

# Corporate Commercial Client Alert

## Employment & Pensions

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### New Requirement on Airlines to provide Travellers' Personal Data to Immigration Department before arriving into Hong Kong

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The Immigration (Advance Passenger Information) Regulation (the "**Regulation**") has been gazetted today, and will be tabled at the Legislative Council for negative vetting on March 29.

The Secretary for Security has made the Regulation in order to meet the requirement and recommendations of the International Civil Aviation Organization, which back in 2018 implemented a new requirement under the updated Convention on International Civil Aviation (to which the People's Republic of China is signatory, and which also applies to Hong Kong), whereby each contracting state is required to establish an "API system". In short, the API system is an electronic communications system whereby travellers' personal data and their respective aircraft information are collected and transmitted by the airline concerned to the border control agency prior to/after flight departure, so that the border control agency can immediately conduct a risk assessment of border security for issuing boarding directions in respect of the travellers.

The Regulation will also facilitate the Immigration Department ("**ImmD**") in further enhancing its passenger clearance and enforcement capabilities. Airlines are required to comply with the Regulation for flights heading to Hong Kong from a place outside Hong Kong, and flights departing from Hong Kong are not affected by the Regulation.

The Regulation, except for the parts relating to offences, penalty and defence, is planned for commencement alongside the roll-out of the API system in the third quarter of 2024.

#### Want to know more?

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