

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1948/17-18  
(These minutes have been seen by  
the Administration)

Ref : CB2/HS/4/16

**Subcommittee to Follow Up Issues Relating to  
the Unified Screening Mechanism for Non-refoulement Claims**

**Minutes of meeting  
held on Tuesday, 24 April 2018, at 2:30 pm  
in Conference Room 2 of the Legislative Council Complex**

**Members present** : Dr Hon Elizabeth QUAT, BBS, JP (Chairman)  
Hon YUNG Hoi-yan (Deputy Chairman)  
Hon James TO Kun-sun  
Hon CHAN Hak-kan, BBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon YIU Si-wing, BBS  
Hon Charles Peter MOK, JP  
Hon Dennis KWOK Wing-hang  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon CHIANG Lai-wan, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon CHAN Chun-ying  
Hon LAU Kwok-fan, MH

**Member absent** : Hon LUK Chung-hung

**Public Officers attending** : Item I  
Mr Billy WOO Tak-ying  
Principal Assistant Secretary for Security (Review)

Mr William FUNG Pak-ho  
Assistant Director of Immigration (Enforcement)

Mr MA Chi-ming  
Assistant Director of Immigration (Visa & Policies)

Mr CHENG Yiu-mo  
Assistant Commissioner of Police (Operations)

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Ms Gloria TSANG  
Council Secretary (2)1

Ms Kiwi NG  
Legislative Assistant (2) 1

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## **I. Pre-arrival control**

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

2. The Administration was requested to provide the following information:

- (a) sample questions for conducting debriefing under the enhanced mechanism for trafficking in persons victim screening and identification;
- (b) the means of illegal immigrants entering Hong Kong ;
- (c) the number of cases in which heavier penalties were applied under the Organized and Serious Crime Ordinance upon the commencement of the Immigration (Unauthorized Entrants) (Amendment) Order 2016; and
- (d) the number of non-refoulement claims lodged by foreign domestic helpers in the past few years.

**II. Any other business**

3. The Chairman advised that the next meeting would be scheduled for 21 May 2018 at 2:30 pm to discuss the screening and appeal procedures in respect of the unified screening mechanism.
4. There being no other business, the meeting ended at 4:21 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 August 2018

**Proceedings of meeting of the Subcommittee to Follow Up Issues Relating to  
the Unified Screening Mechanism for Non-refoulement Claims  
held on Tuesday, 24 April 2018, at 2:30 pm  
in Conference Room 2 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
000000 - 000807	Chairman	Opening remarks	
<i>Agenda item I – Pre-arrival control</i>			
000808 - 002137	Chairman Admin	Briefing by the Administration (LC Paper Nos. CB(2)1250/17-18(01) and CB(2)1273/17-18(01))	
002138 - 002706	Chairman Mr YIU Si-wing Admin	<p>Mr YIU Si-wing expressed concern on the impact of pre-arrival registration ("PAR") for Indian nationals to Indian visitors visiting Hong Kong and asked:</p> <p>(a) the proportion of Indian visitors who failed to complete PAR online but subsequently obtained entry visa successfully; and</p> <p>(b) whether the Administration would consider reviewing the PAR requirement.</p> <p>The Administration advised that:</p> <p>(a) around 60% of Indian visitors who failed the online PAR registration could successfully obtain entry visa upon application;</p> <p>(b) it noted members' concern on the impact of PAR and would make adjustment on the requirement whenever necessary;</p> <p>(c) it needed to strike a balance between immigration control and visitors' convenience; and</p> <p>(d) it would continue communicating with InvestHK and relevant organizations to enhance promotion of the PAR arrangement to Indian nationals.</p>	
002707 - 003210	Chairman Deputy Chairman Admin	The Deputy Chairman declared that she was currently on the roster of duty lawyers eligible for handling non-refoulement claims.	

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		<p>In response to the Deputy Chairman's enquiry about the effectiveness of PAR to reduce the number of non-refoulement claims, the Administration advised that the number of Indian visitors overstaying in Hong Kong had decreased by 80% and there was one non-refoulement claim from Indian visitor arriving on PAR considered made since the implementation of PAR.</p> <p>The Deputy Chairman referred to Annex B of the Administration's paper and asked the purpose for obtaining information from the question "Will you experience hardship or difficulty in or after returning to India?" in PAR online application. The Administration said that it had made reference to other countries with similar registration arrangement when designing the information required for PAR. The response to that question would be one of the considerations when handling non-refoulement claims.</p>	
003211 - 003728	Chairman Mr Dennis KWOK Admin	<p>Mr Dennis KWOK asked:</p> <p>(a) the number of non-refoulement claimants with valid immigration documents, who had subsequently withdrawn their claims; and</p> <p>(b) whether there had any issues related to trafficking in persons ("TIP") in the claims.</p> <p>The Administration advised that:</p> <p>(a) about 1 400 to 1 700 claims were withdrawn each year in the year 2015, 2016 and 2017 respectively;</p> <p>(b) the Police and the Immigration Department ("ImmD") had since 2016 put in place the enhanced mechanism for TIP victim screening and identification. Illegal immigrants were one of the type of vulnerable persons which required screening and identification; and</p> <p>(c) none of the illegal immigrants was related to TIP since the implementation of the enhanced mechanism in 2016.</p> <p>The Administration was requested to provide the sample questions when conducting debriefing under the enhanced mechanism.</p>	<b>Admin</b>

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003729 - 004324	Chairman Mr James TO Admin	<p>Mr James TO requested the Administration to provide information regarding the means of illegal immigrants entering Hong Kong.</p> <p>In response to Mr TO's question on the effectiveness of Mainland's cooperation to combat illegal immigration, the Administration said that the results were remarkable and the number of non-ethnic Chinese illegal immigrants ("NECIIs") had dropped about 80% from 2015 to 2018.</p>	<b>Admin</b>
004325 - 005005	Chairman Dr Fernando CHEUNG Admin	<p>In response to Dr Fernando CHEUNG's enquiries, the Administration said that:</p> <p>(a) the court had heard nine cases since the commencement of the Immigration (Unauthorized Entrants) (Amendment) Order 2016, and the heaviest penalty imposed by the court was imprisonment for five years and three months. There was at least one case applied for heavier penalty under the Organized and Serious Crimes Ordinance; and</p> <p>(b) nil case was related to TIP by smuggling syndicates since the implementation of enhanced identification mechanism for TIP victims in 2016.</p>	
005006 - 005512	Chairman Admin	<p>In response to the Chairman's enquiries, the Administration advised that:</p> <p>(a) cases related to hire NECIIs overseas to take up illegal employment in Hong Kong, as reported in the media, were not found;</p> <p>(b) a dedicated working group had been set up by the Police to handle crimes committed by NECIIs;</p> <p>(c) ImmD had enhanced communication with and launched promotion activities in the major sources countries of NECIIs; and</p> <p>(d) the number of foreign domestic helpers lodging non-refoulement claims was rather stable over the years.</p>	

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005513 - 010030	Chairman Mr Paul TSE Admin	Mr Paul TSE's questions and the Administration's response regarding:  (a) the effectiveness of the measures to combat illegal immigration; and  (b) the difference between the PAR arrangement and the requirement for visa application for Indian nationals.	
010031 - 010609	Chairman Mr CHU Hoi-dick Admin	In response to Mr CHU Hoi-dick's enquiries, the Administration advised that various parties from different countries were involved in the arrangement of NECIIs entering Hong Kong, while the core/leading members of the smuggling syndicates were mainly Hong Kong or Mainland residents.	
010610 - 010951	Chairman Mr YIU Si-wing Admin	In response to Mr YIU Si-wing's enquiries, the Administration advised that the majority of the non-refoulement claimants from Vietnam had entered Hong Kong illegally (i.e. very few were overstayers who entered Hong Kong with visa).  The Administration noted and would consider Mr YIU's suggestion to disseminate the information on visa application channels for Indian visitors to the travel industry.	
010952 - 011227	Chairman Deputy Chairman Admin	The Deputy Chairman's enquiries and the Administration's response regarding the removal operations by chartered flights for illegal Vietnamese immigrants whose non-refoulement claims were rejected. The Administration also highlighted the difficulties in arranging chartered flights to India.	
011228 - 011647	Chairman Dr Fernando CHEUNG Admin	Dr Fernando CHEUNG's questions and the Administration's response regarding the impact of the PAR requirement on the travel industry. The Administration reiterated that it needed to strike a balance between immigration control and visitors' convenience, and stressed that it would keep listening to the views from various stakeholders.  The Administration was requested to provide the number of cases in which heavier penalties were applied under the Organized and Serious Crime Ordinance upon the commencement of the Immigration (Unauthorized Entrants) (Amendment) Order 2016.	<b>Admin</b>

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011648 - 012207	Chairman Admin	<p>The Chairman requested the Administration to provide the number of non-refoulement claims lodged by foreign domestic helpers in the past few years.</p> <p>In response to the Chairman's further enquiries, the Administration stressed that it would continue monitoring the trend of NECIIs and non-refoulement claims, and keep collaborating with the Mainland authorities to combat the smuggling of illegal immigrants.</p>	<b>Admin</b>
012208 - 012618	Chairman Dr Fernando CHEUNG Admin	<p>Dr Fernando CHEUNG's enquiry and the Administration's response regarding the prevention of illegal immigration by the Guangzhou-Shenzhen-Hong Kong Express Rail Link.</p> <p>In view of the ever changing means of illegal immigration, the Administration pointed out that it would keep reviewing the measures to combat illegal immigration in various boundary control points. The Administration further stressed that its overall strategy was to combat smuggling syndicates.</p>	
012619 - 013216	Chairman Admin	<p>The Chairman's enquiry and the Administration's response regarding:</p> <ul style="list-style-type: none"> <li>(a) its plan to increase the manpower and equipment to combat illegal immigration; and</li> <li>(b) the detention policy to handle non-refoulement claimants.</li> </ul> <p>The Administration stressed that it had been, making reference to other countries, studying and reviewing the Immigration Ordinance with a view to strengthening ImmD's detention power.</p>	
013217 - 013727	Chairman Dr Junius HO Admin	<p>Dr Junius HO expressed his view regarding the detention of non-refoulement claimants. He also suggested the following points:</p> <ul style="list-style-type: none"> <li>(a) making amendments to the Immigration Ordinance as early as possible;</li> <li>(b) setting up a detention centre to accommodate the claimants and those who were pending for appeal; and</li> </ul>	



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		<p>(c) providing financial incentive to encourage claimants voluntarily leaving Hong Kong early.</p> <p>The Administration said that all the views and suggestions of members would be considered.</p>	
013728 - 014152	Chairman	The Chairman's view and suggestions to reduce the incentive for non-refoulement claimants entering Hong Kong. She requested the Administration to speed up its amendments to the Immigration Ordinance.	
014153 - 014817	Chairman Deputy Chairman Admin	<p>The Deputy Chairman's enquiries regarding:</p> <p>(a) law firm(s) taking part in facilitating lodging non-refoulement claims by NECIIs; and</p> <p>(b) non-refoulement claimants taking up illegal employment in Hong Kong.</p> <p>The Administration advised that:</p> <p>(a) the Police would consider every aspect when investigating smuggling activities;</p> <p>(b) the Police had set up a dedicated working group to monitor crimes committed by NECIIs, with emphasis on intelligence gathering; and</p> <p>(c) ImmD had taken enhanced enforcement action against illegal employment of NECIIs and kept disseminating information on the legal consequences of employing illegal workers to employers.</p> <p>The Chairman suggested that the legal consequences of committing crimes and taking up illegal employment in Hong Kong should also be disseminated to the sources countries of non-refoulement claimants.</p>	
014818 - 015445	Chairman Dr Junius HO Admin	In response to Dr Junius HO's enquiry, the Administration advised that there had been 96 substantiated claims since the implementation of the unified screening mechanism in 2014. Substantiated claimants would be referred to United Nations High Commissioner for Refugees for arrangement of resettlement in other places as	

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		appropriate. Meanwhile, ImmD would consider giving them permission to work in Hong Kong.  Dr HO reiterated his earlier suggestions for handling of non-refoulement claimants.	
<i>Agenda item II - Any other business</i>			
015446 - 015521	Chairman	Closing remarks	

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