

立法會
Legislative Council

LC Paper No. CB(1)498/2025

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Tel : 3919 3206

Date : 28 March 2025

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 April 2025

**Amendments to Hon LAI Tung-kwok's motion on
“Enhancing the handling of non-refoulement claims”**

The President has given permission for three Members (Hon CHAN Hak-kan, Dr Hon Hoey Simon LEE and Hon TANG Ka-piu) to move amendments to Hon LAI Tung-kwok's motion. The terms of the original motion and the marked-up version of the amendments (LC Paper No. CB(1)498/2025(01)) are **attached** for Members' information.

2. The President will order a joint debate on the above motion and the amendments. I set out below the relevant proceedings in which the President will:

- (a) call upon the motion mover to speak and move the motion;
- (b) propose the question on the motion;
- (c) call upon the Members who wish to move amendments to the motion to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon CHAN Hak-kan;
 - (ii) Dr Hon Hoey Simon LEE; and
 - (iii) Hon TANG Ka-piu;
- (d) call upon the public officer(s) to speak;

- (e) invite other Members to speak;
- (f) call upon the motion mover to speak on the amendments;
- (g) call upon the public officer(s) to speak again;
- (h) deal with the amendments in the order set out in paragraph (c) above, i.e. first invite the mover of the first amendment to move the amendment and forthwith propose and put to vote the question on the amendment, and thereafter proceed to deal with the remaining amendment(s); and
- (i) after all amendments have been dealt with, call upon the motion mover to reply, and then put to vote the question on the motion, or the motion as amended, as the case may be.

3. Members are reminded that in accordance with Appendix IIIA to the House Rules, the **maximum duration of this joint debate (including voting) is four hours**. The motion mover will have a total of 10 minutes to make introductory speech and reply (paragraph 2(a) and (i) above refers), and another five minutes to speak on the amendment(s) (paragraph 2(f) above refers). The mover(s) of the amendment(s) and other Members may each speak once up to a maximum of five minutes.

(Jessica CHAN)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Enhancing the handling of non-refoulement claims”**

1. Hon LAI Tung-kwok’s original motion

That as the number of unsubstantiated claimants of non-refoulement claims who are stranded in Hong Kong remains high, this Council urges the SAR Government to further enhance the handling of non-refoulement claims and the removal procedures, and to study amending the legislation, so as to expedite the processing of backlogged cases and shorten the time they are stranded in Hong Kong.

2. Motion as amended by Hon CHAN Hak-kan

That *among the persons arrested for committing various offences in the first 10 months of 2024, approximately more than 630 were non-refoulement claimants holding the so-called ‘going-out passes’, accounting for nearly 2% of the total number of persons arrested, which poses a serious risk to the law and order of Hong Kong, and the situation is worrying;* as the number of unsubstantiated claimants of non-refoulement claims who are stranded in Hong Kong *still* remains high, this Council urges the SAR Government to further enhance the handling of non-refoulement claims and the removal procedures, and to study amending the legislation, so as to expedite the processing of backlogged cases, and, *with regard to the situation of a large number of unsubstantiated non-refoulement claimants abusing the judicial review mechanism to try to prolong their stay in Hong Kong, to discuss with the Judiciary how to enhance the process of handling applications for leave for judicial review, so as to shorten the time they are stranded in Hong Kong; the SAR Government should also make good use of detention facilities and the additional number of detention places to detain claimants who pose a greater risk to public order, so as to prevent them from taking up illegal employment while stranded in Hong Kong, thereby creating a deterrent effect on people who abuse the non-refoulement claim mechanism and significantly reducing the number of such applications.*

Note: Hon CHAN Hak-kan’s amendment is marked in *bold and italic type*.

3. Motion as amended by Dr Hon Hoey Simon LEE

That as the number of unsubstantiated claimants of non-refoulement claims who are stranded in Hong Kong remains high, this Council urges the SAR Government to further enhance the handling of non-refoulement claims and the removal procedures, and to study amending the legislation, so as to *stipulate the eligibility criteria for lodging claims to curb the abuse of the non-refoulement claim mechanism at source, and* expedite the processing of backlogged cases ~~and shorten, thereby shortening~~ the time they are stranded in Hong Kong.

Note: Dr Hon Hoey Simon LEE's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon TANG Ka-piu

That as the number of unsubstantiated claimants of non-refoulement claims who are stranded in Hong Kong remains high, this Council urges the SAR Government to further enhance the handling of non-refoulement claims and the removal procedures, and to study amending the legislation, so as to expedite the processing of backlogged cases and shorten the time they are stranded in Hong Kong; *this Council also urges the SAR Government to attach importance to intelligence collection, strengthen law enforcement and increase relevant penalties, so as to rigorously crack down on non-refoulement claimants engaging in illegal employment and committing crimes; actively combat and eradicate one-stop illegal acts such as bringing in potential claimants and committing maintenance in order to prevent abuse of the non-refoulement claim mechanism; and consider amending the relevant legislation to give law enforcement agencies the power to immediately deport non-refoulement claimants who are convicted of offences, so as to further safeguard the overall interests of Hong Kong society and public safety.*

Note: Hon TANG Ka-piu's amendment is marked in *bold and italic type*.