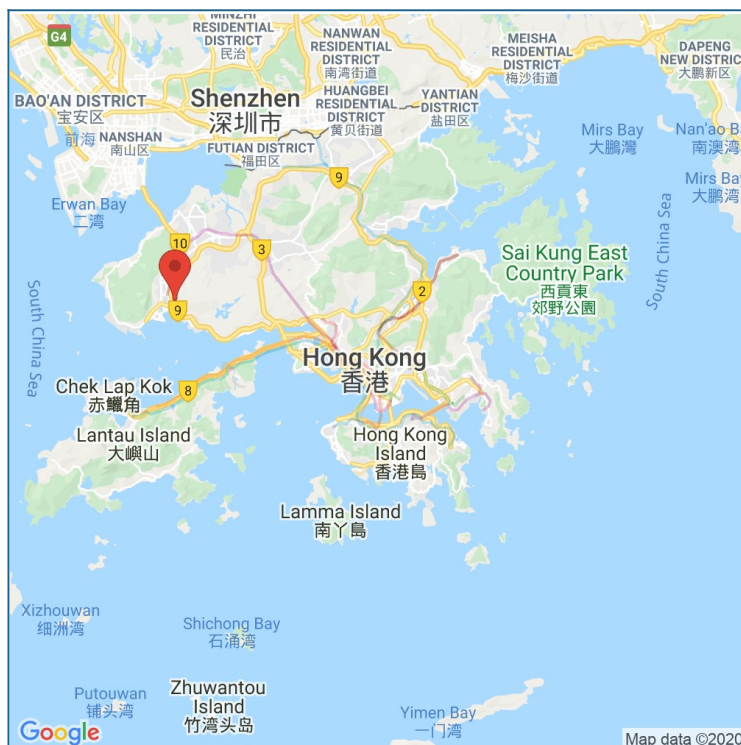


Hong Kong (China) Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2018)	21,714
Persons expelled (2010)	10,110
International migrants (2019)	2,942,254
New asylum applications (2019)	10

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/hong-kong-china>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	21,714	2018	Number of dedicated long-term immigration detention centres	2	2014
	24,191	2017			
	24,679	2013			
	37,105	2013			
	23,922	2012			
	29,792	2012			
	21,523	2011			
	23,876	2011			
	28,564	2010			
	31,445	2009			
Estimated capacity of dedicated long-term immigration detention centres	571	2013	Number of transit facilities	7	2014
Number of persons removed/returned (voluntary returns and deportations)	10,110	2010	Criminal prison population	8,457	2016
Percentage of foreign prisoners	29.9	2016	Prison population rate (per 100,000 of national population)	115	2016

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	7,050,000	2010	International migrants	2,942,254	2019
				2,804,800	2013
International migrants as a percentage of the population	38.9	2013	Refugees	128	2019
				86	2016
				133	2015
				170	2014
Ratio of refugees per 1000 inhabitants	0.01	2016	Total number of new asylum applications	10	2019
	0.02	2012		0	2016
				1,231	2012

DOMESTIC LAW

LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Common law			
	Customary law			
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Immigration Ordinance. Cap. 115.		1972	2015
	Hong Kong Bill Of Rights Ordinance, Art. 5 Liberty and security of person and Art. 6 Rights of persons deprived of their liberty		1991	1998
LAWS AND REGULATIONS				
Additional legislation	Name		Year Adopted	Last Year Amended
	Consular Relations Ordinance. Cap 557.		2000	2015
	Immigration Service Ordinance. Cap 331.		1961	2014
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name		Year Published	
	IMMIGRATION (TREATMENT OF DETAINEES) ORDER. Cap. 115E. As amended.		1980	
	Immigration (Places of Detention) Order. Cap. 115B. As amended (2010).		1975	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name		Observation Date	
	Detention to establish/verify identity and nationality		2015	
	Detention to prevent absconding		2015	
	Detention to effect removal		2015	
	Detention to prevent unauthorised entry at the border		2015	
	Detention of unauthorised persons by executive discretion		2015	
	Detention for unauthorised entry or stay		2015	
	Detention for failing to respect non-custodial measures		2015	
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name		Observation Date	
	Detention on public order, threats or security grounds		2015	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date	
	Yes	Yes	2014	

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration		Observation Date
	Unauthorised stay	1095		2015
	Unauthorized entry	1095		2015
LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	7		2015	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	No Limit		2015	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Access to consular assistance	Yes	Yes	2015
	Right to legal counsel	Yes		2014
	Information to detainees	No	Yes	2014
	Independent review of detention	No		2014
	Right to appeal the lawfulness of detention	No		2014
	Access to asylum procedures	No		2014
	Complaints mechanism regarding detention conditions	No		2014
Access to free interpretation services		Yes	2014	
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Designated non-secure housing		Yes	2020
	Release	Yes	infrequently	2015
	Supervised release and/or reporting	Yes	infrequently	2014
	Release on bail	Yes	infrequently	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Persons with disabilities	Not mentioned		2015
	Unaccompanied minors	Provided	Yes	2014
	Survivors of torture	Provided		2014
	Elderly	Not mentioned		2009
	Pregnant women	Not mentioned		2009

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>Amid a resurgence in the number of Covid-19 cases in Hong Kong, on 19 August a 37-year old Thai man detained at Castle Peak Bay Immigration Centre (CIC) was reported to have tested positive for Covid-19. The Centre for Health Protection subsequently announced that it would test approximately 200 Immigration Department staff and 400 detainees. On 20 June, more than 20 detainees from India, Pakistan, and various African countries launched a hunger strike in protest over their indefinite detention at the facility. As of 25 August, some detainees remained on strike, after 58 days. At its peak, there were 28 participants in the hunger strike: four detainees have been released and two hospitalised. Upon release from hospital, one person reported being physically abused by detention centre staff. Of those participating in the action, some had been detained for nearly two years, and six had been detained for more than one year. The Immigration Department claimed that the hunger strikers were consuming other food despite their refusal to collect meals from the facility, and that it had been providing counselling for the detainees to discuss their situation. It also said that most of the hunger strikers had criminal records involving serious or violent crimes and were awaiting deportation. The Castle Peak Bay "Concern Group" reported that the hunger strikers had been placed in separate rooms for observation, but that they had not been provided with any medical assistance—in spite of some detainees' pre-existing conditions. For example, one striker who has a tumor in his left arm has not been given access to the necessary drugs to improve his condition. More than 2,000 people have signed a petition organised by the CIC Concern Group to support the strikers' action. In addition to the indefinite detention detainees face at the Castle Peak Bay Immigration Centre, concerns have been raised regarding the deleterious hygiene and medical conditions in the facility. First raised by lawmakers and activists in May (see 12 May update on this platform), the inadequate conditions were again flagged in mid-August when the findings from a survey of 100 detainees, former detainees, and family members were published by the Concern Group. The survey found that 48.72 percent of interviewees thought that they did not have enough access to medical assistance, while 46.15 percent thought that CIC's facilities were inadequate. Many raised issues such as insufficient dental hygiene products including toothpaste, a lack of hot water in the winter, and a lack of space to hang their laundry. Responding to concerns regarding detention conditions during the pandemic, the government has detailed the measures that it has taken to prevent and control the virus inside the facility: "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."</p>	2020
	<p>Human rights lawyers and lawmakers have raised concerns about conditions in the Castle Peak Bay Immigration Detention Centre, saying they are worried about the risk of Covid-19 spreading among detainees. The Immigration Department nonetheless stated that the health and safety of staff and detainees is a prime concern and that appropriate measures have been put in place to avoid contamination. In addition, a spokesman for the Department of Health said that if detainees "show any symptoms of Covid-19, they will be sent to public hospitals." Opened in 2005, the Castle Peak Bay (CPB) facility has a total capacity of around 400 places, although it is not known how many people are currently detained there. Most detainees are from Vietnam, Central America, South America, India, and Pakistan. Men and women are held on different floors in the facility. Concerns were voiced following reports of "rats in the premises, malfunctioning toilets, a lack of bleach for disinfection, no access or insufficient access to soap and hand sanitisers." Karen McClellan, a lawyer at Daly & Associates, said that they were very concerned about Covid-19 spreading in immigration detention centres: "This is an area that we're very concerned is falling through the cracks, putting an already vulnerable group even more at risk." Dr. Fernando Cheung Chiu-hung, a Hong Kong politician, also raised concerns about hygiene after visiting the centre on 12 March. He was shocked to see detainees in a day room using ladles to scoop water from a plastic bucket to drink. He also observed that detainees spent most of their time in day rooms the size of a regular classroom, with around 40 to 60 people in each room. The Immigration Department stated that cleaning and disinfection had been stepped up at the centre since the outbreak of the disease. New arrivals with recent travel history outside Hong Kong have reportedly been segregated and observed and the centre has been collecting saliva samples for Covid-19 tests, but the Department did not mention when this began or how many detainees have been tested for now." In the past, many NGOs have criticised conditions at Hong Kong's two detention facilities, including abuses by security guards and lack of food and unsanitary conditions. Multiple incidents of mistreatment have previously been reported at CPB. In 2019, Yuli Riswati, an Indonesian migrant domestic worker and journalist, was deported from Hong Kong to Indonesia after reporting on the 2019 anti-extradition law protests. Before she was deported, Yuli was detained for 28 days. While in detention, Yuli was subject to a strip-search by male doctors (despite being Muslim) and was declined adequate medical treatment despite suffering from vomiting and flu. This resulted in her physical deterioration and psychological depression.</p>	2020
	<p>Hong Kong (officially the Hong Kong Special Administrative Region) began taking measures to contain and combat the COVID-19 pandemic in early February after thousands of medical workers undertook a week-long strike to demand the government close the border with China and provide workers with personal protective equipment, among others measures. From 25 March 2020, the government began to deny entry to all non-Hong Kong residents coming from overseas countries and regions by plane. Any non-Hong Kong residents coming from China, Macao and/or Taiwan (Province of China) also began to be denied entry to Hong Kong if they had been to any overseas countries and regions in the last 14 days. The government began to deny entry to all visitors from Hubei province, and any non-Hong Kong residents who have visited Hubei province in the last 14 days, to Hong Kong, from 27 January 2020 onwards. There do not appear to have been changes in immigration detention policies in response to the COVID-19 crisis. Adella Namagembe, the chairperson of Refugee Union (the city's first union run by and for refugees and migrants), told the Global Detention Project (GDP) that asylum seekers continue to be detained in immigration detention centres. Detainees are being tested for COVID-19 and are given surgical masks, hand sanitizer, handwashing soap, and toilet cleaning products. The Hong Kong government has issued a Red Outbound Travel Alert (OTA) on all overseas countries/territories based on public health considerations in view of the health risks arising from the persistent and rapid increase in the number of COVID-19 cases globally. Namagembe told the GDP that deportations do not appear to be taking place. Refugees, who are officially referred to as "non-refoulement claimants" due to the lack of a refugee policy, are given food vouchers worth HKD40 (approximately 5.15USD) and a housing allowance of HK1500 (approximately 190USD)—levels of assistance which have not been adjusted with inflation since 2014. On 26 February 2020, the Refugee Union issued a letter to the Social Welfare Department, requesting increases in housing, utilities, transport allowance, allowances and providing a clothing allowance. It also asked for the allocation of a food allowance in cash rather than through vouchers (which are only valid for one chain of supermarket in Hong Kong and which are often disregarded by supermarket staff) and for the government to lift its restrictions on what items can be purchased. Namagembe said: "Generally, we need more financial support due to the fact that we are not allowed to work, everything currently is expensive due to the COVID-19 breakout. The consumption is high because kids are at home all the time. Even adults need to maintain their health by having a balanced diet." On 19 March, the Social Welfare Department replied that it had shared notices and guidelines about the health advice and preventive measures of COVID-19 issued by the Centre for Health Protection to ISS-HK, including some that had been translated into ethnic minority languages. It stated: "Upon receipt of donation of face masks and sanitising items from individuals or private organizations, if any, SWD/ISS-HK will assist to distribute these items to the needy bodies including NRCs according to the wishes of donors." It also stated: "the Government has to emphasize that the provision of humanitarian assistance aims to ensure that claimants will not become destitute during their presence in Hong Kong, and thus the level of assistance is to meet their basic needs so as to avoid any magnet effect which may have serious implications on the long-term sustainability of such assistance and the immigration of Hong Kong." Refugees have continued to lodge personal complaint letters, indicating the urgent need for government support to meet their basic needs, but to date have not received positive responses. Asylum seekers are asked to report to the Immigration Department regularly. Namagembe said that the Immigration Department had lengthened the period between reporting obligations as a result of the outbreak: "Currently, all of them [asylum seekers] report to immigration on the same date every 6 weeks." She said that the Immigration Department is checking the temperature of asylum seekers when they report. Migrant domestic workers have been excluded from many of the government's virus containment policies. In Hong Kong, there is a mandatory live-in requirement for migrant domestic workers. In January, the Labour Department (LD) came under fire after it issued a public notice encouraging domestic workers "to stay home on their rest day in order to safeguard their personal health and to reduce the risk of the spread of the novel coronavirus in the community." The organization Mission for Migrant Workers (MFMW) stated that workers had subsequently been forced to stay at home on their rest days by their employers, and even asked to resign if they did not do so. According to a recent study by MFMW and Asian Migrants Coordinating Body, 40 percent of 1,127 migrant domestic workers surveyed in March 2020 said that their labour rights had been curtailed during the outbreak. This included not being given masks or sanitizer or being forced to work excessive hours. Some workers have noted that, as a result of the government's quarantine policies, they are also being deprived of the ability to take their annual leave (7 to 14 days), given that the compulsory quarantine period imposed by the government is 14 days. In addition, migrant workers have raised concerns about employers who return home from overseas who are subsequently required to undergo a 14-day quarantine period. The Hong Kong Federation of Asian Domestic Workers Unions has criticised the government for its lack of clear quarantine guidelines for workers and employers, including its lack of guidance on what to do if workers encounter inadequate accommodation or unlawful dismissal in relation to quarantine policies. The Immigration Department has announced a "flexibility arrangement" for migrant domestic workers. The Commissioner for Labour has given in-principle consent for all migrant domestic worker contracts that will expire on or before 31 March 2020, to be extended up till 31 May 2020, provided that such variation is mutually agreed by both the employer and the worker and approved by the Director of Immigration. They have also given further in-principle consent for all migrant domestic worker contracts that will expire on or before 30 June 2020, to extend the period of employment up to July 31, 2020, on the same terms.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification			
International treaties	Name		Ratification Year
	CRPD, Convention on the Rights of Persons with Disabilities		2008
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		1997
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women		1997
	CRC, Convention on the Rights of the Child		1997
	CRSSP, Convention Relating to the Status of Stateless Persons		1997
	ICCPR, International Covenant on Civil and Political Rights		1997
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination		1997
	ICESCR, International Covenant on Economic, Social and Cultural Rights		1997
VCCR, Vienna Convention on Consular Relations		1997	
Ratio of relevant international treaties ratified	9/19		
Relevant international treaties and date of ratification			
International treaty reservations	Name	Reservation Year	Observation Date
	CRC Article 37	1997	1997
Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number		Observation Date
	0		
	0		
Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Committee on the Rights of the Child	"82. The Committee notes as positive the decision of Hong Kong, China to grant asylum-seeking and refugee children access to the national public school system. However, it is concerned about the lack of special care and protection for asylum-seeking children upon their arrival and the administrative practice of detaining such children, as well as unaccompanied children arriving in Hong Kong, China by air and children who are refused entry, in juvenile detention facilities.[...] 84. The Committee recommends that Hong Kong, China: (a) Cease the administrative practice of detaining asylum-seeking and refugee children;"	2013
Bilateral/Multilateral agreements linked to readmissions			
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	EU	2004	2017

INSTITUTIONAL INDICATORS

Governing structures		
Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2014
Governing structures		
Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2015

Institutions responsible for immigration detention

	Agency	Ministry	Ministry Typology	Observation Date
Custodial authority	Immigration Department	Security Bureau	Internal or Public Security	2014
	Immigration Department	Security Bureau	Internal or Public Security	2014
	Immigration Department	Security Bureau	Internal or Public Security	2013
	Immigration Department	Security Bureau	Internal or Public Security	2011
	Immigration Department	Security Bureau	Internal or Public Security	2009
	Correctional Services	Security Bureau	Internal or Public Security	2009
	Social Welfare Department	Labour and Welfare Bureau	Labour	2009
	Social Welfare Department	Labour and Welfare Bureau	Labour	2006
	Immigration Department	Security Bureau	Internal or Public Security	2004
	Immigration Department	Security Bureau	Internal or Public Security	
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	Immigration Department	Security Bureau	Internal or Public Security	

Institutions responsible for immigration detention

Apprehending authorities	Name	Agency	Ministry	Observation Date
	Immigration or police officer			2014

Institutions responsible for immigration detention

	Entity Name	Entity Type	Observation Date
Detention Facility Management	Immigration Department	Governmental	2014
	Social Welfare Department	Governmental	2014
	Immigration Department	Governmental	2013
	Immigration Department, Security Bureau.	Governmental	2013
	Immigration Department	Governmental	2011
	immigration Department, Security Bureau.	Governmental	2011
	Correctional Services	Governmental	2009
	Immigration Department	Governmental	2009
	Labour and Welfare Bureau / Social Welfare Department	Governmental	2009
	Labour and Welfare Bureau / Social Welfare Department	Governmental	2006
	Correctional Services	Governmental	2004
	Immigration Department	Governmental	
	Immigration Department	Governmental	
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Institutions responsible for immigration detention															
Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes	Yes			Yes		Yes	Yes	Yes		Yes	Yes			
Detention monitoring institutions															
Authorized monitoring institutions	Institution		Institution Type		Observation Date										
	Justices of the Peace		Judiciary organs		2015										
Detention monitoring institutions															
Is the national human rights institution (NHRI) recognized as independent?	Is the NHRI recognized as independent by the International Coordinating Committee of National Human Rights Institutions?										Observation Date				
	No										2018				
Detention monitoring institutions															
Does NHRI carry out visits?	Does NHRI carry out visits in practice?					Observation Date									
	Yes					2018									
Detention monitoring institutions															
Does NHRI have capacity to receive complaints?	Does NHRI have capacity to receive complaints?					Observation Date									
	Yes					2018									
Detention monitoring institutions															
Does NHRI publicly release reports on immigration detention?	Does NHRI publicly release reports on immigration detention?					Observation Date									
	Yes					2018									

More information about immigration detention in Hong Kong (China) is available at the website of the Global Detention Project (www.globaldetentionproject.org)