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### Replies to initial written questions raised by Legislative Council Members in examining the Estimates of Expenditure 2025-26

Director of Bureau : Secretary for Security

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**CONTROLLING OFFICER'S REPLY**

**S-SB001**

**(Question Serial No. S083)**

Head: (151) Government Secretariat: Security Bureau

Subhead (No. & title): ()

Programme: (3) Immigration Control

Controlling Officer: Permanent Secretary for Security (Patrick LI)

Director of Bureau: Secretary for Security

Question:

According to the Bureau's written reply, since the implementation of the unified screening mechanism in 2014, the number of non-refoulement claim applicants from Vietnam, Indonesia and India are 6 491, 5 361 and 4 618 respectively, with the total exceeding 16 000 and accounting for 58.5%. Has the Bureau established mechanisms with these 3 countries to more effectively handle related non-refoulement claims, including establishing a handling mechanism with the respective countries either at the HKSAR level or through the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR? Apart from that, regarding the issue of "bogus refugees", what measures does the Bureau plan to introduce to this Committee in 2025-26?

Asked by: Hon KAN Wai-mun, Carmen

Reply:

The Government has all along spared no efforts in expediting the removal of unsubstantiated non-refoulement claimants from Hong Kong in accordance with the law. The Security Bureau and the Immigration Department (ImmD) have kept close liaison with the consulates of the main source countries of non-refoulement claimants in Hong Kong including Indonesia, Vietnam and India so as to strengthen communication as well as publicity and education work etc. In practice, ImmD has also all along maintained close contact with relevant consulates so that the necessary travel documents for unsubstantiated claimants to return to their countries of origin can be obtained as soon as possible in order to arrange removal. For Vietnam, at end-August 2023, the Secretary for Security paid a visit to Vietnam to witness the signing of the Memorandum of Understanding by ImmD of Hong Kong and the Immigration Department of Vietnam, which covers, among others, enhanced co-operation of both parties in respect of verification and repatriation of non-refoulement claimants. As for Indonesia, the Government has also all along maintained close communication and co-operation with its consulate in Hong Kong and it agreed to step up efforts in providing correct information to its nationals about the non-refoulement claim mechanism and the fact that illegal employment is a serious offence liable to imprisonment in Hong Kong. As for India, we have also established a communication channel to strengthen the handling of removal

arrangements for unsubstantiated claimants. We will continue to maintain close liaison with the relevant consulates in Hong Kong.

In 2025-26, the Government will continue to implement measures to strengthen interception at source, reduce the economic incentives for potential non-refoulement claimants / non-ethnic Chinese (NEC) illegal immigrants (IIs) to come to Hong Kong, improve the handling of non-refoulement claims and expedite the removal of unsubstantiated claimants from Hong Kong, so as to prevent the non-refoulement claim mechanism being abused under a multi-pronged approach. Relevant measures include:

- (a) **Enhancing intelligence exchange:** To combat illegal immigration more precisely, the HKSAR Government will continue stepping up tripartite intelligence exchanges with relevant law enforcement agencies in the Mainland and Macao. ImmD and the Hong Kong Police Force have also collaborated with Mainland authorities to proactively strengthen law enforcement actions against illegal immigration activities of NEC IIs.
- (b) **Interception at source:** To prevent potential abusers of the non-refoulement claim mechanism from boarding flights heading to Hong Kong, the Secretary for Security made the Immigration (Advance Passenger Information) Regulation under the Immigration Ordinance in March 2023 to specify that airline operators must provide the Advance Passenger Information (API) data and aircraft information of every traveller through the API system prior to a flight's departure for Hong Kong. ImmD has launched the API system by phases since September 2024 and will complete its implementation in September 2025;
- (c) **Screening non-refoulement claims:** ImmD has continued to maintain high efficiency in screening non-refoulement claims, including handling each new non-refoulement claim received instantly;
- (d) **Processing of claim-related appeals:** The Torture Claims Appeal Board has streamlined its processes to improve efficiency in handling appeal cases. Currently, the average processing time of an appeal case has been reduced from over seven months in the past to about four months;
- (e) **Detention:** The Government will continue to reinforce ImmD's capacity to detain non-refoulement claimants. In addition to the Castle Peak Bay Immigration Centre, the Government included the Tai Tam Gap Correctional Institution and the Nei Kwu Correctional Institution (NKCI) as detention facilities in 2021 and 2023 respectively, thereby increasing the number of detention facilities for detaining non-refoulement claimants to three. Moreover, on 1 April 2025, the in-situ expansion in NKCI was completed, which provided 40 additional detention places for a total of 276 places (an increase of about 17%). The overall detention capacity has been increased to 940;
- (f) **Combating illegal employment:** To reduce the economic incentives for potential non-refoulement claimants/NEC IIs to come to Hong Kong, ImmD and relevant law enforcement agencies have continued to take vigorous actions against illegal employment in a proactive manner, with the target of conducting no less than 13

200 operations on the targeted establishments every year, in order to reduce the economic incentives for claimants;

- (g) Claims lodged by foreign domestic helpers (FDHs): As quite a number of non-refoulement claimants had been employed as FDHs prior to lodging their claims, SB and ImmD have been collaborating and will continue to proactively collaborate with the relevant Consulates General in Hong Kong to step up publicity and education for newly arrived FDHs, impressing upon them that the non-refoulement claim mechanism should not be abused and that working illegally in Hong Kong is a serious offence punishable by imprisonment. With the Government's strengthened publicity efforts, only 22% of new claims received in 2024 were raised by former FDHs, down from 58% during the peak in 2022; and
- (h) Removal: The updated removal policy took effect on 7 December 2022. ImmD would proceed with the removal of unsubstantiated claimants from Hong Kong upon dismissal of their judicial review or relevant leave applications pertaining to their non-refoulement claims by the Court of First Instance irrespective of whether there are outstanding court proceedings. The Government will continue to fully implement the updated removal policy so as to enhance the efficiency and efforts in removing unsubstantiated claimants. In 2024, 2 219 unsubstantiated claimants were removed from Hong Kong, surpassing that year's target by 68% (i.e. removing not less than 1 320 unsubstantiated claimants from Hong Kong).

Under the premise of preventing abusers of the non-refoulement claim mechanism from entering Hong Kong, the Government will continue to adopt a multi-pronged strategy by ensuring high efficiency in processing claims and relevant appeals while meeting the high standards of fairness required by law, and removing unsubstantiated claimants from Hong Kong as soon as possible.

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