

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 164/16-17

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 25 November 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 30 November 2016**

**Amendments to motion on  
“Combating ‘bogus refugees’ ”**

Further to LC Paper No. CB(3) 136/16-17 issued on 17 November 2016, eight Members (Hon HO Kai-ming, Hon Claudia MO, Hon LEUNG Yiu-chung, Hon YUNG Hoi-yan, Hon POON Siu-ping, Dr Hon Priscilla LEUNG, Dr Hon Fernando CHEUNG and Hon James TO) have respectively given notice of their intention to move separate amendments to Hon Holden CHOW’s motion on “Combating ‘bogus refugees’ ” scheduled for the Council meeting of 30 November 2016. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the eight amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon Holden CHOW to speak and move his motion;
- (b) the President proposes the question on Hon Holden CHOW’s motion;
- (c) the President calls upon the eight Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
  - (i) Hon HO Kai-ming;
  - (ii) Hon Claudia MO;
  - (iii) Hon LEUNG Yiu-chung;

- (iv) Hon YUNG Hoi-yan;
  - (v) Hon POON Siu-ping;
  - (vi) Dr Hon Priscilla LEUNG;
  - (vii) Dr Hon Fernando CHEUNG; and
  - (viii) Hon James TO;
- (d) the President calls upon the public officer(s) to speak;
  - (e) the President invites other Members to speak;
  - (f) the President gives leave to Hon Holden CHOW to speak for the second time on the amendments;
  - (g) the President calls upon the public officer(s) to speak again;
  - (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the eight Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon HO Kai-ming to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon HO Kai-ming's amendment;
  - (i) after Hon HO Kai-ming's amendment has been voted upon, the President deals with the other seven amendments; and
  - (j) after all amendments have been dealt with, the President calls upon Hon Holden CHOW to reply. Thereafter, the President puts to vote the question on Hon Holden CHOW's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on  
“Combating ‘bogus refugees’ ”  
to be held at the Council meeting of 30 November 2016**

**1. Hon Holden CHOW’s original motion**

That the problem of ‘bogus refugees’ has become increasingly serious in recent years; after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order, immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of ‘bogus refugees’ and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants.

**2. Motion as amended by Hon HO Kai-ming**

That the ~~problem of ‘bogus refugees’ has become increasingly serious~~ *people generally considered by the public as ‘bogus refugees’ have triggered a number of social problems* in recent years; after arriving in Hong Kong by various means, ~~quite a number of people~~ *they* have abused the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) by lodging non-refoulement claims and employing every means to prolong the screening procedures; ~~they stay in Hong Kong for the purpose of engaging~~ *during their stay in Hong Kong, they very often engage* in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order, immigration control, judicial system, welfare, etc. *and also affected the employment opportunities of local*

*workers*; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of ‘bogus refugees’ and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, *stepping up inspection of black spots of illegal workers, imposing severe punishments against employers who employ illegal workers*, and setting up holding centres to properly settle and manage non-refoulement claimants.

Note: Hon HO Kai-ming’s amendment is marked in *bold and italic type* or with deletion line.

### 3. Motion as amended by Hon Claudia MO

~~That the problem of ‘bogus refugees’ has become increasingly serious in recent years; after arriving in Hong Kong by various means, quite a number of people have abused currently, quite a number of non-ethnic Chinese people will, after entering Hong Kong illegally via Mainland China or, after coming to Hong Kong directly or via Mainland China as tourists, lodge non-refoulement claims under the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order, immigration control, judicial system, welfare, etc.; as a contracting party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Hong Kong in fact has an international obligation to verify the refugee status of non-refoulement claimants, but the protracted screening process of the unified screening mechanism has left quite a number of non-refoulement claimants stranded in Hong Kong; such non-refoulement claimants have exerted pressure on various aspects of Hong Kong society, including non-ethnic Chinese born and bred in Hong Kong being mistaken for non-refoulement claimants stranded in Hong Kong, causing nuisances to them;~~ in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of ‘bogus refugees’ and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims,

~~setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants~~ *step up cooperation with the departments concerned of Mainland China to intercept illegal immigrants at source.*

Note: Hon Claudia MO's amendment is marked in *bold and italic type* or with deletion line.

#### **4. Motion as amended by Hon LEUNG Yiu-chung**

~~That the problem of 'bogus refugees' has become increasingly serious in recent years; after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims ('unified screening mechanism')~~ *with insufficient resources and manpower, the unified screening mechanism for non-refoulement claims ('unified screening mechanism') has all along failed to effectively handle non-refoulement claims, leaving the claimants stranded in Hong Kong; owing to the poor living environment of these non-refoulement claimants in Hong Kong, some foreign media has named Hong Kong 'a refugee hell'; a small number of people have abused the unified screening mechanism* by lodging non-refoulement claims and employing every means to prolong the screening procedures; ~~they stay in Hong Kong for the purpose of engaging,~~ *so that they can stay in Hong Kong to engage* in illegal employment and even serious criminal activities, etc., so as to make money; *the illegal acts of these non-refoulement claimants, being exaggerated by some media and political parties, have turned the public to discriminate against all non-refoulement claimants and even all ethnic minorities in Hong Kong, thereby seriously undermining the diversity of Hong Kong society;* the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong's law and order, immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to, *on the premise of ensuring that human rights will not be undermined and striving to implement the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ('CAT')*, comprehensively review the unified screening mechanism, and actively ~~consider adopting~~ *making reference to* the approaches in overseas places to formulate measures to ~~combat the arrival of 'bogus refugees' and prevent the abuse of the unified screening mechanism,~~ including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources (*such as employing additional interpreters and enhancing training of screening personnel*) to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants; *the Government should also ensure basic*

*protection for the livelihood of non-refoulement claimants in Hong Kong, enhance the promotion of ethnic integration and fulfil international obligation set out in CAT, so as to strive to eliminate the community's misunderstanding of and discrimination against non-refoulement claimants.*

Note: Hon LEUNG Yiu-chung's amendment is marked in *bold and italic type* or with deletion line.

## **5. Motion as amended by Hon YUNG Hoi-yan**

That the ~~problem of 'bogus refugees' has become increasingly serious in recent years~~ *the number of non-refoulement claims pending screening by the Immigration Department has been on the rise in recent years, some members of the public have queried that quite a number of such claims are lodged by 'bogus refugees'*; after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims ('unified screening mechanism') by lodging non-refoulement claims and employing every means to prolong the screening procedures; ~~they~~ *some non-refoulement claimants* stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong's law and order, immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to comprehensively review *and enhance* the unified screening mechanism, ~~and~~ *including exploring imposing a requirement that non-refoulement claimants must lodge claims within a specified time frame upon arriving in Hong Kong, increasing the number of lawyers and interpreters, and introducing information technology such as live television link and call centres, so as to expedite the processing of a large number of current outstanding claims; the Government should also* actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of 'bogus refugees' and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, ~~allocating additional resources to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly funded legal assistance, and~~ *comprehensively reviewing the publicly-funded legal assistance system, exploring* setting up holding centres to properly settle and manage non-refoulement claimants, *and reviewing the assistance mechanism provided to non-refoulement claimants.*

Note: Hon YUNG Hoi-yan's amendment is marked in *bold and italic type* or with deletion line.

## 6. Motion as amended by Hon POON Siu-ping

That *at present*, the problem of ‘bogus refugees’ ~~has become increasingly serious in recent years~~ *is very serious*; after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism ~~has~~ *by non-refoulement claimants and their engagement in illegal employment during their stay in Hong Kong have* aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order, immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of ‘bogus refugees’ and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants; *the Government should also step up law enforcement to combat non-refoulement claimants engaging in illegal employment and employers employing these people.*

Note: Hon POON Siu-ping’s amendment is marked in *bold and italic type* or with deletion line.

## 7. Motion as amended by Dr Hon Priscilla LEUNG

That *as at end of October 2016, non-refoulement claims pending screening by the Immigration Department already reached 10 675 cases, of which 7 054 cases were claims lodged since the implementation of the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’)*; the problem of ‘bogus refugees’ has become increasingly serious in recent years; after arriving in Hong Kong by various means, quite a number of people have abused the ~~unified screening mechanism for non-refoulement claims (‘unified screening mechanism’)~~ *unified screening mechanism* by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong ~~for the purpose of engaging~~ *to engage* in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order,

immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of ‘bogus refugees’ and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims, *abolishing the issuance of Recognizance Forms (commonly known as ‘going-out passes’) to non-refoulement claimants whose identity has not been verified*, setting a statutory time limit for lodging non-refoulement claims, ~~imposing a cap on the publicly funded legal assistance~~, and *imposing a cap on legal aid granted to non-refoulement claimants*, setting up holding centres to properly settle and manage non-refoulement claimants, *extending pre-arrival registration to more countries of origin of ‘bogus refugees’*, *stepping up publicizing in countries of origin of ‘bogus refugees’ the message that non-refoulement claimants will not be offered jobs in Hong Kong*, and *seeking the assistance of the Central Government in requesting the governments of such countries to stringently combat local people-smuggling syndicates*.

Note: Dr Hon Priscilla LEUNG’s amendment is marked in *bold and italic type* or with deletion line.

## **8. Motion as amended by Dr Hon Fernando CHEUNG**

~~That the problem of ‘bogus refugees’ has become increasingly serious in recent years; after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism has aroused grave public concern, and exerted heavy pressure on Hong Kong’s law and order, immigration control, judicial system, welfare, etc.~~ *came into operation on 3 March 2014; according to information, the number of non-refoulement claims has mostly shown a downward trend starting from 2014; from December 2009 to May 2015, 32 non-refoulement claims were substantiated by the Immigration Department, representing a substantiation rate of about 0.48%, which was far below the 40% to 60% in Germany, the United Kingdom and Australia; the United Nations Committee Against Torture has pointed out that such a percentage set a distinctly high threshold for granting protection to non-refoulement claimants; some non-refoulement claimants had been stranded in Hong Kong for over 10 years before their non-refoulement claims were substantiated by the Immigration Department, but they still needed to wait for recognition of their refugee status by The*



*United Nations Refugee Agency before arrangement of resettlement in a third country could be made; the Government's support for non-refoulement claimants is insufficient and inhuman, for example, the financial support lacks objective criteria and is not adjusted on a regular basis according to inflation rates, thus subjecting non-refoulement claimants to fall into the plight of insufficient financial support, seriously undermining their mental health and dignity, and making them susceptible to becoming victims of illegal employment or black market activities; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of 'bogus refugees' and including taking into consideration the concerns and proposals of the United Nations Committee Against Torture and community groups (such as reviewing the decision-making quality and interpretation needs), reviewing the proceedings for detained non-refoulement claimants to resort to judicial action in respect of their claims, enhancing the transparency of the unified screening mechanism (such as fully disclosing the relevant statistics) and handling non-refoulement claims in a humane manner; the Government should also consult extensively various parties (including frontline staff of relevant government departments and organizations, professionals and non-refoulement claimants) on the review of the unified screening mechanism, actively study the approaches of other countries to improve the unified screening mechanism, and cooperate with neighbouring regions to formulate measures to prevent the abuse of the unified screening mechanism; including stepping up cooperation with neighbouring regions to intercept illegal immigrants, allocating additional resources to expedite the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants.*

Note: Dr Hon Fernando CHEUNG's amendment is marked in *bold and italic type* or with deletion line.

## **9. Motion as amended by Hon James TO**

That *some members of the community have pointed out that* the problem of 'bogus refugees' has become increasingly serious in recent years; ~~after arriving in Hong Kong by various means, quite a number of people have abused the unified screening mechanism for non-refoulement claims ('unified screening mechanism')~~ by lodging non-refoulement claims and employing every means to prolong the screening procedures; they stay in Hong Kong for the purpose of engaging in illegal employment and even serious criminal activities, etc., so as to make money; the abuse of the unified screening mechanism *for non-refoulement claims ('unified screening mechanism')* has aroused grave

public concern, and exerted heavy pressure on Hong Kong's law and order, immigration control, judicial system, welfare, etc.; in this connection, this Council urges the Government to comprehensively review the unified screening mechanism, and actively consider adopting the approaches in overseas places to formulate measures to combat the arrival of 'bogus refugees' and prevent the abuse of the unified screening mechanism, including stepping up cooperation with neighbouring regions to intercept illegal immigrants; allocating additional resources to expedite the procedure for screening non-refoulement claims; ~~setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly funded legal assistance, and setting up holding centres to properly settle and manage non-refoulement claimants;~~ ***combating and severely penalizing illegal employment; providing sufficient resources to further enhance the unified screening mechanism to increase the transparency of the screening process; holding close discussions with organizations related to the legal profession to ensure that the screening procedure under the unified screening mechanism fully meets the 'high standards of fairness'; providing sufficient and appropriate professional training to personnel responsible for handling non-refoulement claims, so that they can handle non-refoulement claims properly; and offering reasonable assistance to non-refoulement claimants by drawing reference from the local cost of living index, thereby enabling them to live with dignity.***

Note: Hon James TO's amendment is marked in ***bold and italic type*** or with deletion line.