



## Notice of Detention under section 32 of the Immigration Ordinance

- Note:**
- (i) Detention must be justified with sufficient reasons and for a period which is reasonable in all circumstances. Reasonable alternatives will be considered before detention is authorized. No one shall be subject to arbitrary detention. The power to detain must only be used for the specific purpose for which it is authorized and its exercise must be justified on proper grounds. Each case is to be considered on its own facts and merits. Detention will be kept under regular review and will be reviewed when there is a material change of circumstances. The factors listed in Part C are factors which the Director of Immigration (“Director”) / Secretary for Security (“Secretary”) will generally take into account in determining whether a person should be detained or released, and are not meant to be exhaustive (in that each case will be considered on its individual merits and there may be other facts and circumstances relevant to any particular individual case) or in any order of priority / weight. The mere presence of a particular factor does not automatically lead to detention or release. The factors will be considered in the context of all the circumstances of the case. The Director / Secretary will give due consideration to any representation made against detention.
  - (ii) The detention of a person pending removal from Hong Kong shall not be unlawful by reason of the period of the detention if that period is reasonable having regard to all the circumstances that justify its length, including circumstances stipulated in Section 32(4A) of the Immigration Ordinance, Chapter 115, Laws of Hong Kong<sup>1</sup>.
  - (iii) Relevant Notices in respect of the detention policy have been posted up in detention centre. Should you wish to have a copy of the relevant notices in respect of the detention policy, you may make request to the interviewing officer.

### Part A Case Details

Case Ref: _____	Detainee’s Name: _____
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### Part B Authority of Detention

Please note that you are detained under the following provision of the Immigration Ordinance, Chapter 115, Laws of Hong Kong.

Section:	Authority:
Commencing at _____ (time) on _____ (date).	
Expiring at _____ (time) on _____ (date).	

<sup>1</sup> The circumstances stipulated in Section 32(4A) of the Immigration Ordinance, Cap. 115, Laws of Hong Kong include:

- (a) whether the number of other persons pending removal from Hong Kong is such that it is reasonable to take the time it is taking, or has taken, to remove the person;
- (b) whether the manpower and financial resources allocated for the removal of persons from Hong Kong under this Ordinance are such that it is reasonable to take the time it is taking, or has taken, to remove the person;
- (c) the extent to which it is possible to make arrangements to effect the person’s removal;
- (d) whether the person’s removal is directly or indirectly prevented or delayed by any action or lack of action of the person, including the person not obtaining, or not providing assistance to obtain, any authorization from the relevant authorities of a place outside Hong Kong that is required for the person’s entry to that place;
- (e) the time required for the issue of the authorization referred to in paragraph (d);
- (f) whether the person poses, or is likely to pose, a threat or security risk to the community; and
- (g) factors that directly or indirectly prevent or delay the person’s removal that are not within the control of the Director.

**Purpose of detention:\***

- Pending the making of an application for a removal order.
- Pending the decision whether a removal order should be made.
- Pending removal / deportation from Hong Kong.
- For the purpose of giving evidence at the trial of any offence or of facilitating inquiries into any offence or suspected offence.

\*Tick the box where applicable

**Part C Detailed Ground(s) for Detention****It has been decided that you should be detained / remain in detention because:\***

- a.  Your removal is going to be possible within a reasonable time.
- b.  You pose, or are likely to pose, a threat or security risk to the community.
- c.  You may abscond and / or (re)offend.
- d.  Your identity has not been resolved or is not satisfied to be genuine.
- e.  You do not have close connection or fixed abode in Hong Kong.
- f.  There are no other circumstances in favour of your release.

**The decision has been reached on the basis of the following factors:\***

- 1.  Your removal from Hong Kong is imminent and / or immediate repatriation is being arranged for your departure.
- 2.  You are willing to leave and removal arrangement is underway.
- 3.  There is no sufficient reason to believe that your case cannot be finalized in the near future.
- 4.  You have no outstanding claim impeding removal.
- 5.  You have no outstanding legal proceedings e.g. petition / appeal / judicial review impeding removal.
- 6.  If there is an outstanding claim / legal proceeding, there is no sufficient reason to believe that your claim / legal proceeding could not be completed within a reasonable period of time.
- 7.  You pose, or are likely to pose, a threat or security risk to the community.
- 8.  You have conviction(s) associated with crime(s) of serious or violent nature.
- 9.  You have records of violent behaviour during detention / imprisonment.
- 10.  You had previously absconded or escaped from custody.
- 11.  You have a record of jumping bail.
- 12.  You had failed to comply with the terms / conditions of recognizance.
- 13.  You had failed to attend appointment(s) / scheduled interviews without reasonable excuse, in response to call-up by the immigration offices / sections e.g. investigation sections / Extension Section.
- 14.  You are a returning removee / deportee.
- 15.  You are re-arrested during recognizance.
- 16.  You have a series of previous convictions of criminal and / or immigration offences or re-committed the same offence in respect of your previous arrest.
- 17.  You have not produced satisfactory evidence or any proof of identity and there are no relevant documents to establish your identity / nationality.
- 18.  There is doubt on your true identity (e.g. false / forged / different identities travel documents).

19.  You are non-cooperative or have failed to give satisfactory or reliable answers to an immigration officer's enquiries / investigation on your identity.
20.  You have directly or indirectly prevented or delayed your removal by any action or lack of action.
21.  You do not have fixed abode or close connection (e.g. family or friends) in Hong Kong to make it likely that you will be easily located.
22.  You are likely to engage in unlawful employment or business if released from detention.
23.  You have expressed that you are not able to take care of yourself in Hong Kong if released from detention.
24.  You are required to give evidence in a trial / facilitate inquiries into an offence or suspected offence.
25.  Others (please specify):
- \_\_\_\_\_
- \_\_\_\_\_

\*Tick the box where applicable

## Part D Acknowledgment

Detention will be kept under regular review and will be reviewed when there is a material change of circumstances. You will be informed of the outcome of the review.

### 1. To be completed by the interviewing officer / interpreter

The contents of this notice have been explained to you in \_\_\_\_\_ (language) by \_\_\_\_\_  
(name of officer / interpreter).

\_\_\_\_\_  
Interviewing officer's  
signature

\_\_\_\_\_  
Interpreter's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Interviewing officer's  
name

\_\_\_\_\_  
Interpreter's name

\_\_\_\_\_  
Date

### 2. To be completed by the detainee / interpreter

I, \_\_\_\_\_ (name of the detainee) understand the contents of this notice.

\_\_\_\_\_  
Detainee's signature

\_\_\_\_\_  
Interpreter's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Detainee's name

\_\_\_\_\_  
Interpreter's name

\_\_\_\_\_  
Date



## 根據《入境條例》第 32 條所發出的羈留通知書

- 註:**
- (i) 在所有情況下，羈留的決定必須基於充分的理由及羈留的時間必須合理。在考慮是否有其他合理的選擇後，才授權作出羈留。任何人士不得無理被羈留。羈留權力只可在有合理理由下用於獲授權的指定目的。每一個案會就其事實和情況作出考慮。羈留個案會定期覆檢，及當個案的情況有具體的轉變時予以覆檢。入境事務處處長(下稱“處長”) / 保安局局長(下稱“局長”)一般會就丙部所列因素作出考慮該人應否被羈留或釋放，但該等因素並非詳盡無遺(即按每一個案的個別情況予以考慮，並視乎有否其他相關的事實和情況可供考慮)，各項因素亦非既有任何優先次序或比重。每宗個案不會因某項個別因素而自動導致被羈留或釋放，各項有關因素均會因應個案的所有情況予以考慮。處長 / 局長會就任何反對羈留的陳述作出適當考慮。
  - (ii) 就被羈留以等候遣離香港的人，在顧及包括《香港法例》第 115 章《入境條例》第 32(4A)條所列<sup>1</sup>，令該項羈留為期的長短屬有理可據的所有情況下，該項羈留的為期屬合理，則該項羈留並不因為其為期的長短而屬不合法。
  - (iii) 有關羈留政策的通知書已張貼於羈留中心。有關通知書的複本，已送達給你。

### 甲部 羈留個案資料

個案編號: _____	羈留人士的姓名: _____
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### 乙部 羈留權限

請注意你是根據下列《入境條例》(香港法例第 115 章) 的有關法例條文被羈留。

條文:	授權人員:
在 _____ (日期) _____ (時間) 開始。	
在 _____ (日期) _____ (時間) 期滿。	

<sup>1</sup> 《香港法例》第 115 章《入境條例》第 32(4A)條所列的情況包括：

- (a) 其他在等候遣離香港的人的數目，是否令為將該人遣離而正在或已經耗用的時間屬合理；
- (b) 調撥用於根據本條例將人遣離香港的人力及財政資源，是否令為將該人遣離而正在或已經耗用的時間屬合理；
- (c) 安排將該人遣離的可能程度；
- (d) 將該人遣離，有否(不論直接或間接)受該人的作為或不作為所阻礙或拖延，包括該人沒有取得(或沒有提供協助以取得)由香港境外地方的有關當局發出的、讓該人進入該地方所需的批准；
- (e) 發出(d)段提述的批准所需的時間；
- (f) 該人是否對(或相當可能對)社會造成威脅或安全風險；及
- (g) 直接或間接阻礙或拖延將該人遣離的、處長無法控制的因素。

**羈留目的:\***

- 等候申請發出遣送離境令。
- 等候決定應否發出遣送離境令。
- 等候遣送 / 遞解離境。
- 在有關任何罪行的審訊中作證，或協助對任何罪行或涉嫌罪行進行研訊。

\* 請在適當方格  內填上「✓」號

**丙部 羈留的詳細理由**

基於下列的理由，處長 / 局長 對你作出予以羈留 / 維持羈留的決定:\*

- a.  你可在合理時間內被遣送離境。
- b.  你對(或相當可能對)社會造成威脅或安全風險。
- c.  你可能會潛逃及 / 或干犯 / 再次干犯罪行。
- d.  你的身分未獲確定或未獲信納為真實。
- e.  你在香港沒有密切的聯繫或固定的住處。
- f.  沒有其他情況有利於你的釋放。

以上的決定是根據下列因素而作出:\*

- 1.  你即將被遣離香港及 / 或已被安排即時遣返。
- 2.  你願意離開香港，並正獲安排遣送離港。
- 3.  沒有充分的理由顯示你的個案未能於短期內完成。
- 4.  你沒有尚待解決的聲稱阻礙你被遣離。
- 5.  你沒有未完成的法律程序(如呈請 / 上訴 / 司法覆核)阻礙你被遣離。
- 6.  若你的聲稱 / 法律程序尚未完成，沒有充分的理由令人信納該聲稱 / 法律程序不能在合理時間內解決。
- 7.  你對(或相當可能對)社會造成威脅或安全風險。
- 8.  你以往或現時因涉及嚴重或暴力罪行而被定罪。
- 9.  你在羈留 / 監禁期間有暴力行為的記錄。
- 10.  你曾潛逃或從羈押中逃走。
- 11.  你有棄保潛逃的記錄。
- 12.  你未能遵守擔保條款 / 條件。
- 13.  你在沒有合理理由下，不出席由入境事務處的組別 / 辦事處 (如調查組 / 延期逗留組) 安排的預約 / 預定的會面。
- 14.  你是一名曾被遣送離境 / 遞解離境的人士。
- 15.  你在擔保期間再次被逮捕。
- 16.  你曾多次涉及刑事及 / 或違反入境法例罪行而被定罪，或被捕後再次干犯同一罪行。
- 17.  你未能出示令人信納的證據或任何身分證明文件，而且沒有任何相關文件可證明你的身分 / 國籍。

18.  你的真正身分有可疑(如持有虛假 / 偽造 / 不同身分的旅行證件)。
19.  你採取不合作態度，或未能在入境事務主任查問 / 調查你的身分時，提供令人信納或可靠的答覆。
20.  你的作為或不作為直接或間接阻礙或拖延你的遣離。
21.  你在香港沒有固定的住處或密切的聯繫(如家人或朋友)，以便易於與你聯絡。
22.  若你獲准擔保外出，你有可能非法受僱工作或參與業務。
23.  你曾表示若獲准擔保後，你未能照顧自己的生活。
24.  你須於審訊中作證 / 協助對任何罪行或涉嫌罪行進行研訊。
25.  其他 (請註明): \_\_\_\_\_  
\_\_\_\_\_

\* 請在適當方格  內填上「✓」號

## 丁部 確認書

羈留個案會定期及當個案的情況有具體的轉變時予以覆檢。你會獲通知覆檢的結果。

### 1. 由會見人員 / 傳譯員填寫

本人 \_\_\_\_\_ (會見人員 / 傳譯員的姓名) 已用 \_\_\_\_\_ (語言) 向你解釋此通知書的內容。

\_\_\_\_\_  
會見人員的簽署

\_\_\_\_\_  
傳譯員的簽署

\_\_\_\_\_  
日期

\_\_\_\_\_  
會見人員的姓名

\_\_\_\_\_  
傳譯員的姓名

\_\_\_\_\_  
日期

### 2. 由羈留人士 / 傳譯員填寫

本人 \_\_\_\_\_ (羈留人士的姓名) 明白此通知書的內容。

\_\_\_\_\_  
羈留人士的簽署

\_\_\_\_\_  
傳譯員的簽署

\_\_\_\_\_  
日期

\_\_\_\_\_  
羈留人士的姓名

\_\_\_\_\_  
傳譯員的姓名

\_\_\_\_\_  
日期