

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1028/09-10(04)

Ref : CB2/SS/2/09

**Subcommittee on  
Subsidiary Legislation Relating to Transfer of Management  
of the Castle Peak Bay Immigration Centre**

**Background brief prepared by the Legislative Council Secretariat**

**Purpose**

This paper provides background information and a brief account of past discussions of the Panel on Security (the Panel) on subsidiary legislation relating to the Castle Peak Bay Immigration Centre (CIC).

**Background**

2. CIC commenced operation in 2005 for the detention of adults provided for under the Immigration Ordinance (Cap. 115). The daily average numbers of detainees at CIC in 2007, 2008 and the first 11 months of 2009 were 373, 323 and 235 respectively, with an average detention period of 17 days.

3. Owing to the then manpower situation of the Immigration Department (ImmD) and Correctional Services Department (CSD), the Government decided that CSD would take up the management of CIC until the second quarter of 2010. ImmD would take over the management of CIC in April 2010.

4. CIC is currently specified as a "prison" in the Prisons Order (Cap. 234 sub. leg. B), and the treatment of detainees in CIC is subject to the relevant regulations under the Prison Rules (Cap. 234 sub. leg. A). With ImmD assuming the management of CIC, arrangements have to be made for the continuous operation and management of CIC under the powers and provisions of the Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg. E).

**Deliberations of the Panel on Security**

5. The Administration briefed the Panel on the four amendment orders, which sought to enable ImmD to take over the management of CIC from CSD, at its meeting

on 5 January 2010.

6. Members were concerned whether there was a decreasing demand for detention places at CIC and whether CIC should be closed since there was another detention centre of a similar nature at Ma Tau Kok in the urban area.

7. The Administration advised that CIC, with a capacity of 400 detention places, had to be retained despite the decreasing demand. The Administration explained that the Ma Tau Kok Detention Centre (MDC) had a capacity of 80 detention places and a daily occupancy of about 50 detainees. It was a facility for short term detention purposes. Since there were only about 30 spare detention places available at MDC and a daily average of over 200 detainees at CIC, it was necessary to keep CIC in operation.

8. Some members were concerned whether the four amendment orders would alter detainees' right in respect of visits by their legal advisers. The Administration responded that the treatment of detainees at CIC would not be changed after the management of CIC was transferred from CSD to ImmD, including the arrangements in respect of visits by legal advisers and family members.

9. A member said that to his knowledge, the Commissioner of Correctional Services would allow the visits of prominent persons to detainees. The member asked whether this arrangement would continue after ImmD took over the management of CIC.

10. The Administration responded that although the operations of CSD and ImmD were governed by different legislation, there would be no difference in the arrangements regarding visits to detainees. Under the Prison Rules (Cap. 234A), each detainee had the right to be provided with a separate bed and adequate blankets. While there were no similar provisions under the Immigration (Treatment of Detainees) Order, ImmD would ensure, through administrative arrangements, that every detainee was provided with a separate bed and adequate blankets. At the request of members, the Administration provided a comparison of detainees' rights as well as the treatment of detainees between the management of CIC by ImmD and CSD.

### **Relevant papers**

11. Members may wish to refer to the following papers for further details -

- (a) Administration's paper entitled "Subsidiary legislation relating to the Castle Peak Bay Immigration Centre" for the meeting of the Panel on Security on 5 January 2010 [LC Paper No. CB(2)633/09-10(04)];
- (b) Minutes of meeting of the Panel on Security on 5 January 2010

[LC Paper No. CB(2)986/09-10]; and

- (c) Supplementary information provided by the Administration on subsidiary legislation relating to the Castle Peak Bay Immigration Centre [LC Paper No. CB(2)892/09-10(01)].

12. The above papers are also available on the website of the Legislative Council (<http://www.legco.gov.hk>).

Council Business Division 2  
Legislative Council Secretariat  
4 March 2010