

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2704/11-12  
(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 Monday, 28 May 2012, at 12:30 pm**  
**in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon LAU Kong-wah, JP (Chairman)  
Dr Hon Margaret NG  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon CHAN Hak-kan  
Hon WONG Kwok-kin, BBS  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun, JP

**Members absent** : Hon James TO Kun-sun  
Hon WONG Yung-kan, SBS, JP  
Hon Cyd HO Sau-lan

**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** : Mrs Sharon TONG  
Principal Council Secretary (2)

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

Ms Rita LAI  
Senior Council Secretary (2) 1

Ms Michelle LEE  
Legislative Assistant (2) 7

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## **I. Meeting with the Administration**

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

2. The Bills Committee requested the Administration to -

- (a) to revise the Chinese text of the proposed Committee Stage amendments ("CSAs") to the proposed section 43A to reflect the act of "disrupt";
- (b) to explain the prosecution policy against torture claimants for overstaying; and

- (c) to provide detailed information on prosecution against torture claimants among the determined cases, including the number of torture claimants who were prosecuted and the circumstances under which the prosecution was initiated, number of torture claimants who were not prosecuted and whether they were repatriated to their place of origin.

3. The Clerk was requested to seek the views of the Joint Legal Profession Working Group on the time limit of 28 days for returning completed torture claim forms.

4. At the request of Dr Margaret NG, the Chairman invited members' view on the 28-day timeframe for claimants to return their completed torture claim forms. Four members expressed support for the 28-day timeframe while two members expressed objection. Dr Margaret NG indicated that she would propose CSAs to amend the 28-day timeframe.

5. The Bills Committee agreed that a report on the deliberations of the Bills Committee would be submitted to the House Committee at its meeting on 1 June 2012, and the resumption of the Second Reading debate on the Bill would take place at the Council meeting of 13 June 2012. The Bills Committee noted that the deadline for giving notice to resume the Second Reading debate on the Bill and the deadline for giving notice to move Committee Stage amendments to the Bill was 4 June 2012.

## **II. Any other business**

6. The meeting ended at 1:30 pm.

**Proceedings of meeting of the  
Bills Committee on Immigration (Amendment) Bill 2011  
held on Monday, 28 May 2012, at 12:30 pm  
in Conference Room 2A of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000228 - 000345	Chairman	Opening remarks	
000346 - 000635	Chairman Admin	<u>LC Paper No. CB(2)2179/11-12(03)</u>  Briefing on the Administration's proposed Committee Stage amendments ("CSAs") to the proposed section 43A (Disturbing proceedings of Torture Claims Appeal Board) and the proposed Schedule 4 (Transitional and Savings Provisions)	
000636 - 001814	Chairman Dr Margaret NG Admin	Clarification on behaviour to be considered as disturbing proceedings of Torture Claims Appeal Board under the proposed section 43A;  Chinese text of the proposed CSAs to the proposed section 43A; and  Rationale for not making amendments to the proposed section 6 of Schedule 4 but adding subsection (4) under the proposed section 1 of Schedule 4	The Administration to revise the Chinese text of the proposed CSAs to the proposed section 43A to reflect the act of "disrupt"
001815 - 002219	Chairman Admin	<u>LC Paper No. CB(2)2150/11-12(01)</u>  Prosecution figures and medical examination	
002220 - 002544	Chairman Dr Margaret NG Admin	Whether there was clear prosecution policy against torture claimants for overstaying	The Administration to explain the prosecution policy against torture claimants for overstaying
002545 - 002952	Chairman Ms Emily LAU Dr Margaret NG Admin	Clarification on the prosecution against torture claimants among the determined cases	The Administration to provide detailed information on prosecution against torture claimants among the determined cases, including the

Time marker	Speaker(s)	Subject(s)	Action Required
			number of torture claimants who were prosecuted and the circumstances under which the prosecution was initiated, number of torture claimants who were not prosecuted and whether they were repatriated to their place of origin
002953 - 003835	Chairman Admin Ms Emily LAU	Administration's response to the views of the Joint Legal Profession Working Group ("JLPWG") on the timeframe of 28 days for return of the completed torture claim forms (LC Paper No. CB(2)2179/11-12(02)	
003836 - 004359	Chairman Ms Emily LAU Dr Margaret NG	Concern that the time limit of 28 days would be unrealistic and impracticable as stated by JLPWG; and  JLPWG's suggestion of 90-day timeframe	
004400 - 005041	Chairman Dr Philip WONG Mr Paul TSE Admin	Resources implications if the time limit of 28 days for returning the completed torture claim forms was extended;  Countries where the time limit for returning the completed torture claim forms were less than 28 days; and  Whether it would be likely that the smooth processing of torture claims would continue and therefore the time limit could be shortened	
005042 - 005849	Chairman Dr Margaret NG Admin Mr Paul TSE Ms Emily LAU Dr Philip WONG	Applications for extension of time for returning the completed torture claim forms and cases not approved; and  Main reasons for applying for extending the time limit for returning completed torture claim forms	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
005850 - 010044	Chairman Dr Margaret NG Ms Emily LAU Dr Philip WONG Mr Paul TSE Dr PAN Pey-chyou Mr WONG Kwok-kin	Indication on whether the 28-day timeframe for claimants to return their completed torture claim forms should be supported; and  Dr Margaret NG indicated that she would propose CSAs to amend the proposed 28-day timeframe for return of the completed torture claim forms by torture claimants	
010045 - 010107	Chairman Dr Margaret NG Ms Emily LAU	Suggestion of further consulting JLPWG on the time limit of 28 days for returning completed torture claim forms	The Clerk to seek the views of JLPWG on the time limit of 28 days for returning completed torture claim forms
010108 - 010138	Chairman Ms Emily LAU Admin	Completion of scrutiny of the Bill;  Date of reporting the deliberations of the Bills Committee to the House Committee;  Date of resumption of the Second Reading debate on the Bill;  Deadline for giving notice to move CSAs to the Bill;  Deadline for giving notice for resumption of the Second Reading debate on the Bill; and  Closing remarks	