

**Extract from confirmed minutes
of the meeting of Panel on Security
held on Tuesday, 5 January 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP
Hon Paul TSE Wai-chun
- Member absent** : Hon Albert HO Chun-yan
- Public Officers attending** : Item V
Mr LAI Tung-kwok, SBS, IDSM, JP
Under Secretary for Security

Mr Alan LO Ying-ki
Principal Assistant Secretary for Security

Mr Corrado CHOW
Assistant Director of Immigration (Enforcement and
Torture Claim Assessment)
- Clerk in attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1
- Staff in attendance** : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

Mr Ian CHOW
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

X X X X X X X X X

Action

V. Subsidiary legislation relating to the Castle Peak Bay Immigration Centre
(LC Paper No. CB(2)633/09-10(04))

34. Under Secretary for Security (US for S) briefed members on four amendment orders which the Administration planned to make for transferring the management of the Castle Peak Bay Immigration Centre (CIC) from Correctional Services Department (CSD) to Immigration Department (ImmD) and other related matters as detailed in the Administration's paper. He stressed that all of the four amendment orders were solely for the management of CIC by ImmD, without any change of the treatment of the detainees in practice.

35. The Deputy Chairman recalled that residents of Tuen Mun strongly opposed the establishment of CIC in the area. He referred to paragraph 2 of the Administration's paper and asked whether there was a decreasing demand for detention places at CIC and whether it should be closed since there was another detention centre of a similar nature at Ma Tau Kok in the urban area.

36. In response, US for S stated that a liaison group comprising representatives from ImmD, CSD, the Hong Kong Police Force, Tuen Mun District Council, and neighbouring housing estates had been established in July 2005 in relation to CIC's operations. Over the past five years, the Administration and the liaison group had maintained close communication and Tuen Mun residents were currently relieved about CIC's operations in the area.

37. US for S emphasized that CIC, with a capacity of 400 detention places, had to be retained despite the decreasing demand. He explained that the Ma Tau Kok Detention Centre (MDC) had a capacity of 80 detention places and a daily occupancy of about 50 detainees. It was a facility for short term detention purposes. Since there were only about 30 spare detention places available at MDC and a daily average of over 200 detainees at CIC, it was necessary to keep CIC in operation. He assured members that the Administration was monitoring the demand for CIC.

38. Ms Cyd HO expressed concern about whether the four amendment orders would alter detainees' right in respect of visits by their legal advisers. US for S stated that the treatment of detainees at CIC would not be changed after the

Action

management of CIC was transferred from CSD to ImmD, including the arrangements in respect of visits by legal advisers and family members.

39. The Deputy Chairman stated that to his knowledge, the Commissioner of Correctional Services would allow the visits of prominent persons, with a reasonable cause, to detainees. He asked whether this arrangement would continue after ImmD took over the management of CIC.

40. US for S responded that although operations of CSD and ImmD were governed by different legislation, there would be no difference in the arrangements regarding visits to detainees. He mentioned that under the Prison Rules (Cap. 234A), each detainee had the right to be provided with a separate bed and adequate blankets. While there were no similar provisions under the Immigration (Treatment of Detainees) Order, ImmD would ensure, through administrative arrangements, that every detainee was provided with a separate bed and adequate blankets.

Admin

41. The Deputy Chairman questioned the rationale for implementing such a requirement through administrative rather than legislative means. He requested the Administration to provide a comparison of the treatment of detainees, plus the relevant legislation, before and after ImmD took over the management of CIC from CSD.

X X X X X X X X X