GENERAL

Defendant

-----

I, CHU KA SUN of Room 1618 Prince's Building, Victoria in the Colony of Hong Kong, Solicitor, do solemnly, sincerely and truly affirm and say as follows :-

1. I am the solicitor for the Plaintiffs in this action, and the facts deposed herein are within my own personal knowledge.
- 20 2. On 23rd, 24th and 25th October this year, I saw and heard many times on television both the Chinese and the English versions of a Government announcement issued by the Director of Immigration which was directed at all illegal immigrants from China asking them to go to register for identity cards before midnight on October 26.
- 30 3. I have read a copy of the Affirmation of the Plaintiffs and I confirm that to the best of my knowledge, recollection and belief the two exhibits thereto marked "P-1" and "P-2" set forth the Government announcements referred to in paragraph 2 about.

**Item.**  
**No. E 1**  
*(continued)*

4. My understanding of the said announcement was that any illegal immigrant from China who registered for an identity card before midnight on 26th October in accordance with the said announcement would be allowed to stay in Hong Kong. I was not aware that this opportunity was only open to those illegal immigrants from China already in Hong Kong on 23rd October until I was told by an Immigration Officer after the arrest of the Plaintiffs. To the best of my knowledge information and belief, no announcement was made to the Hong Kong community through the mass media, that is, television, radio and newspaper specifying such qualification although I am now given to understand that the statement of His Excellency the Governor made to the Legislative Council on the 23rd October was broadcast live and that it was reported in the South China Morning Post the next day. There is now produced and shown unto me marked "W.K.S.C.-1" a true photostat of what purports to be the full text of the statement made by His Excellency the Governor to the Legislative Council of the Colony under the provision of Standing Order 11(I)(b) which appeared in the South China Morning Post of 24th October 1980. 10 20

5. I have talked to numerous members of the Hong Kong community both within and without the legal profession regarding this matter and they have confirmed to me that they had the same understanding of the said announcement as I had and that they were also unaware of the said qualification.

6. From the said statement of His Excellency the Government calling out the Volunteers and from what I had read in newspapers, I verily believe that between the said 23rd October and the 26th October the Royal Navy, Royal Marines, Army, Royal Air Force, Royal Hong Kong Auxillary Air Force and Marine Police increased their vigilance over both land and sea approaches to Hong Kong lest there be a flood of illegal immigrants. The said increase of their vigilance was greatly publicised thereby further inducing persons resorting or wishing to resort to the Colony and illegal immigrants from China already within the Colony to believe that if they were to register before the said 26th October they would not be treated as illegal immigrants and made subject to repatriation. 30 40

7. I verily believe that the Immigration Department in reaching the decisions as to the three minors who are the Plaintiffs herein proceeded on the ipsissima verba of His Excellency the Governor and not on the wording of the said Government announcement and widely broadcast to the people.

**Item.**  
**No. E 1**  
*(continued)*

AFFIRMED at Room 1225, Prince's )  
Building, this 11th day of ) (Sd.) Chu Ka Sun  
December 1980. )

10

Before me,

(Sd.) Rolod Chow,  
Solicitor, Hong Kong.

This affirmation is filed on behalf of the Plaintiffs.

**Item.  
No. F1**

**COPY OF SPEECH BY HIS EXCELLENCY THE GOVERNOR OF HONG  
KONG TO LEGISLATIVE COUNCIL ON 23RD OCTOBER 1980**

**IMMIGRATION (AMENDMENT) (II) BILL 1980**

In accordance with Standing Order II (I)(b), I would like to make a statement in order to commend to Honourable Members the motion standing in the name of the Chief Secretary. The legislation he will introduce, if acceptable to this Council, would radically change our traditional policy towards illegal immigrants from China. It would not only end the so-called "reached base" policy, but it would also make it an offence to employ illegal immigrants.

There are two streams of immigrants from China who reach here and stay. The first group are those who leave China legally with proper permits. The daily figure of 150 is much too high and I hope will come down. But we can live with this stream for the time being. Sooner or later means must be found of enabling people from Guangdong to pay genuine short visits to their friends and relatives in Hong Kong while ensuring that they do not stay here permanently. It is the other stream, the illegal one, which operates outside the laws of China and Hong Kong which must be stopped and to which our present proposals relate.

Hong Kong's record of providing home and livelihood for persons wishing to enter from China must be unequalled in the world. It results from both a long historical tradition, the buoyancy of our economy and the willingness of our people to welcome their compatriots. It has been possible to sustain this policy in the past because, after the early 50s, high levels of influx have been comparatively short-lived and thus absorbable. The present case is different. We are now entering the third year of the phenomenon. It is as objectionable to the Chinese as it is to us, and they, like us, are making every effort to stop it. Far from being welcomed by our people, the illegal immigrants are now more and more resented as they are seen to be eroding the improvement in standards that the people of Hong Kong worked so hard to achieve.



**Item.**  
**No. F 1**  
*(continued)*

I described all this in detail to you in my address on 1st October - the effect on our prospects over housing, medical provision, education, social welfare, and public security, and its implications for further economic development. There is also the constant diversion of police from combatting crime, which is what really matters, to combatting illegal immigration, and crime committed by illegal immigrants is on the increase and out of all proportion to their numbers. Short-time working in some industries, and some rise in unemployment, fear of recession, have all given an added thrust to the general demand for new action by the Government to halt this flow - a demand of which I have been increasingly conscious for some months.

Why then have we not acted before?

In addition to distaste for ending a traditional policy, the main reason has been the possibility of crime and corruption if such a policy failed to achieve its purpose of stopping the inflow, and of a sub-stratum of society living outside the law growing up, and I will come back to this. But your Government considered these dangers sufficiently serious to refuse to accept them unless and until we were assured :-

Firstly, that the flow of illegal immigration itself had reached a stage at which it posed dangers greater than those involved in abandoning traditional policy. For reasons I described to you in my address on October 1 that is already the case, and the total arrests for August and September were worryingly high - 26,000; and this trend has continued into October.

Secondly, that the present measures by the Chinese and our own forces would be unlikely to stop the flow, as they have done in the past, unless some new element were introduced to help. This too is now clearly the case.

Thirdly, that direct discussion with the Chinese leaders at Central and Provincial level had confirmed our belief that this change of policy on our

**Item.**  
**No. F1**  
*(continued)*

part really would assist them and us; and that, having regard to the new and resolute action we would take, we could count on them also stepping up their own efforts so that, with each of us adopting our own measures, there would be a prospect of this movement of population being halted. After the very positive response of the leaders in Guangdong on this too I am also now satisfied.

Finally, that the people of Hong Kong were so alive to the danger that traditional hospitality was creating, that they had come to accept that it must be abandoned despite the personal problems and inconvenience entailed. Of all the conditions this is particularly important. Advice is unanimous that this condition is now met.

Lord Carrington's talks with Vice Premier Huang Hua in London, my talks in Guangzhou, and the subsequent advice yesterday of the Executive Council, were the last links in this long chain of evaluation and consultation which has led to the legislation now before you.

The "reached base" policy has become a tragic charade in which the illegal immigrant has little to lose and everything to gain by attempting to run the gauntlet of Chinese and Hong Kong forces, and even if caught has every incentive to try again. The Chinese accuse us, with some justification, of applying a policy which positively welcomes illegal immigrants. If this movement is to stop the potential illegal emigrant in the commune must be made to realise that even if he gets through the security cordons, he will not have reached base and safety, but like an illegal immigrant anywhere in the world, will be constantly liable to arrest and return. We propose that this should be the case for anyone who arrives as from tonight.

But this is not enough. The incentive to beat the cordons is largely the desire for money through obtaining work and wages in Hong Kong. This assumption that life in Hong Kong will be so much better for the illegal immigrant and for those to whom he plans to make remittances must be eliminated. This

means that the prospect of obtaining legal work must be removed. The legislation before you therefore makes it a crime punishable with a heavy fine or imprisonment to employ an illegal immigrant - defined as someone without an identity card or other specified document.

**Item.**  
**No. F1**  
*(continued)*

Neither the ending of the "reached base" policy nor the denial of work, can be enforced against illegal immigrants unless all legal residents of Hong Kong can readily be identified. Consequently the carriage of identity cards or some other specified means of identification, and their production on demand by authorised persons, becomes essential. Thus it is proposed that failure to do so should be an offence - as it is already in most of the New Territories.

So if the measures before Honourable Members are accepted and implemented an illegal immigrant who has reached Hong Kong after today will be liable to arrest anywhere in Hong Kong and removal, and it will be a crime to employ him. He will be seen to be an illegal immigrant because he has no identity card, or proof of application for one, or other specified proof of identity.

In order to avoid retrospective action, we propose that those illegal immigrants from China here at this moment should be given a short period in which to register. But they must do so immediately within the next three days at a special registration office in Victoria Barracks. This office will be open 24 hours a day from 10 p.m. tonight until midnight on Sunday. The special arrangements made to deal with the numbers expected will be widely and immediately publicised.

As a safeguard for the individual, provision is to be made in the proposed legislation for appeals by those not caught in the act of entering against whom Removal Orders have been made, to be considered by a Tribunal of two unofficial members. Their decision will be final.

The time-scale proposed is as follows :-

- (i) After today all those who come illegally from China, and have no right to remain,

**Item.**  
**No. F 1**  
*(continued)*

- will be liable to be returned wherever detected.
- (ii) From tonight until 26 October: those who were already in Hong Kong on 23rd October but who have not got identity cards will be able to register for them under special arrangements made by the Immigration Department.
  - (iii) 30th October: compulsory carrying of proof of identity begins.
  - (iv) 3rd November: it becomes illegal to employ any person who does not have an identity card or certain specified proofs of identity.

Honourable Members we cannot stand by and accept the indefinite continuation of a high level of illegal immigration while Hong Kong standards are steadily eroded, and it loses its prospect of being the place its residents and its Government are so anxious to make it, and also the place which could contribute so much and so willingly to the modernisation of Guangdong. Therefore the measures we are proposing are essential; but they will become irksome with time. It is irksome to have to remember to carry an identity card or some other form of identification and to produce it if asked. It is irksome for employers to have to check that employees have identity cards or certain other forms of identification. It will be distressing when friends and relatives from China enter illegally and have to be turned away. But if this movement is to be halted as it must be, a very clear message must get back from Hong Kong to the communes that the door is closed, and even if evaded leads only to a dead end without either profit or safety. This message must get back clearly. We must not allow it to be obscured by criminal abettors, the faint or soft hearted or the grasping or inefficient employer. If that message gets back and is understood, then our problem should be solved. I therefore appeal to all members of the public to do everything they can as responsible citizens to play their part in enforcing these measures, and to assist the Police and Labour officers and Immigration officers to do so. The added burden on these agencies will be great, and I again

appeal to the public to realise the problems of these agencies and to help them in their duty at whatever cost to their own convenience.

**Item.**  
**No. F 1**  
*(continued)*

I appeal particularly to employers voluntarily and firmly to enforce this new policy and refuse employment to illegal immigrants. By doing so they can win this battle and confer a great benefit on the whole community. I spoke earlier of the dangers of this policy if it failed and the immigrants continued to come, and an illegal community built up outside the law. But this will not happen to any significant extent provided we all act with sufficient unity and resolution to leave no loopholes for sanctuary or employment and thus deter immigrants from coming. This cannot be achieved by the enforcement agencies alone, though they will do everything they can. Since they may be heavily stretched in the days ahead, I have signed an order mobilising the Royal Hong Kong Regiment (Volunteers) as from 2 p.m. tomorrow. The Government will do everything it can, but success can only be achieved by united action by the community as a whole.

I now leave it to the Chief Secretary to explain the details of the legislation proposed.

Item.

No. G 1 INITIAL APPLICATIONS TO REGISTER FOR IDENTITY CARDS

IMMIGRATION DEPARTMENT

入境事務處

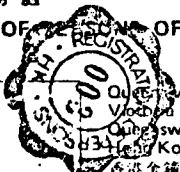
REGISTRATION OF PERSONS OFFICE

登記處



No.: QW 001146  
檔號

Date: 26 OCT 1980  
日期



Queensway Branch  
Victoria Barracks  
Queensway  
Kowloon  
香港金鐘道維多利亞軍營  
金鐘道分處



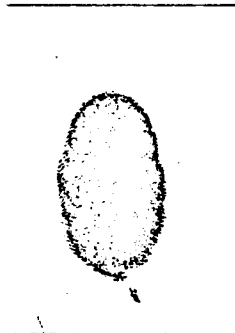
INITIAL APPLICATION TO REGISTER FOR IDENTITY CARD  
首次申請登記身份證

Mrs. Au Yee Ming  
Miss 麥銳明

先生  
女士  
小姐

has applied to be registered under the Registration of Persons Ordinance and has been given an appointment at \_\_\_\_\_ on 1980年11月11日  
本處登記 \_\_\_\_\_ (日期)  
\_\_\_\_\_ (時間)

This form ceases to be valid for identification purposes after \_\_\_\_\_ (日期)  
本表格在下述日期以後將不能再作為身份證明文件使用



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fingerprint  
左拇指印/指模

MP 85

H141190

*P.K. Chan.*  
for Commissioner of Registration  
人事登記處處長  
(代)

Item.  
No. G 1  
(continued)

IMIGRATION DEPARTMENT  
民入境事務處  
REGISTRATION OF PERSONS OFFICE  
事登記處



No.: QW 001097  
檔號

Date: 1980 11 11  
日期



Queensway Branch  
Victoria Barracks  
Queensway  
Hong Kong  
香港金鐘道維多利亞軍營  
金鐘道分處

INITIAL APPLICATION TO REGISTER FOR IDENTITY CARD  
首次申請登記身份證

Mr.  
Mrs.  
Miss

麥小芬

先生  
女士  
小姐



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fingerprint  
左拇指印/指模

IP 85

has applied to be registered under the Registration of Persons Ordinance and has been given an appointment at 下午二時 一九八〇年十一月十一日  
本處登記 (時間) (日期)

This form ceases to be valid for identification purposes after  
本表格在下列日期以後將不能再作為身份證明文件使用

H 141162

*Cheng Pui Yee*  
for Commissioner of Registration  
人事登記處處長  
( 代行 )

Item.  
No. G 1  
(continued)

IMMIGRATION DEPARTMENT  
民 生 事 務 處  
REGISTRATION OF PERSONS OFFICE  
事 登 記 處



No.: QW 001044  
檔 號

Date: 26 OCT 1980  
日 期



Queen's Way Branch  
Victoria Barracks  
Queensway  
Hong Kong  
香 港 金 鐘 道 維 多 利 亞 軍 營  
金 鐘 道 分 處



INITIAL APPLICATION TO REGISTER FOR IDENTITY CARD  
首 次 申 請 登 記 身 份 證

Mr.  
Mrs.  
(Miss)

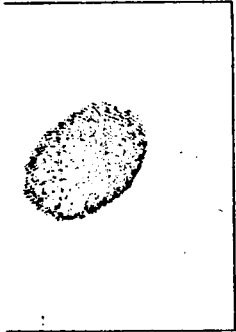
文 肖 英

先生  
女士  
小姐

has applied to be registered under the Registration of Persons Ordinance and has been given an  
經 根 據 人 事 登 記 條 例 之 規 定 申 請 登 記 身 份 證，並 經 約 定 在 下 述 日 期 及 時 間，前 來  
appointment at 午 午 一 時 on 一 九 八 〇 年 十 月 十 一 日  
本 處 登 記 (時 間) (日 期)

This form ceases to be valid for identification purposes after  
本 表 格 在 下 述 日 期 以 後 將 不 能 再 作 為 身 份 證 明 文 件 使 用 一 九 八 〇 年 十 月 十 一 日  
(日 期)

for Commissioner of Registration  
人 事 登 記 處 處 長  
( 代 行 )



Left thumbprint/  
fingerprint  
左 拇 指 印 / 指 模

JP 85

11 NOV 1980  
Registered on  
for I.I.K. Identity Card  
No. A 41146



ARRIVAL AND DEPARTURE CARDS

Item.  
No. H 1

**IMMIGRATION DEPARTMENT HONG KONG**  
 香港入境事務處  
**ARRIVAL CARD 旅客抵港申報表**

Immigration Ordinance  
(Cap. 115)  
Section 5(4) and(5)

**BN 990148** Please write clearly  
Do not fold 請用端正字體填寫  
切勿將本申報表摺疊

**PART A 甲項**  
 Family name (in capitals) 姓 (請用正楷填寫) Milk  
 Sex 性別 B

Given names (in capitals) 名 (請用正楷填寫) YU, MING

Travel document No. 旅遊證件號碼 \_\_\_\_\_ Place and date of issue 簽發地點及日期 \_\_\_\_\_

Nationality 國籍 CH Date of birth 出生日期 7 6 16  
 day 日 month 月 year 年

**PART B 乙項**  
 Address in Hong Kong 香港地址  
 Place of birth 出生地點 H.A. Pellywood Rd  
H.K.

Home address 住址 \_\_\_\_\_

Flight No./ship's name 班機編號 / 船名 \_\_\_\_\_ From 來自何處 CH

Signature of traveller 旅客署名  
麥銳明

All travellers should complete Parts A and B except that travellers from Macau who are not Macau residents need complete only Part A  
 所有旅客均須填寫甲項及乙項，但由澳門來港旅客，如非澳門居民者，則只須填寫甲項。  
 I.D. 93 2000

**IMMIGRATION DEPARTMENT HONG KONG**  
 香港入境事務處  
**DEPARTURE CARD 旅客離港申報表**

Immigration Ordinance  
(Cap. 115)  
Section 5(4) and(5)

**BN 990148** Please retain in passport 請留在護照之內  
Do not fold 切勿將本申報表摺疊

**PART A 甲項**  
 Family name (in capitals) 姓 (請用正楷填寫) \_\_\_\_\_ Sex 性別 \_\_\_\_\_

Given names (in capitals) 名 (請用正楷填寫) \_\_\_\_\_

Travel document No. 旅遊證件號碼 \_\_\_\_\_ Place and date of issue 簽發地點及日期 \_\_\_\_\_

Nationality 國籍 \_\_\_\_\_ Date of birth 出生日期 \_\_\_\_\_  
 day 日 month 月 year 年

**PART B 乙項**  
 Address in Hong Kong 香港地址  
 Place of birth 出生地點 H.A. Pellywood Rd  
H.K.

Home address 住址 \_\_\_\_\_

Flight No./ship's name 班機編號 / 船名 \_\_\_\_\_ Destination 前往目的地 \_\_\_\_\_

Signature of traveller 旅客署名 \_\_\_\_\_

P.T.O. 備後頁  
 All travellers should complete Parts A and B except that travellers to Macau who are not Macau residents need complete only Part A  
 所有旅客均須填寫甲項及乙項，但前往澳門旅客，如非澳門居民者，則只須填寫甲項。  
 I.D. 93 2000

IMMIGRATION DEPARTMENT HONG KONG  
香港人民入境事務處  
DEPARTURE CARD 旅客離港申報表

Immigration Ordinance  
(Cap. 115)  
Section 5(4) and (5)

BN 996747 Please retain in passport 請留在護照之內  
Do not fold 切勿將本申報表摺疊

PART A 甲項  
Family name (in capitals) 姓 (請用正體填寫)  
MARK

Given names (in capitals) 名 (請用正體填寫)  
SIU FOXA

Sex 性別  
M

Travel document No. 旅遊證件號碼  
Place and date of issue 簽發地點及日期

Nationality 國籍  
CH

Date of birth 出生日期  
day 日 month 月 year 年  
11 9 162

PART B 乙項  
Place of birth 出生地點  
CH

Address in Hong Kong 香港地址  
Flat 5/E,  
Phase I,  
Fung Yick Bldg.,  
Des Voeux Rd. W.

Home address 住家地址  
Fung Yick Bldg.,  
Des Voeux Rd. W.,  
CH

Flight No./ship's name 飛機編號/船名  
Destination 啟程目的地

Signature of traveller 旅客署名  
P.T.O. 關後頁

All travellers should complete Parts A and B except that travellers to Macau who are not Macau residents need complete only Part A  
所有旅客均須填寫甲項及乙項，但前往澳門旅客，如非澳門居民者，則只需填寫甲項。  
I.D. 93 1980

IMMIGRATION DEPARTMENT HONG KONG  
香港人民入境事務處  
ARRIVAL CARD 旅客抵港申報表

Immigration Ordinance  
(Cap. 115)  
Section 5(4) and (5)

BN 996747 Please write clearly 請用海正字體填寫  
Do not fold 切勿將本申報表摺疊

PART A 甲項  
Family name (in capitals) 姓 (請用正體填寫)  
MARK

Given names (in capitals) 名 (請用正體填寫)  
SIU FOXA

Sex 性別  
F

Travel document No. 旅遊證件號碼  
Place and date of issue 簽發地點及日期

Nationality 國籍  
CH

Date of birth 出生日期  
day 日 month 月 year 年  
11 9 162

PART B 乙項  
Place of birth 出生地點  
CH

Address in Hong Kong 香港地址  
Flat 5/E,  
Phase I,  
Fung Yick Bldg.,  
Des Voeux Rd. W.

Home address 住家地址  
Fung Yick Bldg.,  
Des Voeux Rd. W.,  
CH

Flight No./ship's name 飛機編號/船名  
From 來自何處  
CH

Signature of traveller 旅客署名  
麥小芳

All travellers should complete Parts A and B except that travellers from Macau who are not Macau residents need complete only Part A  
所有旅客均須填寫甲項及乙項，但由澳門來港旅客，如非澳門居民者，則只需填寫甲項。  
I.D. 93 1980

**IMMIGRATION DEPARTMENT HONG KONG**  
 香港人民入境事務處  
**DEPARTURE CARD 旅客離港申報表**

Immigration Ordinance  
 (Cap. 115)  
 Section 5(4) and (5)

**BN 997691** Please retain in passport 請留在護照之內  
 Do not fold 切勿將本申報表摺疊

**PART A 甲項**  
 Family name (in capitals) 姓 (請用正楷填寫)  
 CHIU YING  
 Sex 性別  
 F

Given names (in capitals) 名 (請用正楷填寫)  
 CHIU YING

Travel document No. 旅遊證件號碼  
 CHIU YING  
 Place and date of issue 簽發地點及日期

Nationality 國籍  
 CH  
 Date of birth 出生日期  
 21 8 163  
 day month year

**PART B 乙項**  
 Place of birth 出生地點  
 CH  
 Address in Hong Kong 香港地址  
 75 HOLLYWOOD  
 RD, YEAHATA  
 HK.

Home address 住址  
 CH

Flight No./ship's name 飛機編號/船名  
 From 來自何處  
 CH

Destination 前往目的地  
 CH

Signature of traveller 旅客簽名  
 文尚英

P.T.O. 轉發頁

All travellers should complete Parts A and B except that travellers to Macau who are not Macau residents need complete only Part A  
 所有旅客均須填寫甲項及乙項，但前往澳門旅客，如非澳門居民者，則只須填寫甲項。  
 I.D. 93 2323

**IMMIGRATION DEPARTMENT HONG KONG**  
 香港人民入境事務處  
**ARRIVAL CARD 旅客抵港申報表**

Immigration Ordinance  
 (Cap. 115)  
 Section 5(4) and (5)

**BN 997691** Please write clearly 請用正字填寫  
 Do not fold 切勿將本申報表摺疊

**PART A 甲項**  
 Family name (in capitals) 姓 (請用正楷填寫)  
 CHIU YING  
 Sex 性別  
 F

Given names (in capitals) 名 (請用正楷填寫)  
 CHIU YING

Travel document No. 旅遊證件號碼  
 CHIU YING  
 Place and date of issue 簽發地點及日期

Nationality 國籍  
 CH  
 Date of birth 出生日期  
 21 8 163  
 day month year

**PART B 乙項**  
 Place of birth 出生地點  
 CH  
 Address in Hong Kong 香港地址  
 75 HOLLYWOOD  
 RD, YEAHATA  
 HK.

Home address 住址  
 CH

Flight No./ship's name 飛機編號/船名  
 From 來自何處  
 CH

Destination 前往目的地  
 CH

Signature of traveller 旅客簽名  
 文尚英

P.T.O. 轉發頁

All travellers should complete Parts A and B except that travellers from Macau who are not Macau residents need complete only Part A  
 所有旅客均須填寫甲項及乙項，但由澳門來港旅客，如非澳門居民者，則只須填寫甲項。  
 I.D. 93 2323

Item.  
 No. H 1  
 (continued)

Item.  
No. 11

APPLICATIONS FOR ENTRY PERMITS



Immigration Department, Hong Kong  
香港入境事務處

Part I  
第一部份

APPLICATION FOR AN ENTRY PERMIT TO REMAIN IN HONG KONG  
And REGISTRATION FOR HONG KONG IDENTITY CARD  
申請入境證在港居留及登記領取身份證

(For children from 11 to under 18 years of age.)  
(十一歲至十八歲以下之兒童適用。)

Note: Please see "Notes" overleaf before completing this form  
注意: 填寫前請先閱讀背面之備註

Rel. RBG/CO/66481/80
Date

Surname (in English Capitals) 姓(用英文大楷填寫) MAK		Forenames (in English Capitals) 名(用英文大楷填寫) Yui-ming		C.C.C. number 中文號碼	
Surname (in Chinese) 姓(中文)		Forenames (in Chinese) 名(中文)		7796 6904 2494	
All Other Names (Chinese and English) 其他中英文名字					
Date of Birth (Western reckoning) 出生日期(西曆計算) 7 June, 1965			Place of birth 出生地點 Yin Chuen Brigade, Chung Kong Commune, Shum Chun		Sex 性別 Male
Nationality 國籍 Chinese		Native of 籍貫 Kwangtung		Birth Certificate No. 出生證明書號碼	
Entered Hong Kong from 由何處來港 Shum Chun		Previous Juvenile Identity Card No. 舊兒童身份證號碼		Date of Registration 登記日期	
Route of Arrival in Hong Kong 來港所經地方 Lau Fau Shan		Passport/Travel Document No. 護照或旅行證件號碼		Issued by and Date 簽發地點及日期	
Date of Arrival 到港日期 26.10.1980		Surname on Previous Juvenile Identity Card 舊兒童身份證上之姓氏		English 英文	
Reason for coming to Hong Kong 來港目的 to earn a living		Previous Address 來港以前住址 Yin Chuen Brigade, Chung Kong Commune, Shum Chun.		Chinese 中文	
Previous Occupation 來港以前職業		Present Occupation 現在職業		Name in Full 全名	
Education 教育程度 Primary		Particulars of Parents/Guardian 父母或監護人詳情 elder brother		MAK Shu-hoi	
Mode of Entry 來港途徑 By Air <input checked="" type="checkbox"/> 乘機 By Swimming <input type="checkbox"/> 游泳 By Land <input type="checkbox"/> 取道陸路		Present Employment Address and Name of Company or School 現時任職地址及店號名稱或學校名稱及地址			
Present Residential Address 現時住址 75A Hollywood Rd., 4/F.		Telephone No. 電話			
Telephone No. 電話 5-228631					
Family Composition 家庭成員					
	Name 姓名	Date of Birth 出生日期	Place of Birth 出生地點	Identity Card No. 身份證號碼	Address 住址
Father 父	MAK Kam-lam				Shum Chun
Mother 母	CHAN Yun-foon				
Brothers 兄弟	1 sister in China				
Sisters 姊妹	1 brother & 1 sister in Hong Kong				

I.D. 50Cb

33

Relatives/Friends in Hong Kong 在港居住之親屬/朋友			
Name 姓名	Relationship 關係	Address & Telephone No. 住址及電話	Identity Card No. 身份證號碼

I declare that all information quoted in support of this application is correct.  
本人謹聲明，本申請書內所填寫之各項資料，均屬正確。

I further declare that I have never had or held and do not have or hold any form of travel document and do not have an identity card or other evidence that I am legally in Hong Kong.  
本人又再聲明，本人以往及目前均無持有任何種類之旅遊證件，此外，現時亦無身份證或其他文件，證明本人為本港合法居留者。

Signature of Applicant \_\_\_\_\_ (Signed)  
申請人簽名

Date \_\_\_\_\_  
日期

Notes:  
備註

By-Grosser

- This form is issued free of charge.  
此表格由本處免費派發。
- This form is to be completed by all illegal New Arrivals. To ensure that information furnished by you is recorded correctly, you are advised to complete this Form yourself.  
所有非法入境之新來港人士均須填寫此表格，為使所填報之資料準確無誤起見，請閣下親自填寫此表格。
- Furnishing false information will render you liable to prosecution and the processing of your Application will be delayed.  
虛報事實者將被檢控，而其中請審之處理亦將受到阻延。
- Six passport size photographs of the applicant must be submitted with this application.  
申請人遞回表格時，須一併繳交護照相片六張。
- The fee for an Identity Card is \$2.00, payable on registration. A fee of \$50 is payable for the issue of an entry permit.  
領取身份證之費用為貳元，在登記時繳交；領取入境證之費用則為五十元。
- This completed Form should be submitted in person to the Registration of Persons Office, Queensway Branch Office, Hong Kong.  
此表格填妥後，須由申請人親自遞交金鐘道人事登記處。

For Official Use 此節由辦理機關填寫		
Photograph	Examining Officer's authenticating stamp	Future Identity Card No. H 141190
		Date of Registration: 11 NOV 1980
	Permit No. _____	
		Fee Paid \$50

Item.  
No. 11  
(continued)

Immigration Department, Hong Kong  
香港入境事務處



Part I  
第一部份

APPLICATION FOR AN ENTRY PERMIT TO REMAIN IN HONG KONG  
And REGISTRATION FOR HONG KONG IDENTITY CARD  
申請入境證在港居留及登記領取身份證  
(For adults of 18 years of age and above. Accompanying children under 11 years  
of age to be included.)  
(十八歲或以上之成人適用。十一歲以下之同行子女須包括在內。)

Note: Please see 'Notes' overleaf before completing this form  
注意: 填表前請先閱讀背面之備註

For official use only 此部由辦理機關填寫
Ref. RBG/CO/66692/80
Date 11 NOV 1980

Surname (in English Capitals) 姓(用英文大楷填寫) MAK		Forenames (in English Capitals) 名(用英文大楷填寫) Siu-fong		C.C.C. number 中文電碼	
Surname (in Chinese) 姓(中文)		Forenames (in Chinese) 名(中文)		7796 1420 5364	
All Other Names (Chinese and English) 其他中英文名字					
Date of Birth. (Western reckoning) 出生日期(西曆計算) 11.9.1962			Place of Birth 出生地點 Yin Chuen Brigade, Chung Kong Commune, Shum Chun.		Sex 性別 Female
Nationality 國籍 Chinese	Native of 籍貫 Kwangtung	Birth Certificate No. 出生證明書號碼	Previous I.C. No., Name & Date of Issue (Insert 'NIL' if a New Arriver.) 舊身份證號碼、姓名及發證日期(如屬新來港人士應填上"無"字)		
Entered Hong Kong from 由何處來港 Shum Chun		Passport/Travel Document No. 護照或旅行證件號碼		Issued by and Date 簽發地點及日期	
Route of Arrival in Hong Kong 來港所經地方 Lau Fau Shan		Date of Arrival 到達日期 26.10.1980			
Reason for coming to Hong Kong 來港目的 To earn a living		Mode of Entry 來港途徑 By Boat <input checked="" type="checkbox"/> 乘船 By Swimming <input type="checkbox"/> 游泳 By Land <input type="checkbox"/> 取道陸路			
Previous Address 來港以前住址 Yin Chuen Brigade, Chung Kong Commune, Shum Chun.		Present Residential Address 現時住址 5E Mark 1 Kwan Yik Bldg., 14/f., Des Voeux Road W. Telephone No. 電話			
Previous Occupation 來港以前職業 Farmer	Present Occupation 現在職業 -	Education 教育程度 Senior Middle	Present Employment Address and Name of Company 現時任職地址及店號名稱 Telephone No. 電話		
Insert 'Married', 'Single', 'Widow', 'Widower' OR 'Divorced' 請填上「已婚」、「未婚」、「寡婦」、「孀夫」或「已離婚」 Single					
Accompanying children under 11 years of age: 同行十一歲以下之子女					
Full name (Surname first) 姓名		Sex 性別	Date of birth 出生日期	Place of birth 出生地點	
English 英文		Chinese characters 中文		NIL	
Family Composition 家庭成員					
	Name 姓名	Date of Birth 出生日期	Place of Birth 出生地點	Identity Card No. 身份證號碼	Address 住址
Husband/Wife 丈夫/妻子					
Children 子女					
Father 父 Mother 母	MAK Kam-lam CHAN Yun-foon				Yin Chuen Brigade Chung Kong Commune Shum Chun.
Brothers 兄弟 Sisters 姊妹	MAK Siu-mui MAK Yui-ming MAK Shu-hoi	Came to Hong Kong together 21		5E, Mark 1, Kwan Yik Bldg., 14/F, Des Voeux Rd. W.	

I.D. 500s

relatives/Friends in Hong Kong 在港居住之親戚/朋友			
Name 姓名	Relationship 關係	Address & Telephone No. 住址及電話	Identity Card No. 身份證號碼
MAK Shu-hoi		5E, Mark 1, Kwan Yik Bldg., 14/F, Des Voeux Rd. W.	Unknown

I declare that all information quoted in support of this application is correct.  
 本人謹聲明，本申請書內所填寫之各項資料，均屬正確。

I further declare that I have never had or hold and do not have or hold any form of travel document and do not have any identity card or other evidence that I am legally in Hong Kong.

本人又再聲明，本人以往及目前均無持有任何種類之旅遊證件，此外，現時亦無身份證或其他文件，證明本人為本港合法居民。

Signature of Applicant \_\_\_\_\_ (Signed)  
 申請人簽名

Date \_\_\_\_\_  
 日期

Notes:  
 備註

~~Bay-Crosser~~

This form is issued free of charge.  
 此表格由本處免費派發。

- This form is to be completed by all illegal New Arrivals. To ensure that information furnished by you is recorded correctly you are advised to complete this Form yourself.  
 所有非法入境之新來港人士均須填寫此表格，為使所填報之資料準確無誤起見，請閣下親自填寫此表格。
- Furnishing false information will render you liable to prosecution and the processing of your Application will be delayed. Untrue facts will be detected, and your application will be delayed.  
 提供虛假資料者將被檢控，而其中請書之處理亦將受到阻延。
- Six passport size photographs of the applicant must be submitted with this application. If children under 11 are accompanied, four photographs with the children included should also be submitted.  
 申請人遞回表格時，須一併繳交護照相片六張。如有十一歲以下之同行子女，則須另繳包括子女在內之相片四張。
- The fee for an Identity Card is \$2.00, payable on registration. A fee of \$50 is payable for the issue of an entry permit.  
 領取身份證之費用為貳元，在登記時繳交；領取入境證之費用則為五十元。
- This completed Form should be submitted in person to the Registration of Persons Office, Queensway Branch Office, Hong Kong.  
 此表格填妥後，須由申請人親自遞交金鐘道入境事務登記處。

For Official Use 此節由辦理機關填寫	
Photograph	Examining Officer's authenticating stamp
	Future Identity Card No. H 141162
	Date of Registration: 11 NOV 1980
	Permit No. _____
	Fee Paid \$50

Item.  
No. 11  
(continued)

Immigration Department, Hong Kong  
香港入境事務處



Part I  
第一部份

APPLICATION FOR AN ENTRY PERMIT TO REMAIN IN HONG KONG  
And REGISTRATION FOR HONG KONG IDENTITY CARD  
申請入境證在港居留及登記領取身份證  
(For adults of 18 years of age and above. Accompanying children under 11 years  
of age to be included.)  
(十八歲或以上之成人適用。十一歲以下之同行子女須包括在內。)

Note: Please see 'Notes' overleaf before completing this form  
注意：填寫前請先閱讀背頁之備註

For official use only 此節由辦印機關填寫
Ref. RBG/DO/56632/80
Date

Surname (in English Capitals) 姓(用英文大楷填寫) MAN		Forenames (in English Capitals) 名(用英文大楷填寫) Chiu-ying		C.C.C. number 中文電碼	
Surname (in Chinese) 姓(中文)		Forenames (in Chinese) 名(中文)		2429 5135 5391	
All other Names (Chinese or English) 其他中英文名字					
Date of Birth (Western Reckoning) 出生日期(西曆計算) 2.8.62			Place of Birth 出生地點 Tung Koon County, Kwangtung		Sex 性別 Female
Nationality 國籍 Chinese	Native of 籍貫 Kwangtung	Birth Certificate No. 出生證明書號碼		Previous I.C. No., Name & Date of Issue (Insert 'NIL' if a New Arrival) 舊身份證號碼、姓名及發證日期(如屬新來港人士應填上"無")	
Entered Hong Kong from 由何處來港 Tung Koon		Route of Arrival in Hong Kong 來港所經地方 Lau Fau Shan, Shum Chun.		Passport/Travel Document No. 護照或旅行證件號碼	
Date of Arrival 到港日期 24.10.80		Reason for coming to Hong Kong 來港目的 To earn a living		Mode of Entry 來港途徑 By Boat <input checked="" type="checkbox"/> 乘船 By Swimming <input type="checkbox"/> 游泳 By Land <input type="checkbox"/> 取道陸路	
Previous Address 來港以前住址 Chung Tau Brigade, Cheung On Commune, Tung Koon, Kwangtung.		Present Residential Address 現時住址 75 Hollywood Road, Flat A, 4/F, Sheung Wan, Hong Kong.			
Previous Occupation 來港以前職業 Farm Worker		Present Occupation 現在職業	Education 教育程度 Junior Middle		Present Employment Address and Name of Company 現時任職地址及店號名稱 Telephone No. 電話
Insert 'Married', 'Single', 'Widow', 'Widower' OR 'Divorced' 請填上「已婚」、「未婚」、「寡婦」、「孀夫」或「已離婚」 Single					
Accompanying children under 11 years of age: 同行十一歲以下之子女					
Full name (Surname first) 姓名		Sex 性別	Date of birth 出生日期	Place of birth 出生地點	
English 英文		Chinese characters 中文			
Family Composition 家庭成員					
	Name 姓名	Date of Birth 出生日期	Place of Birth 出生地點	Identity Card No. 身份證號碼	Address 住址
Husband/Wife 丈夫/妻子		2.8.63	Tung Koon		
Children 子女					
Father 父 Mother 母					
Brothers 兄弟 Sisters 姊妹					

I.D. 500a

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Relatives/Friends in Hong Kong 在香港居住之親戚/朋友			
Name 姓名	Relationship 關係	Address & Telephone No. 住址及電話	Identity Card No. 身份證號碼

I declare that all information quoted in support of this application is correct.

本人此聲明，本申請書內所填寫之各項資料，均屬正確。

I further declare that I have never had or held and do not have or hold any form of travel document and do not have an identity card or other evidence that I am legally in Hong Kong.

本人又再聲明，本人以往及目前均無持有任何種類之旅遊證件，此外，現時亦無身份證或其他文件，證明本人為本港合法居留者。

Signature of Applicant \_\_\_\_\_ (Signed)  
申請人簽名

Date 11 NOV 1980  
日期

Notes:

備註

- This form is issued free of charge.  
此表格由本處免費派發。
- This form is to be completed by all illegal New Arrivals. To ensure that information furnished by you is recorded correctly, you are advised to complete this Form yourself.  
所有非法入境之新來港人士均須填寫此表格，為使所填報之資料準確無誤起見，請閣下親自填寫此表格。
- Furnishing false information will render you liable to prosecution and the processing of your Application will be delayed.  
虛報事實者將被檢控，而其申請書之處理亦將受到阻延。
- Six passport size photographs of the applicant must be submitted with this application. If children under 11 are accompanied, four photographs with the children included should also be submitted.  
申請人遞回表格時，須一併繳交護照相片六張。如有十一歲以下之同行子女，則須另繳包括子女在內之相片四張。
- The fee for an Identity Card is \$2.00, payable on registration. A fee of \$50 is payable for the issue of an entry permit.  
領取身份證之費用為貳元，在登記時繳交；領取入境證之費用則為五十元。
- This completed Form should be submitted in person to the Registration of Persons Office, Queensway Branch Office, Hong Kong.  
此表格填妥後，須由申請人親自遞交金鐘道人事登記處。

For Official Use 此節由辦理機關填寫		Bay Crosser	
Photograph	Examining Officer's authenticating stamp	Future Identity Card No.	H 141146
		Date of Registration:	11 NOV 1980
	Permit No.	_____	
		Fee Paid \$50	

Item.  
No. J 1

NOTICES OF REMOVAL ORDERS

IMMIGRATION ORDINANCE  
人民入境條例  
(Chapter 115)  
(香港法例第一一五章)  
Section 19(5)  
第十九條第(5)款

Notice of Removal Order and Right of Appeal  
遣送離境令及上訴權利通知書

To: ~~Miss~~ Miss .Ma N. Chiu-ying.....  
致: 吳美英 女士

TAKE NOTICE that pursuant to section 19(1)(b)(ii) of the Immigration Ordinance 茲請注意人民入境事務處處長/副處長已於  
November the Director/Deputy Director of Immigration has on the 14th day of 一九八〇年十一月十四日按照人民入境條例第十九條第(1)款  
November 1980 made a removal order against you on the grounds that you have (b)段(ii)之規定,向台端發出遣送離境令理由為台端已觸犯  
committed an offence under 人民入境條例下列條文:

- Section 38(1) (Prohibition of landing and remaining without permission) 第三十八條第(1)款 (禁止登陸入境及未經批准而在本港逗留)
- ~~Section 38(1) (Breach of conditions of stay)~~ 第四十一條 (違反居留條件)

of the Immigration Ordinance. The Director/Deputy Director of Immigration has also 人民入境事務處處長/副處長亦已授權台端  
authorised your detention in custody pending your removal from Hong Kong 拘禁 俟將台端遣離本港送往中國  
to .....~~China~~.....

TAKE FURTHER NOTICE that you may, if you wish, appeal to a Tribunal 茲又請注意, 根據人民入境條例第五十三A條  
under Section 53A of the Immigration Ordinance against the decision to make the 之規定, 台端可向審裁處提出上訴, 反對該  
removal Order. If you wish to appeal you must do so by giving to an immigration 遣送離境令之決定。台端倘欲提出上訴, 必須在接到  
officer or an immigration assistant written notice of your grounds of appeal and the 本通知書二十四小時內(即在一九八〇年十一月十六日午夜十二時正之前)  
facts upon which you rely within twenty four hours of receiving this Notice (that 用書面通知入境事務主任或入境事務助理員  
is by .....10.15..... on 16 November 1980.....)。

A form for your use in setting out your appeal is attached. An officer 現隨函附上上訴表格已份。台端  
of the Prisons Department is available to assist you in writing out your appeal 可請求監獄署人員協助填寫該表格。  
if you so wish.

Dated .....15. November. 1980...  
日期: 一九八〇年 十一月 十五日

  
.....K. CHIU.....  
for Director of Immigration  
人民入境事務處處長  
(趙志強 代行)

ID 605

I acknowledge receipt of the original copy of this Notice and  
收到本通知書  
an Appeal Form which have been explained to me in .....  
及上新表格已份。其內容已用 白本人解釋。  
and which I understand.  
本人現已明白。

Signature .....  
日期  
Date .....  
日期  
Time .....  
時間

I have explained the contents of this Notice to the subject  
named overleaf and have given him/her the original copy which has been  
acknowledged above. I have also given him/her an Appeal Form for his/her  
use.

.....  
Signature of Immigration Officer

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Item.  
No. J 1  
(continued)

Removal under section 19(1)(b)(ii) of the Immigration Ordinance (Cap 115)

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SUMMARY OF FACTS AND REASONS FOR REMOVAL

1. PERSONAL DETAILS

Name : .AN Chiu-ying	Date of birth : 2 August 1962
Sex : Female	Place of birth : Tungkoo, China
Nationality : Chinese	Marital status : Single
	Occupation : Farm worker

2. REASONS FOR REMOVAL

That Miss Man has committed an offence under section 33(1) of the Immigration Ordinance (Prohibition of landing and remaining without permission).

3. CIRCUMSTANCES OF APPREHENSION

Miss Man was arrested at 1515 hours on 24 November 1980 at the Victoria Barracks Registration Clearance Office when she was found, during an interview in connection with her application for an identity card, to have arrived in Hong Kong illegally on 24 October 1980. She was referred for custody at the Victoria Immigration Centre at 1515 hours on the same day.

4. EXPLANATORY STATEMENT

Miss Man said during Immigration interview that she left Tungkoo, China at 1000 hours on 23 October 1980 with eight classmates. They travelled via Nam Tau and set off on a dinghy illegally from Tai Chung at about 2200 hours on the same day. At 1000 hours on 24 October 1980 they entered illegally at Lau Tin Shan and hid in the woods. At 0900 hours on 25 October 1980, she contacted her uncle by phone and was subsequently taken to her uncle's house at Western District at 1100 hours. She was taken by her uncle to register for an identity card at the Victoria Barracks at 1600 hours on 25 October 1980 and was given an appointment for interview on 12 November 1980.

Miss Man says that her parents and 4 brothers and 1 sister live all in China. She has only one uncle in Hong Kong.

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IMMIGRATION ORDINANCE  
人民入境條例  
(Chapter 115)  
(香港法例第一一五章)  
Section 19(j)  
第十九條第(j)款

Notice of Removal Order and Right of Appeal  
遣送離境令及上訴權利通知書

To: Mr/Mrs/Miss MAK Yiu-ming.....  
致: 麥銳明 先生/女士

TAKE NOTICE that pursuant to section 19(j)(b)(ii) of the Immigration Ordinance the Director/Deputy Director of Immigration has on the 14th day of 一九八〇年十月十四日 按照人民入境條例第十九條第(j)款 November 1980 made a removal order against you on the grounds that you have (b)段(ii)節之規定,向台端發出遣送離境令理由為台端經已觸犯 committed an offence under 人民入境條例下列條款:

- Section 38(1) (Prohibition of landing and remaining without permission) 第三十八條第(1)款 (禁止登陸入境及未經批准而在本港逗留)
- Section 40 (Breach of condition of stay) 第四十條 (違反居留條件)

of the Immigration Ordinance. The Director/Deputy Director of Immigration has also 人民入境事務處處長/副處長並已授權將台端 authorised your detention in custody pending your removal from Hong Kong 拘留,台端候將台端遣離本港送往 China 中國 to .....

TAKE FURTHER NOTICE that you may, if you wish, appeal to a Tribunal 茲又請注意,根據人民入境條例第五十三A條 under Section 53A of the Immigration Ordinance against the decision to make the 之規定,台端可向審裁處提出上訴,反對台端 Removal Order. If you wish to appeal you must do so by giving to an immigration 遣送離境令之決定。台端倘欲提出上訴,必須在接到 officer or an immigration assistant written notice of your grounds of appeal and the 本通知書二十四小時內(即在一九八〇年十月十四日午夜十二時十五分之前) facts upon which you rely within twenty four hours of receiving this Notice (that 本通知書由通知入境事務主任或入境事務助理員 is by 1015..... on 15 November 1980.....) 列明上訴理由及事實根據

A form for your use in setting out your appeal is attached. An officer 現隨函附上上訴表格已份。台端 of the Prisons Department is available to assist you in writing out your appeal 可請來監獄署人員協助填寫該表格。 if you so wish.

Dated 15 November... 1980...  
日期: 一九八〇年 十月 十五日

G. K. CHIU.....  
for Director of Immigration  
人民入境事務處處長  
(趙志強 代行)

ID 605

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Item.  
No. J 1  
(continued)

I acknowledge receipt of the original copy of this Notice and  
an Appeal Form which have been explained to me in .....  
and which I understand.  
茲收到本通知書正本  
及上訴表格乙份。其內容已用  
本人解釋。  
本人現已明白。

Signed .....  
簽署  
Date .....  
日期  
Time .....  
時間

I have explained the contents of this notice to the subject  
named overleaf and have given him/her the original copy which has been  
acknowledged above. I have also given him/her an Appeal Form for his/her  
use.

.....  
Signature of Immigration Officer

Removal under section 19(1)(b)(ii) of the Immigration Ordinance (Cap 115)

SUMMARY OF FACTS AND REASONS FOR REMOVAL

1. PERSONAL DETAILS

Name :	MAK Yiu Ming	Date of birth :	7 June 1965
Sex :	Male	Place of birth :	China
Nationality :	Chinese	Marital status :	Single
		Occupation :	Student

2. REASONS FOR REMOVAL

That Mr MAK Yiu Ming has committed an offence under section 38(1) of the Immigration Ordinance (Prohibition of landing and remaining without permission).

3. CIRCUMSTANCES OF APPREHENSION

Mr Mak was arrested on 12 November 1980 at 0900 hours at Victoria Barracks Immigration Clearance Office while attending an interview for Hong Kong identity card in which he claimed to have arrived from China illegally on 25 October 1980. He was taken to the custody of Victoria Immigration Centre at 1250 hours on 12 November 1980.

4. EXPLANATORY STATEMENT

Mr Mak claimed to be a student in China. He started his journey to Hong Kong illegally on 24 October 1980 together with his elder sister, MAK Sui Fong (RBV/S/80) from Shum Chun, China and crossed the border at about noon on 25 October 1980 at Lau Fan Shan. They managed to contact their elder brother in Hong Kong by telephone and was later taken by the latter to his home at West Point, Hong Kong. Mr Mak and his sister made their initial registration for Hong Kong identity card on 26 October 1980. He was interviewed on 11 November 1980 and on 12 November 1980 when he was arrested.

Besides the elder sister who came to Hong Kong illegally with him, Mr Mak claimed to have parents, one younger sister in China and an elder brother in Hong Kong.

Item.  
No. J 1  
(continued)

IMMIGRATION ORDINANCE  
入境條例  
(Chapter 115)  
(香港法例第一一五章)  
Section 19(5)  
第十九條第(5)款

Notice of Removal Order and Right of Appeal  
遣送離境令及上訴權利通知書

To: Mr/Ms/Miss ..MAK Sim-fong.....  
致: 麥小芳 女士

TAKE NOTICE pursuant to section 19(1)(b)(ii) of the Immigration Ordinance the Director/Deputy Director of Immigration has on the 10th day of November 1980 made a removal order against you on the grounds that you have committed an offence under  
請注意入境事務處處長/副處長已於一九八〇年十一月十日按照入境條例第十九條第(1)款(b)段(ii)節之規定,向台端發出遣送離境令,理由為台端經已觸犯入境條例下列條款:

- Section 3(1) (Prohibition of landing and remaining without permission) 第三條第(1)款 (禁止登陸入境及未經批准而仍留港逗留)
- Section 41 (Breach of condition of stay) 第四十一條 (違反居留條件)

of the Immigration Ordinance. The Director/Deputy Director of Immigration has also authorised your detention in custody pending your removal from Hong Kong to China.  
入境入境事務處處長/副處長並已授權將台端拘留,俟將台端遣離本港送往中國

TAKE FURTHER NOTICE that you may, if you wish, appeal to a Tribunal under Section 53A of the Immigration Ordinance against the decision of the Removal Order. If you wish to appeal you must do so by giving to an immigration officer or an immigration assistant written notice of your grounds of appeal and the facts upon which you rely within twenty four hours of receiving this Notice (that is by 10th November 1980).  
請注意,根據入境條例第五十三A條之規定,台端可向裁判處提出上訴,反對該遣送離境令之決定。台端倘欲提出上訴,必須在接到本通知書二十四小時內(即在一九八〇年十一月十日正午十時正之前)向署內通知入境事務主任或入境事務助理員列明上訴理由及事實根據。

A form for your use in setting out your appeal is attached. An officer of the Prisons Department is available to assist you in writing out your appeal if you so wish.  
現隨函附上上訴表格乙份。台端

Dated 15 November 1980  
日期: 一九八〇年 月 日

  
C. K. CHIU  
for Director of Immigration  
入境入境事務處處長  
(趙志強 代行)

ID 605



I acknowledged receipt of the original copy of this Notice and  
茲收到本通知書正本  
an Appeal Form which have been explained to me in .....  
及上訴表格乙份。其內容已用 向本人解釋。  
and which I understand.  
本人現已明白。

Signature .....  
Date .....  
Time .....

I have explained the contents of this Notice to the Subject  
named overleaf and have given him/her the original copy which has been  
acknowledged above. I have also given him/her an Appeal Form for his/her  
use.

.....  
Signature of Immigration Officer

Removal under section 19(1)(b)(ii) of the Immigration Ordinance (Cap 115)

SUMMARY OF FACTS AND REASONS FOR REMOVAL

1. PERSONAL DETAILS

Name : MAK Siu-fong	Date of birth : 11 September 1962
Sex : female	Place of birth : China
Nationality : Chinese	Marital status : single
	Occupation : farmer

2. REASONS FOR REMOVAL

That Miss MAK Siu-fong has committed an offence under section 38(1) of the Immigration Ordinance (Prohibition of landing and remaining without permission).

3. CIRCUMSTANCES OF APPREHENSION

She was arrested on 12 November 1980 at 0200 hours while attempting to enter Hong Kong at the Victoria Barracks Immigration Checkpoint Office in which she admitted to have come from China illegally on 25 October 1980. She was taken to the custody of Victoria Immigration Centre at 1545 on 12 November 1980.

4. EXPLANATORY STATEMENT

Miss MAK claimed that she started her journey to Hong Kong illegally from Shan Chun, China together with her younger brother, MAK Yin-ting (SEV/69/80 attached) on 24 October 1980 and crossed the border at Lau Fau Shan at about noon on 25 October 1980. They managed to contact their elder brother in Hong Kong by telephone and was later taken by the latter to his home at West Point, Hong Kong. Miss MAK and her brother made their initial registration for Hong Kong identity card on 26 October 1980. She was interviewed on 11 November 1980 and on 12 November 1980 when she was arrested.

Besides the younger brother who came to Hong Kong illegally with her, Miss MAK claimed to have parents <sup>and</sup> one sister in China and an elder brother in Hong Kong.

Item.  
No.K 1

AFFIDAVIT OF JEANIE CHISHOLM SMITH  
DATED 20TH MAY 1982

1980 Civil Appeal No. 196

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE

FULL BENCH

MISCELLANEOUS PROCEEDINGS

ACTION NO. 1052 OF 1980

-----

BETWEEN:

MAK YUI MING ( 麥 銳 明 ) 10  
MAK SIU FONG ( 麥 小 芳 )  
MAN CHIU YING ( 文 肖 英 ) all infants  
by the next friend and aunt CHAN YUN TAI Appellants

and

THE ATTORNEY GENERAL Respondent

I, JEANIE CHISHOLM SMITH, Assistant Director of Legal Aid, in the employ of the Legal Aid Department of the Government of Hong Kong, of Sincere Building, 5th floor, 173 Des Voeux Road, Central, Hong Kong, do make oath and say :- 20

1. I have the conduct of the proceedings herein on behalf of the minor appellants and am familiar with the facts and circumstances of the case.

2. On the 3rd day of July 1981, the Court of Appeal granted leave to the minor appellants to appeal to Her Majesty in Council against the Judgment of the Court of Appeal delivered on the 8th day of June 1981 dismissing an Appeal by the Minor appellants from the judgment of the Full Bench of the High Court of Justice given on the 18th day of December 1980. Such leave was 30

subject to the condition that there would be security for costs in the sum of HK\$60,000, such security being in the form of a personal undertaking from Mr Gilbert Rodway, Barrister-at-law, of Hong Kong and further that the Record would be prepared and dispatched to England within a period of three months.

3. On the 23rd day of April 1982, the Legal Aid Ordinance, Chapter 91, was amended to include proceedings relating to an Appeal to or an application for  
10 leave to Appeal to the Privy Council. An application for such proceedings would require to be not only meritorious but the applicants therein would require to be financially eligible.

4. I am advised that the conduct of all proceedings herein to date have been conducted on behalf of the minor appellants by free private legal representation. I am further advised that on or about late February or early March 1982, after consultation with the private legal representation, it was decided that  
20 the minor appellants should seek the assistance of the Legal Aid Department to continue the said proceedings as no further free private legal representation was available and Madam Chan Yun Tai, the next friend of the minor appellants apparently could not afford the monies requested for further legal representation.

5. Application was made to the Legal Aid Department for such assistance by Madam Chan Yun Tai, the aunt and next friend of the minor appellants but it was ascertained that this said Madam Chan Yun Tai was  
30 financially ineligible in terms of the said Legal Aid Ordinance.

6. It was further ascertained, after perusal of the legal documentation relating to all the proceedings that there had been non-compliance with the time limit imposed for the preparation and dispatch of the Record, as referred to in paragraph 2 hereof. Accordingly I verily believe that it is in the interest of the minor appellants that a new next friend or friends as hereinafter provided be substituted in place of the said  
40 Madam Chan Yun Tai, to enable an application to be made forthwith to the said Court of Appeal for a variation of the said time limit so imposed in relation to the said Record in the said conditional leave to appeal to

**Item.**  
**No. K1**  
*(continued)*

Her Majesty in Council.

7. Mr Chan Wai Ping, a cousin of Man Chiu Ying and Madam Chan Sau Lam, a cousin of Mak Yui Ming and Mak Siu Fong have now applied to the said Legal Aid Department to continue the said proceedings on behalf of the minor appellants. I verily believe that the said Mr Chan and Madam Chan are financially eligible in terms of the said Legal Aid Ordinance. I further verily believe that the said Mr Chan and Madam Chan are fit and proper persons to represent the minor appellants and that they have no interest adverse to those of the minor appellants. 10

8. There is annexed herewith and marked "JCS-1" and "JCS-2" respectively the consents to act as new next friends by the said Mr Chan and Madam Chan. There is also annexed herewith and marked "JCS-3" certificate by myself as having the conduct of these proceedings.

9. I am of the opinion that it is in the best interest of the minor appellants that they have new next friends in future proceedings and therefore pray that an order be made in terms of the Summons filed herein. 20

SWORN at the City and New Territories) (Sd)  
Administration, Hong Kong, this 20th ) J.C. SMITH  
day of May 1982. )

Before me,

(Sd.) Mabel Chow (Mrs)  
Commissioner for Oaths

AFFIDAVIT OF JEANIE CHISHOLM SMITH  
DATED 21ST JUNE 1982

Item.  
No. L1

Civil Appeal No. 196 of 1980

IN THE COURT OF APPEAL

CIVIL JURISDICTION (Formerly on Appeal from

THE HIGH COURT OF JUSTICE)

FULL BENCH

(MISCELLANEOUS PROCEEDINGS ACTION NO. 1052 OF 1980)

BETWEEN:

10 MAK YUI MING, MAK SIU FONG infants by  
their next friend CHAN SAU LAM

MAN CHIU YING an infant by his next Applicants  
friend CHAN WAI PING Appellants

and

THE ATTORNEY GENERAL

Respondent

-----

AFFIDAVIT OF MISS J. C. SMITH

I, Jeanie Chisholm Smith of 4 Mansfield Road, Flat 21, Hong Kong do make oath and say as follows :

- 20 1. I am an Assistant Director of the Legal Aid Department and have had the conduct of these proceedings on behalf of the 3 infant applicants/appellants since the 19th of May 1982 when they were granted legal aid. I have been authorised by Chan Sau Lam and Chan Wai Ping, the two next friends involved to swear this affidavit on behalf of the three infants and save where the contrary is expressly indicated, the contents of this my affidavit are based on information given to me by Mr Gilbert Rodway which information I verily believe

Item.  
No. L1  
(continued)

to be true.

2. The purpose of this affidavit is to support the applications made in the 2 Notices of Motion filed on the 28th of May 1982 and the 16th of June 1982 respectively and to explain the causes behind the delay that has occurred since the infants were given leave to appeal to Her Majesty in Council by the Court of Appeal on 3rd July 1981.

3. The 3 infants entered Hong Kong illegally on 25th October 1980 having heard over the radio the announcements that were made concerning illegal immigrants from the People's Republic of China and the "New Immigration Law". Having arrived in Hong Kong they attended the Immigration clearance office at Victoria Barracks to register their application for permission to remain within the Colony. They were arrested on the 12th of November and on the 14th of that month were served with various documents which informed them that Removal Orders had been made against them by the Director of Immigration. 10 20

4. Chan Yun Tai, the aunt of the three children, was at that time, (and still is) employed by Mr Gilbert Rodway as an amah.

Upon hearing of the arrest of the three children Madam Chan asked Mr Rodway for his advice and he put her in touch with Messrs K.K. & Winston Chu.

Mr K.K. & Winston Chu agreed to act for the 3 infants and Mr Rodway was instructed to apply for a Writ of Habeas Corpus.

The Writ was issued pursuant to the Order of the Honourable Mr Justice Penlington on 17th November 1980. 30

Thereafter an application was made to the Full Bench for a Judicial Review and upon that application being dismissed the matter came before the Court of Appeal on the 8th of May 1981. The appeal was not concluded until the 25th May 1981 and Judgment was reserved.

A Judgment dismissing the Appeal was handed down by the Court of Appeal on 8th June 1981.

Item.  
No. L1  
(continued)

During the hearings before the Full Bench and the Court of Appeal Messrs K.K. & Winston Chu had continued to act for the infants and Mr Jackson-Lipkin, Q.C. and Mr Gilbert Rodway had represented them.

Both Solicitors and Counsel had acted throughout on a complimentary basis.

10 5. I am further informed by Mr Rodway and verily believe that following the Appeal being dismissed he discussed the possibility of taking the matter to the Privy Council with Mr Winston Chu. In order to preserve the position it was decided to apply for leave and this application was made on the 3rd of July. By that date Mr Winston Chu had ceased to act for the infants because of other commitments and he was replaced by Miss Lo of Messrs Helen A. Lo & Co. who also agreed to act on a complimentary basis.

20 6. The application for leave to appeal to Her Majesty in Council was granted subject to the usual conditions. The first condition was the provision of security for costs which was set at the sum of \$60,000.00. The second condition was that the Record had to be prepared and despatched to England within 3 months. Throughout the proceedings the three children had acted through Chan Yun Tai as their next friend. Madam Chan had no means to raise the sum required by way of security for costs nor could the appeal be "in forma pauperis".

30 However the Court of Appeal accepted Mr Rodway's own personal undertaking in the amount of \$60,000.00 and this was given accordingly.

7. Throughout the remainder of July Mr Rodway was heavily committed in Court and in August left Hong Kong on holiday. Upon his return to Hong Kong in early September Mr Rodway spoke to Miss Helen Lo about the preparation of the Record.

However, Mr Rodway has informed me that he was under the misapprehension that the period within



**Item.**  
**No. L1**

(continued)

which the record had to be prepared was 6 months and as such felt that there was no pressing urgency.

8. During the last 3 months of 1981 apart from his professional commitments a great deal of Mr Rodway's time was taken up with difficulties that had arisen in relation to his Chambers and he was also living in temporary accommodation while his new residential flat was undergoing structural alteration and redecoration.

As such the matter of the record was no uppermost in Mr Rodway's mind and it was not until he returned from his Christmas holiday in early January that he again spoke to Miss Lo about the Record and it was discovered that the Order made by the Court of Appeal was for 3 months and not 6 months as Mr Rodway had mistakenly believed. 10

Upon realising that the time limit had long since expired Mr Rodway advised that an application be made immediately for an extension of time within which to prepare the Record. 20

On explaining what had happened to Madam Chan Yun Tai, Mr Rodway told her that if time was extended he would represent the infants in the Privy Council on a complimentary basis and would in addition to paying his own travelling expenses also pay for the costs incurred in preparing the Record.

However, there still remained the question of the Crown's costs if the Appeal should fail and Madam Chan indicated that it would be impossible for her to find the money to pay those costs if the necessity arose. 30

9. Since the middle of 1981 it had become common knowledge that the Legal Aid Ordinance was likely to be amended to cover Appeals to Her Majesty in Council.

Because of Madam Chan's financial inability to bear any award of costs that might be made against her Mr Rodway having discussed the matter with Miss Lo and Madam Chan decided that the only realistic course

open to her was not to make the application for extension of time immediately but to wait for the Legal Aid Ordinance to be amended and to then apply for legal aid.

**Item.**  
**No.L 1**  
*(continued)*

10. On Mr Rodway's advice Miss Lo in very early February contacted the Legal Aid Department to enquire when the Bill extending Legal Aid to the Privy Council would be passed but was informed that it was not expected to become law for a further 4-6 weeks. Since discovering that the time for preparing the Record had elapsed Mr Rodway had been corresponding with Mr Peter Graham the Crown Counsel in charge of the matter.

Mr Graham very kindly indicated that he would not take any point on the failure to comply with the condition provided that the matter be proceeded with as soon as possible.

11. By early March the relevant Bill had still not become law but nonetheless Mr Rodway advised Madam Chan to immediately go to the Legal Aid Department and to explain to that Department the position that she was in.

Mrs Chan first presented herself to this Department on the 13th of March and her application was considered on the basis that the Bill was very soon to become law.

However, following investigation it was ascertained that Madam Chan was not eligible for Legal Aid because she owned a small flat and the monthly wage paid to her by Mr Rodway on addition to the income of her husband exceeded the maximum provided by the Regulations.

For this reason the Legal Aid Department had no alternative but to refuse her application; however in view of the nature of the case she was advised that if alternative relations could act as "next friends" then they may be eligible for legal aid.

12. The Bill extending legal aid to appeal to Her Majesty in Council became Law on the 23rd of April 1982.

Item.  
No. L1  
(continued)

By this time the alternative next friends namely Chan Sau Lam and Chan Wai Ping had attended the Legal Aid Department and their applications for Legal Aid were duly considered.

The matter was treated as one of urgency and Legal Aid was formally granted on the 19th of May 1982.

13. Prior to the granting of Legal Aid Mr Rodway had provided a lengthy written advice dealing with the merits of the proposed appeal but because of his close association with the proceedings up to date it was felt 10  
advisable to obtain a further advice and to this extent Mr Richard Mills-Owens, Q.C. and Mr John Bleach were instructed to advise.

Preliminary instructions had in fact already been sent to Mr Mills-Owens and Mr Bleach on the 7th of May and a consultation had been held on the 13th May 1982. Following the consultation the first Notice of Motion was immediately drafted and was filed on the 28th of May 1982.

While I am still waiting for the final 20  
written advice from Mr Mills-Owens and Mr Bleach I verily believe that the Appeal does deal with a point of law that is of great general and public importance and I would respectfully ask this Honourable Court to grant the application sought in the 2 notices of motion despite the delay that occurred since leave was first granted by the Court of Appeal.

SWORN at the City and New Territories) (sd)  
Administration, this 21st day of June) J.C. SMITH  
1982. )

Before me,

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(Sgd) Mrs Mabel Chan  
A Commissioner for Oaths

# In The Privy Council

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## ON APPEAL FROM THE COURT OF APPEAL OF HONG KONG

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BETWEEN

MAK YUI MING, MAK SIU FONG, infants  
by their next friend CHAN SAU LAN

MAN CHIU YING, an infant by her next  
friend CHAN WAI PING - - - - - *Appellants*  
*(Plaintiffs)*

AND

ATTORNEY GENERAL - - - - - *Respondent*  
*(Defendant)*

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## RECORD OF PROCEEDINGS

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**DIRECTOR OF LEGAL AID**  
*Solicitor for the Appellants (Plaintiffs)*

**CROWN SOLICITOR**  
*Solicitors for the Respondent (Defendant)*

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