

香港特別行政區政府  
保安局



The Government of the  
Hong Kong Special Administrative Region  
Security Bureau

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*English translation*

15 October 2018

Clerk to Legislative Council Subcommittee to Follow Up Issues Relating  
to the Unified Screening Mechanism for Non-refoulement Claims  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Ms Betty MA)

Dear Ms Ma,

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

**Follow-up matters to the meeting of 24 April 2018**

In response to the follow-up matters raised at the captioned Subcommittee meeting, the Government provides the supplementary information as below.

(a) **Reference questions on the trafficking in persons (“TIP”) victim screening mechanism**

TIP is a heinous crime to which the Government has always attached great importance. Although TIP is neither widespread nor prevalent in Hong Kong, the Government has been keeping a close watch on the trend of TIP crimes and has set up a high-level Steering Committee. Established on 21 March this year, the Steering Committee is chaired by the Chief Secretary for Administration,

with the Secretary for Security and Secretary for Labour and Welfare as vice-chairmen and the relevant department heads as members. It offers strategic steer in respect of tackling TIP and enhancing protection of foreign domestic helpers (“FDHs”); formulates and monitors full implementation of the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong (“Action Plan”); and ensures effective implementation of the Action Plan by the relevant bureaux and departments.

The major new initiatives set out in the Action Plan include expanding the TIP victim screening mechanism for early identification of FDHs being exploited or abused and provision of appropriate assistance. Launched in 2015 by the Government in the Immigration Department (“ImmD”), the screening mechanism has been gradually extended since 2016 to some police districts of the Hong Kong Police Force (“HKPF”) and some offices of the Customs and Excise Department (“C&ED”). Pursuant to the Action Plan, HKPF extended the screening mechanism to all 24 police districts and C&ED to all operational units on 1 July 2018. These departments conduct screening and identification on victims (including all non-ethnic Chinese illegal immigrants (“NECIIs”)) suspected of being involved in TIP cases, including conducting debriefings during different processes and stages in respect of suspected exploitation or abuse for further investigation of criminals involved. Details of the screening mechanism and content of the debriefing are available on this webpage:

<http://www.sb.gov.hk/eng/special/bound/iimm.htm>

(b) **NECIIs’ means of entry into Hong Kong**

Most NECIIs first enter the Mainland from their countries/regions of origin by land or by air, and then travel to the coast of Guangdong or the border of Shenzhen before making illegal entry into Hong Kong by sea or by land. From 2015 to end September 2018, 62% of NECIIs smuggled into Hong Kong by sea (or claimed to have come by sea), and 38% by land.

(c) **Number of cases charged with “arranging passage to Hong Kong of unauthorized entrants” under the Organized and Serious Crimes Ordinance for imposing heavier penalties**

Commenced on 20 May 2016, the Immigration (Unauthorized Entrants) (Amendment) Order 2016 has included illegal immigrants (“IIs”) from eight countries, namely Pakistan, Bangladesh, India, Nepal, Sri Lanka, Somalia, Afghanistan and Nigeria, under the scope of “unauthorized entrants”, and significantly increased penalties against syndicates smuggling IIs from these countries (with the maximum imprisonment from three years to 14 years and the fine from \$25,000 to \$5,000,000).

Since the amendment, the Court has heard a number of smuggling cases. Law enforcement agencies have even successfully sought heavier penalties from the Court under the Organized and Serious Crimes Ordinance in some cases. Of these, the heaviest penalty imposed by the Court was imprisonment for five years and three months, reflecting the gravity of the crime.

(d) **Number of non-refoulement claims lodged by former FDHs**

In the first nine months of 2018, ImmD received 279 claims involving former FDHs, showing a decrease of 25% from 373 over the same period in 2017. The yearly breakdown for the past three years is tabulated below:

<b>Year</b>	<b>Non-refoulement claims lodged by former FDHs</b>
2015	482
2016	520
2017	441
2018 (as at end-September)	279

For enquiries, please contact the undersigned at 2810 2099.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Cyrus Cheung', written in a cursive style.

(Cyrus Cheung)  
for Secretary for Security