

Immigration (Treatment of Detainees) (Amendment) Order 2023 to be gazetted on Friday

A spokesperson for the Security Bureau said today (June 21) that the Government will gazette the Immigration (Treatment of Detainees) (Amendment) Order 2023 (the Amendment Order) on Friday (June 23) to strengthen various treatments of immigration detainees at the Castle Peak Bay Immigration Centre (CIC) to further uphold discipline and order.

The CIC is a detention facility managed by the Immigration Department (ImmD) and is mainly used for detaining adult immigration offenders awaiting removal, deportation or final determination of their torture claims in accordance with the Immigration Ordinance (Cap. 115). The treatments of detainees at the CIC are governed by the Immigration (Treatment of Detainees) Order (Cap. 115E) (the Order).

In the past decade, there has been a drastic change in the profile and composition of detainees at the CIC, as well as in the entire landscape of detention. For example, the detainees concerned have a higher propensity to unco-operative behaviour; the number of detainees with criminal background (including serious crimes such as murder, trafficking in dangerous drugs, robbery, burglary, wounding, blackmail and rape) has increased; the indiscipline or unco-operative cases at the CIC are getting more prevalent and complex. All these have posed severe challenges to the ImmD's work in managing the CIC.

The spokesperson said, "In view of the severe challenges in managing the CIC, in addition to the ImmD's efforts on various fronts to enhance the ability to handle emergencies at the CIC, the Government has also reviewed the Order and considered it necessary to make amendments to strengthen various treatments of detainees to further uphold discipline and order at the CIC. When formulating the relevant amendments, we have struck an appropriate balance between the need to maintain proper order and discipline at the CIC, and the fundamental rights and welfare of the detainees."

The amendments under the Amendment Order mainly include: for the purpose of assisting in the detection of drug possession and trafficking among the detainees, empowering the relevant officers at the CIC to conduct body cavity search on a detainee (generally through X-ray scan) where reasonable and necessary in the interests of the discipline of the CIC, and to require a detainee to submit urine specimen for examination and analysis; providing for more comprehensive offences against discipline; increasing the punishment for committing an offence against discipline; and putting in an appeal mechanism against the punishment order.

The Amendment Order will be tabled at the Legislative Council for negative vetting on June 28 and is expected to commence on November 1. In

line with the existing practice, the ImmD will, when using the above proposed powers, consider the individual circumstances of detainees and make reasonable and proportionate arrangements.