

LCQ12: Castle Peak Bay Immigration Centre

Following is a question by Hon Shiu Ka-chun and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 17):

Question:

At present, those persons whose claims for non-refoulement protection in Hong Kong on the grounds of torture risks have been rejected will be detained at the Castle Peak Bay Immigration Centre (CIC), pending repatriation to their country of origin. I have received requests for assistance made by persons from Africa, South America and Southeast Asia whose claims were unsuccessful, saying that CIC is over-crowded as quite a number of claimants are stranded there due to the recent suspension of flights between Hong Kong and various destinations because of the epidemic. In this connection, will the Government inform this Council:

- (1) of the total number of claimants detained at CIC pending repatriation in each of the past six months, with a breakdown by their country of origin and gender;
- (2) of the number of claimants pending repatriation who were stranded at CIC in the past six months as a result of the Government's failure to make flight arrangements, with a breakdown by gender;
- (3) of the number of claimants currently detained at CIC pending repatriation, with a breakdown by the duration for which they have been detained (i.e. less than one month, one to three months, more than three months to six months, more than six months to one year, more than one year to two years, more than two years to three years, and more than three years);
- (4) of the details of the anti-epidemic measures taken by CIC during the epidemic to guard against infection of the detainees, staff and visitors, as well as the details of its distribution of face masks to the claimants pending repatriation, including the time interval between each round of face mask distribution; and
- (5) as I have learnt that the pedestal toilets in CIC are without lids and the air current produced by toilet flushing may easily cause the surrounding environment to be polluted by germs, of the improvement measures put in place by the Government?

Reply:

President,

The Government has since March 2014 put in place the unified screening mechanism (USM) to screen non-refoulement claims on all applicable grounds, i.e. a claim made by a person to be removed from Hong Kong to another country that if the person is removed to that country, the person will face torture, or his absolute and non-derogable rights under the Hong Kong Bill of Rights (HKBOR) (section 8 of Cap 383) will be violated (including being arbitrarily deprived of his life as referred to in Article 2 and cruel, inhuman or degrading treatment or punishment as referred to in Article 3 of the HKBOR), or will be persecuted, etc.

Non-refoulement claimants are illegal immigrants, overstayers or persons who were refused permission to land upon arrival in Hong Kong, and they have no lawful status to stay in Hong Kong. As such, when their claims are rejected, they must be removed from Hong Kong as soon as possible. Pursuant to the Immigration Ordinance (Cap 115), a claimant may be detained before his/her removal from Hong Kong, including before commencement of the screening process of his/her claim, during the screening process, pending an appeal and the hearing of such appeal, and during the process where his/her removal is being arranged; or he/she may be released on recognisance. At present, over 95 per cent of the claimants are released on recognisance and only a small fraction of the claimants are being detained at the Castle Peak Bay Immigration Centre (CIC) pending their removal from Hong Kong.

According to the prevailing detention policy, the Immigration Department (ImmD) will, in determining whether a person should be detained pending removal, take into consideration all relevant circumstances of the case, including whether the person's removal can be effected within a reasonable time; whether the person concerned may pose a threat / security risk to the community; whether there is any risk of the person absconding and/or (re)offending, etc. ImmD will regularly review each and every case to ensure that the continued detention of the person is both lawful and reasonable. A review will also be conducted when there is a material change in the circumstances of the case. The duration of the detention period of a person under detention is hence hinged on the circumstance of the individual case and the relevant changes, which cannot be generalised.

The Government's reply to the question raised by Hon Shiu Ka-chun is as follows:

(1) to (3) As at early June this year, among the detainees in CIC, 70 were claimants whose claims were rejected and who are pending removal. The breakdown by nationality is as follows:

N
U
M
B
E
R
O
F
P
E
R
S
O
N
S
P
A
K
I
N
G
A
T
A
N
V
I
D
E
N
C
E
I
N
A
M
I
N
G
I
A
I
N
D
O
N
E
S
I
A
B
A
N
G
K
A
D
E
S

T
h
e
P
h
i
l
i
p
p
i
n
e
s
A
f
r
i
c
a
n
t
c
o
u
n
t
r
i
e
s
O
t
h
e
r
s
T
o
t
a
l

ã€ã€ã€Among these 70 persons, 64 are still waiting for the completion of the removal procedures, including pending the issuance of travel documents to return to their countries of origin by their respective consulates in Hong Kong, while the remaining six have completed the removal procedures and are waiting for the arrangement of flights for their removal to their places of origin. As such, even though many countries and regions have restricted or suspended international flights in the midst of the COVID-19 pandemic, the impact on the claimants under detention has been limited, mainly affecting the few who have completed the removal procedures and are awaiting flights for returning to their places of origin. In fact, even without the COVID-19 pandemic, it is always necessary to liaise with the relevant consulates in

Hong Kong and airlines to make arrangement for the repatriation flights and work out the suitable time schedule.

€€€The number of claimants under detention varies from time to time, depending on the changes in the circumstances of individual cases. ImmD does not maintain other statistics mentioned in the question.

ImmD will keep in view the situation closely and continue to maintain liaison with airlines and the concerned consulates in Hong Kong with a view to removing the concerned persons from Hong Kong as early as possible when the relevant countries resume operation of international flights.

(4) and (5) In response to the COVID-19 pandemic, ImmD has enhanced the infection prevention and control measures in CIC. All detainees on admission to CIC are required to undergo a medical examination conducted by a duty medical officer to ensure that their health condition is normal and to prevent the transmission of infectious diseases to other detainees. For detainees arriving in Hong Kong from the Mainland or overseas countries within 14 days before admission to CIC, they will be subject to a 14-day quarantine and medical surveillance at a designated area of CIC, during which they will not have any contact with other detainees. In addition, all detainees newly admitted to CIC are required to undergo the COVID-19 viral test. Each detainee will be provided with a surgical mask and have body temperature taken every day. If any detainees have a fever or other symptoms, healthcare personnel of CIC will conduct a medical examination for them promptly. When necessary, the duty medical officer will refer the concerned detainees to a public hospital for further medical treatment.

€€€All detention facilities at CIC, including the dayrooms, dormitories, toilets, bathrooms and office areas are regularly cleansed thoroughly with disinfectant to maintain a hygienic environment. For security reasons, toilet lids will not be installed in the toilet facilities of CIC. In order to enhance the hygiene of toilet facilities, CIC has arranged the contract cleansing service provider to perform additional cleansing and disinfection service for the toilet facilities in CIC. At present, staff of CIC must wear masks when discharging duties. Liquid soap and hand sanitisers are also provided for the detainees to ensure their personal hygiene. Moreover, body temperature scanners have been installed at CIC for temperature screening of all persons entering CIC (including staff and visitors of CIC). Those who have a fever or other symptoms will be denied entry into CIC. All visitors must wear surgical masks at all times after entering CIC. CIC will review and update from time to time the preventive measures in place to prevent the spread of infectious diseases and to provide a safe environment for the detainees as well as staff and visitors of CIC.