

L.N. 15 of 2010**IMMIGRATION (TREATMENT OF DETAINEES)
(AMENDMENT) ORDER 2010**

(Made by the Chief Executive under section 35(1) of the Immigration Ordinance (Cap. 115) after consultation with the Executive Council)

1. Commencement

This Order comes into operation on 15 April 2010.

2. Rules

(1) Schedule 1 to the Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg. E) is amended by renumbering rule 9 as rule 9(1).

(2) Schedule 1 is amended, in rule 9, by adding—

“(2) Subrule (1) does not apply to visits by justices under rule 16.”.

(3) Schedule 1 is amended by adding—

“11A. Smoking

(1) The Director of Immigration may set aside in the Centre an area for smoking by detainees.

(2) Subject to and in accordance with any directions that may be given by the Director of Immigration, a detainee may smoke in an area set aside under subrule (1).”.

(4) Schedule 1 is amended by adding—

“16. Visits by justices

(1) The Superintendent must provide facilities to justices of the peace appointed by the Chief Executive for that purpose (the “visiting justices”) to enable them to visit detainees and satisfy themselves that detainees are held in accordance with this Order and any other law.

(2) For the purposes of subrule (1), visiting justices must be permitted to visit detainees at all reasonable times and for reasonable periods.

(3) An officer must make a record of every such visit in respect of every detainee.

(4) The Superintendent must keep a book to be known as the “Visiting Justices Report Book” in English and known as “太平紳士探訪紀錄簿” in Chinese.

(5) Visiting justices must record their visits and their observations and comments in the book kept under subrule (4).

(6) The Superintendent must as soon as practicable bring to the attention of the Director of Immigration or the Deputy Director of Immigration any adverse observation or comment recorded by visiting justices in the book kept under subrule (4).”.

3. Centres

(1) Schedule 2 is amended by repealing items 4, 5, 6, 7, 8, 9 and 10.

(2) Schedule 2 is amended by adding—

“11. Castle Peak Bay Immigration Centre at 84 Castle Peak Road, Tuen Mun.”.

Donald TSANG
Chief Executive

1 February 2010

Explanatory Note

Schedule 1 to the Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg. E) (the “principal Order”) (“Schedule 1”) contains the rules on the treatment accorded to detainees in the centres specified in Schedule 2 to the principal Order (“Schedule 2”). This Order amends Schedule 1 by adding to it certain rules relating to smoking by the detainees and visits of the detainees by justices of the peace.

2. The Order also amends Schedule 2 by—

(a) specifying the Castle Peak Bay Immigration Centre as a place for detaining people required or authorized to be detained by or under the Immigration Ordinance (Cap. 115); and

(b) removing some obsolete references in that Schedule.