

## LCQ8: The problem of crimes committed by "bogus refugees"

Following is a question by Dr the Hon Johnny Ng and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (May 8):

Question:

Regarding the problem of crimes committed by "bogus refugees", will the Government inform this Council:

(1) among the crimes which occurred in Hong Kong in the past year, of the number of those involving non-ethnic Chinese non-refoulement claimants, together with a breakdown by month, offence and district in which the crime occurred;

(2) as it has been reported that the problem of crimes committed by "bogus refugees" has plagued Hong Kong for many years, and a number of recent gang fights and robberies in busy districts are also related to these refugees, whether the authorities will target those districts with a higher number of crimes committed by "bogus refugees" (e.g. Yau Tsim Mong and Sham Shui Po) by deploying additional police officers on patrol and conducting random checks on suspicious persons, so as to combat crimes and triad activities in such districts; if so, of the manpower arrangements, as well as the major initiatives to be implemented in the future to combat crimes and triad activities involving "bogus refugees"; if not, the reasons for that; and

(3) whether it has plans to further shorten the length of stay of non-refoulement claimants in Hong Kong (including enhancing the efficiency in processing appeal cases related to non-refoulement claims, strengthening communication with the countries concerned to expeditiously verify the nationality and identity of "bogus refugees", and speeding up the repatriation procedure), so as to prevent them from committing crimes in Hong Kong?

Reply:

President,

Having consulted the Hong Kong Police Force (the Police) and the Immigration Department (ImmD), the consolidated reply to Dr the Hon Johnny Ng's question is as follows:

(1) According to the Police's record, the number of non-ethnic Chinese (NEC) persons on recognisance and issued with Form No. 8 (mainly non-refoulement claimants) who were arrested for criminal offences in 2023 and 2024 (as at end-March) is tabulated below with breakdown by month:

<b>Month</b>	<b>Number of persons</b>
January 2023	56
February 2023	53
March 2023	49
April 2023	60
May 2023	48
June 2023	75
July 2023	58
August 2023	76
September 2023	77
October 2023	47
November 2023	81
December 2023	54
January 2024	65
February 2024	47
March 2024	37

The monthly numbers of persons arrested in the above table represent the real-time figures of the corresponding month-end. The numbers of persons arrested may have been updated due to reclassification and readjustment upon the compilation of quarterly or yearly statistics. The figures with breakdown by police region/police district tabulated below are based on the statistics of the numbers of persons arrested after compilation:

<b>Police region/police district</b>	<b>2023</b>	<b>2024 (January to March)</b>
Hong Kong Island Region	150	31
Central District	36	10
Wan Chai District	69	8
Western District	19	3
Eastern District	26	10
Kowloon East Region	41	9
Wong Tai Sin District	12	3
Sau Mau Ping District	10	4
Kwun Tong District	10	1
Tseung Kwan O District	9	1
Kowloon West Region	386	80
Yau Tsim District	192	36
Mong Kok District	61	10

Sham Shui Po District	94	24
Kowloon City District	39	10
New Territories North Region	117	24
Border District	0	0
Yuen Long District	83	21
Tuen Mun District	28	2
Tai Po District	6	1
New Territories South Region	42	6
Tsuen Wan District	11	1
Shatin District	7	2
Kwai Tsing District	14	2
Lantau District	8	1
Airport District	2	0
Marine Region	9	1
Hong Kong overall	745	151

The number of NEC persons on recognisance and issued with Form No. 8 (mainly non-refoulement claimants) who were arrested for criminal offences, after compilation, is tabulated below with breakdown by crime category:

Offence	2023	2024 (January to March)
Shop theft	193	47
Miscellaneous thefts	71	22
Serious drug offences (Note 1)	99	11
Wounding and serious assault	75	10
Criminal damage	33	10
Serious immigration offences (Note 2)	38	5
Burglary	18	4
Others (Note 3)	218	42
Total	745	151
Triad-related	27	5

Note 1: "Serious drug offences" include possession of dangerous drugs exceeding a specified amount (i.e. possession of drugs, such as 5 grams of cocaine/heroin/marijuana, etc.), manufacturing dangerous drugs, trafficking of dangerous drugs, etc.

Note 2: "Serious immigration offences" include aiding and abetting illegal

immigrants (IIs), arranging passage of unauthorised entrants to Hong Kong, using an identity card relating to another person, etc.

Note 3: "Others" include forgery and coinage, offences against public order, pickpocketing, disorder/fighting in public places and possession of offensive weapon etc.

In addition, according to the ImmD's record, the number of NEC persons on recognisance and issued with Form No. 8 (mainly non-refoulement claimants) who were arrested for taking unlawful employment contrary to section 38AA of the Immigration Ordinance (Cap. 115) are tabulated below.

<b>Year</b>	<b>Number of persons arrested</b>
2023	484
2024 (January to March)	73

(2) In the first quarter of 2024, a total of 151 NEC persons who were issued with Form No. 8 were arrested for criminal offences, representing a drop of four per cent compared to that in last year. The criminal offences involved were mainly shop theft, miscellaneous thefts and serious drug offences. Among them, five persons were involved in triad-related cases, accounting for three per cent only. The number of NEC persons who were issued with Form No. 8 and were arrested reduced by 147 and 61 compared to that in 2018 and 2019 respectively, representing a corresponding drop of around a half and 30 per cent, which shows that the situation has improved.

Regarding those triad-related or violent cases and serious offences such as robbery that are of concern, it is imperative for the Police to solve these cases as soon as possible. In May last year, the Police upgraded its Crime Wing Working Group on NEC Involvement in Organized Crime and Triad Activities to a steering committee. The steering committee, chaired by a Senior Assistant Commissioner of Police, strengthens the review of the relevant crime situation and intelligence collection; enhances co-ordination; and formulates more strategic enforcement actions. After the conviction of individual NEC person on recognisance and issued with Form No. 8 of an offence in Hong Kong, the prosecution will also provide to the Court the crime statistics or case laws of the relevant group and invite the Court to consider enhancing the sentence as a result of the accused's status. The Police will conduct risk assessment based on the crime situation, including strengthening patrol, stop and search and carrying out anti-crime operations in high risk hours and regions.

To further enhance crime prevention and detection, and achieve a greater deterrent effect on violent and serious crimes on the streets, the Police have started to install closed-circuit televisions (CCTVs) in public places with higher crime rate and pedestrian flow, among which 15 installations have been completed for technical tests in Mong Kok in early April. In the same month, the Police successfully used CCTV cameras to detect a robbery case involving NEC persons issued with Form No. 8 and a triad-related possession

of imitation firearm case respectively, and arrested four suspects within 24 hours after the time of the incident. After optimisation of the operation, the Police will continue to install the remaining 600 sets of CCTV cameras in regions with higher crime rate from mid-2024.

(3) The Government attaches great importance to issues relating to non-refoulement claims and has all along adopted a multi-pronged strategy. The Security Bureau amended the legislation in 2023 to include the Nei Kwu Correctional Institution as a place of detention of the ImmD, thereby increasing the total number of detention capacity by 33 per cent to 900. The ImmD is committed to making gainful use of the existing facilities to detain claimants who pose higher security risks to the community in accordance with the law. On the other hand, since the introduction of the updated removal policy with effect from December 7, 2022, the ImmD will proceed with the removal of unsubstantiated claimants from Hong Kong upon dismissal of their judicial reviews or relevant leave applications pertaining to their non-refoulement claims by the Court of First Instance, irrespective of whether there are outstanding court proceedings. Since the implementation of the updated policy until March 2024, the ImmD has removed a total of 2 401 claimants from Hong Kong, including 249 under the updated policy. The number in 2023 has significantly increased by 63 per cent compared to 2022.

The Government has all along been maintaining close communication with Consulates-General of the major source countries. The relevant Consulates-General agreed to step up efforts in providing correct information about the non-refoulement claim mechanism to their nationals. In addition, the Government has all along been maintaining close liaison with relevant stakeholders including the relevant Consulates-General and airlines in such aspects as requesting the Consulates-General for expediting the issuance of re-entry travel documents, arranging special flights for large-scale removal operations as and when necessary, so as to expedite the removal of unsubstantiated claimants from Hong Kong. For instance, the ImmD has deployed officers to conduct a total of 24 removal operations from November 2022 to March 2024 with in-flight escort of unsubstantiated claimants who were unco-operative and refused to be removed with a view to implementing forced repatriation and combating the delaying tactics of unsubstantiated claimants. During the same period, the ImmD also carried out 10 large-scale removal operations, removing a total of 252 unsubstantiated claimants from Hong Kong. At end-August 2023, the Secretary for Security also paid a visit to Vietnam to witness the signing of the Memorandum of Understanding by the 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.

The Government will continue to adopt measures to enhance the handling of non-refoulement claims, including:

(a) on interception at source, apart from co-operating with relevant Mainland authorities to strengthen intercepting IIs at source, the Government will, through profile analysis of obvious abusers of the non-refoulement claim mechanism and via the Advance Passenger Information System to be rolled out

in phases starting from the third quarter of 2024, enhance identification of potential abusers and prevent their entry into Hong Kong;

(b) the ImmD continues to maintain high efficiency in screening non-refoulement claims;

(c) through streamlined process, the Torture Claims Appeal Board will enhance its efficiency in handling appeal cases, with the target of reducing the average processing time from over seven months in the past to around four months;

(d) on the management of detention facilities, various legislative amendments to enhance treatments of immigration detainees have been implemented starting from November 2023, so as to further uphold discipline and order at detention facilities;

(e) strengthening enforcement actions against immigration offences, including illegal employments, with a target to carry out not less than 12 000 operations on the targeted establishments every year, in order to lower the economic incentives of the claimants; and

(f) on removal operations, the Government will continue to fully implement the updated removal policy so as to enhance the efficiency and efforts in removing unsubstantiated claimants, with the target of removing not less than 1 200 unsubstantiated claimants per year.

The Government will continue to spare no efforts and adopt a multi-pronged strategy in handling issues relating to non-refoulement claims.