

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.:

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English translation

22 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
Proposed Committee Stage Amendments

At the 3rd Bills Committee meeting on 3 March 2021, we have sought the in-principle agreement of the Committee to introduce two committee stage amendments to the Immigration (Amendment) Bill 2020, in order to –

- (a) specify 1 August 2021 as the commencement date of the Amendment Ordinance (if passed by the Legislative Council); and
- (b) further specify in sections 32 and 37ZK of the Immigration Ordinance that whether the person will pose a security risk to the community should be taken into account in deciding whether a period of detention is reasonable and lawful.

2. The draft of the above committee stage amendments is set out at **Annex** for the Committee's consideration. The draft provision in respect of item (b) above, i.e. "whether the person poses (or is likely to pose) a threat or security risk to the community", is crafted by reference to the prevailing detention policy and the judgments of previous court cases¹.

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

Yours sincerely,



(Ronald Ho)
for Secretary for Security

c.c. Immigration Department
Department of Justice

¹ For example, in the case of *Harjang Singh vs Secretary for Security & Director of Immigration* [2019] HKCFI 1486, the Court considered that in considering the detention, "...the risks of absconding and reoffending are always of "paramount importance". Whether a detainee, if released, may constitute a threat or security risk to the community must also be important considerations".

Proposed Committee Stage Amendments to the Immigration (Amendment) Bill 2020

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “a day to be appointed by the Secretary for Security by notice published in the Gazette” and substituting “1 August 2021”.
5	In the proposed section 32(4A)(e), by deleting “and”.
5	In the proposed section 32(4A), by adding— “(ea) whether the person poses, or is likely to pose, a threat or security risk to the community; and”.
16(2)	In the proposed section 37ZK(2)(c), by deleting “and”.
16(2)	In the proposed section 37ZK(2), by adding— “(ca) whether the claimant poses, or is likely to pose, a threat or security risk to the community; and”.