

立法會
Legislative Council

LC Paper No. CB(3) 253/15-16

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 16 December 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 January 2016

**Amendments to motion on
“Expediently formulating measures to combat
the problem of ‘bogus refugees’ ”**

Further to LC Paper No. CB(3) 209/15-16 issued on 4 December 2015, three Members (Hon Frankie YICK, Dr Hon Fernando CHEUNG and Hon Emily LAU) have respectively given notice of their intention to move separate amendments to Hon IP Kwok-him’s motion on “Expediently formulating measures to combat the problem of ‘bogus refugees’ ” scheduled for the Council meeting of 6 January 2016. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the three amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon IP Kwok-him to speak and move his motion;
- (b) the President proposes the question on Hon IP Kwok-him’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Frankie YICK;
 - (ii) Dr Hon Fernando CHEUNG; and
 - (iii) Hon Emily LAU;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon IP Kwok-him to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Frankie YICK to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon Frankie YICK's amendment;
- (i) after Hon Frankie YICK's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Hon IP Kwok-him to reply. Thereafter, the President puts to vote the question on Hon IP Kwok-him's motion, or his motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Expediently formulating measures to combat
the problem of ‘bogus refugees’ ”
to be held at the Council meeting of 6 January 2016**

1. Hon IP Kwok-him’s original motion

That, according to available information, the number of claims currently pending screening by the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) exceeds 10 000, and the annual public expenditure incurred for handling non-refoulement claims also exceeds hundreds of millions of dollars; it was reported by the press that there was abuse of the unified screening mechanism, for example, some overseas intermediaries, in their capacity as immigration consultants, helped foreigners to come to Hong Kong and take up work unlawfully in Hong Kong by lodging non-refoulement claims; the problem of ‘bogus refugees who are actually illegal workers’ has aroused widespread concern in the community and also exerted heavy pressure on the law and order in Hong Kong; in this connection, this Council urges the Administration to expediently review the unified screening mechanism and actively consider adopting the approaches in overseas places to formulate various measures to prevent abuse of the unified screening mechanism, including stepping up law-enforcement efforts to intercept illegal immigrants, expediting the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly manage non-refoulement claimants.

2. Motion as amended by Hon Frankie YICK

~~That, according to available information,~~ the number of claims currently pending screening by the unified screening mechanism for non-refoulement claims (‘unified screening mechanism’) exceeds 10 000 **and is on a rising trend**, and the annual public expenditure incurred for handling non-refoulement claims also exceeds hundreds of millions of dollars; ~~it was reported by the press that~~ **according to available information, the number of substantiated claims accounts for less than 0.5% of the total number of cases, reflecting that** there was abuse of the unified screening mechanism, for example, some overseas intermediaries, in their capacity as immigration consultants, helped foreigners to come to Hong Kong and take up work unlawfully in Hong Kong by lodging non-refoulement claims; the problem of ‘bogus refugees who are actually illegal

workers' has aroused widespread concern in the community ~~and also exerted heavy pressure on~~, *and it was even reported by the press that more than 30% of the non-refoulement claimants engaged in criminal activities, seriously disrupting* the law and order in Hong Kong; in this connection, this Council urges the Administration to expeditiously review the unified screening mechanism and actively consider adopting the approaches in overseas places to formulate various measures to prevent abuse of the unified screening mechanism, including stepping up law-enforcement efforts to intercept illegal immigrants, expediting the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, ~~and setting up holding centres to properly manage non-refoulement claimants~~ *withdrawing the provision of allowances for food, housing and transport, etc. to non-refoulement claimants and setting up closed camps to cater for their daily needs.*

Note: Hon Frankie YICK's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Dr Hon Fernando CHEUNG

That, *Hong Kong is a society of immigrants, and there were influxes of refugees from the Mainland and overseas into Hong Kong in the past;* according to available information, *only 12 non-refoulement claims were substantiated in 2014, representing a substantiation rate of less than 1%, which was far below the 40% to 60% in Germany, the United Kingdom and Australia, and* the number of claims currently pending screening by the unified screening mechanism for non-refoulement claims ('unified screening mechanism') exceeds 10 000, ~~and the annual public expenditure incurred for handling non-refoulement claims also exceeds hundreds of millions of dollars; it was reported by the press that there was abuse of the unified screening mechanism, for example, some overseas intermediaries, in their capacity as immigration consultants, helped foreigners to come to Hong Kong and take up work unlawfully in Hong Kong by lodging non-refoulement claims; the problem of 'bogus refugees who are actually illegal workers' has aroused widespread concern in the community and also exerted heavy pressure on the law and order in Hong Kong;~~ in this connection, this Council urges the Administration to expeditiously review the unified screening mechanism ~~and actively consider adopting the approaches in overseas places to formulate various measures to prevent abuse of the unified screening mechanism, including stepping up law-enforcement efforts to intercept illegal immigrants, expediting,~~ *including enhancing* the procedure for screening non-refoulement claims, setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, ~~and setting up holding centres to properly manage non-refoulement claimants~~ *providing clear guidelines on non-refoulement claims, strengthening the training for duty*

lawyers and case officers for handling non-refoulement claims, enhancing the transparency of the unified screening mechanism, and offering humanitarian assistance to non-refoulement claimants, in order to fulfil Hong Kong's responsibilities for the international community.

Note: Dr Hon Fernando CHEUNG's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Emily LAU

That, *the Administration has all along been unable to effectively handle the problem of asylum seekers and refugees stranded in Hong Kong, thus arousing arguments in society*; according to available information, the number of claims currently pending screening by the unified screening mechanism for non-refoulement claims ('unified screening mechanism') exceeds 10 000, and the annual public expenditure incurred for handling non-refoulement claims also exceeds hundreds of millions of dollars; it was reported by the press that there was abuse of the unified screening mechanism, for example, some overseas intermediaries, in their capacity as immigration consultants, helped foreigners to come to Hong Kong and take up work unlawfully in Hong Kong by lodging non-refoulement claims; *in response to the ruling of the Court of Final Appeal that 'high standards of fairness' must be demanded by the Administration in the making of determination of claims, the Administration has enhanced the relevant screening mechanism, but as the screening mechanism is not yet perfect, various courts have to rectify the Administration's wrong decisions from time to time, thus wasting a lot of resources and time*; the problem of 'bogus refugees who are actually illegal workers' has aroused widespread concern in the community and also exerted heavy pressure on the law and order in Hong Kong; *in addition, some voluntary organizations have criticized the Administration for not offering appropriate assistance to non-refoulement claimants in need*; in this connection, this Council urges the Administration to expeditiously review the unified screening mechanism and actively consider adopting the approaches in overseas places to formulate various measures to prevent abuse of the unified screening mechanism, including stepping up law-enforcement efforts to intercept illegal immigrants; expediting the procedure for screening non-refoulement claims; ~~setting a statutory time limit for lodging non-refoulement claims, imposing a cap on the publicly-funded legal assistance, and setting up holding centres to properly manage non-refoulement claimants;~~ *providing sufficient resources to further enhance the unified screening mechanisms to increase the transparency of the screening process; holding close discussions with organizations related to the legal profession to ensure that the screening procedure under the unified screening mechanism fully meets the 'high standards of fairness'; providing sufficient and appropriate professional training to officers responsible for handling non-refoulement claims, so that*

they can handle the claims properly; and offering reasonable assistance to non-refoulement claimants in need by drawing reference from the local cost of living index, thereby enabling them to live with dignity.

Note: Hon Emily LAU's amendment is marked in *bold and italic type* or with deletion line.