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29 June 2010

The Honourable LAU Kong-wah, JP
Chairman of the Panel on Security
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear *Chairman,*

**Statutory Mechanism for Handling Torture Claims -
Review of Legislative Timetable**

On 1 December 2009, we reported to the Panel on Security our proposed enhancements to the administrative screening mechanism for torture claims. At the time, we also indicated our intention to consider legislative proposals to underpin the screening procedures when we have gained experience under the administrative scheme. We expected that this might take place in time for the 2009/10 Legislative Session.

The screening of torture claims under the enhanced administrative mechanism resumed on 24 December 2009. Our original forecast was to handle some 400 cases in the first twelve months after the commencement of the Duty Lawyer Service pilot scheme. However, as at 23 June 2010, only 107 claimants have submitted the grounds of their claims with assistance from duty lawyers under the pilot scheme; among these cases, we have completed screening interviews for 64, and made decisions for nine.

Given the small number of screened cases so far, it is only prudent and essential that more practical experience of the screening process be gained before casting the screening procedures into legislative proposals. It is also worthy to note that, up till now, no petition case has been decided. In this light, it would be more practical and meaningful to assess the overall effectiveness of the screening mechanism in the end of 2010, by which time it is anticipated we should have made first-tier decisions for about 200 cases and completed a fair number of petition cases.

We will brief the Panel on the progress of the administrative screening mechanism as well as the timing and substance of the legislative proposals as soon as practicable.

Yours sincerely,



(NGAI Wing-chit)
for Secretary for Security

c.c. Director of Administration
Director of Immigration