

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

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English translation

2 March 2021

Clerk to Bills Committee on Immigration (Amendment) Bill 2020
Bills Committee of Legislative Council
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong
(Attn: Miss Betty MA)

Dear Miss MA,

Bills Committee on Immigration (Amendment) Bill 2020

Follow-up matters

In regard to the letter dated 1 March 2021 from the Hon Michael Tien to the Chairman of the Bills Committee on Immigration (Amendment) Bill 2020 (“the Committee”), in which he suggested the provision of overseas interpreters via videoconferencing to conduct screening interviews, the Security Bureau’s reply, in consultation with the Immigration Department (“ImmD”), is set out as below.

2. The Immigration (Amendment) Bill 2020 proposed to add a new section 37ZAC stipulating that “an immigration officer may direct a claimant to communicate in a language that the officer reasonably considers the claimant is able to understand and communicate in”. When considering whether a claimant can reasonably understand and communicate in a language, ImmD will take into account information and documents submitted by the claimant, previous communications of the claimant with ImmD, court documents, other evidence demonstrating the claimant’s proficiency in another language, etc.

3. Under the existing practice, ImmD will provide publicly-funded simultaneous interpretation service during screening interviews for claimants who cannot communicate in Chinese or English. The same arrangement is adopted for oral hearings conducted by the Torture Claims Appeal Board ("TCAB"). Currently, ImmD has hired a total of 11 full-time interpreters to offer services in six languages used by most claimants, providing support for the majority of cases. In addition, where necessary, ImmD has engaged local part-time interpreters to provide support for 24 relatively less-used languages.

4. We should point out that after the proposed amendments are put in place, ImmD/TCAB will continue to arrange publicly-funded simultaneous interpretation service for the claimants in need. The provisions will enable ImmD/TCAB to tackle the situation if and when a claimant seeks to deploy the above reason as an excuse to delay the processing of the case. ImmD and TCAB will continue to comply with the high standards of fairness in handling claims.

5. Regarding the suggestion of the provision of overseas interpreters via videoconferencing to conduct screening interviews, as pointed out by the Government at the second meeting of the Committee on 5 February 2021, ImmD had assessed the feasibility of the provision of interpreters to assist in the screening of claims by way of videoconferencing. During the screening process, ImmD must ensure that neither the information indicating that the claimant has made a non-refoulement claim, nor any information related to his/her claim will be disclosed to any government of the risk states or any parties that are not relevant to the screening procedures. As such, apart from the consideration of cyber security, we must also ensure that the relevant videoconferencing arrangement can comply with the confidentiality requirement and can avoid any information leakage.

6. In fact, the risk on leakage of claimants' information would inevitably increase as it is difficult to ensure that an interpreter overseas (or even from the claimant's country of origin) is bound by the confidentiality rule, and there are also factors that are outside ImmD's control and uncertain in the environment and location at which the interpretation service is provided. Moreover, the claimant or the overseas interpreter may inadvertently expose the identity of themselves or other related persons during the interview process, thereby posing a threat to their safety or affecting the smooth processing of the claim.

7. Accordingly, we do not currently have any plan to engage overseas interpreters via videoconferencing to conduct screening interviews. Overall speaking, the current interpretation service is generally sufficient. In handling individual cases where the claimant requests for interpretation service for a relatively less-used language to undergo the screening procedure, ImmD will, having regard to the actual circumstances, continue to take effective measures, including recruiting suitable part-time interpreters through different channels so as to expedite the screening of claims while ensuring the high standards of fairness and confidentiality rule.

8. On the other hand, in some special cases where claimants had special needs (such as emotional issues) in the past, ImmD processed those claims by way of written representations through the lawyers assisting the claimants under the publicly-funded legal assistance scheme, instead of carrying out screening interviews. Hence, in the event that a claimant can only communicate in his/her rare tribal dialects and the service of a suitable interpreter cannot be engaged at the time, ImmD may, having regard to the actual circumstances, consider handling such claims by way of written representation .

9. For further enquiries, please contact the undersigned at 2810 2099.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ronald Ho', written over a horizontal line.

(Ronald Ho)
for Secretary for
Security

c.c. Immigration Department
Department of Justice