

Response to untrue report on Castle Peak Bay Immigration Centre by individual media organisation

In response to the serious and untrue accusations against the Castle Peak Bay Immigration Centre (CIC) of the Immigration Department (ImmD) made once again by an individual media organisation recently, the ImmD made clarifications today (December 17), and expressed regret over and condemned the untrue report.

The ImmD emphasised that its staff have all along been upholding the values of "integrity and impartiality" by performing various duties professionally and impartially, while working as one to serve the public by standing fast at their posts at all times. In spite of the pressure from different parties and the occurrence of unexpected incidents, such as provocation and insults by detainees and confirmed COVID-19 cases involving persons entering the CIC, in recent years staff of the ImmD have remained undaunted and tolerant in discharging their statutory responsibilities as required under the law, so as to safeguard the public interest.

Regrettably, despite the CIC staff's full dedication to duties, some people have repeatedly made groundless and unjust accusations against the ImmD and front-line staff of the CIC in an attempt to mislead the public. The ImmD reiterated that the entire staff will remain united in performing arduous duties professionally, and that their long-held team spirit and professionalism will never be undermined due to external pressure and morale will not be weakened either.

The detainees at the CIC were either illegal immigrants or overstayers or were refused permission to land in Hong Kong and are liable to be removed from Hong Kong. On November 30, 2020, there were 250 detainees at the CIC including 211 detainees who had lodged non-refoulement claims. Currently, there are about 13,000 claimants or those whose claims have been rejected staying in Hong Kong for different reasons, of which less than 2 per cent are detained at the CIC. Among the detainees, a small portion have stayed illegally in Hong Kong for a long time and have a history of convictions for serious criminal offences, such as murder, wounding, trafficking in dangerous drugs, blackmailing and committing indecent offences, of which some had been imprisoned for more than 10 years, and the more serious ones for more than 20 years. After their release from prison, they should be removed from Hong Kong as soon as practicable in accordance with the law, but they lodged non-refoulement claims to the ImmD and used legal procedures to extend their illegal stays in Hong Kong. The department should withhold their removal according to the prevailing policy and at the same time determined their further detention after conducting regular review in accordance with the detention policies.

The ImmD all along has strictly followed the established detention policies, and in accordance with the relevant legal requirements and legal principles established by the Court. According to the prevailing detention policies, while determining whether an individual should be detained, the ImmD will consider all the facts and circumstances of the particular case, including whether the person concerned has committed a serious crime or is likely to pose a threat or security risk to the community if not being detained, and whether there is any risk of the person absconding and/or (re)offending. The ImmD will conduct regular and timely review of each detention case in accordance with the prevailing mechanisms to determine whether an individual should be further detained, and will notify the person concerned in writing of the results of the review with justifications, and conduct an interview with the person concerned to explain the relevant situation.

The ImmD stressed that the department has all along strictly followed the relevant provisions under the Immigration (Treatment of Detainees) Order, Cap. 115E of the laws of Hong Kong, to ensure that the detainees are treated fairly and properly. The detainees at the CIC are accorded the treatment provided by the Order, covering such matters as medical examinations, exercise, personal hygiene, channels for lodging complaints, visits by Justices of the Peace and communication with legal advisers. Any detainee who is dissatisfied with their treatment may immediately lodge a complaint with the Office of The Ombudsman, Justices of Peace or the ImmD. The ImmD will handle the complaints in a serious manner in compliance with the prevailing laws and procedures. In addition, detainees at the CIC may request to meet their lawyer and attend official visits. In fact, despite the current pandemic, the fortnightly visits by Justices of the Peace are ongoing so that detainees in the CIC will have ample chances to make complaints.

The ImmD strongly condemned any untrue accusation or report alleging that the ImmD staff have inhumanely treated or tortured the detainees. The ImmD also emphasised that no violent incident or malpractice would be tolerated. Any person who alleges to have been treated violently under detention may immediately lodge a complaint with the ImmD or make a report to the Police for assistance. The ImmD and the enforcement department concerned will handle the complaints in compliance with the prevailing laws in a serious and fair manner.

On the other hand, the Order provides that if a detainee at the CIC complains of suffering from sickness or injury, the detainee should be provided with adequate medical attention at the CIC. At present, the medical service in the CIC is provided by an independent recognised medical organisation through an outsourced contract. All medical officers at the CIC are fully registered doctors under the Medical Council of Hong Kong pursuant to the Medical Registration Ordinance (Cap. 161) and have all along provided appropriate medical treatment to detainees, including prescription of the required medication, in strict accordance with the Code of Professional Conduct for the Guidance of Registered Medical Practitioners by the Medical Council of Hong Kong and their own professional knowledge. If necessary, on the advice of the duty medical officer in the CIC, the detainee concerned

will immediately be sent to a public hospital for further examination and receiving appropriate medical treatment. The detainee sent to the hospital will only be discharged with the consent of the hospital after medical examination and the hospital will provide a detailed medical report on the health condition. If the person concerned requests the hospital to conduct medical examination on the alleged injury, the ImmD will not and cannot obstruct.

The protected rooms referred to in the news report are the existing two protected rooms in the CIC used to temporarily accommodate persons who are prone to self-harm or emotionally unstable. Staff in the CIC will only, based on the professional advice of the duty medical officer, arrange for detainees to enter protected rooms for further medical observation and appropriate medical treatment provided by the duty medical officer. For security reasons and the protection of the detainees, there are no separate toilets inside the protected rooms. Under general circumstances, detainees accommodated in the protected rooms may request staff of the CIC to arrange for them to use the washrooms outside the protected rooms. Under exceptional circumstances, the staff will, based on the advice of the duty medical officer, provide chamber pots or other personal hygiene items for detainees in protected rooms in order to cater to their needs.

If the duty medical officer believes that a detainee who is prone to self-harm or violence or emotionally unstable is at risk of harming himself or other people, he will advise the person to enter the protected room for further observation and will also determine whether the person is in appropriate clothing to ensure that the person's life and safety are protected. The ImmD reiterated that the purpose of arranging for detainees to undergo medical observation in the protected rooms is to protect their safety without any punishment involved as reported.

Some individuals or groups have repeatedly made groundless and unjust accusations against the ImmD, such as alleging that the detainees were subjected to verbal and physical abuse or other forms of inhumane treatment, having no regard to the objective facts that some of the detainees had abused the screening procedures of non-refoulement claims in a bid to remain in Hong Kong illegally, or even repeatedly committed serious crimes in Hong Kong, and may pose serious security risks to the community if they were released on recognisance. Such individuals or groups, on the contrary, challenge the legality and necessity of the ImmD's detention decisions. The ImmD expressed deep regret over the accusations and strongly condemned them.

As always, staff of the ImmD will uphold high standards of integrity at all times, stand fast at their posts and enforce the law impartially in order to maintain social order and safeguard the public interest so that Hong Kong can remain one of the safest cities in the world.