立法會 Legislative Council

LC Paper No. CB(2)529/15-16 (These minutes have been seen by the Administration)

Ref: CB2/PL/SE

Panel on Security

Minutes of meeting held on Tuesday, 3 November 2015, at 2:30 pm in Conference Room 1 of the Legislative Council Complex

Members : Hon IP Kwok-him, GBS, JP (Chairman)
present Hon CHUNG Kwok-pan (Deputy Chairman)

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP Hon Emily LAU Wai-hing, JP Hon Cyd HO Sau-lan, JP Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Hon WONG Kwok-kin, SBS Hon Paul TSE Wai-chun, JP Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung Hon WONG Yuk-man

Hon Claudia MO

Hon Michael TIEN Puk-sun, BBS, JP

Hon NG Leung-sing, SBS, JP Hon Frankie YICK Chi-ming, JP

Hon YIU Si-wing, BBS

Hon MA Fung-kwok, SBS, JP Hon Charles Peter MOK, JP

Hon CHAN Chi-chuen

Dr Hon Kenneth CHAN Ka-lok

Hon LEUNG Che-cheung, BBS, MH, JP

Hon Kenneth LEUNG Hon KWOK Wai-keung Hon Dennis KWOK

Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung

Dr Hon Elizabeth QUAT, JP Dr Hon CHIANG Lai-wan, JP

Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Member absent

Hon Tony TSE Wai-chuen, BBS

Public Officers attending

: Item IV

Mr John LEE Ka-chiu, PDSM, PMSM, JP

Under Secretary for Security

Mr Alex CHAN Yuen-tak

Principal Assistant Secretary for Security B

Mr Terrance TSANG Wing-hung

Acting Assistant Director of Fire Services (Fire Safety)

Mr WONG Chun-yip

Deputy Commandant (Fire Services Training)

Fire Services Department

Item V

Mr John LEE Ka-chiu, PDSM, PMSM, JP

Under Secretary for Security

Mr Billy WOO

Principal Assistant Secretary for Security D

Mr D C CHEUNG

Principal Assistant Secretary (5)

Constitutional and Mainland Affairs Bureau

Mr Michael YAU

Assistant Secretary (5)A

Constitutional and Mainland Affairs Bureau

Mr Godfrey KAN

Senior Assistant Solicitor General

Department of Justice

Mr Henry TAM
Chief Superintendent (Support Branch)
(Support Wing)
Hong Kong Police Force

Mr P H FUNG

Assistant Director (Enforcement and Removal Assessment) Immigration Department

Mr Y M WOO

Assistant Commissioner (Operations) Correctional Services Department

Mr M C FUNG

Assistant Director (Family and Child Welfare) Social Welfare Department

Ms Queenie WONG Assistant Commissioner (Policy Support) Labour Department

Attendance by invitation

: Item V

Society for Community Organization

Miss Annie LIN Community Organizer

Detainees' Rights Association

Mr Richard TSOI Yiu-Cheong Community Organizer

Prisoners' Rights Organization

Mr WONG Ting-heen Member

Justice Centre Hong Kong

Miss Victoria Wisniewski Otero Advocacy and Campaigns Manager

The Law Society of Hong Kong

Mr Mark Daly Member of Constitutional Affairs and Human Rights Committee

Amnesty International Hong Kong

Ms Debbie TSUI Campaigner

Civil Rights Observer

Mr WONG Ho-yin Member

Chosen Power (People First Hong Kong)

Mr HUI Wai-man Vice-Chairperson

Chosen Parents' Network

Ms AU Yim-fong Chairperson

Civil Human Rights Front

Mr NG Chung-tat Vice-Convenor

Social Justice Alliance

Representative

USM Claimant

Clerk in attendance

Miss Betty MA

Chief Council Secretary (2) 1

Staff in : Mr Timothy TSO

attendance Senior Assistant Legal Adviser 1

Mr Raymond LAM Senior Council Secretary (2) 7

Ms Kiwi NG Legislative Assistant (2) 1

Miss Lulu YEUNG Clerical Assistant (2) 1

Action

I. Confirmation of minutes of previous meeting

(LC Paper No. CB(2)106/15-16)

The minutes of the meeting held on 15 October 2015 were confirmed.

II. Information papers issued since the last meeting (LC Paper Nos. CB(2)171/15-16(01) and CB(2)172/15-16(01))

- 2. <u>Members</u> noted that the following papers had been issued since the last meeting -
 - (a) letter from the Hong Kong Fire Services Department Ambulancemen's Union suggesting the Panel to follow up issues relating to the establishment of an ambulance launch fleet; and
 - (b) letter from Mr James TO suggesting the Panel to discuss issues relating to the establishment of an ambulance launch fleet.
- 3. <u>The Chairman</u> said that the Administration would be requested to provide a written response to the issues raised in the two letters and the subject of establishment of ambulance launch fleet would be included in the Panel's list of outstanding items for discussion.

(*Post-meeting note*: With the concurrence of the Chairman, the issue of establishment of ambulance launch fleet was arranged for discussion under the item "Marine fire-fighting and rescue strategies of the Fire Services Department" at the meeting on 1 December 2015.)

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)142/15-16(01) and (02))

Regular meeting in December 2015

- 4. <u>Members</u> agreed that the following items would be discussed at the next regular meeting on 1 December 2015 at 2:30 pm -
 - (a) Results of study of matters raised in the Annual Report 2014 to the Chief Executive by the Commissioner on Interception of Communications and Surveillance; and
 - (b) Marine fire-fighting and rescue strategies of the Fire Services Department ("FSD").

(*Post-meeting note*: At the request of the Administration and with the concurrence of the Chairman, item (b) was subsequently revised to "Marine fire-fighting and rescue strategies of the Fire Services Department and procurement of two fire vessels".)

Special meeting in January 2016

5. <u>Members</u> agreed that a special meeting would be held on 26 January 2016 from 2:00 pm to 4:00 pm to receive a briefing by the Commissioner of Police on the crime situation in 2015.

Visit to Police Headquarters on 4 January 2016

6. <u>The Chairman</u> informed members that a visit to the Police Headquarters would be held in the morning of 4 January 2016. He said that members would be notified of the details of the visit in due course.

Overseas duty visit

7. The Chairman said that some members had suggested that the Panel should undertake a duty visit to overseas countries for the purpose of understanding the mechanisms and experience of other countries in handling non-refoulement claims as well as their latest measures and future plans in facilitating immigration clearance. He said that consideration might be given to visiting countries such as Australia or New Zealand, where similar regimes and measures had been put in place and the visit might be conducted around late March 2016. Mr James TO said that consideration could also be given to visiting countries in Europe

which had put in place a legislative regime for handling non-refoulement claims.

- 8. Mr YIU Si-wing expressed concern that visitors in transit who arrived by land transport for transfer to the Hong Kong International Airport or vice versa usually had to queue up for one or two hours at land boundary control points for immigration clearance. He said that consideration should be given to studying the experience of other countries in facilitating immigration clearance of such visitors in transit.
- 9. <u>Members</u> agreed that the Research Division of the Legislative Council ("LegCo") Secretariat be requested to conduct a preliminary research on overseas countries in relation to the subject for consideration at the next meeting in December 2015.

Issues relating to fire safety of buildings

10. <u>Dr Priscilla LEUNG</u> indicated that she intended to provide members' with her proposed Member's bill to amend the Fire Safety (Buildings) Ordinance (Cap. 572) for discussion at a future meeting.

IV. Proposed introduction of the Registered Fire Engineer Scheme by the Fire Services Department

(LC Paper Nos. CB(2)142/15-16(03) and (04))

- 11. <u>Under Secretary for Security</u> ("US for S") briefed members on the proposed introduction of a Registered Fire Engineer ("RFE") Scheme ("the proposed Scheme") by FSD. With the aid of powerpoint presentation, <u>Acting Assistant Director of Fire Services (Fire Safety)</u> briefed members on details of the proposed Scheme.
- 12. <u>Members</u> noted an information note entitled "Proposed introduction of the Registered Fire Engineer Scheme by the Fire Services Department" prepared by the LegCo Secretariat.

Merits of the proposed Scheme

13. <u>Dr Elizabeth QUAT</u> sought information on the benefits of choosing the services offered by RFEs under the proposed Scheme. <u>US for S</u> responded that applicants who chose the services provided by RFEs would benefit from a substantially shortened time required for fire safety risk assessment and certification.

- 14. <u>Mr CHAN Kam-lam</u> sought information on the reduction in time for fire safety risk assessment and certification as a result of introduction of the proposed Scheme.
- 15. <u>Mr YIU Si-wing</u> asked whether the service pledge for fire safety risk assessment and certification would be reviewed after introduction of the proposed Scheme.
- 16. <u>US for S</u> responded that with the introduction of the proposed Scheme, the time required for fire safety risk assessment and certification for the licensing of food premises, which currently took about 31 days for FSD, should be reduced to about seven to eight days for RFEs. Consideration might later be given to reviewing the service pledge for fire safety risk assessment and certification, if necessary, having regard to the respective demand for such work by RFEs and FSD.
- 17. <u>US for S</u> said that about 100 FSD staff were currently responsible for conducting fire safety risk assessment and certification work. On the other hand, it was envisaged in a consultancy study commissioned by FSD on the business impact assessment of the proposed Scheme that about 1 500 persons would be eligible for registration as RFEs. This additional manpower was significant and should enable a substantial decrease in the time required for fire safety risk assessment and certification. RFEs could also provide services with more flexibility, such as conducting on-site inspections or compliance checks at more flexible hours.

Registration as RFE

- 18. Mr Kenneth LEUNG sought information on the types of engineers who would be eligible for registration as RFE and whether a qualified person could register under all the three classes of RFEs referred to in paragraph 7 of the Administration's paper. He asked whether the registration of an RFE would be subject to a validity period.
- 19. <u>US for S</u> responded that three classes of RFEs would be allowed to conduct fire risk assessment, certification on fire service installations or equipment and certification on ventilating systems respectively. A qualified person might register as an RFE under all the three classes of RFEs and a registration would be valid for five years.

Monitoring the standards of RFEs

- 20. <u>Mr YIU Si-wing</u> and <u>Dr LAM Tai-fai</u> expressed concern about whether measures would be introduced to monitor the performance standards of RFEs.
- 21. Referring to paragraph 6 of the Administration's paper, Mr WONG Yuk-man expressed concern that with a substantial reduction in the time required for fire safety risk assessment and certification by an RFE, fire safety standards might be compromised. He considered that instead of introducing the proposed Scheme, supernumerary posts could be created in FSD on a cost recovery basis to expedite its fire safety risk assessment and certification work.
- 22. Noting that the time required for fire safety risk assessment and certification by RFEs would be much shorter than that provided by FSD, the Chairman asked how RFEs could maintain the same fire safety standard as that upheld by FSD.
- 23. <u>US for S</u> responded that RFEs would be required, on every occasion of certifying the required fire safety works, to declare having no association with the works concerned. In order to ensure consistency in fire safety standards after the implementation of the proposed Scheme, FSD intended to require at the initial implementation stage that all the fire safety requirements formulated by RFEs should be submitted to FSD for endorsement. In addition, to assess the quality of certification performed by RFEs, FSD would select premises on a random basis and conduct audit inspections on at least 70% of the certification performed by RFEs.

Possibility of conflict of interests

- 24. <u>Dr Fernando CHEUNG</u> said that instead of introducing the proposed Scheme, more resources should be allocated for FSD to increase its manpower for conducting fire safety risk assessment and certification work. He considered that if fire safety risk assessment and certification work was conducted by the private sector, problems of corruption and conflict of interests might arise.
- 25. Mr WONG Kwok-kin expressed concern about the possibility of conflict of interests, if an RFE was involved in carrying out fire safety risk assessment, the fire safety works concerned and certification. Mr CHAN Kam-lam considered that a mechanism should be established

to prevent RFEs who carried out risk assessment and certification from involving in the fire safety works concerned.

- 26. Mr KWOK Wai-keung expressed concern about the possibility of both fire safety risk assessment and certification being carried out by the same RFE. He said that many owners' corporations had a very tight budget for carrying out improvement works. He expressed concern about whether the proposed Scheme would be extended to private residential buildings in future.
- 27. <u>US for S</u> responded that fire safety would not be compromised with the introduction of the proposed Scheme. He pointed out that similar schemes were in operation in Australia, Singapore and the United Kingdom.

Penalty for non-compliance

28. <u>Dr LAM Tai-fai</u> and <u>Mr YIU Si-wing</u> sought information on whether an RFE would be subject to penalty for non-compliance with the requirements under the proposed Scheme. <u>US for S</u> responded that a disciplinary mechanism would be established for inquiring into and dealing with cases where an RFE had, or was suspected to have, failed to discharge his duties properly. The actions to be taken against non-compliance would include imposition of a fine, revocation of registration as RFE and prosecution for criminal offences.

Fee levels

- 29. Mr CHAN Kam-lam and Mr KWOK Wai-keung expressed concern about the level of fees to be charged by RFEs. Mr KWOK asked whether a fees schedule would be drawn up for the fire safety risk assessment and certification services provided by RFEs. Mr YIU Si-wing asked whether a ceiling would be imposed on the fees to be charged by RFEs.
- 30. <u>US for S</u> responded that the fees to be charged by RFEs would be determined by the market forces of demand and supply. According to a consultancy study commissioned by FSD on the business impact assessment of the proposed Scheme, depending on the type and size of the concerned premises, the estimated fees to be charged by an RFE would range from about \$30,000 to \$200,000.

Whether FSD would continue to conduct fire safety risk assessment and certification work

- 31. Mr KWOK Wai-keung asked whether the engagement of RFEs would in the long term only remain as an option to FSD's fire safety risk assessment and certification.
- 32. <u>US for S</u> responded that there was no plan in the long term to discontinue the existing fire safety risk assessment and certification by FSD. The proposed Scheme aimed to provide greater flexibility to the applicants by offering them an additional option in completing the fire safety risk assessment and certification process.

Manpower of FSD

- 33. Mr Kenneth LEUNG expressed concern about whether the proposed Scheme would result in savings in manpower of FSD and reduction in working hours for staff of FSD.
- 34. <u>Dr Elizabeth QUAT</u> asked whether FSD staff involved in fire safety risk assessment and certification would be redeployed for other duties after introduction of the proposed Scheme.
- 35. <u>US for S</u> responded that FSD had no plan to reduce its manpower for conducting fire safety risk assessment and certification work after the introduction of the proposed Scheme. The Administration envisaged that more manpower would be needed for FSD in the initial implementation stage of the proposed Scheme.
- V. The Sixth Report of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Part Two: Hong Kong Special Administrative Region
 - (Sixth Report of the People's Republic of China under the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment Part Two: Hong Kong Special Administrative Region, LC Paper Nos. CB(2)142/15-16(05) and (06))
- 36. <u>Members</u> noted the Administration's paper on the arrangements for the hearing at the United Nations in Geneva of the third periodic report of the Hong Kong Special Administrative Region ("HKSAR") under the

Action

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), which had been incorporated as part of the sixth report of the People's Republic of China under CAT.

37. <u>Members</u> also noted a background brief entitled "Reports of the Hong Kong Special Administrative Region under the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" prepared by the LegCo Secretariat.

Presentation of views by deputations

- 38. <u>The Chairman</u> reminded the deputations attending the meeting that they were not protected by the privileges and immunities provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel.
- 39. At the invitation of the Chairman, a total of 12 deputations presented their views on the third report of HKSAR under CAT. A summary of these deputations' views is in the **Appendix**.

[To allow sufficient time for discussion, members agreed that the meeting would be extended to 5:00 pm.]

Discussion

Provision of medical service to non-refoulement claimants

40. Mr Dennis KWOK expressed concern about the recent remarks of some government officials regarding abuse of the unified screening mechanism for non-refoulement claims ("USM") by claimants from certain countries. He considered such remarks inappropriate and said that although there were cases of abuse, there were also cases in which there were grounds for lodging a claim. Referring to paragraph 10 of the List of Issues issued by the United Nations Committee Against Torture ("CAT Committee") on 15 June 2015 ("the List of Issues"), Mr KWOK sought information on the provision of free medical service to claimants. US for S undertook to provide a written response.

Admin

Percentage of substantiated non-refoulement claims

- 41. <u>Dr Fernando CHEUNG</u> said that the Administration had adopted a negative attitude towards non-refoulement claimants and described them as illegal immigrants. He expressed concern that some people had recently called for detaining claimants in closed camps. He pointed out that the percentage of substantiated non-refoulement claims in Hong Kong was only about 0.3%, whereas those in other countries ranged from 20% to 50%. He also expressed concern about whether such successful claimants were still in Hong Kong and whether they were allowed to take up employment.
- 42. <u>US for S</u> responded that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol ("the Refugee Convention") had never applied to HKSAR. In determining a non-refoulement claim, the duty of the Immigration Department was to assess whether an illegal immigrant should be removed immediately, or whether removal action should be temporarily withheld until his claimed risks cease to exist. Refugee matters were handled by the United Nations High Commissioner for Refugees under its mandate.

Timing for provision of the Administration's response to the List of Issues

- 43. Ms Emily LAU said that the CAT Committee would consider the sixth report of the People's Republic of China, which incorporated the third report of HKSAR, on 17 and 18 November 2015. Referring to paragraph 4 of the Administration's paper, she asked when the Administration's response to the List of Issues would be provided to members. She also asked whether the Administration would revert to the Panel after the CAT Committee had issued its concluding observations on the third report of Hong Kong.
- 44. <u>US for S</u> responded that in line with the established arrangements, the HKSAR's response to the List of Issues would be submitted to the CAT Committee through the Central People's Government. It would be provided to the Panel and made public when the CAT Committee had received and published it. In line with past practice, the Administration would revert to the Panel after the CAT Committee had issued its concluding observations on the third report of Hong Kong.

(*Post-meeting note*: The Administration's response to the List of Issues was circulated to members vide LC Paper No. CB(2)233/15-16(01) on 10 November 2015.)

45. Referring to paragraph 28 of the List of Issues, <u>Ms Cyd HO</u> said that the Administration should, after the CAT Committee had issued its concluding observations on the third report of HKSAR, advise on the steps taken or envisaged to repeal the mandatory surgery requirements for transsexual persons to gain official gender recognition.

Protection of the rights of children

46. Referring to paragraph 30 of the List of Issues, Mr Dennis KWOK expressed concern about the measures taken by the Administration to combat the sale of children and child prostitution. US for S responded that the Administration was very concerned about protection of the rights of children. There were adequate laws in HKSAR against human trafficking and child prostitution and actions were taken by the Police to combat such crime.

Handling of transgender persons

- 47. Mr CHAN Chi-chuen expressed concern that the Police and Correctional Services Department were still arranging the search of transgender persons in accordance with the gender as appearing on the identity cards of a person. Some transgender persons had also complained of being not allowed to take hormone drugs during detention. He sought information on the progress of work of the Inter-departmental Working Group on Gender Recognition ("IWG").
- 48. <u>Senior Assistant Solicitor General</u> advised that the Administration had formed IWG to study issues relating to gender recognition. IWG was preparing a consultation document on gender recognition for public consultation. It would revert to the relevant Panel on the details of the public consultation in due course.

Other issues

- 49. <u>Mr LEUNG Kwok-hung</u> said that no person should be denied access to protection against torture and the Administration should expedite its determination of non-refoulement claims.
- 50. <u>Mr WONG Yuk-man</u> said that the Administration had not set out the actual situation in Hong Kong in its third report under CAT.

- 51. <u>Dr Elizabeth QUAT</u> said that she had taken note of the views of deputations attending the meeting. On the other hand, she noted that many members of the public had expressed grave concern about the involvement of non-refoulement claimants in crime activities and the huge expenditure involved in the screening of non-refoulement claims as well as provision of various support to claimants. She considered that while assistance should be offered to claimants who suffered from torture, actions should also be taken to prevent abuse of the existing regime. The Administration should formulate measures to ensure that assistance was provided to claimants who genuinely suffered from torture.
- 52. <u>US for S</u> responded that the Administration shared the view that USM should focus on helping those who were genuinely facing a risk of torture, cruel, inhuman or degrading treatment or punishment, or persecution. He said that non-refoulement claims in Hong Kong were determined under USM which met the high standards of fairness required by law. The publicly-funded legal assistance scheme and the timeline allowed for providing information and making submissions under the screening process (including the appeal process) in Hong Kong were on par with, if not more lenient than, those adopted by many other countries.

Administration's overall response to the views expressed by deputations

- 53. At the invitation of the Chairman, <u>US for S</u> gave a consolidated response to the views expressed by deputations and members as follows -
 - (a) protection of human rights in Hong Kong was provided by the Basic Law of HKSAR, the Hong Kong Bill of Rights Ordinance (Cap. 383), other laws of Hong Kong, and buttressed by the rule of law and an independent judiciary. The protection of human rights in Hong Kong was monitored by LegCo, the media and many non-governmental organisations. Periodic reports on the implementation of human rights treaties in Hong Kong were submitted to the relevant committees of the United Nations;
 - (b) human rights in Hong Kong was also protected through the work of a number of statutory bodies, including the Equal Opportunities Commission, the Office of the Privacy Commissioner for Personal Data, the Ombudsman, and the Independent Police Complaints Council, etc., as well as the legal aid services provided by the Legal Aid Department;

- (c) while the Administration would study the issues raised by deputations, any person, if assaulted by other persons, should report the matter to the Police for follow-up;
- (d) although the Refugee Convention did not apply to Hong Kong, a claimant whose non-refoulement claim was determined as substantiated would not be removed from Hong Kong to his country of origin unless and until the risk ceased to exist;
- (e) as most non-refoulement claimants in Hong Kong did not originate from countries in conflict, it was inappropriate to compare the percentage of substantiated claims in Hong Kong with those of other countries;
- (f) the existing mechanism, which included arrangement of a screening interview, an appeal mechanism, publicly-funded legal assistance for claimants, determination with reasons in writing and provision of humanitarian assistance, met the high standards of fairness required by law;
- (g) the determination of some cases had been delayed because the claimants concerned did not turn up for interview(s) or suddenly changed to communicate in another language or dialect, some being uncommon, during an interview;
- (h) although many countries had imposed a cap on the provision of publicly-funded legal assistance to claimants, there was currently no such cap in Hong Kong;
- (i) although claimants in most other countries were only given no more than 15 days to complete a claim form, claimants in Hong Kong were given at least seven weeks to return a claim form; and
- (j) the Administration was aware of the need to expedite the screening of claims under USM and had reported to the Panel in July 2015 on its proposed measures to shorten the average time for determination of a claim from about 25 weeks to around 15 weeks. However, the proposed measures were opposed by some stakeholders. The Administration would continue to discuss with these stakeholders.

Action

- 54. Regarding the views expressed by an attending representative regarding his personal experience, the Chairman said that the representative might consider lodging an individual complaint with the Public Complaints Office of LegCo, if necessary.
- 55. There being no other business, the meeting ended at 5:03 pm.

Council Business Division 2
Legislative Council Secretariat
29 December 2015

Panel on Security

Meeting on Tuesday, 3 November 2015, at 2:30 pm Meeting to receive views on "The Sixth Report of the People's Republic of China under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment -Part Two: Hong Kong Special Administrative Region"

Summary of views and concerns expressed by deputations

No.	Name of deputation	Submission / Major views and concerns
1.	Society for Community Organization	• LC Paper No. CB(2)142/15-16(07)
2.	Detainees' Rights Association	• LC Paper No. CB(2)142/15-16(07)
3.	Prisoners' Rights Organization	• LC Paper No. CB(2)142/15-16(07)
4.	Justice Centre Hong Kong	 Since the implementation of the unified screening mechanism ("USM"), only 0.3% of the processed non-refoulement claims had been substantiated, which was one of the lowest among the world. It was concerned that the claims of persons from countries such as South African Republic, Somalia and Yemen, where there was widespread violence, had been found unsubstantiated on the ground that there were no risks in these countries. There should be more transparency and humanity in the determination of claims under USM. The Immigration Department ("ImmD") should not make negative comments about claimants.
5.	The Law Society of Hong Kong	 It was concerned about the extremely low percentage of substantiated non-refoulement claims, which might be due to procedural unfairness in the existing system. The decisions on the determination of non-refoulement claims should be published. Successful claimants under USM should be given the right to work in Hong Kong so that they could live with dignity and contribute to the society. Delay in the determination of non-refoulement claims was due to delays by ImmD in arranging interviews and a lack of interpreters.
6.	Amnesty International Hong Kong	• LC Paper No. CB(2)199/15-16(02)
7.	Civil Rights Observer	• LC Paper No. CB(2)184/15-16(01)
8.	Chosen Power (People First Hong Kong)	• LC Paper No. CB(2)199/15-16(03)

No.	Name of deputation	Submission / Major views and concerns
9.	Chosen Parents' Network	• LC Paper No. CB(2)199/15-16(04)
10.	Civil Human Rights Front	• LC Paper No. CB(2)199/15-16(05)
11.	Social Justice Alliance	• LC Paper No. CB(2)184/15-16(02)
12.	USM Claimant	• As the 1951 Convention relating to the Status of Refugees and its 1967 Protocol did not apply to Hong Kong, refugee claimants should be moved to countries where they could exercise the right to lodge refugee claims.

Council Business Division 2
<u>Legislative Council Secretariat</u>
29 December 2015