

LCQ2: Cases of child maltreatment

Following is a question by Dr the Hon Tik Chi-yuen and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (February 26):

Question:

The Mandatory Reporting of Child Abuse Ordinance (the Ordinance) will take effect on January 20 next year. According to the data of the Child Protection Registry Statistical Report, the number of maltreatment cases involving children with disabilities is rising rapidly. For example, the number of children with disabilities who had been subjected to sexual abuse increased from 125 in 2022 to 175 in 2023. There are views pointing out that this trend attracts little media coverage or attention, and the actual situation of child maltreatment is not well-known. In this connection, will the Government inform this Council:

- (1) as there are views pointing out that some victims of child maltreatment cases choose to cover up the incident and refrain from reporting to the Police or the Social Welfare Department's Family and Child Protective Services Unit, given the "secondary damage" caused to them by the fact that they have to recall the course of the incident when facing judicial proceedings (e.g. taking statements and giving evidence in court proceedings), how the Government will deal with such situation upon commencement of the Ordinance; whether it will consider amending the legislation to mitigate the secondary damage caused to the victims; if so, of the timetable; if not, the reasons for that;
- (2) given the increase in the number of child maltreatment cases (especially sexual abuse), whether the Government has conducted any in-depth investigation into this trend; if so, of the main reasons for such trend according to the findings of the investigation; whether it has formulated preventive measures targeting schools or youth groups;
- (3) as it is learnt that children with mental and physical disabilities are the major group of victims of child abuse cases involving children with disabilities, whether the Government has provided additional resources or protective measures to address the special needs of this group of people;
- (4) as the Secretary for Labour and Welfare has pointed out that the anticipated number of reported child abuse cases will increase substantially after the commencement of the Ordinance, whether the Government has sufficient resources to support child victims, such as enhancing the relevant psychological counselling, placement and rehabilitation mechanisms;
- (5) whether it will consider setting up a dedicated committee or organization to monitor the effectiveness of the implementation of the Ordinance, coordinate the relevant policies and initiatives, and regularly disclose to

the public the data on case reports and the effectiveness of its efforts in handling the cases; and

(6) as it has been reported that the Budget is going to propose a reduction in the funding for social welfare organisations, how the Government will tackle an increasing number of child maltreatment cases in the light of reduced funding and shortage of social workers, and whether it has estimated the average number of relevant cases that each social worker will need to handle after the reduction in funding?

Reply:

President,

The Mandatory Reporting of Child Abuse Ordinance (the Ordinance) mandates specified professionals in the social welfare, education and healthcare sectors to report serious child abuse cases, creating a comprehensive and effective protection web for children and sending a strong deterrent message to potential perpetrators that their abuse behaviours will be easily exposed. The consolidated reply to the Member's question, in consultation with Education Bureau (EDB) and Security Bureau (SB), is as follows:

(1) Various government departments and the Judiciary have been protecting child victims and witnesses through administrative procedures, guidelines and measures to encourage and facilitate them to report and give evidence in child harm/abuse cases and to lessen their trauma in the process. The Social Welfare Department (SWD), in collaboration with the Hong Kong Police Force (HKPF) and the Judiciary, has taken a number of measures to protect children. For example, during criminal investigations, the relevant departments may arrange children to give evidence through video-recorded interviews (VRI) in appropriate circumstances. These VRIs are conducted in a comfortable home-like environment by specially trained police officers, social workers, and/or clinical psychologists. The video-recorded evidence can be admitted as valid evidence at the trial, saving the children from recounting the incidents in the courtroom, thereby alleviating their embarrassment and trauma. During trials, the children can enter and exit court rooms through special access. In addition, they can also testify in another room by means of live television link in the company of trained witness-support persons to avoid facing the defendant and the public directly, thereby alleviating their psychological stress. In addition, the HKPF and the Department of Justice jointly established the Vulnerable Witness and Child Protection Task Force in 2022 to speed up and improve the evidence collection, prosecution and follow-up investigation work with collective efforts. The SWD and the HKPF will continue to organise training courses and review the procedures for handling sexual violence cases to enhance the skills and sensitivity of different professionals in order to effectively assist child victims and ensure that they receive appropriate protection and support.

(2) Through the Child Protection Registry, the SWD has been collecting and compiling statistics on information of registered cases involving children

who have been harmed/abused or currently at risk of being harmed/abused. The annual statistics are uploaded onto the SWD's website for public reference. There were 1 367 newly registered child protection cases in 2021 and 1 457 cases in 2023, representing an increase of about 6.6 per cent in three years. Among them, there were 448 sexual abuse cases in 2021 and 509 sexual abuse cases in 2023, representing an increase of about 13.6 per cent. According to the SWD's analysis, possible reasons for the increase in registered cases include: growing public awareness on child protection and more proactive reporting of cases as a result of the legislative exercise of the Ordinance as well as publicity and public education on child protection in recent years; more children are using social media, messaging apps, chat applications, or online games in recent years; and children having more opportunities to interact with others in resumption of normalcy after the epidemic.

On publicity and education in the community, the SWD has been launching the publicity campaign on "Strengthening Families and Combating Violence" to raise public awareness on child protection and prevention of domestic violence and encourage those in need to seek help early through large scale publicity events and district-based activities. In 2022, the SWD has produced a series of videos on "Heart and Hut Classroom: Online Sexual Abuse Pitfalls" and broadcasted on social media to remind young people and parents of the risk factors, prevention and handling of online sexual abuse. The HKPF has been organising the "Let's T.A.L.K. Child Protection Campaign" every year since 2021 to raise public awareness of child protection through a series of publicity and promotional activities. In addition, the HKPF organised a multi-disciplinary seminar on "Child Sexual Abuse in the Cyber World" on March 21, 2024, together with experts and representatives from relevant sectors and discussed with more than 500 parents, principals, teachers, social workers, Police officers and child service workers online and offline on how to effectively protect children from online sexual crimes, thereby enhancing their understanding of children's online safety and their awareness and response capabilities to protect children from such crimes, and promoting collaboration among different professions.

In respect of preventive work targeting schools or youth groups, the EDB has all along been assisting schools in the prevention, early identification and appropriate intervention of suspected child abuse cases through various measures. These measures include issuance of circulars and guidelines requiring schools to devise relevant mechanisms, procedures and measures to handle such cases; strengthening school social work service to assist schools in the early identification of suspected abused students and potential issues in their families; encouraging schools to implement Comprehensive Student Guidance Service, under which all teachers collaborate with school social workers, other student guidance personnel or specialists to provide comprehensive and extensive guidance service to students in need; as well as supporting schools to adopt a whole school approach, through cross-sector collaboration among professionals from different disciplines in schools (including student guidance personnel, school social workers and school-based educational psychologists), to intervene and follow up as early as possible, and to provide students with appropriate support. At the same time, the EDB

actively promotes the "Positive Parent Campaign" to foster parents' positive attitude and understanding in nurturing their children, so as to enable students grow up healthily and prevent child abuse incidents. In addition, the EDB has been working closely with the SWD and the HKPF to organise various training activities with a view to strengthening school staff's knowledge, skills and abilities in handling suspected child abuse cases.

(3), (4) and (6) The Government has allocated an additional provision in 2023-24 for enhancing the Government's enforcement and support capacity, providing appropriate training to practitioners in the relevant professions and strengthening the promotion and public education work on child protection, with a view to supporting the implementation of the mandatory reporting regime (MRR) for child abuse cases.

The Government has further allocated an additional provision in 2024-25 to increase emergency places for residential child care service and strengthen professional support for child abuse victims and their families to prepare for the potential increase in the reported child abuse cases upon the implementation of the MRR. Among which, two new residential child care centres will commence operation before the Ordinance comes into effect, offering a total of 96 additional service places each year and are expected to provide emergency placement for 384 children in need (in the estimation that each place of residential child care centre can take care of 4 children on average per year).

The SWD will also strengthen the professional support to actual or suspected child abuse victims (including pre-primary children with special needs) and their families. Starting from March 2025, the SWD will subsidise non-governmental organisations to implement various child protection support services, including Home Visitation Support, therapeutic/psycho-social groups, educational and family enrichment activities, to complement the work of social workers of the Family and Child Protective Services Unit of the SWD or related casework service units in providing focused support services for children and families in need.

Child protection (including pre-primary children with special needs) work and cases are being handled and followed up in a multi-disciplinary manner (including social welfare, education, law enforcement, healthcare). Professionals from different service units, including social workers, work together to provide professional support to children and families in need. The SWD does not maintain information on the average number of child protection cases handled by each social worker.

(5) The Labour and Welfare Bureau, the EDB, the Health Bureau and the SB have formed a Cross-bureaux Working Group to make preparations for the implementation of MRR in January next year. The SWD and the HKPF are jointly developing the internal work flow and mandatory reporting platform to facilitate mandated reporters in making reports and collecting relevant data, ensuring efficient and effective follow-up on reported cases. Relevant bureaux and departments will continue to monitor the operation of MRR and the trend of the number of reports after its implementation. The number of cases

reported through the MRR will be incorporated into the statistics of the Child Protection Registry and disseminated to the public.

LCQ17: Unleashing elderly labour force

Following is a question by the Hon Lee Chun-keung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (February 26):

Question:

According to the statistics of the Census and Statistics Department, the proportion of elderly persons aged 65 or above accounts for about 23 per cent of Hong Kong's total population in 2023. There are views that while the silver-haired group is a huge potential labour force in society, it is learnt that at present, elderly persons aged between 65 and 70 living with their family in public rental housing (PRH) flats will have their income counted towards the PRH income limits, and the monthly income limit for the Old Age Living Allowance (OALA) is \$10,770 for a single person, which in effect hinder elderly persons from engaging in employment. In this connection, will the Government inform this Council:

(1) of the number of elderly persons aged 65 or above in the labour force and their average monthly income over the past five years;

(2) whether it has plans to relax the PRH income limit requirements for households with elderly members, for example, excluding the income of elderly members aged between 65 and 70 when calculating the income limit for such households; if so, of the details; if not, the reasons for that;

(3) whether it has considered relaxing the monthly income limit requirements for OALA recipients, so as to increase the incentive for the elderly to rejoin the workforce; if so, of the details; if not, the reasons for that; and

(4) of the future plans to unleash the elderly labour force in Hong Kong and encourage employers to consider hiring more elderly persons?

Reply:

President,

The Government is committed to encouraging and promoting the employment of older persons. In response to the Member's question and after consulting the Housing Bureau and the Census and Statistics Department (C&SD), a consolidated reply is provided as follows:

(1) According to survey results of the General Household Survey of the C&SD, the statistical figures for the labour force and median monthly employment earnings of employed persons aged 65 and over in Hong Kong from 2019 to 2023 (excluding foreign domestic helpers) are listed at Annex.

(2) Under the "Well-off Tenants Policies" of the Hong Kong Housing Authority (HA), public rental housing (PRH) tenants who have been residing in PRH for ten years or more are required to declare their income, assets and whether they own any domestic property in Hong Kong biennially. The income and asset limits for ordinary households are set according to the household size. Under the existing policy, a PRH household will only be required to vacate their flat if their average monthly household income exceeds five times the prevailing income limit for PRH. For example, a four-person household with a monthly income limit of about \$150,000 is required to vacate their flat. If all members of the same PRH flat are aged 60 or above, they are exempted from the "Well-off Tenants Policies" and are not required to declare their income and assets. The above exemption has been set up in recognition of the fact that retirees and near-retirees may need to rely on their savings and assets to support themselves in the future, and thus a more lenient standard has been adopted. We have no plan to further relax the existing arrangement for the time being.

(3) As part of Hong Kong's social security system, the Old Age Living Allowance (OALA) aims to supplement the living expenses of elderly persons aged 65 or above in need of financial support. OALA recipients are not required to make any contributions, but must pass a means test by meeting income and asset limits. The Government adjusts the income and asset limits annually in accordance with an established mechanism. In addition, the Normal OALA and the Higher OALA have been merged since September 2022 with more lenient asset limits adopted across-the-board. This allows elderly recipients to retain more assets, while receiving the payment rate of Higher OALA. Mindful of targeting finite welfare resources at the needy elderly, the Government has no plan to relax the income limits of the means test for the OALA at this stage.

(4) With a view to supporting the employment of older persons and encouraging employers to engage older employees, the Government will continue strengthening the provision of training and employment services as well as staging publicity and promotion, which include:

(i) The Employees Retraining Board (ERB) provides around 700 market oriented training courses straddling across 28 industries and generic skills for eligible persons including older persons. The ERB also provides training courses which gear towards the employment needs of older persons aged 50 or above to encourage the potential workforce to enter the labour market. Apart from general training courses, the ERB organises the Post-50 Internship Programme for older persons aged 50 or above to facilitate their understanding of the current employment market situation. Under the "Hire and Train" Scheme, the ERB encourages the participating employers to provide suitable job vacancies for trainees (including persons who have recently retired), adjust the working hours and leave arrangements to cater for trainees' family and personal situations, and provide on-the-job training and

other related support measures so as to encourage the potential workforce to enter the labour market. The ERB will continue to implement these measures, and explore the provision of more measures that meet the market demand to support older persons with training and employment needs.

(ii) The Labour Department (LD) provides diversified employment services to job seekers including older persons, and launched the three-year Re-employment Allowance Pilot Scheme (REA Scheme) on July 15 last year to encourage older or middle-aged persons aged 40 or above who have not been in paid employment for three consecutive months or more to re-join the labour market. The REA Scheme covers full-time jobs, part-time jobs, and qualified "casual work" promoting flexible employment for older and middle-aged persons. During the implementation period of the Scheme, each eligible participant who has worked for 12 consecutive months can receive a maximum re-employment allowance of \$20,000. As at end-January 2025, the REA Scheme recorded over 32 000 participants and over 12 000 placements. Of which, about 23 per cent of participants and 24 per cent of placements are older persons aged 60 or above. The response is very favourable. The re-employment allowance is not counted as income under the means test for the OALA.

In tandem with the REA Scheme, the LD implements the Employment Programme for the Elderly and Middle-aged (EPEM) to encourage employers to hire persons aged 40 or above and provide them with on-the-job training (OJT). Employers engaging each job seeker aged 60 or above who has left the workforce can receive a maximum OJT allowance of \$5,000 per month for six to 12 months, while engaging each unemployed job seeker aged 40 to 59 is entitled to a maximum OJT allowance of \$4,000 per month for three to six months. EPEM covers all industries, as well as full-time and part-time jobs. The Government welcomes employers taking on participants of the REA Scheme to join the EPEM.

(iii) The Government will continue to encourage employers, having regard to their individual circumstances, to adopt elderly-friendly employment practices to facilitate more older persons to stay in or re-join the labour market.

LCQ13: After-school care and support services for students

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (February 26):

Question:

In order to enable students in need to stay at school outside school hours for care and learning support and allow their parents to take up jobs, the Government has proposed in the 2024 Policy Address to extend the School-based After-School Care Service Scheme to cover over 110 primary schools in the 18 districts across the territory. In parallel, the Education Bureau has set up the School-based After-school Learning and Support Programmes to support schools in providing after-school learning activities for needy students. Alongside in the community, after-school care services run by non-governmental organisations (NGOs) provide homework guidance, skill development and social activities for primary school children. In this connection, will the Government inform this Council:

(1) of the respective numbers of (i) Primary One to Primary Six students and (ii) primary schools in various districts, as well as (I) participating schools/centres (with the number of their service places) and (II) beneficiaries (with the utilisation rates) of (a) the School-based After-School Care Service Scheme, (b) the School-based After-school Learning and Support Programmes and (c) the after-school care services run by NGOs over the past two years (set out by District Council district in the following table);

District Council district	(i)	(ii)	(a)		(b)		(c)	
			(I)	(II)	(I)	(II)	(I)	(II)
.....								
Total								

(2) in respect of the three types of after-school care and support service/scheme/programme mentioned in (1)(a) to (c), of the following information for each of them over the past two years: (i) the overall expenditure, (ii) the average amount of government funding received by each school/centre in respect of the relevant service/scheme/programme and (iii) the amount of subsidy per student;

(3) in respect of the three types of after-school care and support service/scheme/programme mentioned in (1)(a) to (c), of the respective numbers of beneficiaries under each of them over the past two years who were from (i) single-parent families, (ii) families receiving Comprehensive Social Security Assistance and (iii) families receiving full grant under the Student Financial Assistance Schemes for primary and secondary school students, as well as the respective percentages of students with special educational needs under each type of service/scheme/programme;

(4) of the current number of after-school care service units mentioned in (1)(c) which offer pick-up and drop-off arrangements for students so that students can be sent to such units after school for care services; whether the authorities have provided resources to assist these service units in offering pick-up and drop-off arrangements; if not, of the reasons for that;

(5) given that many dual working parents have indicated that one of the difficulties they encounter is bringing their children to and from schools, whether the authorities will, in the long run, consider developing student escort platforms or services in the community using different modes such as innovative technology and neighbourhood support, so as to facilitate dual working parents in picking up and dropping off their children; and

(6) as there are views pointing out that while the three types of after-school care and support service/scheme/programme mentioned in (1)(a) to (c) are mainly targeted at underprivileged families at present, dual working families in general have a need for such services too, whether the authorities will conduct a comprehensive review and consolidate such service/scheme/programme, so that they can be extended to cover dual working families; if so, of the details; if not, the reasons for that?

Reply:

President,

The Labour and Welfare Bureau, the Education Bureau (EDB) and the Social Welfare Department (SWD) have implemented the School-based After School Care Service Scheme since the 2023/24 school year. Under the Scheme, participating schools will provide venues, and the Community Care Fund will provide funding for non-governmental organisations (NGOs) to provide services for students in need (particularly those from single-parent families) to stay at school after-school hours for care and learning support in a safe and familiar environment, thereby allowing their parents to take up jobs. In addition, the EDB implements the School-based After-school Learning and Support Programmes (SALSP) to support needy students to participate in after-school learning activities with a view to facilitating their whole-person and all-round development. The SWD provides the Fee-waiving Subsidy Scheme (FWSS) under After School Care Programme (ASCP) to support primary students from low-income families to receive the ASCP service operated by NGOs.

After consulting the EDB, our consolidated reply to the Hon Kenneth Leung's question is as follows:

(1) SALSP and ASCP, implemented by the EDB and the SWD respectively, are existing programmes, while the School-based After School Care Service Scheme is a new scheme implemented by the Government in the 2023/24 school year. The information on the utilisation of the aforementioned three types of scheme/programme is set out in Annex 1. The School-based After School Care Service Scheme was implemented at 59 primary schools located at seven districts offering some 3 000 service places in the 2023/24 school year, and expanded to cover more than 120 primary schools in all 18 districts across the territory offering about 6 000 service places in the 2024/25 school year. Subject to actual utilisation and outcome of the Scheme, the Government plans to encourage more schools to participate in the Scheme, without capping the number of places, in the 2025/26 school year.

As regards SALSP, which has been implemented since the 2005/06 school

year, its aim is to support needy students to participate in after-school learning activities with a view to facilitating their whole-person and all-round development. All public sector schools (including special schools) and schools under the Direct Subsidy Scheme can make application and there is no school quota. The main target beneficiaries of SALSP are Primary 1 to Secondary 6 students in receipt of Comprehensive Social Security Assistance (CSSA) or full grant under the Student Financial Assistance Schemes (SFAS). Participating schools could exercise discretion to benefit those students who are not in receipt of CSSA or full grant of SFAS but identified by schools as needy. The discretionary quota is capped at 25 per cent of the number of eligible students of the respective schools. Also under SALSP is the Community-based Projects, activities of which are organised in the respective districts by non-governmental organisations (NGOs) and collaborating schools. Eligible students may participate in various activities under the School-based Grant and Community-based Projects at the same time. As such, the actual number of beneficiaries and utilisation rate are not applicable to the School-based After-school Learning and Support Programmes. The EDB encourages schools to flexibly deploy the School-based Grant and other related funding to enhance synergy, thereby organising diversified after-school learning activities for needy students.

(2) In respect of the School-based After School Care Service Scheme and ASCP, (i) the overall expenditure, (ii) the average amount of funding allocated to each school/centre under the scheme/programme and (iii) the amount of subsidy for each student, over the past two years (2022-23 and 2023-24) are set out in Annex 2.

As for SALSP, the amount of School-based Grant that a school receives is calculated based on its number of students in receipt of CSSA or full grant under the SFAS as at the end of March of the respective school year, as well as its number of approved classes in the following school year. When calculating the amount of the grant, the rate for each of the above student is \$400. Should schools have an 80 per cent or above utilisation rate of the School-based Grant in the previous school year, the rate of \$600 per eligible student will be adopted as an incentive. As for the Community-based Projects, the applications submitted by NGOs are assessed on the basis of the content and nature of the activities, as well as the number of students and sessions involved, etc, and therefore the amount of funding for each activity differs. Eligible students may participate in various activities based on their needs and interests. In the 2022/23 and 2023/24 school year, \$140 million and \$137 million were provided to primary schools and NGOs respectively.

(3) In respect of the aforementioned three types of scheme/programme, the respective numbers of beneficiaries that were (i) from single-parent families, (ii) receiving CSSA and (iii) receiving full level of assistance under the Student Financial Assistance Schemes, and the respective percentages of students with special educational needs (SEN) over the past two years (2022-23 and 2023-24) are set out in Annex 3.

(4) ASCP aims at providing care services for children whose parents are unable to give proper care to them during after-school hours because of work

or other reasons. It is operated by NGOs on a self-financing and fee-charging basis, providing care and support services for primary school children, including homework guidance, parental guidance and education, skill learning and social activities. The SWD provides financial assistance for the low-income families in need through the Fee-waiving Subsidy Scheme. The SWD does not maintain information of the service unit providing escort service for children attending ASCP.

(5) and (6) The Government will complete the evaluation of the School-based After School Care Service Scheme in the 2025/26 school year to decide on the way forward.

EDB progressively relaxes quota for admission of Mainland students by self-financing institutions

The Education Bureau (EDB) announced today (February 26) that an agreement by the Ministry of Education (MoE) has been obtained to progressively relax the quota for admission of Mainland students by the six self-financing institutions with the approval to admit Mainland students to degree programmes, and to allow relevant institutions to admit students from all provinces (regions/municipalities) of the country, with a view to further supporting the healthy and sustainable development of the self-financing post-secondary education sector, making more proactive contributions to Hong Kong's development into an international post-secondary education hub. The six institutions concerned are Hong Kong Metropolitan University, Hong Kong Shue Yan University, the Hang Seng University of Hong Kong, Hong Kong Chu Hai College, Tung Wah College, and the Technological and Higher Education Institute of Hong Kong under the Vocational Training Council.

The Secretary for Education, Dr Choi Yuk-lin, said, "I am very grateful for the support of the MoE towards the capacity expansion and quality enhancement of self-financing post-secondary institutions. Following the doubling of the enrolment ceilings for non-local students of Government-funded post-secondary institutions to 40 per cent from the 2024/25 academic year, this relaxation arrangement can help harness the advantages of Hong Kong's self-financing sector in terms of its flexibility and diversity to nurture talent for the country and Hong Kong, supporting the high-quality development of the country, while adding impetus to Hong Kong."

She said, "The EDB has long been supporting the healthy development and continuous quality enhancement of the self-financing sector by providing targeted support and strengthening regulation, including the plan to introduce a bill to amend the Post Secondary Colleges Ordinance (Cap. 320)

into the Legislative Council shortly. The EDB will continue to keep in view institutions' track record of operating self-financing programmes, performance in student admissions and utilisation of the prevailing quota, and liaise with the MoE to explore feasible further enhancements as and when appropriate. The EDB will also continue to collaborate with institutions to attract more students from around the world to build Hong Kong into an international hub for high-calibre talent."

With effect from the 2025/26 academic year, the quota for Mainland, Macao and Taiwan (MMT) students of full-time locally-accredited self-financing local sub-degree and undergraduate (including top-up degree) programmes of relevant institutions will be increased in phases to 40 per cent, in accordance with an orderly and progressive approach having regard to the utilisation of the prevailing quota by relevant institutions. The EDB will require relevant institutions to submit reports on matters and statistics pertinent to, among others, their admission arrangements and student support services to determine the quota applicable to each institution.

At the same time, the EDB will rationalise the calculation methodology of the relevant quota, with a view to providing self-financing institutions with greater certainty in admission planning and more effectively utilising the educational resources of institutions. The EDB will maintain communication with relevant institutions to facilitate their understanding and implementation of the relevant admission arrangements, while upholding a robust quality assurance mechanism to ensure the quality of self-financing post-secondary programmes and safeguarding students' interests.

In accordance with the prevailing policy, save for MMT students, there is no quota restriction on the admission of non-local students to full-time locally-accredited self-financing local sub-degree, undergraduate and postgraduate programmes. Currently, the quota for MMT students enrolling in full-time locally-accredited self-financing local sub-degree and undergraduate (including top-up degree) programmes is 10 to 20 per cent. There is no quota restriction for postgraduate programmes. So far, there are a total of six local self-financing institutions which have been approved by the MoE to admit Mainland students to their degree programmes (including undergraduate and postgraduate programmes).

LCQ3: Enhancing prevention of potential non-refoulement claimants at source

Following is a question by the Hon Carmen Kan and a written reply by the

Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (February 26):

Question:

The Immigration Department officially launched the Advance Passenger Information (API) System on September 3 last year to prevent undesirables, including potential non-refoulement claimants, from boarding flights heading to Hong Kong. In this connection, will the Government inform this Council:

(1) whether the authorities have, since the launch of the API System, compiled statistics and kept information on the number of undesirables prevented from boarding flights heading to Hong Kong each month, the distribution of their nationalities, points of embarkation, and the airlines they chose; if so, of the details (set out in a table); if not, the reasons for that;

(2) of the number and names of aircraft operators which have connected to the API System since its launch, and their percentage in the total number of aircraft operators operating inbound flights to Hong Kong (set out in a table); among the aircraft operators which have connected to the API System, of the number of those which have successfully prevented undesirables from entering Hong Kong by providing API, and the reasons why some aircraft operators have not yet connected to the API System;

(3) as there are views that the authorities should take the opportunity to review the entire mechanism of preventing undesirables from boarding flights heading to Hong Kong by the time when all aircraft operators are required to connect to the API System after the 12-month transitional period, whether the authorities have, in the light of the operational experience gained during the transitional period, reviewed the direction of optimising the aforesaid mechanism; if so, of the details; if not, the reasons for that;

(4) given that the API System can only prevent undesirables from coming to Hong Kong by flights, whether the authorities have stepped up efforts to prevent entry of such persons through other channels; if so, of the details; if not, the reasons for that;

(5) given that as stated in the 2024 Policy Address, the Government has since October 16, 2024 relaxed the criteria for nationals of Cambodia, Laos and Myanmar applying for multiple-entry visas for travel and business, and extended the validity period of multiple-entry visas from two years to three years for these countries (as well as Vietnam which has enjoyed the relaxation since 2023), of the number of undesirables from these four countries coming to Hong Kong each month since the implementation of the relaxation, and whether there is a rising trend;

(6) as there are views that with the relaxation of the visa-free entry policies by the Mainland earlier on, undesirables may possibly come to Hong Kong via the Mainland (including by legal and illegal means), how the authorities step up co-operation with the Mainland in preventing entry of such persons to Hong Kong via the Mainland; and

(7) as there are views that there are signs of an increasing number of foreign domestic helpers (FDHs) who prematurely terminate their employment contracts and subsequently lodge non-refoulement claims in order to extend their stay in Hong Kong for the purpose of applying for government subsidies or engaging in illegal employment, etc., of the number of such cases in each of the past five years, the nationalities of the FDHs involved, and the average number of days of their extended stay in Hong Kong (with a tabulated breakdown by quarter); of the measures put in place by the authorities to prevent and curb the abuse of the non-refoulement claim mechanism by such individuals?

Reply:

President,

To meet the aviation security requirements of the Convention on International Civil Aviation and to align Hong Kong with other aviation hubs worldwide, as well as to enable the Immigration Department (ImmD) to further enhance its passenger clearance and enforcement capabilities to prevent undesirables, including potential non-refoulement claimants, from boarding flights heading to Hong Kong, the ImmD has implemented the Advance Passenger Information (API) system since September 3, 2024, requiring aircraft operators to comply with the Immigration (Advance Passenger Information) Regulation (Cap. 115Q) (the Regulation) by transmitting advance information to the ImmD about flights and passengers heading to Hong Kong.

To allow sufficient time for aircraft operators to connect to the API system and to ensure the system will run in a smooth and orderly manner, the rollout has been carried out in phases. A transitional period of around 12 months was also adopted. The offences and defences, and the miscellaneous provisions under Part 4 and 5 of the Regulation will come into effect after the transitional period, starting from September 1, 2025.

In consultation with the ImmD and the Labour Department (LD), my reply to the various parts of the question raised by the Hon Carmen Kan is as follows:

(1) to (3) Since the rollout in phases of the API system on September 3, 2024, as at February 21, 2025, 82 airline operators have been connected to the system, including Hong Kong-based airline operators, such as the Cathay Pacific Airways, the Hong Kong Airlines, the Greater Bay Airlines and the Hong Kong Express Airways, etc. As for the nearly 70 remaining airline operators, the ImmD will continue to maintain close communication with them with a view to ensuring that relevant system connection works will be completed in an orderly manner before September 1, 2025. The list and number of airline operators connected to the API system, and the percentage out of the total number of relevant airline operators are at Annex.

In just a few months of operation, the API system has been effective in successfully identifying and denying boarding of flights by ineligible persons, including persons who had lodged non-refoulement claims in Hong Kong but were eventually rejected and repatriated to their places of origin. As

regards the relevant figures, as well as the nationality distribution, the places of departure and the airlines chosen for the cases concerned, it is considered not suitable to disclose such information due to security reasons as sensitive internal procedures are involved.

The ImmD will make reference to the operational experience of the API system during the transitional period and maintain close communication with the airline operators and relevant stakeholders, with a view to continuously reviewing and optimising the system and the related operational procedures.

(4) and (6) In addition to the API system, the ImmD will continue to examine arriving passengers in a stringent manner at all control points and enhance intelligence exchanges with law enforcement agencies in Hong Kong and other places through various channels to prevent the entry of undesirable persons into Hong Kong.

On the other hand, the Government will also continue to spare no efforts in preventing entry of illegal immigrants (IIs) into Hong Kong. In view of the general resumption of international flights on the Mainland after the pandemic, the Mainland visa-issuing authorities abroad have resumed issuing visas to Mainland China to foreigners since March 2023. Coupled with rumours inducing IIs to come to Hong Kong, the number of non-ethnic Chinese (NEC) IIs intercepted had once increased in the second half of 2023. The Mainland and local law enforcement agencies have worked together to strengthen intelligence exchange; tighten the issuance of visas to Mainland China and control over the entry of NEC tourists into the Mainland; investigate syndicates organising cross-boundary illegal immigration; conduct interception at black spots in the Mainland and joint patrols at sea to deter NEC IIs from entering Hong Kong.

With the concerted efforts of various parties, the number of NEC IIs intercepted in Hong Kong dropped significantly by 84 per cent from the peak of 364 in October 2023 to a monthly average of 57 in 2024, and the number of NEC IIs intercepted further reduced to 37 in January 2025. The ImmD will continue to maintain intelligence exchange with the law enforcement agencies in Guangdong, Hong Kong and Macao through the established anti-smuggling collaborative mechanism, and timely conduct joint enforcement operations to deter NEC IIs smuggling into Hong Kong on all fronts.

(5) Following the relaxation of criteria for Vietnamese nationals applying for multiple-entry visas for travel or business on October 25, 2023, to foster closer ties with countries of the Association of Southeast Asian Nations (ASEAN), the ImmD has extended the relaxation to include nationals of Cambodia, Laos and Myanmar starting from October 16, 2024. Meanwhile, the validity period of multiple-entry visas for nationals of these four ASEAN countries has also been extended from two years to three years. Since the commencement of relevant measures and up to end-January 2025, the ImmD has issued some 4 700 multiple-entry visas to applicants from those four countries. The ImmD does not maintain the number of persons refused entry by nationality.

The ImmD has all along been playing a stringent gatekeeping role to

ensure that only applicants meeting the relevant requirements will be granted visas. During immigration examination on arrival, in addition to considering whether the visitor possesses a valid travel document (including visas (if necessary)) and meets normal immigration requirements, the ImmD also decides whether to allow entry of relevant visitor with due consideration to the actual circumstances, having regard to the laws of the Hong Kong Special Administrative Region and prevailing immigration policies.

(7) Over the past five years, the number of non-refoulement claims raised by former foreign domestic helpers (FDHs) are tabulated below, with breakdown by nationality and quarter:

Year		Indonesian	Filipino	Others	Total
2020	1st quarter	13	13	8	34
	2nd quarter	28	15	8	51
	3rd quarter	22	11	6	39
	4th quarter	52	35	23	110
	Full Year	115	74	45	234
2021	1st quarter	161	47	37	245
	2nd quarter	305	109	79	493
	3rd quarter	86	41	27	154
	4th quarter	106	30	13	149
	Full Year	658	227	156	1 041
2022	1st quarter	41	13	3	57
	2nd quarter	134	36	16	186
	3rd quarter	186	46	21	253
	4th quarter	157	52	22	231
	Full Year	518	147	62	727
2023	1st quarter	133	45	21	199
	2nd quarter	139	25	10	174
	3rd quarter	134	26	21	181
	4th quarter	135	31	16	182
	Full Year	541	127	68	736

2024	1st quarter	128	32	13	173
	2nd quarter	89	23	15	127
	3rd quarter	101	31	14	146
	4th quarter	111	38	19	168
	Full Year	429	124	61	614

â€‹The Government actively combats the abuse of premature termination of employment contracts by FDHs to change employers (commonly known as job-hopping), including stringently vetting employment visa applications from FDHs who have frequently changed employers. In May 2024, the LD also promulgated a revised Code of Practice for Employment Agencies to request employment agencies to clearly brief FDH job seekers on the relevant immigration regulations, and not to adopt business practices such as providing monetary incentives to induce FDHs in employment to prematurely terminate their employment contracts. The Government has also all along been maintaining close communication and co-operation with Consulates-General of the major source countries of FDHs. The relevant Consulates-General agreed to step up efforts in providing correct information to their nationals about the non-refoulement claim mechanism and the fact that illegal employment is a serious offence liable to imprisonment in Hong Kong.

Under the Government's multi-pronged strategy in handling the relevant issue, the situation of former FDHs raising claims has improved. The number of claims raised by former FDHs in 2024 was reduced by 41 per cent compared to the peak in 2021, while the portion to the total claims received in the respective year also dropped from 41 per cent to 22 per cent. The Government will continue to actively co-operate with relevant stakeholders and step up publicity and education. The ImmD does not maintain the breakdown of other statistics mentioned in this question.