

立法會
Legislative Council

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Paper for the House Committee meeting on 15 January 2016

**Proposed overseas duty visit to Australia
by the Panel on Security**

Purpose

This paper seeks the permission of the House Committee for the Panel on Security ("the Panel") to conduct an overseas duty visit to Australia to study the country's experience in handling non-refoulement claims.

Background

2. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT") has been applied to Hong Kong since 1992. Article 3 of CAT provides that no State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. According to the Administration, pursuant to CAT and multiple local court rulings since 2004, the Immigration Department ("ImmD") cannot remove those illegal immigrants to another country where they would face a genuine and personal risk of being subjected to torture, cruel, inhuman or degrading treatment or punishment or persecution.

3. Upon the coming into operation of the Immigration (Amendment) Ordinance 2012 on 3 December 2012 and the implementation of the unified screening mechanism ("USM") in March 2014, any illegal immigrant claiming that he or she would face risks of torture, cruel, inhuman or degrading treatment or punishment or persecution in his or her country of origin is subject to a standardised screening process.

4. Against an influx of illegal immigrants since 2014, the Administration has reviewed the procedures of USM to identify room for achieving more efficient screening and optimising the use of available manpower and financial

resources. When the Panel was briefed on the latest development on USM in July 2015, members noted that by end May 2015, there were 9 884 claims pending screening, and new claims increased by 250% year-on-year compared to 2013-2014 or earlier. In 2015-2016, the estimated expenditure arising from the screening of claims and providing various support to claimants amounts to \$644 million, representing an increase of 21% from the last financial year. In the light of the latest situation, the Panel considers it an opportune time to conduct a duty visit to study overseas experience in handling non-refoulement claims. After considering the relevant arrangements in overseas places, the Panel has agreed that it should conduct a visit to Australia for about one week during the Easter break in 2016 to study the country's experience in handling non-refoulement claims. Members consider that the relevant knowledge of and updates on Australia's experience would benefit the Panel's monitoring of the Administration's work in the formulation of further improvement measures to the implementation of USM in Hong Kong.

Proposed duty visit by the Panel

Objectives of the proposed visit

5. The objectives of the proposed visit are as follows -
 - (a) to study Australia's experience, policies and strategies on handling non-refoulement claims;
 - (b) to obtain first-hand information on the relevant regulatory framework, the screening procedures for non-refoulement claims, provision of publicly-funded legal assistance and humanitarian assistance to claimants, and detention facilities; and
 - (c) to exchange views with the relevant government organisations and parties on the processing and handling of non-refoulement claims.
6. The Panel will take the opportunity of conducting the proposed visit to better understand the operation of drug rehabilitation centres, penal institutions and other security related facilities in Australia.

Visit programme

7. The proposed duty visit is scheduled to be conducted from 19 to 25 March 2016. The tentative outline of the programme is in **Appendix I**. The detailed visit programme is being drawn up with the advice and assistance

of the Australian Consulate-General in the Hong Kong Special Administrative Region and the Hong Kong Economic & Trade Office in Sydney.

Participants of the visit

8. Panel members and other Members have been invited to indicate whether they would join the visit. A total of five Members have indicated interest. A list of the participants is in **Appendix II**.

9. The Panel will also invite officials from the relevant policy bureau/government department to join the visit to facilitate Members' understanding of the applicability of Australia's experience to Hong Kong. In line with the established practice, the expenses incurred by the government officials participating in the visit will be borne by the Government.

Funding arrangements

10. As approved by The Legislative Council Commission, each Member is provided with an overseas duty visit account ("ODV") of \$55,000 for the purpose of duty visits outside Hong Kong organised by committees of the Council. The fund in the account is for use by the Member in a four-year term. Any expenditure incurred in one term in excess of the approved allocation has to be paid by the Member personally. If by the end of a term there are unused balances in Members' ODV accounts, the funds available will be used to pay those Members who have expended more than their allocation, in proportion to their excess qualifying expenditure. Members who have not served out their terms will not be entitled to such reimbursements.

11. A preliminary estimate of the expenditure (including airfare, hotel accommodation, meals, in-town travelling and sundry expenses) to be incurred by each participating Member for the proposed duty visit is about \$23,840 (for economy class air passage), \$32,240 (for premium economy class air passage) and \$59,240 (for business class air passage). A breakdown of the estimated expenditure is in **Appendix III**. The actual expenditure will vary subject to the final visit programme, and the airfare and hotel room rates at the time of confirmation.

Advice sought

12. Rule 22(v) of the House Rules provides that should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, their permission of the House Committee shall be sought.

13. The House Committee's permission is sought for the Panel to conduct the overseas duty visit as proposed.

Council Business Division 2
Legislative Council Secretariat
13 January 2016

Panel on Security

Proposed overseas duty visit to Australia from 19 (Saturday) to 25 (Friday) March 2016

Tentative outline of programme[#]

Date	Programme
19 (Sat) to 20 March (Sun)	➔ Departure from Hong Kong in the evening of 19 March (Saturday) and arrival in Sydney on 20 March (Sunday)
21 March (Mon)	Visit to the following organisations/facilities in Sydney - <ul style="list-style-type: none"> ● Administrative Appeals Tribunal ● Australian Human Rights Commission ● Australian Red Cross (Asylum Seeker Assistance Scheme provider) ● Immigration Assessment Authority ● Provider of Immigration Advice and Application Assistance Scheme ● Immigration detention facilities ● Drug rehabilitation centres ● Penal institutions
22 March (Tue)	
23 March (Wed)	
23 March (Wed)	➔ Departure from Sydney for Canberra in the afternoon of 23 March (Wednesday)
24 March (Thur)	Visit to the following organisations in Canberra - <ul style="list-style-type: none"> ● Department of Immigration and Border Protection ● United Nations High Commissioner for Refugees Regional Office in Australia
25 March (Fri)	➔ Departure from Canberra for Hong Kong on 25 March (Friday)

[#] A detailed visit programme is being drawn up with the advice and assistance of the Australian Consulate-General Hong Kong and the Hong Kong Economic & Trade Office in Sydney, subject to the confirmation of the receiving organisations.

Panel on Security

Proposed duty visit to Australia

List of participants
(as at 13 January 2016)

Panel members

1. Hon IP Kwok-him, GBS, JP (Chairman)
2. Hon CHUNG Kwok-pan (Deputy Chairman)
3. Hon James TO Kun-sun
4. Hon MA Fung-kwok
5. Dr Hon Fernando CHEUNG Chiu-hung

Council Business Division 2
Legislative Council Secretariat
13 January 2016

Panel on Security

Proposed duty visit to Australia
Preliminary estimate of expenditure

Duration of visit : 19 to 25 March 2016 (7 days)
Routing of visit : Hong Kong / Sydney / Canberra / Hong Kong

Breakdown of expenses

Items	Estimated expenses HK\$ (per person)		
	<u>Economy Class</u>	<u>Premium Economy Class</u>	<u>Business Class</u>
1. Air passage ^(Note 1) Hong Kong/Sydney/ Canberra/Hong Kong	9,600	18,000	45,000
2. Hotel accommodation (60% of the subsistence allowance) (a) Sydney (4 nights) (b) Canberra (2 nights)		5,745 2,799	
3. Meals, in-town travelling and sundries (40% of the subsistence allowance) ^(Note 2) (a) Sydney (b) Canberra		3,830 1,866	
4. Travel insurance		400	
TOTAL :	23,840	32,240	59,240

NOTE :

- Airfare quotation obtained in early December 2015. Price is inclusive of tax and surcharges.
- Other expenditure including hospitality, local group transportation, interpretation services and souvenirs will be charged against other votes of the Secretariat. Where the actual cost of in-town travelling expenses is separately paid for by the Secretariat, 5% of the subsistence allowance will be deducted.
- Exchange rates as at early December 2015 -
A\$1 = HK\$5.58

4. The actual total expenditure will vary subject to the final visit programme, and the airfare and hotel room rates at the time of confirmation.

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