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**Panel on Security**

**Information note prepared by the Legislative Council Secretariat  
for the meeting on 2 November 2018**

**Manpower proposal for the comprehensive review of the strategy of  
handling non-refoulement claims**

In March 2014, the Administration commenced operating the unified screening mechanism ("USM") to screen non-refoulement claims on all applicable grounds. According to the Administration, as at end 2015, 10 922 claims were pending screening, of which 6 360 (around 60%) were new claims lodged by those who have never lodged a claim under USM. The number of new claims registered a 331% increase (i.e. from 102 per month on average between 2010 and 2013 to some 440 per month between March 2014 and December 2015). Against this background, the Administration launched a comprehensive review of the strategy of handling non-refoulement claims in early 2016, focusing on the following four areas:

- (a) preventing potential claimants from entering Hong Kong;
- (b) expediting the commencement of screening procedures for pending claims, shortening the screening time per claim, and expediting the handling of appeals;
- (c) expediting repatriation of the claimants whose claims had been rejected; and
- (d) studying detention policies and stepping up law enforcement.

2. In the context of discussing the subject of "Comprehensive review of the strategy of handling non-refoulement claims" at the meeting of the Panel on Security ("the Panel") on 2 February 2016, members were consulted on the Administration's proposal to create two supernumerary directorate posts for

three years, viz. one Administrative Officer Staff Grade C post in the Security Bureau, designated as Principal Assistant Secretary for Security (Review), and one assistant director post in the Immigration Department ("ImmD"), designated as Assistant Director of Immigration (Removal Assessment and Litigation), to steer the review, step up relevant enforcement measures and expedite the screening of claims. The Panel raised no objection to the staffing proposal. The Administration's proposal to create the two supernumerary directorate posts was supported by the Establishment Subcommittee at its meeting on 31 May 2016 and approved by the Finance Committee on 17 June 2016. The proposed job duties of the two posts are in **Appendices I and II** respectively.

3. The Administration will brief the Panel at the meeting on 2 November 2018 on its proposal to extend the two supernumerary directorate posts of one Administrative Officer Staff Grade C in the Security Bureau and one Assistant Director of Immigration in ImmD to continue steering the comprehensive review of the strategy of handling non-refoulement claims.

Council Business Division 2  
Legislative Council Secretariat  
29 October 2018

## Appendix I

### **Proposed Job Description for the New Supernumerary Principal Assistant Secretary under SB**

Post Title : Principal Assistant Secretary (Security) Review  
(PAS(S)(Review))

Rank : Administrative Officer Staff Grade 'C' (AOSGC)

Responsible to : Deputy Secretary (Security) 3 (DS(S)3)

#### **Duties and Responsibilities**

1. To draft an Immigration (Amendment) Bill to revamp handling of non-refoulement claims, including reviewing existing procedures, consultation plan with stakeholders, and ensuring that the future statutory mechanism would be consistent with latest jurisprudence and effective in minimizing abuses.
2. To develop pre-arrival registration, and if necessary, complementary checking measures based on claimant profile, and strategy in negotiation with stakeholders (e.g. Consulates General, Chinese Diplomatic and Consular Missions, airlines, etc.) in implementing the proposed measures, and overseeing Immigration Department's (ImmD) development of necessary information technology system.
3. To identify and plan ImmD's use of suitable facilities to detain illegal immigrants (including claimants) and securing support in the required funding and legislative proposals.
4. To review the operation of the Torture Claims Appeal Board to enhance its screening capacity.
5. To review the provision of publicly-funded legal assistance by the Government, including consideration of imposing a cap on the legal fees per claimant.
6. To oversee the existing screening procedures and work with ImmD on short-term solutions to expedite the process.
7. To ensure other peripheral support to facilitate smooth and efficient

screening and effective removal (e.g. ensuring sufficient supply of interpreters / translators), as well as overall financial management (e.g. implementation of the humanitarian assistance scheme by the Social Welfare Department through Non-Governmental Organisations, etc.).

8. To monitor liaison between law enforcement agencies to strengthen efforts in combatting human smuggling syndicates and illegal immigration.

**Proposed Job Description  
for the New Supernumerary Assistant Director of Immigration  
under ImmD**

Post Title : Assistant Director (Removal Assessment and  
Litigation) (AD(RAL))

Rank : Assistant Director of Immigration

Responsible to : Deputy Director of Immigration

1. To manage and oversee the Removal Assessment and Litigation Division.
2. To support the Security Bureau in steering, planning and development of new measures during the comprehensive review of the strategy of handling non-refoulement claims.
3. To propose and evaluate new measures identified during the comprehensive review from operational and enforcement perspectives, and to formulate plans for their early implementation as required.
4. To identify further administrative measures useful to streamline screening procedures and consider means of allocating existing available resources effectively, with a view to increasing the number of claims determined as far as possible.
5. To oversee the implementation of the screening mechanism of non-refoulement claims with a view to ensuring effective and efficient screening of claims to meet high standards of fairness as required by law; to lead and steer the day-to-day operation of the screening unit, and to make strategic recommendations in handling civil litigation matters related to non-refoulement claims and enforcement.