

**Legislative Council Bills Committee on
Immigration (Amendment) Bill 2011
Supplementary Information to Matters discussed
at the Seventh Meeting on 16 January 2012**

Purpose

The clause-by-clause examination of the Bill commenced at the meeting on 16 January. This paper provides supplementary information on certain other matters that Members discussed at the meeting for reference.

Education support

2. At present, torture claimants applying for admission to school are mostly from South Asian and Southeast Asian countries (Sri Lanka, Pakistan, Indonesia and the Philippines). They are mainly in Yuen Long, Yau Tsim Mong and Sham Shui Po districts. The Education Bureau makes arrangements for them to study in suitable schools, as far as possible, based on the circumstances of each case. Measures taken by schools to assist them in integrating into school life are set out at Annex.

Refused entry cases

3. As at end of 2011, out of some 6 400 claimants, a total of 248 persons lodged their claims after they were refused entry upon arrival in Hong Kong. Their nationalities are as follows:

Nationality	Number of persons
Pakistan	104
India	66
Bangladesh	14
Sri Lanka	11
Others	53
Total	248

Staff cost

4. Apart from the Immigration Department (ImmD) and the Security Bureau, the Department of Justice has also increased the manpower to assist in the processing of torture claims in recent years. The estimated annual expenditure is about \$20.6 million.

Claims not lodged in time

5. We have earlier provided information to the Committee about the policy and current situation relating to sections 37ZD(1)(b) to (e) of the Bill. If a claimant fails to take advantage of a reasonable opportunity to lodge a claim after he has left his country and before his arrival in Hong Kong, or if he lodges a claim only after he is arrested or detained in Hong Kong, the ImmD shall consider the credibility of his claim with caution. That said, even if the above situation takes place, the only criterion for the ImmD to decide on the claim is whether there are substantial grounds to believe that the claimant will be subject to the risk of torture.

6. As regards section 37ZD(1)(b) of the Bill, we have earlier provided the Committee with information about the implementation of the Convention in neighbouring places. According to the Mainland authorities, the Central People's Government has been fulfilling its obligations as a signatory to the Convention seriously. Under the Extradition Law of the People's Republic of China, the Central People's Government may refuse a request for extradition if the person sought has been or will probably be subjected to torture¹.

Security Bureau
February 2012

¹ Please see paragraphs 44 to 58 of the periodical report submitted by the Mainland authorities to the United Nations Committee against Torture in February 2006 for details (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/426/55/PDF/G0742655.pdf?OpenElement>).

Education Support to Minor Torture Claimants

Distribution of students by area of residence

The distribution of torture claimants (or asylum seekers) who received grants from the Student Financial Assistance Agency to attend kindergartens, primary schools and secondary schools in 2010/11 school year by area of residence is as follows:

District	Number of persons
Yuen Long	29
Yau Tsim Mong	25
Sham Shui Po	16
Others	33
Total	103

Support measures

The schools concerned will take the measures mentioned below to help the students adapt to school life.

Employing non-Chinese teaching assistants

The schools may make use of funding from the Education Bureau to employ non-Chinese teaching assistants to provide language support to non-Chinese speaking students and help them overcome the language barriers. As the non-Chinese teaching assistants can communicate with the students in their mother tongues (e.g. Urdu), they will help them adapt to school life more effectively.

Assigning “peer mentors”

The schools may make special seating arrangements so that students of the same nationality but with better ability could act as “peer mentors” of other non-Chinese speaking students of the same class, help them bridge the language gap in class and assist teachers in conducting class activities.

Small group teaching

When teaching certain subjects, teachers will organise students into groups according to their ability. This serves to reduce the number of students taught and hence enable teachers to cater for the needs of non-Chinese speaking students and help them overcome the difficulties in learning more effectively.

“Big Brothers and Sisters” Scheme

The schools may assign senior students to act as “big brothers and sisters”, who can do paired reading and story-telling in Chinese with non-Chinese speaking students and to provide peer counselling to them. This may help them adapt to school life and strengthen their confidence in communicating with others.

Other support

The schools will also arrange homework counselling, general counselling services, group and extra-curricular activities and bridging courses for newly arrived students, etc. to help them adapt to school life as soon as possible.