

立法會
Legislative Council

LC Paper No. CB(2)1100/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/BC/9/10

Bills Committee on Immigration (Amendment) Bill 2011

Minutes of meeting
held on Friday, 9 December 2011, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon LAU Kong-wah, JP (Chairman)
Dr Hon Margaret NG
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon Paul TSE Wai-chun, JP

Members absent : Hon WONG Yung-kan, SBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Dr Hon PAN Pey-chyou

Public Officers attending : Item I

Mr NGAI Wing-chit
Deputy Secretary for Security 3

Mr CHOW Wing-hang
Principal Assistant Secretary for Security D

Mr LEUNG Kwok-hung, IMSM
Assistant Director
(Enforcement and Torture Claim Assessment)
Immigration Department

Ms Fanny IP
Senior Assistant Law Draftsman
Department of Justice

Mr Henry CHAN
Government Counsel
Department of Justice

Mr Billy WOO
Assistant Secretary for Security D1

Mr FUNG Ming-keung
Principal Immigration Officer
(Torture Claim Assessment)
Immigration Department

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Ms Connie FUNG
Senior Assistant Legal Adviser 1

Ms Rita LAI
Senior Council Secretary (2) 1

Miss Lulu YEUNG
Clerical Assistant (2) 1

Action

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at Annex).

2. The Administration was requested -

- (a) to consider the recommendation for extension of the time limit for submission of completed torture claim form from 28 days to 54 days;

Action

- (b) to provide information on whether claimants would be allowed to be assisted by their own lawyers; and whether legal representatives were allowed to be present during the screening interviews;
- (c) to consider providing information on the scope of questioning before screening interviews so as to facilitate preparation by the claimants;
- (d) to provide examples with personal particulars excised for both successful and rejected cases which had been determined;
- (e) to consider excluding the period required for completion of data access request in the counting of the 28 days required for submission of completed torture claim form; and
- (f) to provide information on the detention policy of torture claimants.

II. Date of next meeting

3. Members noted that the next meeting would be held on 16 December 2011.
4. The meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
15 February 2012

**Proceedings of meeting of the
Bills Committee on Immigration (Amendment) Bill 2011
held on Friday, 9 December 2011, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000448	Chairman	Opening remarks	
000449 - 000751	Admin Hon Emily LAU	LC Paper No. CB(2)327/11-12(01) Post-removal monitoring mechanism	
000752 - 001520	Admin	Briefing on paragraphs 2 to 3 of LC Paper No. CB(2)517/11-12(01)	
001521 - 001817	Chairman Dr Hon Philip WONG Admin	Whether the processing of torture claims would be affected if claimants committed criminal offences	
001818 - 002532	Hon Emily LAU Admin	Number of torture claims over the years and whether the claimants had undertaken illegal work	
002533 - 002955	Hon James TO Admin	How the provision of legal assistance and availability of manpower affected the processing of torture claims	
002956 - 003305	Hon James TO Admin Chairman	Withdrawn claims in 2009 and 2010	
003306 - 003850	Hon James TO Admin Hon Cyd HO Chairman	Withdrawn claims in 2011 How claimants could be informed of the determination of similar cases and withdrew their torture claims	
003851 - 004119	Hon Emily LAU Admin	Reviewed cases included in the outstanding claims in 2009	
004120 - 004410	Hon James TO Admin	Calculation of length of stay of claimants in Hong Kong before making the torture claims Categories of claims that priority would be given to processing first and the principles involved	

Time marker	Speaker(s)	Subject(s)	Action Required
004411 - 005150	Admin	<p>LC Paper No. CB(2)517/11-12(01)</p> <p>Briefing on publicly-funded legal assistance, torture claim form, time required for completion of data access request, screening interview, medical report, petition and removal situation</p>	
005151 - 005902	Hon Cyd HO Admin Chairman	How the cases with absence of claimants at screening interview were handled and completed; whether there were cases involving abscondance; and whether the cases involved were substantiated	
005903 - 010153	Hon Cyd HO Chairman Admin	Whether torture claims would be rejected based on the information given in the torture claim form	
010154 - 010829	Hon WONG Kwok-kin Admin	<p>Reasons for the absence of claimants from the screening interviews and follow-up actions taken by the Administration</p> <p>Possible abuse of the mechanism and whether the claimants aimed at taking up illegal employment</p>	
010830 - 011205	Dr Hon Margaret NG Chairman Admin	Request for information	<p>The Administration to consider the recommendation for extension of the time limit for submission of completed torture claim form from 28 days to 54 days</p> <p>The Administration to provide information on whether claimants would be allowed to be assisted by their own lawyers; and whether legal representatives were allowed to be present during the screening interviews</p>

Time marker	Speaker(s)	Subject(s)	Action Required
011206 - 011937	Hon Paul TSE Admin	<p>Number of substantiated claims and reasons for the screening</p> <p>Verification of information provided by the claimants in the torture claim form and whether questioning was involved in the process</p> <p>Whether screening interview was really necessary; whether determination of the claims could be based on the written information provided by the claimants, including those in the torture claim forms</p>	
011938 - 013121	Hon James TO Admin Chairman	<p>Time gap between submission of completed torture claim form and screening interview</p> <p>Whether the scope of questioning during the screening interview would be provided to claimants in advance so as to facilitate their preparation and ensure fairness</p>	The Administration to consider providing information on the scope of questioning before screening interviews so as to facilitate preparation by the claimants
013122 - 014415	Hon Cyd HO Admin Chairman	<p>Time, language and supporting documents required for completion of torture claim form</p> <p>Whether claimants would receive legal advice in respect of any detrimental effect on provision of information in the torture claim forms</p>	The Administration to provide examples with personal particulars excised for both successful and rejected cases which had been determined
014416 - 014821	Hon Paul TSE	<p>Provision of supporting documents by claimants</p> <p>Reasonable time required for completion of torture claim form</p> <p>Not necessary for provision of the scope of questioning for screening interview</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
014822 - 014944	Hon Emily LAU Admin	Whether it was the choice of some 6% of the claimants not to receive legal assistance	
014945 - 020300	Hon Emily LAU Admin Chairman Hon Cyd HO	Data access request of claimants and the time required for completion of torture claim forms Exclusion of the 21 days for completion of data access request by the Immigration Department from the 28 days required for submission of completed torture claim form Reasons for detention of claimants and the detention policy	The Administration to consider excluding the period required for completion of data access request in the counting of the 28 days required for submission of completed torture claim form The Administration to provide information on the detention policy of torture claimants
020301 - 020451	Hon Paul TSE Admin Chairman Hon Cyd HO	Information required to be provided by the Immigration Department for completion of the torture claim form; whether it was reasonable to require the completion of torture claim form within 28 days	
020452 - 020602	Hon Emily LAU Chairman	Closing remarks	