

Subsidiary legislation related to places of detention of immigration detainees to be gazetted

The Government will publish in the Gazette on April 5 three pieces of subsidiary legislation, namely the Immigration (Places of Detention) (Amendment) Order 2024, the Immigration Service (Designated Places) (Amendment) Order 2024 and the Immigration Service (Treatment of Detained Persons) (Amendment) Order 2024.

Following the completion of construction of the new Immigration Headquarters in Tseung Kwan O in the third quarter of 2023, relevant offices and facilities are being relocated in phases to the new Headquarters in 2024. The new Headquarters will provide a detention centre, which will replace the existing Ma Tau Kok Detention Centre (MTKDC) located at the Ma Tau Kok Road Government Offices. Similar to the current setting of the MTKDC, the new detention centre will be used for short-term detention of immigration offenders pending inquiry, prosecution, court hearing or transfer to other detention facilities.

Moreover, following the developments of Hong Kong International Airport (HKIA), additional detention quarters will be set up by the Immigration Department at HKIA for short-term detention of persons pending examination, inquiry, a decision to give or refuse permission to land, or removal from Hong Kong after permission to land is refused.

In order to include the above new detention centre/quarters as places of detention, the Government needs to amend the relevant Schedule to the Immigration (Places of Detention) Order (Cap. 115B) and the Immigration Service (Designated Places) Order (Cap. 331B). Moreover, in order to apply the rules of detention treatment currently applicable to the MTKDC to the detention centre of the new Headquarters, the Schedule to the Immigration Service (Treatment of Detained Persons) Order (Cap. 331C) needs to be amended to include the detention centre of the new Headquarters. As the MTKDC will cease operation upon smooth operation of the detention centre at the new Headquarters, the Government also takes the opportunity to repeal the references to the MTKDC in the above three pieces of subsidiary legislation at the end of 2024.

The above three pieces of subsidiary legislation will be tabled at the Legislative Council for negative vetting on April 10 and are expected to commence on May 31 (except for the repeal of references to the MTKDC) and December 2 (only for the repeal of references to the MTKDC).