

政府總部  
香港下亞厘畢道



GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

本函檔號 OUR REF.: SBCR 22/15/5691/74

來函檔號 YOUR REF.: CB2/PL/SE

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(Translation)

Mr Raymond LAM  
Clerk to Panel on Security  
Legislative Council  
8 Jackson Road, Central  
Hong Kong

18 November 2010

Dear Mr LAM,

### Statistics on Torture Claims

Thank you for your letter of 20 October. We hereby provide the relevant statistics on torture claims and progress of screening as follows.

The Immigration (Amendment) Ordinance 2009 passed last November specifies that it is a criminal offence for illegal immigrants and persons pending removal to take unlawful employment. Since then, the number of torture claims received by the Immigration Department (ImmD) has significantly decreased. From November 2009 to October 2010, an average of about 170 new claims were received per month (a decrease by one-third compared with the monthly average of 260 in the previous 12 months). Besides, there were about 1,400 withdrawn cases during the same period (which was double the number in the previous 12 months). Overall, there are about 6,700 outstanding cases as at end October 2010.

Our new and enhanced administrative screening mechanism came into operation in late December 2009. Taking into account the progress of screening, we wrote to the Panel on 29 June with the estimate that ImmD should have made first-tier decisions for about 200 cases by year end, and a fair number of petition cases should also have been dealt with by that time. As at 10 November, ImmD has completed screening and issued decisions to 122 claimants. A claimant may lodge a petition against the decision. Among the 122 claimants, 66 have lodged petitions. Adjudicators have made decisions on 44 of these cases.

We preliminarily estimate that ImmD should have completed screening of 200 claims by year end, and meeting our target of completing 400 cases before next April. As such, we shall further report to the Panel the progress of torture claim screening and the legislative proposals relating to the screening mechanism in the first half of 2011 as planned.

Yours sincerely,

(W H CHOW)  
for Secretary for Security

c.c. Director of Immigration

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29 June 2010

The Honourable LAU Kong-wah, JP  
Chairman of the Panel on Security  
Legislative Council  
8 Jackson Road  
Central  
Hong Kong

Dear *Chairman,*

**Statutory Mechanism for Handling Torture Claims -  
Review of Legislative Timetable**

On 1 December 2009, we reported to the Panel on Security our proposed enhancements to the administrative screening mechanism for torture claims. At the time, we also indicated our intention to consider legislative proposals to underpin the screening procedures when we have gained experience under the administrative scheme. We expected that this might take place in time for the 2009/10 Legislative Session.

The screening of torture claims under the enhanced administrative mechanism resumed on 24 December 2009. Our original forecast was to handle some 400 cases in the first twelve months after the commencement of the Duty Lawyer Service pilot scheme. However, as at 23 June 2010, only 107 claimants have submitted the grounds of their claims with assistance from duty lawyers under the pilot scheme; among these cases, we have completed screening interviews for 64, and made decisions for nine.

Given the small number of screened cases so far, it is only prudent and essential that more practical experience of the screening process be gained before casting the screening procedures into legislative proposals. It is also worthy to note that, up till now, no petition case has been decided. In this light, it would be more practical and meaningful to assess the overall effectiveness of the screening mechanism in the end of 2010, by which time it is anticipated we should have made first-tier decisions for about 200 cases and completed a fair number of petition cases.

We will brief the Panel on the progress of the administrative screening mechanism as well as the timing and substance of the legislative proposals as soon as practicable.

Yours sincerely,



( NGAI Wing-chit )  
for Secretary for Security

c.c. Director of Administration  
Director of Immigration