

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: SBCR 7/3221/15 Pt.8

來函檔號 Your Ref.:

By post and email

20 February 2019

Secretariat to Legislative Council Establishment Sub-Committee
(Attn: Miss S H CHEUNG)
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss Cheung,

**Re: Supplementary questions relating to the retention of the two
supernumerary posts of Security Bureau and Immigration Department
(Ref : EC(2018 – 19) 23)**

In response to the captioned letter dated 2 January 2019 from the Hon AU Nok-hin to the Legislative Council (“LegCo”) Establishment Sub-Committee (“ESC”) and the Panel on Security, I am authorised to reply as follows.

Statistics

2. Statistics of non-refoulement claims and appeals from 2014 to end of January 2019 are set out at **Annexes A and B** respectively.

Time required for returning claim form and handling of claim

3. The time required for claimants to return claim form varies depending on the needs of individual cases. Claimants who require

longer time to return claim form may make an application to the Immigration Department (“ImmD”) for extension of time in accordance with the established mechanism and law. In 2018, the time taken by non-refoulement claimants to return claim form ranged from 7 days to 125 days.

4. At present, most of the screening interviews would be conducted within 2 weeks after the claimant has returned claim form. Depending on the complexity of the claim, the case officer may require claimants to attend more than one screening interview to clarify facts. Separately, ImmD would generally make determination on a claim about 1 week after the screening interview. As such, assuming that all claimants would make full use of the 7-week period to complete a claim form, the time required for screening a claim would be 10 weeks in general. We envisage that when the statutory timeframe is shortened, the time required for screening a claim could be further shortened accordingly.

Claimants who have lost contact

5. As at end January 2019, there were about 250 cases for which ImmD could not proceed with the screening as the persons who previously made a non-refoulement claim had absconded or could not be contacted. ImmD has already passed the information of these persons to the Police. If they are intercepted, the Police will hand them over to ImmD for necessary follow-up actions.

Communication with legal professional bodies

6. Apart from exchanging views with Members on the legislative proposals through the LegCo Panel on Security and the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims, we wrote to the two legal professional bodies on some of the proposed amendments in July 2018, and further on the rest of our proposed amendments after the Panel on Security meeting in January 2019. We also had a meeting with the Law Society of Hong Kong to exchange views earlier on. On the other hand, we have been maintaining communication with the two legal professional bodies and the Duty Lawyer Service on the handling of non-refoulement claims, in particular the expedition of screening of claims through administrative measures and the provision of publicly-funded legal assistance (including

the implementation of the “Pilot Scheme for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants”).

Yours sincerely,

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

(Cyrus Cheung)
for Secretary for Security

C.C.

Chairman of the ESC (Hon Mrs Regina IP)
Chairman of the Panel on Security (Hon CHAN Hak-kan)
Director of Immigration (Attn: PH FUNG and NW FUNG)

**Statistics on non-refoulement claims
(as at end January 2019)**

Year	Claims received	Claims determined	Claims withdrawn or no further action can be taken	Pending claims (as at year end)
<i>Unified screening mechanism ("USM") (since March 2014) (Note 1)</i>				
Claims lodged on other grounds such as cruel, inhuman or degrading treatment or punishment, or persecution <u>before</u> commencement of USM				6 699 (= 2 501 + 4 198)
2014 (Mar to Dec)	4 634	826	889	9 618
2015	5 053	2 339	1 410	10 922
2016	3 838	3 218	1 561	9 981
2017	1 843	4 182	1 743	5 899
2018	1 216	5 467	1 102	546
2019 (up to end Jan)	94	293	21	326
Total non-refoulement claims under USM	16 678	16 325 <i>(Note 2)</i>	6 726	326

Note 1 : ImmD received a total of 4 906 torture claims from 2010 to 2013, an average of 102 per month. Since the commencement of USM to end 2015, ImmD received 9 687 non-refoulement claims, an average of 440 claims per month. Since the comprehensive review in early 2016, ImmD received an average of 320 claims per month in 2016, and an average of 154 claims per month in 2017, a decrease of 52%. In 2018, ImmD received 1 216 non-refoulement claims, an average of 101 claims per month, a further decrease of 34% from 2017. In the first month of 2019, ImmD received 94 non-refoulement claims.

Note 2 : Among the 16 325 non-refoulement claims determined by ImmD, 127 (0.8%) were substantiated (including 50 substantiated by the Torture Claims Appeal Board on appeal).

**Statistics of the Torture Claims Appeal Board
(as at end January 2019)**

Year	Appeals received	Appeals decided	Appeals withdrawn	Pending appeals
2014 (Mar to Dec)	646	51	19	576
2015	2 209	374	203	2 208
2016	2 803	574	326	4 111
2017	4 993	2 732	546	5 826
2018	5 404	3 916	794	6 520
2019 (up to end Jan)	350	354	67	6 449
Total appeals under USM	16 405	8 001 <i>(Note 3)</i>	1 955	6 449

Note 3 : Among the 8 001 appeals decided, 50 (0.6%) were substantiated by the Torture Claims Appeal Board.